



City of Sachse, Texas

Meeting Agenda

City Council

Monday, October 2, 2017

7:30 PM

Council Chambers

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

The City Council of the City of Sachse will hold a Regular Meeting on Monday, October 2, 2017, at 7:30 p.m. in the Council Chambers at Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:

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

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

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

1. CONSENT AGENDA.

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

[17-3996](#) Approve the minutes of the September 18, 2017 workshop meeting.

Attachments: [09.18.17 Minutes Workshop](#)

[17-3997](#) Approve the minutes of the September 18, 2017 regular meeting.

Attachments: [09.18.17 Minutes](#)

[17-3985](#) Approve a resolution to authorize the purchase of two (2) Ford Police Interceptor utility trucks from Sam Pack's 5 Star Ford through Texas Multiple Schedule Contract Program not to exceed budgeted funds of fifty-two thousand nine hundred ninety-two dollars and eighty cents (\$52,992.80).

Attachments: [Resolution](#)

[17-3986](#) Cancel the November 20, 2017 City Council Workshop and Meeting.

[17-3994](#) Approve a resolution authorizing the purchase of Toro Groundmaster 4000 Batwing Mower for the Parks and Recreation Department through the BuyBoard Cooperative Purchasing Program, via Professional Turf Products, in an amount not to exceed \$63,628.50

Attachments: [Resolution](#)

[City of Sachse Toro GM 4000 9-21-2017](#)

- [17-4002](#) Approve a resolution extending the depository bank agreement with American National Bank.

Attachments: [Bank Depository Extension letter 2017](#)

[Resolution 1st Renewal of 2015 Bank Contract](#)

- [17-4003](#) Accept the Monthly Revenue and Expenditure Report for the period ending August 31, 2017.

Attachments: [All Funds 08-31-17](#)

[Sales Tax Analysis October 2018](#)

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

3. CITIZEN INPUT.

The public is invited at this time to address the Council. The Mayor will ask you to come to the microphone and state your name and address for the record. If your remarks pertain to a specific agenda item, please hold them until that item, at which time the Mayor may solicit your comments. Time limit is 3 minutes per speaker. The City Council is prohibited by state law from discussing any item not posted on the agenda according to the Texas Open Meetings Act, but may take them under advisement.

4. REGULAR AGENDA ITEMS.

- [17-3991](#) Consider a resolution nominating candidate(s) for the Collin Central Appraisal District (CCAD) Board of Directors.

Attachments: [Resolution](#)

[CCAD Board Information](#)

- [17-3995](#) Consider a resolution nominating a candidate(s) for the Dallas Central Appraisal District (DCAD) Board of Directors.

Attachments: [Resolution](#)

[DCAD Information](#)

- [17-4004](#) Conduct a public hearing to consider an ordinance amending Chapter 11 (Zoning Ordinances) of the Code of Ordinances by amending Exhibit 1 by amending Article 4 titled "General Provisions Applying to All or Several Districts" by amending and replacing Section 5 titled "Off-Street Automobile and Vehicle Parking and Loading" with a new Section 5 providing new parking requirements and regulations for off-street automobile and vehicle parking and loading.

Attachments: [Staff Presentation](#)

[Proposed Ordinance](#)

- [17-4006](#) Conduct a public hearing to consider an ordinance to amend Chapter 10 (Utilities) of the Code of Ordinances by amending Chapter 10 titled "Utilities," by adding Section 10-9 titled "Municipal Drainage Utility

System" to establish requirements for a municipal drainage utility system by providing for drainage service, billing, exemptions, drainage charges, and appeals; by adding a new Section 10-10 titled "Municipal Drainage Utility System Fee Schedule" to establish fees for the municipal drainage utility system.

Attachments: [Presentation - Create Stormwater Utility](#)

[Ordinance Amending Chapter 10 Adding 10-9 Municipal Drainage Utility System](#)

[17-4005](#)

Conduct a public hearing to consider an ordinance to amend Chapter 3 (Building Regulations) of the Code of Ordinances by amending Article 1 (In General) by amending Section 3-15 titled "Flood Hazard Area Regulations" by amending subsection E titled "Definitions" by adding new definitions and amending subsection H titled "Provisions for Flood Hazard Reduction" to provide a new requirement for subdivision proposals; by amending Section 3-17 titled "Drainage and Stormwater Control" by amending subsection D titled "Responsibility of Owner or Developer for Storm Damage" by amending (6) and (10) to amend the responsibilities for the owner and City Engineer in developing drainage and floodwater control; by amending (2) of Section E titled "Engineering Design" to amend requirements for engineering design and computation; by amending (3) of subsection E titled "Engineering Design" to amend requirements for predicting volume of runoff.

Attachments: [Presentation - Building Regulation Ordinance](#)

[Ordinance Amending Chapter 3 Building Regulations by Amending Flood Hazard](#)

[17-3998](#)

Consider approval of an Economic Development Incentive Agreement made by and between the City of Sachse, Texas and Skorburg Retail Corporation.

Attachments: [Presentation - Economic Development Incentive Agreement](#)

[Economic Development Agreement](#)

[17-4000](#)

Discussion regarding the City's newspaper of record.

5. ADJOURNMENT.

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

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

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

Posted: September 29, 2017; 5:30 p.m.

Michelle Lewis Sirianni, City Secretary

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



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3996 **Version:** 1 **Name:** September 18, 2017 Council workshop minutes.
Type: Agenda Item **Status:** Agenda Ready
File created: 9/21/2017 **In control:** City Council
On agenda: 10/2/2017 **Final action:**
Title: Approve the minutes of the September 18, 2017 workshop meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [09.18.17 Minutes Workshop](#)

Date	Ver.	Action By	Action	Result
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Title
September 18, 2017 workshop minutes.

Background
Minutes of the September 18, 2017 workshop meeting.

Policy Considerations
None.

Budgetary Considerations
None.

Staff Recommendations
Approve the minutes of the September 18, 2017 workshop meeting.

CITY COUNCIL OF THE CITY OF SACHSE
WORKSHOP MEETING MINUTES
SEPTEMBER 18, 2017

The City Council of the City of Sachse held a workshop meeting on Monday, September 18, 2017 at 6:30 p.m. at Sachse City Hall, 3815-B Sachse Road, Sachse, Texas. Those present were Mayor Mike Felix, Mayor Pro Tem Paul Watkins, Council Members Brett Franks, Charlie Ross, Bill Adams, Cullen King, and Jeff Bickerstaff. City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; Community Development Director, Dusty McAfee; Public Works and Engineering Director, Greg Peters; Parks and Recreation Director, Lance Whitworth; Human Resources Director, Melinda Walter; Police Chief, Bryan Sylvester, and Fire Chief, Marty Wade.

Mayor Felix opened the meeting to order at 6:30 p.m.

COMMERCIAL PARKING REGULATIONS: Discuss proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances, to revise commercial parking regulations.

Mr. McAfee stated the Comprehensive Plan identified revising design standards as a priority, which includes parking regulations. Sachse's current parking regulations have not been reviewed in over ten years and are currently found within the Use Chart of the Code of Ordinances. Mr. McAfee provided an overview of the proposed regulations which included that the regulations would have a stand-alone section within Chapter 11 of the Code of Ordinances, updating parking ratios for new development, requiring decorative paving, cross access, and bike racks, include maintenance provisions for parking lots and vehicular use areas, and allow for minor adjustments during the plan review. Example pictures were provided to illustrate how decorative paving is used at internal crosswalks, store entrances, major internal intersections, right-of-way intersections, trail crossings, ADA crosswalks, and site entrances to subdivisions. Staff is requesting feedback of the proposed regulations which will be brought back for a public hearing in October.

Councilman King asked how bike racks are defined, if they would be required at all new development, how would they be addressed with remodels, and maintained. Mr. McAfee responded that if a significant remodel was done, then yes it would be required. Staff has the ability to waive the requirement if it doesn't make sense for the development. Councilman King stated he would prefer to see a quality rack, but something not intrusive.

Councilman Bickerstaff asked about the restaurant parking and the thought behind changing the ratio. Mr. McAfee stated that the proposed is the regional standard and is usually more than adequate spacing for this type of business. Mr. McAfee added there is also no issue with auto repair use.

Councilman Ross stated that he has no issue with the proposed standards, but did ask if it was normal to include other requirements like the decorative paving within the ordinance. Mr. McAfee stated that it is.

Mayor Felix asked for staff to bring pictures of different bike racks back with the public hearing.

ADJOURNMENT:

At 6:52 p.m. Mayor Felix adjourned the meeting.

MIKE J. FELIX, MAYOR

ATTEST:

Michelle Lewis Sirianni, City Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3997 **Version:** 1 **Name:** September 18, 2017 Council minutes.
Type: Agenda Item **Status:** Agenda Ready
File created: 9/21/2017 **In control:** City Council
On agenda: 10/2/2017 **Final action:**
Title: Approve the minutes of the September 18, 2017 regular meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [09.18.17 Minutes](#)

Date	Ver.	Action By	Action	Result
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Title
September 18, 2017 regular minutes.

Background
Minutes of the September 18, 2017 regular meeting.

Policy Considerations
None.

Budgetary Considerations
None.

Staff Recommendations
Approve the minutes of the September 18, 2017 regular meeting.

CITY COUNCIL OF THE CITY OF SACHSE

MEETING MINUTES

SEPTEMBER 18, 2017

The City Council of the City of Sachse held a regular meeting on Monday, September 18, 2017 at 7:30 p.m. at Sachse City Hall, 3815-B Sachse Road, Sachse, Texas. Those present were Mayor Mike Felix, Mayor Pro Tem Paul Watkins, Council Members Brett Franks, Charlie Ross, Bill Adams, Cullen King, and Jeff Bickerstaff. City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; Human Resources Director, Melinda Walter; Public Works and Engineering Director, Greg Peters; Finance Director, Teresa Savage; Finance Manager, Berna Fitzpatrick; Accountant, Karen Ramirez; Parks and Recreation Director, Lance Whitworth; Library Manager, Mignon Morse; Community Development Director, Dusty McAfee; Police Chief, Bryan Sylvester, and Fire Chief, Marty Wade.

Mayor Felix opened the meeting at 7:31 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND STATE FLAG: The invocation was offered by Councilman King and the pledges by Mayor Pro Tem Watkins.

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

17-3968 - Approve the minutes of the September 5, 2017 workshop meeting.

17-3969 - Approve the minutes of the September 5, 2017 regular meeting.

17-3956 – Approve a resolution for the amended Library Circulation Policy.

17-3972 – Approve an ordinance authorizing certain budget amendments pertaining to the fiscal year 2016-2017 budget.

Councilman Adams made a motion to approve items the consent agenda items as presented. Councilman Bickerstaff seconded that motion and the motion was unanimously approved.

MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS:

Councilman Adams congratulated the Police and Fire Chief for a successful first annual Public Safety Day. It was a great time and informational.

Councilman Ross announced upcoming Library events which included on September 19, Talk Like a Pirate at 6:00 p.m. Also the Library is seeking teen volunteers mostly for summer months, and on October 2, the Library will be changing their hours of operation to Monday, Wednesday, Friday 10:00 a.m. to 6:00 p.m.; Tuesday, Thursday 11:00 a.m. to 8:00 p.m.; and Saturday 10:00 a.m. to 4:00 p.m.

Councilman King recognized Jackson Schwartz that is in attendance from Troop 442 working on a merit badge. Councilman King announced the Animal Shelter is in need of kitten food and there's plenty of kittens as well as dogs that would love to be adopted.

Mayor Felix announced several upcoming events which included:

- October 3 – National Night Out
- October 4 – Walk to School Day
- October 11 – Fire Station Open House
- October 21 – Pumpkin Prowl at Salmon Park
- October 28 – Fall Fest at Heritage Park
- November 23 – Turkey Trot at Sachse High School
- December 6 – Christmas Extravaganza with night parade at 6:00 p.m. followed by the tree lighting.

17-3974 Proclamation recognizing Lloyd Henderson.

Bobby Tillman of the Sachse Historical Society presented a plaque recognizing Mr. Henderson to his family. Mayor Felix read a proclamation and presented it to Mr. Henderson's family. Mr. Henderson was acknowledged for his many years of service as a City Manager, contributions to the Historical Society, and accomplishments made through his life that cherished Sachse and the community.

CITIZENS INPUT:

No comments were made.

REGULAR AGENDA ITEMS:

17-3973 Consider an ordinance authorizing the issuance and sale of City of Sachse, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2017A; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Mrs. Nash presented Council with a calendar outlining the steps that have been taken thus far and a recap of the project list and potential projects associated with this item. Mr. Jason Hughes with

First Southwest, provided Council with their bond ratings, pricing, and interest rates. Mr. Hughes stated that the City received a low rate of 3.072% which is reflective of their strong management and financial responsibility. The City would have the option to pay over a 25 year term or refinance or pay off after ten years.

Councilman King asked the Council to consider GO's for the community center. Councilman King supports the need for the community center, but would like to see a different method of funding used.

Councilman Franks stated that Council had a chance to place this item on the bond election in 2006 and did not. The community center has been at the top of every park survey and the department now has dated classrooms, classes that total over 1400 participates, and are in need of space. Councilman Franks would like to see this item move forward.

Councilman Bickerstaff reiterated that they have heard from the residents since 2006 on this item and he believes it is the appropriate way to go.

Mayor Felix stated that normally Council has not used CO's on similar items and would use an alternate method of funding. However, if Council continues to wait the amount could keep doubling and there is no guarantee that it would happen even in the future.

Councilman Adams stated the center would provide programs and a place for teens. Councilman Adams also noted that it's due to the strong financial ratings of the City and management of the City, they are able to do this. The City has and will continue to be financially responsible.

Mayor Felix opened this item for public comment.

Corrine Smith, 4008 Blossom Drive, stated she is opposed to this item. Mrs. Smith would like to see the item taken to the voters.

Lindsay Buhler, 7119 Cottonwood Circle, supports the community center and thanked staff for all they do.

Kathy Cobb, 3820 Sixth Street, is opposed. Mrs. Cobb stated the roads and infrastructure are important. She questioned location of building, on-going costs, and insurance.

Cyndi Mitchell, 3128 Welsh Lane, spoke on behalf of Diana Smith, 4802 Sachse Road, by stating Ms. Smith supports the plan for the center and has been number one on the park survey for the past nine years. The City has been fiscally conservative and would like to see the item move forward. Mrs. Mitchell stated that they have seen this item since 2006. Mrs. Mitchell stated she would like to see this item opened up to the residents to see what they would like to see in it.

Councilman Bickerstaff made a motion to approve an ordinance authorizing the issuance and sale of City of Sachse, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2017A; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Councilman Franks seconded that motion. The motion passed with a vote of five (5) to two (2). Councilman King and Ross voted in opposition.

17-3953 Consider an ordinance adopting the budget for fiscal year beginning October 1, 2017 and ending September 30, 2018; providing that expenditures for said year shall be made in accordance with said budget; appropriating and setting aside the necessary funds out of the general and other revenues for said fiscal year for the maintenance and operation of the various departments and for various activities and improvements of the City; providing a repealing clause; providing a severability clause; and providing an effective date.

Mrs. Savage stated this item is the final step in adopting the budget. No information has changed since the last meeting.

Councilman Adams made a motion to approve and adopt the budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018. Mayor Pro Tem Watkins seconded that motion. The motion passed with a six (6) to one (1) vote. Councilman Ross was opposed.

17-3954 Make a motion to ratify the property tax increase in the budget for Fiscal Year 2017-2018.

Mrs. Savage stated state law requires a separate vote to ratify the property tax increase reflected in the budget.

Councilman King made a motion to ratify the property tax increase in the budget for Fiscal Year 2017-2018. Councilman Bickerstaff seconded that motion. The motion passed with a six (6) to one (1) vote. Councilman Ross was opposed.

17-3955 Consider an ordinance levying ad valorem taxes for the year 2017 (Fiscal Year 2017-2018) at a rate of \$0.747279 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Sachse as of January 1, 2017 to provide revenue for the payment of current expenses; providing for an interest and sinking fund for all outstanding debts of the City of Sachse; providing for due and delinquent dates together with penalties and interest; providing a severability clause; providing a repealing clause; and providing an effective date.

Mrs. Savage stated that all legal notices were posted on this item, which will levy the ad valorem tax rate of \$0.747279.

Councilman King made a motion to approve an ordinance levying ad valorem taxes for the year 2017 and that the property tax rate be increased by the adoption of a tax rate of \$0.747279, which is effectively a 7.14 percent increase in the tax rate. Councilman Franks seconded that motion.

Councilman Bickerstaff added that the hardest thing they do as a Council is the budget. He stated that the Council has established a level of service that requires a certain rate. For example, the residents asked to staff Fire Station #2, so they did; the quality of the staff, and things that will allow the City to grow.

The motion passed with a six (6) to one (1) vote. Councilman Ross was opposed.

17-3971 Consider a resolution amending the Master Fee Schedule by amending ambulance services, library circulation fees, residential and commercial construction/remodel fees, refuse services, and water and wastewater rates.

Mrs. Savage highlighted the changes that are being amended to ambulance services, library circulation fees, residential and commercial construction/remodel fees, refuse services, and water and wastewater rates. The proposed fee schedule also includes the annual requested rate change from Republic Services and the revised water and wastewater rates that were approved by Council in 2014. Mrs. Savage stated that the Master Fee Schedule is available from the home page of the website.

Kathy Cobb, 3820 Sixth Street, asked for clarification regarding the ambulance service fees and what certain Acronyms meant. Fire Chief Wade answered her questions. Councilman Franks also provided insight on the ambulance service fee and noted that residents are waived this fee since they are already paying taxes in the City.

Councilman Bickerstaff made a motion to approve a resolution amending the Master Fee Schedule by amending ambulances services, library circulation fees, residential and commercial construction/remodel fees, refuse services, and water and wastewater rates. Councilman Franks seconded that motion and the motion was unanimously approved.

ADJOURNMENT:

Mayor Felix adjourned the meeting at 8:39 p.m.

MIKE J FELIX, MAYOR

ATTEST:

Michelle Lewis Sirianni, City Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3985	Version:	1	Name:	Police Interceptor Utility Truck Purchase
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	9/20/2017	In control:		In control:	City Council
On agenda:	10/2/2017	Final action:		Final action:	
Title:	Approve a resolution to authorize the purchase of two (2) Ford Police Interceptor utility trucks from Sam Pack's 5 Star Ford through Texas Multiple Schedule Contract Program not to exceed budgeted funds of fifty-two thousand nine hundred ninety-two dollars and eighty cents (\$52,992.80).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Resolution				

Date	Ver.	Action By	Action	Result
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Title

Purchase of two (2) Ford Police Interceptor utility trucks.

Background

Two vehicles will be utilized to replace front line patrol vehicles. The replaced vehicles will be rotated to other areas of the department to maximize return on investment.

Policy Considerations

None.

Budgetary Considerations

Amount meets budget authorization for FY 2017-2018.

Staff Recommendations

Approve a resolution to authorize the purchase of two (2) Ford Police Interceptor utility trucks from Sam Pack's 5 Star Ford through Texas Multiple Schedule Contract Program not to exceed budgeted funds of fifty-two thousand nine hundred ninety-two dollars and eighty cents (\$52,992.80).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AUTHORIZING THE PURCHASE OF TWO (2) 2018 FORD POLICE INTECEPTOR UTILITY FROM SAM PACK'S 5 STAR FORD THROUGH TEXAS MULTIPLE SCHEDULE CONTRACT PROGRAM ("TXMAS") NOT TO EXCEED THE BUDGETED FUNDS OF FIFTY-TWO THOUSAND NINE HUNDRED NINETY-TWO DOLLARS AND EIGHTY CENTS (\$52,992.80) FOR THE CITY OF SACHSE POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sachse, Texas, pursuant to the authority granted by Chapter 271, Subchapter D, of the Texas Local Government Code, desires to participate in intergovernmental purchasing; and

WHEREAS, the City Council is of the opinion that participation in this program will be highly beneficial to the taxpayers of this City, through the anticipated savings to be realized through the intergovernmental purchase of products including municipal vehicles; and

WHEREAS, funding has been appropriated in the fiscal year 2017-2018 budget for the purchase of police vehicles.

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

SECTION 1. The City Council approves the use of cooperative purchasing through TXMAS from Sam Pack's Five Star Ford to purchase the following vehicle per bid specifications:

Two (2) 2018 Ford Police Interceptor Utility	\$52,992.80
TOTAL	\$52,992.80

SECTION 2. The City Council authorizes the City Manager to execute any documents necessary to complete this transaction.

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 the 2nd day of October, 2017.

APPROVED:

Mike J. Felix, Mayor

ATTEST:

Michelle Lewis Sirianni, City Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3986 **Version:** 1 **Name:** Canceling the November 20, 2017 Council meeting.
Type: Agenda Item **Status:** Agenda Ready
File created: 9/20/2017 **In control:** City Council
On agenda: 10/2/2017 **Final action:**
Title: Cancel the November 20, 2017 City Council Workshop and Meeting.
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Title

Canceling the November 20, 2017 City Council Workshop and Meeting.

Background

The City Council has traditionally met the second meeting in November, but this year will cancel this meeting. The City Council will have two meetings in December this year on the regularly scheduled meeting dates on December 4 and December 18, 2017.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Cancel the November 20, 2017 City Council Workshop and Meeting.



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3994	Version:	1	Name:	Batwing Mower
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	9/21/2017	In control:		In control:	City Council
On agenda:	10/2/2017	Final action:		Final action:	
Title:	Approve a resolution authorizing the purchase of Toro Groundmaster 4000 Batwing Mower for the Parks and Recreation Department through the BuyBoard Cooperative Purchasing Program, via Professional Turf Products, in an amount not to exceed \$63,628.50				

Sponsors:

Indexes:

Code sections:

Attachments: [Resolution](#)
[City of Sachse Toro GM 4000 9-21-2017](#)

Date	Ver.	Action By	Action	Result
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Title

Batwing Mower

Background

In the FY 2017-2018 budget, the City Council approved funds for the purchase of a Batwing Mower for the Parks and Recreation Department through the Vehicle and Equipment Replacement Fund (VERF).

Policy Considerations

None

Budgetary Considerations

The final purchase price of \$63,628.50 is being funded as part of the FY 2017-2018 Vehicle and Equipment Replacement Fund.

Staff Recommendations

Approve a resolution authorizing the purchase Toro Groundmaster 4000 Batwing Mower for the Parks and Recreation Department, through the BuyBoard Cooperative Purchasing Program via Professional Turf Products, in an amount not to exceed \$63,628.50.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN THE CITY OF SACHSE AND PROFESSIONAL TURF PRODUCTS, L.P., CONTRACTING THROUGH THE BUYBOARD PURCHASING COOPERATIVE IN AN AMOUNT NOT TO EXCEED \$63,628.50, FOR THE PURCHASE OF A TORO GROUNDMASTER 4000 BATWING MOWER FOR THE CITY OF SACHSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff prepared and requested a quote from the Buy Board Purchasing Cooperative for the purchase of a Toro Groundmaster 4000 Batwing Mower for the City of Sachse (the “Grounds Maintenance Equipment”); and

WHEREAS, City staff received and determined that the Batwing Mower can be purchased by Professional Turf Products for an amount not to exceed \$63,628.50; and

WHEREAS, the City Council is of the opinion that participation in this program will be highly beneficial to the taxpayers of this City, through the anticipated savings to be realized through the intergovernmental purchase of products including grounds maintenance equipment; and

WHEREAS, funding has been appropriated in the fiscal year 2017-2018 Vehicle and Equipment Replacement Fund (VERF) for the purchase of a Toro Groundmaster Batwing Mower for the Parks and Recreation Department.

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

SECTION 1. That the City Manager is hereby authorized to execute the Agreement, attached hereto as Exhibit “A”.

SECTION 2. That 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 _____, 2017.

CITY OF SACHSE, TEXAS

Mike J. Felix, Mayor

Attest:

Michelle Lewis Sirianni, City Secretary

EXHIBIT A



Professional Turf Products, L.P.
1010 North Industrial Blvd.
Euless, Texas 76039
Will Dutton
(972) 746-7637
duttonw@proturf.com



Ship To	City of Sachse	Date	9/21/2017
Bill To	BUYBOARD (CONTRACT # 529-17)	Tax Rate	
Contact	Lance Whitworth	Destination	
Address		Trade-In	
City	Sachse	Finance	
State	Texas	Account Type	Contract
Postal Code		Comments: 2236087 (9-21-2017)	
Phone			
Fax			

sat hnl 123

Proposal

Qty	Model #	Description	Unit	Extended
1	30609	GM 4000-D (Tier 4 Final Compliant)		
1	30349	Universal Sunshade (White)		
1	30408	MVP KIT-GM4XXX, 800 HR YANMAR T4F		
1	131-6691	SEAT COVER, LARGE		
		Toro GM4000	\$	63,628.50

SubTotal	\$	63,628.50
Destination Tax (Estimated)		Included Exempt
TOTAL	\$	63,628.50

Comments:

For all New Equipment, Demo units may be available for up to 20% savings.
For all New Equipment, Refurbished units may be available for up to 40% savings.

Terms & Conditions:

- Orders are considered contractual. Order cancellations are subject to fees up to 10% of the original order value.
- New equipment delivery time is estimated at six weeks from the time credit is approved & documents are executed.
- Pricing, including finance options, valid for 30 days from time of quotation.
- After 30 days all prices are subject to change without notice.
- Used and Demo equipment is in high demand and availability is subject to change.
 - Upon firm customer commitment to purchase, said equipment availability will be determined and "locked".
 - In the event equipment is unavailable at time of order, PTP will employ every resource to secure an acceptable substitute.
 - PTP strongly advises the customer to issue a firm PO as quickly as possible after acceptance of quotation.
- "Trade In Allowances" will be treated as a credit for future parts purchases on PTP account unless other arrangements have been made.

Returns Policy:

- All returns are subject to restocking, refurbishing, usage, and shipping fees.
- All returns must be able to be sold as new.
- Items missing parts are non returnable.

- 4. Professional Turf Products will have sole discretion as to the resalable condition of the product.
- 5. This policy does not apply to items that are defective, or shipped incorrectly by PTP or one of its vendors.

Payment:

- 1. Terms are net 10 unless prior arrangements have been made.
- 2. Quoted prices are subject to credit approval.
 - A. PTP will work with third party financial institutions to secure leases when requested to do so.
 - B. When using third party financiers, documentation fees & advance payments may be required.
 - C. For convenience, monthly payments are estimated based on third party rate factors in effect at time of the quotation.
 - D. PTP assumes no liability in the event credit becomes unavailable or rates change during the approval process.
- 3. There will be a service charge equal to 1.5% per month (18% per annum) on all past due invoices.
- 4. By Law we are required to file a "Notice to Owner" of our intent to file lien in the event of payment default.
This notice must be sent within 60 days of the date the original invoice and will happen automatically regardless of any special payment arrangements that may have been made.

Authorized Signature: _____

Date: _____



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-4002 **Version:** 1 **Name:** Bank Depository Renewal October 2017
Type: Agenda Item **Status:** Agenda Ready
File created: 9/28/2017 **In control:** City Council
On agenda: 10/2/2017 **Final action:**
Title: Approve a resolution extending the depository bank agreement with American National Bank.
Sponsors:
Indexes:
Code sections:
Attachments: [Bank Depository Extension letter 2017](#)
[Resolution 1st Renewal of 2015 Bank Contract](#)

Date	Ver.	Action By	Action	Result
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Title

Extend depository bank agreement with American National Bank.

Background

In August 2015, the City approved a depository agreement with American National Bank beginning October 1, 2015 and ending May 31, 2017, with an option to extend for three additional one-year periods. The initial contract duration was shortened from two years to 19 months to change from a contract schedule that coincided with the end of the fiscal year. The current agreement has been favorable for both parties, and both parties wish to extend. The resolution under consideration is to extend the first renewal from June 1, 2017 - May 31, 2019. This contract is eligible for one additional extension period (June 1, 2019 - May 31, 2020) before issuing a request for proposals for depository bank services beginning June 1, 2020.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Approval of a resolution extending the depository bank agreement with American National Bank.



Finance Department

3815-B Sachse Rd.
Sachse, TX 75048
972-495-1212

October 2, 2017

Anita Collins, Market President
American National Bank of Texas
5430 Highway 78
Sachse, TX 75048

Dear Ms. Collins:

The City of Sachse desires to continue the contract for Bank Depository Services for another two years beginning June 1, 2017 and ending May 31, 2019. In consideration of an extension, the City of Sachse desires to extend at the same terms and conditions per the original Bank Depository Services Agreement dated August 20, 2015.

The City of Sachse values the professional and courteous banking relationship that we have established over the years. We are looking forward to working with you and your staff as we move forward.

Sincerely,

Gina Nash, City Manager
City of Sachse

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING AN EXTENSION OF THE BANK DEPOSITORY SERVICE AGREEMENT BETWEEN THE CITY AND AMERICAN NATIONAL BANK FOR A PERIOD OF TWO YEARS FROM JUNE 1, 2017, AND CONTINUING THROUGH MAY 31, 2019; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, THE City Of Sachse and American National Bank entered into a Bank Depository Agreement (the "Agreement") that would have expired on May 31, 2017; and

WHEREAS, under the terms of the Agreement set forth in paragraph 1, "Designation of Depository," the City has the option to renew the Agreement for three one-year extensions under the same terms and conditions; 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 Agreement shall be extended for two additional years, from June 1, 2017, and continuing through May 31, 2019, under the same terms and conditions.

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

SECTION 1. The City Manager shall have the authority to sign the necessary documents extending the Agreement, attached hereto as Exhibit "A," for a period of two years, from June 1, 2017, and continuing through May 31, 2019, under the same terms and conditions as set forth in the Agreement.

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 _____, 2017.

CITY OF SACHSE, TEXAS

Mike J. Felix, Mayor

ATTEST:

Michelle Lewis-Sirianni, City Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-4003 **Version:** 1 **Name:** Monthly Budget Reports August 2017
Type: Agenda Item **Status:** Agenda Ready
File created: 9/28/2017 **In control:** City Council
On agenda: 10/2/2017 **Final action:**
Title: Accept the Monthly Revenue and Expenditure Report for the period ending August 31, 2017.
Sponsors:
Indexes:
Code sections:
Attachments: [All Funds 08-31-17](#)
[Sales Tax Analysis October 2018](#)

Date	Ver.	Action By	Action	Result
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Title

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

Background

The Finance Department prepares a report each month to update the City Council regarding revenues and expenditures for the City. Included in the report are unaudited summaries for the General Fund, Utility Fund, Debt Service Fund, and Sachse Economic Development Corporation for the period ended August 31, 2017, and an analysis of year-to-date sales tax receipts compared to prior year.

Policy Considerations

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

Staff Recommendations

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

City of Sachse

Monthly Revenue and Expenditure Report

August 31, 2017

(Unaudited)

GENERAL FUND

92% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 92%
Revenue Summary					
Property Tax	\$ 10,076,929	\$ 10,972	\$ 10,341,768	102.63%	
Sales Tax	1,417,851	151,656	1,403,849	99.01%	
Franchise Fees	1,690,233	149,074	1,632,301	96.57%	
Licenses and Permits	757,000	55,856	686,106	90.63%	
Service Fees	721,500	46,099	832,356	115.36%	
Fines	280,000	21,613	245,744	87.77%	
Interest Income	12,000	7,984	57,874	482.28%	
Miscellaneous Income	350,946	8,859	253,852	72.33%	
Intergovernmental Revenue	1,024,611	85,384	939,227	91.67%	
Total Revenue	\$ 16,331,070	\$ 537,498	\$ 16,393,075	100.38%	
Expenditure Summary					
City Manager	\$ 383,103	\$ 25,375	\$ 295,097	77.03%	
City Secretary	152,153	9,588	135,337	88.95%	
Human Resources	323,107	22,086	262,635	81.28%	
Finance	548,026	33,463	492,619	89.89%	
Municipal Court	217,130	15,029	185,347	85.36%	
Parks & Recreation	1,136,014	71,546	989,987	87.15%	
Senior Programs	150,433	8,582	129,287	85.94%	
Library Services	471,191	36,247	420,207	89.18%	
Community Development	885,646	55,872	792,803	89.52%	
Streets & Drainage	1,921,862	112,976	1,477,456	76.88%	
Facilities Maintenance	553,868	34,575	488,477	88.19%	
Police	4,795,957	311,562	4,059,758	84.65%	
Animal Control	215,614	14,159	190,899	88.54%	
Fire/EMS	3,740,453	248,612	3,311,371	88.53%	
Combined Services	371,203	12,652	316,461	85.25%	
City Engineer	239,302	15,166	218,044	91.12%	
Information Technology	375,683	12,028	316,985	84.38%	
Total Expenditures	\$ 16,480,745	\$ 1,039,518	\$ 14,082,770	85.45%	A
Total Revenue Over/Under Expenses	\$ (149,675)	\$ (502,020)	\$ 2,310,305		

Explanation of Major Variances:

A New department for FY2017

City of Sachse

Monthly Revenue and Expenditure Report

August 31, 2017

(Unaudited)

UTILITY FUND

92% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 92%
Revenue Summary					
Water Revenue	\$ 5,602,656	\$ 764,831	\$ 5,878,766	104.93%	
Sewer Revenue	4,355,842	383,791	4,099,833	94.12%	
Fees	158,500	17,326	183,304	115.65%	
Interest Income	1,500	23,501	54,406	3627.05%	
Transfer In-Debt Service					
Miscellaneous Income	-	-	13,969		
Total Revenue	\$ 10,118,498	\$ 1,189,449	\$ 10,230,278	101.10%	
Expenditure Summary					
Utility Administration	\$ 360,973	\$ 23,438	\$ 296,944	82.26%	
Water Operations	7,043,677	416,641	4,810,102	68.29%	
Sewer Operations	3,737,513	253,747	3,250,806	86.98%	
Meter Reading	576,755	21,132	446,289	77.38%	
Total Expenditures	\$ 11,718,918	\$ 714,959	\$ 8,804,141	75.13%	
Total Revenue Over/Under Expenses	\$ (1,600,420)	\$ 474,490	\$ 1,426,137		

Explanation of Major Variances:

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

DEBT SERVICE FUND

92% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 92%
Revenue Summary					
Property Tax	\$ 3,522,138	\$ 3,825	\$ 3,618,050	102.72%	
Interest Income	1,000	401	2,376	237.63%	
Miscellaneous Receipts			8,230		
Total Revenue	\$ 3,523,138	\$ 4,226	\$ 3,628,657	103.00%	
Expenditure Summary					
Fees	\$ 3,500		\$ 4,506	128.75%	
Principal	2,325,000	-	2,325,000	100.00%	A
Interest	1,180,897	587,873	1,187,096	100.52%	A
Transfer Out	1,202,427	-	1,202,427	100.00%	B
Total Expenditures	\$ 4,711,824	\$ 587,873	\$ 4,719,029	100.15%	
Total Revenue Over/Under Expenses	\$ (1,188,686)	\$ (583,647)	\$ (1,090,373)		

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

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

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

SACHSE ECONOMIC DEVELOPMENT CORPORATION

92% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 92%
Revenue Summary					
Sales Tax	\$ 691,944	\$ 75,828	\$ 695,941	100.58%	A
Other Income	\$ -		\$ 502,845		
Interest Income	3,000	419	3,184	106.14%	
Total Revenue	\$ 694,944	\$ 76,247	\$ 1,201,969	172.96%	
Expenditure Summary					
Expenditures	688,809	44,746	316,332	45.92%	
Total Expenditures	\$ 688,809	\$ 44,746	\$ 316,332	45.92%	
Total Revenue Over/Under Expenses	\$ 6,135	\$ 31,501	\$ 885,637		

Explanation of Major Variances:

A Proceeds from sale of land

CITY OF SACHSE

2016/2017 SALES TAX ANALYSIS

FY 2016	Total Sales Tax	General Fund Sales Tax	General Fund Year-To-Date	YTD Percent of Budget	FY 2017	Total Sales Tax	General Fund Sales Tax	General Fund Year-To-Date	YTD Percent of Budget
October	156,703	89,540	89,540	7.34%	October	204,011	116,572	116,572	9.56%
November	223,828	127,895	217,435	17.83%	November	269,073	153,748	270,320	19.53%
December	162,793	93,020	310,455	25.46%	December	195,780	111,868	382,188	27.62%
January	198,309	113,314	423,769	34.75%	January	198,694	113,534	495,722	35.82%
February	278,265	159,001	582,769	47.79%	February	295,944	169,102	664,824	48.04%
March	168,935	96,530	679,299	55.70%	March	202,397	115,649	780,473	56.40%
April	165,486	94,559	773,858	63.46%	April	169,232	96,699	877,172	63.38%
May	269,268	153,860	927,718	76.07%	May	248,537	142,014	1,019,186	73.65%
June	190,617	108,919	1,036,636	85.00%	June	190,343	108,762	1,127,948	81.51%
July	189,206	108,113	1,144,749	93.87%	July	196,493	112,276	1,240,224	89.62%
August	265,824	151,892	1,296,641	106.32%	August	265,411	151,656	1,391,880	100.58%
September	196,876	112,495	1,409,136	115.55%	September	188,666	107,804	1,499,683	108.37%
TOTAL	2,466,111	1,409,136			TOTAL	2,624,580	1,499,683		
BUDGET		1,219,518			BUDGET		1,383,888		



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3991	Version:	1	Name:	CCAD Board of Directors Nominations
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	9/21/2017	In control:		In control:	City Council
On agenda:	10/2/2017	Final action:		Final action:	
Title:	Consider a resolution nominating candidate(s) for the Collin Central Appraisal District (CCAD) Board of Directors.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Resolution CCAD Board Information				

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution nominating candidate(s) for the Collin Central Appraisal District (CCAD) Board of Directors.

Background

In accordance with the Texas Property Tax Code, Section 6.03, the Appraisal District's five directors are to be appointed by the taxing units that participate in the District. Each taxing unit may nominate one to five board candidates. To be eligible to serve on the board an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date they take office. If a taxing unit has zero votes to cast in the election, they are still entitled to nominate candidates for the board. This year the City will have 12 votes to cast in the election of the Board of Directors. CCAD has 58 taxing entities with varied vote limits by entity that they can cast.

The current Board of Directors are:

Earnest Burke - served since 2016. Nominated by Plano ISD. Resides in Plano.

Ronald Carlisle - served since 1994. Nominated by Frisco ISD. Resides in Frisco.

Wayne Mayo - served since 1998. Nominated by the City of Richardson and the City of McKinney. Resides in Richardson.

Michael A. Pirek - served since 2014. Nominated by the City of Plano. Resides in Plano.

Gary Rodenbaugh - served since 2001. Nominated by the City of Allen and Allen ISD. Resides in Allen.

The City Council has the option to nominate an existing Board member(s) or an individual that meets the director qualifications.

In 2015, the Council did not nominate any candidates for the CCAD Board of Directors, but they cast their votes for Mr. Wayne Mayo in December, 2015. The City Council will be able to cast votes in

December.

Policy Considerations

None

Budgetary Considerations

None

Staff Recommendations

Consider approval of a resolution nominating candidate(s) for the Collin Central Appraisal District (CCAD) Board of Directors.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SACHSE, TEXAS, NOMINATING
_____ AS A CANDIDATE TO BE A MEMBER OF THE
BOARD OF DIRECTORS OF THE COLLIN COUNTY CENTRAL APPRAISAL
DISTRICT.**

WHEREAS, the Chief Appraiser of the Collin County Central Appraisal District has been charged with the responsibility of conducting the election process to determine the membership of the Board of Directors of the Collin County Central Appraisal District, according to the Property Tax Code of Texas, and

WHEREAS, each of the incorporated cities and town, shall have the right to nominate by an official resolution a candidate as a member of the Board of Directors; and,

WHEREAS, the said cities and town shall, from among the nominations received, elect by a majority vote, with each city and town being entitled to cast their votes, a member of the Board of Directors.

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

SECTION 1. That the Council of the City of Sachse, Texas does hereby nominate _____ of _____, Texas as a candidate to be a member of the Board of Directors of the Collin County Central Appraisal District.

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

DULY RESOLVED AND APPROVED by the City Council of the City of Sachse, Texas, this the 2nd day of October, 2017.

APPROVED:

Mike J. Felix, Mayor

ATTEST:

Michelle Lewis Sirianni, City Secretary



Collin Central Appraisal District

2016 - 2017
COLLIN CENTRAL APPRAISAL DISTRICT
BOARD OF DIRECTORS

EARNEST BURKE

Is a current board member and has served since 2016.
Nominated by Plano ISD. Resides in Plano, TX.

RONALD CARLISLE

Is a current board member and has served since
1/1994. Nominated by Frisco ISD. Resides in Frisco,
TX.

WAYNE MAYO

Is a current board member and has served since
1/1998. Nominated by the City of Richardson, and the
City of McKinney. Resides in Richardson, TX.

MICHAEL A. PIREK

Is a current board member and has served since
1/2014. Nominated by the City of Plano. Resides in
Plano, TX.

GARY RODENBAUGH

Is a current board member and has served since
1/2001. Nominated by the City of Allen, and Allen ISD.
Resides in Allen, TX.



Collin Central Appraisal District

DIRECTOR QUALIFICATIONS

An appraisal district director must reside in the appraisal district for at least two years immediately preceding the date he or she takes office.

A person may serve on the governing body of a taxing unit in the appraisal district that is; a city councilman, school board trustee, county commissioner, or other board member, and still be eligible to serve as a director. The common-law doctrine of incompatibility (holding offices that have conflicting demands on the holder) does not prohibit the same person from holding both offices. There is no limit to the number of elected officials that may serve on the board.

An employee of a taxing unit within the appraisal district may not serve as a director. The only time that a taxing unit's employee may serve is if that employee is also an elected official or member of the governing body. For example, a city councilman who is employed as the school business manager may serve as a director.

A person may not serve as a director if he or she is related to someone who appraises property for use in proceedings before the appraisal review board or in subsequent court proceedings, or represents property owners in such proceedings.

A person may not serve on the board of directors if that person has a substantial interest in a business entity which has a contract with the appraisal district or, in the case of a taxing unit, has a contract related to the performance of an activity governed by the Tax Code. (Example- a partner in a law firm engaged in collecting delinquent taxes for a taxing unit.)

In considering individuals to serve as directors, taxing units should look for expertise in such areas as accounting, finance, management, personnel administration, contracts, computers, real estate, or taxation.



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3995 **Version:** 1 **Name:** DCAD Board of Directors Nominations
Type: Agenda Item **Status:** Agenda Ready
File created: 9/21/2017 **In control:** City Council
On agenda: 10/2/2017 **Final action:**
Title: Consider a resolution nominating a candidate(s) for the Dallas Central Appraisal District (DCAD) Board of Directors.

Sponsors:

Indexes:

Code sections:

Attachments: [Resolution](#)
[DCAD Information](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution nominating a candidate for the Dallas Central Appraisal District Board of Directors.

Background

In accordance with the Texas 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: must be a resident of the DCAD for at least two years prior to the election, may be an election official of an agency represented by the DCAD, and cannot be an employee of any agency represented by the DCAD. Each 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.

The current Board of Directors are:

Michael Hurtt - represents Suburban Cities

John R. Ames - represents Dallas County Tax Assessor-Collector

Steve Pryor - represents Suburban School Districts

John Warren - represents County of Dallas

Dr. Lew Blackburn - represents Dallas ISD

John Threadgill - represents City of Dallas

The City Council has the option to nominate an existing Board member(s) or an individual that meets the director qualifications.

In 2015, the Council nominated Michael Hurtt for the DCAD Board of Directors. The City Council will be able to cast their vote in December 2017.

Policy Considerations

None

Budgetary Considerations

None

Staff Recommendations

Consider approval of a resolution nominating candidate(s) for the Dallas Central Appraisal District (DCAD) Board of Directors.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SACHSE, TEXAS, NOMINATING
_____ AS A CANDIDATE TO BE A MEMBER OF THE
BOARD OF DIRECTORS OF THE DALLAS COUNTY CENTRAL APPRAISAL
DISTRICT.**

WHEREAS, the Chief Appraiser of the Dallas County Central Appraisal District has been charged with the responsibility of conducting the election process to determine the membership of the Board of Directors of the Dallas County Central Appraisal District, according to the Property Tax Code of Texas, and

WHEREAS, each of the incorporated cities and towns, except for City of Dallas, shall have the right to nominate by an official resolution one (1) candidate as a member of the Board of Directors; and,

WHEREAS, the said cities and town shall, from among the nominations received, elect by a majority vote, with each city and town being entitled one (1) vote, a member of the Board of Directors.

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

SECTION 1. That the Council of the City of Sachse, Texas does hereby nominate _____ as a candidate to be a member of the Board of Directors of the Dallas County Central Appraisal District.

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

DULY RESOLVED AND APPROVED by the City Council of the City of Sachse, Texas, this the 2nd day of October, 2017.

APPROVED:

Mike J. Felix, Mayor

ATTEST:

Michelle Lewis Sirianni, City Secretary



Dallas Central Appraisal District

BOARD OF DIRECTORS

2017

The Board of Directors governs the Dallas Central Appraisal District. The taxing entities that vote on the appraisal district's budget (county, city, school and special districts) select the directors on the appraisal district's Board of Directors.

Directors on the Dallas Central Appraisal District's Board of Directors:

Member	Represents Entity
Michael Hurtt, Chairman	Suburban Cities
John R. Ames, Vice Chairman, Ex Officio Director	Dallas County Tax Assessor-Collector
Steve Pryor, Secretary	Suburban School Districts
John Warren, Director	County of Dallas
Dr. Lew Blackburn, Director	Dallas ISD
John Threadgill, Director	City of Dallas

Personal Profile – 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. For 2014 he was elected by 20 of 30 eligible suburban cities to serve another term on the Dallas County Appraisal District Board of Directors. He also serves as Vice-Chairman of the DeSoto Economic Development Corporation. Mr. Hurtt was also 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.



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-4004	Version:	1	Name:	Parking (Development) 10-02-17 CC PH
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	9/28/2017	In control:		In control:	City Council
On agenda:	10/2/2017	Final action:		Final action:	
Title:	Conduct a public hearing to consider an ordinance amending Chapter 11 (Zoning Ordinances) of the Code of Ordinances by amending Exhibit 1 by amending Article 4 titled "General Provisions Applying to All or Several Districts" by amending and replacing Section 5 titled "Off-Street Automobile and Vehicle Parking and Loading" with a new Section 5 providing new parking requirements and regulations for off-street automobile and vehicle parking and loading.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Staff Presentation Proposed Ordinance				

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing to consider and act on proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances, to revise commercial parking regulations.

Background

- The 2017 Comprehensive Plan identified revising the Commercial Design Standards as a 1st year priority
- Sachse still has many commercial tracts remaining undeveloped, in addition to redevelopment opportunities
- Sachse's current parking regulations are found in its Use Chart and have not been reviewed in over 10 years
- Beautification opportunity (i.e. improved curb appeal)
- Staff believes that modernizing its parking regulations is critical to providing quality service to the development community, remaining competitive, and being attractive to quality development

Policy Considerations

- Separate stand-alone section of Chapter 11 (Zoning)
- Updates parking ratios for new development and allows for shared parking
- Requires decorative paving and cross access
- Consolidates various parking design regulations (concrete pavement, drive aisle width, dimensions, etc.)
- Allows for minor adjustments during plan review
- Requires bicycle parking (i.e. bike racks)

- Includes maintenance provisions for parking lots and vehicular use areas

Budgetary Considerations

N/A

Planning & Zoning Commission

- The Planning & Zoning Commission unanimously recommended approval of the proposed parking regulations at its September 25th regular meeting, and to also note concerns expressed during the public hearing
- One local developer asked questions and shared a few concerns with the proposed regulations
- Since then, several areas of the ordinance have been refined to be more clear and to avoid confusion
- Mr. Herzog suggested exemptions for existing PDs in order to provide continuity with existing development
- Staff does not support that particular option

Decorative Paving

- Purpose:
 - low cost beautification
 - provide a sense of arrival
 - alert motorists and pedestrians of potential conflict of shared space
- The following developments have provided or are providing decorative paving voluntarily:
 - Mustang Creek Assisted Living
 - Serene Town Homes
 - Trepex Senior Housing
 - The Mansions (now Olympus)
 - LiDL
 - Waffle House

Next Steps

- Initial P&Z work session with Staff - (8-28-17)
- City Council presentation & review - (9-18-17)
- Public hearings for adoption of the new commercial parking regulations
 - P&Z (9-25-17)
 - Council (10-02-17)

Recommendations

Staff recommends approval of the proposed parking regulations.



COMMERCIAL DESIGN STANDARDS

PARKING

CITY COUNCIL

OCTOBER 2, 2017

REQUEST

Conduct a public hearing to consider and act on proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances, to revise commercial parking regulations.

BACKGROUND

- The 2017 Comprehensive Plan identified revising the Commercial Design Standards as a 1st year priority
- Sachse still has many commercial tracts remaining undeveloped, in addition to redevelopment opportunities
- Sachse's current parking regulations are found in its Use Chart and have not been reviewed in over 10 years
- Beautification opportunity (i.e. improved curb appeal)
- Staff believes that modernizing its parking regulations is critical to providing quality service to the development community, remaining competitive, and being attractive to quality development

OVERVIEW

- Separate stand-alone section of Chapter 11 (Zoning)
- Updates parking ratios for new development and allows for shared parking
- Requires decorative paving and cross access
- Consolidates various parking design regulations (concrete pavement, drive aisle width, dimensions, etc.)
- Allows for minor adjustments during plan review
- Requires bicycle parking (i.e. bike racks)
- Includes maintenance provisions for parking lots and vehicular use areas

Use	Current Ratio	Proposed Ratio
Office	1 per 300 sf (general) 1 per 200 sf (med office)	1 per 300 sf (general) 1 per 200 sf (med office)
General Retail	1 per 200 sf	1 per 200 sf; 1 per 250 for big boxes
Restaurant	1 per 75 sf	1 per 100 sf; 1 per 200 sf when part of a larger multi-tenant strip
Manufacturing / Industrial	1 per 1000 sf	1 per 1000 sf
Auto Repair	1 per bay + 1 per 500 sf	3 per bay + 1 per 500 sf
Hospital	1.5 per bed	1 per 2 beds + 1 per employee on maximum shift
Single Family Residential	2 per home	2 enclosed; 2 surface
Multi-Family	2 per unit	2 per unit + 1 for each additional bedroom more than 2 bedrooms

INTERNAL CROSSWALKS



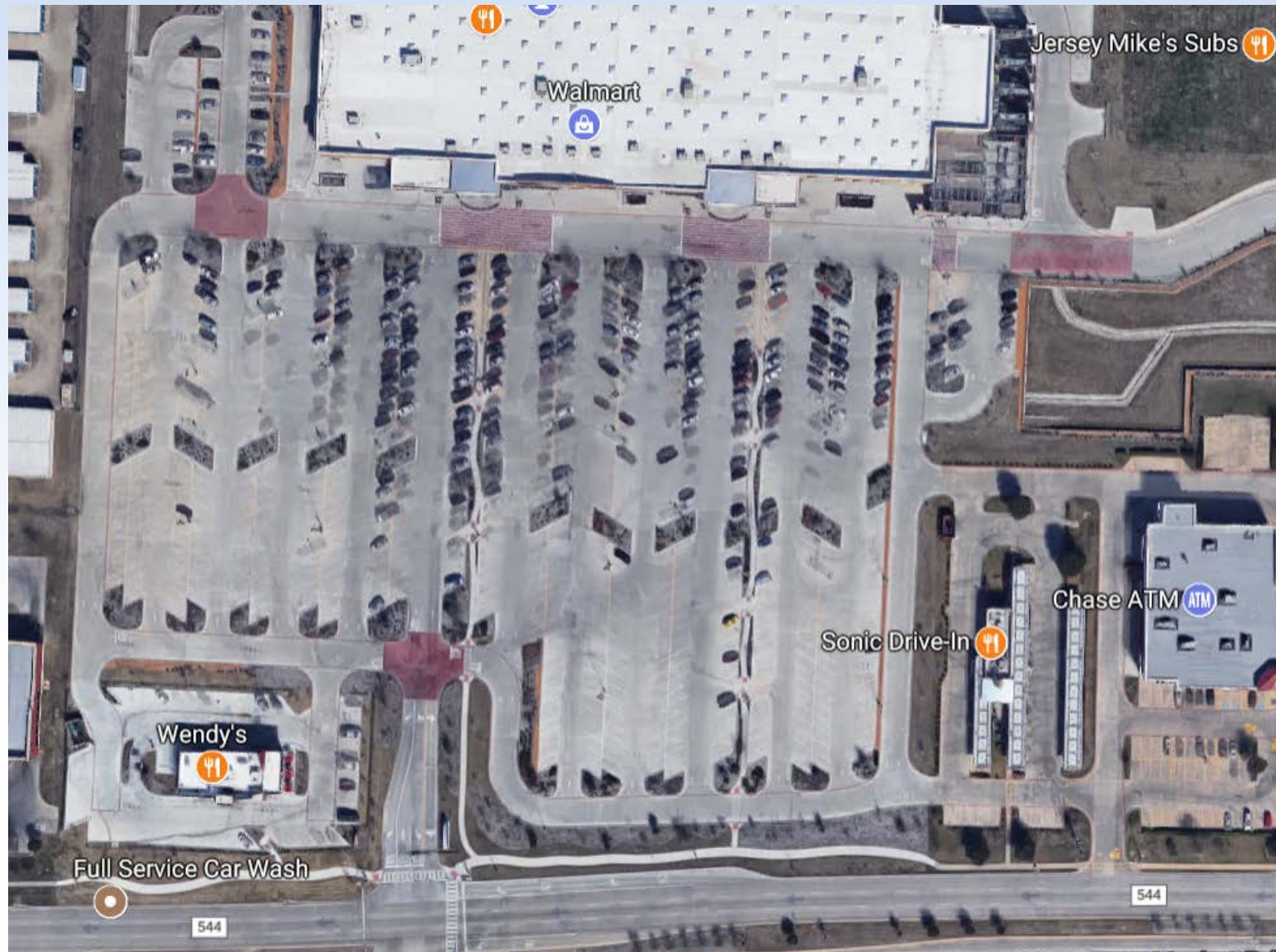
INTERNAL CROSSWALK



STORE ENTRANCE



MAJOR INTERNAL INTERSECTIONS



MAJOR ROW INTERSECTIONS



MAJOR ROW INTERSECTIONS



TRAIL CROSSINGS



ADA CROSSWALK



SITE ENTRANCES (AKA “WELCOME MATS”)



TRADITIONAL BICYCLE RACKS



PLAYFUL BICYCLE RACKS



P&Z

- The Planning & Zoning Commission unanimously recommended approval of the proposed parking regulations at its September 25th regular meeting, and to also note concerns expressed during the public hearing
- One local developer asked questions and shared a few concerns with the proposed regulations
- Since then, several areas of the ordinance have been refined to be more clear and to avoid confusion
- Mr. Herzog suggested exemptions for existing PDs in order to provide continuity with existing development
- Staff does not support that particular option

DECORATIVE PAVING

- Purpose:
 - low cost beautification
 - provide a sense of arrival
 - alert motorists and pedestrians of potential conflict of shared space
- The following developments have provided or are providing decorative paving voluntarily:
 - Mustang Creek Assisted Living
 - Serene Town Homes
 - Trepex Senior Housing
 - The Mansions (now Olympus)
 - LiDL
 - Waffle House

RECOMMENDATION

- Initial P&Z work session with Staff - (8-28-17)
- City Council presentation & review - (9-18-17)
- Public hearings for adoption of the new commercial parking regulations
 - P&Z (9-25-17)
 - Council (10-02-17)

Staff recommends approval of the proposed parking ordinance. ✓

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 11 TITLED "ZONING ORDINANCE" BY AMENDING EXHIBIT 1 BY AMENDING ARTICLE 4 TITLED "GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS" BY AMENDING AND REPLACING SECTION 5 TITLED "OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING" WITH A NEW SECTION 5 PROVIDING NEW PARKING REQUIREMENTS AND REGULATIONS FOR OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 11 titled "Zoning Ordinance" by amending Exhibit 1 by amending Article 4 titled "General Provisions Applying to All or Several Districts" by amending Section 5 titled "Off-street automobile and vehicle parking and loading", to read as follows:

"Chapter 11

ZONING ORDINANCE

...

EXHIBIT 1

...

ARTICLE 4. GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

...

Sec. 5 Off-street automobile and vehicle parking and loading.

Sec. 5.1 Purpose.

- (a) Manage parking so that it is convenient, efficient, and supports an active and vibrant retail environment.

- (b) Decrease the expansive “seas” of parking that are too common in modern suburbs, noting that most new development is typically over-parked, resulting in wasted space, unnecessary impervious surface, higher construction costs, and loss of retail square footage.
- (c) Support the creation of shared parking in order to enable visitors to park once at a convenient location and access a variety of commercial enterprises in a pedestrian and bicycle-friendly environment.
- (d) Provide flexibility for changes in land uses which have different parking requirements.
- (e) Ensure ease of access to parking.
- (f) Provide flexibility for the redevelopment of small sites.
- (g) Avoid diffused, inefficient single-purpose reserved parking.
- (h) Avoid adverse parking impacts on residential neighborhoods.

Sec. 5.2 General requirements.

- (a) Except for when on-street parking is allowed, all maneuvering of vehicles shall take place on site or within a mutual access easement or fire lane. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- (b) Parking spaces shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- (c) All vehicular use areas shall be well-maintained without large cracks or other failures, with back-filled curbs, and power-washed when appropriate.
- (d) No parking or loading area shall be used for storage of inventory, materials, display, sanitation containers, heavy load vehicles, supplies, or for any other use, except as approved through the site plan process, for temporary construction, or with a valid seasonal sales permit. Under no circumstances shall a required parking space be used for any purpose other than parking.
- (e) All off-street parking areas shall be kept free of litter, trash, debris, vehicle repair operations, display, and advertising uses.
- (f) The property owner shall be responsible for adequately maintaining all parking facilities, including paving, striping, elimination of debris, and correction of use violations.

Sec. 5.3 Administration. In computing the number of parking spaces required for any building or development, the following rules shall govern:

- (a) The term "floor area" means the gross floor area of the specific use. Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.
- (b) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature or per regional standard if one can be determined.
- (c) The provisions of this section shall be administered by the Director who shall have the authority to approve any plan that is deemed to satisfy the minimum requirements of this section, alternate plans deemed to meet the intent of the ordinance, including any minor deviations or waivers, and to make necessary interpretations regarding any subjectivity or frustration of purpose contained herein.
- (d) The City Council, in compliance with all applicable regulations, may issue a Special Use Permit (SUP), establish a Planned Development (PD) district or other special zoning district, or enter into a development agreement or other economic incentive agreement, which may amend or revise the regulations herein for a certain project or area of the City.
- (e) Due to the unique service nature of government owned and occupied facilities, in addition to the development costs being of public burden, such facilities may meet the spirit and intent of the regulations contained herein, to the extent possible, and are not expected to strictly comply.
- (f) Shared parking may be considered during the site plan process for uses not normally open, used, or operated during the same hours as adjacent uses, or when other special circumstances exist. Owner authorization to use those spaces must accompany any such proposal.
- (g) A blanket 15% parking reduction may be granted to multi-tenant developments that are 15,000 square feet or greater, provided there is a dedicated mutual access easement. Where parking exceeds the minimum number of required spaces by more than 10%, landscaping of parking areas shall be increased so that planting islands shall not be spaced greater than every 10 spaces.
- (h) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change, as determined by the Director. Whenever any building is enlarged to the extent of 50 percent or more

in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

- (i) A parking demand analysis study may be submitted for review for a proposed use.

Sec. 5.4 Off-street parking. Developments shall provide parking, per the following table:

Assembly Uses (non-profit)	One (1) space for each four (4) seats in the main auditorium.
Assisted Living facility, nursing home, or rest home	One (1) space for every 4 beds
Athletic Stadium or Field	Fifty (50) spaces per field for fields without fixed seating.
Auto Repair	Three (3) parking spaces per bay, plus one (1) space for each 500 square feet of retail/office floor area.
Bank or similar financial establishment	One (1) space for each 400 square feet of floor area.
Big Box (>50,000 sf)	One (1) space for each 250 square feet of floor area.
Bowling Alley	Six (6) spaces for each lane.
Car Wash (Self Serve)	Two (2) spaces; plus adequate stacking spaces for each bay.
Car Wash (Automated)	One (1) space for each 200 square feet of office/retail floor area; plus adequate stacking spaces per bay; minimum of 4 spaces.
Child Care Center	One space for every 10 students; plus adequate stacking spaces for drop-off lane.
Civic/Convention/Community Center	Ten (10) spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
Duplex	A concrete drive with a minimum one (1) car garage and one space in driveway, per unit.
Golf Course	Minimum 30 spaces per 9 holes, plus one (1) space for each two hundred (200) square feet of floor area for country club, retail, office, etc.

Green House or Nursery	One (1) space for each 5,000 square feet of outdoor storage area; plus one (1) space for each 200 square feet of indoor floor area.
Health / Fitness Center	One (1) space for each 200 square feet of gross floor area.
High School, College, or University	One (1) space for each classroom, laboratory, or instruction area plus one space for each three students accommodated in the institution.
Hospitals	One (1) space for every two beds and one (1) space per employee on the largest shift.
Hotel or Motel	One (1) space for each room unit, or guest accommodation plus one (1) space for each 300 square feet of restaurant, office, or conference area
Indoor Commercial Amusement	One (1) space per 200 square feet of gross floor area.
Kennel or Stable	One (1) space per every 500 square feet of floor area.
Library or Museum	Ten (10) spaces plus one (1) space for each 300 square feet of floor area.
Lodge, Club, or Fraternal Organization	One (1) space for each 200 square feet of floor area.
Manufacturing, Processing, Warehousing, and Industrial uses	One (1) space for each employee on the maximum working shift plus one (1) space for each 1,000 square feet of floor area.
Mini-Warehouse (Self-Storage)	One (1) space for each 5,000 square feet of total floor area.
Mixed Use Building	See special zoning districts for parking regulations.
Mobile Home – Manufactured Home	A concrete drive with a minimum of two (2) spaces.
Mortuary or Funeral Home	One (1) space for each four (4) seats in funeral service rooms.
Movie theatre or Cinema	One (1) space per four (4) seats.
Multi-Family Residential	Two (2) spaces for one (1) and two (2) bedroom units, plus one (1) additional space for each additional bedroom.
Office, business or professional	One (1) space for each 300 square feet of floor area.
Office, medical, dental, or health	One (1) space for each 200 square feet of floor

	area.
Outdoor Commercial Amusement	One (1) space for every 1,000 square feet within the outer boundaries of the proposed use, including any buildings, exhibit booths and areas devoted to the use.
Recreational, private or commercial area or building (other than listed)	One (1) space for every four persons to be normally accommodated in the establishment.
Restaurant or cafeteria	One (1) space for every 100 square feet of gross floor area. Outdoor seating areas (covered or not) under 500 square feet are exempt. When part of a multi-tenant development 15,000 square feet or greater, one (1) space for every 200 square feet.
Retail or personal service	One (1) space for each 200 square feet of floor area.
Retirement Housing	One (1) space per five (5) beds.
School, elementary & junior high	One (1) space for each classroom plus one (1) space for each four seats in any auditorium, gymnasium, or other place of assembly.
Single-Family Residential	A concrete drive with a minimum of a two (2) car garage with parking for two cars in driveway is required.
Townhouse	Two (2) spaces per unit, enclosed; plus 2 additional spaces (drive-way or on-street).
Vet or animal hospital	One (1) space for each 300 square feet of floor area.

5.5 *Parking design.*

(a) The minimum dimensions for off-street parking shall be as follows:

1. Standard space: 9 feet x 18 feet
2. Parallel space: 8 feet x 22 feet
3. Stacking space: 10 feet x 20 feet

(b) All vehicular use areas shall be concrete. Existing parking areas that are not concrete may maintain or rehabilitate with existing or upgraded material; however, any associated expansions must be concrete.

(c) Required parking must be located outside the floodplain, except when specially allowed by the City Engineer.

(d) The typical drive aisle width shall be twenty-four feet (24').

- (e) Fire lanes shall be adequately reinforced to withstand heavy vehicle loading, as may be required by the adopted Fire Code of the City.
- (f) For safety, emergency response, and increased connectivity, cross access between parking areas of adjacent non-residential parcels shall be provided and is required.
- (g) Striping shall be white. Barrier free ramps shall be pavers, stained concrete in muted shades of adobe red or terra cotta (not blue or yellow), or other approved detectable warning material.
- (h) Head-in parking spaces adjacent to buildings shall have a minimum four (4) foot wide clearance between the leading edge of the parking space and the building.
- (i) Dead-end parking is generally prohibited in new non-residential developments.
- (j) Continuous drive aisles, when exceeding 300 feet in length, may require off-sets, roundabouts, raised crosswalks, or other acceptable traffic-calming features.
- (k) Lots fronting onto rights-of-way sixty (60) feet wide or greater shall not install a front yard drive cut if said lot is also accessed by an alley.
- (l) Concrete parking shall be a minimum 6 inches thick, with #3 rebar, 18" on center each way. Heavy use areas (fire lanes, dumpster loading, etc.) may require stricter standards in compliance with the City's adopted engineering design criteria.
- (m) Parking space(s) for persons with disabilities and other associated provisions shall be provided in accordance to building codes, state laws, and requirements of the Americans with Disabilities Act (ADA).
- (n) At no time after initial approval of the parking area layout, can changes be made to the location or number of provided spaces, unless approved by the Director.

Sec. 5.6 Supplementary design.

- (a) All retail, commercial, and industrial structures shall provide and maintain off-street areas for the loading and unloading of merchandise and goods that does not block the fire lane and is appropriately and conveniently located. All loading docks must be screened along their sides.
- (b) Schools, day care centers, and similar child training and care establishments shall provide a loading and unloading area on an off-street, internal drive that does not block the fire lane.
- (c) Sufficient queueing spaces shall be provided for uses which regularly require stacking, such as drive-thrus and service bays.

- (d) In order to encourage the safe and convenient use of bicycles, each development shall provide at least one (1) bike rack permanently mounted to the ground. Larger developments with buildings 50,000 square feet or more in area, such as big boxes or large corner-like developments, may require additional bike racks, not to exceed three (3) bike racks. Required bicycle parking should be located within 50 feet of an entrance to the building, or a comparable convenient location. Site plans shall call-out the location of all proposed bike racks.
- (e) Decorative paving (integral color stained concrete with the option to be stamped/scored in patterns) shall be provided as follows:
 - 1. On-site pedestrian cross-walks.
 - 2. At the store front entrances of tenant suites.
 - 3. Drive-thrus or drop-off areas.
 - 4. Trail crossings (anywhere).
- (f) Decorative paving (integral color stained concrete that is stamped/scored in patterns) shall be provided as follows:
 - 1. At the entrances of each commercial site when ingress/egress is from a ROW in order to provide a “welcome mat”.
 - 2. At major intersections of on-site drive aisles.
 - 3. Major ROW intersections (intersections of collectors or bigger) and entrances for residential from collectors or bigger.

SECTION 2. That, to the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Sachse governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 3. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and that all other provisions of the Ordinances of the City of Sachse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 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 thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Sachse, 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 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 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.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____, 2017.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(09-27-2017/90914)



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-4006	Version:	1	Name:	Create Stormwater Utility
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	9/28/2017	In control:		In control:	City Council
On agenda:	10/2/2017	Final action:		Final action:	
Title:	Conduct a public hearing to consider an ordinance to amend Chapter 10 (Utilities) of the Code of Ordinances by amending Chapter 10 titled "Utilities," by adding Section 10-9 titled "Municipal Drainage Utility System" to establish requirements for a municipal drainage utility system by providing for drainage service, billing, exemptions, drainage charges, and appeals; by adding a new Section 10-10 titled "Municipal Drainage Utility System Fee Schedule" to establish fees for the municipal drainage utility system.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Presentation - Create Stormwater Utility Ordinance Amending Chapter 10 Adding 10-9 Municipal Drainage Utility System-91043				

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing to consider and act on proposed revisions to Chapter 10 (Utilities) of the Code of Ordinances, to add Section 9 "Municipal Drainage Utility System," to establish a Municipal Drainage Utility System.

Background

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

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

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

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

At the August 21st City Council meetings, the City Council was presented with draft ordinances related to the creation of a stormwater utility. Staff received feedback and direction from the City Council and finalized the ordinances in line with the feedback received.

The proposed fee is a flat rate of \$1.66/month for each single family residential property. All other properties are proposed to have a fee of \$1.66 per every 4,300 square feet of impervious area on the property. Undeveloped properties will not be charged a fee, in accordance with State Law.

As recommended by the steering committee, staff does not plan to bring the fee back to the City Council for review for a period of at least 5 years (October 2022).

Based on the feedback received for this item, staff has finalized a new ordinance for the purpose of creating a stormwater utility for the City of Sachse.

Policy Considerations

The Municipal Drainage Utility Systems Act as set forth in Chapter 552, Subchapter C, Texas Local Government Code, allows a municipal government to establish a stormwater utility in the municipality.

Budgetary Considerations

None. The financial components of the creation of the stormwater utility are addressed in a separate ordinance to establish a stormwater utility fee.

Recommendations

Staff recommends approval of the proposed revisions to Chapter 10 (Utilities) of the Code of Ordinances, to add Section 9 "Municipal Drainage Utility System," to establish a Municipal Drainage Utility System.



**FREESE
AND
NICHOLS**



City of Sachse Stormwater Utility Ordinance

City Council

October 2, 2017

Overview



- Study Goals & Team
- Study Process
- Public Input
- Stormwater Needs Assessment & Findings
- Steering Committee Mission & Participation
- Steering Committee Findings & Recommendations
- Staff Recommendation
- Next Steps



Study Goals & Team



- The Stormwater Utility Study had the following goals:
 - Provide opportunities for public input
 - Identify and quantify stormwater needs in the City
 - Policy review and recommendations
 - Develop options to address stormwater needs
- In 2016, the City Council approved the selection of Freese & Nichols as the consultant to complete the study



Study Process



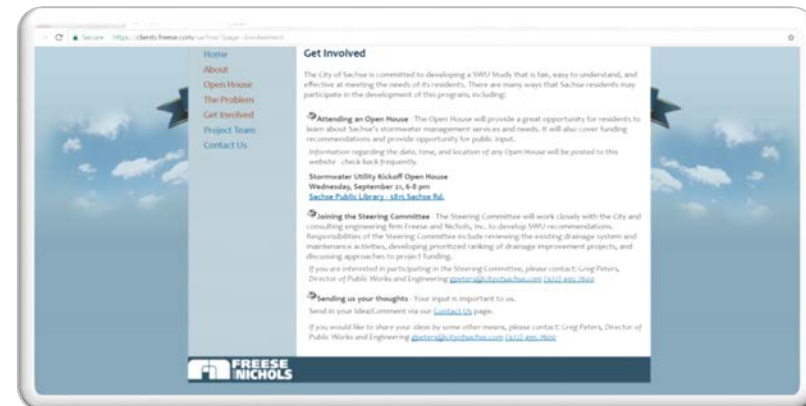
- Engage the public
- Identify needs
- Site study of needs
- Cost assessment
- Policy Review
- Steering Committee meetings
- Rate Modeling
 - Utility account reviews
 - Impervious area studies
 - Building financial models



Public Input



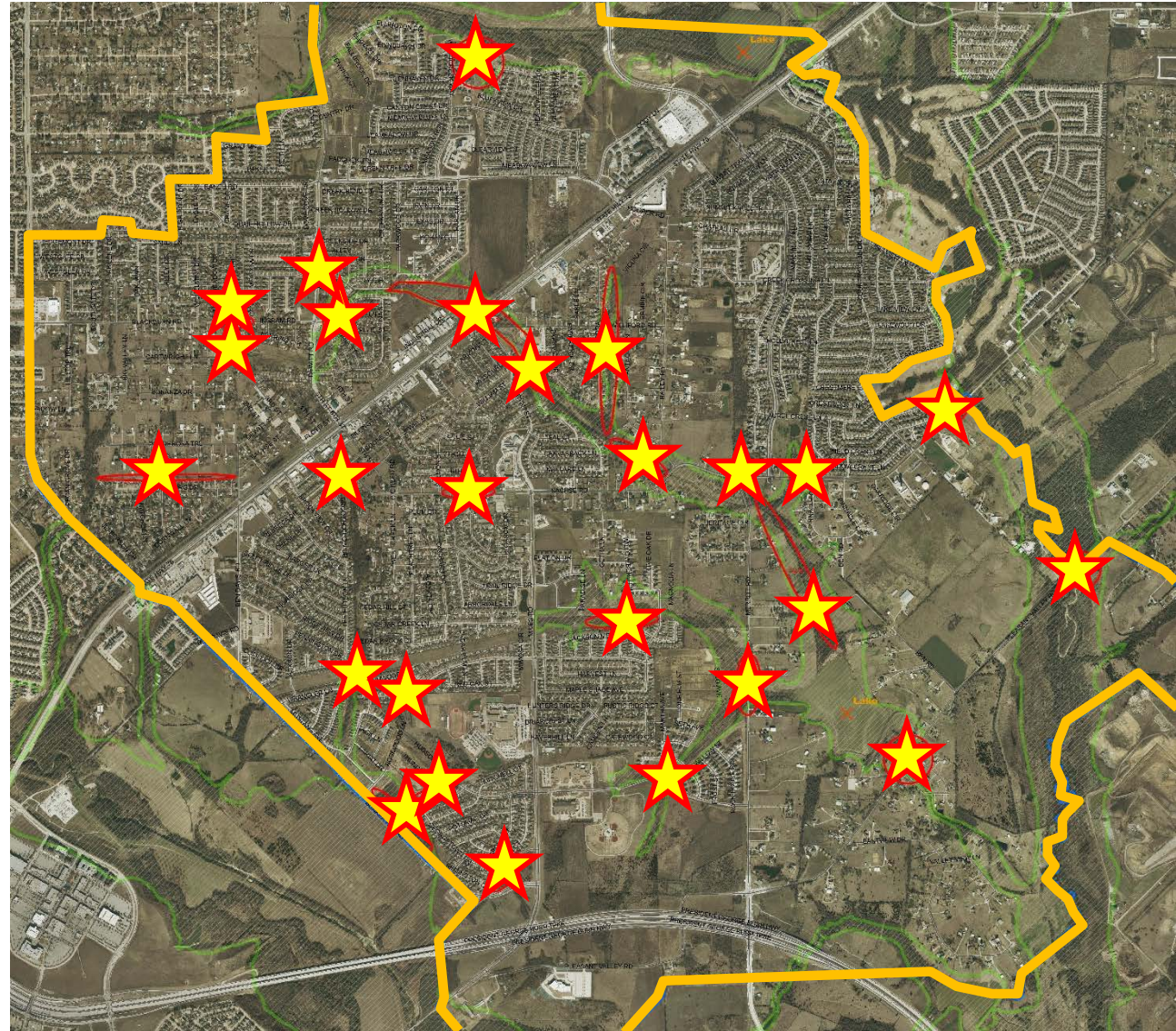
- The study provided opportunities for public engagement through:
 - Website through City home page
 - Open House at the Sachse Library on 9/21/2016
 - Booth at 2016 Fallfest
 - Citizen Steering Committee
- The input received was utilized in identifying areas with stormwater needs, and identifying options for funding the stormwater needs of the community



Stormwater Needs Assessment & Findings



- Staff and the consultant identified 26 locations of existing drainage concerns
- The team visited each location
- The consultant prepared reports for focus areas



Focus Area Study



Rowlett Creek Tributary Improvements



Vicksburg Drive and Jefferson Drive



Merritt Road and Willow Lake Improvements

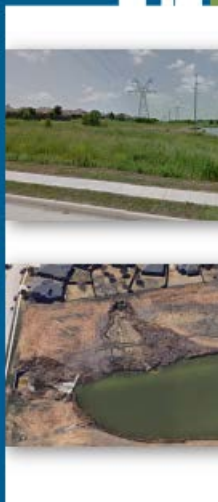


Area A: Merritt Road sags at its crossing with Long Branch

Area A: Excessive vegetative growth at culverts

Area A: Merritt Road closed due to flood waters

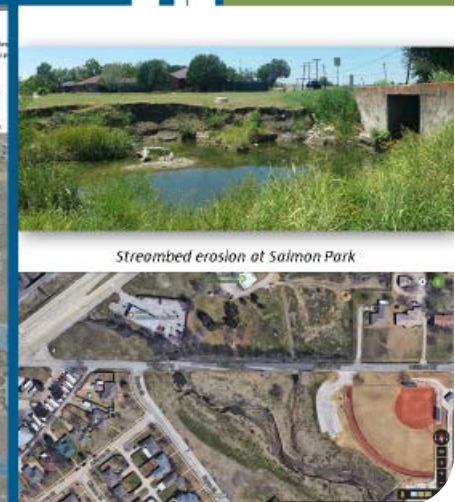
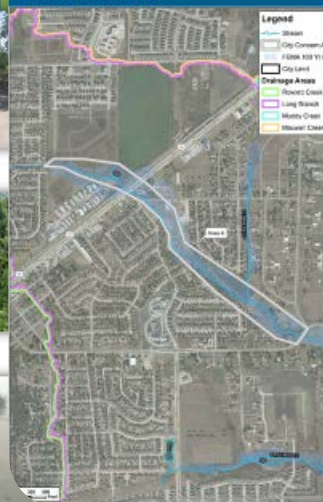
Jackson Meadows Pond Erosion Control



Long Branch Stream and US 78 Flood Control

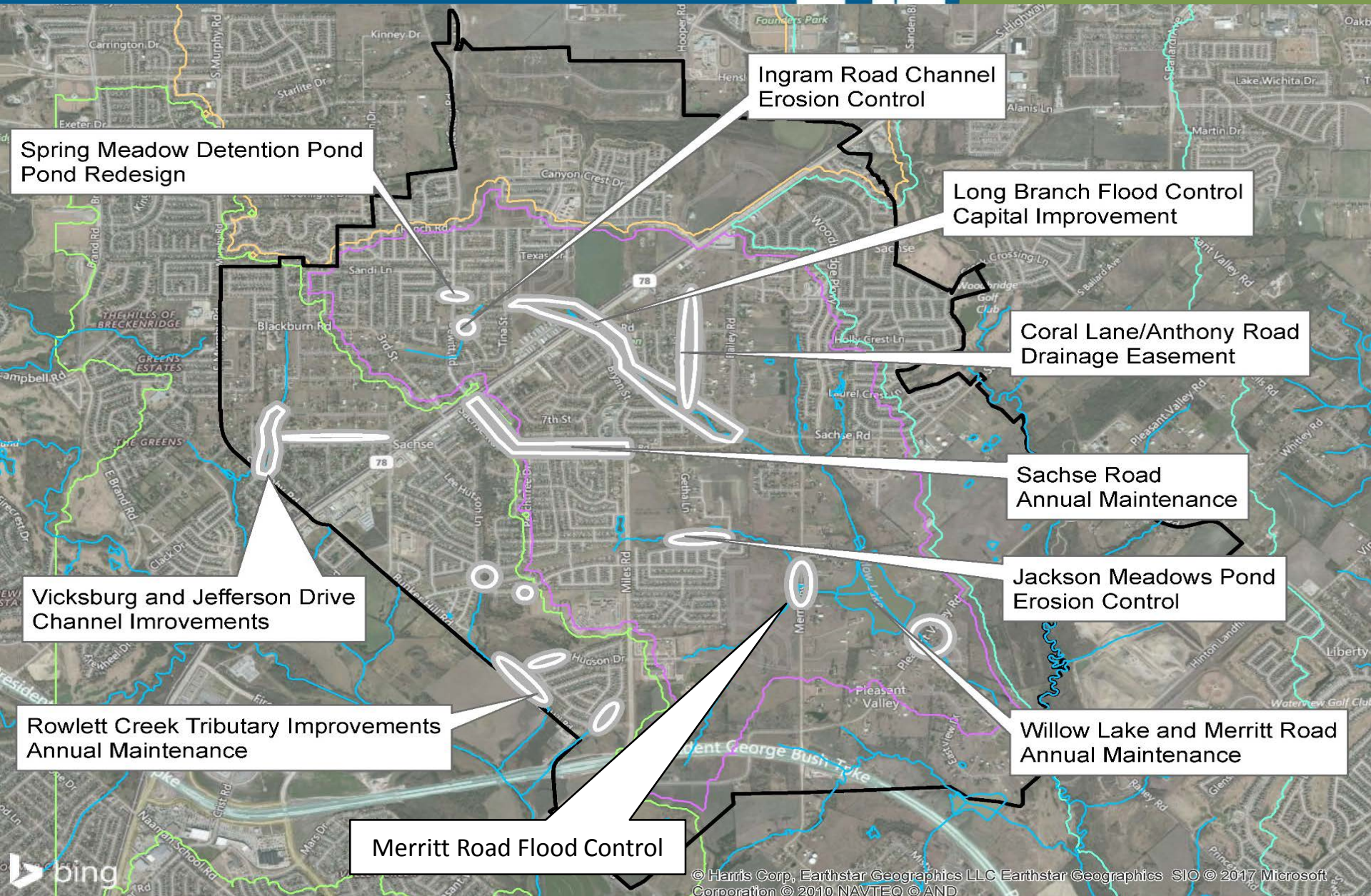


Long Branch Stream and US 78 Flood Control



Streambed erosion at Salmon Park

Stormwater Needs Assessment & Findings



Spring Meadow Detention Pond
Pond Redesign

Ingram Road Channel
Erosion Control

Long Branch Flood Control
Capital Improvement

Coral Lane/Anthony Road
Drainage Easement

Sachse Road
Annual Maintenance

Jackson Meadows Pond
Erosion Control

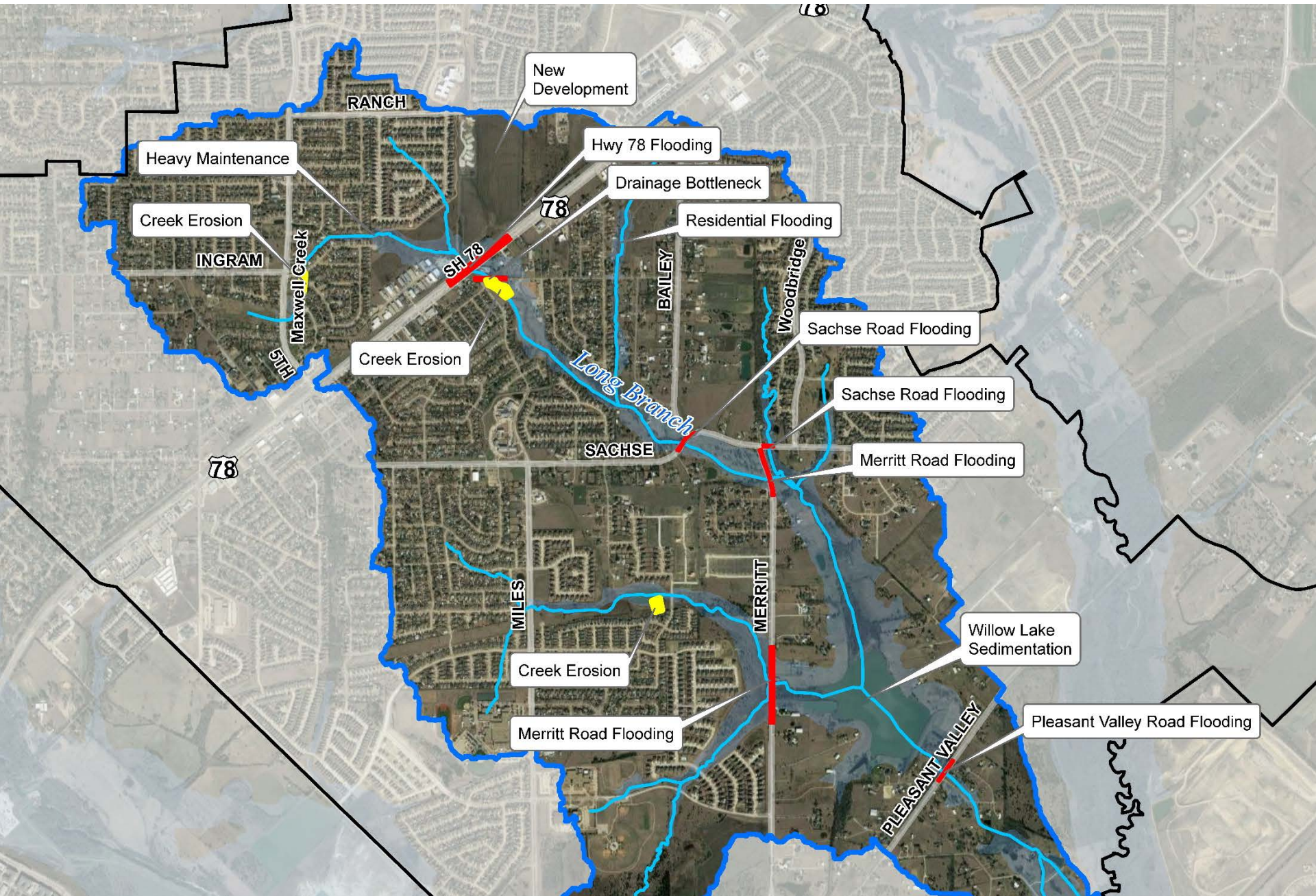
Willow Lake and Merritt Road
Annual Maintenance

Merritt Road Flood Control

Vicksburg and Jefferson Drive
Channel Improvements

Rowlett Creek Tributary Improvements
Annual Maintenance

Long Branch Watershed





Develop Council recommendations

- Review need for stormwater utility
- Provide input on ranking capital drainage projects
- Review potential fee structures and rates for funding stormwater needs
- Provide recommendations to the City Council



Steering Committee Participation



Steering Committee Members:

- Jackie Eichelberger
- Eric Arnold
- Scott Everett
- Heath Bennett
- Pat Covington
- Mike Paroski

City Staff:

- Greg Peters
- Billy Ho
- Sarah Perkins

Freese and Nichols, Inc.:

- Trey Shanks
- David Rivera
- Jorge Gallosa

Meeting Dates:

- January 18
- March 30
- May 4



Identify Stormwater Needs

- Assessment of stormwater needs in the City of Sachse

Stormwater Utility Evaluation

- Review feasibility of stormwater utility

Develop Recommendations

- Fee structure
- Rate
- Services funded by stormwater utility

Summary of Recommendations



1. Establish stormwater utility to fund general storm system maintenance activities with a single tier system for single-family residential properties, and a calculated rate per “ERU” for non-residential properties
2. Maintain adopted rate for a minimum of 5-years (or longer)
3. Provide no exemptions (except as required by law)
4. Continue funding compliance activities through general fund
5. Fund capital stormwater projects through the general fund
6. If a future sales & use tax for park development is approved, consider incorporating drainage improvements to be funded within those development projects
7. Pursue available cost sharing or matching opportunities with partners (Developers, TXDOT, County, NCTCOG, FEMA)

Capital Improvement Projects



- There are significant capital improvement drainage needs in the City



Erosion at Salmon Park



Flooding of US-78



Headwall at Ingram and Dewitt Road



Flooding on Merritt Road



Flooding of lots on Anthony Road

Capital Improvement Needs



Table 3: Ranking of Projects with Cost

Rank	Project	Project# ID	Project Description	Project Cost
1	Long Branch Stream Flood Control *	6	Overtopping of US-78	\$2,000,000-\$3,000,000
2	Merritt Road, Sachse Road, and Willow Lake Improvements	4	Annual maintenance only	<\$100,000/year
3	Rowlett Creek Tributary Improvements	1	Annual maintenance only	<\$100,000/year
4	Coral Lane/Anthony Road Drainage Easement	7	Channel widening and clearing	<\$100,000
5	Vicksburg Drive & Jefferson Drive Channel Improvements	2	Obstruction removal and channel widening	<\$100,000
6	Jackson Meadows Pond Erosion Control	5	Erosion control	\$100,000-\$500,000
7	Spring Meadows Estates Detention Pond Design	8	Pond redesign	<\$100,000
8	Long Branch from Dewitt to Ingram	9	Channel design and repair	\$1,000,000-\$2,000,000

*Note: The Long Branch Stream Flood Control Project includes multiple projects along the Long Branch corridor, from Dewitt Road to the southeastern City limit. Further evaluation will determine the scope of each phase of the project.

Policy Considerations



- Every property in the City drains to a storm inlet, ditch, stream, and/or creek, on it's way to Lake Ray Hubbard.
- Downstream properties receive runoff from upstream properties.
- Runoff traveling across a property may be significant, particularly when the downstream property contains a drainage ditch, stream, or creek.
- Newer developments have incorporated modern storm systems, stormwater detention facilities, and placed major drainage systems on HOA Lots, limiting responsibility on individual property owners.
- Older developments have drainage easements across private property, where the property owner is responsible for maintaining the drainage system, regardless of the size of the system.

Policy Considerations

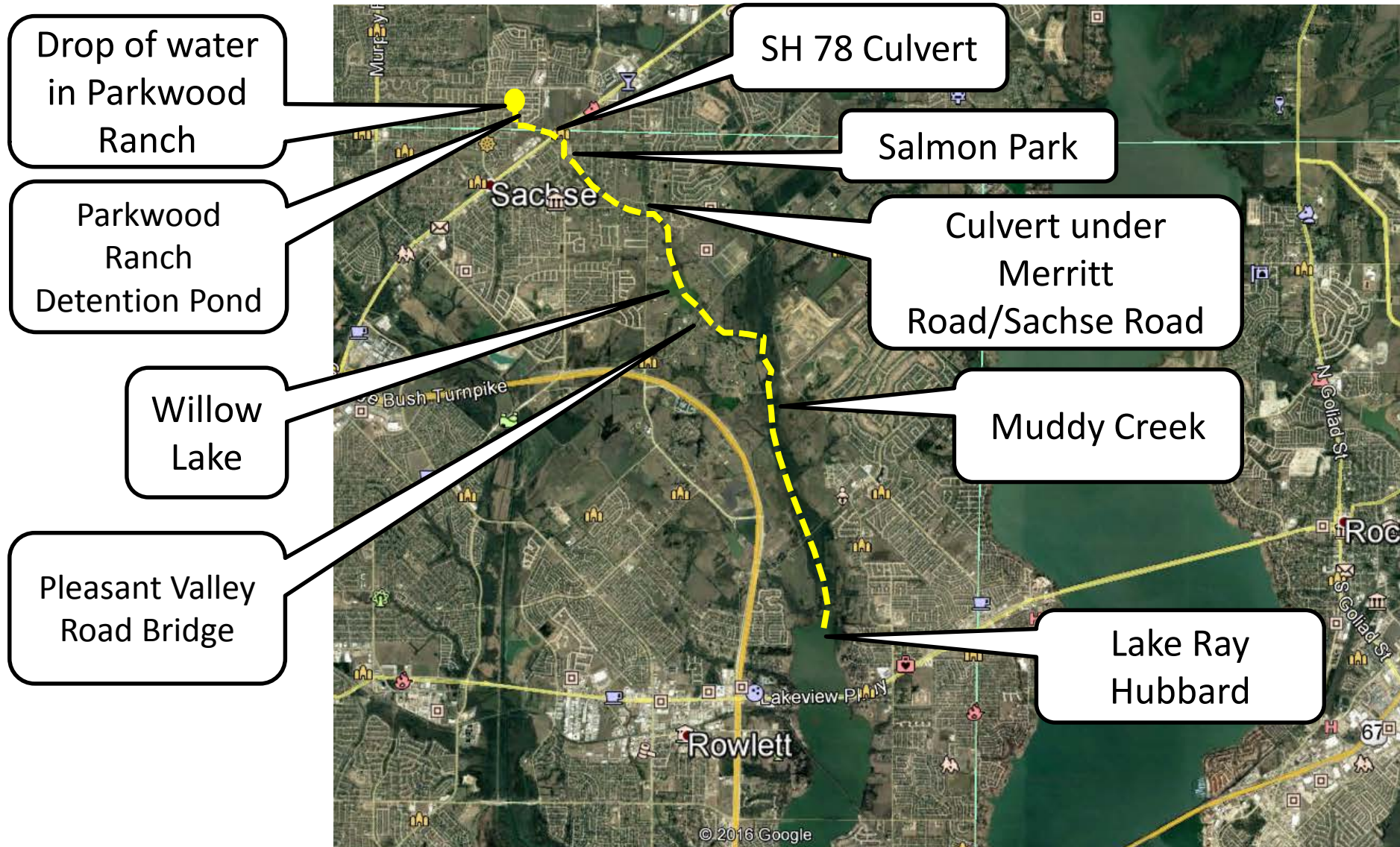


- The significant difference between how older and newer developments handle drainage reflects the policy improvements made by the City over time.
- These improvements in City standards and requirements related to development and drainage design occurred over long periods of time, consistent with the region.
- Sachse did not significantly lag behind in requiring developers to build storm systems and provide stormwater detention. Rather the drainage situations faced by our City (older development versus newer development) are common.
- While a new development may have modern storm systems, detain stormwater, and reduce the peak flow of runoff, every drop of runoff still must travel downstream, through various drainage systems maintained by property owners, on its way to the lake.

Policy Considerations



A drop of water in Parkwood Ranch – where does it go?



Rate Considerations



- Every property in the City drains to a storm inlet, ditch, stream, or creek, on it's way to Lake Ray Hubbard.
- Downstream properties receive runoff from upstream properties, particularly when the downstream property contains a drainage ditch, stream, or creek.

Water Fee



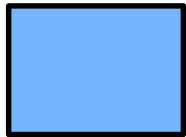
Drainage Fee



Rate Considerations



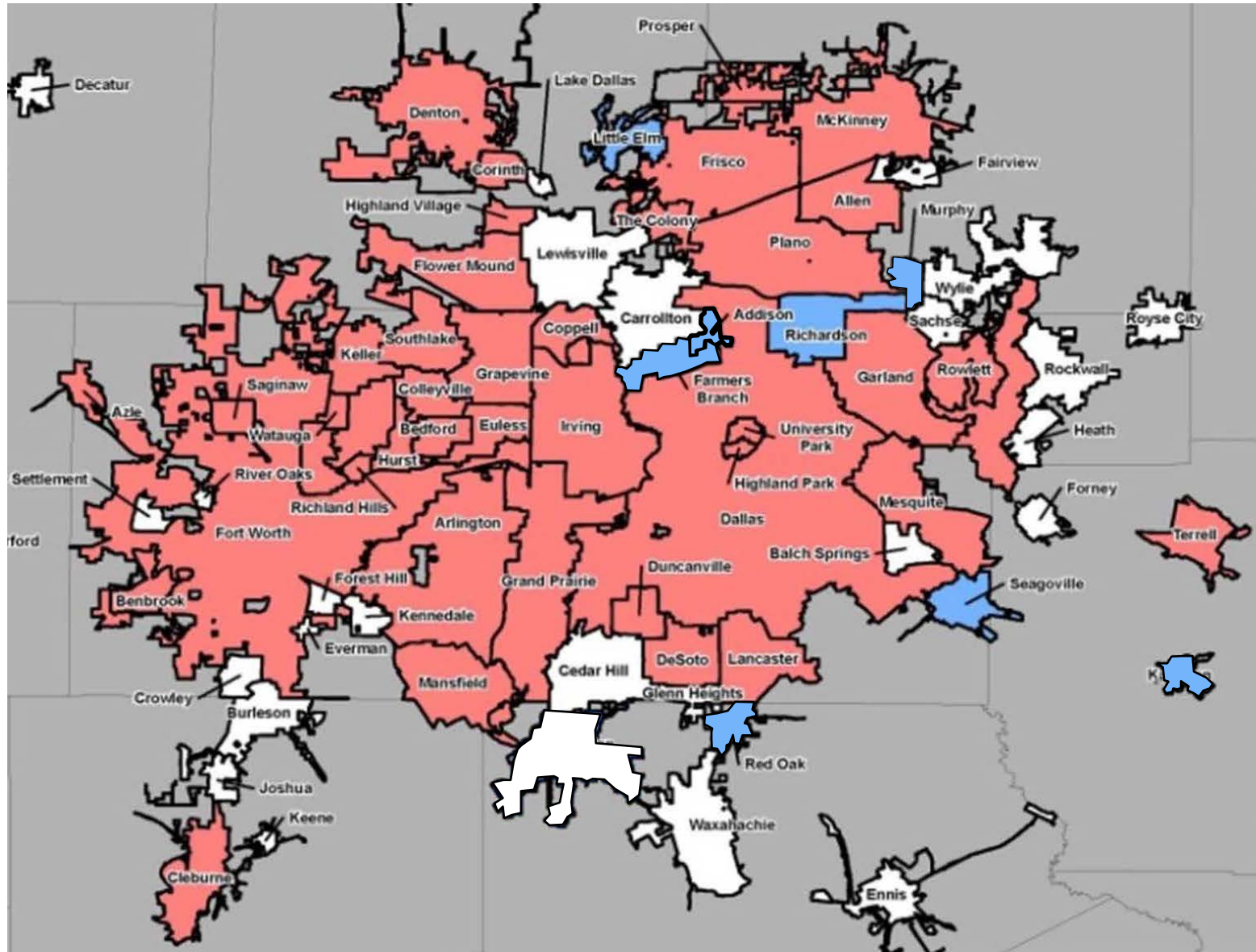
Fund Created
Prior to 2011



Fund Created
In/After 2011



No Fund



Rate Considerations

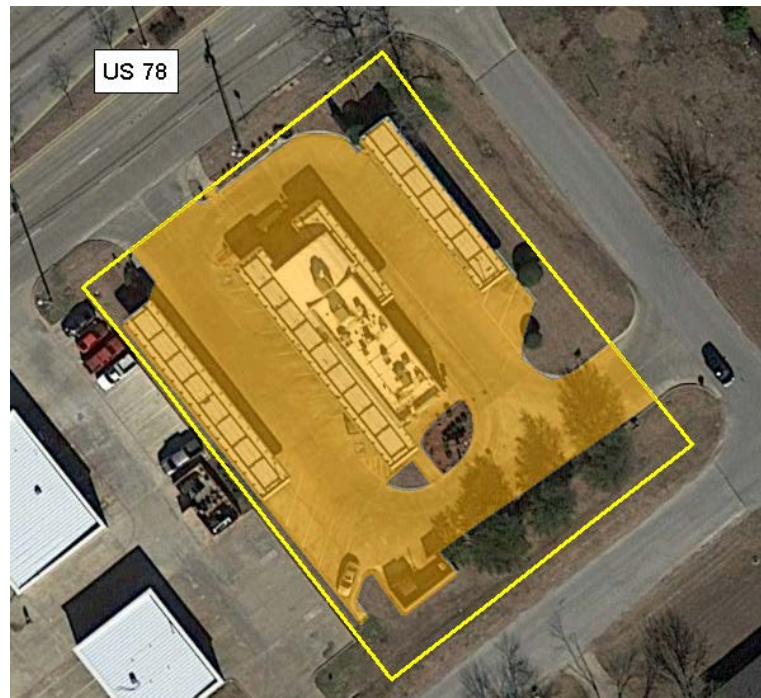


- Based on Impervious Area (IA)
 - Flat residential rate
 - Non-residential rate based on amount of impervious area
- ERU = equivalent residential unit = 4,300 sf impervious area

Impervious Area Calculation

Building: 6,441 sf
Parking Lot: 19,359 sf
Impervious Area: 25,800 sf

Commercial



Residential



Rate Considerations



- Single tier system for single-family residential properties (including townhomes and duplexes)
- Example

Residential Property A
Property Size: 7,200 SF
Impervious Area: 3,100 SF



Single Tier ERU: 1

Residential Property B
Property Size: 65,340 SF
Impervious Area: 9,100 SF



Single Tier ERU: 1

Rate Considerations



- Equivalent Residential Unit (ERU) – unit of measurement applied to non-residential properties, to correlate the impervious area of the property to an equivalent amount of impervious area on a single family residential property.

Example 2 – Non-residential

Property C

Use: Retail

Property size: 1.5 acres (65,340 square feet)

Impervious Area: 52,272 square feet

$ERU = 52,272 \text{ SF} / 4,300 \text{ SF} = 12.14$



Rate Considerations



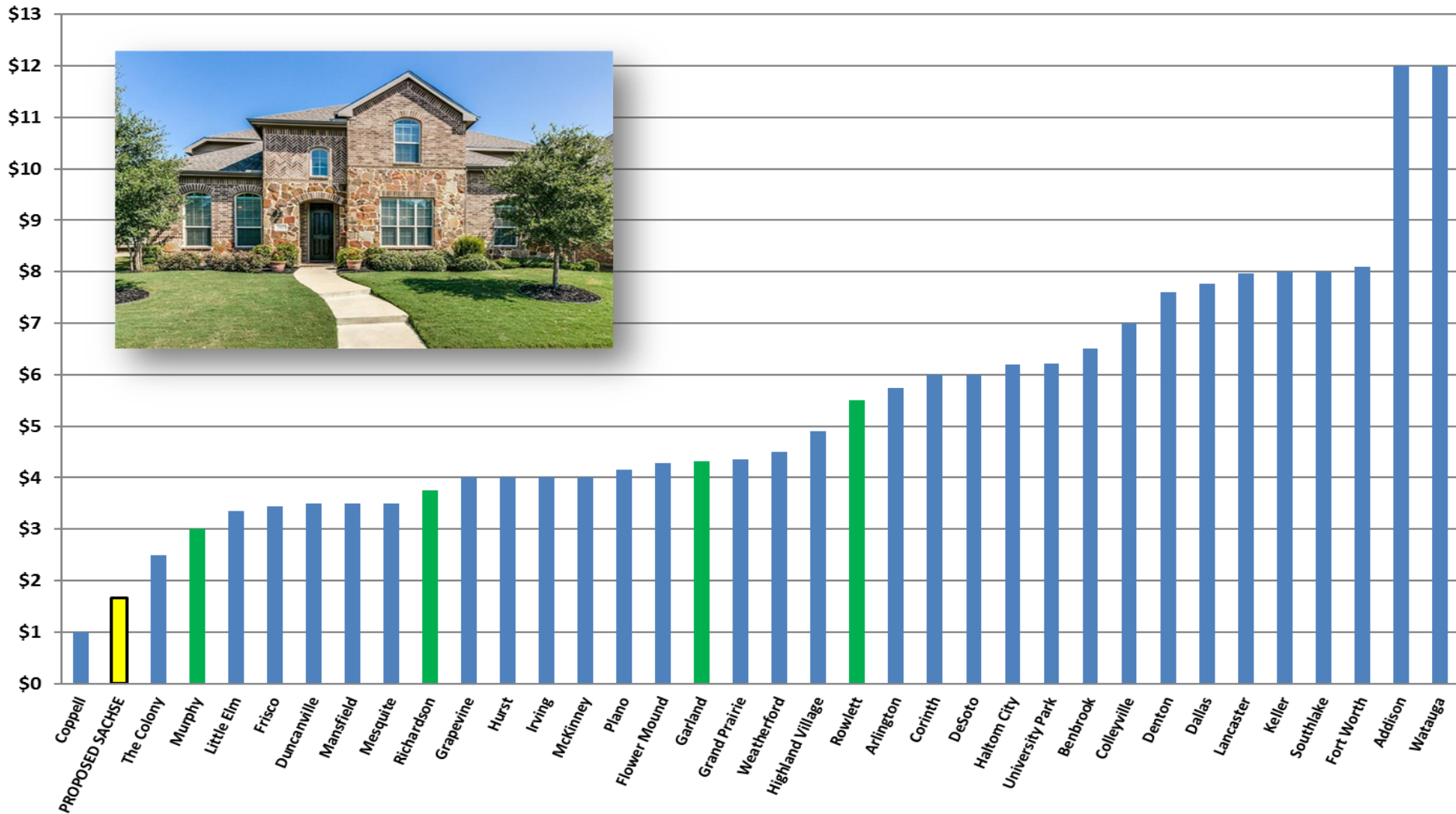
Fee Breakdown	Fee/Month
Residential Rate – Flat Rate	\$1.66
Non-Single Family Residential – Per ERU	\$1.66/ERU
Example (Sonic - 6 ERUs)	\$9.96
Example (Kroger - 64 ERUs)	\$106.24

Total Annual Revenue	\$202,500
-----------------------------	------------------

How does the fee compare?



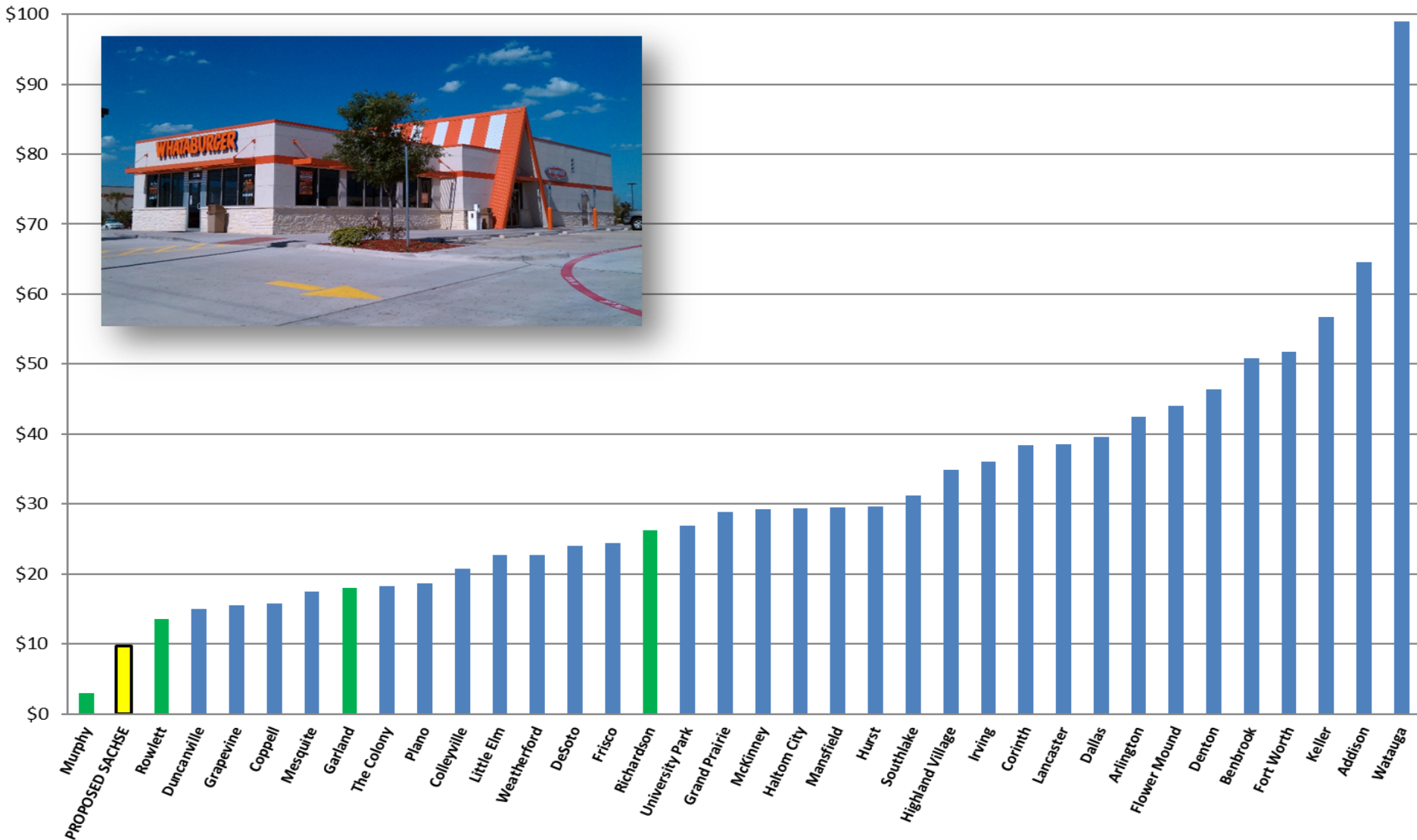
Residential Monthly Stormwater Utility Charge for Selected Cities



How does the fee compare?



Small Commercial Monthly Stormwater Utility Charge for Selected Cities (0.85 acre lot / 24922 sq ft impervious area)

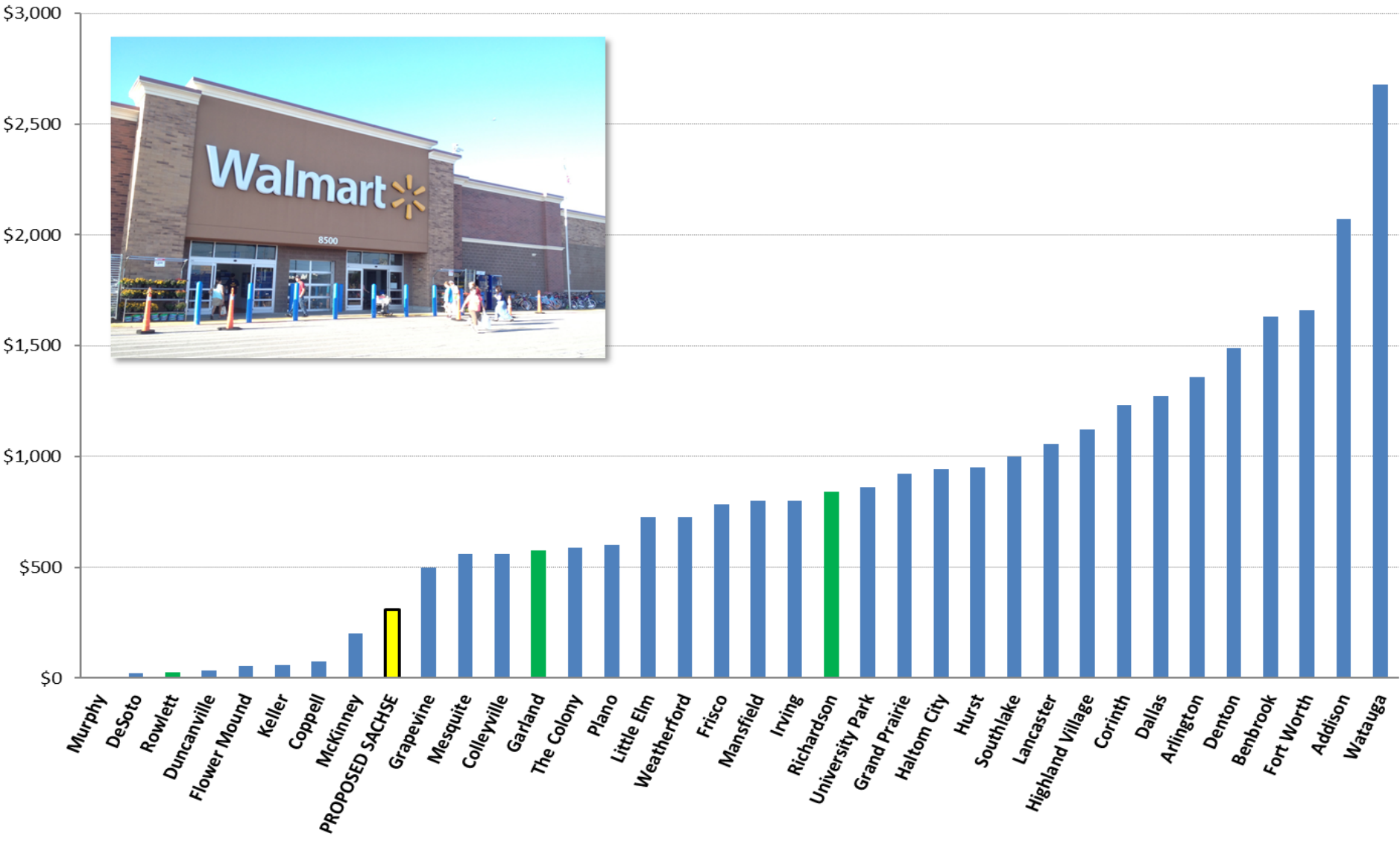


How does the fee compare?



Big Box Commercial Monthly Stormwater Utility Charge for Selected Cities

(1,000,000 sq ft property / 800,000 sq ft impervious area / 220,000 sq ft building, 2 water meters)



Recommendation & Next Steps



- Staff recommends approval of the proposed ordinance.
- Next Steps
 - Public Hearing
 - Council to consider adopting an ordinance to establish a stormwater utility in the City with a fee for the stormwater utility of \$1.66/ERU, with all single family residences considered to be 1 ERU.
 - If approved, staff would begin implementing the stormwater utility in January of 2018.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10 TITLED "UTILITIES," BY ADDING SECTION 10-9 TITLED "MUNICIPAL DRAINAGE UTILITY SYSTEM" TO ESTABLISH REQUIREMENTS FOR A MUNICIPAL DRAINAGE UTILITY SYSTEM BY PROVIDING FOR DRAINAGE SERVICE, BILLING, EXEMPTIONS, DRAINAGE CHARGES, AND APPEALS; BY ADDING A NEW SECTION 10-10 TITLED "MUNICIPAL DRAINAGE UTILITY SYSTEM FEE SCHEDULE" TO ESTABLISH FEES FOR THE MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, pursuant the Act, the City Council has investigated and determined that a schedule of drainage fees shall be applied against all real property in the proposed service area(s); and

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

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

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 10 titled “Utilities” by adding a new Section 10-9 titled “Municipal Drainage Utility System” and “Section 10-10” titled “Municipal Drainage Utility System Fee Schedule”, to read as follows:

“CHAPTER 10

UTILITIES

...

Sec. 10-9 Municipal drainage utility system.

A. Creation and administration

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

(2) Definitions.

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

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

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

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

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

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

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

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

(7) *Charges.*

- (a) The City Council shall, following the adoption of this Article, from time to time establish by ordinance a drainage charge schedule for charges which shall be collected through the City's bill for public utilities pursuant to the Act and other applicable law. There shall be a drainage charge on each monthly public utility statement for the City drainage system as set forth in the drainage charge schedule. The City Manager, or designee, is authorized to collect such charges in a manner consistent with the City Charter, the Act and this Article. The drainage charges shall be a separate line item on the public utility statement, and shall be clearly identified as a separate charge. Except, as otherwise provided herein, the billing, charges and collection procedures shall be consistent with City collection procedures for water and sewer services provided by the City.
- (b) The drainage charges established pursuant to this Article will apply to the accounts maintained by the City for public utility services.
- (c) All billings, credits, exemptions and other procedures relating to drainage charges established pursuant to this Article shall be subject to the provisions of the Act and other applicable law.
- (d) A deposit for the drainage services as a precondition to accepting surface flow from benefitted property into the City drainage utility system shall not be required. All

benefitted property of the City will be provided with drainage utility system service on timely payment of drainage charges established herein.

(8) *Appeals.*

- (a) Billing and payment disputes for administrative issues relating to the drainage charges shall be subject to appeals procedures used by the City for other public utility billing disputes. A person or entity that owns or occupies a benefitted property may appeal the drainage charges established herein pursuant to this procedure set forth in this section.
- (b) Appeals shall be directed to the City Engineer for evaluation and determination. An appeal shall be in writing and submitted to the City Engineer within thirty (30) days after the public utility billing statement containing the matter to be disputed. During all periods of appeal the person or entity that owns or occupies the benefitted property and/or the account holder shall be responsible for payment of the charges in full.
- (c) The City Engineer shall render a written decision on such appeals within thirty (30) days after receiving a timely written notice of appeal from the person or entity that owns or occupies the benefitted property and/or the account holder. The City Engineer shall deliver a copy of the appeal decision to the person or entity that owns or occupies the benefitted property and/or the account holder by U.S. mail to the address of the landowner/account holder according to the most recent records in the possession of the City.
- (d) Any person or entity who owns or occupies the benefitted property and/or the account holder who disagrees with the decision of the City Engineer may appeal such decision to the City Manager in writing within ten (10) days after receipt of the decision of the City Engineer. The decision of the City Manager shall render a written decision within thirty (30) days after receipt of a timely appeal. The decision of the City Manager shall be final.

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

Sec. 10-10 Municipal Drainage Utility System Fee Schedule

- (1) *Establishment.* The municipal drainage utility system fee is adopted pursuant to Section 10-9 and shall be collected through the City's bill for public utilities pursuant to the Act, and other applicable law.
- (2) *Impervious area; fee assessed.*

- (a) Drainage utility fees shall be charged based on a property's contribution to the public drainage utility system. The contribution shall be based on the impervious area for the property.
 - (b) Each single-family residential user of the drainage utility system shall be charged a flat monthly rate based upon one Equivalent Residential Unit according to the rate schedule adopted in the Master Fee Schedule.
 - (c) Each non-single family residential user, business user, and industrial user of the drainage utility system shall be charged a monthly rate based upon the Equivalent Residential Unit for each 4,300 square feet of impervious area according to the rate schedule adopted in the Master Fee Schedule.
- (3) *Exemptions.* The following property shall not be assessed a drainage utility fee:
 - (a) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City in which the property is located for maintenance;
 - (b) A subdivided lot, until a structure has been built on the lot and a Certificate of Occupancy has been issued by the City;
 - (c) Property with proper construction and maintenance of a wholly sufficient and privately-owned drainage system;
 - (d) State property; and
 - (e) Public or private institutions of higher education property.
- (4) *Fee credits.*
 - (a) A property owner may petition the City to reduce the drainage utility fee for an individual property to account for on-site storm water management controls that reduce the property's impact to the drainage utility system.
 - (b) The petition shall be evaluated and the fee adjustment decision determined by the City Engineer or the Engineer's designated representative. The evaluation and determination performed by the City Engineer shall be based on nondiscriminatory, reasonable and equitable terms in accordance with the Act and this Article."

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

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

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

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

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

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____, 2017.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(91043/09-29-2017)



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-4005	Version:	1	Name:	Building Regulation Ordinance - Stormwater Revisions
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	9/28/2017	In control:		In control:	City Council
On agenda:	10/2/2017	Final action:		Final action:	
Title:	Conduct a public hearing to consider an ordinance to amend Chapter 3 (Building Regulations) of the Code of Ordinances by amending Article 1 (In General) by amending Section 3-15 titled "Flood Hazard Area Regulations" by amending subsection E titled "Definitions" by adding new definitions and amending subsection H titled "Provisions for Flood Hazard Reduction" to provide a new requirement for subdivision proposals; by amending Section 3-17 titled "Drainage and Stormwater Control" by amending subsection D titled "Responsibility of Owner or Developer for Storm Damage" by amending (6) and (10) to amend the responsibilities for the owner and City Engineer in developing drainage and floodwater control; by amending (2) of Section E titled "Engineering Design" to amend requirements for engineering design and computation; by amending (3) of subsection E titled "Engineering Design" to amend requirements for predicting volume of runoff.				

Sponsors:

Indexes:

Code sections:

Attachments: [Presentation - Building Regulation Ordinance](#)
[Ordinance Amending Chapter 3 Building Regulations by Amending Flood Hazard Areas and Drainage](#)

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing to consider and act on proposed revisions to Chapter 3 (Building Regulations) of the Code of Ordinances, to revise flood hazard and drainage and stormwater control regulations.

Background

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

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

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

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

As a part of the process for the stormwater utility study, staff and the consultant reviewed the City's existing regulations related to flood hazard, drainage, and stormwater controls. It was determined that some minor updates to the regulations was required, including:

- Detention for the 2-yr and the 100-yr design storms
- Downstream analysis required to demonstrate system capacity when known flooding problems exist
- Recommend community detention systems for larger undeveloped areas, versus smaller individual detention ponds for each lot (non-residential development)
- Stormwater quality requirements for high impact development
 - Gas Stations, Fast Food Restaurants, Auto Repair Shops
 - require storm systems to include structures and methods to remove contaminants from stormwater prior to entering the downstream storm system

The goal of these changes is to utilize the lowest cost, most efficient regulatory improvements for new development in order to protect the health, safety, and welfare of our existing homes and businesses.

At the August 21st City Council meetings, the City Council was presented with the draft ordinance. Staff received feedback and direction from the City Council and finalized the ordinance in line with the feedback received.

Based on the feedback received for this item, staff has finalized a new ordinance revising Chapter 3 (Building Regulations) for the purpose of revising flood hazard regulations, drainage regulations, and stormwater control regulations.

Policy Considerations

The City of Sachse has existing flood hazard regulations and stormwater control regulations in place. It is necessary to revise and update these regulations from time to time, in order to best protect the health, safety, and welfare of the community. The proposed changes will impact new development, and will not be imposed upon existing developed properties in the City, unless and until the property is re-developed.

Budgetary Considerations

None.

Recommendations

Staff recommends approval of the proposed revisions to Chapter 3 (Building Regulations) of the Code of Ordinances, to revise flood hazard and drainage and stormwater control regulations.

An aerial photograph showing a flooded landscape. In the upper left, a multi-lane highway runs horizontally. To its right is a large, irregularly shaped pond or reservoir. The foreground and middle ground are dominated by a dense forest of trees, many of which are partially submerged in floodwater. A winding road or path cuts through the trees, leading towards the pond. In the background, beyond the pond, there are some buildings and more open land.

Stormwater Ordinances

Chapter 3 – Building Regulations

City Council
October 2, 2017

History

- Staff worked with a consultant on a stormwater utility study for the City of Sachse, Texas. The City Council approved funding of the study in the FY 2015-2016 budget, and approved the selection of Freese & Nichols, Inc. as the consultant in 2016.
- Staff and the consultant have provided citizen engagement opportunities through three methods, including:
 - Website Portal: website with information on the study and a page for citizens to provide feedback to the consultant and staff
 - Citizen Open House: Held September 21st from 6pm-8pm at the Sachse Library
 - Sachse Fallfest: staff and the consultant worked a booth from 10am-2pm, handing out flyers and discussing drainage with Sachse residents
- The City Council selected members of the community to participate in the study as members of a Steering Committee. Staff and the consultant worked with the Citizen Steering Committee to review the stormwater needs and develop recommendations regarding a stormwater utility for the City.
- As a part of the process for the stormwater utility study, staff and the consultant reviewed the City's existing regulations related to flood hazard, drainage, and stormwater controls. It was determined that some minor updates to the regulations were required.

Current Development Requirements

Current Policy (multiple ordinances)

- Developer required to construct modern underground storm systems (inlets/pipe)
- Developer required to provide detention for the 100-yr design rainfall event (8.82 in/hr of rain) – detaining to pre-development peak runoff flow
- Open drainage channels to be placed in/on a lot or easement to be maintained by the HOA

Proposed Development Ordinance

Recommended Policy Options

- Detention for the 2-yr and the 100-yr design storms
- Downstream analysis required to demonstrate system capacity when known flooding problems exist
- Recommend community detention systems for larger undeveloped areas, versus smaller individual detention ponds for each lot (non-residential development)
- Stormwater quality requirements for high impact development
 - Gas Stations, Fast Food Restaurants, Auto Repair Shops
 - require storm systems to include structures and methods to remove contaminants from stormwater prior to entering the downstream storm system

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 amending Sections 3-15 and 3-17 to provide definitions including stormwater detention; providing provisions related to the duties of the City Engineer; providing for drainage design requirements and construction standards; providing for stormwater best management practices; and providing clarification for work that is to be completed pursuant to the building regulations, standard specifications and standard construction details of the City; providing a repealing clause; providing a savings clause; providing a severability clause; providing for 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.

Next Steps

- Public Hearing
- City Council consideration

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3 TITLED "BUILDING REGULATIONS" BY AMENDING ARTICLE I TITLED "IN GENERAL" BY AMENDING SECTION 3-15 TITLED "FLOOD HAZARD AREA REGULATIONS" BY AMENDING SUBSECTION E TITLED "DEFINITIONS" BY ADDING NEW DEFINITIONS AND AMENDING SUBSECTION H TITLED "PROVISIONS FOR FLOOD HAZARD REDUCTION" TO PROVIDE A NEW REQUIREMENT FOR SUBDIVISION PROPOSALS; BY AMENDING SECTION 3-17 TITLED "DRAINAGE AND STORMWATER CONTROL" BY AMENDING SUBSECTION D TITLED "RESPONSIBILITY OF OWNER OR DEVELOPER FOR STORM DAMAGE" BY AMENDING (6) AND (10) TO AMEND THE RESPONSIBILITIES FOR THE OWNER AND CITY ENGINEER IN DEVELOPING DRAINAGE AND FLOODWATER CONTROL; BY AMENDING (2) OF SECTION E TITLED "ENGINEERING DESIGN" TO AMEND REQUIREMENTS FOR ENGINEERING DESIGN AND COMPUTATION; BY AMENDING (3) OF SUBSECTION E TITLED "ENGINEERING DESIGN" TO AMEND REQUIREMENTS FOR PREDICTING VOLUME OF RUNOFF; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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.

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

SECTION 1. That the City of Sachse Code of Ordinances is amended by amending Chapter 3 "Building Regulations", to read as follows:

"Chapter 3

BUILDING REGULATIONS

...

Sec. 3-15. Flood Hazard Area Regulations

...

E. *Definitions.* Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this section its most reasonable application

...

High intensity land use means a land use which is likely to include the storage, use, sale, and/or purchase of waste materials, chemicals, paints, solvents, fuels, food processing/manufacturing, and drive thru services.

...

Private drainage facility means any drainage easement, floodway, flood zone, surface or subsurface pathway, channel, or pipe, natural or man-made which conveys stormwater runoff, located on private property, and not located on public property.

...

Structural stormwater controls means stormwater structures or engineered facilities intended to treat stormwater runoff and/or mitigate the effects of increased stormwater runoff peak rate, volume, and velocity due to urbanization, as identified in the North Central Texas Council of Government's iSWM Technical Manual, latest edition. This information is available at the office of the City Engineer.

....

H. *Provisions for flood hazard reduction.*

...

(3) *Standards for subdivision proposals.*

...

(g) All subdivision proposals shall be subject to the drainage design, stormwater detention, and stormwater quality requirements identified in Sec. 3-17.

...

Sec. 3-17. Drainage and stormwater control.

...

D. *Responsibility of owner or developer for storm drainage.*

...

(6) The maintenance of private drainage facilities shall be provided for by the property owner or assigned agent. The City shall reserve the right to enter into any drainage easement or utility easement filed of record with the County and/or City, to perform

maintenance work and to construct capital improvements as required to preserve and protect the health, safety, and welfare of the public. Said maintenance and/or capital drainage improvement projects shall be completed at the discretion of the City, based upon available funding, the recommendation of the City Engineer, and approval by the City Council through the annual budget process.

...

- (10) When developing land for a High Intensity Land Use, the Owner shall be responsible for the construction/installation, and maintenance of Structural Stormwater Controls for water quality. Said Structural Stormwater Controls shall be shown on the engineering plans, and reviewed and approved by the City Engineer prior to construction. Structural Stormwater Controls include but are not limited to those as identified in the North Central Texas Council of Government's iSWM Technical Manual, latest edition. This information is available at the office of the City Engineer. The City Engineer shall review and approve or deny the selection and use of Structural Stormwater Controls.

....

E. *Engineering design.*

...

- (2) Computation of storm water runoff for drainage areas less than 200 acres shall be by the "Rational Method," which is based on the principle that a maximum rate of runoff from a given drainage area for an assumed rainfall intensity occurs when all parts of the area are contributing to the flow at the point of discharge. The formula for calculation of runoff by the "Rational Method" is:

Q	=	CIA, where:
Q	=	The maximum rate of discharge expressed in cubic feet per second (fps).
C	=	A runoff coefficient which varies with the topography, soil, soil cover, land use and moisture content of the soil at the time the runoff producing rainfall occurs. This runoff coefficient shall be based on the ultimate use of the land as recommended by the Land Use Plan for the City of Sachse, and shall be selected from Table I herein on the basis of the use shown on land use and zoning map of the Comprehensive Zoning Ordinance for the City of Sachse. If an area has had a change of zoning to give the area land use for which the "C" in Table I is higher than the use shown on land use and zoning maps, the higher "C" factor shall be used.
I	=	Rainfall intensity in inches per hour from the applicable curves of Figure 1. Time of Concentration or Duration of Rainfall for use in Figure 1 shall be calculated by velocity data shown in Table II.

A	=	The drainage area, expressed in acres, contributing to the runoff at the point in question. Calculation of the drainage area shall be made from an accurate topographic map, a copy of which shall be submitted with the engineering plans for approval.
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For drainage areas in excess of 200 acres, where the use of "Rational Method" does not provide reliable data, the use of unit Hydrograph Flow Determination shall be made. The use of a unit hydrograph calculation will be based upon standard and accepted engineering principles normally used in the professional subject to the approval of the city engineer. The Soil Conservation Service Technical Release Number 55 is an acceptable method.

Computation of stormwater runoff shall be based on a fully developed drainage area, or watershed, in accordance with the land use projected in the then current comprehensive land use plan for the City of Sachse.

For any development other than single-family development as identified in the zoning ordinance, the stormwater runoff rate which will exit the development shall be no greater than the stormwater runoff rate prior to the development for both the 2-year and the 100-year frequency storms. This requirement may require the design and construction of detention or retention facilities.

For development of a portion of a larger undeveloped tract of land, the owner shall provide for a community detention or retention facility for the entire tract of land when the design of detention or retention facilities is required. The preliminary engineering of the community detention or retention facility shall be submitted for City review at the time of preliminary platting in accordance with Chapter 8, Subdivision, of this Code of Ordinances. The City Engineer may waive the requirement of a community detention or retention facility based on pre-development site conditions.

Engineering design for any property which is located within the land area described by metes and bounds and identified in Exhibit A shall conform to the requirement that no storm water drainage runoff greater than that amount which exists at the time of passage of this section amendment dated September 18, 1995 will be permitted. The engineering drainage design prepared for any proposed development which occurs within or on property contained in the land area described in Exhibit A shall make provisions to include either retention, detention or some other method of control where the storm water discharge is limited as specified herein. Exhibit A is on file in the office of the city secretary.

For any single-family dwelling development as identified in the zoning ordinance two acres or larger with at least three single-family dwellings, the stormwater runoff rate which will exit the development shall be no greater than the stormwater runoff rate prior to development for both the 2-year frequency and the 100-year frequency storm. For any single-family dwelling development as identified in the zoning ordinance platted prior to the adoption of this ordinance and not more than two acres in size with not more than two single-family dwellings, the post development stormwater runoff rate may increase provided the proposed stormwater runoff rate increase will not adversely affect adjoining property owner or public health, safety, and welfare as determined by the City Engineer.

When the development of any land use classification can, or does provide direct drainage outlet works into Lake Ray Hubbard or Rowlett Creek, consideration may be given to allow the design of storm runoff to occur without detention, or retention within the project limits.

All development plans, including site plans and file plats which have a drainage outlet works or outfall line with drainage into Lake Ray Hubbard, Rowlett Creek, Muddy Creek, or the city's storm water system, or any other locations which may be proposed for drainage outfall shall be submitted to the city.

The presentation and design of a comprehensive drainage plan submitted by the developer or their engineer to the city for all plats will be reviewed. The plan, after review and/or proposed modification, shall be approved by the city's engineer. If the plan is not adequate, the city's engineer will report the concerns to the city manager for action to be considered by the city, or changes to be made by the developer/owner.

(3) The two basic methods suggested for predicting the volume of runoff with time and the peak flow rate are the Rational Method and the Unit Hydrograph Method. The Rational Method may be used for drainage areas less than or equal to 200 acres. Drainage basins that exceed 200 acres must use the Unit Hydrograph Method. The Soil Conservation Service Technical Release Number 55 is an acceptable Unit Hydrograph Method.

When the Rational Method is used and detention is required, the volume of water supplied by the design storm may be calculated by converting the runoff rate, during a specific duration, to volume. The inflow volume should be determined for a period of at least twice the time of concentration for the site.

Retention and detention are two generalized types of storm runoff storage used to control the rate of runoff. Additional control methods may be considered, including but not limited to the stormwater controls listed in the North Central Texas Council of Government's iSWM Technical Manual, latest edition. This information is available at the office of the City Engineer. All detention ponds should be designed to empty within a 24-hour period.

...

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

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

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

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

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

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____, 2017.

APPROVED:

Mike J. Felix
Mayor

DULY ENROLLED:

Michelle Lewis Sirianni
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(09-29-2017/91045)



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3998	Version:	1	Name:	Economic Development Incentive Agreement
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	9/25/2017	In control:		In control:	City Council
On agenda:	10/2/2017	Final action:		Final action:	
Title:	Consider approval of an Economic Development Incentive Agreement made by and between the City of Sachse, Texas and Skorburg Retail Corporation.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Presentation - Economic Development Incentive Agreement Economic Development Agreement				

Date	Ver.	Action By	Action	Result
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Title

Consider approval of an Economic Development Incentive Agreement made by and between the City of Sachse, Texas (the "City") and Skorburg Retail Corporation (the "Company").

Background

History

The Sable Hills Estates Subdivision was platted and subdivided into a residential subdivision on February 17, 1961. The subdivision included public right-of-way for both Vicuna Circle and Ermine Circle. However, the developer never completed the construction of the public water, sewer, storm drainage, and paving improvements on these streets. With no streets and utilities, there are 44 single family residential lots that are privately owned and not useable for the intended purpose of the land. Some of these residential lots are owned by current Sachse residents.

Infrastructure Costs

As 44 individual pieces of residential property, it is financially and functionally impossible for individual property owners to pay to construct the necessary public improvements to allow the property owners to have reasonable use of their land. As such, the 2017 Comprehensive Plan identified the unbuilt public improvements in Sable Hills Estates as being necessary projects for the City to construct as capital improvement projects in the future. Based upon current construction costs, City staff estimates that the total cost of the necessary paving, drainage, water, and sanitary sewer improvements to be \$1,100,000.00.

Subdivision Ordinance

The current ordinance prohibits the recording of a final plat prior to completion of all public improvements. Until a plat is filed of record, individual lots may not be legally sold. Therefore, this type of situation would not occur in the future.

Financial Considerations

Currently, the City receives limited property tax revenues from the undeveloped residential lots. Since the lots are not accessible by a paved public street, and lack proper public utility access, the lots are of very little financial value to the land owners as well. If the 44 single family residential lots had access to paved streets and public utilities, it is highly likely that these lots would be developed into single family homes as was originally intended in 1961. Therefore, making these lots developable is beneficial to both property owners and the City of Sachse.

Previous Variance Request

At the December 5, 2016 City Council Meeting, Skorburg Retail Corporation requested a variance to the Subdivision Ordinance, to allow them to construct a non-standard street section for Ermine and Vicuna. The proposed street section was a 24-foot wide concrete street with bar ditches and no sidewalks. The City standard is a 31-foot wide concrete street with curb and gutter, 5 foot wide sidewalks, and underground storm drainage.

At the meeting, multiple citizens spoke out against the variance request, for the following reasons:

- Citizens want developers to be held to the City standards
- Citizens were concerned about the increased runoff causing drainage problems

The City Council voted unanimously to turn down the variance request based upon the drainage concerns and City standards for paving. Since that time, City staff has been working with Skorburg to identify a way to move their project forward while addressing the concerns voiced by the citizens.

Proposed Development & Incentive Agreement

The proposed paving and drainage improvements are to City standard, including:

- 31' concrete streets with curb and gutter
- 5' wide concrete sidewalks
- underground drainage systems in Ermine and Vicuna
- stormwater detention in the pipe system in Ermine and Vicuna (oversized storm pipes)
- grading of existing drainage ways to improve drainage along Williford and the west property lines of the development

Stormwater detention is not required due to the plat being approved in 1961, and the lots already being divided. However, the developer has agreed to provide stormwater detention through an oversized drainage system. Since there is no HOA for the area, the pipe detention system will be easier for City staff to maintain than a pond on property dedicated to the City.

The proposed agreement includes the following deal points:

- Skorburg will develop at least 25 of the 44 single family residential lots.
- Property owners of the remaining 19 lots may choose to keep their lots, develop their lots, or sell their lots.
- The minimum square footage of each Skorburg home will be 2,500 SF. (Current zoning allows a minimum home size of 1,725 SF.)
- Skorburg agrees to construct the necessary street paving, sidewalks, underground drainage, water, and sanitary sewer public improvements to City standards.
- Upon completion of the public improvements, the City will provide payment of \$110,000.00 toward the construction of Ermine Circle.
- Upon final inspection of each residential home constructed by Skorburg, the City will provide a grant in the amount of \$6,829.79 per home, totaling \$170,744.00.

Conclusion

The proposed agreement provides \$280,744.00 in grants toward the completion of the necessary public improvements. As stated above, the estimated total construction cost of the public improvements is \$1,100,000.00. In partnering with a developer to construct the public improvements, the City is saving \$819,256.00 in future capital infrastructure obligations. It is estimated that each Skorburg home will have a minimum value of \$350,000.00. At the FY 2018 City of Sachse tax rate of 0.74729, the 25 homes will result in an annual City property tax revenue of \$65,387.88. Therefore, the projected return on the \$280,744 investment made by the City is 4.29 years.

The projections of tax revenues to the City are based on the most conservative estimates, with no additional building lots being acquired by the Company. At that most conservative estimate, the City would be repaid in property tax revenues within 5 years. Additional homes constructed on the remaining 19 lots would quicken the rate of return on the investment.

Policy Considerations

The City is authorized by Article III, Section 52-a of the Texas Constitution and Texas Local Government Code Chapter 380 to provide economic development grants to promote local economic development. The 2017 Comprehensive Plan identified the unbuilt public improvements in Sable Hills Estates as being necessary projects for the City to construct as capital improvement projects in the future. The proposed agreement and partnership would achieve the goal of constructing the identified capital infrastructure projects at a significantly lower cost.

Budgetary Considerations

The agreement identifies the obligations of both the City and the Company. In total, the City will be obligated to provide \$280,744.00 in grants to Skorburg. The estimated total construction cost of the public improvements is \$1,100,000.00. In partnering with a developer to construct the public improvements, the City is saving \$819,256.00 in future capital infrastructure obligations. In addition, the City would receive the \$280,744.00 investment back through property taxes in less than 5 years.

Staff Recommendations

- Staff finds that the proposed public improvements will be constructed to City standard.
- Staff finds that the proposed drainage improvements and grading will reduce runoff that is conveyed toward the west edge of the development.
- Staff finds that the proposed detention system will reduce peak runoff rates downstream, resulting in no negative drainage impacts downstream as a result of development.
- Staff finds that the proposed incentive agreement results in the construction of paving, water, and sanitary sewer capital improvements at 25% of the cost if the City were to construct these improvements without a partnership.
- Staff finds that the proposed incentive agreement will have a return on investment of less than 5 years for the City of Sachse.

Therefore, staff recommends approval of an Economic Development Incentive Agreement made by and between the City of Sachse, Texas and Skorburg Retail Corporation.



Economic Development Incentive Agreement

City Council Meeting

October 2, 2017

Overview

- History
- Infrastructure Costs
- Subdivision Ordinance
- Financial Considerations
- Original Variance Request
- Proposed Development
- Proposed Incentive Agreement
- Staff Recommendations
- Next Steps

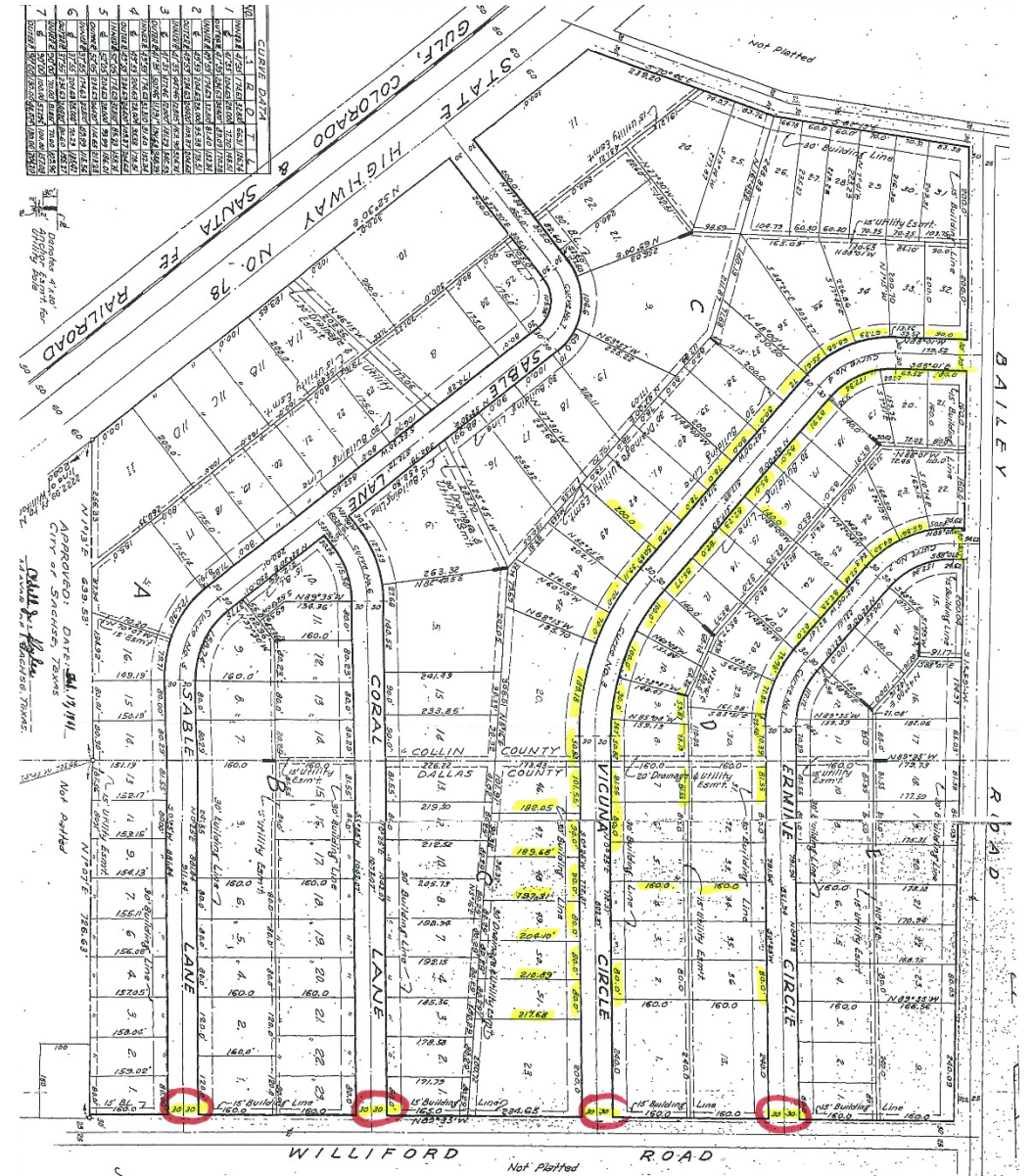
History

- The Sable Hills Estates Subdivision was platted and subdivided into a residential subdivision on February 17, 1961.
- The subdivision included public right-of-way for both Vicuna Circle and Ermine Circle. However, the developer never completed the construction of the public water, sewer, storm drainage, and paving improvements on these streets.
- With no streets and utilities, there are 44 single family residential lots that are privately owned, and not useable for the intended purpose of the land. Some of these residential lots are owned by current Sachse residents.



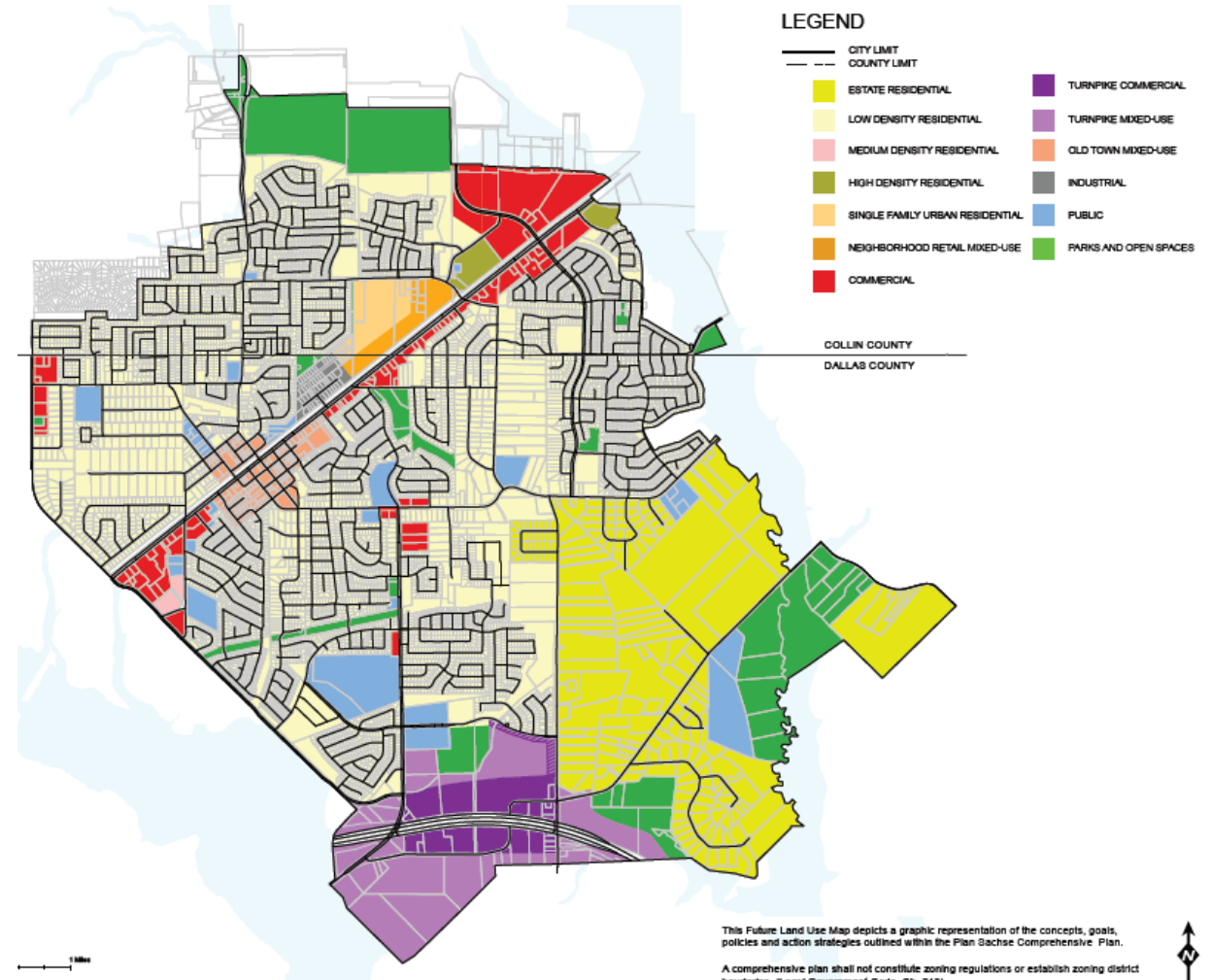
Infrastructure Costs

- As 44 individual pieces of residential property, it is financially and functionally impossible for individual property owners to pay to construct the necessary public improvements to allow the property owners to have reasonable use of their land.
- As such, the 2017 Comprehensive Plan identified the unbuilt public improvements in Sable Hills Estates as being necessary projects for the City to construct as capital improvement projects in the future. (Page 72)
- Based upon current construction costs, City staff estimates that the total cost of the necessary paving, drainage, water, and sanitary sewer improvements to be \$1,100,000.00.



Subdivision Ordinance

- The current ordinance prohibits the recording of a final plat prior to completion of all public improvements.
- Until a plat is filed of record, individual lots may not be legally sold. Therefore, this type of situation would not occur in the future.



Financial Considerations

- Currently, the City receives limited property tax revenues from the undeveloped residential lots.
- Since the lots are not accessible by a paved public street, and lack proper public utility access, the lots are of very little financial value to the land owners as well.
- If the 44 single family residential lots had access to paved streets and public utilities, it is highly likely that these lots would be developed into single family homes as was originally intended in 1961.
- Therefore, making these lots developable is beneficial to both property owners and the City of Sachse.

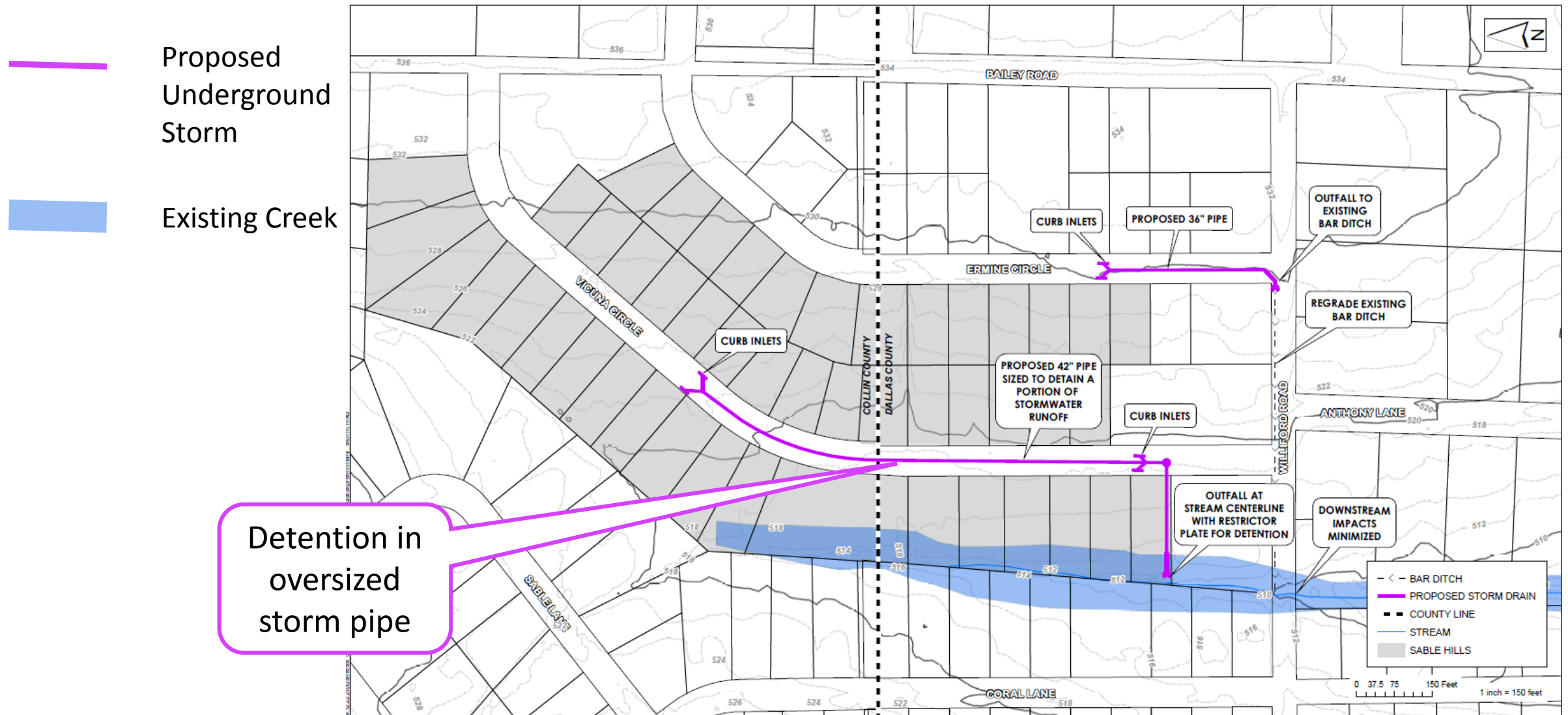
Original Variance Request

- At the December 5, 2016 City Council Meeting, Skorburg Retail Corporation requested a variance to the Subdivision Ordinance, to allow them to construct a non-standard street section for Ermine and Vicuna.
- The proposed street section was a 24-foot wide concrete street with bar ditches and no sidewalks. The City standard is a 31-foot wide concrete street with curb and gutter, 5' wide sidewalks, and underground storm drainage.
- At the meeting, multiple citizens spoke out against the variance request, for the following reasons:
 - Citizens want developers to be held to the City standards
 - Citizens were concerned about the increased runoff causing drainage problems
- The City Council voted unanimously to turn down the variance request based upon the drainage concerns and City standards for paving.
- Since that time, City staff has been working with Skorburg to identify a way to move their project forward while addressing the concerns voiced by the citizens.

Proposed Development

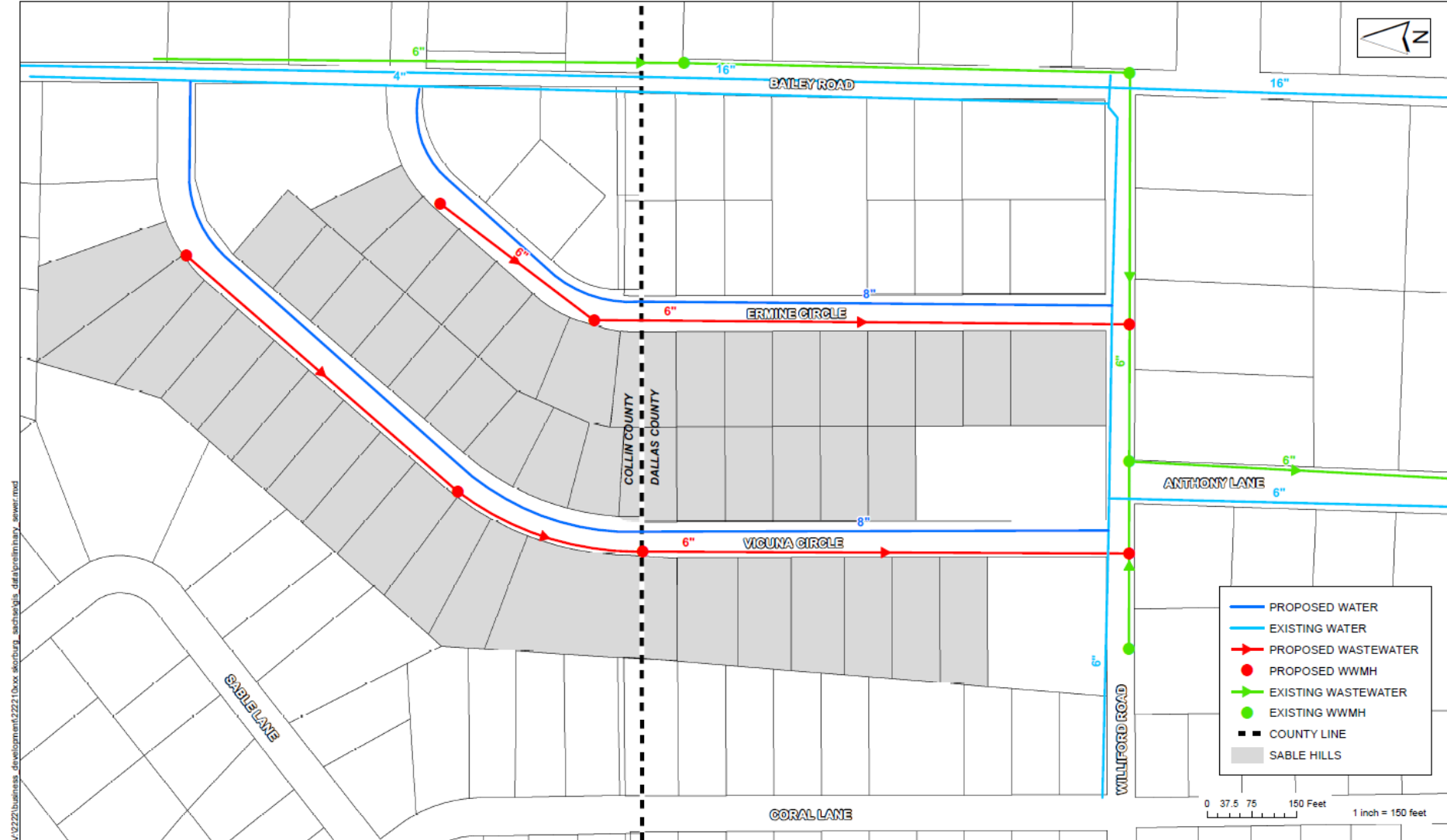
- The proposed paving and drainage improvements are to City standard, including:
 - 31' concrete streets with curb and gutter
 - 5' wide concrete sidewalks
 - Underground drainage systems in Ermine and Vicuna
 - Stormwater detention in the pipe system in Ermine and Vicuna (oversized storm pipes)
 - Grading of existing drainage ways to improve drainage along Williford and the west property lines of the development

Proposed Development – Concept Drainage Plan



Proposed Development – Concept Utility Plan

- Proposed Sewer
- Proposed Water
- Existing Water
- Existing Sewer



Incentive Agreement

- The proposed agreement includes the following deal points:
 - Skorburg will develop at least 25 of the 44 single family residential lots.
 - Property owners of the remaining 19 lots may choose to keep their lots, develop their lots, or sell their lots.
 - The minimum square footage of each Skorburg home will be 2,500 SF. (Current zoning allows a minimum home size of 1,725 SF.)
 - Skorburg agrees to construct the necessary street paving, sidewalks, underground drainage, water, and sanitary sewer public improvements to City standards.
 - Upon completion of the public improvements, the City will provide payment of \$110,000.00 toward the construction of Ermine Circle.
 - Upon final inspection of each residential lot developed by Skorburg, the City will provide a grant in the amount of \$6,829.79 per home, currently estimated at \$170,744.00.

Funding Information

- The proposed City contributions will come from Impact Fees, not from property tax or sales tax.
- Impact Fees are paid by developers for new roadway/water/sewer infrastructure.
- Impact fees are dedicated funding sources. They may only be used to construct new roadway/water/sewer infrastructure.

Staff Findings & Recommendations

- Staff Findings:
 - The proposed development and agreement address the citizen concerns voiced during the variance request in December, 2016, including:
 - The public improvements will be constructed to City standard.
 - The drainage improvements and grading will reduce runoff that is conveyed toward the west edge of the development.
 - The detention system will reduce peak runoff rates downstream, resulting in no negative drainage impacts downstream as a result of development.
 - The proposed incentive agreement results in the construction of paving, water, and sanitary sewer capital improvements at 25% of the cost if the City were to construct these improvements without a partnership.
 - The proposed incentive agreement will have a return on investment of less than 5 years for the City of Sachse.
 - The proposed incentive agreement is in line with the recommendation for the City to fund the Sable Hills infrastructure in the Comprehensive Plan.

Staff recommends approval of an Economic Development Incentive Agreement made by and between the City of Sachse, Texas and Skorborg Retail Corporation.

Next Steps

- Council may consider the proposed economic development incentive agreement.
- If approved by the City Council, staff will work with the developer to prepare the final engineering plans for paving, drainage, water, and sanitary sewer improvements.
- If approved, it is anticipated that construction would begin in early-to-mid 2018.

STATE OF TEXAS §
 § ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
COUNTY OF DALLAS §

This Economic Development Incentive Agreement (“Agreement”) is made by and between the City of Sachse, Texas (“City”), and Main Street TH, Ltd., a Texas limited partnership (“Company”) (each a “Party” or collectively the “Parties”), acting by and through their respective authorized representatives.

W I T N E S S E T H:

WHEREAS, Company is the owner of Lots 37-51 Block C, and Lots 4-18, 24, 26-28, 30-34 Block D in the Sable Hills Estates Subdivision, an addition to the City of Sachse, Texas as depicted in the plat thereof attached as **Exhibit “A”** (the “Company Lots”); and

WHEREAS, Company intends to construct, or cause to be constructed on each of the Company Lots a single-family residential dwelling unit with a minimum area of 2,500 square feet, exclusive of garages and breezeways (each a “Dwelling Unit”); and

WHEREAS, Company has agreed to design and construct the Ermine Roadway Project and the Vicuna Roadway Project (each hereinafter defined) required for the Sable Hills Estates Subdivision (hereinafter collectively defined as the “Public Improvements”); and

WHEREAS, Company has advised City that a contributing factor that would induce Company to design and construct the Public Improvements and the Dwelling Units would be an agreement by City to provide an economic development grant to Company to defray a portion of the costs of such investment; and

WHEREAS, promoting the retention and expansion of existing businesses within City and the recruitment of new businesses to City will promote economic development, stimulate commercial activity, generate additional sales tax and will enhance the property tax base and economic vitality of City; and

WHEREAS, City has adopted programs for promoting economic development, and this Agreement and the economic development incentives set forth herein are given and provided by City pursuant to and in accordance with those programs; and

WHEREAS, City is authorized by Article III, Section 52-a of the Texas Constitution and Texas Local Government Code Chapter 380 to provide economic development grants to promote local economic development and to stimulate business and commercial activity in City; and

WHEREAS, City has determined that making an economic development grant to Company in accordance with this Agreement is in accordance with City’s economic development program and will: (i) further the objectives of City; (ii) benefit City and City’s inhabitants; and

EXHIBIT “A”

(iii) will promote local economic development and stimulate business and commercial activity in City;

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Article I Definitions

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Additional Lots” shall mean any lot within Blocks C, D and E in the Sable Hills Estates Subdivision that are acquired and owned by Company within three (3) years after the Effective Date.

“Bankruptcy or Insolvency” shall mean the dissolution or termination of a Party’s existence as a going business, insolvency, appointment of receiver for any part of such Party’s property and such appointment is not terminated within ninety (90) days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against such Party and such proceeding is not dismissed within ninety (90) days after the filing thereof.

“City” shall mean City of Sachse, Texas.

“Commencement of Construction shall mean that: (i) the plans have been prepared and all approvals thereof required by applicable governmental authorities have been obtained for construction of the Public Improvements within the Rights-of-Way; (ii) all necessary permits for the construction of the Public Improvements within the Rights-of-Way have been issued by the applicable governmental authorities; and (iii) grading of the land for the construction of the Public Improvements has commenced.

“Company” shall mean Main Street TH, Ltd., a Texas limited partnership.

“Completion of Construction” shall mean that: (i) the construction of the respective Public Improvements within the Rights-of-Way has been substantially completed; and (ii) the City has issued a final acceptance of the Public Improvements.

“Construction Documents” shall mean the plans and specifications submitted for the design, installation and construction of the respective Public Improvements within the Rights-of-Way, as approved by City Engineer.

“Effective Date” shall mean the last date of execution hereof.

EXHIBIT “A”

“Ermine Roadway Grant” shall mean an economic development grant in an amount equal to the actual costs paid and incurred by the Company for the Ermine Road Project, not to exceed One Hundred Ten Thousand Dollars (\$110,000.00), to be paid as set forth herein.

“Ermine Roadway Project” shall mean the design and construction of Ermine Circle, including the paving storm sewer, and sanitary sewer improvements in accordance with the Construction Documents.

“Expiration Date” shall mean the date the Parties have fully satisfied their respective obligations under this Agreement, unless sooner terminated as provided herein.

“Force Majeure” shall mean any contingency or cause beyond the reasonable control of a Party including, without limitation, acts of God or the public enemy, war, terrorist act, or threat thereof, riot, civil commotion, insurrection, government action or inaction (unless caused by the intentionally wrongful acts or omissions of the Party), fires, earthquake, tornado, hurricane, explosions, floods, strikes, slowdowns or work stoppages.

“Grants” shall collectively mean the Ermine Roadway Grant and the Vicuna and Ermine Roadway Impact Fee Grant.

“Impact Fees” shall mean roadway, water and waste water impact fees assessed by the City against each of the Lots and collected by the City, if any.

“Impositions” shall mean all taxes, assessments, use and occupancy taxes, charges, excises, license and permit fees, and other charges by public or governmental authority, general and special, ordinary and extraordinary, foreseen and unforeseen, which are or may be assessed, charged, levied, or imposed by any public or governmental authority on Company or any property or any business owned by Company within City.

“Payment Request” shall mean a written request from Company to City for payment of the applicable Grant accompanied by receipts, invoices and such other records as may reasonably be requested by City to document the actual costs incurred and paid by Company for the respective Public Improvements.

“Property” shall mean the real property described in Exhibit “A” attached hereto.

“Related Agreement” shall mean any agreement (other than this Agreement) by and between City and Company, or any of its affiliated or related entities.

“Rights-of-Way” shall mean the street rights-of-way dedicated by the plat for the Sable Hill Estates Subdivision for Vicuna Circle and Ermine Circle.

EXHIBIT "A"

"Vicuna and Ermine Roadway Impact Fee Grant" shall mean an economic development grant, to be provided by City to Company in installments of Six Thousand Eight Hundred Twenty-Nine and 79/100 Dollars (\$6,829.79) for each Company Lot and each Additional Lot for which a Dwelling Unit has been constructed, to be paid by City to Company periodically during the term of this Agreement from Impact Fees assessed by City and collected by City from the respective Lot, estimated not to exceed One Hundred Seventy Thousand Seven Hundred Forty-Four Dollars (\$170,744.00) in the aggregate, as set forth herein.

"Vicuna Roadway Project" shall mean the design and construction of Vicuna Circle, including the paving, storm sewer, and sanitary sewer improvements, in accordance with the Construction Documents.

Article II Term

The term of this Agreement shall begin on the last date of execution hereof (the "Effective Date") and continue until the Expiration Date, unless sooner terminated as provided herein.

Article III Project; Economic Development Grants

3.1 Design and Construction of Project.

(a) Application for Permits. Prior to Commencement of Construction of the Public Improvements, Company shall make, or cause to be made, application for any necessary permits and approvals required by City and any applicable governmental authorities to be issued for the construction of the Public Improvements.

(b) Construction Plans. Prior to Commencement of Construction of the Public Improvements, Company shall submit plans and specifications for Public Improvements for approval by City Engineer. Company shall cause the Public Improvements to be designed and constructed within the Rights-of-Way in accordance with the Construction Plans.

(c) Compliance with Applicable Law. Company shall comply and cause its contractors and sub-contractors to comply with all local and state laws and regulations regarding the design and construction of the Public Improvements applicable to similar facilities constructed by City, including, but not limited to, any applicable requirement relating to payment, performance and maintenance bonds. Upon Completion of Construction of the Public Improvements, Company shall provide City with a final cost summary of all costs incurred and paid associated with the design and construction of the Public Improvements, and provide proof that all amounts owing to contractors and subcontractors have been paid in full evidenced by the customary affidavits executed by Company and/or its contractors.

EXHIBIT "A"

(d) Conveyance of Public Improvements. Upon Completion of Construction of the Public Improvements, or components thereof, Company shall convey to City by bill of sale or other conveyance instrument the respective Public Improvements.

(e) Bonds. Company shall cause each contractor to provide payment bonds and performance bonds for the construction of the Public Improvements to ensure completion of the Public Improvements pursuant to Chapter 2253, Texas Government Code. Company shall cause its contractors to provide City with a maintenance bond for the respective Public Improvements in accordance with City standards.

(f) Construction Schedule. Company shall, subject to events of Force Majeure, cause Commencement of Construction of the Public Improvements to occur on or before January 1, 2018, and shall, subject to events of Force Majeure, cause Completion of Construction of the Public Improvements to occur on or before October 31, 2018.

(g) Project Records and Audits. Company shall keep, and cause each contractor to keep, a complete and accurate record to document the performance of the Public Improvements work and to expedite any audit that might be conducted by City. Company shall maintain, and cause each contractor to maintain all books, documents, papers, accounting records and other documentation relating to costs incurred under this Agreement for the Public Improvements; and Company shall make, and cause each contractor to make, such materials available to City for review and inspection during the term of this Agreement and for a period of two (2) years from the date of Completion of Construction of the Public Improvements, or until any pending litigation or claims are resolved, whichever is later.

(h) As-Built Drawings. Prior to City acceptance of the Public Improvements, Company shall deliver to City a set of record ("as-built") drawings, professionally prepared by a licensed engineer, in hardcopy, PDF digital and CAD digital formats in accordance with the current standards set forth by City Engineer.

(i) Indemnification. THE CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE ACTS OR OMISSIONS OF THE COMPANY PURSUANT TO THIS AGREEMENT. THE COMPANY 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 SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY. THE COMPANY DOES HEREBY INDEMNIFY AND SAVE HARMLESS THE CITY FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY ARISING FROM THE COMPANY'S BREACH OF ANY OF THE TERMS AND CONDITIONS OF THIS AGREEMENT, OR BY REASON OF ANY ACT OR OMISSION ON THE PART OF THE COMPANY, ITS OFFICERS, DIRECTORS, SERVANTS,

EXHIBIT "A"

AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS IN THE PERFORMANCE OF THIS AGREEMENT (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO THE SOLE NEGLIGENCE OR WILLFUL ACT OF THE CITY). IN THE EVENT OF JOINT OR CONCURRENT NEGLIGENCE OF BOTH THE CITY AND COMPANY, THE RESPONSIBILITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. IF ANY ACTION OR PROCEEDING SHALL BE BROUGHT BY OR AGAINST CITY IN CONNECTION WITH ANY SUCH LIABILITY OR CLAIM, THE COMPANY SHALL BE REQUIRED, ON NOTICE FROM CITY, TO DEFEND SUCH ACTION OR PROCEEDINGS AT THE COMPANY'S EXPENSE, BY OR THROUGH ATTORNEYS REASONABLY SATISFACTORY TO THE CITY. THE PROVISIONS OF THIS SECTION ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

(j) Insurance.

- (1) Company shall obtain and maintain in full force and effect at its expense, or shall cause its contractors to obtain and maintain at their expense, the following policies of insurance and coverage: (i) Commercial General Liability Policy covering bodily injury, death and property damage, including the property of the City insuring against all claims, demands or actions relating to the work and services provided pursuant to this Agreement with minimum limits on a per project basis of not less than One Million Dollars (\$1,000,000) combined single limit and Two Million Dollars (\$2,000,000) aggregate, including products and completed operations coverage. This policy shall be primary to any policy or policies carried by or available to the City; (ii) Workers' Compensation/Employer's Liability Insurance Policy in full accordance with the statutory requirements of the State of Texas and shall include bodily injury, occupational illness or disease coverage with minimum Employer's Liability limits of not less than \$500,000/\$500,000/\$500,000; (iii) Automobile Liability Insurance Policy covering all operations of Company and its contractors pursuant to this Agreement involving the use of motor vehicles, including all owned, non-owned and hired vehicles with minimum limits of not less than One Million Dollars (\$1,000,000) combined single limit for bodily injury, death and property damage liability; (iv) Property/Builders Risk Insurance Policy with "all-risk" coverage of the Public Improvements construction value with replacement cost basis to include the interest of the City; and (v) Professional Liability Insurance with limit of not less than Two Million Dollars (\$2,000,000) for all negligent acts, errors and omissions by the

EXHIBIT “A”

Company’s project engineer that arise out of the performance of this Agreement.

- (2) Waiver of Subrogation Rights. The Commercial General Liability, Worker’s Compensation, and Automobile insurance required pursuant to this Agreement shall provide for waivers of all rights of subrogation against the City.
- (3) Additional Insured Status. With the exception of Worker’s Compensation Insurance and any contractor Professional Liability Insurance, all insurance required pursuant to this Agreement shall include and name City as additional insureds using Additional Insured Endorsements that provide the most comprehensive coverage to City under Texas law, including products/completed operations.
- (4) Certificates of Insurance. Certificates of Insurance and policy endorsements in a form reasonably satisfactory to City shall be delivered to City prior to the commencement of any work or services under this Agreement. All required policies shall be endorsed to provide City with thirty (30) days advance notice of cancellation or material change in coverage. On every date of renewal of the required insurance policies, Company shall deliver to City (and cause the contractor to deliver to City (as applicable) a Certificate of Insurance and policy endorsements to be issued evidencing the required insurance herein. In addition, Company shall, within ten (10) business days after written request, provide City with Certificates of Insurance and policy endorsements for the insurance required herein (which request may include copies of such policies). The delivery of the Certificates of Insurance and the policy endorsements (including copies of such insurance policies) to City is a condition precedent to the payment of any amounts due to Developer by City. The failure to provide valid Certificates of Insurance and policy endorsements shall be deemed a breach of this Agreement.
- (5) Carriers. All policies of insurance required to be obtained by Company and its contractors pursuant to this Agreement shall be maintained with insurance carriers that are satisfactory to City and lawfully authorized to issue insurance in the state of Texas for the types and amounts of insurance required herein. All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least “A-VII” by AM Best or other equivalent rating service. All policies must be written on a primary basis, non-contributory with any other insurance coverage and/or self-insurance maintained by City.

3.2 Ermine Roadway Grant. Subject to the continued satisfaction of all the terms and conditions of this Agreement by Company, and the obligation of Company to repay the Grants in

EXHIBIT “A”

accordance with Article V hereof, City agrees to provide Company the Ermine Roadway Grant to be paid by City to Company within thirty (30) days after receipt of a Payment Request following date of Completion of Construction of the Public Improvements and City verification of the actual costs incurred and paid by Company for the design and construction of the Ermine Roadway Project.

3.3 Vicuna and Ermine Roadway Impact Fee Grant. Subject to the continued satisfaction of all the terms and conditions of this Agreement by Company, and the obligation of Company to repay the Grants in accordance with Article V hereof, City agrees to provide Company the Vicuna and Ermine Roadway Impact Fee Grant following date of Completion of Construction of the Public Improvements and City verification of the actual costs incurred and paid by Company for the design and construction of the Vicuna and Ermine Roadway Projects to be paid periodically during the term of this Agreement within thirty (30) days after the later of the receipt of a Payment Request following the City final inspection of a Dwelling Unit on the respective Company Lot or Additional Lot, as the case may be, and the City collection of the Impact Fees assessed by City against the respective Lot.

3.4 Grant Limitations. Under no circumstances shall City obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision and this Agreement shall in no way be construed as being secured by ad valorem taxes or financed by debt. Further, City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by Company. None of City’s obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

3.5 Current Revenue. The Grants made hereunder shall be paid solely from lawfully available funds. Consequently, notwithstanding any other provision of this Agreement, City shall have no obligation or liability to pay any Grants except as allowed by law. City shall not be required to pay any Annual Grants if prohibited under federal or state legislation or a decision of a court of competent jurisdiction.

Article IV Conditions to the Economic Development Grant

The obligation of City to provide the Grants shall be conditioned upon the continued compliance with and satisfaction of each of the terms and conditions of this Agreement by Company, and each of the conditions set forth in this Article.

4.1 Good Standing. Company shall not have an uncured breach or default of this Agreement or any Related Agreement.

4.2 Payment Request. Company shall have timely submitted the applicable Payment Request.

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4.3 Project Construction. Company shall have timely Commenced and Completed Construction of the Public Improvements.

Article V Termination; Repayment

5.1 Termination. This Agreement terminates on the Expiration Date, and may, prior to the Expiration Date, be terminated upon any one or more of the following:

- (a) by mutual written agreement of the Parties;
- (b) upon written notice by either Party, if the other Party defaults or breaches any of the terms or conditions of this Agreement and such default or breach is not cured within thirty (30) days after written notice thereof;
- (c) upon written notice by City, and failure to cure within thirty (30) days after such notice, if any Impositions owed to City or the State of Texas by Company shall have become delinquent (provided, however, Company retains the right to timely and properly protest and contest any such taxes or Impositions);
- (d) upon written notice by City, if Company suffers an event of Bankruptcy or Insolvency; or
- (e) upon written notice by either Party, if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable.

5.2 Repayment. In the event the Agreement is terminated by City pursuant to Section 5.1(b), (c), (d) or (e), Company shall immediately refund to City an amount equal to the Grants paid by City to Company prior to the date of termination, plus interest at the rate of interest periodically announced by the *Wall Street Journal* as the prime or base commercial lending rate, or if the *Wall Street Journal* shall ever cease to exist or cease to announce a prime or base lending rate, then at the annual rate of interest from time to time announced by Citibank, N.A. (or by any other New York money center bank selected by City) as its prime or base commercial lending rate, from the date on which each respective Grant is paid by City until each such Grant is refunded by Company. The repayment obligation of Company set forth in this Section 5.2 hereof shall survive termination.

5.3 Offsets. City may at its option, offset any amounts due and payable under this Agreement against any debt (including taxes) lawfully due to City from Company, regardless of whether the amount due arises pursuant to the terms of this Agreement, a Related Agreement or otherwise, and regardless of whether or not the debt due City has been reduced to judgment by a court.

Article VI Miscellaneous

6.1 Binding Agreement. The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the Parties hereto.

EXHIBIT "A"

6.2 Limitation on Liability. It is understood and agreed between the Parties that Company and City, in satisfying the conditions of this Agreement, have acted independently, and City assumes no responsibilities or liabilities to third parties in connection with these actions.

6.3 No Joint Venture. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the Parties.

6.4 Authorization. Each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement. The undersigned officers and/or agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

6.5 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the Party at the address set forth below (or such other address as such Party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered:

If intended for City, to:

Attn: City Manager
City of Sachse, Texas
3825B Sachse Rd.
Sachse, Texas 75048
Email: gnash@cityofsachse.com

With a 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 Company, to:

Attn: Richard M. Skorborg, President
Main Street TH, Ltd.
8214 Westchester Drive, Suite 710
Dallas, Texas 75220

6.6 Entire Agreement. This Agreement is the entire Agreement between the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the Parties that in any manner relates to the subject matter of this Agreement, except as provided in any Exhibits attached hereto.

6.7 Governing Law. The Agreement shall be governed by the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction; and exclusive venue for any action concerning this

EXHIBIT "A"

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.

6.8 Amendment. This Agreement may only be amended by the mutual written agreement of the Parties.

6.9 Legal Construction. 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 affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.10 Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

6.11 Successors and Assigns. This Agreement may not be assigned without the prior written consent of City Manager.

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

6.13 Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

6.14 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.

6.15 Employment of Undocumented Workers. During the term of this Agreement, Company agrees not to knowingly employ any undocumented workers, and if convicted of a violation under 8 U.S.C. Section 1324a (f), Company shall repay the Grants herein and any other funds received by Company from City as of the date of such violation within 120 days after the date Company is notified by City of such violation, plus interest at the rate of 4% compounded annually from the date of violation until paid. Company is not liable for a violation of this Section by a subsidiary, affiliate, or franchisees of Company or by a person with whom Company contracts.

6.17 Prohibition of Boycott Israel. Company verifies that it does not Boycott Israel, and agrees that during the term of this Agreement will not Boycott Israel as that term is defined in Texas Government Code Section 808.001, as amended.

[Signature Page to Follow]

EXHIBIT "A"

EXECUTED on this ____ day of _____, 2017.

CITY OF SACHSE, TEXAS

By: _____
Gina Nash, City Manager

APPROVED AS TO FORM:

By: 
Peter G. Smith, City Attorney

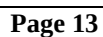
EXECUTED on this ____ day of _____, 2017.

**MAIN STREET TH, LTD.,
a Texas Limited Partnership**

By: **MAIN STREET TH GP CORPORATION,
a Texas Corporation,
Its General Partner**

By: _____
Richard M. Skorborg, President

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Economic Development Incentive Agreement – Sable Hills
City of Sachse and Main Street TH, Ltd.
51.90683



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-4000 **Version:** 1 **Name:** Newspaper of Record
Type: Agenda Item **Status:** Agenda Ready
File created: 9/27/2017 **In control:** City Council
On agenda: 10/2/2017 **Final action:**
Title: Discussion regarding the City's newspaper of record.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Title

Newspaper of Record

Background

The City Charter had initially established a newspaper of record in 1986. At that time, the City Council established the Dallas Time Herald as the newspaper of record via resolution. The following timeline outlines when resolutions were approved by the City Council and the newspaper of record that was established.

- 1987 - Dallas Time Herald
- 1988 - Garland Daily News
- 1989 - Garland Daily News
- 1990 - Garland Daily News (This was approved after the May 1990 Charter amendment that deleted it from the Charter)
- 1991 - The Sentinel
- 1993 - The Sentinel
- 1994 - Wylie News

Home Rule Cities are not required to name through the City Charter a newspaper of record, although it is recommended to establish one. The City currently uses C&S Media (Sachse News) as the newspaper of record.

Policy Considerations

Using a publication of broader regional circulation could get a wider reader audience for better transparency and disclosure of legal publications. In addition, more exposure for requests for proposals and bids to more vendors and contractors could result in receiving more competitive pricing for proposals and bids.

Budgetary Considerations

Using a larger publication of broader regional circulation could provide for monetary savings on

publications and advertisements.

Staff Recommendations

Discuss and provide feedback to staff.