REGULAR MEETING

OF THE

CITY COUNCIL OF THE CITY OF SACHSE

DECEMBER 3, 2012

The City Council of the City of Sachse held a Regular Meeting on Monday, December 3, 2012 at 7:30 p.m. at the Sachse City Hall after proper notice. The roll of the duly constituted City Council Members was called which members are as follows, to wit:

Mayor Mike Felix
Mayor Pro Tem Jared Patterson
Councilman Bill Adams
Councilman Brett Franks
Councilwoman Pat McMillan
Councilman Todd Ronnau
Councilman Mark Timm

and all were present.

Staff present: City Manager Billy George, Deputy City Secretary Denise Vice, Finance Director Jeri Rainey, Community Development Director Marc Kurbansade, Fire Chief Doug Kendrick, Police Chief Dennis Veach, Human Resources Manager Laura Morrow, Parks and Recreation Director Lance Whitworth, Library Manager Mignon Morse, and Sachse EDC Director Carlos Vigil.

Invocation and Pledge of Allegiance to U.S. and Texas Flags:
The invocation was offered by Mayor Pro Tem Jared Patterson and the pledges were led by Councilman Todd Ronnau.

1. Consent Agenda:
Councilman Adams requested Consent Agenda Item No. 12-1242 be pulled. Councilman Timm moved to approve the Consent Agenda consisting of Items No. 12-1237, Consider approval of the minutes of the November 19, 2012 Special Meeting; No. 12-1238, Consider approval of the minutes of the November 19, 2012 Regular Meeting; No. 12-1239, Consider canceling the December 17, 2012 Council meeting; No. 12-1230, Resolution No. 3437 of the City Council of the City of Sachse, Texas, authorizing the Sachse Public Library to apply for the Texas Book Festival Grants for Collection Enhancements ($2,500.00) and Literacy Initiatives ($5.000.00); No. 12-1211, Consider receiving the Monthly Revenue and Expenditure Report for the period ending October 31, 2012; and No. 12-1227, Consider receiving the Budget Calendar for the 2013-2014 fiscal year. The motion was seconded by Councilwoman McMillan and passed unanimously.

Councilman Adams recognized Wally Sparks and his dedication and efforts to serve Sachse. Council is hopeful that Mr. Sparks will be able to serve at a later date. Councilman Adams moved to approve Agenda Item No. 12-1242, Consider the acceptance of the resignation of Wally Sparks on the Planning & Zoning Commission. The motion was seconded by Councilwoman McMillan and passed unanimously.

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

Councilman Patterson thanked the Fire Association for the great job they did hosting Pancakes with Santa this past Saturday.

Councilman Franks commended the Parks and Recreation Department on another successful Daddy/Daughter Dance last Friday. It was a great time. He also wanted to invite everyone to the city's tree lighting ceremony this Thursday at 6:30 p.m. in the City Hall rotunda.

Mayor Felix noted the upcoming events: December 6th Christmas tree lighting at City Hall where the Hudson Middle School Choir will perform. The choir will also perform December 6th at 7:00 p.m. at the Library during Story Time with Santa. December 8th is the city's 5th annual Christmas parade starting at 9:30 a.m. at Hudson Middle School. Parade will end at City Hall where Cookies with Santa will start at 10:00 a.m. Santa will be at City Hall until 11:30 a.m. There will be bounce houses, entertainment, and refreshments in the amphitheater until 1:00 p.m. Sachse Fraternal Order of Police is collecting new, unwrapped toys and non-perishable food donations until December 15th. Judging for the annual holiday lighting contest will be December 16th. You must be registered to be judged. You may register online through the city's website.

Mayor Felix presented Finance Director Jeri Rainey with Sachse's 13th consecutive Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting. Ms. Rainey congratulated her staff and recognized Finance Manager Teresa Savage for her diligence and hard work.

3. Citizen Input:

City Manager Billy George announced the retirement of Fire Chief Doug Kendrick, effective January 31, 2013. Chief Kendrick has served the City of Sachse for 25 years in the fire service and was Sachse's first paid Fire Chief. Chief Kendrick thanked city council and the citizens for their constant support throughout the years.

4. Regular Agenda Items:

12-1212 Conduct a public hearing and consider approval of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; to grant a change of Zoning from Single Family Residential (R-1) to Single Family Residential (R-10) on an approximately 10.00 acre tract of land located on the southeast corner of Laurel Crest Lane and Woodbridge Parkway, City of Sachse, Dallas County, Texas; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date:

Marc Kurbansade, Community Development Director, introduced the item. Rick Fambro with Fairway Group Real Estate, 1416 J Avenue, Plano, Texas, 75074, addressed Council.

Following the briefing, Mayor Felix opened the public hearing. Richard Taylor, 6315 Aspen Estates, Sachse, stated that he supports the development. He is glad to see a high-quality residential development coming in to that location. Jessica Blancovich, 6216 Laurel Crest Lane, Sachse, also spoke in favor of the development. Brian Webster, 5908 Meadowcrest Lane, spoke against the development. He is concerned with the underground water seepage on the property and states all the

homes on his block have experienced severe foundation problems. Todd Condiff, 5806 Meadowcrest, is concerned with separating the development from the underground water issues. He would like to see the developer make sure it is not an issue for this development and that the development is done properly and correctly. Art Anderson with Winsted PC, 2728 N. Harwood Street, Dallas, Texas, 75201-1516, expressed his disagreement with the decision to use right-of-way in the percentage of ownership on the map.

Councilman Timm moved to close the public hearing. The motion was seconded by Mayor Pro Tem Patterson and carried unanimously.

More discussion followed regarding the map, the flood plain and utilizing FEMA guidelines in regards to the water issues. Mr. William L. Cravens with Metropolitan Interests Corporation, 3838 Oak Lawn Avenue, Suite 1416, Dallas, Texas, 75219-4515, developer of the property, addressed the City Council.

Following discussion, Mayor Pro Tem Patterson made a motion to approve Ordinance No. 3438 of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; to grant a change of Zoning from Single Family Residential (R-1) to Single Family Residential (R-10) on an approximately 10.00 acre tract of land located on the southeast corner of Laurel Crest Lane and Woodbridge Parkway, City of Sachse, Dallas County, Texas; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date. The motion was seconded by Councilman Timm and carried with Councilwoman McMillan voting no.

12-1215 Conduct a public hearing and consider approval of an Ordinance of the City Council of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; by amending Planned Development No. 19 (PD-19); more particularly described in Exhibit "B" attached hereto; by amending the site boundary for tract B-1 to include 1.130 acres of additional land area for a total land area of 18.712 acres; by amending Exhibit "A" to reflect the amended site area of 18.712 acres for tract B-1 and the amended site area of 90.939 acres for Tract C-2; by amending Exhibit "C" to modify multifamily development standards; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date:

Marc Kurbansade, Community Development Director, introduced the item and presented information to City Council. Don Herzog, Herzog Development, 800 E. Campbell Road, Suite 130, Richardson, Texas, 75081, and developer Matthew Hiles, Western Rim Property Services, 2505 N. State Highway 360, Suite 800, Grand Prairie, Texas, 75050, gave a presentation of the proposed development and answered questions regarding the sound wall to be constructed along the KCS Railroad adjacent to the property. Following the presentation, Mayor Felix opened the public hearing.

There were no comments. Councilman Timm moved to close the public hearing. The motion was seconded by Councilman Adams and carried unanimously.

Following discussion, Councilman Timm made a motion to approve Ordinance No. 3439 of the City Council of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; by amending Planned Development No. 19 (PD-19); more particularly described in Exhibit "B" attached hereto; by amending the site boundary for tract B-1 to include 1.130 acres of additional land area for a total land area of 18.712 acres; by amending Exhibit "A" to reflect the amended site area of 18.712 acres for tract B-1 and the amended site area of 90.939 acres for Tract C-2; by amending Exhibit "C" to modify multifamily development standards; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date. The motion was seconded by Councilman Ronnau and carried unanimously.

Council took a brief recess at 9:30 p.m.

Council returned to open session at 9:45 p.m.

12-1213 Conduct a public hearing and consider approval of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for Restaurant with Drive-Through use on an approximately 0.9133 acre tract of land located at 7360 State Highway 78 in a General Commercial District (C-2); providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date:
Marc Kurbansade, Community Development Director, introduced the item. Eidi M. Zaher, 213 Sherwood Drive, Murphy, Texas, 75094, addressed the Council regarding his request for the SUP. Mayor Felix opened the public hearing.

Tristan Eager, 8938 Angleton Place, Dallas, Texas, 75243, addressed how the drive-through changes the nature of an adjacent business. He also notes that it seems strange to pair a fast-food business with a dental office. He is against the SUP for a drive-through. Brian Davila, DDS, 7360 Highway 78, Suite 100, Sachse, Texas, 75048, expressed his concerns of the conflict of complimentary use. He is against the SUP for a drive-through. Vincent Kong, owner and property manager of 7320, 7340 and 7360 Highway 78, Sachse, Texas, 75048, expressed his desire for both tenants to succeed and noted that he has worked extensively with Sachse staff to make sure the property meets all city standards.

Councilman Timm moved to close the public hearing. The motion was seconded by Councilman Franks and carried unanimously.

Following discussion, Councilman Timm made a motion to approve Ordinance No. 3440 of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for Restaurant with Drive-Through use on an approximately 0.9133 acre tract of land located at 7360 State Highway 78 in a General Commercial District (C-2); providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date. The motion was seconded by Mayor Pro Tem Patterson and passed with Councilmen Ronnau and Adams voting no.

12-1214 Conduct a public hearing and consider approval of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for Mortuary and Crematorium Service on an approximately 4.19 acre tract of land located at 6800 State Highway 78 in a General Commercial District (C-2); providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date:
Marc Kurbansade, Community Development Director, introduced the item. Property owner and applicant Charles Smith, 1901 Ponderosa Trail, Sachse, presented additional information to Council. Mayor Felix opened the public hearing.

There were no comments. Councilman Timm made a motion to close the public hearing. The motion was seconded by Councilman Adams and carried unanimously.

Following discussion, Mayor Pro Tem Patterson made a motion to approve Ordinance No. 3441 of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for Mortuary and Crematorium Service on an approximately 4.19 acre tract of land located at 6800 State Highway 78 in a General Commercial District (C-2); providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date. The motion was seconded by Councilwoman McMillan and passed with Councilman Ronnau voting no.

12-1216 Conduct a public hearing and consider approval of an Ordinance of the City Council of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; by amending Planned Development No. 23 (PD-23); by amending the overall site boundary to include additional land area; by replacing Exhibit "A" with revised Exhibit "A" to permit Self Storage Units by right and amending the overall site area referenced; by amending Exhibit "B" to modify the site plan on approximately 6.73 acres of land more particularly described as Newman 78 Addition, Lots 1, 2R1, 2R2, and 3, Block A; providing a repealing clause; providing a savings clause; providing a severability clause, providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date:
Community Development Director Marc Kurbansade presented this item to Council. Applicant Shawn Valk (Assured Realty, 5613 Blue Bird Avenue, Dallas, Texas, 75237) resides at 623 Big Oak Court, Rockwall, Texas, 75087, addressed Council. Mayor Felix opened the public hearing. Brad Tidwell, 6616 Whittier Lane, Colleyville, Texas, is an adjacent property owner and is very excited about the project. He feels it will enhance his property as well as other neighboring properties.

Councilman Timm made a motion to close the public hearing. The motion was seconded by Councilman Adams and passed unanimously.

Following discussion, Councilman Timm made a motion to approve Ordinance No. 3442 of the City Council of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; by amending Planned Development No. 23 (PD-23); by amending the overall site boundary to include additional land area; by replacing Exhibit "A" with revised Exhibit "A" to permit Self Storage Units by right and amending the overall site area referenced; by amending

Exhibit "B" to modify the site plan on approximately 6.73 acres of land more particularly described as Newman 78 Addition, Lots 1, 2R1, 2R2, and 3, Block A; providing a repealing clause; providing a savings clause; providing a severability clause, providing a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and providing an effective date. The motion was seconded by Councilman Ronnau and carried unanimously.

12-1200 Consider approval of an Ordinance of the City Council of the City of Sachse, Texas amending the Code of Ordinances by amending Chapter 8 "Subdivision" by amending Section 8-21 "Impact Fees" by updating and adopting revised land use assumptions, capital improvements plan and amending the impact fees for water, wastewater and roadway facilities; providing for land use categories; providing for service units; and by amending Section 8-22 to provide for inspections fees to be provided in the City's Master Fee Schedule which is adopted by City Council Resolution; providing a repealing clause; providing a severability clause; providing for a penalty not to exceed two thousand dollars ($2,000.00) for each offense; and providing an effective date:
City Manager Billy George noted that Council had discussed this item previously in workshop.

Following discussion, Councilman Timm made a motion to approve Ordinance No. 3443, Version 5 of the City Council of the City of Sachse, Texas, that will accept the Land Use Assumption, the IFAC recommended fees as presented as well as removing the references to churches. The motion was seconded, as presented, by Councilman Franks and carried with Mayor Pro Tem Patterson voting no.

12-1235 Discuss the regulations pertaining to Tree Mitigation as contained in Chapter 3, Article II of the City of Sachse Code of Ordinances:
Following discussion, Council directed Community Development Director Marc Kurbansade to get direction from the Planning and Zoning Ordinance and the Parks and Recreation Commission and bring recommendations back to City Council at the January 21, 2013 meeting.

There being no further business, Councilman Ronnau moved to adjourn. The motion was seconded by Councilman Timm and carried unanimously. The meeting adjourned at 11:30 p.m.

ATTEST: APPROVED:

CITY SECRETARY MAYOR