



# Sachse, Texas

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

## Meeting Agenda City Council

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Monday, January 7, 2013

7:30 PM

Council Chambers

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

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

### 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.

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

[12-1263](#) Consider approval of the minutes of the December 3, 2012, Regular Meeting.

*Executive Summary  
Minutes of the last regular meeting.*

**Attachments:** [Min.RG.12.3.12.pdf](#)

[12-1264](#) Consider the acceptance of the resignation of Darlene Putman from the Parks and Recreation Commission.

*Executive Summary  
Ms. Putman has resigned her seat due to her moving from the City.*

**Attachments:** [D. Putman resignation.pdf](#)

[12-1262](#) Consider a resolution of the City Council of the City of Sachse, approving a contract and agreement with Zambelli Fireworks

Manufacturing Co., and providing for an effective date.

*Executive Summary*

*This Consent Agenda item authorizes the City Manager to execute a contract with Zambelli Fireworks in the amount of \$13,100 for the July 3, 2013 Red, White & Blue Blast event.*

**Attachments:** [RWBB presentation 010713.pdf](#)  
[zambelli contract invoice.pdf](#)  
[Zambelli Resolution.pdf](#)

[12-1245](#)

Consider approval of an Ordinance of the City Council of the City of Sachse, Texas, authorizing certain budget amendments pertaining to the fiscal year 2012-2013 budget; and providing for an effective date.

*Executive Summary*

*This budget amendment is to authorize a resolution approving a Facilities Agreement between the City of Sachse and Northplace Church in an amount not to exceed \$43,000. This agreement was previously approved by City Council and is to reimburse the developer through Impact Fees for the difference in the actual costs attributed to the upsizing of a water line from an eight inch to a twelve inch water line.*

**Attachments:** [51SACHSE Ordinance Authorizing Budget Amendments \(2012-2013\).pdf](#)  
[Budget Amendment Ordinance Exhibit A 1-7-2013.pdf](#)  
[Northplace Church Facilities Agreement 11-2012.pdf](#)

[12-1271](#)

Consider receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2012.

*Executive Summary*

*The Finance Department will prepare a report each month to update the City Council regarding revenues and expenditures of the city. The attached report is for the month ending November 30, 2012.*

**Attachments:** [GF 11-30-2012 Budget Report.pdf](#)  
[UF 11-30-2012 Budget Report.pdf](#)  
[EDC 11-30-2012 Budget Report.pdf](#)  
[DS 11-30-12.pdf](#)

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

[12-1267](#)

Presentation of Walmart Foundation Grant.

*Executive Summary*

*The Walmart Foundation has awarded the City of Sachse's Public Library a \$1,000 to purchase children's books.*

[13-1289](#)

Staff Briefing: City Manager.

*Executive Summary*

*Each month a briefing is given to City Council providing an update of recent actions and events for a specific department. This month the City Manger will brief the council on initiatives the city is working toward.*

Attachments: [20130107 CM Staff Briefing](#)

### 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.*

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

### 4. REGULAR AGENDA ITEMS.

[12-1259](#)

Conduct a public hearing and consider adoption 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 the installation of one (1) Used Goods or Products Collection Point (Temporary) for a period of (5) five years on an approximately 1.9554-acre tract of land located at 5434 State Highway 78, with a base zoning of Commercial 2 ("C-2") district; more particularly described as being Lot 1, Block A of the Ben Davis Crossing Addition; 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.

*Executive Summary*

*The applicant is seeking approval for a Temporary Donation Box within the parking lot of the existing Walgreen's Pharmacy at the corner of Ben Davis Road and State Highway 78. The Donation Box will be operated by The Arc of Texas and the permit will be for*

*a period of five years.*

**Attachments:** [CD - ARC WALGREENS DONATION BOX - PRESENTATION.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 1.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 2.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 3.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 4.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 5.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - DRAFT ORD.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - DRAFT ORD - EXHIBIT A.pdf](#)

[12-1269](#) Discuss the zoning regulations associated with enclosing single-family residential garages.

*Executive Summary*

*Garages for single-family residences are currently regulated by the City of Sachse Zoning Ordinance. City Council discussed this item at a previous meeting on October 1, 2012. This discussion item will present follow-up information and options to be considered by City Council for a possible Zoning Ordinance amendment.*

**Attachments:** [CD - SF GARAGE CONV DISC - PRESENTATION.pdf](#)

[12-1270](#) Discuss the City of Sachse Code of Ordinance signage regulations.

*Executive Summary*

*The City of Sachse regulates signage in Chapter 3 of the City Code of Ordinances. This discussion item will discuss general signage regulations as well as specific regulations pertaining to political signs and government signs.*

**Attachments:** [CD - SIGNAGE DISC - PRESENTATION.pdf](#)

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

State law prohibits the introduction or discussion of any item of business not posted at least seventy-two (72) hours prior to the meeting time. Therefore, during Citizen Input for example, the Council is prohibited by state law to deliberate or take action on any issues introduced by the public other than to take them under advisement. Posted: Janaury 4, 2013; 5:00 p.m. Terry Smith, City Secretary \_\_\_\_\_.

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



## Legislation Details (With Text)

**File #:** 12-1263      **Version:** 1      **Name:** Consider approval of the minutes of the Dec.3, 2012, Regular Meeting.

**Type:** Agenda Item      **Status:** Agenda Ready

**File created:** 12/13/2012      **In control:** City Council

**On agenda:** 1/7/2013      **Final action:**

**Title:** Consider approval of the minutes of the December 3, 2012, Regular Meeting.

Executive Summary  
Minutes of the last regular meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Min.RG.12.3.12.pdf](#)

Date	Ver.	Action By	Action	Result
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### Title

Consider approval of the minutes of the December 3, 2012, Regular Meeting.

### *Executive Summary*

*Minutes of the last regular meeting.*

### Background

Minutes of the regular meeting held on December 3, 2012

### Policy Considerations

None.

### Budgetary Considerations

None.

### Staff Recommendations

Approval of the minutes of the December 3, 2012, Regular Meeting, as a Consent Agenda Item.

**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 6<sup>th</sup> Christmas tree lighting at City Hall where the Hudson Middle School Choir will perform. The choir will also perform December 6<sup>th</sup> at 7:00 p.m. at the Library during Story Time with Santa. December 8<sup>th</sup> is the city's 5<sup>th</sup> 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 15<sup>th</sup>. Judging for the annual holiday lighting contest will be December 16<sup>th</sup>. 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 13<sup>th</sup> 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



Legislation Details (With Text)

<b>File #:</b>	12-1264	<b>Version:</b>	1	<b>Name:</b>	Consider the acceptance of the resignation of Darlene Putman from the Parks and Recreation Commission.
<b>Type:</b>	Agenda Item	<b>Status:</b>			Agenda Ready
<b>File created:</b>	12/13/2012	<b>In control:</b>			City Council
<b>On agenda:</b>	1/7/2013	<b>Final action:</b>			
<b>Title:</b>	Consider the acceptance of the resignation of Darlene Putman from the Parks and Recreation Commission.				
	Executive Summary Ms. Putman has resigned her seat due to her moving from the City.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">D. Putman resignation.pdf</a>				

Date	Ver.	Action By	Action	Result
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Title  
Consider the acceptance of the resignation of Darlene Putman from the Parks and Recreation Commission.

*Executive Summary*  
*Ms. Putman has resigned her seat due to her moving from the City.*

Background  
Darlene Putman has resigned her seat on the Parks and Recreation Commission due to her family moving outside of the City. Her resignation is attached. Staff has advertised for applicants. All board members that have resigned since July 2012, will be recognized at our annual appreciation banquet.

Policy Considerations  
None.

Budgetary Considerations  
None.

Staff Recommendations  
Accept the resignation of Darlene Putman from the Parks and Recreation Commission, as a Consent Agenda Item.

## Terry Smith

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**From:** John & Darlene Putman [jputman63@gmail.com]  
**Sent:** Tuesday, December 11, 2012 12:32 PM  
**To:** Terry Smith  
**Cc:** Lance Whitworth; Mike Felix  
**Subject:** Resignation from Parks & Recreation Commission

Please accept my resignation as Vice Chairman of the Parks & Recreation Commission, as my family has moved out of the city of Sachse.

It has been a pleasure to serve on the Commission for the last three years. Thank you for the opportunity to serve the city in this capacity.

Sincerely,

Darlene Putman



Legislation Details (With Text)

**File #:** 12-1262      **Version:** 1      **Name:** City Manager execute a contract with Zambelli Fireworks in the amount of \$13,100 for a fireworks display on July 3, 2013.

**Type:** Agenda Item      **Status:** Agenda Ready

**File created:** 12/11/2012      **In control:** City Council

**On agenda:** 1/7/2013      **Final action:**

**Title:** Consider a resolution of the City Council of the City of Sachse, approving a contract and agreement with Zambelli Fireworks Manufacturing Co., and providing for an effective date.

Executive Summary  
This Consent Agenda item authorizes the City Manager to execute a contract with Zambelli Fireworks in the amount of \$13,100 for the July 3, 2013 Red, White & Blue Blast event.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [RWBB presentation 010713.pdf](#)  
[zambelli contract invoice.pdf](#)  
[Zambelli Resolution.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution of the City Council of the City of Sachse, approving a contract and agreement with Zambelli Fireworks Manufacturing Co., and providing for an effective date.

*Executive Summary*

*This Consent Agenda item authorizes the City Manager to execute a contract with Zambelli Fireworks in the amount of \$13,100 for the July 3, 2013 Red, White & Blue Blast event.*

Background

In 2008 the City of Sachse held its first Independence Day fireworks show. The 2013 show will be the sixth year we have offered this community event. Last year the city worked with the Chamber of Commerce to provide sponsorships and vendor booths at the event. It was very successful and we anticipate to follow up this year with even more activities. The fireworks are the culmination of the evening and except for the year that we experienced inclement weather, Zambellis has provided a spectacular show. Our first show cost the city \$12,500. There were some small "pancake" shell fireworks that we eliminated the second year and replaced with 2" shells. Along with a price increase passed along by their supplier in China, the cost of the show in 2009 increased by about 5% to \$13,100. Zambelli has held the line on price increases and continued to provide an excellent show at the same price for the past five years.

Council approved the July 3, 2013 date at a previous meeting. Planning will begin shortly after the first of the year.

#### Policy Considerations

Council has indicated they want to continue providing this community event.

#### Budgetary Considerations

The cost of the fireworks was budgeted for in the operating budget. As in the past, staff will request financial participation from Sachse EDC to use toward other expenses, and will also solicit the help of the Chamber of Commerce to obtain sponsorships and sell vendor space as we did last year.

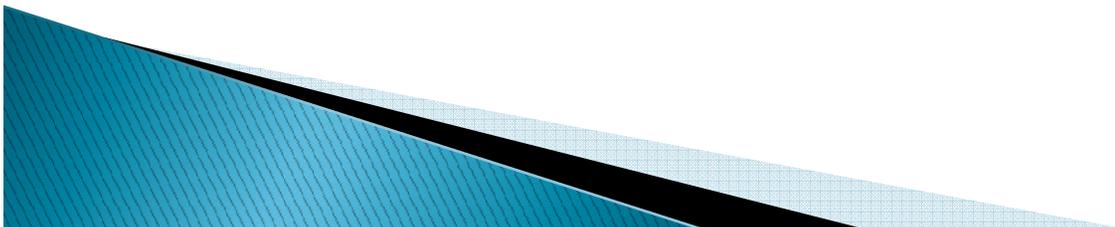
#### Staff Recommendations

Staff recommends approval of a resolution of the City Council of the City of Sachse, approving a contract and agreement with Zambelli Fireworks Manufacturing Co., and providing for an effective date as a Consent Agenda Item.



# Red, White & Blue Blast Budget (2012)

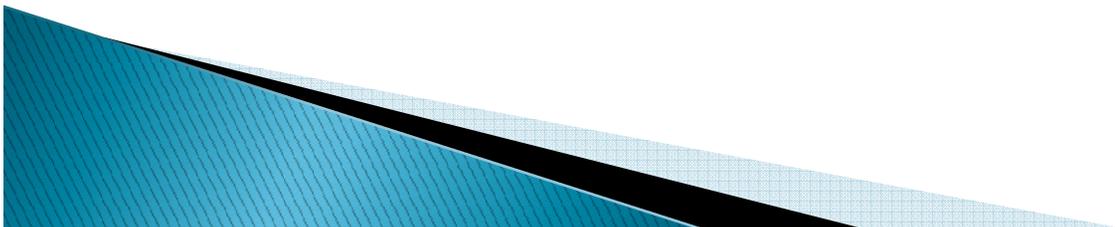
Source	Amount
City Budget	\$14,000
Sachse EDC Grant	\$6,500
TOTAL	\$20,500





# RWBB Actual (2012)

Expenses	Amount
Budget and Grant	\$20,500
Entertainment	<\$19,950>
Production	<\$2,777>
Sponsors (partnership with Chamber of Commerce)	\$3,900
Remaining Funds	\$1,673



# ZAMBELLI

**FIREWORKS**  
Manufacturing Company  
www.zambellifireworks.com

US Corporate Headquarters  
PO Box 1463  
New Castle, PA 16103  
724.658.6611 or 800.245.0397  
724.658.8318 (Fax)

<b>Invoice Date:</b>	<b>November 1, 2012</b>
<b>Invoice Number:</b>	
<b>Customer Number:</b>	<b>#111624</b>

## INVOICE

---

SOLD TO: **City of Sachse**  
**Sachse, Texas**

SHOW DATE	DESCRIPTION	TOTAL PRICE
July 3, 2013	One Display of Fireworks	\$13,100.00

***50% Deposit Payment Due***

**\*\*\* PLEASE RETURN INVOICE WITH PAYMENT \*\*\***

# ZAMBELLI FIREWORKS MANUFACTURING CO.

THIS CONTRACT AND AGREEMENT for the sale of Fireworks made and concluded this 1st day of November A.D., 2012, by and between  
**Zambelli Fireworks Manufacturing Co.**, of New Castle, Pennsylvania, (hereinafter referred to as "Zambelli"),  
-AND-

**City of Sachse – Sachse, Texas** (hereinafter referred to as "Client")

WITNESSETH: For and in consideration of the sum of One Dollar, each to the other in hand paid, receipt of which is hereby acknowledged, and of the terms and conditions hereinafter mentioned, Zambelli and Client do mutually and severally agree to perform their several and respective covenants and to comply with all terms, conditions, and payments of this contract:

## ZAMBELLI agrees:

1. To sell, furnish and deliver to Client, Fireworks to be exhibited on the following dates set forth and agreed upon at the time of signing this contract and Client agrees to pay Zambelli for the Fireworks as follows:

**Display Date: July 3, 2013** (Postponement Date: \_\_\_\_\_)

**Contract Amount: \$13,100.00;** 50% due upon signing the Contract and balance due at Noon three days prior to the scheduled display date; all payments shall be made by Draft, Certified Check or Wire Transfer. Checks shall be made payable to Zambelli Fireworks Manufacturing Co., unless otherwise authorized in writing; NO CASH shall be paid to any agent or employee of Zambelli without written authority.

2. ZAMBELLI further agrees to furnish, sufficient trained personnel to present a display; insurance coverage for the display.

## CLIENT further agrees:

3. To procure and furnish a suitable and accessible place to conduct the display that adheres to the NFPA standard except the display area will have a required fallout area equal to 100 foot per inch of the largest diameter pyrotechnic from the firing site in all directions to any parking area, spectators, inhabited buildings, public road or active railroad; Zambelli is not responsible and will not pay for any damages or personal injuries that occur from non-compliance of this standard;
4. To furnish the necessary police and fire protection as per the requirements of authority having jurisdiction; to secure all, Police, Local, and State Permits, and to arrange for any security bonds or insurance as required by law in their community when necessary; to furnish such lumber, sand, steel drums, site and vehicle security and other supplies as may be necessary for the conduct of the display;
5. Prior to, during, and immediately following the display, Client shall be solely responsible to keep all persons & vehicles (except Zambelli employees & vehicles) out of the designated fallout areas and behind safety zone lines and limits;
6. Following the display Client shall be solely responsible for ALL cleanup and policing of the display area, however, Zambelli will remove of all unexploded fireworks, frames, sets and lumber.

## The PARTIES mutually agree:

7. It is agreed and understood by the parties hereto that in the event Fireworks have been taken out and set up before inclement weather and with adequate weather prevailing, such exhibition of fireworks will be carried out in the best possible manner without any deductions from the before named compensations. Should inclement weather prevent firing of said display on the aforementioned Display Date, then it will be understood that program is postponed and will be fired on the aforementioned Postponement Date, and there will be a charge to cover the cost of Postponement of 15% plus all permit fees (if any) paid for by Zambelli. If there is no alternate date and the program is not fired on the aforementioned Display Date, then it will be understood the program is cancelled and there will be a charge to cover the costs of cancellation of 50% plus all permit fees (if any) paid for by Zambelli.
8. Zambelli reserves the exclusive right to make modifications and substitutions provided that such changes are reasonable and necessary and do not materially adversely affect price, time of delivery, functional character or display performance.
9. If the location of the firing site, spectator's location, parking areas or structures is deemed unsuitable or unsafe, in the discretion of Zambelli or its agents or personnel, Zambelli may refuse to fire the display until conditions are corrected. If such conditions are not corrected, Zambelli may cancel the display without further liability to Zambelli for such cancellation.
10. This contract shall be deemed made in the Commonwealth of Pennsylvania and shall be constructed in accordance with the laws of Pennsylvania. The parties agree and consent to the jurisdiction of Pennsylvania to determine conflicts regarding the language and payments to be made under this Contract.
11. If client becomes bankrupt or insolvent, or if a petition in bankruptcy is filed by or against the Client or if a receiver is appointed for the Client, Zambelli may refuse to make further delivery and may terminate this contract without prejudice to the rights of Zambelli. If the Client's financial conditions become unsatisfactory to Zambelli, Zambelli, may require the balance of the purchase price to be deposited in escrow or the Client to provide sufficient proof of its ability to pay the balance of the contract price. Client is not entitled to recover incidental or consequential damages in connection with any breach of this Contract.
12. If Client fails to pay the monies due under this contract, Zambelli is entitled to recover the balance due plus interest at 1 ½ % per month on amounts past due 60 days or more. Further, on balance outstanding of 120 days or more, Zambelli is entitled to recover the balance due, plus accrued interest, plus attorney's fees and court costs.
13. This contract shall not be constructed to create a partnership between the parties or persons mentioned herein.
14. In the event of fire, accident, strikes, delay, flood, act of God or other causes beyond the control of Zambelli, which prevent delivery of said materials, the parties hereto release each other from any and all performance of the covenants herein contained and from damages resulting from the breach thereof.
15. Any changes, modifications, addendums, etc... will be noted here and attached. See attached \_\_\_\_\_

IN WITNESS WHEREOF, we set our hands and seals to the agreement in duplicate the day and years first above written.

FOR CLIENT:

FOR ZAMBELLI FIREWORKS MANUFACTURING CO.

BY \_\_\_\_\_  
date

BY \_\_\_\_\_  
date

Please sign contract where indicated for Client and return all copies for final acceptance to:

**Zambelli Fireworks Manufacturing Co.**

**PO Box 1463**

**New Castle, PA 16103**

724-658-6611

800-245-0397

FAX 724-658-8318

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, APPROVING A CONTRACT AND AGREEMENT WITH ZAMBELLI FIREWORKS MANUFACTURING CO.; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sachse budgeted funds for a fireworks display for the 2013 Red, White & Blue Blast for the enjoyment of its citizens; and

**WHEREAS**, the City Council of the City of Sachse has been presented with a proposed contract and agreement for the sale of fireworks from Zambelli Fireworks Manufacturing Co. in the amount of \$ 13,100.000; and

**WHEREAS**, upon full review and consideration, the City Council approves the purchase of fireworks from Zambelli Fireworks Manufacturing Co., under the terms stated above.

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

**SECTION 1.** The City Manager is authorized to purchase fireworks from Zambelli Fireworks Manufacturing Co., at a total cost of \$13,100.00.

**SECTION 2.** The City Manager is hereby authorized to execute all documents relating to the purchase of fireworks from Zambelli Fireworks Manufacturing Co., under the terms stated above.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF SACHSE, TEXAS

\_\_\_\_\_  
Mike Felix, Mayor

ATTEST:

\_\_\_\_\_  
Terry Smith, City Secretary



Legislation Details (With Text)

**File #:** 12-1245      **Version:** 2      **Name:** Budget Amendment  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/4/2012      **In control:** City Council  
**On agenda:** 1/7/2013      **Final action:**

**Title:** Consider approval of an Ordinance of the City Council of the City of Sachse, Texas, authorizing certain budget amendments pertaining to the fiscal year 2012-2013 budget; and providing for an effective date.

**Executive Summary**

This budget amendment is to authorize a resolution approving a Facilities Agreement between the City of Sachse and Northplace Church in an amount not to exceed \$43,000. This agreement was previously approved by City Council and is to reimburse the developer through Impact Fees for the difference in the actual costs attributed to the upsizing of a water line from an eight inch to a twelve inch water line.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [51SACHSE Ordinance Authorizing Budget Amendments \(2012-2013\).pdf](#)  
[Budget Amendment Ordinance Exhibit A 1-7-2013.pdf](#)  
[Northplace Church Facilities Agreement 11-2012.pdf](#)

Date	Ver.	Action By	Action	Result
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**Title**

Consider approval of an Ordinance of the City Council of the City of Sachse, Texas, authorizing certain budget amendments pertaining to the fiscal year 2012-2013 budget; and providing for an effective date.

*Executive Summary*

*This budget amendment is to authorize a resolution approving a Facilities Agreement between the City of Sachse and Northplace Church in an amount not to exceed \$43,000. This agreement was previously approved by City Council and is to reimburse the developer through Impact Fees for the difference in the actual costs attributed to the upsizing of a water line from an eight inch to a twelve inch water line.*

**Background**

On November 19, 2012 City Council authorized a resolution approving a Facilities Agreement between the City of Sachse and Northplace Church to improve the City's waterworks system by installing a twelve inch water line in an amount not to exceed \$43,000. That cost reflects the additional costs associated with upsizing the Church's required infrastructure expansion to a twelve inch water line for the required eight inch water line needed to serve the proposed development. The cost associated with this agreement was not budgeted in the current fiscal

year therefore a Budget Amendment in the amount of \$43,000 is necessary. This should be charged to the Water Operations budget in the Utility Fund (General Ledger Account #02-027-54330).

#### Policy Considerations

The budget amendment is being considered on the basis of Generally Accepted Accounting Principles (GAAP) as it applies to budgeting for sources and uses of economic resources.

#### Budgetary Considerations

Budget amendments are required by Charter.

#### Staff Recommendations

Staff recommends approval of an Ordinance of the City Council of the City of Sachse, Texas, authorizing certain budget amendments pertaining to the fiscal year 2012-2013 budget; and providing for an effective date as a consent agenda item.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF SACHSE, TEXAS, AUTHORIZING CERTAIN BUDGET AMENDMENTS PERTAINING TO THE FISCAL YEAR 2012-2013 BUDGET; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City is required by the City Charter to approve a budget amendment by ordinance and upon approval such amendment shall become an attachment to the original budget; and

**WHEREAS**, a budget amendment has been prepared for certain appropriations and expenditures in the 2012-2013 Budget and submitted to the City Council for approval and a true and correct copy is attached as Exhibit A.

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

**SECTION 1.** Pursuant to the City Charter requirements of the City of Sachse, Texas, in the year 2012-2013 a Budget Amendment attached as Exhibit A is hereby authorized and approved.

**SECTION 2.** This Ordinance shall take effect immediately from and after its passage as the law in such cases provides.

**PASSED AND APPROVED** by the City Council of the City of Sachse, Texas this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED:

\_\_\_\_\_  
Mike Felix  
Mayor

DULY ENROLLED:

\_\_\_\_\_  
Terry Smith  
City Secretary

**EXHIBIT A**

**General Fund**

Expenditures

<i>GL Account #</i>	<i>Account</i>	<i>Department</i>	<i>Amount</i>	<i>Description</i>
02-027-54330	Water Line CIP	Water Operations	<u>\$ 43,000.00</u>	Northplace Church Facilities Agreement
			<u><u>\$ 43,000.00</u></u>	

RESOLUTION NO. 3436

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A FACILITIES AGREEMENT, BY AND BETWEEN THE CITY OF SACHSE AND NORTHPLACE CHURCH OF THE ASSEMBLIES OF GOD; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Northplace Church of the Assemblies of God (“Developer”) is the owner of real property in Sachse, Texas, that is more fully described in the attached Facilities Agreement between the City of Sachse and Developer (the “Agreement”); and

**WHEREAS**, the City desires to improve the City’s waterworks system by installing a twelve (12) inch water line in accordance with the City’s Master Water Plan that will serve Developer’s property and adjoining properties within the City and Developer shall install such water line; and

**WHEREAS**, the City agrees to reimburse Developer through a credit towards Impact Fees, if any, for the difference in the actual costs attributed to the upsizing of the line from an eight (8) inch to a twelve (12) inch water line; and

**WHEREAS**, upon Developer’s installation and dedication of the Water Line to the City, City shall be responsible for the maintenance of the Water Line; and

**WHEREAS**, Developer proposes to install two auxiliary lanes with pavement markings along Pleasant Valley Road to serve the two driveways which access Pleasant Valley Road; and

**WHEREAS**, the City Council of the City of Sachse has been presented with the proposed Facilities Agreement; and

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

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

**SECTION 1.** The City Manager is hereby authorized to execute the Facilities Agreement with Developer.

**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 19 day of NOVEMBER, 2012.

CITY OF SACHSE, TEXAS

  
\_\_\_\_\_  
Mike Felix, Mayor

ATTEST:

  
\_\_\_\_\_  
Terry Smith, City Secretary



Legislation Details (With Text)

**File #:** 12-1271      **Version:** 1      **Name:** Monthly Revenue & Expense Report November, 2012  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 1/2/2013      **In control:** City Council  
**On agenda:** 1/7/2013      **Final action:**

**Title:** Consider receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2012.

**Executive Summary**

The Finance Department will prepare a report each month to update the City Council regarding revenues and expenditures of the city. The attached report is for the month ending November 30, 2012.

**Sponsors:**

**Indexes:**

**Code sections:**

- Attachments:** [GF 11-30-2012 Budget Report.pdf](#)  
[UF 11-30-2012 Budget Report.pdf](#)  
[EDC 11-30-2012 Budget Report.pdf](#)  
[DS 11-30-12.pdf](#)

Date	Ver.	Action By	Action	Result
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**Title**

Consider receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2012.

*Executive Summary*

*The Finance Department will prepare a report each month to update the City Council regarding revenues and expenditures of the city. The attached report is for the month ending November 30, 2012.*

**Background**

Included in this report are unaudited summaries for the General Fund, Utility Fund, the Sachse Economic Development Corporation and the Debt Service Fund for the period ending November 30, 2012.

**Policy Considerations**

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

**Budgetary Considerations**

N/A

### Staff Recommendations

Staff recommends that the City Council receive the Monthly Revenue and Expenditure Report for the period ending November 30, 2012 as a Consent Agenda item.

**City of Sachse**  
 Monthly Revenue and Expenditure Report  
 November 30, 2012  
 (Unaudited)

**GENERAL FUND**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Property Tax	\$ 7,036,517	\$ 252,222	\$ 421,270	5.99%	<b>A</b>
Sales Tax	833,553	96,322	153,086	18.37%	
Franchise Fees	1,444,403	94,986	261,395	18.10%	
Licenses and Permits	323,775	22,067	64,584	19.95%	
Service Fees	434,450	30,428	111,234	25.60%	<b>B</b>
Fines	330,000	20,281	48,736	14.77%	
Interest Income	5,000	-	-	0.00%	<b>C</b>
Miscellaneous Income	143,097	11,598	35,038	24.49%	<b>D</b>
Intergovernmental Revenue	960,271	79,988	159,976	16.66%	
<b>Total Revenue</b>	<b>\$ 11,511,066</b>	<b>\$ 607,893</b>	<b>\$ 1,255,318</b>	<b>10.91%</b>	
<b>Expenditure Summary</b>					
City Manager	\$ 294,468	\$ 25,587	\$ 50,484	17.14%	
City Secretary	153,366	12,894	23,240	15.15%	
Human Resources	248,104	19,354	31,264	12.60%	
Finance	478,268	57,913	92,684	19.38%	<b>AA</b>
Municipal Court	166,610	13,568	22,563	13.54%	
Parks & Recreation	737,643	50,024	124,551	16.89%	
Senior Programs	104,312	7,210	15,559	14.92%	
Library Services	291,436	19,491	49,967	17.15%	
Community Development	603,315	53,229	97,979	16.24%	
Streets & Drainage	1,138,483	63,339	153,007	13.44%	
Facility Maintenance	325,081	15,573	40,470	12.45%	
Police	3,170,903	260,354	573,409	18.08%	
Animal Control	137,201	11,781	24,642	17.96%	
Fire/EMS	2,206,598	170,695	357,476	16.20%	
Combined Services	1,176,674	98,912	312,905	26.59%	<b>BB</b>
City Engineer	274,155	8,794	27,742	10.12%	
<b>Total Expenditures</b>	<b>\$ 11,506,617</b>	<b>\$ 888,715</b>	<b>\$ 1,997,942</b>	<b>17.36%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ 4,449</b>	<b>\$ (280,823)</b>	<b>\$ (742,624)</b>		

**Explanation of Major Variances:**

- A** Property Tax collections for FY12-13 as of November 30 are at 5.99% compared to 4.78% for same time period in prior year.
- B** Developer Fees for the current period are significantly higher than the same time period last year.
- C** Interest Income is recorded quarterly.
- D** Collected \$6,953 in grant revenue for Police Vest Program in current year.
- AA** Expenditures in Finance Department are up slightly for period due to payment for auditing services.
- BB** General Liability & Property Insurance is paid at the beginning of fiscal year. This will level out throughout fiscal year.

**City of Sachse**  
 Monthly Revenue and Expenditure Report  
 November 30, 2012  
 (Unaudited)

**UTILITY FUND**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Water Revenue	\$ 4,062,949	\$ 332,947	\$ 720,397	17.73%	
Sewer Revenue	2,974,582	234,060	464,912	15.63%	
Fees	150,900	15,430	32,462	21.51%	A
Impact Fees	120,000	3,468	18,855	15.71%	
Interest Income	3,500	-	-	0.00%	B
Miscellaneous Income	1,200	-	95	7.92%	
<b>Total Revenue</b>	<b>\$ 7,313,131</b>	<b>\$ 585,904</b>	<b>\$ 1,236,720</b>	<b>16.91%</b>	
<b>Expenditure Summary</b>					
Utility Administration	\$ 250,758	\$ 24,971	\$ 43,489	17.34%	
Water Operations	3,780,654	286,692	568,788	15.04%	
Sewer Operations	2,934,366	198,240	417,244	14.22%	
Meter Reading	121,994	28,186	37,078	30.39%	C
<b>Total Expenditures</b>	<b>\$ 7,087,772</b>	<b>\$ 538,089</b>	<b>\$ 1,066,599</b>	<b>15.05%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ 225,359</b>	<b>\$ 47,816</b>	<b>\$ 170,121</b>		

**Explanation of Major Variances:**

- A Reconnect Fees due to disconnection for non payment are 3% higher than same time in prior year.
- B Interest Income is recorded quarterly.
- C Purchase of meters to replenish depleted inventory.

**City of Sachse**  
 Monthly Revenue and Expenditure Report  
 November 30, 2012  
 (Unaudited)

**SACHSE ECONOMIC DEVELOPMENT CORPORATION**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Sales Tax	\$ 410,273	\$ 48,161	\$ 74,842	18.24%	<b>A</b>
Interest Income	7,500	-	-	0.00%	<b>B</b>
<b>Total Revenue</b>	<b>\$ 417,773</b>	<b>\$ 48,161</b>	<b>\$ 74,842</b>	<b>17.91%</b>	
<b>Expenditure Summary</b>					
Expenditures	485,866	16,320	35,321	7.27%	<b>C</b>
<b>Total Expenditures</b>	<b>\$ 485,866</b>	<b>\$ 16,320</b>	<b>\$ 35,321</b>	<b>7.27%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ (68,093)</b>	<b>\$ 31,841</b>	<b>\$ 39,522</b>		

**Explanation of Major Variances:**

- A** Sales Tax collections for FY12-13 as of November 30 are lower than prior year due to RCC audit adjustment in prior year.
- B** Interest Income is recorded quarterly.
- C** Expenditures for FY12-13 as of November 30 are at 7.27% compared to 9.71% for same time period in prior year.

Monthly Revenue and Expenditure Report  
November 30, 2012  
(Unaudited)

**Debt Service Fund**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Property Tax	\$ 2,492,137	\$ 89,385	\$ 149,353	5.99%	<b>A</b>
Interest Income	500	-	-	0.00%	<b>B</b>
<b>Total Revenue</b>	<b>\$ 2,492,637</b>	<b>\$ 89,385</b>	<b>\$ 149,353</b>	<b>5.99%</b>	
<b>Expenditure Summary</b>					
Fees	\$ 1,000	\$ -	\$ -	0.00%	<b>C</b>
Principal	1,035,000	-	-	0.00%	<b>D</b>
Interest	1,830,446	-	-	0.00%	<b>E</b>
<b>Total Expenditures</b>	<b>\$ 2,866,446</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ (373,809)</b>	<b>\$ 89,385</b>	<b>\$ 149,353</b>		

**Notes: Explanation of Major Variances**

- A** Property Tax collections for FY12-13 as of November 30 are at 5.99% compared to 4.84% for same time period in prior year.
- B** Interest Income is recorded quarterly.
- C** Fees are paid annually.
- D** Debt principal is paid annually.
- E** Debt interest is paid biannually.



Legislation Details (With Text)

**File #:** 12-1267      **Version:** 1      **Name:** Presentation of Walmart Foundation Grant  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/17/2012      **In control:** City Council  
**On agenda:** 1/7/2013      **Final action:**  
**Title:** Presentation of Walmart Foundation Grant.

Executive Summary  
The Walmart Foundation has awarded the City of Sachse's Public Library a \$1,000 to purchase children's books.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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Title  
Presentation of Walmart Foundation Grant.

*Executive Summary*  
*The Walmart Foundation has awarded the City of Sachse's Public Library a \$1,000 to purchase children's books.*

**Background**  
The Library Manager, Mignon Morse, applied for a Walmart Foundation grant last August and requested funds to supplement the city's book budget and purchase \$1000 in children's books for the library. The grant funds were awarded to the Sachse Public Library Manager, Mignon Morse.

The Local Giving Program awards community grants of \$250 to \$5000 through Walmart stores, Sam's Clubs, and Logistics facilities. Walmart believes in operating globally and giving back locally. The community grant program allows Walmart the opportunity to support the needs of the local community by funding organizations working to improve the lives of Walmart associates, customers, and neighbors. Areas of focus for grants are education, workforce development, health and wellness, environmental sustainability and hunger relief.

The City of Sachse received this grant award through the Walmart in Garland.

**Policy Considerations**

None

Budgetary Considerations  
None

Staff Recommendations  
No action necessary.



Legislation Details (With Text)

**File #:** 13-1289      **Version:** 1      **Name:** 2013 Staff Briefing City Manager  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 1/2/2013      **In control:** City Council  
**On agenda:** 1/7/2013      **Final action:**  
**Title:** Staff Briefing: City Manager.

Executive Summary

Each month a briefing is given to City Council providing an update of recent actions and events for a specific department. This month the City Manger will brief the council on initiatives the city is working toward.

Sponsors:

Indexes:

Code sections:

**Attachments:** [20130107 CM Staff Briefing](#)

Date	Ver.	Action By	Action	Result
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Title

Staff Briefing: City Manager.

*Executive Summary*

*Each month a briefing is given to City Council providing an update of recent actions and events for a specific department. This month the City Manger will brief the council on initiatives the city is working toward.*

Background

*Each month a briefing is given to City Council providing an update of recent actions and events for a specific department. This month the City Manger will brief the council on initiatives the city is working toward.*

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Not Required

## City Manger Staff Briefing

Billy George, P.E.  
January 7, 2013

## Purpose

Present funding initiatives that staff will be working to bring to Council during the next few years.

## Financing Strategy

- Fund Balance (General/Enterprise)
- Capital Reserves
- Pay-as-go
- Debt Issuance/Management
- Lease/Purchase
- General Fund
- Utility Fund
- Sales Tax/Property Tax

## Long-Term Capital Investment

- Build-Out Capital Infrastructure (Water, Sewer, Roads, Stormwater)
- Facilities
  - New Municipal Campus (Administration, Fire, Library, Police, Senior Center)
  - Animal Control, Public Works, Parks (Operational and Amenities)

## Short-Term Capital Investment

- Equipment Reinvestment
  - Vehicles
  - Other
- Infrastructure Renewal
- Maintenance

## Personnel

- Growing Population
  - Residences
  - Businesses
- Municipal Service Delivery
- Competitiveness in Market

Billy George, P.E.  
City Manager  
City of Sachse  
469-429-4770  
[bgeorge@cityofsachse.com](mailto:bgeorge@cityofsachse.com)



Legislation Details (With Text)

**File #:** 12-1259      **Version:** 2      **Name:** CD - ARC WALGREENS DONATION BOX  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/6/2012      **In control:** City Council  
**On agenda:** 1/7/2013      **Final action:**

**Title:** Conduct a public hearing and consider adoption 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 the installation of one (1) Used Goods or Products Collection Point (Temporary) for a period of (5) five years on an approximately 1.9554-acre tract of land located at 5434 State Highway 78, with a base zoning of Commercial 2 ("C-2") district; more particularly described as being Lot 1, Block A of the Ben Davis Crossing Addition; 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.

Executive Summary

The applicant is seeking approval for a Temporary Donation Box within the parking lot of the existing Walgreen's Pharmacy at the corner of Ben Davis Road and State Highway 78. The Donation Box will be operated by The Arc of Texas and the permit will be for a period of five years.

**Sponsors:**

**Indexes:**

**Code sections:**

- Attachments:** [CD - ARC WALGREENS DONATION BOX - PRESENTATION.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 1.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 2.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 3.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 4.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - ATTACHMENT 5.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - DRAFT ORD.pdf](#)  
[CD - ARC WALGREENS DONATION BOX - DRAFT ORD - EXHIBIT A.pdf](#)

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

**Title**

Conduct a public hearing and consider adoption 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 the installation of one (1) Used Goods or Products Collection Point (Temporary) for a period of (5) five years on an approximately 1.9554-acre tract of land located at 5434 State Highway 78, with a base zoning of Commercial 2 ("C-2") district; more particularly described as being Lot 1, Block A of the Ben Davis Crossing Addition; 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.

### *Executive Summary*

*The applicant is seeking approval for a Temporary Donation Box within the parking lot of the existing Walgreen's Pharmacy at the corner of Ben Davis Road and State Highway 78. The Donation Box will be operated by The Arc of Texas and the permit will be for a period of five years.*

### Background

The subject property is approximately 1.9554 acres and is located at 5434 State Highway 78; with the actual location of the Donation Box being in a parking space adjacent to the property exit onto Shepard Glen Road. The subject property retains a zoning designation of General Commercial (C-2) (See Attachment 1 - Aerial Location Map, Attachment 2 - Zoning Identification Map, and Attachment 3 - Pictures of Donation Box).

The applicant, The Arc of Texas is a non-profit organization who will utilize the donation box to further their charitable mission (See Letter of Intent from the applicant provided as Attachment 4).

Planning and Zoning Commission conducted a public hearing and recommended approval of the zoning request by a unanimous vote of 4-0. Discussion during the meeting largely centered on maintaining cleanliness of the site. The applicant, Ms. Ivy Womack, stated the items in the donation box are collected multiple times per week. Ms. Womack also told the Planning and Zoning Commission that based on the existing relationship that The Arc of Texas has with the property owner, Walgreen's, the property owner will notify The Arc of Texas if any items are left outside of the donation box so that they can be picked up within the hour.

### Policy Considerations

The applicant is requesting a Special Use Permit for Used Goods or Products Collection Point (Temporary) for a period of five (5) years. The Donation Box has been at the current location since September, 2011. The applicant had errantly been issued the improper permit in the past for this donation box. Since the applicant was made aware of this, they have come forward to request the proper permit.

The donation box will be an unmanned donation box, with the location occupying one parking space as depicted on the attached Exhibit A. The donation box satisfies all property development regulations associated with its location on the site.

### Public Notification

Notice of this public hearing was mailed to the property owner and all other property owners within 1,000 feet of the subject property, as indicated by the most recently approved municipal tax roll and as required by Texas Local Government Code and the City of Sachse Code of Ordinances. A total of 190 notices were mailed on November 29, 2012. As of Friday, December 28, 2012, three responses were returned-two in favor, and one against. See Attachment 5 for returned responses.

## Budgetary Considerations

None.

## Staff Recommendations

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for the installation of one (1) Used Goods or Products Collection Point (Temporary) for a period of (5) five years on an approximately 1.9554-acre tract of land located at 5434 State Highway 78, with a base zoning of Commercial 2 ("C-2") district; more particularly described as being Lot 1, Block A of the Ben Davis Crossing Addition; 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.



## CITY COUNCIL

JANUARY 7, 2013

### **REQUEST**

Conduct a public hearing and offer recommendation to City Council regarding an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for the installation of one (1) Used Goods or Products Collection Point (Temporary) for a period of (5) five years on an approximately 1.9554-acre tract of land located at 5434 State Highway 78, with a base zoning of Commercial 2 ("C-2") district; more particularly described as being Lot 1, Block A of the Ben Davis Crossing Addition; 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.



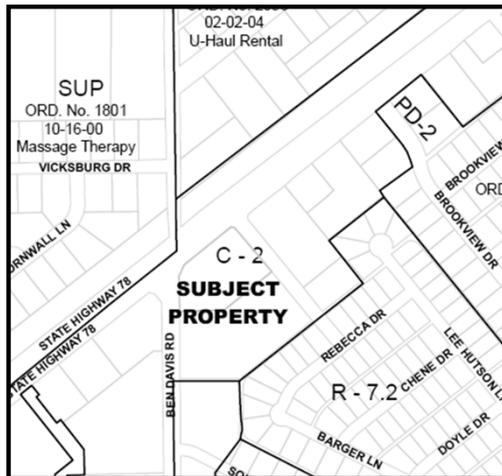
# BACKGROUND

## AERIAL LOCATION MAP



# BACKGROUND

## ZONING MAP



## **BACKGROUND**

### **SITE INFORMATION**

- ❑ Proposed Use: Used Goods or Products Collection Point (Temporary)
- ❑ Site Area: 1.9554 acres (Donation Box occupies one parking space)
- ❑ Existing Zoning: C-2
- ❑ Proposed Zoning: SUP



## **BACKGROUND**

### **PLANNING & ZONING COMMISSION RECOMM.**

- ❑ Planning and Zoning recommended approval of the zoning request by a vote of 4-0 at their December 10, 2012 meeting.

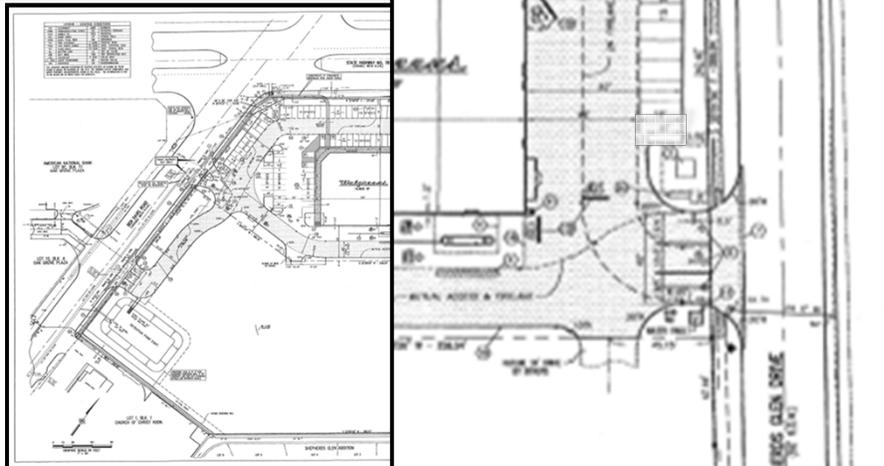


## **POLICY CONSIDERATIONS REQUEST SUMMARY**

- ❑ Donation Box has been at current location since September 2011
- ❑ Current permit was issued in error by staff
- ❑ Applicant has agreed to amend the situation by submitting for the proper permit
- ❑ Donation Box location currently meets all property development regulations (e.g., setbacks)
- ❑ Donation Box will be an unmanned facility

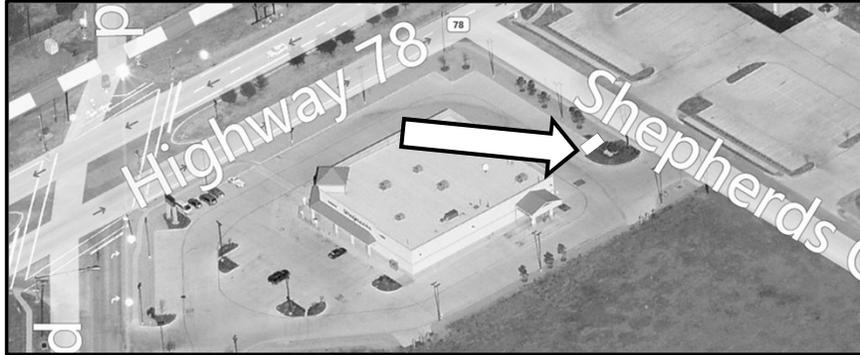


## **BACKGROUND SITE PLAN**



# BACKGROUND

## SITE PHOTOGRAPHS



# BACKGROUND

## SITE PHOTOGRAPHS



## **PUBLIC NOTIFICATION FEEDBACK**

- 190 Notifications were mailed to property owners within 1,000 feet
  - 2 returned in favor
  - 1 returned opposed



## **STAFF RECOMMENDATION**

Staff recommends approval of the zoning request.



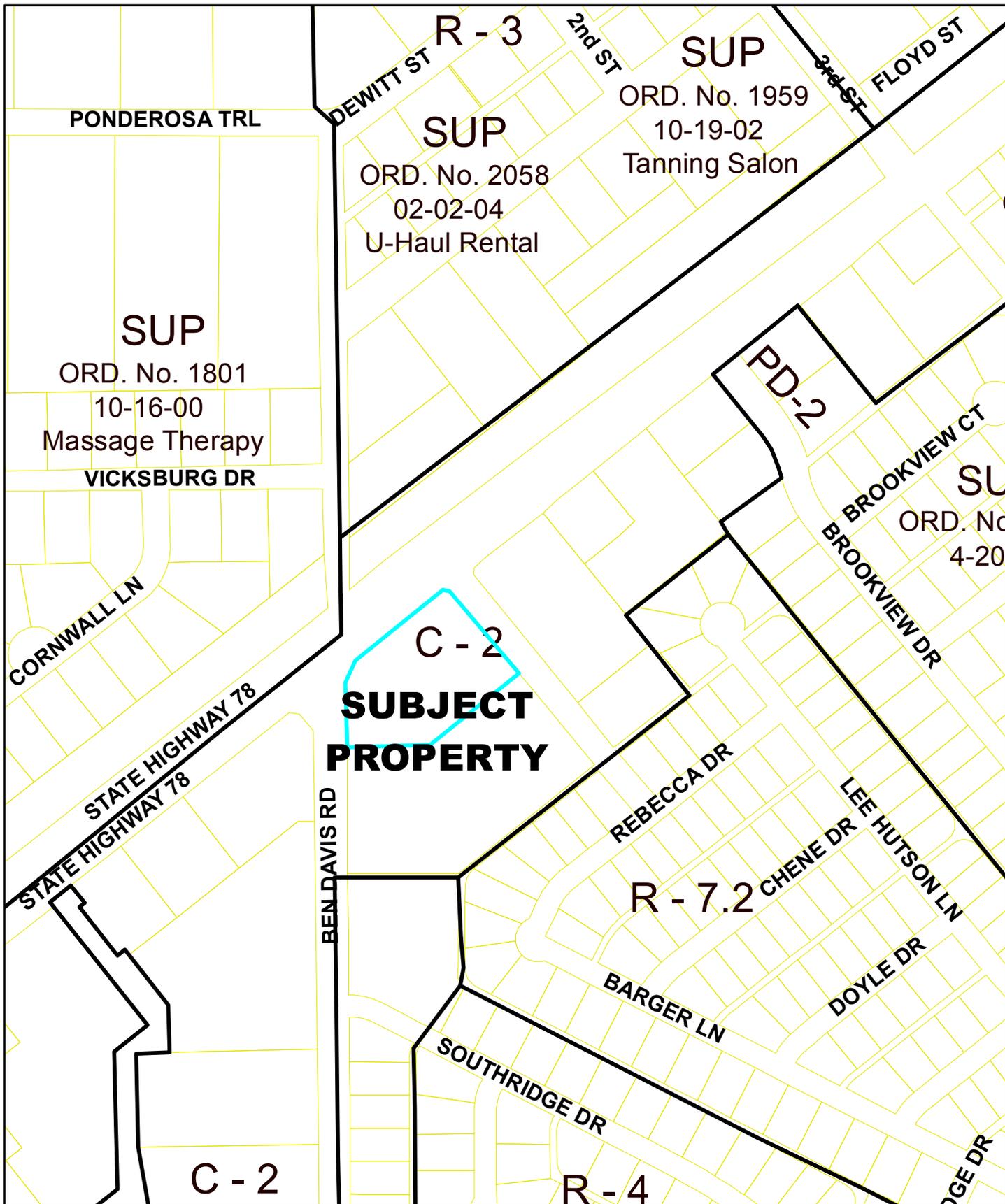


**SUBJECT  
PROPERTY**



**AERIAL LOCATION MAP**

*ARC/Walgreen's Temporary Donation Box  
Special Use Permit  
December 6, 2012*



**ZONING IDENTIFICATION MAP**

ARC/Walgreen's Temporary Donation Box  
 Special Use Permit  
 December 6, 2012







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**LETTER OF INTENT**

City of Sachse

RE: Arc Clothing Donation Box

The Arc of Texas is a 501(c)(3), non-profit organization whose mission is to improve the quality of life for people with intellectual and related developmental disabilities. The Arc was formed in 1951 by a group of parents who joined forces to fight for their children's rights to be educated in the public school system.

State and Federal funding have been greatly reduced, yet needs for these individuals and their families continue to increase. The Clothing Donation Boxes are one way we are able to raise the necessary funds for those individuals and their families.

The property we are submitting our request for is Walgreens located at 5434 Highway 78. Legal property description is 1.9554 acres on the southeast corner of State Highway 78 and Ben Davis Road. This property is zoned C-2. The location for the placement of this box is noted on the site plan which is attached. The Arc has had a donation box here, based under the former permit process obtained in September, 2011.

The dimensions of our Donation Boxes are 6' x 6' x 6' (picture attached)

Attachments include: Proof of Liability Insurance  
501(c)(3) letter from the Internal Revenue Service  
Site Plan  
Picture of Donation Box

A handwritten signature in black ink that reads 'Ivy Wornack'.

Ivy Wornack  
Community Relations  
The Arc of Texas

817-235-4572



**ATTACHMENT 5  
Community Development  
Department**

**NOTICE OF PUBLIC HEARING**

TO: Property Owner  
DATE: November 29, 2012  
RE: Special Use Permit for Used Goods or Products Collection Point (Temporary)  
LOCATION: The subject property is located at 5434 Highway 78

*(A location map depicting the 1,000-foot notification area is attached for reference)*

**EXPLANATION OF REQUEST:** The applicant is requesting a Special Use Permit for Used Goods or Products Collection Point (Temporary) such as a Goodwill or Salvation Army type collection box on property zoned Commercial 2 (C-2) District.

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

COMMENTS: A temporary, well-lighted location is fine.

SIGNATURE: [Signature]  
PRINTED NAME: D.J. Evans  
ADDRESS: 2517 Doyle Drive

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, December 10, 2012. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, January 7, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

If you have any questions concerning this request, please contact the Community Development Department. Phone: (469) 429-4781 Email: mknrbansade@cityofsachse.com	<b>RETURN BY FAX OR MAIL</b> City of Sachse Community Development Dept. 3815-B Sachse Road Sachse, TX 75048 FAX: (972) 675-9812
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3815 Sachse Road, Building B, Sachse, Texas 75048 Phone: (469) 429-4781 Fax: (972) 675-9812

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
December 3, 2012 2:07:38 PM CST		42	1	Received
** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **				

TIME RECEIVED  
December 2, 2012 11:35:19 PM CST

REMOTE CSID  
9724969411

DURATION  
46

PAGES  
1

STATUS  
Received

FROM : RICHARD CAHILL

FAX NO. : 9724969411

Dec. 03 2012 02:16AM P1



**ATTACHMENT 5**  
**Community Development**  
**Department**

**NOTICE OF PUBLIC HEARING**

TO: Property Owner  
DATE: November 29, 2012  
RE: Special Use Permit for Used Goods or Products Collection Point (Temporary)  
LOCATION: The subject property is located at 5434 Highway 78.

*(A location map depicting the 1,000-foot notification area is attached for reference)*

**EXPLANATION OF REQUEST:** The applicant is requesting a Special Use Permit for Used Goods or Products Collection Point (Temporary) such as a Goodwill or Salvation Army type collection box on property zoned Commercial 2 (C-2) District.

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

COMMENTS: It's the Holiday Season & it is better to give than receive !!

SIGNATURE: Richard Cahill  
PRINTED NAME: Richard Cahill  
ADDRESS: 2402 Barger Ln.

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, December 10, 2012. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, January 7, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

If you have any questions concerning this request, please contact the Community Development Department. Phone: (469) 429-4781 Email: mkrbansade@cityofsachse.com	RETURN BY FAX OR MAIL City of Sachse Community Development Dept. 3815-B Sachse Road Sachse, TX 75048 FAX: (972) 675-9812
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TIME RECEIVED

December 1, 2012 2:08:06 PM CST

REMOTE CSID

9724854804

DURATION

44

PAGES

1

STATUS

Received

12/01/2012 15:06

9724854804

GARLAND DET. CTR.

PAGE 01/01



**ATTACHMENT 5**  
**Community Development**  
**Department**

**NOTICE OF PUBLIC HEARING**

TO: Property Owner  
DATE: November 29, 2012  
RE: Special Use Permit for Used Goods or Products Collection Point (Temporary)  
LOCATION: The subject property is located at 5434 Highway 78.

*(A location map depicting the 1,000-foot notification area is attached for reference)*

EXPLANATION OF REQUEST: The applicant is requesting a Special Use Permit for Used Goods or Products Collection Point (Temporary) such as a Goodwill or Salvation Army type collection box on property zoned Commercial 2 (C-2) District.

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

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: UN SIGHTLY AND WILL LOWER PROPERTY  
VALUE OF MY NEIGHBORHOOD. TRASH AND UNWANTED  
ITEMS LEFT AROUND COLLECTION SITE.

SIGNATURE: Tim Atkins

PRINTED NAME: Tim Atkins

ADDRESS: 2414 Rebecca Dr

P.S. THE TRAIN HORNS NEED TO BE FIXED  
ALSO!!!!

<p>Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, December 10, 2012. The City Council will hold a public hearing and consider approval of an Ordinance amending the Planned Development at 7:30pm on Monday, January 7, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.</p>	
<p>If you have any questions concerning this request, please contact the Community Development Department. Phone: (469) 429-4781 Email: mkurbansade@cityofsachse.com</p>	<p>RETURN BY FAX OR MAIL City of Sachse Community Development Dept. 3815-B Sachse Road Sachse, TX 75048 FAX: (972) 675-9812</p>

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP SO AS TO GRANT A SPECIAL USE PERMIT FOR THE INSTALLATION OF ONE (1) USED GOODS OR PRODUCTS COLLECTION POINT (TEMPORARY) FOR A PERIOD OF (5) FIVE YEARS ON AN APPROXIMATELY 1.9554-ACRE TRACT OF LAND LOCATED AT 5434 STATE HIGHWAY 78, WITH A BASE ZONING OF COMMERCIAL 2 (“C-2”) DISTRICT; MORE PARTICULARLY DESCRIBED AS BEING LOT 1, BLOCK A OF THE BEN DAVIS CROSSING ADDITION; 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.**

**WHEREAS**, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, the City Council of the City of Sachse has concluded that the Comprehensive Zoning Ordinance and Map should be amended as provided herein;

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

**SECTION 1.** The Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby amended to grant a Special Use Permit for the installation of one (1) Used Goods or Products Collection Point (Temporary) (“Donation Boxes”) for a period of five years for the property located at 5434 State Highway 78, (hereinafter the “Property”), being situated in the City of Sachse, Dallas County, Texas.

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

- (1) The Special Use Permit shall be for this installation of one (1) temporary Donation Boxes on the Property to be used by The Arc of Texas, a non-profit organization.
- (2) The Donation Box shall be installed on the Property and operated in accordance with the site plan attached hereto as Exhibit “A” and incorporated as if set forth herein.

- (3) This Special Use Permit for the installation of one (1) temporary Donation Box on the Property shall be for a period of five (5) years.

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

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

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

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

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

**PASSED AND APPROVED** by the City Council of the City of Sachse, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

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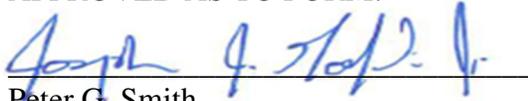
Mike Felix  
Mayor

DULY ENROLLED:

---

Terry Smith  
City Secretary

APPROVED AS TO FORM:



---

Peter G. Smith  
City Attorney  
(JIG/12-20-12/58723)

**LEGEND - EXISTING CONDITIONS**

CO	CLEANOUT	MKR	MARKER
COM	COMMUNICATION CABLE	NG	NATURAL GROUND
CTV	CABLE TV	PCD	PEDESTAL
EC	EDGE CONC.	PP	POWER POLE
EPB	ELEC. PULL BOX	SW	SIDEWALK
FH	FIRE HYDRANT	T SIGN	TRAFFIC SIGN
FOC	FOC FIBER CABLE	TC BOX	TRAF. CONTROL BOX
FP	FLAG POLE	TS BOX	TRAF. SIGNAL BOX
GL	GUTTER LINE	TC	TOP OF CURB
GW	GUY WIRE	TOK	TOP OPERATING NUT
HG	HANDICAP	V BOX	VALVE BOX
LT STD	LIGHT STANDARD	WV	WATER VALVE
MH	MANHOLE	UG	UNDERGROUND

THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE CITY, THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.

**SALVO REAL ESTATE SOLUTIONS**  
5005 LBJ FREEWAY  
DALLAS, TEXAS 75244  
(972) 331-2050

**Walgreens**  
FACILITIES PLANNING AND DESIGN  
200 WILMOT ROAD DEERFIELD, IL 60015-4616  
847-940-2500

PREPARED BY  
**M. L. MITCHELL & ASSOCIATES**  
CONSULTING CIVIL ENGINEERS & SURVEYORS  
2922 ESQUIRE LANE GARLAND, TX 75044  
872.231.4351 FAX 872.496.0829  
CELL 972.742.7119 mlm@mlmccoy.com  
Project No.: 0567

STIPULATION FOR REUSE  
THIS DRAWING WAS PREPARED FOR USE ON A SPECIFIC SITE LOCATED AT THE SOUTHWEST CORNER OF BEN DAVIS ROAD AND HIGHWAY 78 IN SACHSE, TX. CONTEMPORARILY WITH THIS DRAWING, AS SHOWN HEREON, AND IT IS NOT SUITABLE FOR USE ON A DIFFERENT PROJECT SITE OR AT A LATER TIME. USE OF THIS DRAWING FOR ANY OTHER PROJECT OR ENGINEER'S REPRODUCTION OF THIS DRAWING FOR REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED AND MAY BE CONTRARY TO THE LAW.

**PROJECT BENCHMARK:**  
SQ. CUT EAST SIDE CONC. BASE OF TRAFFIC LIGHT, NW COR. BEN DAVIS & SH 78.  
ELEV 549.25

**CALL BEFORE YOU DIG!!!**  
1-800-DIG-TESS  
1-800-344-8377

**GENERAL SITE NOTES:**

1. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH DETAILS AND SPECIFICATIONS SHOWN IN CITY OF SACHSE "STANDARD CONSTRUCTION DETAILS" AVAILABLE IN HALF SIZE BOOKLETS FROM THE "COMMUNITY DEVELOPMENT" DEPARTMENT LOCATED AT 5560 HWY. 78, (972) 675-1633. SEE SHEET C1.3 FOR CITY OF SACHSE GENERAL CONSTRUCTION NOTES.

2. ALL DIMENSIONS SHOWN ON SITE PLAN ARE TO FACE OF CURB, FACE OF BUILDING, OR CENTERLINE OF PAINT STRIPES, UNLESS OTHERWISE NOTED. FOLLOW WRITTEN DIMENSIONS DO NOT SCALE. REFER TO ARCH. SITE PLAN FOR ADDITIONAL DETAILS. THIS SHEET SHALL CONTROL FOR SITE DIMENSIONS, ARCHITECT SHEET FOR BUILDING.

3. REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSIONS OF VESTIBULE AND BUILDING DETAILS.

4. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXACT LOCATION OF UNDERGROUND UTILITIES PRIOR TO BEGINNING CONSTRUCTION. ANY DISCREPANCIES FOUND SHALL BE BROUGHT TO THE ATTENTION OF THE TO CIVIL ENGINEER.

5. CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING THE NECESSARY APPROVALS, PERMITS, AND INSPECTIONS, PAYING REQUIRED FEES AND POSTING ANY REQUIRED BONDS PRIOR TO BEGINNING ANY DEMOLITION OR CONSTRUCTION.

6. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN AT ALL TIMES, PORT-A-POTTES AND CONSTRUCTION CONTAINERS OR DUMPSTERS AND KEEP THE SITE CLEAN DURING THE CONSTRUCTION OF THE PROJECT.

7. CONTRACTOR FURNISH AND PAY FOR ALL BARRICADES, FLAGMEN, SIGNS, TRAFFIC CONTROL DEVICES, PLANS, PERMITS, ETC. AS REQUIRED.

8. CONTRACTOR SHALL CONSTRUCT PROJECT TO MEET ALL CURRENT ADA/IAS ACCESSIBILITY STANDARDS.

9. CONTRACTOR TO COORDINATE THE INSTALLATION OF UTILITY SERVICE WITH UTILITY COMPANIES, BEFORE THE INSTALLATION OF PAVEMENT, SIDEWALKS, CURB & GUTTER, AND OTHER PERMANENT FEATURES.

10. THE CONTRACTOR SHALL COMPLY WITH THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND MAINTAIN A MABLE TRENCH SAFETY SYSTEM AT ALL TIMES.

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF TEXAS AS SIGNIFIED BY MY HAND AND SEAL.

**FISCAL 2008 CRITERIA**  
PROJECT NAME  
**WALGREENS STORE # 09909**  
5434 HWY. 78, SACHSE, TX 75048  
114'-0" X 130'-0"

DRAWING TITLE  
**SITE PLAN**

CADD PLOT: 11/01/05  
VOID PLOT:  
SCALE: 1" = 30'  
DRAWN BY: M.L.M.  
DATE: 08/22/05  
REVIEWED BY:

**EXIST TOPOGRAPHIC FEATURES**

NO.	DESCRIPTION	ELEV.
1	TRAFFIC SIGN	551.4
2	NO. LIGHT POLE	550.01
3	PAV. "X" IN TC	550.20
4	TRAFFIC SIGN	550.84
5	TRAF. SIGNAL BOX	48.90
6	GAS TEST STA.	49.76
7	SIGNAL BOX	48.95
8	3" DIA. TRAF. LT. BASE	50.11
9	WATER METER	52.74
10	VALVE BOX	52.55
11	TRAF. LIGHT/CONC. PAD	53.50
12	ELEC. METER ON CONC.	53.22
13	NO. LIGHT POLE/FRSR	54.90
14	12" DIA. TRAF. LT. BASE	54.98
15	15" W/2" CONC. PAD	55.10
16	18" FIRE HYDRANT	54.71
17	12" W/2" CONC. PAD	55.07
18	WATER METERS 18" DIA.	48.80
19	VALVE BOX - 8" CONC.	54.26
20	18" TRAF. LIGHT CABLE BOX	

① CONST. FEATURES

- CONSTRUCTION KEY NOTES:**
1. INTERNATIONAL ACCESSIBILITY SYMBOL
  2. ELECTRICAL TRANSFORMER
  3. ACCESSIBLE PARKING SIGN WITH BOLLARD BASE
  4. PAINTED PARKING LOT STRIPE
  5. HANDICAP ACCESSIBLE RAMP
  6. TRAFFIC ARROW
  7. SAWCUT EXIST. PAVEMENT TO FULL DEPTH, MEET & MATCH EXIST. PAVEMENT.
  8. SHREDDER AND COMPACTOR WITH SCREENING
  9. WALGREENS Pylon SIGN - 8' MIN. SET BACK OFF PROPERTY LINE. SEE ARCH. FOR SIGN DETAILS.
  10. TOTE (DUMPSTER) ENCLOSURE
  11. LINE OF CANOPY ABOVE
  12. STOP SIGN
  13. STOP BAR AND PAVEMENT MARKINGS
  14. 65 FOOT TRUCK TURNING RADIUS
  15. 4" W YELLOW PAINT STRIPE, LANE DIVIDER 50' - PHARMACY DRIVE THRU 24' - SHEPHERDS GLEN DRIVE 18' - BEN DAVIS SOUTH DRIVE
  16. LINE OF CONCRETE PAD
  17. CONCRETE DRIVE-UP LANE AND CANOPY ABOVE
  18. LIMITS OF HEAVY DUTY CONCRETE PAVT.
  19. DETECTABLE WARNING SURFACE
  20. WALGREENS ENTRANCE SIGN - MIN. 8' SETBACK
  21. 4" SIDEWALKS PER CITY STANDARDS & DETAILS
  22. BARRIER FREE RAMPS PER CITY DETAILS
  23. EXIST. STRUCTURE/OBJECT TO BE REMOVED
  24. COORDINATE W/ DEVELOPER/CONTRACTOR POSSIBLE UTILIZATION DURING CONSTRUCTION &/OR TIMING OF REMOVAL.
  25. 12"x18" - DO NOT BLOCK ENTRANCE" SIGN
  26. MINIMUM 24" OCTAGONAL REFLECTIVE STEEL STOP SIGN (SET BACK CLEAR OF TRAFFIC). SEE DETAIL 11/200.D.

**PROPOSED CONCRETE PAVING**

HEAVY DUTY TRAFFIC DRIVES, SERVICE AREAS, FIRE LANES MINIMUM 7" THICK, 3500 PSI CONC.

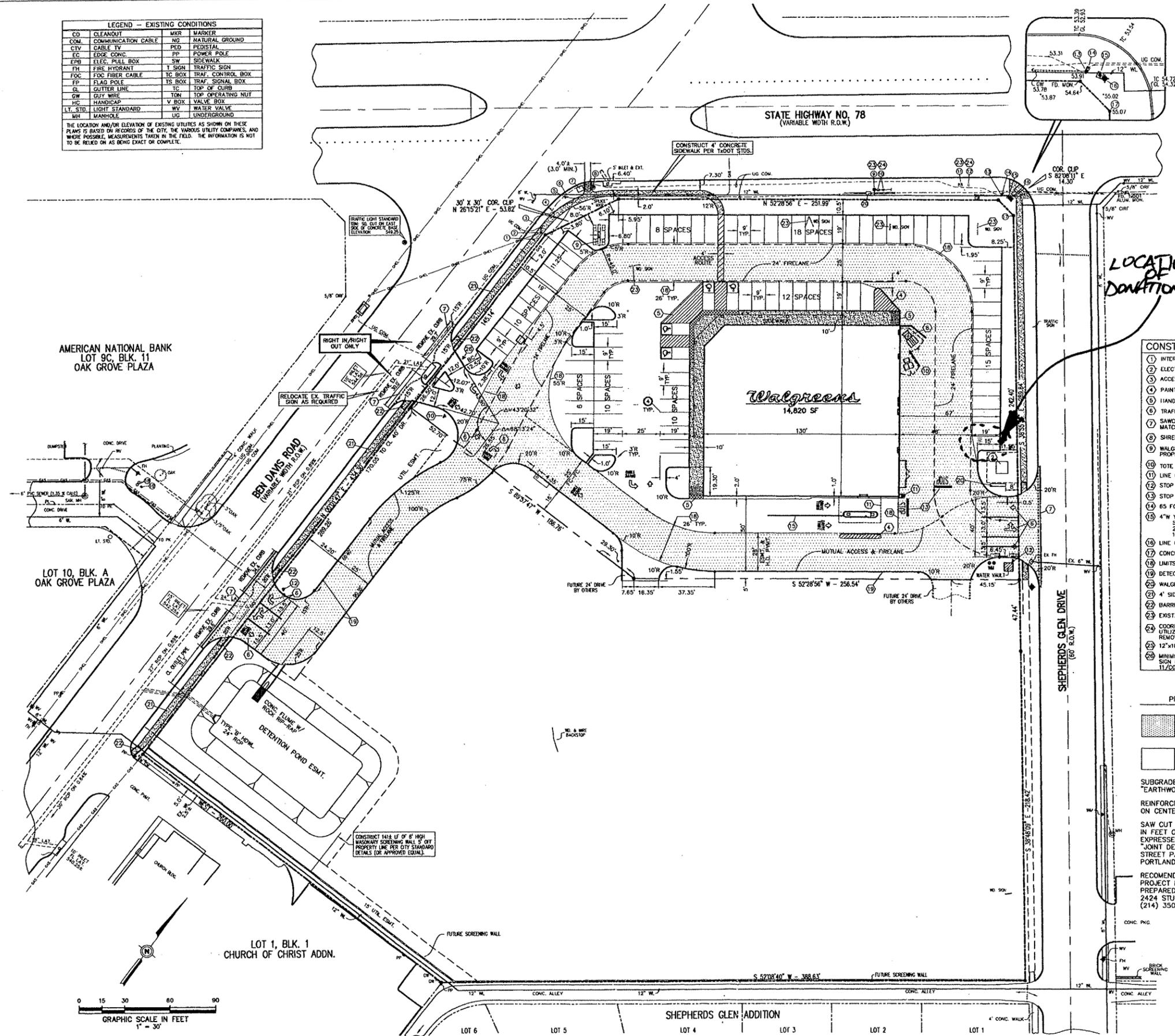
LIGHT DUTY TRAFFIC DRIVES & PARKING AREAS MINIMUM 6" THICK, 3500 PSI CONC.

SUBGRADE -- SCARIFIED & RECOMPACTED PER "EARTHWORK" SECTION OF SOILS REPORT.

REINFORCING -- #3 BARS (METRIC #10) AT 18" ON CENTER EACH WAY.

SAW CUT JOINTS -- APPROXIMATE SPACING IN FEET OF 2.5 TO 3 TIMES PAVT. THICKNESS EXPRESSED IN INCHES-AS RECOMMENDED IN "JOINT DESIGN FOR CONCRETE HIGHWAY AND STREET PAVEMENTS" PUBLISHED BY THE PORTLAND CEMENT ASSOCIATION.

RECOMMENDATIONS PER GEOTECHNICAL REPORT - PROJECT NO. 12163, DATED APRIL 25, 2005 PREPARED BY REED ENGINEERING GROUP, INC., 2424 STUTZ DR., SUITE 400, DALLAS, TX 75235 (214) 350-5600.



WALGREENS #09909 - SACHSE, TEXAS

08/22/05 2012



Legislation Details (With Text)

**File #:** 12-1269      **Version:** 1      **Name:** CD - SF GARAGE CONV DISC  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/27/2012      **In control:** City Council  
**On agenda:** 1/7/2013      **Final action:**  
**Title:** Discuss the zoning regulations associated with enclosing single-family residential garages.

**Executive Summary**

Garages for single-family residences are currently regulated by the City of Sachse Zoning Ordinance. City Council discussed this item at a previous meeting on October 1, 2012. This discussion item will present follow-up information and options to be considered by City Council for a possible Zoning Ordinance amendment.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [CD - SF GARAGE CONV DISC - PRESENTATION.pdf](#)

Date	Ver.	Action By	Action	Result
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**Title**

Discuss the zoning regulations associated with enclosing single-family residential garages.

*Executive Summary*

*Garages for single-family residences are currently regulated by the City of Sachse Zoning Ordinance. City Council discussed this item at a previous meeting on October 1, 2012. This discussion item will present follow-up information and options to be considered by City Council for a possible Zoning Ordinance amendment.*

**Background**

The regulations for garages associated with single-family residential development are contained in Article 3, Section 2.3(d) of the Sachse Zoning Ordinance. This section of the Zoning Ordinance was most recently amended by Ordinance No. 3296 (adopted June 20, 2011). However, the language associated with enclosing garages has not been amended since December 3, 1984.

A previous Discussion Item was conducted at the October 1, 2012 City Council meeting. During this meeting City Council focused much of the discussion on issues pertaining to safety and aesthetics. At this meeting City Council directed staff to provide options that would take into account the concerns pertaining to safety and aesthetics. These regulations should further the intent of the provisions contained therein.

**Policy Considerations**

This section will provide the existing regulations for enclosing attached or detached garages associated with single-family residential development. Article 3, Section 2.3(d) of the Sachse Zoning Ordinance regulates garage requirements for single-family residences. The prohibition of enclosing single-family garages is based upon Section 2.3(d)(1) of the Zoning Ordinance. The exact language from the Zoning Ordinance is shown below.

*2.3(d). Garage requirements.*

- (1) All residences shall include a private and enclosed garage for all required off-street parking spaces.
- (2) The entrances to all attached or detached garages shall not face any street, except for the entrances to attached or detached garages located on property platted after June 20, 2011.
- (3) Front entry garage doors, where permitted, shall be even with, or recessed behind the front face of the primary structure.

Schedule I of the Zoning ordinance requires two parking spaces per single-family dwelling unit. Therefore, this requirement coupled with the requirement in Article 3, Section 2.3(d)(1) of the Zoning Ordinance, provides the need for having two parking spaces located in an enclosed garage.

As stated in the Background section of this staff report, City Council commented on potential Ordinance revisions from both an aesthetics standpoint and a safety standpoint. The main discussion topics were as follows:

Aesthetics

- Personal items in the garage can be visible when garage door is left open.
- Vehicles may be parked on driveway apron and potentially block sidewalk.
- There is the potential for an excessive amount of vehicles parked in the public street.
  - Home prices being devalued in a neighborhood due to the garage conversion.

Safety

- We need to ensure conversions are being built to current Building Code standards.
  - Cars parked in the street may block access for emergency vehicles.

In light of the above comments made at the City Council meeting on October 1, 2012, City Council directed staff to return with two alternative options. They are as follows:

1. Allow conversions of garages for single-family residences by right. By permitting conversions by right, illegal conversions (i.e., those performed without obtaining necessary building permits) would be reduced.
2. Allow conversions provided the following conditions/criteria are considered:

~~a. An adequate driveway apron is provided to accommodate two vehicles. The~~

- a. An adequate driveway apron is provided to accommodate two vehicles. The minimum width shall be 18-feet and the minimum length shall be 18-feet, which is the equivalent of two 9-ft x 18-ft parking spaces.
- b. No Parking instituted in select situations where deemed appropriate. ( *Note: In order to institute this change a separated amendment would be required.*)

#### Budgetary Considerations

None.

#### Staff Recommendations

Based on the information presented, Staff recommends City Council offer direction regarding regulations contained in the Zoning Ordinance pertaining to garages for single-family residences.



## **CITY COUNCIL MEETING**

JANUARY 7, 2013

### **OUTLINE**

- ❑ Background
- ❑ Current Sachse Regulations
- ❑ Options



## **BACKGROUND**

### **HISTORY**

- ❑ Single-Family Residential Garages regulated by Article 3, Section 2.3(d) of the Sachse Zoning Ordinance
- ❑ Recently amended on June 20, 2011 by Ordinance No. 3296 – allowed garages to face public streets.



## **BACKGROUND**

### **PREVIOUS CITY COUNCIL MEETING**

- ❑ Discussion focused on aesthetics and safety as the main concerns



## **POLICY CONSIDERATIONS**

### **SUMMARY OF EXISTING REGULATIONS**

- Article III, Section 2.3(d) of the Zoning Ordinance
  - **All residences shall include a private and enclosed garage for all required off-street parking spaces.**
  - The entrances to all attached or detached garages shall not face any street, except for the entrances to attached or detached garages located on property platted after June 20, 2011.
  - Front entry garage doors, where permitted, shall be even with, or recessed behind the front face of the primary structure.
- Schedule I. Permitted Uses Table
  - Requires two spaces per Single-Family Detached Dwelling Unit



## **POLICY CONSIDERATIONS**

### **QUESTIONS ABOUT EXISTING REGULATIONS**

- Is the provision of a required two-car garage for each detached dwelling unit adequately meeting the intent of the Zoning ordinance regulation as codified.
  - *For example, the Code does not specifically state that all vehicles must be parked in required off-street parking spaces provided inside garage.*



## **POLICY CONSIDERATIONS**

### **CITY COUNCIL CONCERNS**

- Aesthetics
  - Personal items in the garage can be visible when garage door is left open.
  - Vehicles may be parked on driveway apron and potentially block sidewalk.
  - There is the potential for an excessive amount of vehicles parked in the public street.
  - Home prices being devalued in a neighborhood due to the garage conversion.
- Safety
  - We need to ensure conversions are being built to current Building Code standards.
  - Cars parked in the street may block access for emergency vehicles.



## **POLICY CONSIDERATIONS**

### **OPTION # 1**

- Allow conversions of garages for single-family residences by right. By permitting conversions by right, illegal conversions (i.e., those performed without obtaining necessary building permits) would be reduced.



## **POLICY CONSIDERATIONS**

### **OPTION #2**

- Allow conversions provided the following conditions/criteria are considered:
  - An adequate driveway apron is provided to accommodate two vehicles. The minimum width shall be 18-feet and the minimum length shall be 18-feet, which is the equivalent of two 9-ft x 18-ft parking spaces.
  - No Parking instituted in select situations where deemed appropriate. *(Note: In order to institute this change a separated amendment would be required.)*



## **STAFF RECOMMENDATION**

- Based on the information presented, Staff recommends City Council offer direction regarding regulations contained in the Zoning Ordinance pertaining to garages for single-family residences.





Legislation Details (With Text)

**File #:** 12-1270      **Version:** 1      **Name:** CD - SIGNAGE DISC  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/28/2012      **In control:** City Council  
**On agenda:** 1/7/2013      **Final action:**  
**Title:** Discuss the City of Sachse Code of Ordinance signage regulations.

**Executive Summary**

The City of Sachse regulates signage in Chapter 3 of the City Code of Ordinances. This discussion item will discuss general signage regulations as well as specific regulations pertaining to political signs and government signs.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [CD - SIGNAGE DISC - PRESENTATION.pdf](#)

Date	Ver.	Action By	Action	Result
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**Title**

Discuss the City of Sachse Code of Ordinance signage regulations.

*Executive Summary*

*The City of Sachse regulates signage in Chapter 3 of the City Code of Ordinances. This discussion item will discuss general signage regulations as well as specific regulations pertaining to political signs and government signs.*

**Background**

This Discussion Item will cover basic signage regulations and specific regulations pertaining to both political signs and government signs. This Discussion Item is being brought forward at the request of the City Council.

In basic terms, regulations contained in signage ordinances serve the purpose of alerting the public of something happening in their surrounding environment. Regulations pertaining to signage are highly scrutinized, with these regulations being governed by multiple sources including the First Amendment, United States Supreme Court cases, State laws and local ordinances. This item will present proposed amendments that are in conformance with the aforementioned governing regulations.

**Policy Considerations**

Regulations pertaining to signage can be divided into two broad categories based on the types of speech-commercial and non-commercial. Since the main focus of this Discussion Item is political and government signage, this staff report will include the regulations associated with non-commercial types of speech/signage.

The extent of which municipalities can regulate political signs are largely governed by Section 216.903 of the Texas Local Government Code. Provided a political sign contains primarily a political message and it is located on private real property with the consent of the property owner, this section of the Local Government Code states that a municipality may not:

- Prohibit the sign from being placed;
- Require a permit or approval of the municipality or impose a fee for the sign being placed;
- Provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.

In order to qualify for the aforementioned exemptions for permit, the Local Government Code further stipulates the following limitations on the signage:

- The sign does not have an effective area greater than 36 square feet; and
- The sign does not have a height more than eight feet measured from the ground to the highest point of the sign; and
  - The sign is not illuminated; and
  - The sign does not have any moving elements.

Municipalities may regulate the placement of political signs in areas that are not private real property, such as public rights-of-way. However, it should be noted that public rights-of-way that are part of the State Highway system are otherwise regulated by state statutes.

The City of Sachse does not currently have any restrictions from placing political signs on public property such as the rights-of-way. When regulating signs located in public rights-of-way, traffic safety issues such as visibility should be the primary determining factor, with aesthetics being a secondary factor.

The restrictions for placing political signs in the right-of-way of a state highway (e.g., State Highway 78) are as follows:

- It is illegal to place any signs on or within the right-of-way. This includes posting signs on trees, telephone poles, traffic signs and other objects on the right-of-way.
- Campaign signs along Texas roads can be placed on private property with the owner's permission. Signs must be made of lightweight material and be no larger than 50 square feet.
- Campaign signs may be posted as early as 90 days before an election (no earlier) and

- Campaign signs may be posted as early as 90 days before an election (no earlier) and must be removed within 10 days after the election.

As previously stated, Government signs are considered non-commercial types of signage and are regulated as such. Government signs are those signs that are necessary to the essential functions of a government agency. It should be noted that Government signs should not be confused with community events signage, which are regulated in a different manner. Therefore, Government signs will thus be separated into "Government Awareness" and "Government Community Event" signs.

In order to implement the amendments to the regulations for political and government signs, the following changes are being proposed for discussion:

- Add a definition for Government Awareness Signs:

*Sign, Government Awareness* is a temporary stake sign, banner or other apparatus, including Flags, used to convey health, safety and welfare information to the public regarding City, County, State, or Federal government requirements and regulations such as water restrictions, burn bans, or other similar information. Government Awareness Signs may include Town Hall Meeting information.

- Add a definition for Government Community Event Signs:

*Sign, Government Community Event* is a temporary stake sign, banner, or other apparatus used to convey information to the public regarding City-related activities and events (e.g., Fall Fest, Red White & Blue Blast, Daddy-Daughter Dance, Pumpkin Prowl, Easter Egg Scramble and the like).

- Add a definition for Political Signs:

*Sign, political* is any sign:

- (a) Relating to the election of a person to a public office;
- (b) Relating to a political party;
- (c) Relating to a matter to be voted upon at an election called by a public body; or
- (d) Containing primarily a political message.

- Government Signs currently qualify for an exemption from permitting requirements; however these do not differentiate between Government Awareness Signs and Government Community Event Signs. Both Government Awareness Signs and Government Community Event Signs will be added to the list of exempt signs; however regulations for ancillary regulations for Government Community Event Signs will be

added as follows:

*Government Community Event Sign*

- (a) No Sign Permit required. A Government Community Event Sign may be erected up to seven business days prior to the event or activity, and shall be removed within two business days after the event or activity.
- (b) Government Community Event Signs shall only be placed at a City public park and/or other City government property that contains a public building, within a residential subdivision with written permission from the Homeowner's Association or its representative, at a private or public educational facility with permission, and at the event location.
- (c) A Government Community Event Sign shall not be placed in medians, easements, or within the right-of-way of any thoroughfare. Government pole banners shall have no restrictions.

- Political Signs currently qualify for an exemption from permitting requirements. Language expanding upon this exemption will be added as follows:

Political signs that:

- (a) Are located on private real property with consent of the property owner; and
- (b) Do not have an effective area greater than 36 square feet; and
- (c) Do not have a height more than eight feet measured from the ground to the highest point of the sign; and
- (d) Are not illuminated; and
- (e) Do not have any moving elements.

A sign not meeting each of the above requirements or containing primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political is not exempt from the requirements of obtaining a permit, assuming the sign is otherwise allowed by this Code.

It should be noted that since these regulations are not located in the Zoning Ordinance, a public hearing would not be necessary in order to amend these regulations.

**Budgetary Considerations**

None.

**Staff Recommendations**

Based on the information presented, Staff recommends City Council offer direction regarding future signage regulations.





## **CITY COUNCIL MEETING**

JANUARY 7, 2013

### **OUTLINE**

- ❑ Background
- ❑ Current Sachse Regulations  
*(focus on Political and Government Signs)*
- ❑ Options for Discussion



## **BACKGROUND**

### **GUIDING PRINCIPLES**

- Regulations contained in signage ordinances serve the purpose of alerting the public of something happening in their surrounding environment.
- Regulations pertaining to signage are highly scrutinized
- Two broad types of signage:
  - Commercial
  - Non-Commercial



## **BACKGROUND**

### **FOCUS OF DISCUSSION ITEM**

- The focus of this Discussion Item will be on two types of Non-Commercial Signage:
  - Political Signs
  - Government Signs



## **POLICY CONSIDERATIONS**

### **POLITICAL SIGNS—LIMITATIONS OF REGULATION**

- ❑ Section 216.903 of Texas Local Government Code limits the extent municipalities can regulate Political Signs.
- ❑ Provided a political sign contains primarily a political message and it is located on private real property with the consent of the property owner, this section of the Local Government Code states that a municipality may not:
  - Prohibit the sign from being placed;
  - Require a permit or approval of the municipality or impose a fee for the sign being placed;
  - Provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.



## **POLICY CONSIDERATIONS**

### **POLITICAL SIGNS—LIMITATIONS OF REGULATION**

- ❑ In order to qualify for the aforementioned exemptions for permit, the Local Government Code further stipulates the following limitations on the signage:
  - The sign does not have an effective area greater than 36 square feet; and
  - The sign does not have a height more than eight feet measured from the ground to the highest point of the sign; and
  - The sign is not illuminated; and
  - The sign does not have any moving elements.



## **POLICY CONSIDERATIONS**

### **POLITICAL SIGNS—REGULATION**

- Municipalities may regulate the placement of political signs in areas that are not private real property, such as public rights-of-way
  - Regulations should be under premise of traffic safety
  - State Statutes for State Highways (SH78) supersede our Ordinances



## **POLICY CONSIDERATIONS**

### **POLITICAL SIGNS—STATE HIGHWAYS**

- The restrictions for placing political signs in the right-of-way of a state highway (e.g., State Highway 78) are as follows:
  - It is illegal to place any signs on or within the right-of-way. This includes posting signs on trees, telephone poles, traffic signs and other objects on the right-of-way.
  - Campaign signs along Texas roads can be placed on private property with the owner's permission. Signs must be made of lightweight material and be no larger than 50 square feet.
  - Campaign signs may be posted as early as 90 days before an election (no earlier) and must be removed within 10 days after the election.



## **POLICY CONSIDERATIONS**

### **POTENTIAL AMENDMENTS FOR DISCUSSION**

- Add separate definitions for two types of Government Signs:

*Sign, Government Awareness* is a temporary stake sign, banner or other apparatus, including Flags, used to convey health, safety and welfare information to the public regarding City, County, State, or Federal government requirements and regulations such as water restrictions, burn bans, or other similar information. Government Awareness Signs may include Town Hall Meeting information.



## **POLICY CONSIDERATIONS**

### **POTENTIAL AMENDMENTS FOR DISCUSSION**

- Add separate definitions for two types of Government Signs:

*Sign, Government Community Event* is a temporary stake sign, banner, or other apparatus used to convey information to the public regarding City-related activities and events (e.g., Fall Fest, Red White & Blue Blast, Daddy-Daughter Dance, Pumpkin Prowl, Easter Egg Scramble and the like).



## **POLICY CONSIDERATIONS POTENTIAL AMENDMENTS FOR DISCUSSION**

- Add a definition for Political Signs:  
*Sign, political* is any sign:
  - a) Relating to the election of a person to a public office;
  - b) Relating to a political party;
  - c) Relating to a matter to be voted upon at an election called by a public body; or
  - d) Containing primarily a political message.



## **POLICY CONSIDERATIONS POTENTIAL AMENDMENTS FOR DISCUSSION**

- Add Government Awareness Signs and Government Community Event Signs to list of exempt signs.
- Add ancillary regulations for Government Community Event Signs
  - No Sign Permit required. A Government Community Event Sign may be erected up to seven business days prior to the event or activity, and shall be removed within two business days after the event or activity.



## **POLICY CONSIDERATIONS POTENTIAL AMENDMENTS FOR DISCUSSION**

- Add ancillary regulations for Government Community Event Signs (*continued*)
  - Government Community Event Signs shall only be placed at a City public park and/or other City government property that contains a public building, within a residential subdivision with written permission from the Homeowner's Association or its representative, at a private or public educational facility with permission, and at the event location.
  - A Government Community Event Sign shall not be placed in medians, easements, or within the right-of-way of any thoroughfare. Government pole banners shall have no restrictions.



## **POLICY CONSIDERATIONS POTENTIAL AMENDMENTS FOR DISCUSSION**

- Political Signs currently qualify for an exemption from permitting requirements. Language expanding upon this exemption will be added as follows:  
Political signs that:
  - Are located on private real property with consent of the property owner; and
  - Do not have an effective area greater than 36 square feet; and
  - Do not have a height more than eight feet measured from the ground to the highest point of the sign; and
  - Are not illuminated; and
  - Do not have any moving elements.



## **POLICY CONSIDERATIONS**

### **POTENTIAL AMENDMENTS FOR DISCUSSION**

□ Political Signs (*continued*)

A sign not meeting each of the above requirements or containing primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political is not exempt from the requirements of obtaining a permit, assuming the sign is otherwise allowed by this Code.



## **STAFF RECOMMENDATION**

- Based on the information presented, Staff recommends City Council offer direction regarding future signage regulations.

