



Sachse, Texas

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

Meeting Agenda

City Council

Monday, January 21, 2013

7:30 PM

Council Chambers

The City Council of the City of Sachse will hold a Regular Meeting on Monday, January 21, 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.

[13-1309](#) Consider approval of the minutes of the January 7, 2013 regular meeting.

Executive Summary

Minutes of the last City Council meeting for review and approval.

Attachments: [CC min.1.07.13.pdf](#)

[13-1314](#) Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of a Memorandum of Understanding, by and between the City of Sachse and a Regional Advisory Council ("Lead RAC"), North Central Texas Trauma Regional Advisory Council ("NCTTRAC"), properly authorized to do business in the State of Texas and designated by the Texas Department of State Health Services as an EMTF Lead RAC, for the purpose of establishing a mechanism for the utilization and coordination of Emergency Medical Resources and assets with Sachse Fire Rescue in the event of an emergency or disaster; and providing for an effective date.

Executive Summary

The purpose of the State Memorandum of Agreement for Medical Task Force Responders is to establish agencies to provide ambulances and/or medical professionals upon request from DSHS (Department of State Health Services) for disaster response in evaluations and sheltering. These MOAs have been a valuable state resource during disaster response for several major storms and other incidents over the past five years.

Attachments: [Letter for MOA medical](#)
[NCTTRAC EMTF Resource MOA 09 25 2012](#)
[RES-MOU.pdf](#)

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

3. CITIZEN INPUT.

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

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.

- [13-1326](#) Presentation from the Texas Turnpike Corporation on a proposed toll road from the City of Lavon, Texas to the City of Greenville, Texas.

Executive Summary

A representative of the Texas Turnpike Corporation will present a proposed private toll road between Lavon and Greenville. The presentation will include background information on the project and the Corporation's plans to see the project through to completion.

Attachments: [TTC.pdf](#)

- [13-1311](#) Consider appointments to Boards and Commissions.

Executive Summary

The City has vacancies on our Boards and Commissions and the Council will consider appointments.

Attachments: [Board applications.pdf](#)
[Board lists.pdf](#)

- [13-1320](#) Discuss Police Department Video Partnership Program.

*Executive Summary**Presentation & Discussion of Sachse Police Department Video Partnership Program.*

Attachments: [Sachse Police Video Partnership](#)

[13-1321](#)

Present to City Council the approach for implementing a Mosquito Action Plan.

Executive Summary

The Community Development Department is preparing an Action Plan that will serve as guidance for a proactive response to addressing the prevention of West Nile Virus in our community.

Attachments: [CD - MOSQUITO ACTION PLAN - PRESENTATION.pdf](#)

[13-1322](#)

Consider adoption of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 3, titled "Building Regulations", by amending and restating Article II, titled "Tree Preservation"; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed the sum of five hundred (\$500.00) dollars for each offense; and providing an effective date.

Executive Summary

The removal of trees from property within the City is regulated by the Tree Mitigation standards contained in the Code of Ordinances. In short, trees that are removed must be replaced at a certain ratio consistent with the standards. City Council and Planning and Zoning Commission have offered direction regarding amending these provisions in the Code of Ordinances. The proposed amendments are being brought forward as a result of these discussions.

Attachments: [CD - TREE MITIGATION ORD - PRESENTATION.pdf](#)

[CD - TREE MITIGATION ORD - ATTACHMENT 1.pdf](#)

[CD - TREE MITIGATION ORD - DRAFT ORD VERSION 1.pdf](#)

[CD - TREE MITIGATION ORD - DRAFT ORD VERSION 2.pdf](#)

[13-1315](#)

Consider a resolution of the City Council of the City of Sachse, authorizing the reallocation of Capital Improvement funds from the Merritt Road Realignment Project to the Bunker Hill Road Improvement Project and the Merritt Road Improvement Project from the intersection with Pleasant Valley Road to the southern city

limit; and providing for an effective date.

Executive Summary

The Capital Improvement Project, Bunker Hill Road Improvements (BHR), is nearing completion. The Capital Improvement Project, Merritt Road Improvements Project from the intersection with Pleasant Valley Road to the southern city limit, has been bid and is ready for construction.

The BHR road project was budgeted at \$9.5M with 80% of those funds being provided through the Regional Toll Revenue (RTR) program administered by the North Central Texas Council of Governments. It will be completed with a project cost of less than \$9M. Since only 80% of the actual project costs may be funded out of the RTR grant, a portion of the project budget must be returned to TxDOT which necessitates additional Sachse funds be returned to TxDOT since Sachse budgeted for 100% of the overall project budget (Sachse must return the 80% of the unspent funds).

The Merritt Road Improvements Project from the intersection with Pleasant Valley Road to the southern city limit, a partnership project with Dallas County where Dallas County is providing \$1.42M in project funds, has been bid and is ready for construction. During the right of way (ROW) acquisition phase, a significant amount of the ROW budget was unencumbered, leading to the anticipation of Sachse being able to apply project savings to the relocation of a Sachse waterline and for project landscaping. However, the construction bid came in at approximately \$2.6M which was \$0.5M greater than the construction portion of the budget. The result is that right of way savings will be required for roadway construction.

Staff is requesting that the City Council reallocate funds from the Merritt Road Realignment Project (realigning Merritt Road to Woodbridge Parkway) to 1) Bunker Hill Road for "cash-flow" required due to significant project savings and 2) the Merritt Road Improvements Project from the intersection with Pleasant Valley Road to the southern city limit to cover waterline relocation and landscaping.

Attachments: [RES Merritt Funding Reallocation.pdf](#)

[Roadway Funding Reallocation.pdf](#)

[13-1325](#)

Consider a motion to select and approve Landscape Planting Plan Alternate No. 1 "Traditional" or Landscape Planting Plan Alternate

No. 2 "Xeriscape" for the Merritt Road Paving and Drainage Improvements Project from the intersection with Pleasant Valley Road to the southern city limit.

Executive Summary

The design consultant for the Merritt Road Paving and Drainage Improvements Project from the intersection with Pleasant Valley Road to the southern city limit prepared two design options for the required landscaping associated with the project. The project has been bid by Dallas County. Ed Bell Construction Company has been awarded the project and is ready to move forward. The City of Sachse needs to provide Dallas County direction on the selected landscaping for the project.

Attachments: [ALT 1 TRADITIONAL LANDSCAPE.pdf](#)
[ALT 2 XERISCAPE LANDSCAPE.pdf](#)

[13-1307](#)

Conduct a public hearing and consider approval of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 11, titled "Zoning", Article 4 titled "General Provisions Applying to All or Several Districts" by adding Section 10 titled "Outdoor Lighting"; providing a savings clause; providing a repealing clause; providing a severability clause; providing for a penalty of a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense; and providing an effective date.

Executive Summary

The Planning and Zoning Commission will hold a public hearing and will offer a recommendation to City Council regarding an ordinance adopting outdoor lighting standards primarily for commercial development.

Attachments: [CD - LIGHTING - PRESENTATION.pdf](#)
[CD - LIGHTING - DRAFT ORD VERSION 1.pdf](#)
[CD - LIGHTING - DRAFT ORD VERSION 2.pdf](#)

[13-1327](#)

Consider appointment of Chairperson of the President George Bush Turnpike Tax Increment Financing (TIF) Board or Directors as required by enabling ordinance.

Executive Summary

Ordinance 2049, the enabling ordinance for Sachse's TIF district, requires that the City Council designate a Chairperson of the

Board. At the January 15, 2013 TIF Board Meeting, Mr. Ed Brown was elected by the Board to serve as the vice chairperson. Mr. Brown had been the Chairperson prior to that meeting.

Attachments: [TIF Ordinance.pdf](#)
[TIF Roster.pdf](#)

13-1316

Adjourn to Executive Session pursuant to the provisions of the Texas Government Code, Section 551.074: To discuss the annual evaluation of the City Secretary.

Consider any action necessary as a result of executive session regarding the annual evaluation of the City Secretary.

*Executive Summary
Annual review of the City Secretary.*

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: January 18, 2013; 5:00 p.m.
Terry Smith, City Secretary _____.

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



Legislation Details (With Text)

File #: 13-1309 **Version:** 1 **Name:** Consider approval of the minutes of the January 7, 2013 regular meeting.

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

File created: 1/10/2013 **In control:** City Council

On agenda: 1/21/2013 **Final action:**

Title: Consider approval of the minutes of the January 7, 2013 regular meeting.

Executive Summary
Minutes of the last City Council meeting for review and approval.

Sponsors:

Indexes:

Code sections:

Attachments: [CC min.1.07.13.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider approval of the minutes of the January 7, 2013 regular meeting.

Executive Summary

Minutes of the last City Council meeting for review and approval.

Background

Minutes from the last regular City Council meeting on January 7, 2013.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Approval of the minutes of the January 7, 2013 regular meeting, as a consent agenda item.

**REGULAR MEETING
OF THE
CITY COUNCIL OF THE CITY OF SACHSE**

JANUARY 7, 2013

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

Mayor Mike Felix
Mayor Pro Tem 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 Kurbandsade, Police Chief Dennis Veach, Human Resources Manager Laura Morrow, Parks and Recreation Director Lance Whitworth, Library Manager Mignon Morse, City Engineer Greg Peters, 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 Councilwoman Pat McMillan.

1. Consent Agenda:

Councilman Adams moved to approve the Consent Agenda consisting of Items No. 12-1263, Approval of the minutes of the December 3, 2012 Regular Meeting; No. 12-1264, Acceptance of the resignation of Darlene Putman from the Parks and Recreation Commission; No. 12-1262, Approval of Resolution No. 3444 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; No. 12-1245, Approval of Ordinance No. 3445 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; and No. 12-1271, Receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2012. The motion was seconded by Councilman Ronnau and passed unanimously.

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

Councilwoman McMillan announced she would not be seeking reelection.

Mayor Felix noted the upcoming Sachse Sports Association signups on January 12 and 13 and January 19 and 20 at the old City Hall building on Highway 78. Mayor Felix also announced the annual Chamber of Commerce Banquet on February 1st at the Hyatt in Garland.

City Manager Billy George introduced the new City Engineer Greg Peters and welcomed him to Sachse. Mr. George also announced the retirement reception for Fire Chief Doug Kendrick on January 25th at 1:00 p.m. at Fire Station No. 1. The public is invited to attend.

12-1267 Presentation of Walmart Foundation Grant:

Clint Rewis with Walmart presented Library Manager Mignon Morse with a Walmart Foundation Grant in the amount of \$1,000.00 to purchase children's books.

13-1289 Staff Briefing: City Manager:

City Manager Billy George provided an update to Council on initiatives the city is working toward.

3. Citizen Input:

Mary Saathoff, 4108 Emerson Way, introduced herself to Council and the audience as the new President of the Sachse Friends of the Library and invited everyone to join the organization. She also announced details of an upcoming fundraiser in February.

Dave Sanford, 3718 Trailridge Drive, requested that Council look in to putting air ride shocks on the city's ambulances.

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 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:

Marc Kurbansade, Community Development Director, introduced the item. Following the briefing, Mayor Felix opened the public hearing. There were comments.

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

Following discussion, Councilman Timm made a motion to approve Ordinance No. 3446 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 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. The motion was seconded by Councilman Ronnau and passed unanimously.

12-1269 Discuss the zoning regulations associated with enclosing single-family residential garages:

Marc Kurbansade, Community Development Director, introduced the item and presented information to Council. Following discussion, Council offered feedback to Mr. Kurbansade. There was no formal Council action taken on this item.

12-1270 Discuss the City of Sachse Code of Ordinance signage regulations:

Marc Kurbansade, Community Development Director, introduced the item and presented information to Council. City Attorney Joe Gorfida was present and answered questions. Following discussion, Council offered feedback to Mr. Kurbansade regarding signage regulations. There was no formal Council action taken on this item.

There being no further business, Mayor Pro Tem Patterson made a motion to adjourn. The motion was seconded by Councilman Timm and carried unanimously. The meeting adjourned at 8:37 p.m.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR



Legislation Details (With Text)

File #: 13-1314 **Version:** 1 **Name:** State MOA for medical task force responders
Type: Agenda Item **Status:** Agenda Ready
File created: 1/10/2013 **In control:** City Council
On agenda: 1/21/2013 **Final action:**

Title: Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of a Memorandum of Understanding, by and between the City of Sachse and a Regional Advisory Council ("Lead RAC"), North Central Texas Trauma Regional Advisory Council ("NCTTRAC"), properly authorized to do business in the State of Texas and designated by the Texas Department of State Health Services as an EMTF Lead RAC, for the purpose of establishing a mechanism for the utilization and coordination of Emergency Medical Resources and assets with Sachse Fire Rescue in the event of an emergency or disaster; and providing for an effective date.

Executive Summary

The purpose of the State Memorandum of Agreement for Medical Task Force Responders is to establish agencies to provide ambulances and/or medical professionals upon request from DSHS (Department of State Health Services) for disaster response in evaluations and sheltering. These MOAs have been a valuable state resource during disaster response for several major storms an other incidents over the past five years.

Sponsors:

Indexes:

Code sections:

Attachments: [Letter for MOA medical](#)
[NCTTRAC EMTF Resource MOA 09 25 2012](#)
[RES-MOU.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of a Memorandum of Understanding, by and between the City of Sachse and a Regional Advisory Council ("Lead RAC"), North Central Texas Trauma Regional Advisory Council ("NCTTRAC"), properly authorized to do business in the State of Texas and designated by the Texas Department of State Health Services as an EMTF Lead RAC, for the purpose of establishing a mechanism for the utilization and coordination of Emergency Medical Resources and assets with Sachse Fire Rescue in the event of an emergency or disaster; and providing for an effective date.

Executive Summary

The purpose of the State Memorandum of Agreement for Medical Task Force Responders is to establish agencies to provide ambulances and/or medical professionals upon request from DSHS (Department of State Health Services) for disaster response in evaluations and sheltering. These MOAs have been a valuable state resource during disaster response for several major storms an other incidents over the past five years.

Background

The City of Sachse (Sachse Fire Rescue) signed the agreement last year and the agreement had expired in December 2012. This year it is the request to renew this agreement by signing the MOA for this year 2012.

Policy Considerations

No policy change needed. This agreement provides that, if requested, Sachse would respond under this agreement only if we are able to provide the aid to the State.

Budgetary Considerations

Initial cost would be to the City but reimbursed by the State of ALL expenses including back pay to fill the vacant shift positions.

Staff Recommendations

Staff recommends approval of a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of a Memorandum of Understanding, by and between the City of Sachse and a Regional Advisory Council ("Lead RAC"), North Central Texas Trauma Regional Advisory Council ("NCTTRAC"), properly authorized to do business in the State of Texas and designated by the Texas Department of State Health Services as an EMTF Lead RAC, for the purpose of establishing a mechanism for the utilization and coordination of Emergency Medical Resources and assets with Sachse Fire Rescue in the event of an emergency or disaster; and providing for an effective date as a consent agenda item.



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DEC 06 2012

DAVID L. LAKEY, M.D.
COMMISSIONER

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us

November 30, 2012

Mr. Doug Kendrick
City Of Sachse
Sachse Fire Rescue
3815 Sachse Rd Bldg D
Garland, TX 75048-3835

Re: Termination of Contract PPCPS/EMSOE (2009-038260-001)

Dear Mr. Doug Kendrick,

The Texas Department of State Health Services (DSHS) has an existing Memorandum of Agreement (MOA) with your agency to provide ambulances and/or medical professionals upon request from DSHS for disaster response in evacuations and sheltering. These MOAs have been a valuable state resource during disaster response for several major storms and other incidents over the past five years.

We thank you for your willingness to participate in previous disaster response and look forward to your continued involvement in serving the citizens of this state.

DSHS, in coordination with the Texas Division of Emergency Management (TDEM) and our Trauma Regional Advisory Councils (RAC), is transitioning to a new regional model for disaster response assets. Most of you are aware of the initiative that has created the Emergency Medical Task Forces (EMTF). This new regional EMTF model will provide increased medical response capabilities, including ambulance strike teams, ambulances, nurse strike teams, and mobile medical units. The EMTF model will allow for stronger regional capacity for smaller disasters and emergencies while still providing existing and new resources for state-level disasters. We believe this is the right way to evolve our initiatives relating to disaster response resources.

As part of the process to migrate to the EMTF model, it is necessary for us to eliminate duplicative MOAs that could create conflicts and jeopardize reimbursement.

This letter serves as your official notification of the termination of your existing MOA with DSHS, as of December 31, 2012.

DSHS has developed and executed new agreements with eight RACs designated as the "Lead RAC" for that region's EMTF. These agreements require the Lead RAC to develop and staff five ambulance strike teams in each of their regions as well as five nurse strike teams, one or two ambulances, at least one mobile medical unit, and EMTs/paramedics to perform specific missions,

DEC 06 2012

including Medical Incident Support Teams, Ambulance Staging Management teams, incident management, and personnel to staff medical buses during evacuation.

The Lead RACs, in turn, have jointly developed a standardized subcontract agreement that will be the mechanism for your agency to be able to provide resources for state disasters. When fully executed by you and the Lead RAC, this subcontract agreement will replace the terminated DSHS MOA.

Reimbursements to you for costs incurred during deployments will not change, however, you will submit your invoices to the Lead RAC that holds the subcontract with you, and then the Lead RAC will submit these invoices to DSHS for payment. This span of control is prudent and should allow for improved coordination. It is the intent of DSHS and the Lead RACs to assure invoice reimbursements are provided within 30 to 40 days after the submission.

Activation of your subcontract agreement during a disaster will be made by the Lead RAC after notification and state mission assignments are issued from DSHS.

If you have not already been contacted by your Lead RAC, please contact them and enter into the new subcontract so that your organization may continue to help assure Texas and your region have the capabilities needed for disaster response. If you have any questions, please contact the EMTF coordinator for your TSA.

<u>TSA</u>	<u>EMTF Coordinator</u>	<u>E-mail</u>	<u>Phone</u>
EMTF-1	Rodney Hunt	RodneykHunt@sbcglobal.net	806-652-2841
EMTF-2	Derek Trabon	DTrabon@ncttrac.org	817-608-0390
EMTF-4	Bobby Buchanan	Bobby@rac-g.org	903-593-4722
EMTF-6	Lori Upton (Interim)	Lori.Upton@setrac.org	281-822-4444 #104
EMTF-7	Stacey Alley	emtf@tsa-l.com	254-70-2384
EMTF-8	Brandon Mille	Brandon.Miller@Strac.org	210-233-5826
EMTF-9	Steve Surface	Steve@borderrac.org	915-778-0487
EMTF-11	Danny Ramirez	Danny@CBRAC.org	361.393.7177
EMTF-TX	Texas Program Manager	Victor.Wells@Strac.org	210.233.5884

Thank you again. We look forward to continuing our partnership.

Sincerely,



Bob Burnette, CPM, CTPM

Director

Client Services Contracting Unit

cc: Maxie Bishop, RN, LP, State EMS Director, DSHS

TEXAS EMERGENCY MEDICAL TASK FORCE
RESOURCE MEMORANDUM OF AGREEMENT

This Texas Emergency Medical Task Force Memorandum of Agreement (“TX EMTF MOA”) is entered into by and between a Department of State Health Services-designated Lead Regional Advisory Council (“Lead RAC”) North Central Texas Trauma Regional Advisory Council (NCTTRAC), properly authorized to do business in the state of Texas, and _____, as a Resource hereafter referred to as Resource that wishes to participate as a member of Emergency Medical Task Force (“EMTF”) in Region 2 (collectively, “the Parties”).



TERM: Ongoing until cancelled by either party with notice to the other.

1) Purpose:

The purpose of this TX EMTF MOA is to establish a mechanism for the utilization and coordination of emergency medical resources and assets in the event of an emergency or disaster, for training purposes, or any other purpose as determined by the Lead RAC, EMTF Region, or DSHS. Assets may be those in the possession of the Hospital Preparedness Program (HPP) “Contractor” or “Subcontractors,” as well as others identified through local and regional planning efforts and subcontractor agreements. Additional purpose statements are included in subsequent sections, appendices, and addenda of this document that relate to specific equipment, supplies, and personnel.

2) Activation & Documentation:

A) Activation

- 1) This agreement may be activated for a State tasked deployment, only by written notification (the “State Mission Assignment”) by the designated DSHS SMOC Director or his/her designees.
- 2) This agreement will be activated by written notification (the “State Mission Assignment”) by the designated Lead RAC official.
- 3) Activation, pursuant to this TX EMTF MOA, may occur at any time, day or night including weekends and/or holidays, only after an official written State Mission Assignment has been sent to the designated Agencies contact(s).
- 4) The Resource acknowledges that assets and/or resources may be requested for activation for any purpose in Section 1.
- 5) Lead RAC will reimburse the Resource the amount funded to the Lead RAC by

DSHS, after submission of completed required documentation per this agreement, for actual costs allowable by DSHS incurred in order to make the assets and/or resources ready for deployment and all allowable costs incurred under the State Mission Assignment, from the time of activation through demobilization as per the Reimbursement section of this agreement (Section 5).

6) The Resource must acknowledge receipt of the State Mission Assignment within one (1) hour and must accept or decline the Mission within two (2) hours of receipt. Upon acceptance of the State Mission Assignment, the Assets must be enroute to the designated mission within the parameters of the State Mission Assignment.

7) For cost reimbursement purposes, the Mission will start when the Asset is activated to be “made-ready” for deployment and will conclude at the time the deployed Asset is ready for re-deployment from its home base after the Lead RAC issues a Demobilization Order or the terms of the State Mission Assignment have been met.

8) The State Mission Assignment will include, at a minimum, the following:

- (a) Authorization to activate;
- (b) List of resources or assets requested;
- (c) Number and qualifications of personnel for the activation;
- (d) Reimbursement processes for personnel & resources activated, including backfill as defined in Appendices A-D.
- (e) Description of activities (including purpose, location to report, etc.); and
- (f) Expected duration of the deployment.

B) Documentation Within four (4) hours of acceptance of the activation, the Resource will receive the official packet containing the State Mission Assignment and reimbursement forms.

3) Terms & Community Support:

A) Terms

1) The Lead RAC shall:

- (a) Activate sufficient In-place assets, to include personnel, to effectively implement the State Mission Assignment.
- (b) Efficiently notify and deploy Agencies as defined in the State Mission Assignment.
- (c) Ensure all Agencies have a current, executed TX EMTF MOA in place at the time of Activation.
- (d) Assure detailed records of expenditures and time spent by Deployed and In-place Assets are complete, accurate, and have adequate supporting documentation as determined by DSHS.
- (e) Establish and maintain a roster of all deployed personnel and resources to facilitate accountability.
- (f) Maintain a list of Resource contacts and back-ups for Activation and Mutual Aid purposes, including name, e-mail address, and primary/secondary phone numbers.
- (g) Maintain a list of 24/7 contact information for all activated Agencies.

- 2) The Resource shall:
 - (a) Certify that all assets (personnel, resources, and equipment) meet all licensing, training and certification requirements related to his/her/its particular profession and/or mission.
 - (b) Make necessary travel arrangements for its deployed assets. Travel reimbursement will be at State of Texas rates unless otherwise agreed in writing prior to deployment.
 - (c) Ensure deployed personnel are rostered as employees of the Resource.
- 3) Term of this agreement
 - (a) Term of this agreement shall begin on the date TX EMTF MOA is signed by the second of the two Parties. This TX EMTF MOA may be terminated by either Party with thirty (30) days written notice to the other Party.

B) Community Support

- 1) This agreement is not intended to replace any mutual aid agreements or compacts that a Resource legally has in place in support of its community.

4) Legal Liability & General Financial Liability:

A) Legal Liability

- 1) Resource shall have no right, and does by this agreement waive its right, to file a claim(s) against DSHS, the State of Texas, and the Lead RAC for any personal or property injuries, damages or requests for State subrogation for any tort that they may incur during activation or arising therefrom, or any other claims filed against them as a result of their activities during activation. DSHS, the State of Texas, and the Lead RAC do not waive any immunity from suit or liability that they may have under state/federal laws and the Texas constitution notwithstanding the above. To the extent that Resource is a local governmental entity, unit of State government, or a Texas political subdivision, the waivers provided herein are further subject to state law and the Texas constitution which may make them unenforceable in whole or in part.
- 2) Resource shall assume responsibility for liability claims, malpractice claims, disability claims, workers' compensation claims, attorneys' fees, and other incurred costs.
- 3) Resource shall assume responsibility for their own acts of negligence.

B) Financial Liability

- 1) The Resource shall continue to assume legal and financial responsibility of the personnel and equipment during the time of activation or deployment.

5) Reimbursement:

A) Summary

DSHS, in conjunction with the EMTF program, is committed to timely reimbursement of EMS agencies and other entities that provide resources and personnel in times of disaster activation.

The steps below outline the process for DSHS to reimburse the provider within 45 days after a complete and accepted reimbursement packet is received at DSHS.

EMS agencies are encouraged to file their reimbursement packets through their Lead RAC as quickly as possible to ensure timely reimbursement from DSHS and no later than 6 (six) months after the demobilization.

The 45 day reimbursement timeline will begin only after a completed and accepted reimbursement packet is accepted at DSHS.

B) Process

- 1) The Resource submits reimbursement packet to the Lead RAC
- 2) Lead RAC review the Packet for completeness
 - (a) If complete, the Lead RAC will invoice DSHS and include the packet for reimbursement
 - (b) If not complete, the Lead RAC will work with the Resource to complete the packet then submit and invoice with the packet for reimbursement.
- 3) DSHS will review the packet received
 - (a) If complete, DSHS will provide reimbursement to the Lead RAC.
 - (b) If incomplete,
 - (i) DSHS will work with the Lead RAC, or directly with the Resource if appropriate, to identify the corrective action needed.
 - (ii) Once complete, DSHS will provide reimbursement to the Lead RAC.
 - (c) After receipt of the reimbursement from DSHS, the Lead RAC will provide reimbursement to the Resource.

6) Credentialing:

- A)** The Resource shall certify that all personnel meet all licensing, training and certification requirements related to his/her particular profession and/or mission.
- B)** When responding to a licensed hospital/healthcare facility, the authorized administrator (or designee), of the requesting/impacted facility, shall be responsible for providing a mechanism for granting emergency credentialing privileges for physicians, nurses, and other licensed or certified healthcare providers to provide services.

7) Ambulance Strike Teams:

A) Purpose:

- 1) The purpose of this section is to establish a mechanism to mobilize properly staffed and equipped Ambulances to be deployed in an Ambulance Strike Team (AST) configuration (five (5) ambulances and an AST Leader) or other configurations as deemed appropriate for the mission (i.e. individual ambulance resources) as provided for in this TX EMTF MOA.
- 2) The Lead RAC has been tasked to enter into MOU/MOAs with EMS Agencies to provide a minimum of five (5) ASTs from its EMTF regional area.

B) Terms for Agencies;

- 1) The Resource and its assets must meet the following criteria:
 - (a) Must be DSHS Licensed EMS Provider
 - (b) Must have at least twelve (12) months of experience providing local and/or long distance emergency medical services to live human beings in the State of Texas.
 - (c) Must maintain a business office within the boundaries of the State of Texas.
 - (d) Must adhere and abide by all federal, state and local laws and must adhere and abide by the Texas Health & Safety Code, Chapter 773, Emergency Medical Services and the Texas Administrative Code, Title 25: Health Services, Chapter 157: Emergency Medical Care during the time of its deployment to provide mutual aid in a pending or actual disaster and must adhere and abide by all laws and rules at all times.
 - (e) Must keep detailed records (utilizing the DSHS and/or Lead RAC packet of documents/forms) of the services requested and fulfilled, and provide those records, as requested, to the Lead RAC to include, but not be limited to:
 - (i) Patient Care Records;
 - (ii) Patient demographics, including patient(s) insurance information;
 - (iii) A Time Log Record form of activities
 - (f) Must keep all receipts of expenditures during deployment, and submit all requested information for reimbursement on the provided documentation for prompt reimbursement under this TX EMTF MOA.
 - (g) Must be required to be self-sufficient for 72 hours and should be aware that personnel could be living in austere field conditions.
 - (h) Resource must meet DSHS requirements for minimum, lawful staffing per that DSHS licensed ambulance level.
 - (i) This TX EMTF MOA calls for each ambulance to have the minimum number of individual crew members as required by license, per vehicle deployed. Additional crew or support staff members, and any vehicles they may require, must be included in the State Mission Assignment to be eligible for reimbursement.
 - (j) The DSHS Licensed ambulance provider must bill primary sources of

reimbursement, such as Medicaid, Medicare, private insurances or third party providers before sending an invoice to the Lead RAC. The DSHS Licensed ambulance provider must submit to the Lead RAC within ninety (90) days proof of denial, proof of payment, or request for reimbursement for each patient that is transported. ** This requirement may only be excused by DSHS issuing a statement or memorandum of such to the Lead RAC for this activation. The provider must reimburse DSHS if they receive primary source or third party reimbursement after receiving payment from DSHS.
(k) EMS Provider will be reimbursed at the rates in Appendix A.

8) Professional Staff:

A) Purpose:

The purpose of this section is to establish a mechanism whereby certified or licensed professional medical or support staff may be deployed to provide various clinical or support services as requested by the Lead RAC.

B) Description

1) As the Lead RAC enters into MOU/MOAs with DSHS EMS Providers for EMS Staffing. The following list is representative of the principle tasks EMS Personnel might be activated to accomplish:

- (a) Medical support provided on buses (coach type bus or school bus) designated to evacuate individuals with medical needs (estimated to be from 2 to 5 EMS Personnel and/or nursing staff per bus). Bus evacuees will primarily be from hospitals, nursing homes, or are the general public who have medical needs and require medical oversight during evacuation, but do not meet ambulance transport criteria.
- (b) Field supervision or ASTLs who will manage Ambulance Strike teams comprised of 5-7 ambulances and or AMBUS(es) and will report to the appropriate Incident Command structure.
- (c) Uniquely tasked EMS personnel who will serve at any level in the Governor's Division of Emergency Management Incident Command structure as assigned. This could include an air/ground coordination team in a DDC, Medical Incident Support Team (M-IST) members, the State Operations Center or Medical Operations Center, a Regional Medical Operations Center, or in the disaster zone, and will be responsible for managing strike team leaders, task forces, and some individual ambulance assets.
- (d) Ambulance staging management and support.

2) As the Lead RAC enters into subcontracts with other entities or individuals to provide professional medical staffing (physicians, nurses, other medical professionals), technical and support services that would be used in the deployment of any asset requested by DSHS, the EMTF Region, or the Lead RAC, the following list is representative of the types of assets that might be activated to accomplish the mission:

- (a) Mobile Medical Units (MMUs) as outlined in this agreement.
- (b) Other mobile shelters, vehicles, or trailers that may be used for command, communications, storage, and any other identified reason in support of the mission identified by DSHS.

C) Terms for Resource;

- 1) The Resource and its assets must meet the following criteria:
 - (a) If the Professional Staff is deployed to provide patient care, his or her organization must have at least 12 months of continuing experience providing medical services to live human beings in the State of Texas or being an employee of an existing hospital providing direct patient care.
 - (b) Must maintain a business office within the boundaries of the State of Texas.
 - (c) Must abide by all federal, state, and local laws.
 - (d) Will only deploy staff upon receipt and under the terms of the State Mission Assignment as described in Section 2: Activations & Documentation.
 - (e) Will only deploy Resource employed staff as follows:
 - (i) EMS personnel must be currently certified or licensed in Texas at the EMT-Basic level or above and who have no disciplinary actions pending or under investigation that the Resource is aware of.
 - (ii) Registered Nurses must be currently and routinely practicing in an acute care environment providing direct patient care and who have no disciplinary actions pending or under investigation that the Resource is aware of.
 - (iii) Physicians must be affiliated with a healthcare Resource (either directly or through a physician's group) and have no disciplinary actions pending or under investigation that the Resource is aware of.
 - (iv) Any other clinical staff must be employed by a healthcare Resource in a position with the same scope of practice as their role in the activation and have no disciplinary actions pending or under investigation that the Resource is aware of.
 - (v) Any non-clinical staff must be also employed by the Resource.
 - (f) Will deploy the personnel ordered by DSHS in configurations designated by the State Mission Assignment.
 - (g) Medical procedures undertaken by deployed EMS staff will be according to protocols approved by the Resource's Medical Director. The MMU will be under the direction of a physician on site.
 - (h) Must assure detailed records of expenditures and time spent by deployed staff are complete, accurate, and have adequate supporting documentation.
 - (i) Will ensure deployed personnel are self-sufficient for 72 hours or as detailed in the State Mission Assignment and should be aware that they could be living in field conditions.
 - (j) Must ensure that all deployed staff carries proof of his or hers individual certifications and/or licenses as a Texas healthcare professional and a form of picture identification with them at all times.
 - (k) Must assume responsibility for liability claims, malpractice claims, disability claims, workers compensation claims, attorneys' fees, and other incurred costs.

9) Mobile Medical Units, Equipment, and Supplies:

A) Purpose:

1) The purpose of this section is to establish a mechanism for Mobile Medical Units (“MMUs”), which may include clinical personnel, support personnel, equipment or any combination of the above per the State Mission Assignment, to be deployed for any purpose defined in the TX EMTF MOA

B) Description:

1) The Lead RAC may enter into Subcontracts with other RACs, hospitals, governments, or other entities to provide one or more MMUs to meet the Purpose of this TX EMTF MOA including:

- (a) Non-critical care capability
- (b) Emergent care capability
- (c) Temporary healthcare infrastructure
- (d) Isolation capability, or as a
- (e) Physical structural asset

C) Minimum requirements for a fully staffed MMU:

1) (Clinical and Support staffing) are:

- (a) Sixteen bed capacity
- (b) Staffing of teams sufficient to support MMU operations based on capability as defined in the State Mission Assignment
- (c) Minimum staffing per shift for each team includes clinical and logistics staffing as defined for the primary mission in the State Mission Assignment and consistent with DSHS typing.
- (d) Clinical Staff may include MD/DOs, RNs, Paramedics/EMTs, MLPs (PAs/APRNs), Pharmacy Technicians, clerks, etc.
- (e) Logistics/Support Staff to support maintenance, electrical, HVAC, communications, transportation, set-up, and demobilization as agreed to by DSHS at the time of mobilization
- (f) Supplies sufficient to fulfill primary mission per the State Mission Assignment for 72 hours
- (g) The Resource will schedule its MMU assets and estimated deployment costs in Appendix D.

10) AMBUS(es)

A) Purpose:

1) The purpose of this section is to establish a mechanism whereby properly staffed and equipped AMBUS(es) may be deployed for mass transportation and/or care of sick and/or injured persons or to provide aid in a pending or actual disaster as provided in this TX EMTF MOA.

B) Description:

1) The Lead RAC may enter into MOU/MOAs with EMS Providers, hospitals, RACs or governmental entities which:

- (a) Possess an AMBUS(es).
- (b) The AMBUS will be licensed as a Specialty EMS Vehicle by DSHS.

- (c) The AMBUS will be staffed with trained and credentialed staff sufficient to maintain operations
- (d) The minimum staffing per shift are:
 - (i) Properly licensed vehicle driver
 - (ii) Crew Chief
 - (iii) 2 – Paramedics
 - (iv) 2 – EMTs or above
- (e) The Resource will provide its AMBUS asset(s) list and estimated deployment cost with Appendix B.

11) Miscellaneous

A) State Law. If state law applicable to the relationship between Resource and Lead RAC contains additional or more stringent requirements than federal law regarding any aspect of PHI privacy, then the Parties agree to comply with the higher standard contained in applicable state law.

B) Consideration. Each Party recognizes that the promises it has made in this Agreement shall, henceforth, be relied upon by the other Party in choosing to continue or commence a business relationship with the other Party.

C) Modification. This Agreement may only be modified through a writing signed by the Parties and, thus, no oral modification hereof shall be permitted. The Parties agree to take such action as is necessary to amend this Agreement from time to time as may be required by federal or state law.

D) Acceptance of Mission. Each Party understands and agrees that a Resource has the ability to accept or reject a Mission.

E) Notice to Lead RAC. Any notice required under this Agreement to be given to the Lead Resource shall be made in writing to:

Lead RAC: North Central Texas Trauma Regional Advisory Council
Attn. to: Executive Director
Address: 600 Six Flags Drive, Suite 160
City, State: Arlington, Texas
Zip: 76011

With copy to: The Remington Law Group, PLLC
Attn. to: William P. Remington
Address: 416 West 8th Street
City, State: Dallas, Texas
Zip: 75208

F) Notice to Resource. Any notice required under this Agreement to be given Resource shall be made in writing to:

With copy to:

G) Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of Texas without regard to choice of law.

H) Transfer or Assignment

- 1) This agreement may be assigned or transferred, if a new Lead RAC is assigned, without requiring the Agency to resign the agreement. The newly designated Lead RAC will send a notice to the Resource with a current, printed copy of the MOA and a NOTICE advising the Resource of the new Lead RAC.
- 2) The NOTICE will include the new Lead RAC information (SECTION 11-E)
- 3) The NOTICE will also include a new Signature section as executed by the new Lead RAC
- 4) Otherwise, neither party may assign, transfer, delegate, or sublicense any of its rights or obligations under this Agreement without the prior written consent of the other party

I) Entire Agreement. This Agreement constitutes the complete agreement between the Parties relating to the matters specified in this Agreement, and supersedes all prior representations or agreements, whether oral or written, with respect to such matters. No oral modification or waiver of any of the provisions of this Agreement shall be binding on either Party.

IN WITNESS WHEREOF and acknowledging acceptance and agreement of the foregoing, the Parties affix their signatures hereto

Lead RAC: NCTTRAC

North Central Texas Trauma Regional
Advisory Council

Lead RAC Legal Name

Resource Legal Name

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

APPENDIX A

The TX EMTF reimbursement rates effective during the term of this Agreement for the various Assets described are listed below. Any Asset not described or any deviation from these amounts should be specifically included in the State Mission Assignment at the time of the deployment.

1) Allowable costs for EMS Assets:

A) Lead RAC will coordinate reimbursement of a base rate for:
BLS, ALS, and MICU ambulances as per the current fee schedule.

B) with Volunteer Personnel:

1) Lead RAC will reimburse:

- (a) Labor Rate of:
 - (i) \$20.00 for paramedic,
 - (ii) \$17.50 for EMT Intermediate,
 - (iii) \$13.50 for EMT basic

for each hour the staff are deployed, plus overtime at time and a half the established rate for any hours worked over 8 within each 24 hour period.

(b) Personal Cost: Maximum of \$50.00 per crew member per deployment (Total of \$100.00 per two member crew) for items needed for the crew to be self-sufficient during the deployment. These items may include food, water, and personal care items. The DSHS EMS Licensed Provider must keep receipts for these items and must submit them to the Lead RAC when the DSHS EMS Licensed Provider submits an invoice to the Lead RAC.

C) Resource with Paid Personnel:

1) Lead RAC will reimburse:

- (a) Actual labor costs
- (b) Fringe benefits for two (2) crew members per ground ambulance.
- (c) The overtime cost (1/2 time) of staff required to fill the regular scheduled shift of staff deployed.
- (d) Personal Cost: Maximum of \$50.00 per crew member per deployment (Total of \$100.00 per two member crew) for items needed for the crew to be self-sufficient during the deployment. These items may include food, water, and personal care items. The DSHS EMS Licensed Provider must keep receipts for these items and must submit them to the Lead RAC when the DSHS EMS Licensed Provider submits an invoice to the Lead RAC
- (e) Repair of damaged equipment; if applicable.

Ambulance Reimbursement Table

Item	Metric	BLS	ALS	MICU
Vehicle – one Ambulance	Per hour	\$35.00	\$40.00	\$40.00
Per Diem – based on \$35.00 per day/per person of a two person Amb. crew or six person AMBUS crew	Per hour	\$2.92	\$2.92	\$2.92
Medical Supplies Cost – Based on daily rates (BLS \$240.00 per day each)(ALS \$288.00 per day each)(MICU or AMBUS \$360.00 per day each)	Per hour	\$10.00	\$12.00	\$15.00
Reimbursement Rates	Per hour	\$47.92	\$54.92	\$57.92

APPENDIX B

The TX EMTF reimbursement rates effective during the term of this Agreement for the various Assets described are listed below. Any Asset not described or any deviation from these amounts should be specifically included in the State Mission Assignment at the time of the deployment.

1) Allowable costs for AMBUS Assets:**A) Lead RAC will Reimburse:**

- 1) Uncompensated salary costs of staff to “make ready” the Assets for deployment once the State Mission Assignment has been issued; documentation must be submitted for proof of payment;
- 2) Actual hourly labor costs of deployed staff plus fringe benefits
- 3) The overtime cost (1/2 time) of staff required to backfill the regular scheduled shift of staff deployed
- 4) Fuel;
- 5) Shipping/transportation fees;
- 6) Daily usage fee;
- 7) Actual cost for food and lodging will be reimbursed at the rates established by the State Comptroller;
- 8) Personal mileage from home to deployment site and return at a rate per mile as published by the State Comptroller for the time period specified or other specific travel costs;
- 9) Use of rented vehicles will only be reimbursed at the rental rate as established by the State Comptroller or as approved in the State Mission Assignment;
- 10) Use of personal vehicles will only be reimbursed for mileage using the mileage rates currently in effect at the time of deployment as published by the State Comptroller’s office. No other expenses related to the use of personal vehicles will be reimbursed;
- 11) Repair of damaged equipment; if applicable.

AMBUS Reimbursement Table

Item	Per Hour	Per Day
AMBUS	\$40.00	\$960.00
Per Diem – based on \$35.00 per day/per person of a six person AMBUS crew	\$8.75	\$210.00
Supplies	\$15.00	\$360.00
Reimbursement Rates	\$63.75	\$1530.00

APPENDIX C

The TX EMTF reimbursement rates effective during the term of this Agreement for the various Assets described are listed below. Any Asset not described or any deviation from these amounts should be specifically included in the State Mission Assignment at the time of the deployment.

1) Allowable costs for Professional Staff Assets:**A) Lead RAC will reimburse:****1) Paid staff:**

- (a) Actual hourly labor cost of deployed staff plus fringe benefits.
- (b) Personal mileage from home to deployment site and return at a rate per mile as published by the State Comptroller for the time period specified or other specific travel costs (airline travel, rental vehicle, parking, etc.).
- (c) The overtime cost (1/2 time) of staff required to fill the regular scheduled shift of staff deployed.

2) Vehicles

- (a) Resource -owned vehicles that will be used during deployment for field supervision or team leaders will be reimbursed at daily FEMA established rate per hour for vehicle type.
- (b) Use of rented vehicles will only be reimbursed at the rental rate as established by the State Comptroller or as approved in the State Mission Assignment;
- (c) Use of personal vehicles will only be reimbursed for mileage using the mileage rates currently in effect at the time of deployment as published by the State Comptroller's office. No other expenses related to the use of personal vehicles will be reimbursed.

3) Support trailers or Vehicles

- (a) Resource owned vehicles or trailers that are not supervisor vehicles may be used by deployed personnel if approved on the State Mission Assignment. Reimbursement for these Assets shall be reimbursed at the current FEMA published rate.

4) Repair of damaged equipment; if applicable.

APPENDIX D

The TX EMTF reimbursement rates effective during the term of this Agreement for the various Assets described are listed below. Any Asset not described or any deviation from these amounts should be specifically included in the State Mission Assignment at the time of the deployment.

1) Allowable costs for MMU Assets:**A) Lead RAC will Reimburse:**

- 1) Uncompensated salary costs of staff to “make ready” the Assets for deployment once the State Mission Assignment has been issued; documentation must be submitted for proof of payment;
- 2) Uncompensated salary costs of staff deployed with assets for set up and management; documentation must be submitted for proof of payment;
- 3) Actual hourly labor costs of deployed staff plus fringe benefits;
- 4) The overtime cost (1/2 time) of staff if required to backfill the regular scheduled shift of staff deployed.
- 5) Fuel;
- 6) Shipping/transportation fees;
- 7) Daily usage fee;
- 8) Actual cost for food and lodging will be reimbursed at the rates established by the State Comptroller;
- 9) Personal mileage from home to deployment site and return at a rate per mile as published by the State Comptroller for the time period specified or other specific travel costs;
- 10) Use of rented vehicles will only be reimbursed at the rental rate as established by the State Comptroller or as approved in the State Mission Assignment;
- 11) Use of personal vehicles will only be reimbursed for mileage using the mileage rates currently in effect at the time of deployment as published by the State Comptroller’s office. No other expenses related to the use of personal vehicles will be reimbursed
- 12) Supplies used; and
- 13) Repair of damaged equipment; if applicable.

Appendix E

DEFINITIONS

Ambulance – an EMS vehicle that is licensed as an “ambulance” in the State of Texas to the level designated or an EMS vehicle from another state that has been given legal authority by the State of Texas to operate as licensed ambulance in Texas during the current event.

Ambulance Strike Team (AST) – a configuration of five like-typed Ambulances with an Ambulance Strike Team Leader. ASTs are typed by capability.

Ambulance Strike Team Leader (ASTL) – an ASTL credentialed EMS individual, approved by DSHS, assigned to function in a supervisory capacity over EMS resources (usually ASTs), with appropriate, separate transportation.

AMBUS – an Ambulance Bus which is licensed as a “specialty vehicle” ambulance in the State of Texas.

Assets – collectively all personnel, equipment, supplies, and services that may be deployed, utilized, or coordinated by the Parties under this TX EMTF MOA, including RAC staff.

Contractor – an organization that is a Contractor with DSHS for the purposes of managing the Hospital Preparedness Program in a Trauma Service Area.

Deployed Assets – any Asset activated to respond to a State Mission Assignment.

District Disaster Committee – as defined by the Texas Government Code, it is the coordination point for the disaster districts within the State and the point of local coordination between an RMOC and the Governor’s Division of Emergency Management Incident Command Structure.

DSHS – Texas Department of State Health Services

Emergency or Disaster – any incident declared as an “emergency” or a “disaster” by the State of Texas. May be used independently or collectively.

EMS Personnel – an EMS professional licensed or certified by DSHS, to include EMT, EMT-I, EMT-P and Licensed Paramedics.

EMS Provider – an agency licensed in the State of Texas to provide ambulance service.

In-place Assets – any Asset activated in support of the RAC’s ability to implement this TX EMTF MOA.

Lead RAC Activation – the initiation of the terms of this TX EMTF MOA by a State Mission Assignment from the Lead RAC as authorized in Section 2 A of this document.

Lead RAC State Mission Assignment – the mobilization paperwork authorizing the response of the Resource as specified in the State Mission Assignment.

Mission – the Asset specified objectives, goals, etc. as outlined in the State Mission Assignment, including but not limited to destinations, tasks, command support roles, etc.

Mobile Medical Unit (MMU) – a rapidly deployable structure capable of providing medical care in a 16 bed configuration, to include the infrastructure support and staff for its set up and operational use. An MMU alone does not automatically include a clinical staff. A “Staffed MMU” includes the clinical staff configuration.

Parties – the Parties to this TX EMTF MOA, specifically the designated, signing Lead RAC and the Resource.

RAC – an authorized Regional Advisory Council designated by DSHS

Regional Medical Operations Center (RMOC) – a regional medical coordination center, managed at the RAC or multi-RAC (EMTF region) level, in coordination with the Governor’s Division of Emergency Management Incident Command Structure to include local DDCs, the SOC, and the DSHS State Medical Operations Center (SMOC).

RN Strike Team (RNST) – a configuration of five like-typed Registered Nurses of which one will be the RN Strike Team Leader. RNSTs are typed by capability.

Staffed MMU – a clinically staffed, 16 bed capable, rapidly deployable Mobile Medical Unit, utilizing the staffing requirements as approved by DSHS

State Mission Assignment -- paperwork authorizing mobilization response of Resources

Subcontract(s) – the agreement(s) made by the RACs to implement this TX EMTF MOA or manage HPP resources.

Subcontractor – a Resource that is a subcontractor with a RAC for the purposes of implementing this TX EMTF MOA or managing HPP resources.

Training Events – an event approved under this TX EMTF MOA to activate Assets for the purposes of readiness and education of team members.

TX EMTF MOA – this specific Memorandum of Agreement

Warning Order – the initial written notice of a pending State Mission Assignment from DSHS notifying the Lead RAC of the possibility of Activation and possible request to determine the initial availability of Assets.

Appendix F

Asset Information

The following information is needed for planning purposes only. These numbers are not binding. Each Agency will have the option to accept or reject each deployment. Each Agency will also determine the quantity of assets available to deploy.

Please do NOT provide minimal numbers but provide the most accurate estimate of what could be deployed when called upon, if in a scenario that will have minimal impact locally.

The planning numbers should allow Coastal agencies to give real numbers of what could send to a wildfire understanding the same assets could not be provided in a Hurricane situation.

Agencies will have the ability to deploy more or less than the planning numbers listed below.

Agency Name

Provider / License #

Agency Mail Address

Agency City

Agency Zip

Agreement Signatory

What Position (and above) can approve Deployments

Deployment Contact #

Deployment Email to:

Expiration / Renewal Date

Does each deployable EMS Unit have a VHF Mobile radio (Not HT) with TX InterOp channels?

(_____ VHF-Yes) (_____ VHF-No)

TX MICUs

Type I ALS
w/ HazMat

Type II ALS
non-HazMat

Type III BLS
w/ HazMat

Type IV BLS
non-HazMat

Strike Team
Leader

Command
Center

AMBUS

Mobile
Medical Unit

Support
Trailer

M-IST
(Medical
Incident
Support)

ASM
(Ambulance
Staging
Manager)

Task Force
Leaders

EMS Group
Supervisors

Doctors

Mid-Level
Practitioners

Nurses

Paramedics
(not on
AMB/AMBUS)

EMT-
Intermediate(not
on
AMB/AMBUS)

EMT-Basic
(not on
AMB/AMBUS)

Tech

Clerk

Logistical
Crewman

Command
Staff

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A MEMORANDUM OF UNDERSTANDING, BY AND BETWEEN THE CITY OF SACHSE AND A REGIONAL ADVISORY COUNCIL (“LEAD RAC”), NORTH CENTRAL TEXAS TRAUMA REGIONAL ADVISORY COUNCIL (“NCTTRAC”), PROPERLY AUTHORIZED TO DO BUSINESS IN THE STATE OF TEXAS AND DESIGNATED BY THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AS AN EMTF LEAD RAC, FOR THE PURPOSE ESTABLISHING A MECHANISM FOR THE UTILIZATION AND COORDINATION OF EMERGENCY MEDICAL RESOURCES AND ASSETS WITH SACHSE FIRE RESCUE IN THE EVENT OF AN EMERGENCY OR DISASTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse, Texas (“Sachse”), has been presented a proposed Memorandum of Understanding (the “MOU”) between a Regional Advisory Council (“Lead RAC”) and Sachse, for the purpose of establishing a mechanism for the utilization and coordination of emergency medical resources and assets with the Sachse Fire Rescue in the event of an emergency or disaster; and

WHEREAS, upon full review and consideration of the MOU 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 MOU 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 MOU, attached hereto as Exhibit “A,” with the Lead RAC, for the purpose of establishing a mechanism for the utilization and coordination of emergency medical resources and assets with the Sachse Fire Rescue in the event of an emergency or disaster.

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

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

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

EXHIBIT "A"
MEMORANDUM OF UNDERSTANDING



Legislation Details (With Text)

File #: 13-1326 **Version:** 1 **Name:** Texas Turnpike Corporation Presentation
Type: Agenda Item **Status:** Agenda Ready
File created: 1/17/2013 **In control:** City Council
On agenda: 1/21/2013 **Final action:**
Title: Presentation from the Texas Turnpike Corporation on a proposed toll road from the City of Lavon, Texas to the City of Greenville, Texas.

Executive Summary

A representative of the Texas Turnpike Corporation will present a proposed private toll road between Lavon and Greenville. The presentation will include background information on the project and the Corporation's plans to see the project through to completion.

Sponsors:

Indexes:

Code sections:

Attachments: [TTC.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Presentation from the Texas Turnpike Corporation on a proposed toll road from the City of Lavon, Texas to the City of Greenville, Texas.

Executive Summary

A representative of the Texas Turnpike Corporation will present a proposed private toll road between Lavon and Greenville. The presentation will include background information on the project and the Corporation's plans to see the project through to completion.

Background

The City Manager received a letter from the Texas Turnpike Corporation in late November regarding a private toll road being proposed in Collin County. Two meeting have been held between the City and the Corporation to discuss the project. The purpose of this presentation is to update the City Council on the project and future plans of the Corporation.

Policy Considerations

A future phase of the project will likely affect Sachse in some way.

Budgetary Considerations

None.

Staff Recommendations

None.



November 26, 2012

Mr. Billy George
City Manager
City of Sachse
3815 Sachse Road
Building B
Sachse, Texas 75048

RE: Executive Summary of Toll Road Project

Dear Mr. George:

As you requested, enclosed is an executive summary of the toll road project that we previously discussed. I have also included a map of the proposed toll road which will extend generally from Greenville, Texas to Lavon, Texas (Phase 1) and on to the President George Bush Turnpike (Phase 2). My goal is that we can discuss this further at our meeting on Friday and receive indication of support for the project.

Please let me know if you have any questions or need any additional information. See you Friday.

Best regards,

A handwritten signature in black ink that reads "John N. Crew".

John N. Crew

Enclosures: Executive Summary and Map

Executive Summary

The Project

The Project includes the design, development, financing, construction, operation and maintenance of a private toll road extending approximately 20 miles from Lavon, Texas to Greenville, Texas ("Phase 1" or the "Project") along a portion of the Northeast Texas Rural Rail Transportation District's ("NETEX") right-of-way. The right-of-way for Phase 1 of the Project will be secured through a long term Ground Lease Agreement with NETEX, where the Texas Turnpike Corporation ("TTC") will lease a portion of NETEX's right-of-way ("ROW") located between Simtrott, just west of the City of Greenville, through the Cities of Josephine and Nevada, terminating just west of the ROW's intersection at State Highway 78 ("SH 78") in the City of Lavon. TTC is proposing this transportation project to help mitigate the traffic congestion in the east-central portion of the Dallas-Forth Worth Metroplex (the "Metroplex"), more specifically, the portion of Interstate 30 ("I-30") between Rockwall County and Dallas County. The proposed project consists of a limited access four lane divided toll road that will be constructed in and along the ROW, leaving room for NETEX's rail restoration plan at some point in the future. The Phase 2 Project ("Phase 2"), from SH 78 to the President George Bush Turnpike ("PGBT"), will be planned and constructed in the future. The route and developer of the project will be determined at a later date.

NETEX, an established subdivision of the State of Texas, represents the counties of Collin, Hunt, Delta, Hopkins, Franklin and Titus. NETEX owns 88 miles of right-of-way from Wylie, Texas east to Mount Pleasant, Texas which is a section of the abandoned St. Louis and Southwestern rail line, otherwise known as the Cotton Belt. The proposed toll road will be on the portion of the right-of-way described above which had rails removed years ago. The length of the NETEX corridor is made up, almost entirely, of rural property. This will allow for the construction of the roadway to be completed much faster than comparable projects, not to mention, the cost of the Project will not be driven up by ancillary forces. Texas Department of Transportation standards will be employed in the construction, including the use of continuously reinforced concrete pavement. The design and construction of the Project is expected to take less than 36 months to complete.

TTC, a Texas corporation, has the legislative authority to build and operate toll roads in the State of Texas. TTC was formed in 1991, prior to the repeal of the legislation that allowed for the creation of such entities, and existing corporations were grandfathered in and still carry the same powers today. It is believed that only a few, if any, other private toll road corporations exist in Texas. A private toll road corporation in Texas has the ability to construct roads that connect to existing state roads, use state lands, cross railroads and bodies of water and carries the rights of eminent domain. One of the few limitations on private toll roads in Texas is that the road must provide for an entry and/or exit at least every five miles. TTC is in good standing with the State of Texas and the existence and legality has been confirmed by the Attorney General of Texas.

Need for the Project

A review of an aerial map of the Metroplex shows that there is a lack of development to the north and east of Dallas. Lake Ray Hubbard and Lake Lavon have blocked access to the area and stifled growth. Similar to the lack of growth in northwest Collin County prior to the opening of the Dallas North Tollway, the area northeast of Dallas has not grown due to lack of adequate transportation infrastructure. This Project is the intersection of the need for a new transportation corridor in this area and the availability of a previously abandoned rail corridor. The success of this Project, especially in the early years, will be driven by efficient connections to I-30 to the east and SH 78 to the west. Construction has commenced on a state funded project to increase capacity on SH 78 from SH 6 north of the Project through Lavon and Wylie. With this limited access improvement, the Project route will serve as a faster and more effective route for commuters traveling into or out of the northeastern quadrant of the Metroplex.

Staff at the North Central Texas Council of Governments (“NCTCOG”) prepared several demographic files from the travel demand model and modeled results for the Project. NCTCOG’s staff used the network assumptions that were agreed upon in late September for the inputs in the model. Two phases of the toll road were modeled: Phase 1 started in Greenville and extended west to south of Lake Lavon and connects to SH 78; and Phase 2 extended further west from SH 78 to PGBT in Garland. Phase 1 was modeled independently from Phase 2 and then Phase 1 and Phase 2 were modeled together. It was assumed that Texas Turnpike Corporation would not build Phase 2 without Phase 1. All volumes represent year 2035. As a baseline for roadway volume comparison purposes, the Mobility 2035 model results for the study area were included. NCTCOG’s model showed that the Project was a needed road as both an untolled and tolled facility.

Financing Plan

KPMG’s Infrastructure Advisory Practice, headquartered in Austin, Texas, has been hired to be the financial advisor for the Project. KPMG has the largest dedicated P3 advisory team in North America. Their team combines backgrounds in municipal finance, banking, government, engineering, law and consulting. We expect the long term financing to include bank debt, bond debt and equity, secured by revenues of the facility. KPMG will help navigate through the complex bidding process to strike the right balance between protecting the equity investor’s interests and developing a successful debt package. It is anticipated that KPMG will provide the latest innovative thinking and finance solutions available in the marketplace for the Project.

Next Steps

Significant pre-development work has been completed to date and the Project is now ready to move into the development phase. Most of the pre-development work has focused on initial feasibility, securing the right-of-way and gathering support from municipal, governmental and community stakeholders. The development phase of the Project will build on those actions while preparing the Project for construction. Development capital will be raised to fund necessary legal contracts and documentation, more advanced traffic and revenue studies, environmental studies and applicable clearances, and the pursuit of additional capital commitments.

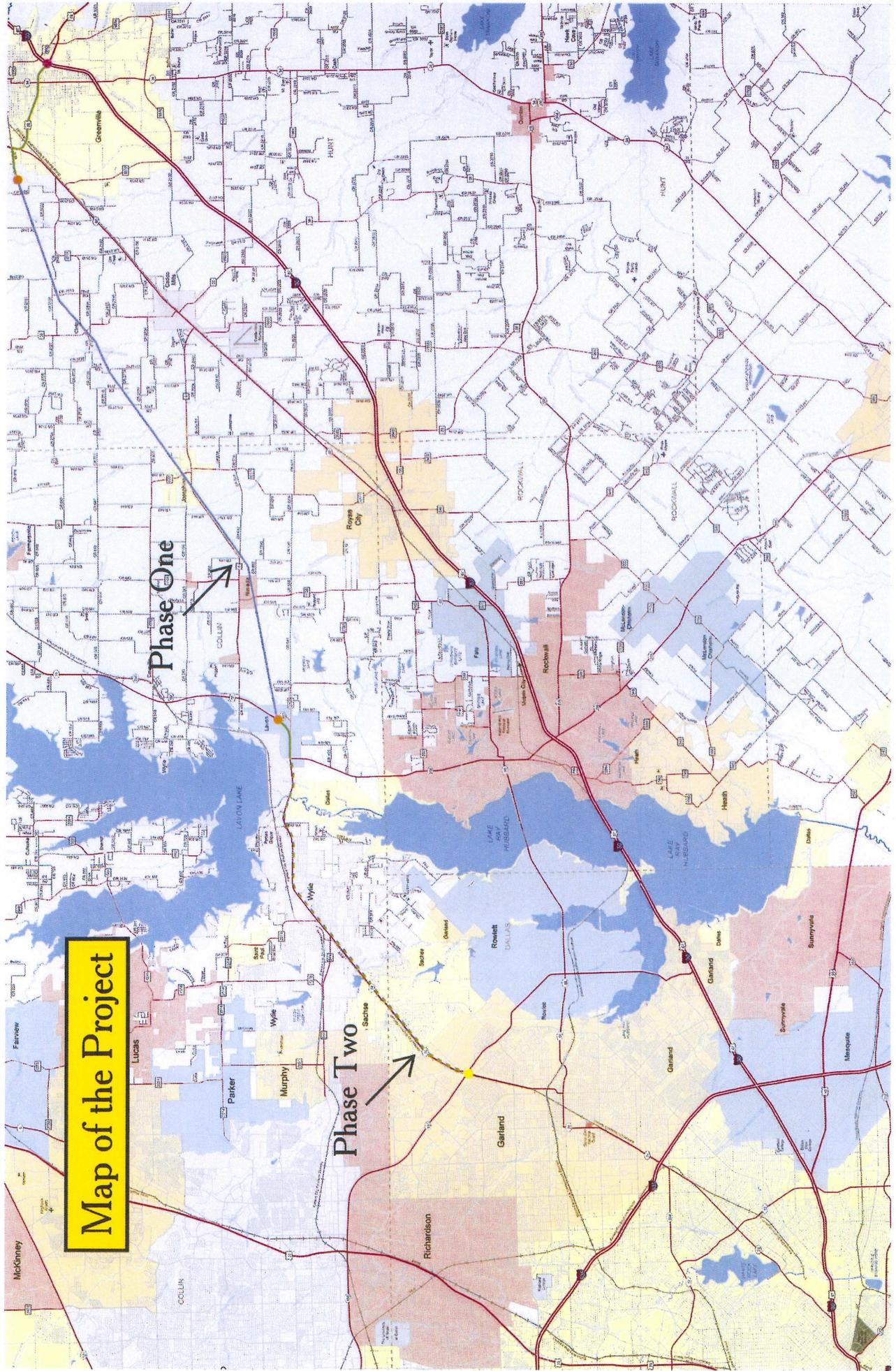
Of utmost importance to a toll road project, especially one with no governmental guarantee is the accuracy of the traffic and revenue study. Gustavo Baez, an established and respected traffic economist in the state of Texas, was hired to study the corridor and produce a Level One Traffic and Revenue Study. The study does not consider an in-depth analysis of the impact of the road on the growth along the corridor. Rather, in this initial report, Mr. Baez considers data that is readily available from the Texas Department of Transportation ("TxDOT"), NCTCOG and the U.S. Census Bureau. During the development phase of the Project, a Level Two Traffic and Revenue Study will be commissioned which will delve into other growth factors, potentially uncovering more traffic and thus revenues.

The steps to be taken leading to construction and opening of Phase 1 are:

- Amendment of the Metropolitan Transportation Plan, Transportation Improvement Plan, and Statewide Transportation Improvement Plan to reflect the toll road from Greenville, Texas to PGBT
- Minute order with TxDOT, includes approval from Federal Highway Administration to connect to I-30 and SH 78
- Capital funding
- Environmental clearance
- Design
- Construction

Under the most ambitious schedule, construction would begin in 2014 and Phase 1 would open for traffic in 2017.

Map of the Project





Legislation Details (With Text)

File #: 13-1311 **Version:** 1 **Name:** Consider appointments to Boards and Commissions.

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

File created: 1/10/2013 **In control:** City Council

On agenda: 1/21/2013 **Final action:**

Title: Consider appointments to Boards and Commissions.

Executive Summary
The City has vacancies on our Boards and Commissions and the Council will consider appointments.

Sponsors:

Indexes:

Code sections:

Attachments: [Board applications.pdf](#)
[Board lists.pdf](#)

Date	Ver.	Action By	Action	Result
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Title
Consider appointments to Boards and Commissions.

Executive Summary
The City has vacancies on our Boards and Commissions and the Council will consider appointments.

Background
The City has 4 vacancies on our boards/commissions: Planning & Zoning, Parks & Recreation Commission, Library Board and Board of Adjustment. Staff has advertised these vacancies for several weeks. We have 3 applications for interviews: Bill Alexander, Terry Bennett and Michael Kellam. Attached are their applications. Please note: Mr. Alexander was appointed to the Library Board in November, 2012 and declined that position.

Interviews were conducted during the workshop session tonight. This agenda item is provided for Council to make appointments.

Policy Considerations
None.

Budgetary Considerations
None.

Staff Recommendations

The Council consider appointments to Boards and Commissions, as appropriate.

Terry Smith

From: support@civicplus.com
Sent: Wednesday, August 01, 2012 2:04 PM
To: Terry Smith; Denise Vice
Subject: Online Form Submittal: Application for Boards and Commissions

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

Application for Boards and Commissions

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

Please select the Board / Commission you are applying for:

First choice: [Planning and Zoning Commission V]
Second choice: [Economic Development Corporation Board V]
Third choice: [Planning and Zoning Commission V]

Personal Information

Name: Bill Alexander
Address: 3615 sachse rd
Business Phone: Home Phone: 972-530-2356

Email Address: balexander61@61.rr.com

Occupation: Retired
Education: High School and some college

Residency Information

How long have you lived in Sachse? 5 years
Are you a registered voter? Yes No
Voter Registration Number: 1035233235

Organization Membership Information

List qualifications you feel make you a good candidate for this position: I have lived in many locations across the state of Texas and have worked the same and I have always tried to maintain a well kept house and yard. My working experience has included many aspects of computer work and also other areas , along with managing a number of employees . I work well with people such as Doug Angle with Code and Joe Craze with Public malntanous and I would like to volunteer to be of some help to my town of Sachse...

Professional and/or community activities:

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

Service dates (from/to):

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

Service dates (from/to):

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

Date: aug 01, 2012

Terry Smith

From: support@civicplus.com
Sent: Friday, November 30, 2012 1:38 PM
To: Terry Smith; Denise Vice
Subject: Online Form Submittal: Application for Boards and Commissions

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

Application for Boards and Commissions

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

Please select the Board / Commission you are applying for:

First choice: [Parks and Recreation Commission

Second choice: [Zoning Board of Adjustments

Third choice: [Library Board

Personal Information

Name: Terry Bennett

Address: 7004 Morningside Way, Sachse, TX 75048

Business Phone: Home Phone: 972.496.2503

Email Address: bennett079@gmail.com

Occupation: Information Technology Executive

Education: Bachelor of Science - Mathematics, University of Oklahoma

Residency Information

How long have you lived in Sachse? 3 years

Are you a registered voter? Yes No Voter Registration Number: 1166560347

Organization Membership Information

List qualifications you feel make you a good candidate for this position: Integrity, honesty, professionalism, leadership

Professional and/or community activities: Campbell Road church of Christ

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

Service dates (from/to):

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

Service dates (from/to):

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

Terry J. Bennett

Date: 11/30/2012

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

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

First choice:: Parks and Recreation Commission

Second choice:: Zoning Board of Adjustments

Third choice:: Library Board

Name:: Terry Bennett

Address:: 7004 Morningside Way, Sachse, TX 75048

Business Phone::

Home Phone:: 972.496.2503

Email Address:: bennett079@gmail.com

Occupation:: Information Technology Executive

Education:: Bachelor of Science - Mathematics, University of Oklahoma

How long have you lived in Sachse?: 3 years

Are you a registered voter?: Yes

Voter Registration Number:: 1166560347

List qualifications you feel make you a good candidate for this position:: Integrity, honesty, professionalism, leadership

Professional and/or community activities:: Campbell Road church of Christ

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

Service dates (from/to)::

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

Service dates (from/to)::

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

Date:: 11/30/2012

Terry Smith

From: support@civicplus.com
Sent: Tuesday, November 27, 2012 10:05 PM
To: Terry Smith; Denise Vice
Subject: Online Form Submittal: Application for Boards and Commissions

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

Application for Boards and Commissions

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

Please select the Board / Commission you are applying for:

First choice: [Parks and Recreation Commission
Second choice: [Planning and Zoning Commission
Third choice: [Zoning Board of Adjustments

Personal Information

Name: Michael Kellam
Address: 5619 Pinnacle Circle
Business Phone: 9725831585 Home Phone: 2149126970
Email Address: mskellam@tx.rr.com
Occupation: Engineering Mgr Level 2
Education: Bachelor of Science in Electrical Engineering

Residency Information

How long have you lived in Sachse? 27 Years
Are you a registered voter? Yes No
Voter Registration Number:

Organization Membership Information

List qualifications you feel make you a good candidate for this position: I have been a resident of Sachse for the last 27 years. Being the 2nd generation family in Sachse, I care about the direction the city will take. Also being in a technical field that requires a lifetime of learning, I have developed the quick study abilities that will enable me to be value -added to any board that I am selected for.

Professional and/or community activities: I have been involved in multiple youth sports organizations, including Sachse Softball & Garland Volleyball associations. I am an active member of Sacred Heart Catholic church, where I also teach Faith Formation Classes to the youth. I am also a member of the Knights of Columbus, where our key objective is providing for the community and supporting the church. In addition to the community activities, I am work as a Senior Manager at Ericsson where we design Wireless Communication Networks. In this role, I have had extensive leadership training as well as training in software development processes

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

Service dates (from/to): NA

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

Service dates (from/to): NA

By typing my name in the box I certify the above statements to be Michael Kellam

true and correct and that this information can be used for the purpose of processing my application for service on a Sachse Board and/or Commission.

Date: 11/27/2012

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

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

First choice:: Parks and Recreation Commission

Second choice:: Planning and Zoning Commission

Third choice:: Zoning Board of Adjustments

Name:: Michael Kellam

Address:: 5619 Pinnacle Circle

Business Phone:: 9725831585

Home Phone:: 2149126970

Email Address:: mskellam@tx.rr.com

Occupation:: Engineering Mgr Level 2

Education:: Bachelor of Science in Electrical Engineering

How long have you lived in Sachse?: 27 Years

Are you a registered voter?: Yes

Voter Registration Number::

List qualifications you feel make you a good candidate for this position:: I have been a resident of Sachse for the last 27 years. Being the 2nd generation family in Sachse, I care about the direction the city will take. Also being in a technical field that requires a lifetime of learning, I have developed the quick study abilities that will enable me to be value -added to any board that I am selected for.

Professional and/or community activities:: I have been involved in multiple youth sports organizations, including Sachse Softball & Garland Volleyball associations. I am an active member of Sacred Heart Catholic church, where I also teach Faith Formation Classes to the youth. I am also a member of the Knights of Columbus, where our key objective is providing for the community and supporting the church.

In addition to the community activities, I am work as a Senior Manager at Ericsson where we design Wireless

Communication Networks. In this role, I have had extensive leadership training as well as training in software development processes

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

Service dates (from/to):: NA

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

Service dates (from/to):: NA

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

Michael Kellam

Date:: 11/27/2012

Additional Information:

Form submitted on: 11/27/2012 10:05:10 PM

Submitted from IP Address: 72.181.177.244

Referrer Page: <http://www.cityofsachse.com/index.aspx?NID=307>

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

PLANNING & ZONING COMMISSION

<u>MEMBERS</u>	<u>TITLE</u>	<u>CONTACT INFO</u>	<u>TERM EXPIRES</u>
Scott Williams 6612 Highland Crest Lane Sachse, TX 75048		972-675-0405 (W) 972-948-9210 (H)	November 2013
Vacant (W. Sparks) Sachse, TX 75048		(H)	November 2013
Scott Everett 5205 Miles Rd. Sachse, TX 75048		972-578-6512 (W) 972-530-4851 (H)	November 2013
Warren Becker 3905 Sunrise Tr Sachse, TX 75048	Secretary	214-802-0335 (W) 972-496-9076 (H)	November 2014
David Hock 2614 Pleasant Valley Sachse, TX 75048	Vice- Chairman	972-489-7460 (W) 972-489-7460 (H)	November 2014
Stephen Curtis 7619 Courtney Circle Sachse, Texas 75048	Chairman	972-360-2711 (W) 214-529-5066 (H)	November 2014
Charles Ross 2501 Sandi Lane Sachse, TX 75048		972-583-1550 (W) 972-530-1857 (H)	November 2014
Bill Adams	City Council Liaison		214-502-4998

BOARD OF ADJUSTMENTS

<u>MEMBERS</u>	<u>TITLE</u>	<u>CONTACT INFO</u>	<u>TERM EXPIRES</u>
Vacant (J. Dean) Sachse, Texas 75048		(W) (H)	November 2013
Kevin Quinn 6613 Eastview Dr. Sachse, TX 75048		214-578-2662 (W) 214-607-4852 (H) 214-578-2662 (C)	November 2013
Steve Oliver 7120 Vista Hill Lane Sachse, TX 75048	Chairman	972-205-3558 (W) 972-429-5116 (H)	November 2013
Corey Hill 7527 Vista Ridge Ln. Sachse, Texas 765048		(W) 972-849-4729 (H)	November 2014
Stephen Klash 2209 Ranch Road Sachse, TX 75048		(W) 972-442-0840 (H)	November 2014
Donald Stockton 4815 Springtree Lane Sachse, TX 75048	Alternate	972-496-1848 (H)	November 2013

PARKS & RECREATION COMMISSION

<u>MEMBERS</u>	<u>TITLE</u>	<u>CONTACT INFO</u>	<u>TERM EXPIRES</u>
Jeff Bickerstaff 6502 Baycrest Circle Sachse, TX 75048	Chairman	214-724-6222 (W) 972-442-1050 (H)	November 2013
J.D. Pruitt 3815 Potomac Dr. Sachse, TX 75048		972-623-8876 (W)	November 2013
Diana Smith 4802 Sachse Road Sachse, TX 75048	Secretary	972-495-7847 (H)	November 2014
Vacant (D. Putman Sachse, TX 75048		(H)	November 2013
Juanita Miller 6505 Hilltop Trail Sachse, TX 75048		972-822-1550 (C) 972-746-9602 (W)	November 2013
Cyndi Mitchell 3128 Welch Lane Sachse, TX 75048		972-730-1858 (W) (H)	November 2014
Druce Reiley 6115 Widgeon Ct. Sachse, TX 75048		(W) 972-496-6518 (H)	November 2014
Brett Franks	City Council Liaison	214-869-1288	

LIBRARY BOARD

<u>MEMBERS</u>	<u>TITLE</u>	<u>CONTACT INFO</u>	<u>TERM EXPIRES</u>
Dixie Scogin 1802 Vicksburg Dr. Sachse, TX 75048		972-530-1725 (H)	November 2013
Robert Rodgers 1518 Bonanza Court Sachse, TX 75048	Chairman	214-206-2581 (W) 972-530-9720 (H)	November 2013
Judith Lensch 1714 Cornwall Sachse, TX 75048	Vice-Chairman	972-530-6478 (H)	November 2013
Mary Saathoff 4108 Emerson Way Sachse, TX 75048		(W) 214-629-0522 (H)	November 2014
Dia Rhoden 7008 Oak Lawn Sachse, TX 75048		972-800-2427 (W) 972-495-7059 (H)	November 2014
Patrece King 3404 Potomac Drive Sachse, TX 75048		214-417-6185 (W) 972-496-5482 (H)	November 2014
Vacant (B. Alexander) Sachse, TX 75048		(H) (W)	November 2014
Todd Ronnau	City Council Liaison	214-869-1483	



Legislation Details (With Text)

File #: 13-1320 **Version:** 1 **Name:** Discuss Police Department Video Partnership Program
Type: Agenda Item **Status:** Agenda Ready
File created: 1/15/2013 **In control:** City Council
On agenda: 1/21/2013 **Final action:**
Title: Discuss Police Department Video Partnership Program.

Executive Summary
Presentation & Discussion of Sachse Police Department Video Partnership Program.

Sponsors:

Indexes:

Code sections:

Attachments: [Sachse Police Video Partnership](#)

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

Title
Discuss Police Department Video Partnership Program.

Executive Summary
Presentation & Discussion of Sachse Police Department Video Partnership Program.

Background
The Police Department, over time, has become aware that in increasing numbers citizens are using visual capture devices in and around their homes to create a record of who may have come to their home, yard or property. Often these devices, while on private property, inadvertently capture activity on public areas such as sidewalks, streets, parks and schools. The proliferation of inexpensive but very capable visual recording devices made available to the public coupled with the ability of police to utilize in-car computers to download and access information are the foundations of the program. By teaming these two technologies, an officer in a patrol car can, after a criminal event, check the Video Partner map on his computer, and find a video partner whose location may have captured images that could be helpful to the investigation. The officer can make contact at an appropriate hour and ask the Video Partner to review their media and to report back if anything suspicious was found.

Policy Considerations
The personal information of Video Partners will be kept confidential and only disclosed if required by law.

Budgetary Considerations
The only cost to the City would be the purchase and installation of Neighborhood Video

Partner Signs. Their cost is approximately seventeen dollars each (\$17) and will be absorbed in the police budget during the current year.

Staff Recommendations

Presentation and discussion of the Sachse Police Department Neighborhood Video Partner Program



**A Police – Community Partnership
working together to make Sachse a
safer place to live.**

What is the Sachse Police Neighborhood Video Partnership?

The Sachse Police Department has created a crime prevention partnership of participating residents. These residents have video recording devices in their home or on their property that captures public areas and who might wish to share that video with the Police Department, should it capture something of investigative significance.

Sachse Police will have no direct access to any private video systems

Sachse Police will only contact the resident if there is belief that their video system may contain something of investigative significance

Patrol officers will have access to a map of Video Partner participants in their in-car computers.

The Police Department will add a Neighborhood Video Partnership Sign to the areas that have active members. These signs send a strong visual message to criminals and will deter crime.

The Police Department will also offer small stick-on signs for the windows of individual homes. These signs also make it know to wrongdoers that a visual record of their presence is being made.

The goal of the Neighborhood Video Partnership program is to deter crime and promote public safety through collaboration between the Sachse Police Department and the community we serve. Accordingly, all participants agree to the following terms and conditions:

1. Any footage containing, or related to, criminal activity may be requested by the Sachse Police Department for use as evidence during any stage of a criminal proceeding.
2. Relevant information is reserved for official use by the Sachse Police Department and will not be released to any member of the general public or media.
3. If necessary, the Sachse Police Department will contact you directly, using the information provided, to request the appropriate video surveillance footage.
4. Under no circumstances shall participants construe that they are acting as an agent and/or employee of the City of Sachse and/or the Sachse Police Department through the Neighborhood Video Partnership program.



Search input field



marty2sarah@gmail.com

Get directions My places



Collaborate

EDIT

Explore making custom maps in an interactive tutorial.

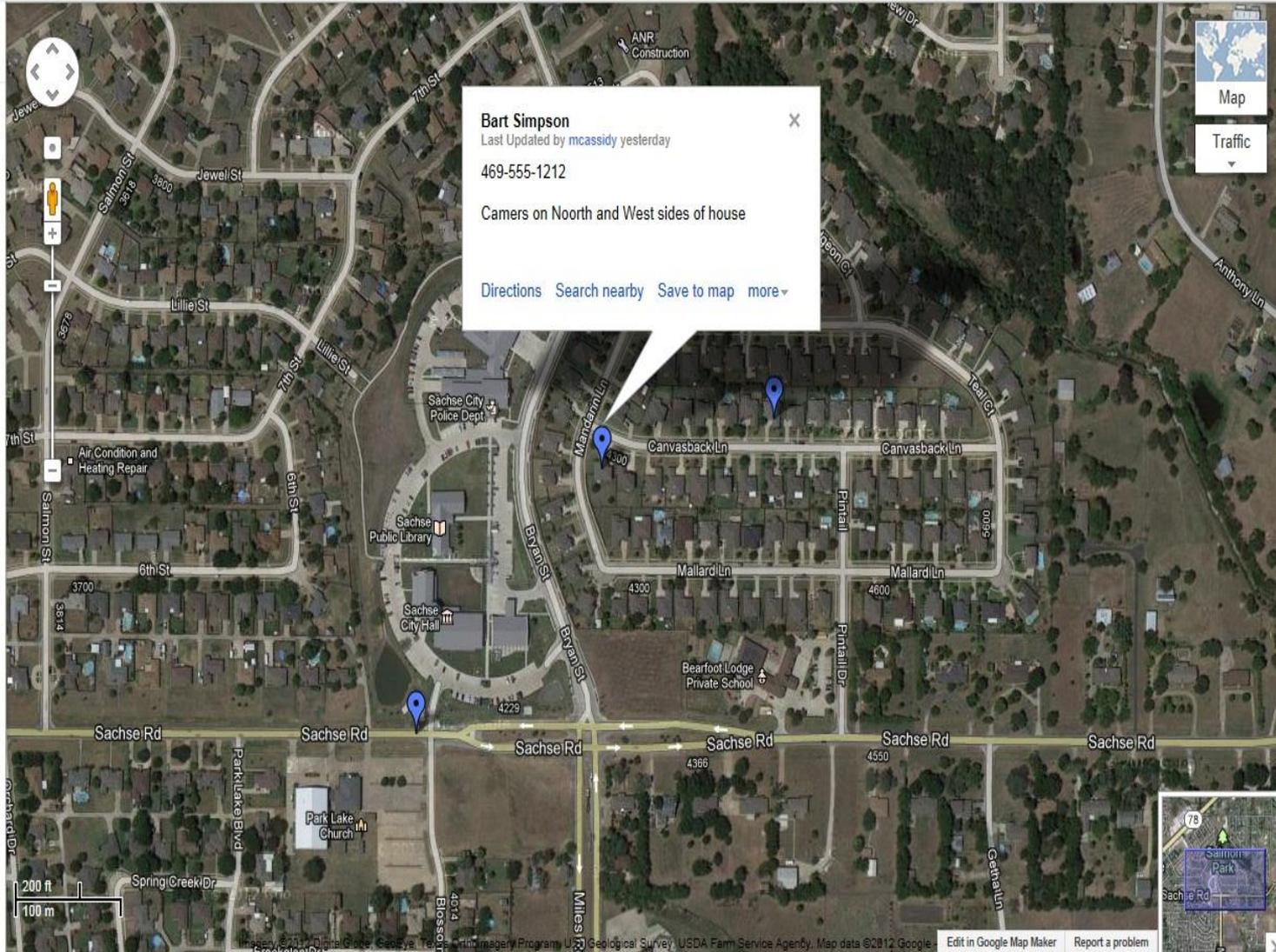
Neighborhood Video

Public · 9 views
Created on Nov 19 · By mcassidy · Updated yesterday

Rate this map · Write a comment · KML



- 3815 Sachse Rd**
Police Station Sachse, TX 75048
- 3900 Miles Rd**
Sachse High School
- Hudson Dr**
Hudson Middle School
- Kroger**
Kroger
- Mark Davis**
214-555-1212 Camera faces Teal Ct
- James Brown**
972-555-1212 Camera faces Street
- Bart Simpson**
469-555-1212 Camers on Noorth and West sides of house



Bart Simpson [X]

Last Updated by mcassidy yesterday

469-555-1212

Camers on Noorth and West sides of house

[Directions](#) [Search nearby](#) [Save to map](#) [more](#)



**SACHSE POLICE
DEPARTMENT**



**NEIGHBORHOOD
VIDEO PARTNER**



Legislation Details (With Text)

File #:	13-1321	Version:	1	Name:	CD - MOSQUITO ACTION PLAN
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	1/15/2013	In control:		In control:	City Council
On agenda:	1/21/2013	Final action:		Final action:	
Title:	Present to City Council the approach for implementing a Mosquito Action Plan.				
	<p>Executive Summary</p> <p>The Community Development Department is preparing an Action Plan that will serve as guidance for a proactive response to addressing the prevention of West Nile Virus in our community.</p>				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	CD - MOSQUITO ACTION PLAN - PRESENTATION.pdf				

Date	Ver.	Action By	Action	Result
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Title

Present to City Council the approach for implementing a Mosquito Action Plan.

Executive Summary

The Community Development Department is preparing an Action Plan that will serve as guidance for a proactive response to addressing the prevention of West Nile Virus in our community.

Background

The purpose of the Mosquito Action Plan is to provide clear guidelines to City Council and City staff, and information to stakeholders regarding the various responses made to prevent and control mosquito-borne diseases. The presentation of this item will include background information regarding mosquito control measures that will be implemented. Through the presentation of this information it will become evident that the implementation of a Mosquito Action Plan will allow City staff to proactively address issues that arise. Staff also seeks feedback from City Council regarding the policy implications of enacting a Mosquito Action Plan.

In 2012, West Nile Virus (WNV) caused the largest outbreak in Dallas County alone with total of 388 WNV human cases, including 18 deaths. WNV is now considered endemic in the United States and some level of WNV virus infection can be expected every year. Following the WNV outbreak of 2012, the Dallas County Health and Human Services (DCHHS) with its municipal partners anticipated the need for a coordinated and proactive plan to address WNV in the communities.

Data Gathering

The process for creating the Mosquito Action Plan includes a fair amount of data gathering, both by accessing various professional sources as well as meeting with our partnering agencies' representatives at the City of Garland Health Department and DCHHS. The information gleaned from this research allows staff to leverage components of other successful plans implemented elsewhere. In addition, by coordinating with our partnering agencies, we are able to best utilize limited resources to provide the best information possible to our residents and businesses.

Public Information/Education

City staff will use the various media of communication at their disposal for educating our residents and businesses regarding WNV. The main focus will be measures associated with prevention from infection. Staff will also provide periodic updates to keep residents and businesses abreast of major events that would be of concern. The City website, partnering agencies' websites, Reverse 911 communication, and community outreach through City employees will all be utilized.

Surveillance/Monitoring

Throughout the active mosquito season, which generally lasts from May until October, surveillance and monitoring will be performed by the City of Sachse as well as our partnering agencies. Below is a list of each entity's role:

- City of Sachse will perform ongoing monitoring of standing water on public property throughout the City and apply larvicide in locations where mosquito larvae are confirmed. The City will seek permission from private property owners prior to any larvicide application on private property.
- DCHHS will place mosquito traps in three locations in the City and test on a weekly basis. Traps locations were determined based on the criteria of being an area that is periodically inundated with water (e.g., floodplain, creek branch) and in close proximity to existing residential subdivisions with significant density.
- The City of Garland Health Department, DCHHS and the City of Sachse will all coordinate to help confirm human cases of WNV. The City of Garland is the City of Sachse's local health authority and will be the liaison with the patient or patient's doctor to get confirmation of test results. This information will then be passed to the epidemiological staff at DCHHS.

Control Measures

Control measures will largely be centered on larvicide application by City of Sachse staff and adulticide application by DCHHS. Larvicide application will be in the form of tablets, dunks and/or granular pellets that will be applied to standing water locations. Adulticide can have two possible applications:

1. Ground Spraying - Ground spraying is performed dispersing the pesticide from equipment that has been mounted to a truck and travels throughout the target area on streets and/or alleys. Ground spraying is a service offered by DCHHS that already part of our existing agreement with Dallas County and does not incur any additional charges.

2. Aerial Spraying Aerial spraying would be performed by airplanes flying at low

2. Aerial Spraying - Aerial spraying would be performed by airplanes flying at low altitudes equipped with dispersal equipment. Aerial spraying would require separate approval by City Council and potentially the payment by the City of Sachse for this action.

Scenarios for Action

There are three possible scenarios where DCHHS in coordination with City of Sachse would initiate a ground spraying response. The triggering events for the scenarios and the corresponding response will be detailed in the Mosquito Action Plan. Below is a summary of these triggering events with the associated responses:

1. Positive Trap Test - Weekly mosquito trap tests are received by City of Sachse from DCHHS by noon every Friday. In the event that a mosquito trap shows to be positive for WNV, DCHHS will initiate ground spraying in the effected neighborhood. Ground spraying will start within 72 hours (weather permitting) of the positive trap test report and will be done for a minimum of two consecutive nights from 10:00 pm until 6:00 am. In order to notify residents and businesses, the City will initiate the following protocols:

- City of Sachse Website bulletin posted
- Reverse 911 notification, whereby an automated system will call all effected land-line telephones.
- Temporary signage placed at the major entrances to neighborhood

2. Confirmed Positive Human Case (without previous positive trap test within the vicinity) - In the case where a positive human infection has been confirmed by the Dallas County Epidemiological staff and there has not been any previous positive trap tests in the vicinity, DCHHS will deploy a trap, with results expected within five days of trap deployment. Ground spraying will not occur unless the trap shows to be positive further corroborating the positive human infection.

3. Confirmed Positive Human Case (with previous positive trap test within the vicinity) - In the case where a positive human infection has been confirmed by the Dallas County Epidemiological staff and there has been a previous positive trap test, DCHHS will initiate ground spraying and the protocol described in Item 1 above will be activated.

Next Steps

The next steps in the process will be the implementation of the Mosquito Action Plan (expected March 1, 2013) and the education of City staff. Once the Plan has been implemented, City staff will provide periodic updated to City Council.

Policy Considerations

Through the City's existing agreement with Dallas County adopted on September 17, 2012 via Resolution 3421, the City Council has expressed their policy intent of addressing mosquito control through larvicide application and ground spraying. Any other means of addressing mosquito control (e.g., aerial spraying) would represent a policy shift and thereby

require additional City Council action to move in that direction.

The information presented in this staff report is simply a report to City Council to illustrate the methods that City Staff is utilizing to fulfill City Council's present policy decision.

Budgetary Considerations

None in the current fiscal year.

Staff Recommendations

None.



CITY COUNCIL

JANUARY 21, 2013

OUTLINE

- Purpose of Plan
- Impetus for Plan
- Data Gathering
- Background / History
- Public Information/Education
- Surveillance/Monitoring
- Control Measures
- Scenarios for Action for positive test cases
- What's next?



PURPOSE OF PLAN

- The purpose of the **Mosquito Action Plan** is to provide clear guidelines and information to City Council, City staff and other partners/stakeholders regarding the various responses made to prevent and control mosquito-borne diseases.



IMPETUS FOR CREATING PLAN

- Following the West Nile Virus (WNV) outbreak of 2012, the Dallas County Health and Human Services (DCHHS) with its municipal partners anticipated the need for a coordinated and proactive plan to address WNV in the communities.



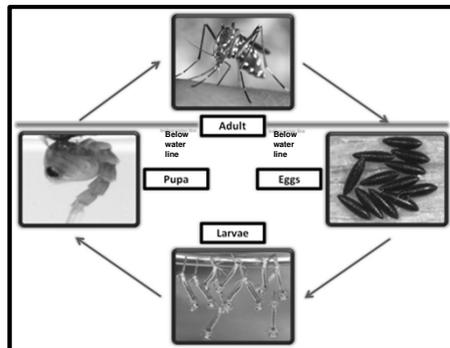
BACKGROUND HISTORY

- ❑ In 2012, WNV caused the largest outbreak in Dallas County alone with total of 388 WNV human cases, including 18 deaths.
- ❑ WNV is now considering endemic in the United States and some level of WNV infection can be expected every year.



BACKGROUND GENERAL INFORMATION

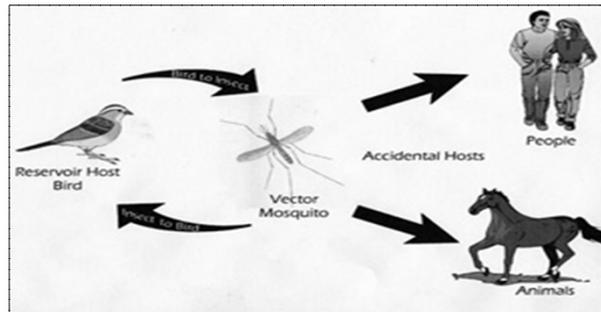
- ❑ The busiest time is from May until October, but mosquito larvae have been found as late as November



BACKGROUND

TRANSMISSION CYCLE

- Mosquito bites an infected bird, infected bird passes WNV to mosquito, newly infected mosquito bites a human and other animals passing along the virus



BACKGROUND

TARGET MOSQUITO SPECIES

- Target mosquito species in Dallas County by Dallas County Health and Human Services (DCHHS)
 - **Culex quinquefasciatus**
(main vector for mosquito surveillance)
 - Aedes albopictus
 - Aedes aegypti
 - Aedes triseriatus



BACKGROUND

SYMPTOMS OF WN VIRUS

- ❑ About 80% WN virus infections will not show any symptoms at all
- ❑ WNV Milder Symptoms - up to 20%
Fever, headache, skin rash, vomiting, body aches, and sometimes swollen lymph glands
- ❑ WNV Serious Symptoms – about one in 150 (Neuroinvasive)
High fever, severe headache, stupor, coma, tremors, disorientation, muscle weakness, and paralysis



BACKGROUND

PARTNERING AGENCIES' ROLES

- ❑ Dallas County Health and Human Services (DCHHS)
 - Public Information
 - Trapping & Testing
 - Ground Spraying
 - Epidemiological
- ❑ Garland Health Department
 - Public Information
 - Epidemiological (Investigation of Case)
 - Reporting



DATA GATHERING RESEARCH

- City staff is performing research to ensure we are providing most accurate information available to our residents and businesses
 - Through professional sources
 - Meetings with DCHHS and City of Garland health officials



DATA GATHERING MEETINGS WITH PARTNERING AGENCIES

- City Staff met with DCHHS on December 11, 2012
- City Staff met with Garland Health Department on December 19, 2012



OUTREACH

PUBLIC INFORMATION/EDUCATION

- ❑ City Website
- ❑ Partnering Agencies' websites
- ❑ Pamphlets
- ❑ Code Enforcement
- ❑ All Employees!



OUTREACH

PUBLIC INFORMATION/EDUCATION

FIGHT THE BITES

Mosquito season in Dallas County typically runs from May to October, with peak activity in August.

Residents should be on heightened alert during these months.

West Nile Virus is a disease that is spread by the bite of a mosquito. Mosquitoes become infected when they feed on the blood from infected birds. Infected mosquitoes can then transmit West Nile Virus to humans and animals.

DEFEND BY USING THREE D's

DEET
Use insect repellents that contain DEET.

DRESS
Wear long, loose and light-colored clothing outside during dusk and dawn hours.

DRAIN
Remove all areas of standing water. Change water in wading pools, pet dishes and birdbaths several times a week.

City of Sachse

DCHHS
Safe families, healthy lives.
214-819-2115 | www.dallascounty.org/aha
Zika and Dengue, Director | Dr. John Cook, Medical Director

What should residents do?

Protect yourself from the West Nile virus with the 4 D's.

- 1 Stay indoors at **Dusk/Dawn**. This is the time of day that mosquitoes are most active.
- 2 **Dress** in long sleeves/pants, loose and light-colored clothing when outdoors.
- 3 Use insect repellent that contains **DEET**, picaridin, or oil of lemon eucalyptus. Follow label instructions.
- 4 **Drain** standing water in your yard and neighborhood. Also make sure that flower pots, water dishes, bird baths, and wading pools are properly drained so they are not breeding grounds for mosquitoes.

TEXAS Department of State Health Services
www.dshs.state.tx.us

SURVEILLANCE/MONITORING DCHHS TRAPPING & TESTING

- Traps will be located in three locations in the City
- Weekly Schedule
 - Monday: Deploy traps
 - Tuesday: Pickup traps
 - Wednesday–Thursday: Testing
 - Friday (by noon): Report results to Sachse



SURVEILLANCE/MONITORING HUMAN CASE REPORTING

- City staff will coordinate with Garland Health Department and DCHHS to facilitate reporting



SURVEILLANCE/MONITORING CITY MAPPING / GIS

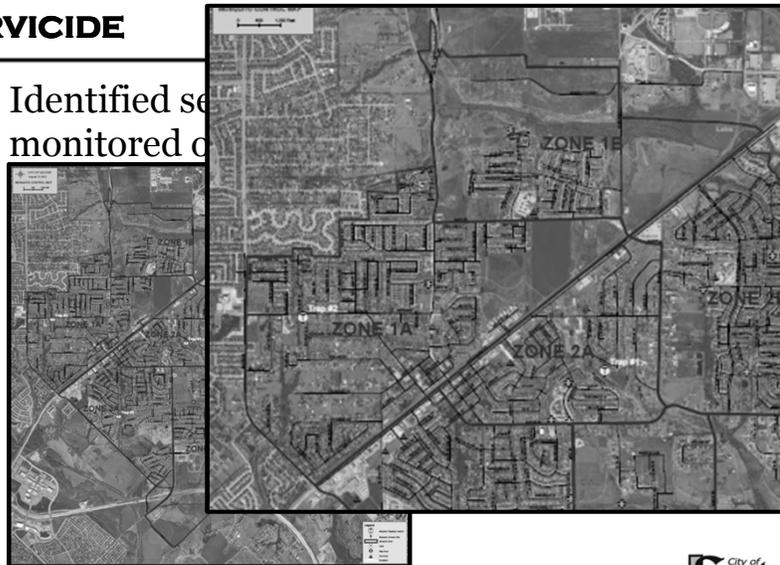
- ❑ Standing Water Locations
- ❑ Larvicide Applications
- ❑ Monitoring Areas for trapping
- ❑ Monitoring Areas for larvicide
- ❑ Response to complaints



CONTROL MEASURES

LARVICIDE

- ❑ Identified septic tanks
monitored on



CONTROL MEASURES

ADULTICIDE

- ❑ **Ground Spraying** – part of existing contract with DCHHS at no cost to City of Sachse
- ❑ **Aerial Spraying** – unless state of emergency declared and similar situations occur as last year, this would be a cost borne by the City of Sachse



PLANNED SCENARIOS & ACTION

THREE POTENTIAL SCENARIOS

1. Positive Trap Test
2. Positive Human Case (no previous positive trap test in vicinity)
3. Positive Human Case (previous positive trap test in vicinity)



PLANNED SCENARIOS & ACTION

SCENARIO # 1 - POSITIVE TRAP TEST

- ❑ Trap results will be received Friday at noon
- ❑ DCHHS to provide spraying dates
 - Ground spraying to start within 72 hours
 - Minimum two days spraying (10 pm – 6 am)
 - ***Weather Permitting***
- ❑ Triggers following events:
 - Website Notification
 - Reverse 911
 - Notifications signs placed at entrances to neighborhoods



PLANNED SCENARIOS & ACTION

SCENARIO # 1 - POSITIVE TRAP TEST



PLANNED SCENARIOS & ACTION

SCENARIO #2 - POSITIVE HUMAN CASE

*****No previous positive trap test*****

- Set trap in area with results expected within five days
- If trap results are positive, initiate ground spraying within 72 hours



PLANNED SCENARIOS & ACTION

SCENARIO #3 - POSITIVE HUMAN CASE

*****Previous positive trap test*****

- Initiate ground spraying within 72 hours



NEXT STEPS

- ❑ Implementation of Mosquito Action Plan by March 1, 2012
- ❑ Periodic Reports to City Council





Legislation Details (With Text)

File #: 13-1322 **Version:** 1 **Name:** CD - TREE MITIGATION ORD
Type: Agenda Item **Status:** Agenda Ready
File created: 1/16/2013 **In control:** City Council
On agenda: 1/21/2013 **Final action:**
Title: Consider adoption of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 3, titled "Building Regulations", by amending and restating Article II, titled "Tree Preservation"; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed the sum of five hundred (\$500.00) dollars for each offense; and providing an effective date.

Executive Summary

The removal of trees from property within the City is regulated by the Tree Mitigation standards contained in the Code of Ordinances. In short, trees that are removed must be replaced at a certain ratio consistent with the standards. City Council and Planning and Zoning Commission have offered direction regarding amending these provisions in the Code of Ordinances. The proposed amendments are being brought forward as a result of these discussions.

Sponsors:

Indexes:

Code sections:

- Attachments:** [CD - TREE MITIGATION ORD - PRESENTATION.pdf](#)
[CD - TREE MITIGATION ORD - ATTACHMENT 1.pdf](#)
[CD - TREE MITIGATION ORD - DRAFT ORD VERSION 1.pdf](#)
[CD - TREE MITIGATION ORD - DRAFT ORD VERSION 2.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider adoption of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 3, titled "Building Regulations", by amending and restating Article II, titled "Tree Preservation"; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed the sum of five hundred (\$500.00) dollars for each offense; and providing an effective date.

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Background

The City of Sachse regulates Tree Mitigation in Chapter 3, Article II of the City of Sachse Code of Ordinances. These regulations were originally adopted via Ordinance No. 2571 on April 2, 2007. One amendment to the original ordinance was adopted on December 1, 2008, via Ordinance No. 3093. Ordinance No. 3093 established Tree Care standards, designated the Parks and Recreation Commission to serve as the Tree Preservation Board, and granted certain administrative responsibilities to the Parks and Recreation Director.

The main reasons for the original adoption of this Ordinance were to create regulating standards as well as to meet requirements that would enable the City to obtain a *Tree City USA* designation.

The Parks and Recreation Commission recently discussed amending these standards at their November 8, 2012 and December 13, 2012 meetings. At the meetings, the Parks and Recreation Commission recommended that staff consider and present the following options to City Council:

- Designating a minimum caliper inch size / diameter at breast height (DBH) for trees to be mitigated.
- Offering an exemption from mitigation for trees that fall within the building area when a lot is developed.
 - Means of providing flexibility in considering tree mitigation requirements.

This item was presented to City Council as a Discussion Item at the December 3, 2012 meeting. At this meeting, City Council recommended that Staff move forward with the recommendations as presented with the additional caveat that no trees are exempt when they are located in a floodplain or watercourse and have a 10" DBH or greater.

Planning and Zoning Commission also discussed this item at their December 10, 2012 meeting. The Planning and Zoning Commission offered feedback, with their main concern being the extent of the definition of "buildable area" as it pertains to trees being exempt from mitigation.

Due to the recommendation by Planning and Zoning regarding "buildable area", staff is including two versions of the Ordinance, each with a different definition of "buildable area".

Policy Considerations

The intent of this discussion item is to examine the current Tree Mitigation standards to ensure that they maintain the intent of the previously adopted provisions, but are not overly burdensome on new development. Below is a list of the existing Ordinance sections followed

burdensome on new development. Below is a list of the existing Ordinance sections followed by staff commentary regarding the proposed amendments. A strikeout/underline version of the Ordinance has also been included in Attachment 1. Please note that the Section numbers referenced correlate with the “new” sections included in the proposed ordinance.

Sec. 3-41. - Tree preservation.

Staff Comment: It is staff's intent for this section to remain unchanged.

Sec. 3-42. - Definitions.

Staff Comment: The following terms and corresponding definitions were added:

- Caliper
- Buildable Area
- DBH
- Tree, protected
- Tree, unprotected

As stated above, due to the recommendation by Planning and Zoning regarding “buildable area”, staff is including two versions of the Ordinance, each with a different definition of “buildable area”.

Version 1 includes the following definition:

Buildable Area . That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

Version 2 includes the following definition:

Buildable Area . The actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

Sec. 3-43. - Enforcement Responsibility.

Staff Comment: This section was added since the last City Council meeting and is included for clarification purposes. It simply defines the City Manager or his/her designee will be in charge of enforcing this section of the Code of Ordinances.

Sec. 3-44. - Applicability.

Staff Comment: It is staff's intent for this section to remain unchanged.

Sec. 3-45. - Exceptions.

Staff Comment: First, there is currently an exception from these standards for all property platted prior to the adoption of the original Ordinance on April 2, 2007. Staff is

property platted prior to the adoption of the original Ordinance on April 2, 2007. Staff is recommending that state requirements for the "Issuance of Local Permits" (Chapter 245 of Texas Local Government Code) govern instead thereby controlling the vesting of the property owner's rights. Pursuant to Chapter 245.004 of the Local Government Code, Tree Preservation regulations are not exempted from vested rights. In short, the current City standards exempt all property from Tree Preservation standards if it was platted prior to April 2, 2007. Texas Local Government Code only exempts property from Tree Preservation standards if the property has an "active" permit and is making progress toward development.

Second, staff suggests that an exception be added whereby exempting any protected trees removed due to those trees being located in buildable areas of the site.

Third, per the recommendation of City Council staff is including removing certain species of trees that have a 10" DBH or greater and are located in a floodplain or watercourse from being exempt from mitigation requirements.

Sec. 3-46. - Tree management plan required.

Staff Comment: It is staff's intent for this section to remain unchanged.

Sec. 3-47. - General requirements related to protected trees.

Staff Comment: It is staff's intent for this section to remain unchanged.

Sec. 3-48. - Enforcement and Penalty.

Staff Comment: The current penalty for unauthorized removal of trees is equal to \$100 per caliper inch illegally removed. This amount is less than the cost of mitigating for removed trees, therefore the incentive to mitigate is absent. Staff suggests that the penalty levied be similar to the violation of any of the City's Ordinances in addition to requiring the violating party to obtain approval of a Tree Management Plan.

Sec. 3-49. - Tree preservation and mitigation.

Staff Comment: Staff suggests that this section be amended to define a "protected tree" as the following trees with a DBH of 6 inches or greater not located within a buildable area on the site.

- Pecan (*Carya illinoensis*)
- Yaupon Holly (*Ilex vomitoria*)
- Sweetgum (*Liquidambar styraciflua*)
- Southern Magnolia (*Magnolia grandiflora*)

- Bur Oak (*Quercus macrocarpa*)
- Chinkapin Oak (*Quercus muehlenbergii*)
- Shumard Oak (*Quercus shumardii*)
- Texas Red Oak (*Quercus texana*)
- Live Oak (*Quercus virginiana*)
- Bald Cypress (*Taxodium distichum*)
- Sycamore (*Platanus occidentalis*)
- Oaks-all others not listed (*Quercus spp.*)
- American Elm (*Ulmus americana*)
- Cedar Elm (*Ulmus crassifolia*)
- Chittamwood (*Bumelia lunuginosa*)
- Common Persimmon (*Diospyros virginiana*)
- Green Ash (*Fraxinus pennsylvanica*)
- Black Walnut (*Juglans nigra*)
- Eastern Red Cedar (*Juniperus virginiana*)
- Crape Myrtle (*Lagerstroemia indica*)
- Mexican Plum (*Prunus Mexicana*)
- Eve's Necklace (*Sophora affinis*)
- Pine species (*Pinus spp.*)
- Bradford Pear (*Pyrus calleryana*)

The trees listed above are the same trees that are listed in the current ordinance as requiring either 100% or 80% mitigation rates. The proposed change would be to require all of the above to be mitigated at 100% and remove the trees listed at 60%, 40% and 20% mitigation rates from a protected tree status. The removal of trees from being protected is based upon an analysis of multiple tree ordinances within the Metroplex.

Also included in this Section is a method for calculating the cost per caliper inch of mitigation should the applicant choose payment of fees in lieu of planting trees.

Sec. 3-50. - Waivers.

Staff Comment: Staff suggests that the title of this section be changed to "Waivers" so as not to be confused with the literal legal definition of a "variance".

Sec. 3-51. - Tree care.

Staff Comment: It is staff's intent for this section to remain unchanged.

Sec. 3-52. - Care of public trees.

Staff Comment: It is staff's intent for this section to remain unchanged.

Sec. 3-53. - Tree preservation board.

Staff Comment: It is staff's intent for this section to remain unchanged.

Please note that due to the two individual versions of the Ordinances being included for this item, City Council will need to stipulate which version they wish to adopt.

Budgetary Considerations

None.

Staff Recommendations

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 3, titled "Building Regulations", by amending and restating Article II, titled "Tree Preservation"; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed the sum of five hundred (\$500.00) dollars for each offense; and providing an effective date.



CITY COUNCIL

JANUARY 21, 2013

OUTLINE

- Background
 - Ordinance History
 - Direction from Advisory Boards (Parks & Recreation Commission and Planning & Zoning Commission)
- Policy Considerations
 - Summary of Changes



BACKGROUND ORDINANCE HISTORY

- ❑ Original Ordinance adopted April 2, 2007 with the main goals being to create regulating standards as well as to meet requirements that would enable the City to obtain a *Tree City USA* designation.
- ❑ Amendments to Ordinance on December 1, 2008
 - Established Tree Care standards
 - Designated the Parks and Recreation Commission to serve as the Tree Preservation Board
 - Granted certain administrative responsibilities to the Parks and Recreation Director.



BACKGROUND PARKS & RECREATION COMMISSION

- ❑ Parks & Recreation Commission met on November 8, 2012 and December 13, 2012 to provide input
- ❑ Recommendations:
 - Designating a minimum caliper inch size / diameter at breast height (DBH) for trees to be mitigated
 - Offering an exemption from mitigation for trees that fall within the building area when a lot is developed
 - Means of providing flexibility in considering tree mitigation requirements



BACKGROUND

PLANNING & ZONING COMMISSION

- Planning and Zoning Commission met on December 10, 2012 to provide input
- Recommendations:
 - Remain Competitive
 - Consider the definition of “buildable area”



POLICY CONSIDERATIONS

SUMMARY OF CHANGES

- Following existing sections to remain unchanged:
 - Sec. 3-41. - Tree preservation.
 - Sec. 3-44. - Applicability.
 - Sec. 3-46. - Tree management plan required.
 - Sec. 3-47. - General requirements related to protected trees.
 - Sec. 3-51. - Tree care.
 - Sec. 3-52. - Care of public trees.
 - Sec. 3-53. - Tree preservation board.



POLICY CONSIDERATIONS

SUMMARY OF CHANGES

- Section 3-42. - Definitions
 - The following terms and corresponding definitions were added:
 - Caliper
 - **Buildable Area (**two versions**)**
 - DBH
 - Tree, protected
 - Tree, unprotected



POLICY CONSIDERATIONS

SUMMARY OF CHANGES

- Sec. 3-43. – Enforcement Responsibility.
 - This section was added since the last City Council meeting and is included for clarification purposes. It simply defines the City Manager or his/her designee will be in charge of enforcing this section of the Code of Ordinances.



POLICY CONSIDERATIONS

SUMMARY OF CHANGES

- Sec. 3-45. - Exceptions.
 - Remove current exception regarding platted property and adhere to Texas Local Government Code requirements for “vesting”.
 - Add exemption from mitigation requirements for trees located in “buildable area”.
 - Removing certain species of trees that have a 10” DBH or greater and are located in a floodplain or watercourse from being exempt from mitigation requirements.



POLICY CONSIDERATIONS

SUMMARY OF CHANGES

- Sec. 3-49 – Enforcement and Penalty
 - Modify penalty to be consistent with other violations of City Ordinances
- Sec. 3-50. - Waivers.
 - Change section title to “Waivers” from “Variances”



POLICY CONSIDERATIONS

SUMMARY OF CHANGES

- Sec. 3-49. – Tree preservation and mitigation.
 - Define certain tree species with a DBH of 6 inches or greater as “protected trees”
 - Only require mitigation for trees in the current Ordinance listed in “100%” and “80%” categories
 - Remove trees in the current Ordinance listed in “60%”, “40%” and “20%” categories as requiring mitigation
 - Include formula for “payment in lieu of” plantings



STAFF RECOMMENDATION

Staff recommends approval of Version 2 of the included Ordinances



ARTICLE II. - TREE PRESERVATION

Sec. 3-41. - Tree preservation.

There is hereby created and established a tree preservation program to provide a valuable amenity to the urban environment and to establish terms and provisions to apply to real property within the city, as follows.

Sec. 3-42. - Definitions.

Caliper. Diameter of the trunk of a newly installed tree (planted within the previous year) as measured 12 inches above grade, or the diameter of an existing tree measured at the DBH of four and one-half feet above the ground, measured from the root flare at the base of the tree.

Buildable Area. That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

DBH. Diameter at breast height (DBH), is the tree trunk diameter measured in inches at height of four and one-half feet above ground level.

Tree. Any self-supporting, woody perennial plant which will attain a trunk diameter of two inches or more when measured at a point four and one-half foot above ground level as measured from the root flare, and which will attain a minimum mature height of 12 feet.

Tree, protected. A tree as listed in the Protected Tree List, Section 3-48, Figure 1, that has a diameter of six inches or greater measured at four and one-half foot above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half of the diameter(s) of each additional trunk.

Tree, unprotected. Any existing tree that is not a protected tree per the definition of “protected tree” in this section.

Sec. 3-43. - Enforcement Responsibility

The City Manager of the City of Sachse shall designate a member of the City’s staff who shall have the responsibility for enforcement of the provisions of this Article. References herein made to the performance of certain functions by the City shall be deemed references to performance by the City Manager’s designee.

Sec. 3-4244. - Applicability.

1. All real property upon which any protected tree is located, excluding developed single-family and two-family residential property.

2. All vacant and undeveloped real property.
3. All real property to be subdivided or re-subdivided, including record plats and replats.
4. The yard areas of all developed property, excluding developed single family and two-family residential property.
5. All easements and rights-of-way, excluding those included on a record plat ~~approved by the council~~ and filed in the plat records of the county.

Sec. 3-~~4345~~ - Exceptions.

The following exceptions from the terms and provisions of this section are hereby authorized and granted:

1. The terms and conditions of this section allow trees located in necessary public rights-of-way and easements to be removed without a tree removal permit and prior to the issuance of a building permit.
2. In the event that any protected tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, authorization for removal may be given by the parks and recreation director, or designee, and the protected tree may then be removed without obtaining a written permit as herein required.
3. During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the ~~council~~ City Manager.
4. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of the licensee, that are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
5. Utility companies franchised by the city may remove, cut or prune protected trees that endanger public safety and welfare by interfering with utility service, except that where the trees are on properties developed for single-family or duplex use, disposal of the trees shall be at the option of the property owner(s).
6. The mowing, clearing and grubbing of brush located within or under the drip lines of protected trees shall be allowed, provided the mowing, clearing or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth moving equipment for this purpose shall not be allowed.
7. For recreational property or uses, such as golf courses, ball fields, etc., of the property shall include that portion of the property necessary for the construction of the recreational improvements, including sufficient adjacent area to allow the normal operation of construction equipment.
8. Tree Mitigation is not required for any tree located within the Buildable Area of a lot or site as defined herein.
9. The following species of trees are exempt from the protection and preservation requirements stated within this section except when located in a floodplain or watercourse

as defined by the city or other government agency and when these species have a DBH of 10 inches or greater.

<u><i>Species</i></u>	<u>Common Name</u>
<u><i>Celtis occidentalis</i></u>	<u>Hackberry</u>
<u><i>Populus spp.</i></u>	<u>Poplar, Cottonwood</u>
<u><i>Prosopis glandulosa</i></u>	<u>Mesquite</u>
<u><i>Gleditsia triacanthos</i></u>	<u>Honey Locust</u>
<u><i>Maclura pomifera</i></u>	<u>Bois d'Arc</u>

~~The terms and provisions of this section shall not apply to any development, subdivision or re-subdivision for which a record plat has been approved by the council and filed in the plat records of the county prior to the effective date of this ordinance.~~

Sec. 3-4446. - Tree management plan required.

1. Along with the submittal of an application for approval of a detailed development plan, site plan, subdivision plat, clearing and grading plan, erosion control plan or public improvement construction plan, a tree management plan shall be submitted to the community development department and any lot one acre or greater must have a plan submitted by a landscape architect. See section ~~3-47-49~~ for tree preservation and mitigation requirements.
2. The tree management plan shall:
 - a. Show the location, species, and caliper of all trees on the site that are three inches or greater in caliper measured at four and one-half feet above natural grade.
 - b. Identify those trees proposed to be removed and those to be protected.
 - c. Show the methods of preservation of the trees to be protected.
 - d. Show the location of proposed building pads, drives, parking, and all easements which will affect existing trees on the site.
 - e. Show the location of all floodplain limits, and general grading limits of cut and fill.
3. The tree management plan is not required to protect trees that are:
 - a. Injured, dying, diseased or infested with harmful insects;
 - b. In danger of falling, interferes with utility service or creates unsafe vision clearance;
 - c. In any manner creating a hazardous or dangerous condition so as to endanger the public health, welfare or safety.

Sec. 3-4547. - General requirements related to protected trees.

1. No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any protected tree on any real property within the city without an approved tree management plan as provided herein.
2. Under no circumstances shall the clear cutting of protected trees on any real property within the city be allowed prior to the approval of a tree management plan for the property.

3. Unless otherwise approved by the city, no construction or construction-related activity shall occur under the canopy or drip line of any protected tree or group of protected trees.
4. No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any protected tree on any real property within the city without approval from the ~~director of parks and recreation~~City (refer to section 3-47).
5. All protected trees are required to be protected from the harmful effects of nearby construction. In order to insure survival of protected trees during the construction process the following shall be required:
 - a. Prior to construction or land development, the developer shall clearly mark with three-inch wide red ribbon or tape all protected trees within 30 feet of a public right-of-way, public easement or buildable lot area, as included on the applicable approved and filed recorded plat.
 - b. Prior to construction or land development of the subdivision, the developer shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items and designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision. The location and dimensions of said designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the city prior to construction or land development of the subdivision.
 - c. Designated parking and stockpile areas shall be completely fenced with chain-link fencing and gated for safety purpose and to separate protected trees from the construction area and related construction activity. The designated parking and stockpile areas may be combined into one fenced area provided the preservation of protected trees is not adversely affected or jeopardized.
 - d. Supplies and pipe and other items that are customarily unloaded where installed shall be required to be stored within the designated stockpile areas.
 - e. During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree or group of protected trees.
 - f. If a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot, as approved by the city, must be constructed within the drip line of a protected tree, it shall be constructed no closer than five feet from the trunk of the protected tree and the canopy of the tree pruned appropriately to balance the effect of damage to the roots.
6. During construction no attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
7. To accommodate grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the

tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.

Sec. 3-4648. -- Enforcement and Penalty.

~~1. Any person that removes a protected tree(s) from any real property, including any injury to a protected tree resulting from the failure to follow required tree protection measures that causes or may reasonably be expected to cause the tree to die shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:~~

~~a. Replacement of protected trees removed as set forth in the requirements for tree preservation and mitigation provided in section 3-47. The replacement trees shall have a minimum caliper width of three inches, measured at six inches above ground level, and a minimum height of at least six feet, and shall be planted in a location(s) as approved by the city or;~~

~~b. Failure to comply with section 3-46 1.a. will result in a civil monetary penalty of \$100.00 per caliper inch of width of the protected tree(s) removed, payable to the City of Sachse. Funds paid to the city as tree removal penalties shall be deposited in a special account or fund and used by the city to provide and/or support supplemental landscape plantings in public areas of Sachse.~~

1. Enforcement.

a. The City Manager or his designee shall be authorized to enforce the provisions of this ordinance.

b. Each tree removed or transplanted without a permit shall constitute a separate offense.

c. Violation of this ordinance shall not constitute an exemption to the replacement requirements of this ordinance. The removal of protected trees shall be mitigated according to requirements contained herein.

2. Penalty.

a. Any person violating a provision of this chapter, upon conviction, is guilty of an offense punishable by a fine not to exceed \$500.00 for each incident. Each tree upon which there exists a violation of this chapter or failure to abide by, or comply with, any provision or requirement of this chapter, shall constitute a separate incident and subject the offender to separate penalty.

Sec. 3-4749. - Tree preservation and mitigation.

~~1. Protected trees, as listed below in Figure 1, that are healthy and growing on a site must be preserved or replaced at the following minimum rates based on the species of trees identified:~~

~~2.1. One hundred percent of the caliper inches lost shall be replaced for the following tree species: at the rate of one hundred percent of the lost caliper inches.~~

Figure 1. Protected Tree List

<u>Species</u>	<u>Common Name</u>
<i>Carya illinoensis</i>	Pecan
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muehlenbergii</i>	Chinkapin Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus texana</i>	Texas Red Oak
<i>Quercus virginiana</i>	Live Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus spp.</i>	Oaks (all others not listed)
<i>Ulmus americana</i>	American Elm
<i>Ulmus crassifolia</i>	Cedar Elm

Eighty percent of the caliper inches lost shall be replaced for the following tree species:

<i>Bumelia lunuginosa</i>	Chittamwood
<i>Diospyros virginiana</i>	Common Persimmon
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Juglans nigra</i>	Black Walnut
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Prunus Mexicana</i>	Mexican Plum
<i>Sophora affinis</i>	Eve's Necklace
<i>Pinus spp.</i>	Pines
<i>Pyrus calleryana</i>	Bradford Pear

Sixty percent of the caliper inches lost shall be replaced for the following tree species:

<i>Cercis canadensis</i>	Redbud
<i>Gleditsia triacanthos</i>	Honeylocust
<i>Maclura pomifera</i>	Bois d'arc
<i>Photinia serrulata</i>	Chinese Photinia
<i>Prosopis glandulosa</i>	Honey Mesquite
<i>Sapindus drummondii</i>	Western Soapberry

Forty percent of the caliper inches lost shall be replaced for the following tree species:

<i>Catalpa spp.</i>	Catalpa
<i>Celtis laevigata</i>	Sugarberry

<i>Celtis occidentalis</i>	Common Hackberry
<i>Eriobotrya japonica</i>	Loquat
<i>Ligustrum japonicum</i>	Japanese Ligustrum
<i>Melia azedarach</i>	Chinaberry
<i>Morus rubra</i>	Red Mulberry
<i>Populus spp.</i>	Poplars, Cottonwood
<i>Prunus spp.</i>	Plums
<i>Robinia pseudoacacia</i>	Black Locust
<i>Sapium sebiferum</i>	Chinese Tallow
<i>Salix spp.</i>	Willows

~~Protected trees of species not listed shall be protected at a minimum rate of 20 percent of the total caliper inches.~~

Existing trees may be used to fulfill the tree planting requirements specified in other city ordinances provided that such trees are in a healthy and growing condition. When existing trees are used to fulfill screening and landscape requirements, existing tree locations shall be accepted, and the formal spacing requirements may be waived.

~~3.2. Required large tree plantings may count towards the mitigation of lost caliper inches. The minimum tree caliper inch specified in the landscape requirements supersedes the minimum replacement tree size, specified in this section. In instances of unique natural, features such as unique soil characteristics, topography, geological characteristics, water features, peculiarly shaped sites, or where the location of existing structures and other previously built features on the site inhibit the reasonable application of this article, the director of parks and recreation may approve an alternative tree management plan upon determining that the alternate plan meets the intent of these standards and is equivalent to or exceeds a plan that strictly complies with this article. If the director of parks and recreation determines that alternative compliance is not applicable, a request for approval of an alternate plan may be filed with the park board as referred to in section 3-48~~

3. If, due to the size, shape or topography of the intended site of development a tree mitigation plan for the site of development is unworkable, the ~~director of parks and recreation~~City may approve a tree management plan that provides for the mitigation of protected trees through either the planting of replacement trees at an off-site location in private open spaces, or the payment to a city reforestation and tree management fund of an amount equal to 100 percent of the replacement cost.

4. The City Manager shall determine the monetary value of a replacement tree by contacting landscape companies, plant nurseries, or garden centers for the price of a four-inch caliper tree installed, then averaging that cost to determine the mean cost of a four-inch tree; and then dividing by four to determine the mean cost of a one-inch tree installed. The mean cost of a one-inch tree installed is then multiplied by the required number of replacement

tree inches proposed for fee payment in lieu of planting. Said formula is represented as follows:

$((A+B+C+D)/4)/4 * X = \text{Replacement Tree Escrow Fee}$, where A, B, C, and D represent the installed cost of a four-inch tree from four sources, and where X represents the required number of replacement tree inches.

- ~~4. The director of parks and recreation may authorize a reduction of not more than five percent in the number of required parking spaces for a site in order to preserve the sizes and species of significant trees that are located within a proposed parking area.~~

Sec. 3-4850. - Variances Waivers.

~~The park board shall hear and recommend to council on appeals that allege error in any order, requirement, decision or determination made by the director of parks and recreation.~~

1. The City Council after conducting a public hearing, shall hear appeals from decisions of the City Manager and may approve a tree removal permit and approve a waiver to all or a portion of the requirements to provide for replacement trees for the following:
 - a. A public or recreational use or structure but not including rights-of-way or easements.
 - b. A private use that usually requires large areas of open space (impervious surface).
 - c. Development of heavily forested sites where the strict compliance of the requirements of this chapter, as amended, will unreasonably burden the use of the property.

Sec. 3-4951. - Tree care.

There is hereby created and established a tree care program to provide full power and authority over the care of all trees, plants and shrubs located within public rights-of-ways, parks and public places and aids in the proper growth of a landscape program to enhance the beauty of the city.

Sec. 3-49.152. - Care of public trees.

- A. The ~~parks and recreation director and/or his designees~~City Manager shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- B. Every owner of any tree or shrub overhanging any street or right-of-way within the city shall, in accordance to the city pruning guidelines, prune the branches so that such branches shall not [severely] obstruct the light from any street lamp or obstruct the view of any street

intersection; will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the parks and recreation director and/or his or her designee shall give ten days' notice to the property owners to take action, otherwise the ~~parks and recreation director~~City shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park. A fee shall be assessed for this service on an hourly basis. Fees will be based on the current hourly wages of city maintenance workers.

~~C. No person shall remove, destroy, or cause the removal or destruction of a tree on city property or in any city park without first having obtained written permission for such removal or destruction from the parks and recreation director.~~

~~D.C.~~ It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope sign or any object to any city tree, plant or shrub without written permission from the ~~parks and recreation director~~City Manager.

Sec. 3-~~49.253~~. - Tree preservation board.

- A. Board membership. The tree preservation board shall consist of the members of the parks and recreation commission.
- B. Term of office. The board shall elect its own officers and each officer shall serve for a term of two years or until a successor is appointed.
- C. Meetings. The board shall meet a minimum of four times each year. All stated meetings shall be open to the public. The board chairman may schedule additional meetings as needed.
- D. Officers. The board shall annually select one of the members to serve as chair, and may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- E. Duties. The duties of the tree preservation board shall include:
 - a. To review the tree management plan, tree preservation and mitigation guidelines, and the tree care program as may be necessary.
 - b. To promote the protection of healthy trees and provide guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment.
 - c. To uphold rules and regulations governing the protection and preservation of native or established trees within the city, which provide for purification of air and water, provide for shade, windbreaks and the cooling of air, provide for open space and more efficient drainage of land, thus reducing the effects on soil erosion.
 - d. To study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, pruning, planting, replanting, removal or disposal of public trees and shrubs on city property.

- e. To review and recommend specific beautification projects and public awareness programs to the parks and recreation department, city manager and/or city council as may be appropriate.
- f. Coordinating and promoting Arbor Day activities.
- g. Submitting the annual application to renew the tree city USA designation and
- h. Other duties that may be assigned by the city council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE SACHSE CODE OF ORDINANCES BY AMENDING CHAPTER 3, TITLED “BUILDING REGULATIONS”, BY AMENDING AND RESTATING ARTICLE II, TITLED “TREE PRESERVATION”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse, Texas, has determined that the protection of trees on public property within the City is not only aesthetically desirable but is essential to the present and future health, safety, and welfare of all citizens;

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

SECTION 1. The Code of Ordinances, City of Sachse, Texas, be amended, by amending Chapter 3, titled “Building Regulations”, by amending and restating Article II, titled “Tree Preservation” to read as follows:

“Chapter 3

BUILDING REGULATIONS

...

ARTICLE II. - TREE PRESERVATION

Sec. 3-41. - Tree preservation.

There is hereby created and established a tree preservation program to provide a valuable amenity to the urban environment and to establish terms and provisions to apply to real property within the city, as follows.

Sec. 3-42. - Definitions.

Caliper. Diameter of the trunk of a newly installed tree (planted within the previous year) as measured 12 inches above grade, or the diameter of an existing tree measured at the DBH of four and one-half feet above the ground, measured from the root flare at the base of the tree.

Buildable Area. That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

DBH. Diameter at breast height (DBH), is the tree trunk diameter measured in inches at height of four and one-half feet above ground level.

Tree. Any self-supporting, woody perennial plant which will attain a trunk diameter of two inches or more when measured at a point four and one-half foot above ground level as measured from the root flare, and which will attain a minimum mature height of 12 feet.

Tree, protected. A tree as listed in the Protected Tree List, Section 3-48, Figure 1, that has a diameter of six inches or greater measured at four and one-half foot above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half of the diameter(s) of each additional trunk.

Tree, unprotected. Any existing tree that is not a protected tree per the definition of “protected tree” in this section.

Sec. 3-43. - Enforcement Responsibility

The City Manager of the City of Sachse shall designate a member of the City’s staff who shall have the responsibility for enforcement of the provisions of this Article. References herein made to the performance of certain functions by the City shall be deemed references to performance by the City Manager’s designee.

Sec. 3-44. - Applicability.

1. All real property upon which any protected tree is located, excluding developed single-family and two-family residential property.
2. All vacant and undeveloped real property.
3. All real property to be subdivided or re-subdivided, including record plats and replats.
4. The yard areas of all developed property, excluding developed single family and two-family residential property.
5. All easements and rights-of-way, excluding those included on a record plat and filed in the plat records of the county.

Sec. 3-45. - Exceptions.

The following exceptions from the terms and provisions of this section are hereby authorized and granted:

1. The terms and conditions of this section allow trees located in necessary public rights-of-way and easements to be removed without a tree removal permit and prior to the issuance of a building permit.
2. In the event that any protected tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, authorization for removal may be given by the parks and recreation director, or designee, and the protected tree may then be removed without obtaining a written permit as herein required.

3. During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the City Manager.
4. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of the licensee, that are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
5. Utility companies franchised by the city may remove, cut or prune protected trees that endanger public safety and welfare by interfering with utility service, except that where the trees are on properties developed for single-family or duplex use, disposal of the trees shall be at the option of the property owner(s).
6. The mowing, clearing and grubbing of brush located within or under the drip lines of protected trees shall be allowed, provided the mowing, clearing or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth moving equipment for this purpose shall not be allowed.
7. For recreational property or uses, such as golf courses, ball fields, etc., of the property shall include that portion of the property necessary for the construction of the recreational improvements, including sufficient adjacent area to allow the normal operation of construction equipment.
8. Tree Mitigation is not required for any tree located within the Buildable Area of a lot or site as defined herein.
9. The following species of trees are exempt from the protection and preservation requirements stated within this section except when located in a floodplain or watercourse as defined by the city or other government agency and when these species have a DBH of 10 inches or greater.

<i>Species</i>	Common Name
<i>Celtis occidentalis</i>	Hackberry
<i>Populus spp.</i>	Poplar, Cottonwood
<i>Prosopis glandulosa</i>	Mesquite
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Maclura pomifera</i>	Bois d'Arc

Sec. 3-46. - Tree management plan required.

1. Along with the submittal of an application for approval of a detailed development plan, site plan, subdivision plat, clearing and grading plan, erosion control plan or public improvement construction plan, a tree management plan shall be submitted to the community development department and any lot one acre or greater must have a plan submitted by a landscape architect. See section 3-49 for tree preservation and mitigation requirements.
2. The tree management plan shall:

- a. Show the location, species, and caliper of all trees on the site that are three inches or greater in caliper measured at four and one-half feet above natural grade.
 - b. Identify those trees proposed to be removed and those to be protected.
 - c. Show the methods of preservation of the trees to be protected.
 - d. Show the location of proposed building pads, drives, parking, and all easements which will affect existing trees on the site.
 - e. Show the location of all floodplain limits, and general grading limits of cut and fill.
3. The tree management plan is not required to protect trees that are:
- a. Injured, dying, diseased or infested with harmful insects;
 - b. In danger of falling, interferes with utility service or creates unsafe vision clearance;
 - c. In any manner creating a hazardous or dangerous condition so as to endanger the public health, welfare or safety.

Sec. 3-47. - General requirements related to protected trees.

1. No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any protected tree on any real property within the city without an approved tree management plan as provided herein.
2. Under no circumstances shall the clear cutting of protected trees on any real property within the city be allowed prior to the approval of a tree management plan for the property.
3. Unless otherwise approved by the city, no construction or construction-related activity shall occur under the canopy or drip line of any protected tree or group of protected trees.
4. No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any protected tree on any real property within the city without approval from the City.
5. All protected trees are required to be protected from the harmful effects of nearby construction. In order to insure survival of protected trees during the construction process the following shall be required:
 - a. Prior to construction or land development, the developer shall clearly mark with three-inch wide red ribbon or tape all protected trees within 30 feet of a public right-of-way, public easement or buildable lot area, as included on the applicable approved and filed recorded plat.
 - b. Prior to construction or land development of the subdivision, the developer shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items and designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision. The location and dimensions of said designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the city prior to construction or land development of the subdivision.
 - c. Designated parking and stockpile areas shall be completely fenced with chain-link fencing and gated for safety purpose and to separate protected trees from the construction area and related construction activity. The designated parking and

- stockpile areas may be combined into one fenced area provided the preservation of protected trees is not adversely affected or jeopardized.
- d. Supplies and pipe and other items that are customarily unloaded where installed shall be required to be stored within the designated stockpile areas.
 - e. During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree or group of protected trees.
 - f. If a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot, as approved by the city, must be constructed within the drip line of a protected tree, it shall be constructed no closer than five feet from the trunk of the protected tree and the canopy of the tree pruned appropriately to balance the effect of damage to the roots.
6. During construction no attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
 7. To accommodate grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.

Sec. 3-48. - Enforcement and Penalty.

1. Enforcement.
 - a. The City Manager or his designee shall be authorized to enforce the provisions of this ordinance.
 - b. Each tree removed or transplanted without a permit shall constitute a separate offense.
 - c. Violation of this ordinance shall not constitute an exemption to the replacement requirements of this ordinance. The removal of protected trees shall be mitigated according to requirements contained herein.
2. Penalty.
 - a. Any person violating a provision of this chapter, upon conviction, is guilty of an offense punishable by a fine not to exceed \$500.00 for each incident. Each tree upon which there exists a violation of this chapter or failure to abide by, or comply with, any provision or requirement of this chapter, shall constitute a separate incident and subject the offender to separate penalty.

Sec. 3-49. - Tree preservation and mitigation.

1. Protected trees, as listed below in Figure 1, that are healthy and growing on a site must be preserved or replaced at the rate of one hundred percent of the lost caliper inches.

Figure 1. Protected Tree List

<i>Species</i>	Common Name
<i>Carya illinoensis</i>	Pecan
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muehlenbergii</i>	Chinkapin Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus texana</i>	Texas Red Oak
<i>Quercus virginiana</i>	Live Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus spp.</i>	Oaks (all others not listed)
<i>Ulmus americana</i>	American Elm
<i>Ulmus crassifolia</i>	Cedar Elm
<i>Bumelia lunuginosa</i>	Chittamwood
<i>Diospyros virginiana</i>	Common Persimmon
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Juglans nigra</i>	Black Walnut
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Prunus Mexicana</i>	Mexican Plum
<i>Sophora affinis</i>	Eve's Necklace
<i>Pinus spp.</i>	Pines
<i>Pyrus calleryana</i>	Bradford Pear

Existing trees may be used to fulfill the tree planting requirements specified in other city ordinances provided that such trees are in a healthy and growing condition. When existing trees are used to fulfill screening and landscape requirements, existing tree locations shall be accepted, and the formal spacing requirements may be waived.

2. Required large tree plantings may count towards the mitigation of lost caliper inches. The minimum tree caliper inch specified in the landscape requirements supersedes the minimum replacement tree size, specified in this section.
3. If, due to the size, shape or topography of the intended site of development a tree mitigation plan for the site of development is unworkable, the City may approve a tree management plan that provides for the mitigation of protected trees through either the planting of replacement trees at an off-site location in private open spaces, or the payment to a city reforestation and tree management fund of an amount equal to 100 percent of the replacement cost.
4. The City Manager shall determine the monetary value of a replacement tree by contacting landscape companies, plant nurseries, or garden centers for the price of a four-inch caliper

tree installed, then averaging that cost to determine the mean cost of a four-inch tree; and then dividing by four to determine the mean cost of a one-inch tree installed. The mean cost of a one-inch tree installed is then multiplied by the required number of replacement tree inches proposed for fee payment in lieu of planting. Said formula is represented as follows:

$((A+B+C+D)/4)/4 * X = \text{Replacement Tree Escrow Fee}$, where A, B, C, and D represent the installed cost of a four-inch tree from four sources, and where X represents the required number of replacement tree inches.

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1. The City Council after conducting a public hearing, shall hear appeals from decisions of the City Manager and may approve a tree removal permit and approve a waiver to all or a portion of the requirements to provide for replacement trees for the following:
 - a. A public or recreational use or structure but not including rights-of-way or easements.
 - b. A private use that usually requires large areas of open space (impervious surface).
 - c. Development of heavily forested sites where the strict compliance of the requirements of this chapter, as amended, will unreasonably burden the use of the property.

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Sec. 3-52. - Care of public trees.

- A. The City Manager shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- B. Every owner of any tree or shrub overhanging any street or right-of-way within the city shall, in accordance to the city pruning guidelines, prune the branches so that such branches shall not [severely] obstruct the light from any street lamp or obstruct the view of any street intersection; will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the parks and recreation director and/or his or her designee shall give ten days' notice to the property owners to take action, otherwise the City shall have the right to remove or prune any tree or shrub on private property which threatens

the safety of those who may use a city street or city park. A fee shall be assessed for this service on an hourly basis. Fees will be based on the current hourly wages of city maintenance workers.

- C. It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope sign or any object to any city tree, plant or shrub without written permission from the City Manager.

Sec. 3-53. - Tree preservation board.

- A. Board membership. The tree preservation board shall consist of the members of the parks and recreation commission.
- B. Term of office. The board shall elect its own officers and each officer shall serve for a term of two years or until a successor is appointed.
- C. Meetings. The board shall meet a minimum of four times each year. All stated meetings shall be open to the public. The board chairman may schedule additional meetings as needed.
- D. Officers. The board shall annually select one of the members to serve as chair, and may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- E. Duties. The duties of the tree preservation board shall include:
 - a. To review the tree management plan, tree preservation and mitigation guidelines, and the tree care program as may be necessary.
 - b. To promote the protection of healthy trees and provide guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment.
 - c. To uphold rules and regulations governing the protection and preservation of native or established trees within the city, which provide for purification of air and water, provide for shade, windbreaks and the cooling of air, provide for open space and more efficient drainage of land, thus reducing the effects on soil erosion.
 - d. To study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, pruning, planting, replanting, removal or disposal of public trees and shrubs on city property.
 - e. To review and recommend specific beautification projects and public awareness programs to the parks and recreation department, city manager and/or city council as may be appropriate.
 - f. Coordinating and promoting Arbor Day activities.
 - g. Submitting the annual application to renew the tree city USA designation and
 - h. Other duties that may be assigned by the city council.”

SECTION 2. That all provisions of the Code of Ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all

other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

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

SECTION 4. 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 5. 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 five hundred dollars (\$500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

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

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

APPROVED:

Mike Felix
Mayor

DULY ENROLLED:

Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(JG/01-16-13/59010)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE SACHSE CODE OF ORDINANCES BY AMENDING CHAPTER 3, TITLED “BUILDING REGULATIONS”, BY AMENDING AND RESTATING ARTICLE II, TITLED “TREE PRESERVATION”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse, Texas, has determined that the protection of trees on public property within the City is not only aesthetically desirable but is essential to the present and future health, safety, and welfare of all citizens;

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

SECTION 1. The Code of Ordinances, City of Sachse, Texas, be amended, by amending Chapter 3, titled “Building Regulations”, by amending and restating Article II, titled “Tree Preservation” to read as follows:

“Chapter 3

BUILDING REGULATIONS

...

ARTICLE II. - TREE PRESERVATION

Sec. 3-41. - Tree preservation.

There is hereby created and established a tree preservation program to provide a valuable amenity to the urban environment and to establish terms and provisions to apply to real property within the city, as follows.

Sec. 3-42. - Definitions.

Caliper. Diameter of the trunk of a newly installed tree (planted within the previous year) as measured 12 inches above grade, or the diameter of an existing tree measured at the DBH of four and one-half feet above the ground, measured from the root flare at the base of the tree.

Buildable Area. The actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

DBH. Diameter at breast height (DBH), is the tree trunk diameter measured in inches at height of four and one-half feet above ground level.

Tree. Any self-supporting, woody perennial plant which will attain a trunk diameter of two inches or more when measured at a point four and one-half foot above ground level as measured from the root flare, and which will attain a minimum mature height of 12 feet.

Tree, protected. A tree as listed in the Protected Tree List, Section 3-48, Figure 1, that has a diameter of six inches or greater measured at four and one-half foot above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half of the diameter(s) of each additional trunk.

Tree, unprotected. Any existing tree that is not a protected tree per the definition of “protected tree” in this section.

Sec. 3-43. - Enforcement Responsibility

The City Manager of the City of Sachse shall designate a member of the City’s staff who shall have the responsibility for enforcement of the provisions of this Article. References herein made to the performance of certain functions by the City shall be deemed references to performance by the City Manager’s designee.

Sec. 3-44. - Applicability.

1. All real property upon which any protected tree is located, excluding developed single-family and two-family residential property.
2. All vacant and undeveloped real property.
3. All real property to be subdivided or re-subdivided, including record plats and replats.
4. The yard areas of all developed property, excluding developed single family and two-family residential property.
5. All easements and rights-of-way, excluding those included on a record plat and filed in the plat records of the county.

Sec. 3-45. - Exceptions.

The following exceptions from the terms and provisions of this section are hereby authorized and granted:

1. The terms and conditions of this section allow trees located in necessary public rights-of-way and easements to be removed without a tree removal permit and prior to the issuance of a building permit.
2. In the event that any protected tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, authorization for removal may be given by the parks and recreation director, or designee, and the protected tree may then be removed without obtaining a written permit as herein required.
3. During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the City Manager.

4. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of the licensee, that are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
5. Utility companies franchised by the city may remove, cut or prune protected trees that endanger public safety and welfare by interfering with utility service, except that where the trees are on properties developed for single-family or duplex use, disposal of the trees shall be at the option of the property owner(s).
6. The mowing, clearing and grubbing of brush located within or under the drip lines of protected trees shall be allowed, provided the mowing, clearing or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth moving equipment for this purpose shall not be allowed.
7. For recreational property or uses, such as golf courses, ball fields, etc., of the property shall include that portion of the property necessary for the construction of the recreational improvements, including sufficient adjacent area to allow the normal operation of construction equipment.
8. Tree Mitigation is not required for any tree located within the Buildable Area of a lot or site as defined herein.
9. The following species of trees are exempt from the protection and preservation requirements stated within this section except when located in a floodplain or watercourse as defined by the city or other government agency and when these species have a DBH of 10 inches or greater.

<i>Species</i>	Common Name
<i>Celtis occidentalis</i>	Hackberry
<i>Populus spp.</i>	Poplar, Cottonwood
<i>Prosopis glandulosa</i>	Mesquite
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Maclura pomifera</i>	Bois d'Arc

Sec. 3-46. - Tree management plan required.

1. Along with the submittal of an application for approval of a detailed development plan, site plan, subdivision plat, clearing and grading plan, erosion control plan or public improvement construction plan, a tree management plan shall be submitted to the community development department and any lot one acre or greater must have a plan submitted by a landscape architect. See section 3-49 for tree preservation and mitigation requirements.
2. The tree management plan shall:
 - a. Show the location, species, and caliper of all trees on the site that are three inches or greater in caliper measured at four and one-half feet above natural grade.
 - b. Identify those trees proposed to be removed and those to be protected.
 - c. Show the methods of preservation of the trees to be protected.

- d. Show the location of proposed building pads, drives, parking, and all easements which will affect existing trees on the site.
- e. Show the location of all floodplain limits, and general grading limits of cut and fill.
3. The tree management plan is not required to protect trees that are:
 - a. Injured, dying, diseased or infested with harmful insects;
 - b. In danger of falling, interferes with utility service or creates unsafe vision clearance;
 - c. In any manner creating a hazardous or dangerous condition so as to endanger the public health, welfare or safety.

Sec. 3-47. - General requirements related to protected trees.

1. No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any protected tree on any real property within the city without an approved tree management plan as provided herein.
2. Under no circumstances shall the clear cutting of protected trees on any real property within the city be allowed prior to the approval of a tree management plan for the property.
3. Unless otherwise approved by the city, no construction or construction-related activity shall occur under the canopy or drip line of any protected tree or group of protected trees.
4. No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any protected tree on any real property within the city without approval from the City.
5. All protected trees are required to be protected from the harmful effects of nearby construction. In order to insure survival of protected trees during the construction process the following shall be required:
 - a. Prior to construction or land development, the developer shall clearly mark with three-inch wide red ribbon or tape all protected trees within 30 feet of a public right-of-way, public easement or buildable lot area, as included on the applicable approved and filed recorded plat.
 - b. Prior to construction or land development of the subdivision, the developer shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items and designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision. The location and dimensions of said designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the city prior to construction or land development of the subdivision.
 - c. Designated parking and stockpile areas shall be completely fenced with chain-link fencing and gated for safety purpose and to separate protected trees from the construction area and related construction activity. The designated parking and stockpile areas may be combined into one fenced area provided the preservation of protected trees is not adversely affected or jeopardized.
 - d. Supplies and pipe and other items that are customarily unloaded where installed shall be required to be stored within the designated stockpile areas.

- e. During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree or group of protected trees.
 - f. If a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot, as approved by the city, must be constructed within the drip line of a protected tree, it shall be constructed no closer than five feet from the trunk of the protected tree and the canopy of the tree pruned appropriately to balance the effect of damage to the roots.
6. During construction no attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
 7. To accommodate grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.

Sec. 3-48. - Enforcement and Penalty.

1. Enforcement.
 - a. The City Manager or his designee shall be authorized to enforce the provisions of this ordinance.
 - b. Each tree removed or transplanted without a permit shall constitute a separate offense.
 - c. Violation of this ordinance shall not constitute an exemption to the replacement requirements of this ordinance. The removal of protected trees shall be mitigated according to requirements contained herein.
2. Penalty.
 - a. Any person violating a provision of this chapter, upon conviction, is guilty of an offense punishable by a fine not to exceed \$500.00 for each incident. Each tree upon which there exists a violation of this chapter or failure to abide by, or comply with, any provision or requirement of this chapter, shall constitute a separate incident and subject the offender to separate penalty.

Sec. 3-49. - Tree preservation and mitigation.

1. Protected trees, as listed below in Figure 1, that are healthy and growing on a site must be preserved or replaced at the rate of one hundred percent of the lost caliper inches.

Figure 1. Protected Tree List

<i>Species</i>	Common Name
<i>Carya illinoensis</i>	Pecan
<i>Ilex vomitoria</i>	Yaupon Holly

<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muehlenbergii</i>	Chinkapin Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus texana</i>	Texas Red Oak
<i>Quercus virginiana</i>	Live Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus spp.</i>	Oaks (all others not listed)
<i>Ulmus americana</i>	American Elm
<i>Ulmus crassifolia</i>	Cedar Elm
<i>Bumelia lunuginosa</i>	Chittamwood
<i>Diospyros virginiana</i>	Common Persimmon
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Juglans nigra</i>	Black Walnut
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Prunus Mexicana</i>	Mexican Plum
<i>Sophora affinis</i>	Eve's Necklace
<i>Pinus spp.</i>	Pines
<i>Pyrus calleryana</i>	Bradford Pear

Existing trees may be used to fulfill the tree planting requirements specified in other city ordinances provided that such trees are in a healthy and growing condition. When existing trees are used to fulfill screening and landscape requirements, existing tree locations shall be accepted, and the formal spacing requirements may be waived.

2. Required large tree plantings may count towards the mitigation of lost caliper inches. The minimum tree caliper inch specified in the landscape requirements supersedes the minimum replacement tree size, specified in this section.
3. If, due to the size, shape or topography of the intended site of development a tree mitigation plan for the site of development is unworkable, the City may approve a tree management plan that provides for the mitigation of protected trees through either the planting of replacement trees at an off-site location in private open spaces, or the payment to a city reforestation and tree management fund of an amount equal to 100 percent of the replacement cost.
4. The City Manager shall determine the monetary value of a replacement tree by contacting landscape companies, plant nurseries, or garden centers for the price of a four-inch caliper tree installed, then averaging that cost to determine the mean cost of a four-inch tree; and then dividing by four to determine the mean cost of a one-inch tree installed. The mean cost of a one-inch tree installed is then multiplied by the required number of replacement

tree inches proposed for fee payment in lieu of planting. Said formula is represented as follows:

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

APPROVED:

Mike Felix
Mayor

DULY ENROLLED:

Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(JG/01-16-13/59010)



Legislation Details (With Text)

File #: 13-1315 **Version:** 1 **Name:** ENG-Merritt Road Funding
Type: Agenda Item **Status:** Agenda Ready
File created: 1/11/2013 **In control:** City Council
On agenda: 1/21/2013 **Final action:**

Title: Consider a resolution of the City Council of the City of Sachse, authorizing the reallocation of Capital Improvement funds from the Merritt Road Realignment Project to the Bunker Hill Road Improvement Project and the Merritt Road Improvement Project from the intersection with Pleasant Valley Road to the southern city limit; and providing for an effective date.

Executive Summary

The Capital Improvement Project, Bunker Hill Road Improvements (BHR), is nearing completion. The Capital Improvement Project, Merritt Road Improvements Project from the intersection with Pleasant Valley Road to the southern city limit, has been bid and is ready for construction.

The BHR road project was budgeted at \$9.5M with 80% of those funds being provided through the Regional Toll Revenue (RTR) program administered by the North Central Texas Council of Governments. It will be completed with a project cost of less than \$9M. Since only 80% of the actual project costs may be funded out of the RTR grant, a portion of the project budget must be returned to TxDOT which necessitates additional Sachse funds be returned to TxDOT since Sachse budgeted for 100% of the overall project budget (Sachse must return the 80% of the unspent funds).

The Merritt Road Improvements Project from the intersection with Pleasant Valley Road to the southern city limit, a partnership project with Dallas County where Dallas County is providing \$1.42M in project funds, has been bid and is ready for construction. During the right of way (ROW) acquisition phase, a significant amount of the ROW budget was unencumbered, leading to the anticipation of Sachse being able to apply project savings to the relocation of a Sachse waterline and for project landscaping. However, the construction bid came in at approximately \$2.6M which was \$0.5M greater than the construction portion of the budget. The result is that right of way savings will be required for roadway construction.

Staff is requesting that the City Council reallocate funds from the Merritt Road Realignment Project (realigning Merritt Road to Woodbridge Parkway) to 1) Bunker Hill Road for "cash-flow" required due to significant project savings and 2) the Merritt Road Improvements Project from the intersection with Pleasant Valley Road to the southern city limit to cover waterline relocation and landscaping.

Sponsors:

Indexes:

Code sections:

Attachments: [RES Merritt Funding Reallocation.pdf](#)
[Roadway Funding Reallocation.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

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Background

There are currently \$2.775M in committed Sachse funds for final design, right of way acquisition and construction of the Merritt Road re-alignment project. Funding for the construction of the re-alignment includes monies set aside from the 2006 Transportation Bond funds with Dallas County providing an addition \$1M for the project. If funds were reallocated from this project, the project would effectively be put "on hold" until some future date when the City Council decided allocate new funds to the project.

The bid process is now complete for the Merritt Road Improvement Project from the intersection with Pleasant Valley Road to the southern city limit. During the ROW acquisition phase of the project, the City/County project team were able to acquire right of way at an amount significantly less than the right of way budget. This trend indicated that savings in right of way could be used by the City to fund a waterline relocation and for project landscaping. However, when the bids were received, it was found that the "savings" from ROW acquisition would be needed to fund construction of the roadway. The roadway

construction budget is \$2.1M and the low bid came in at \$2.6M, requiring the ROW "savings" to build.

It is anticipated that the additional City-directed waterline improvements for the Merritt Road project will cost \$160,000.00. In addition, it is anticipated that the City-directed landscape improvements will cost \$45,000.00.

Policy Considerations

The reallocation of funds will complete two CIP projects already underway and will result in the postponement of the Merritt Road Realignment Project (realigning Merritt Road to Woodbridge Parkway).

Budgetary Considerations

The consideration is to allocate funds as necessary from a CIP project for which no final design contract has been executed to two CIP projects underway.

Staff Recommendations

Staff recommends approval of resolution of the City Council of the City of Sachse, authorizing the reallocation of Capital Improvement funds from the Merritt Road Realignment Project to the Bunker Hill Road Improvement Project and the Merritt Road Improvement Project from the intersection with Pleasant Valley Road to the Southern City Limit; and providing for an effective date.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, AUTHORIZING THE REALLOCATION OF CAPITAL IMPROVEMENT FUNDS FROM THE MERRITT ROAD REALIGNMENT PROJECT TO THE BUNKER HILL ROAD IMPROVEMENT PROJECT AND THE MERRITT ROAD IMPROVEMENT PROJECT FROM THE INTERSECTION WITH PLEASANT VALLEY ROAD TO THE SOUTHERN CITY LIMIT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sachse City Council adopted a capital improvements budget for the 2013-2013 fiscal year which includes funds to construct the realignment of Merritt Road to Woodbridge Parkway; and

WHEREAS, the City Council has not entered into an agreement for the construction of the Merritt Road Realignment Project; and

WHEREAS, the City Council has entered into agreements for the construction of Bunker Hill Road Improvement Project and for the Merritt Road Improvement Project from the intersection with Pleasant Valley Road to the southern city limit; and

WHEREAS, the City Council finds that additional fund allocations are required to complete the Bunker Hill Road Improvement Project and for the Merritt Road Improvement Project from the intersection with Pleasant Valley Road to the southern city limit.

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

SECTION 1. The City Council of the City of Sachse, Texas hereby authorizes the reallocation of Capital Improvement funds from the Merritt Road Realignment Project to the Bunker Hill Road Improvement Project and for the Merritt Road Improvement Project from the intersection with Pleasant Valley Road to the southern city limit.

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 21 day of January, 2013.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

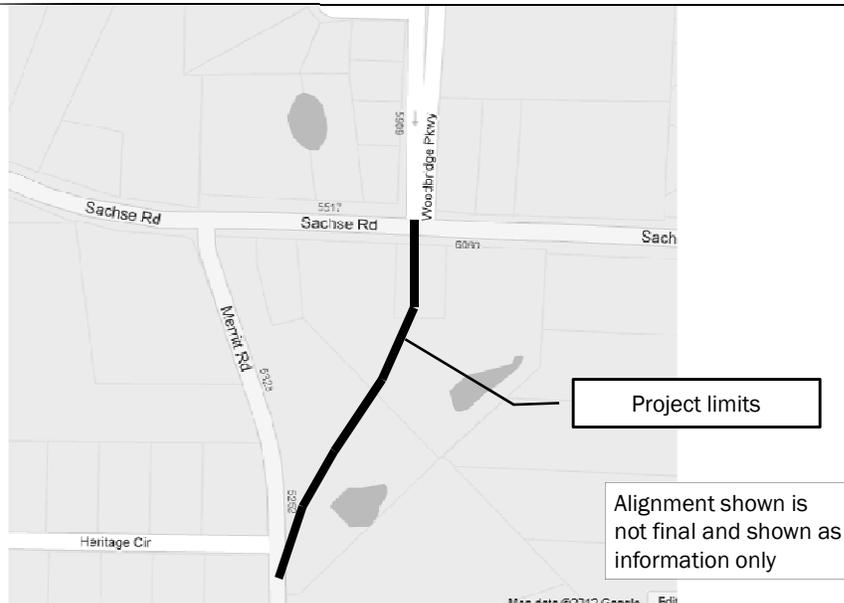
ATTEST:

Terry Smith, City Secretary

REDISTRIBUTING FUNDS: TRANSPORTATION
PROJECTS

**JANUARY 21, 2013 SACHSE CITY
COUNCIL MEETING**

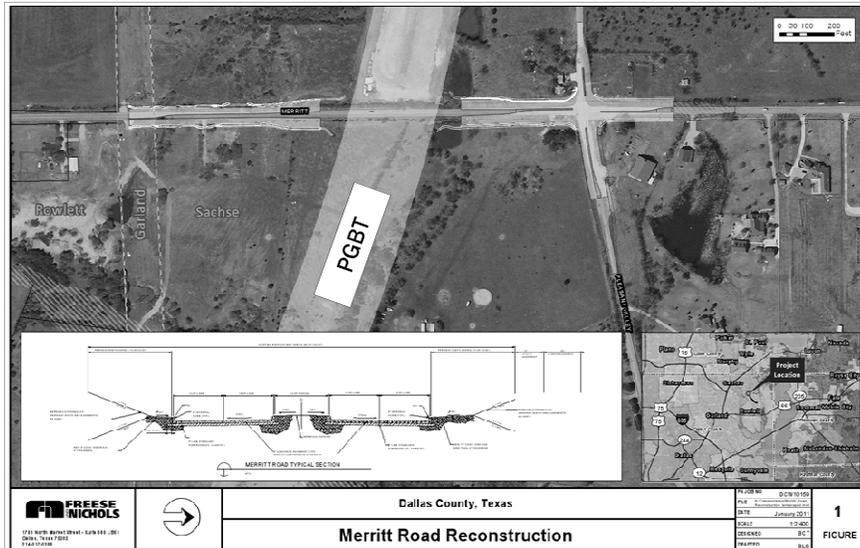
MERRITT ROAD REALIGNMENT



MERRITT ROAD REALIGNMENT

- × Project Budget:
 - + City of Sachse: \$2.775M
 - + Dallas County: \$1.0M

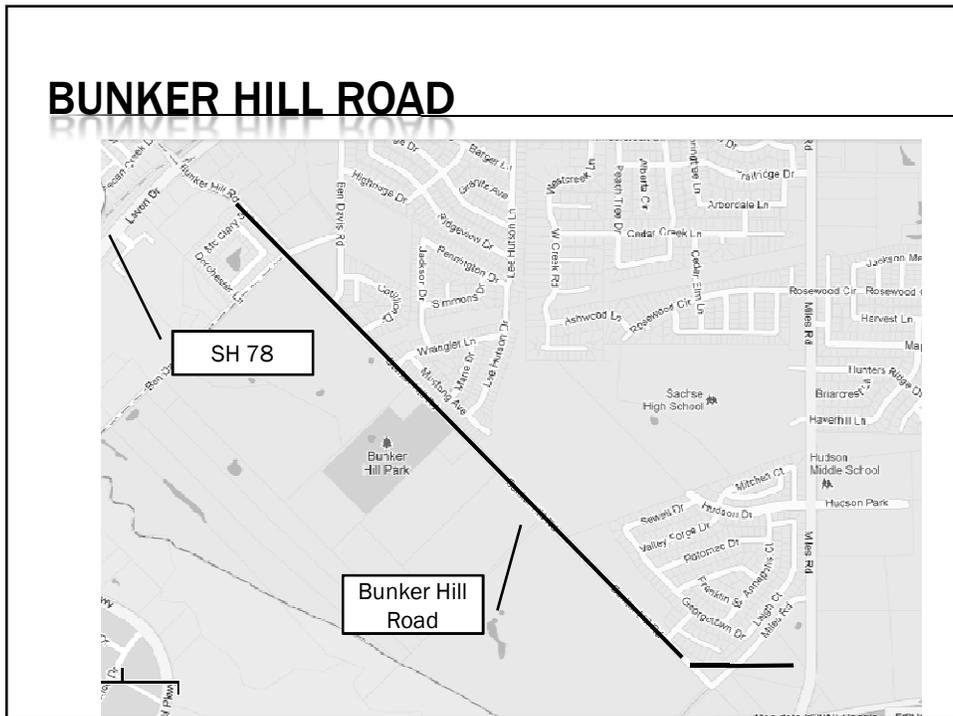
MERRITT ROAD: SOUTHERN CITY LIMITS



MERRITT ROAD: SOUTHERN CITY LIMITS

- × Project Budget:
 - + City of Sachse: \$2.58M
 - + Dallas County: \$1.42M

BUNKER HILL ROAD



BUNKER HILL ROAD

- × Project Budget: \$9.5M
 - + Sachse (20%): \$1.4M
 - + RTR (80%): \$7.6M

STAFF RECOMMENDATION

- × Reallocate funds from the Merritt Road Realignment Project to Bunker Hill Road Project and Merritt Road Improvements Project from the intersection with Pleasant Valley Road to the southern city limit.



Legislation Details (With Text)

File #: 13-1325 **Version:** 1 **Name:** Merritt Road Landscaping Selection
Type: Agenda Item **Status:** Agenda Ready
File created: 1/17/2013 **In control:** City Council
On agenda: 1/21/2013 **Final action:**
Title: Consider a motion to select and approve Landscape Planting Plan Alternate No. 1 "Traditional" or Landscape Planting Plan Alternate No. 2 "Xeriscape" for the Merritt Road Paving and Drainage Improvements Project from the intersection with Pleasant Valley Road to the southern city limit.

Executive Summary

The design consultant for the Merritt Road Paving and Drainage Improvements Project from the intersection with Pleasant Valley Road to the southern city limit prepared two design options for the required landscaping associated with the project. The project has been bid by Dallas County. Ed Bell Construction Company has been awarded the project and is ready to move forward. The City of Sachse needs to provide Dallas County direction on the selected landscaping for the project.

Sponsors:

Indexes:

Code sections:

Attachments: [ALT 1 TRADITIONAL LANDSCAPE.pdf](#)
[ALT 2 XERISCAPE LANDSCAPE.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a motion to select and approve Landscape Planting Plan Alternate No. 1 "Traditional" or Landscape Planting Plan Alternate No. 2 "Xeriscape" for the Merritt Road Paving and Drainage Improvements Project from the intersection with Pleasant Valley Road to the southern city limit.

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Background

The design consultant for the Merritt Road Paving and Drainage Improvements Project from the intersection with Pleasant Valley Road to the southern city limit prepared two design options for the required landscaping associated with the project. The cost for Landscape Planting Plan Alternate No. 1 "Traditional" is \$68,637.70. The cost for Landscape Planting Plan Alternate No. 2 "Xeriscape" is \$44,605.55. The significant cost difference between the

two is the cost of irrigation. Landscape Planting Plan Alternate No. 1 "Traditional" includes a traditional irrigation system. Landscape Planting Plan Alternate No. 2 "Xeriscape" does not include an irrigation system. However, Landscape Planting Plan Alternate No. 2 "Xeriscape" does include conduit to allow for the installation of future irrigation. The project has been bid by Dallas County. Ed Bell Construction Company has been awarded the project and is ready to move forward.

Policy Considerations

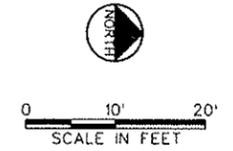
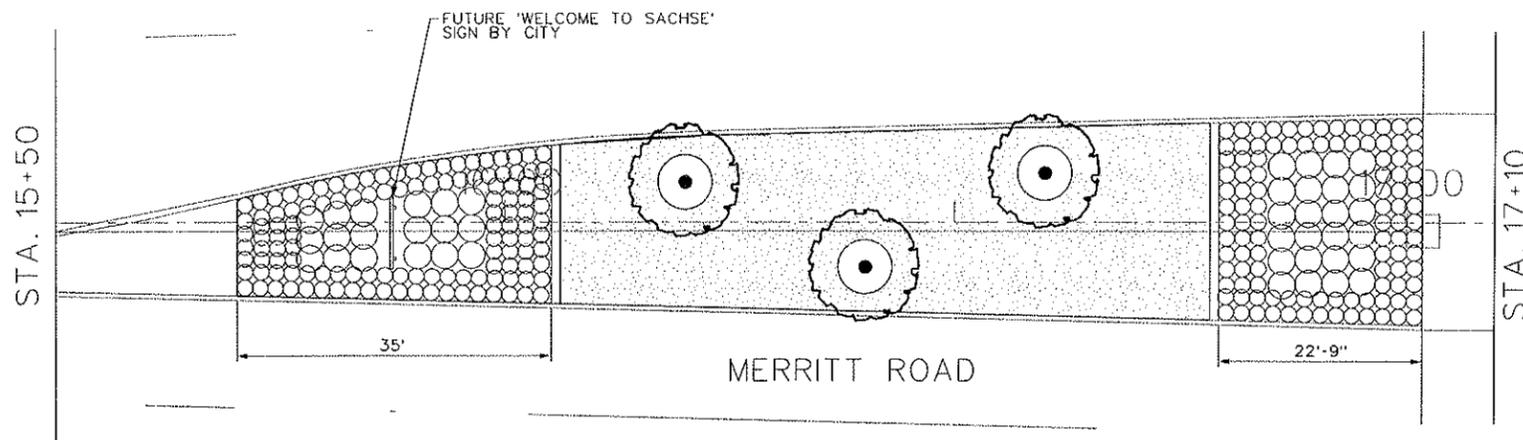
Landscape Planting Plan Alternate No. 1 "Traditional" includes traditional plantings that will require traditional irrigation techniques. Landscape Planting Plan Alternate No. 2 "Xeriscape" includes water-efficient plantings that do not require traditional irrigation techniques. Therefore, the Xeriscape plan will require less water for irrigation.

Budgetary Considerations

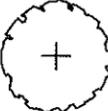
The costs for the landscape options are as follows: Landscape Planting Plan Alternate No. 1 "Traditional" \$68,637.70; Landscape Planting Plan Alternate No. 2 "Xeriscape" \$44,605.55.

Staff Recommendations

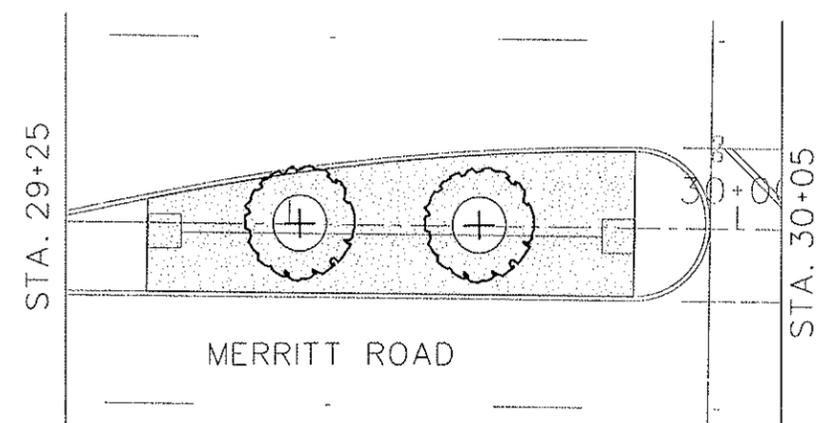
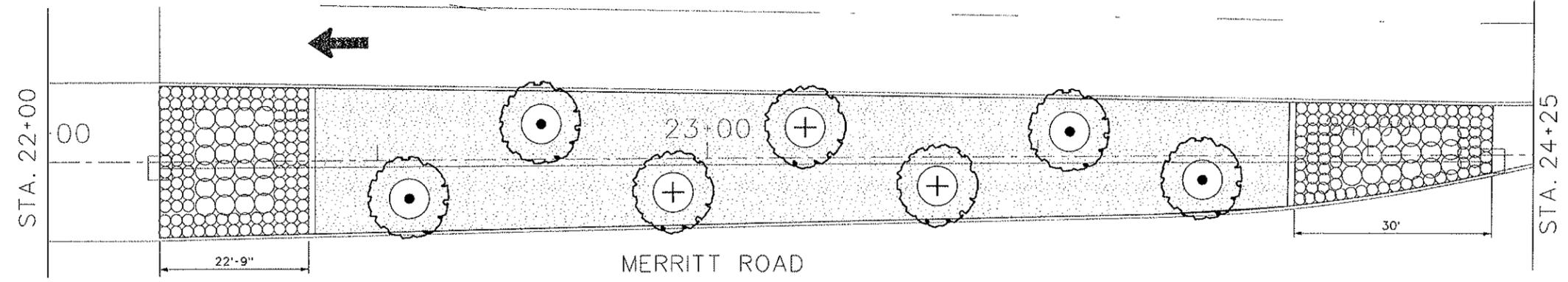
Staff Recommends that the City Council approve a motion selecting the landscape plan that is most appropriate for the City of Sachse.



LEGEND

-  CEDAR ELM
-  SHANTUNG MAPLE
-  KNOCKOUT RED ROSE
-  MEXICAN FEATHERGRASS
-  TURF
-  DENOTES 12" WIDE BY 6" DEEP FLAT CONCRETE CURB BETWEEN TURF AND PLANTING BED

NOTE:
1) REFER TO PLANT LIST, SHEET LP-2 FOR PLANT DESCRIPTIONS.



[Signature]
08.16.12

FREESE NICHOLS
1701 N. Market Street, Suite 500, LB 51
Dallas, TX 75202-2001
Phone - (214) 217-2200
Fax - (214) 217-2201
Web - www.freese.com

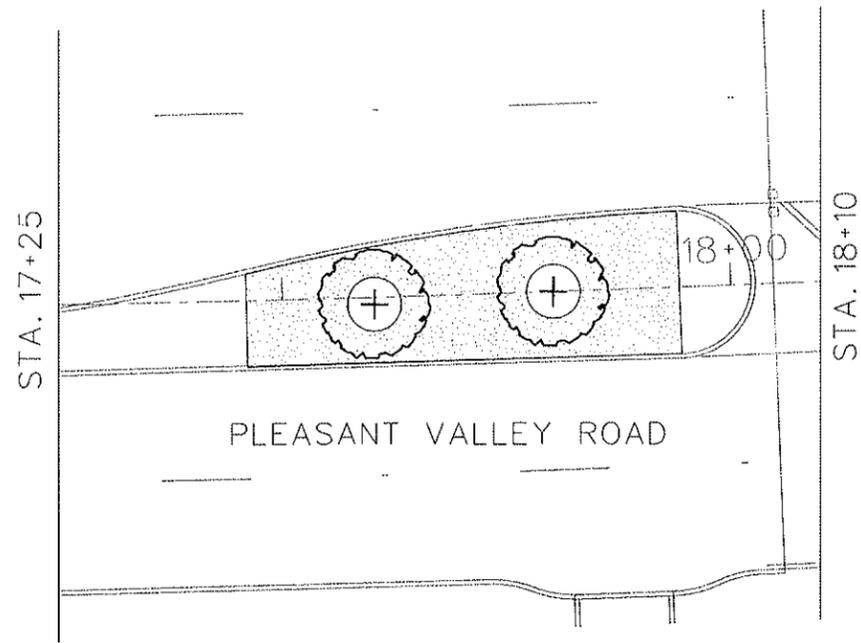
NO.	REVISION	BY	DATE

COUNTY OF DALLAS, TEXAS
DEPARTMENT OF PUBLIC WORKS
LANDSCAPE PLANNING PLAN
MERRITT ROAD
FROM STA. 15+50 TO STA. 30+05

ALTERNATE NO. 1 ('TRADITIONAL')

DESIGNED-DT	DRAWN-RSP	DATE-08.16.12	FILE-LP-TRT-PL-LANDSHP1
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 Project: 064701059
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LEGEND

- CEDAR ELM
- SHANTUNG MAPLE
- KNOCKOUT RED ROSE
- MEXICAN FEATHERGRASS
- TURF
- DENOTES 12" WIDE BY 6" DEEP FLAT CONCRETE CURB BETWEEN TURF AND PLANTING BED

NOTE:
1) REFER TO PLANT LIST, SHEET LP-2 FOR PLANT DESCRIPTIONS.

PLANT LIST									
SYMBOL	QUANTITY	SIZE	COMMON NAME	BOTANICAL NAME	CONDITION	COMMENTS			
SHADE TREES									
	7	#65 CLASS MINIMUM	CEDAR ELM	ULMUS CRASSIFOLIA	CONTAINER	MINIMUM TRUNK DIAMETER 3.5 INCHES; MINIMUM SPREAD FIVE FEET; MINIMUM HEIGHT TWELVE FEET; FULL DENSE CANOPY; MATCH SELECTIONS FOR UNIFORM HEIGHT AND SPREAD			
	7	#45 CLASS MINIMUM	SHANTUNG MAPLE	ACER TRUNCATUM	CONTAINER	MINIMUM TRUNK DIAMETER 2.5 INCHES; MINIMUM SPREAD 4.5 FEET; MINIMUM HEIGHT NINE FEET; FULL DENSE CANOPY; MATCH SELECTIONS FOR UNIFORM HEIGHT AND SPREAD			
SHRUBS/ORNAMENTAL GRASSES									
	KNR	84	#3 CLASS MINIMUM	KNOCKOUT RED ROSE	ROSA 'KNOCK OUT'	CONTAINER	24 INCHES	18 INCHES	FULL DENSE CANOPY; MATCH SELECTIONS FOR UNIFORM HEIGHT AND SPREAD
	MFG	426	#3 CLASS MINIMUM	MEXICAN FEATHERGRASS	STIPA TENUISSIMA	CONTAINER	18 INCHES	12 INCHES	
TURF									
	5,330 s.f.	N/A	TIFWAY (TIFTON 419) HYBRID BERMUDA GRASS	CYNODON DACTYLON X CYNODON TRANSVAALENSIS	SOLID SOD				

NOTES:
ALL SIZES SHOWN FOR ALL PLANTS (SUCH AS CALIPER, CONTAINER SIZE, SPREAD, HEIGHT, BRANCHING HEIGHT, ETC.) ARE THE MINIMUM CRITERIA REQUIRED. A CONTAINER SIZE LARGER THAN THE MINIMUM SIZE CONTAINER INDICATED IN THE PLANT LIST MAY BE NECESSARY TO PROVIDE THE OTHER MINIMUM CRITERIA INDICATED.

[Signature] 08.16.12

FREESE NICHOLS
 1701 N. Market Street, Suite 500, LB 51
 Dallas, TX 75202-2001
 Phone - (214) 217-2200
 Fax - (214) 217-2201
 Web - www.freese.com

NO.	REVISION	BY	DATE

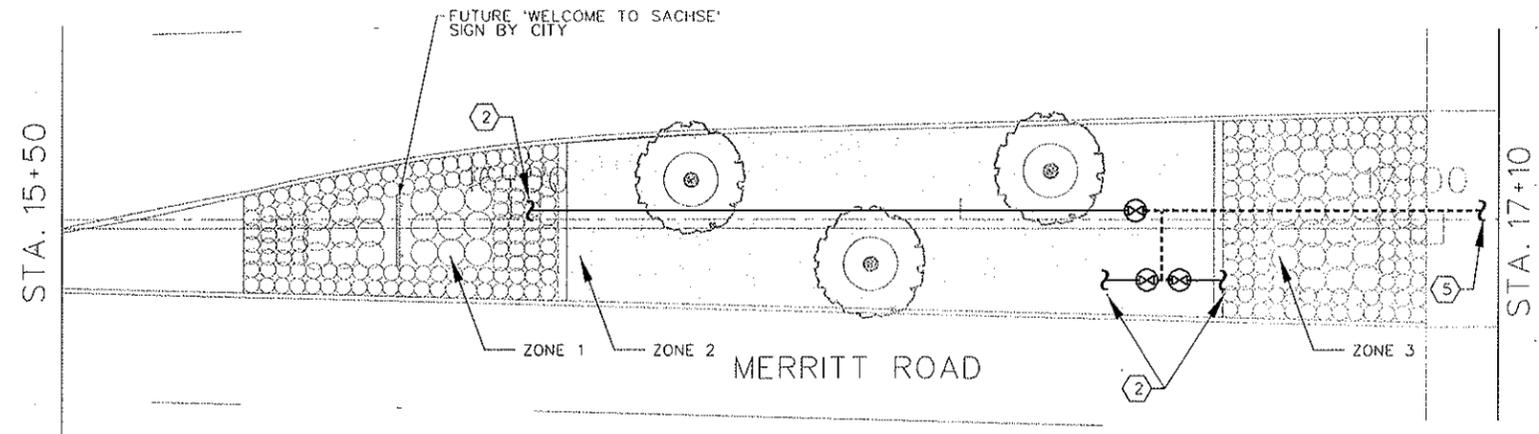
COUNTY OF DALLAS, TEXAS
 DEPARTMENT OF PUBLIC WORKS
 LANDSCAPE PLANNING PLANT LIST

[Seal of County of Dallas, Texas]

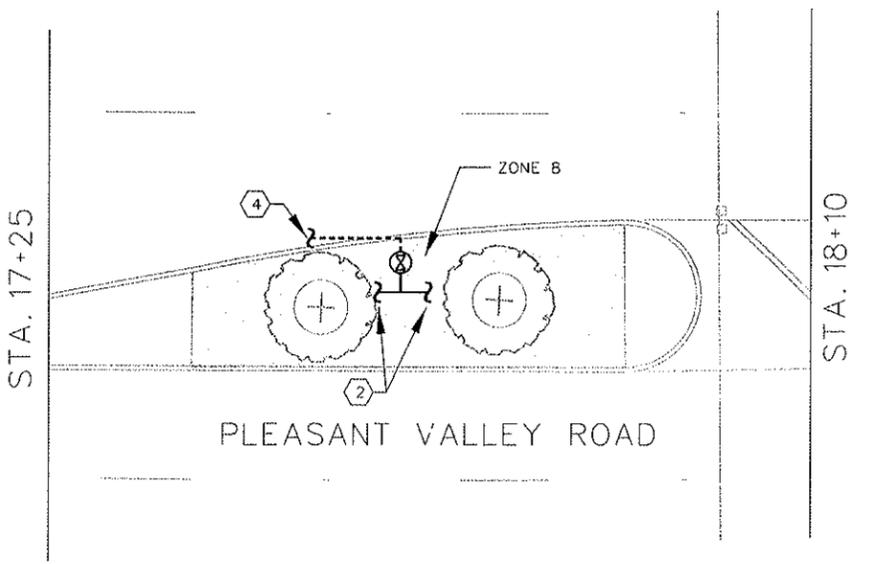
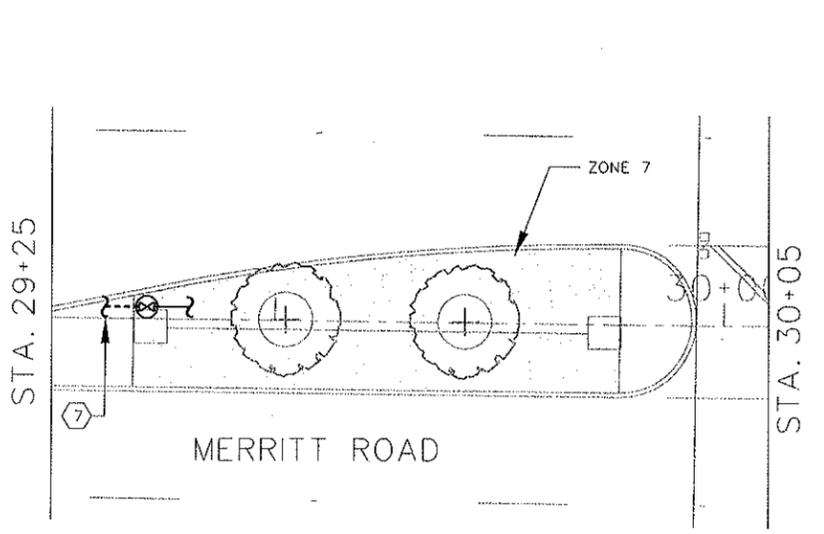
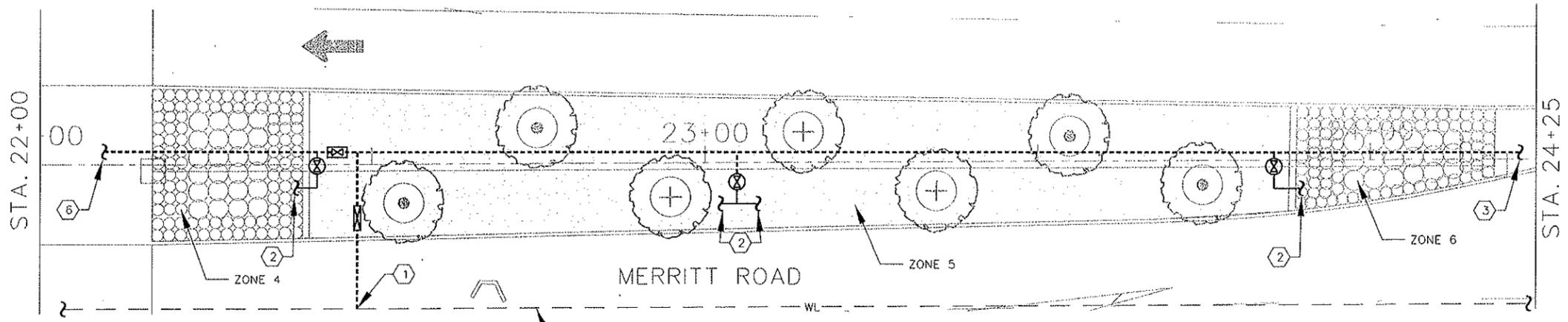
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 Designer: Per Worth
 Checker: Per Worth
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- NOTES BY SYMBOL "⊗"**
1. LOCATE AND CONNECT 2" TAP INTO CITY WATER MAIN.
 2. WATER SUPPLY FOR SUBSURFACE IRRIGATION FOR THIS ZONE.
 3. WATER SUPPLY TO ZONES 7 AND 8.
 4. WATER SUPPLY FROM MAIN, TAP MAIN @ APPROXIMATELY STA. 27+00.
 5. WATER SUPPLY - RE: STA 22+00.
 6. WATER SUPPLY - RE: STA 17+10.
 7. WATER SUPPLY - RE: STA 24+25.



FREESE AND NICHOLS, INC.
TEXAS REGISTERED ENGINEERING FIRM F-2144



FREESE & NICHOLS
1701 N. Market Street, Suite 500, LB 51
Dallas, TX 75202-2001
Phone - (214) 217-2200
Fax - (214) 217-2201
Web - www.freese.com

NO.	REVISION	BY	DATE

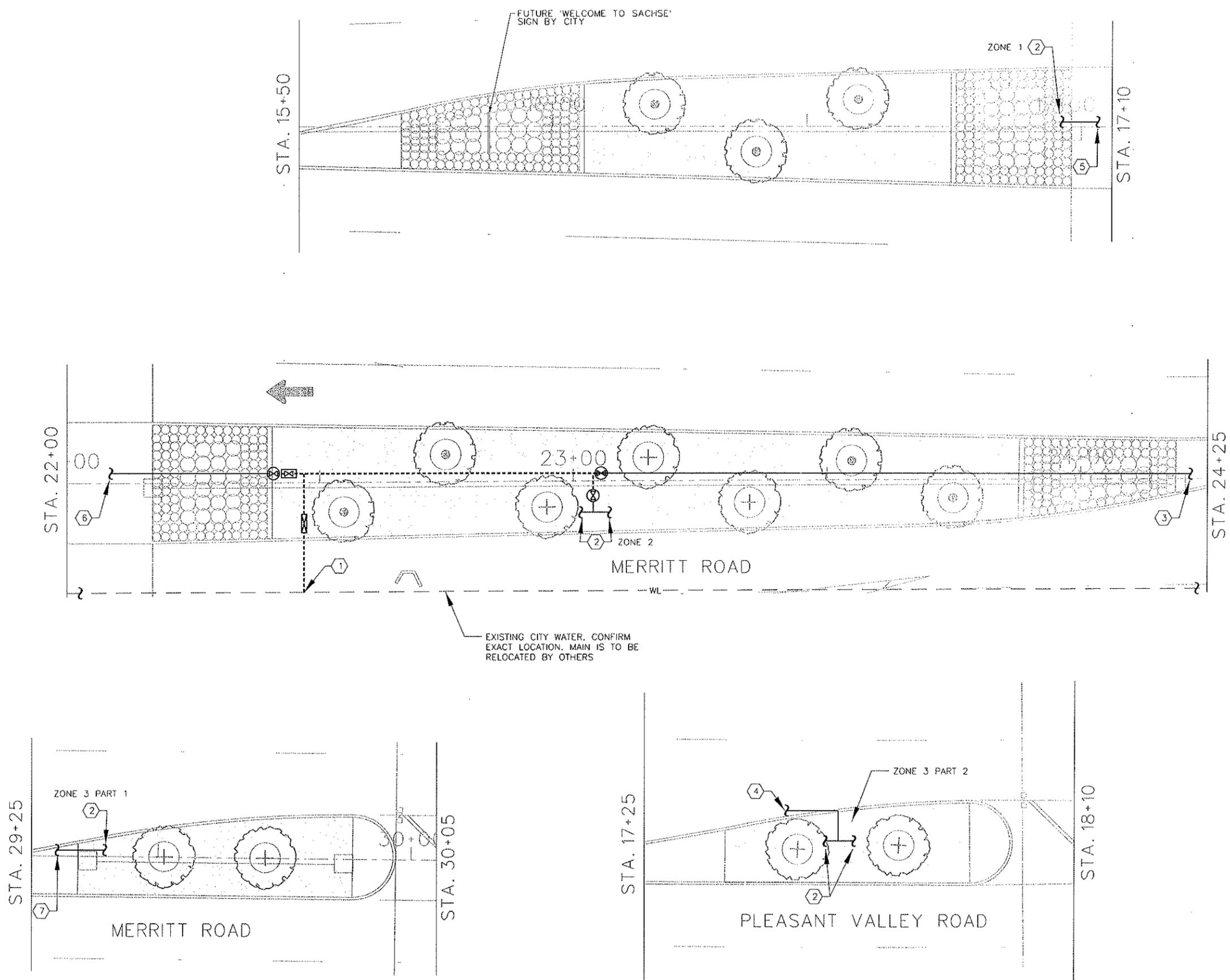
COUNTY OF DALLAS, TEXAS
DEPARTMENT OF PUBLIC WORKS



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 User: vnc
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- NOTES BY SYMBOL "○"**
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 2. WATER SUPPLY FOR SUBSURFACE IRRIGATION FOR THIS ZONE.
 3. WATER SUPPLY TO ZONES 3, PARTS 1 & 2.
 4. WATER SUPPLY FROM LATERAL, TAP LATERAL @ APPROXIMATELY STA. 27+00.
 5. WATER SUPPLY - RE: STA 22+00.
 6. WATER SUPPLY - RE: STA 17+10.
 7. WATER SUPPLY - RE: STA 24+25.

FREESE AND NICHOLS, INC.
 TEXAS REGISTERED ENGINEERING FIRM F-2144



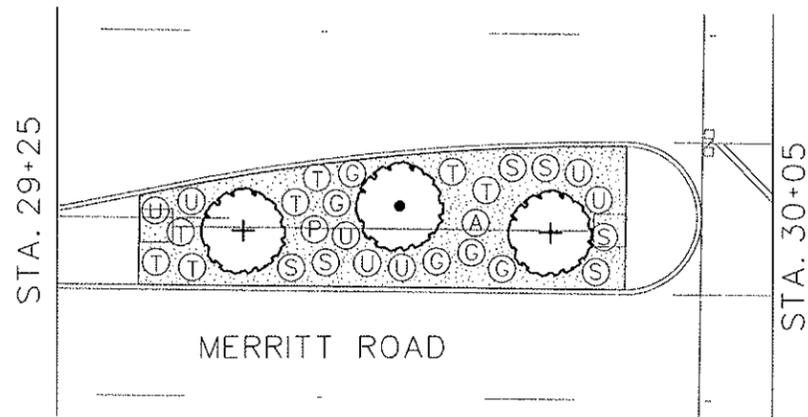
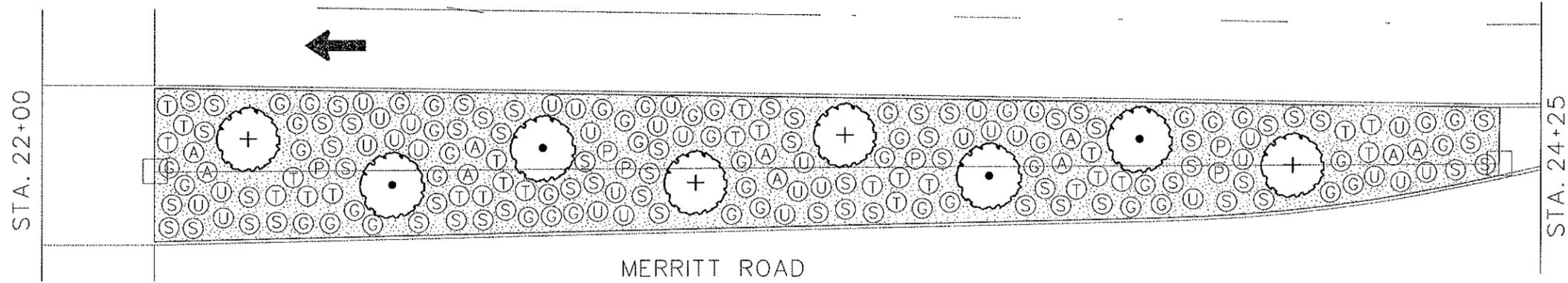
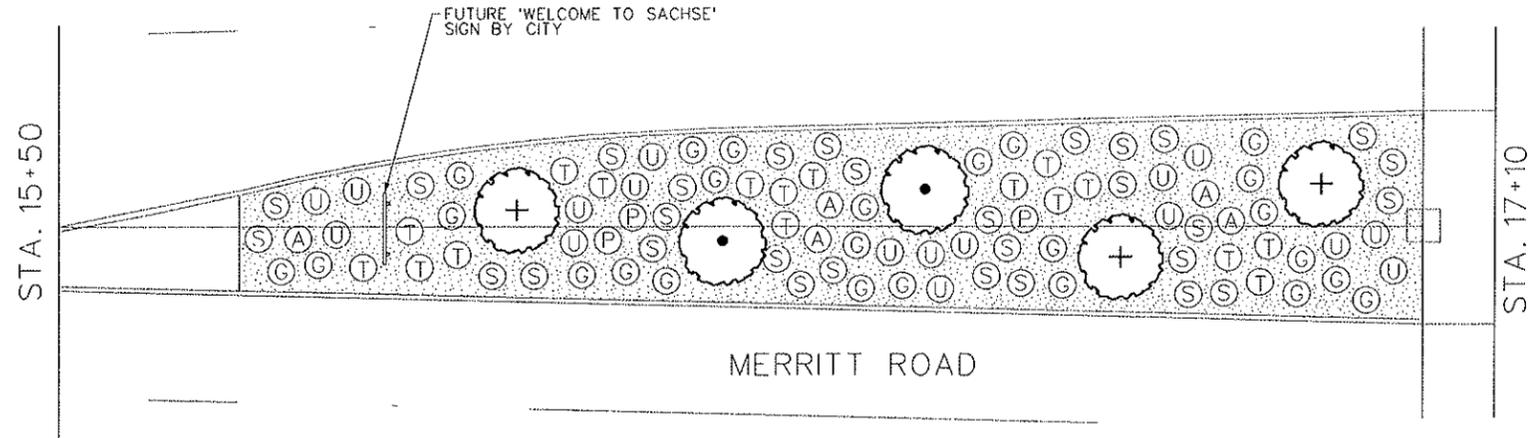
FREESE & NICHOLS
 1701 N. Market Street, Suite 500, LB 51
 Dallas, TX 75202-2001
 Phone - (214) 217-2200
 Fax - (214) 217-2201
 Web - www.freese.com

NO.	REVISION	BY	DATE

COUNTY OF DALLAS, TEXAS
 DEPARTMENT OF PUBLIC WORKS
 LANDSCAPE IRRIGATION PLAN



DESIGNED: PKR	DRAWN: VNC	DATE: JUL 2009	FILE: IRIG090802ES11
APPROVED: OML	CHECKED: STV	SCALE: N/A	SHEET 10-3 62



LEGEND

-  'BUBBA' PINK DESERT WILLLOW
-  'SHOAL CREEK' PURPLE VITEX
-  UPRIGHT ROSEMARY
-  COMPACT TEXAS SAGE
-  CHERRY PINK AUTUMN SAGE
-  SKELETONLEAF GOLDENEYE
-  CENTURY PLANT
-  SPINELESS PRICKLY PEAR
-  DECOMPOSED GRANITE

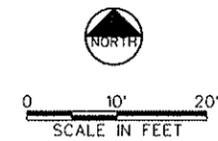
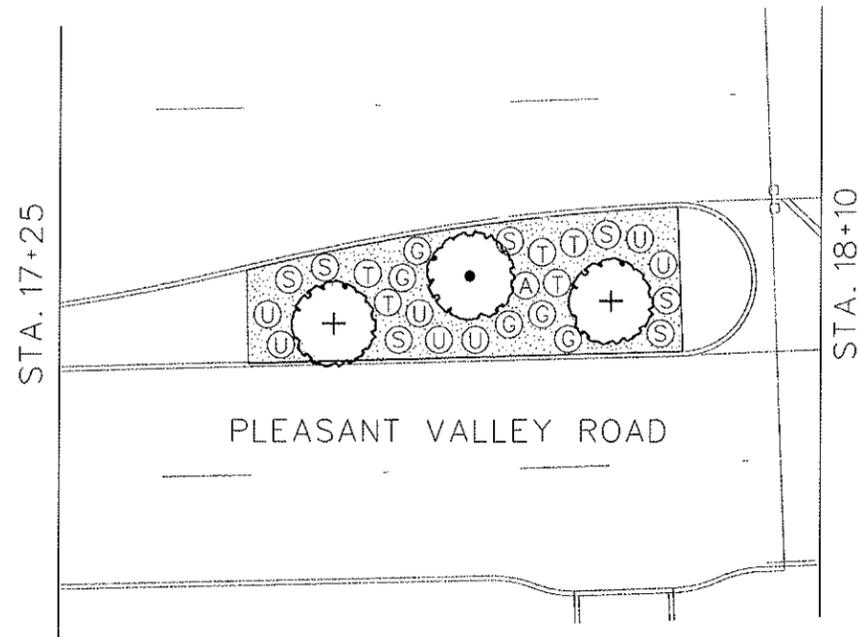
NOTE:
1) REFER TO PLANT LIST, SHEET LP-2 FOR PLANT DESCRIPTIONS.



NO.	REVISION	BY	DATE
COUNTY OF DALLAS, TEXAS DEPARTMENT OF PUBLIC WORKS LANDSCAPE PLANNING PLAN FROM STA. 29+25 TO STA. 30+05 DATE: 08/16/12			
DESIGNED-DT	DRAWN-RSP	DATE ADDED-BMC	FILE- LP-TRI-PL-LNDSD1.SHT
APPROVED-DT	CHECKED-DT	SCALE- 1"=10'	SHEET LP1 57

ALTERNATE NO. 2 ('XERISCAPE')

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LEGEND

-  'BUBBA' PINK DESERT WILLOW
-  'SHOAL CREEK' PURPLE VITEX
-  UPRIGHT ROSEMARY
-  COMPACT TEXAS SAGE
-  CHERRY PINK AUTUMN SAGE
-  SKELETONLEAF GOLDENEYE
-  CENTURY PLANT
-  SPINELESS PRICKLY PEAR
-  DECOMPOSED GRANITE

NOTE:
1) REFER TO PLANT LIST, SHEET LP-2 FOR PLANT DESCRIPTIONS.

PLANT LIST								
SYMBOL	QUANTITY	SIZE	COMMON NAME	BOTANICAL NAME	CONDITION	COMMENTS		
MULTI-TRUNK TREES								
	8	#30 CLASS MINIMUM	'SHOAL CREEK' PURPLE VITEX	VITEX AGNUS-CASTUS 'SHOAL CREEK'	CONTAINER	FOUR TO FIVE TRUNKS; MINIMUM TRUNK DIAMETER 1.5 INCHES; MINIMUM SPREAD FIVE FEET; MINIMUM HEIGHT FIVE FEET; FULL DENSE CANOPY; MATCH SELECTIONS FOR UNIFORM HEIGHT AND SPREAD		
	11	#30 CLASS MINIMUM	'BUBBA' PINK DESERT WILLOW	CHILOPSIS LINEARIS 'BUBBA'	CONTAINER	FOUR TO FIVE TRUNKS; MINIMUM TRUNK DIAMETER 1.5 INCHES; MINIMUM SPREAD FIVE FEET; MINIMUM HEIGHT FIVE FEET; FULL DENSE CANOPY; MATCH SELECTIONS FOR UNIFORM HEIGHT AND SPREAD		
SHRUBS/PERENNIALS								
	64	#7 CLASS MINIMUM	UPRIGHT ROSEMARY	ROSEMARY OFFICINALIS	CONTAINER	15 INCHES	18 INCHES	FULL DENSE CANOPY; MATCH SELECTIONS FOR UNIFORM HEIGHT AND SPREAD
	55	#7 CLASS MINIMUM	COMPACT TEXAS SAGE	LEUCOPHYLLUM FRUTESCENS COMPACTUM	CONTAINER	18 INCHES	18 INCHES	
	105	#5 CLASS MINIMUM	CHERRY PINK AUTUMN SAGE	SALVIA GREGGII	CONTAINER	18 INCHES	15 INCHES	
	86	#5 CLASS MINIMUM	SKELETONLEAF GOLDENEYE	VIGUIERA STENOLOBA	CONTAINER	15 INCHES	18 INCHES	
	17	#15 CLASS MINIMUM	CENTURY PLANT	AGAVE AMERICANA	CONTAINER	24 INCHES	18 INCHES	
	10	#7 CLASS MINIMUM	SPINELESS PRICKLY PEAR	OPUNTIA SPP.	CONTAINER	18 INCHES	15 INCHES	

NOTES:
ALL SIZES SHOWN FOR ALL PLANTS (SUCH AS CALIPER, CONTAINER SIZE, SPREAD, HEIGHT, BRANCHING HEIGHT, ETC.) ARE THE MINIMUM CRITERIA REQUIRED. A CONTAINER SIZE LARGER THAN THE MINIMUM SIZE CONTAINER INDICATED IN THE PLANT LIST MAY BE NECESSARY TO PROVIDE THE OTHER MINIMUM CRITERIA INDICATED.

D. Taylor
08.16.12
REGISTERED LANDSCAPE ARCHITECT
D. WIGHT TAYLOR
7330
STATE OF TEXAS

FREESSE NICHOLS
1701 N. Market Street, Suite 500, LB 51
Dallas, TX 75202-2001
Phone - (214) 217-2200
Fax - (214) 217-2201
Web - www.freesse.com

NO.	REVISION	BY	DATE

COUNTY OF DALLAS, TEXAS
DEPARTMENT OF PUBLIC WORKS
LANDSCAPE PLANNING PLANT LIST

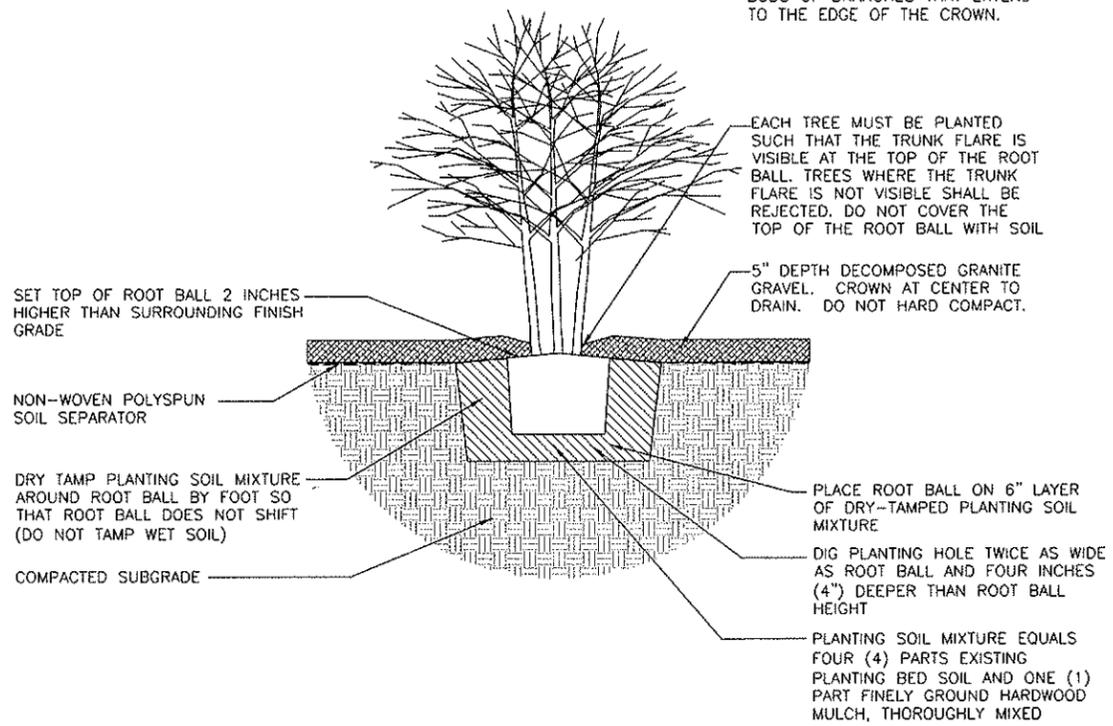


ALTERNATE NO. 2 ('XERISCAPE')

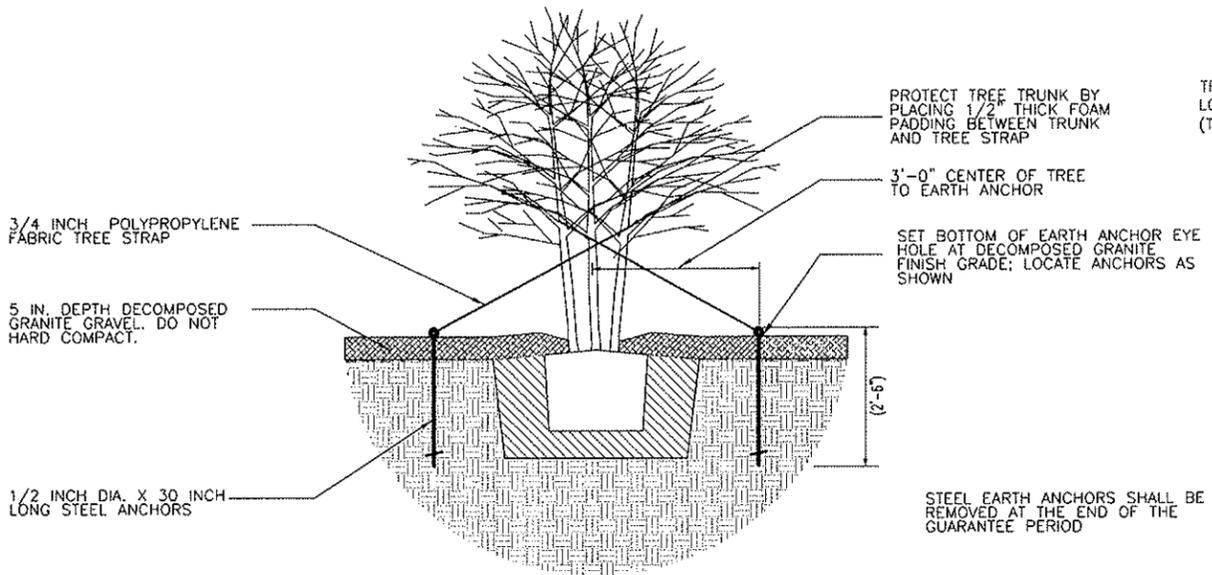
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APPROVED-DT	CHECKED-DT	SCALE-1/4"	SHEET LP-2 68

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 Designer: D. ...
 Checker: ...
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 Office: Fort Worth

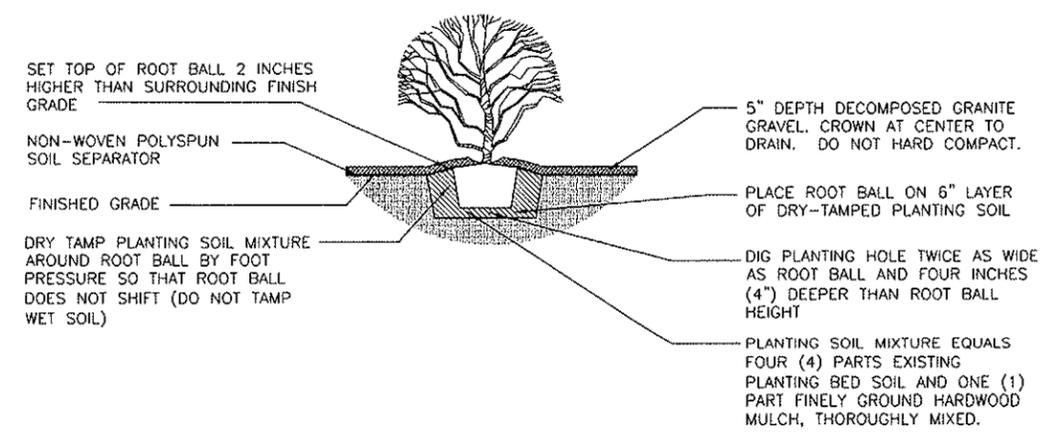
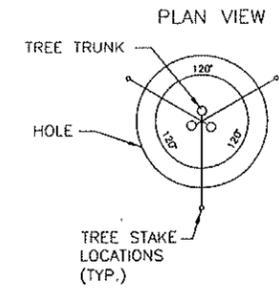
DO NOT HEAVILY PRUNE TREE. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. DO NOT PRUNE THE PRIMARY LEADER. DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.



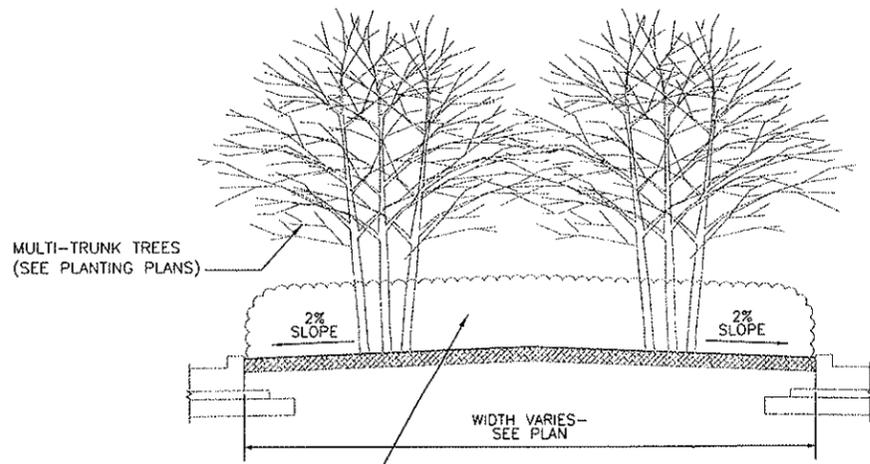
1 MULTI-TRUNK TREE PLANTED IN DECOMPOSED GRANITE DETAIL
NOT TO SCALE



2 MULTI-TRUNK TREE STAKING DETAIL
NOT TO SCALE



3 SHRUBS/PERENNIALS PLANTING DETAIL
NOT TO SCALE



4 SECTION @ MEDIAN
NOT TO SCALE



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NO.	REVISION	BY	DATE

COUNTY OF DALLAS, TEXAS
DEPARTMENT OF PUBLIC WORKS
LANDSCAPE ARCHITECTURE DETAILS 1

DESIGNED BY	DRAWN BY	DATE ADJUSTED	FILE
APPROVED BY	CHECKED BY	SCALE	SHEET

ALTERNATE NO. 2 ('XERISCAPE')

348border.dgn
 User: mm
 File: N:\Arc\Drawings\Alternate No. 2\LP-TRT-DT-LANDSD1.dgn
 Date: 10/17/2012 11:10:40 AM
 DCW0169
 Office: Fort Worth
 Project: DCW0169
 Date: 10/17/2012 11:10:40 AM
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 File: N:\Arc\Drawings\Alternate No. 2\LP-TRT-DT-LANDSD1.dgn
 Date: 10/17/2012 11:10:40 AM
 DCW0169
 Office: Fort Worth
 Project: DCW0169



Legislation Details (With Text)

File #:	13-1307	Version:	2	Name:	CD - LIGHTING
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	1/10/2013	In control:		In control:	City Council
On agenda:	1/21/2013	Final action:		Final action:	

Title: Conduct a public hearing and consider approval of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 11, titled "Zoning", Article 4 titled "General Provisions Applying to All or Several Districts" by adding Section 10 titled "Outdoor Lighting"; providing a savings clause; providing a repealing clause; providing a severability clause; providing for a penalty of a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense; and providing an effective date.

Executive Summary

The Planning and Zoning Commssion will hold a public hearing and will offer a recommendation to City Council regarding an ordinance adopting outdoor lighting standards primarily for commercial development.

Sponsors:

Indexes:

Code sections:

- Attachments:** [CD - LIGHTING - PRESENTATION.pdf](#)
[CD - LIGHTING - DRAFT ORD VERSION 1.pdf](#)
[CD - LIGHTING - DRAFT ORD VERSION 2.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing and consider approval of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 11, titled "Zoning", Article 4 titled "General Provisions Applying to All or Several Districts" by adding Section 10 titled "Outdoor Lighting"; providing a savings clause; providing a repealing clause; providing a severability clause; providing for a penalty of a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense; and providing an effective date.

Executive Summary

The Planning and Zoning Commssion will hold a public hearing and will offer a recommendation to City Council regarding an ordinance adopting outdoor lighting standards primarily for commercial development.

Background

The Planning and Zoning Commission and City Council have previously held multiple discussions on proposed lighting standards. The draft standards for outdoor lighting have

been modified to address the issues and areas of concern discussed by both the City Council and the Planning and Zoning Commission. The goals of the outdoor lighting standards are as follows:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
 - Conserve energy and resources to the greatest extent possible;
 - Help protect the natural environment from the damaging effects of night lighting.

The Planning and Zoning Commission voted 5-0 at their January 14, 2013 meeting to recommend approval of this Ordinance, with the condition in Section of excluding the exception for any light source 15 watts and under being permitted as a non-cutoff fixture. As a result of this recommendation, two versions of the proposed Ordinance have been included for consideration by City Council. One version removes the exception as recommended by Planning and Zoning Commission (Draft Ordinance Version 1), and the second version includes the exception (Draft Ordinance Version 2).

Policy Considerations

The City of Sachse does not have existing standards for outdoor lighting for commercial uses in the city. Lighting standards, if adopted, would not only dictate the style and height of the light fixtures, but would also regulate the lighting levels on commercial properties and the amount of light spillover onto adjacent properties.

Typically, city lighting ordinances require an additional plan submittal to the city in conjunction with a site plan or building permit submittal. The lighting submittal, as currently proposed, would consist of the following:

- (1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices, and the mounting height of the light.
- (2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices may include, but is not limited to, catalog cuts by manufacturers and drawings.
- (3) Photometric plans showing illumination levels on the property, at the property line and just beyond the property line, as well as other data such as that furnished by

manufacturers or similar data showing the angle of cutoff for light emissions.

The photometric plan would be generated by computer software that uses data from the lighting manufacturer, fixture mounting height and proposed site details to give a point by point accounting of proposed lighting levels. The plan will accurately estimate the future lighting levels across the subject property and onto adjacent properties, allowing staff to determine if the proposed development meets the lighting standards before it gets approved and built.

Lighting complaints on completed projects can be measured with a digital light meter to determine whether or not the site lighting is in compliance with city standards.

Staff Recommendations

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Sachse Code of Ordinances by amending Chapter 11, titled "Zoning", Article 4 titled "General Provisions Applying to All or Several Districts" by adding Section 10 titled "Outdoor Lighting"; providing a savings clause; providing a repealing clause; providing a severability clause; providing for a penalty of a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense; and providing an effective date.

Lighting Ordinance

City Council
January 21, 2013

Purpose of Lighting Regulations

- From **International Dark-Sky Association:**
- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Applicability and Exemptions

- Outdoor lighting that lawfully exists as of the date of this ordinance shall be deemed a lawful use. Any substantial change or addition to the existing lighting system, as determined by the Building Official, shall comply with the provisions of this ordinance. If a site substantially changes more than twenty-five percent (25%) of the lighting on a site or adds new lighting that increases the number of light fixtures by more than twenty five percent (25%), the entire site shall comply with the provisions of this ordinance.
 - *Substantial change* means any change to the lamp or bulb that alters the lighting properties of the site, or any change in the type, style or orientation of a light fixture.

Applicability and Exemptions

- Commercial sites approved as part of a site plan prior to the ordinance from which this chapter is derived shall conform to the provisions in place at that time. Any substantial change or addition to the existing lighting system shall, as determined by the Building Official, comply with the provisions of this section. If a site substantially changes more than twenty-five percent (25%) of the lighting on a site or adds new lighting that increases the number of light fixtures by more than twenty five percent (25%), the entire site shall comply with the provisions of this ordinance.

Applicability and Exemptions

- If a use with existing, non-conforming lighting shall cease operation for a period of more than eighteen months, then such nonconforming lighting shall be deemed permanently abandoned. The lighting on such site shall be brought into conformance with the provisions of this ordinance prior to the redevelopment or re-use of the site.

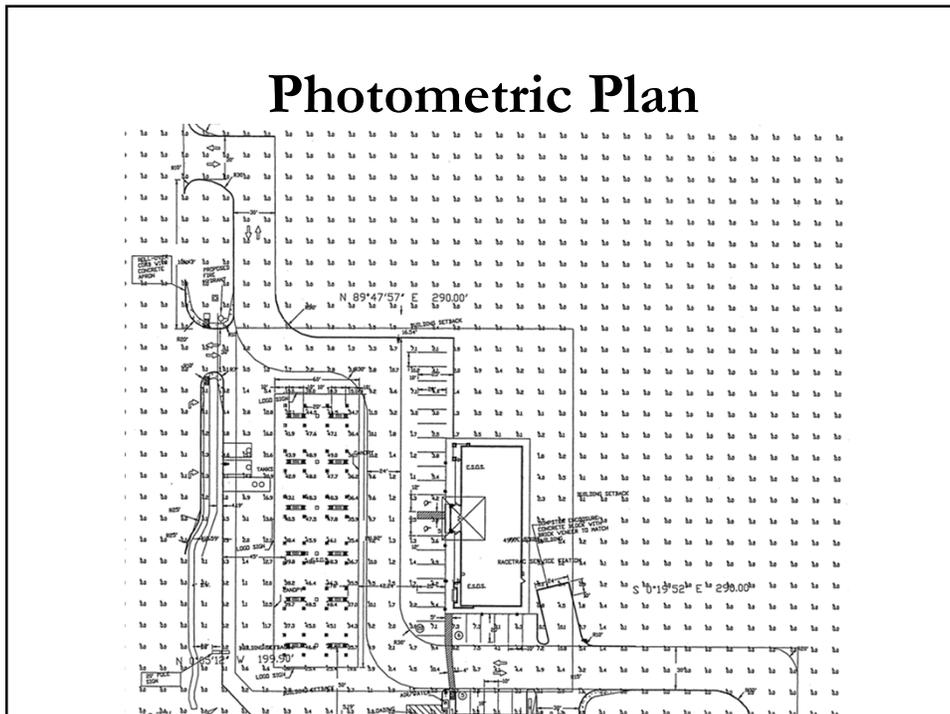
Applicability and Exemptions

- The following uses shall be exempt from the requirements of this section:
 - Lighting installed by a governmental agency for public benefit on public rights-of-way, parks, and public recreation areas;
 - Temporary special effects of holiday lighting;
 - Navigation and airport lighting required by the FAA for operation of airplanes;
 - Emergency lighting by police, fire, and/or municipal, state or federal government authorities;

Submittal Requirements

- Submission shall contain, but is not be limited to, the following:
 - Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices, and the mounting height of the light.
 - Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices shall include, but is not limited to, catalog cuts by manufacturers and drawings.
 - Photometric plans showing illumination levels on the property, at the property line and just beyond the property line, as well as other data such as that furnished by manufacturers or similar data showing the angle of cutoff for light emissions.

Photometric Plan



Measurement

- Metering equipment – Lighting levels shall be measured in footcandles with a direct reading, portable light meter.
- Method of measurement – six inches above ground in a horizontal position.
- Measurement will be done upon complaint or concern to verify if lighting levels are within allowable range.

Illumination

- Lighting spillover onto adjacent properties shall not exceed:

■ Single family and two-family residential districts.	0.25 footcandles
■ Multifamily residential districts	0.5 footcandles
■ Agriculture	1.0 footcandles
■ Nonresidential districts (excluding industrial)	3.0 footcandles
■ Rights-of-way and private streets	3.0 footcandles
■ Industrial districts	5.0 footcandles

Illumination

- The maximum illumination level on the subject property shall not exceed 20 footcandles at any point, with the following exceptions:
 - Lighting under canopies (such as service stations) shall not exceed 30 footcandles.
 - Lighting for car dealerships shall not exceed 30 footcandles within vehicle display areas.

Illumination examples

- | | |
|---------------------------------------|---------------------|
| ■ City Hall Office - | 30 - 32 footcandles |
| ■ City Hall front door (outside) | 18 - 20 footcandles |
| ■ City Hall under parking lot light | 8 - 10 footcandles |
| ■ City Hall under walking trail light | 3 - 5 footcandles |
| ■ City Hall property line near trail | 0.1 footcandles |
| ■ Senior Center under 3 headed light | 14-16 footcandles |
| ■ Senior Center under side light | 50 -55 footcandles |

Effective Outdoor Lighting

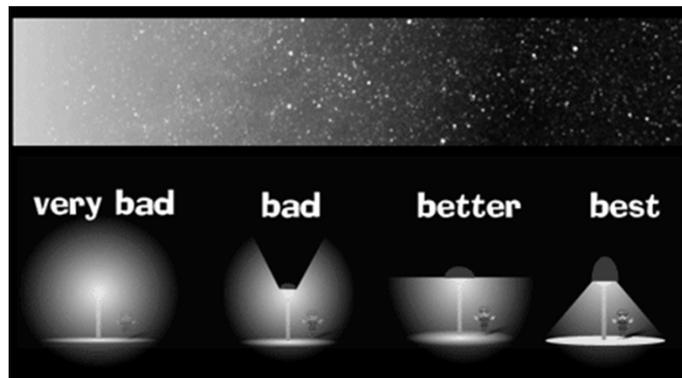
- Fully shielded luminaries shall be required in all outdoor lighting installations, with the following exceptions:
 - Any light source 15 watts and under shall be permitted as a non-cutoff fixture.
 - Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize light spillover and glare.
 - Building facades and architectural features of buildings may be floodlighted when the floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated.

Glare

- Examples of fully cutoff light fixtures.



Glare



Effective Outdoor Lighting

- The following lamp types shall be prohibited for outdoor lighting:
 - Low pressure sodium
 - Mercury vapor
- Outdoor lighting shall be constructed and installed in a manner consistent with this section and shall be located so as not produce glare or direct illumination across the property line or onto rights-of-way.

Color Rendition

- The quality of the light source shall be a minimum of 65 CRI (color rendering index) as indicated by the lamp manufacturer's data.
 - The maximum CRI value of 100 is given to natural daylight and incandescent lighting. The closer a lamp's CRI rating is to 100, the better its ability to show true colors to the human eye.



Pole Height

- In parking areas containing zero to 150 parking spaces, the maximum height of lighting pole standards shall not exceed 25 feet.
- In parking areas containing more than 150 parking spaces, the maximum height of lighting pole standards shall not exceed 35 feet.
- For contiguous nonresidential development, parking areas may be combined for purposes of determining parking spaces.

Recreational Facilities

- Lighting used for the illumination of recreational and sporting areas shall be turned off by 11:00 pm on Monday through Thursday and by 12:00 midnight on Friday and Saturday. The use of lights on Sunday is prohibited.
 - Matches Section 7.2 of the Code of Ordinances, which regulates the use of ball fields.

Questions and Comments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE SACHSE CODE OF ORDINANCES BY AMENDING CHAPTER 11, TITLED “ZONING”, BY AMENDING ARTICLE 4 TITLED “GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS” BY ADDING SECTION 10 TITLED “OUTDOOR LIGHTING”; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sachse City Council has determined that it is necessary to provide for comprehensive regulations regarding the provision of outdoor lighting on private property within the City; and

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 applying to amending the Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said Zoning Ordinance should be amended as provided herein;

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

SECTION 1. The Code of Ordinances, City of Sachse, Texas, be amended, by amending Chapter 11 titled “Zoning”, by amending Article 4 titled “General Provisions Applying to All or Several Districts” by adding Section 10 titled “Outdoor Lighting”, to read as follows:

“Chapter 11

ZONING

.....

ARTICLE 4. GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

....

Sec. 10. Lighting.

10.1 *General.* This section establishes minimum criteria for the installation, use and maintenance of outdoor lighting.

10.2 *Purpose.* The purpose of the lighting standards is to:

- A. Preserve and enhance the lawful nighttime use and enjoyment of property;
- B. Protect drivers and pedestrians on nearby travel ways from disabling glare from non-vehicular light sources that shine directly into their eyes, thereby, impairing safe travel;
- C. Shield neighboring properties from nuisance glare and trespass resulting from improperly directed or unshielded light sources;
- D. Prevent and/or lessen light pollution;
- E. Promote efficient design and operation with regard to energy conservation; and
- F. Curtail the degradation of the nighttime visual environment.

10.3 *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the chief building official for the City of Sachse, or his or her designee, having responsibility to enforce and administer this article.

Bulb or *lamp* means the source of electric light. To be distinguished from the whole assembly, lamp is used to denote the bulb and its housing.

Candela means the unit of luminous intensity in a given direction. It is commonly called one (1) candlepower.

Cutoff fixture means a fixture that provides a cutoff (shielding) of the light emitted.

Diffusing luminaire means one that scatters light substantially in all directions as contrasted with a *directional luminaire* which confines its light principally in an angle of less than one hundred eighty (180) degrees.

Floodlight means a luminaire designed to project its light in a well-defined area. It is directional in character.

Floodlight beam means the angular spread of light between two (2) orthogonal planes each of which equal ten (10) percent of the maximum candlepower within the beam.

Footcandle means the amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.

Footlambert means the luminance of a surface uniformly emitting, transmitting, or reflecting one (1) lumen per square foot of surface.

Fixture means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or defractor (lens), the ballast, housing and the attachment parts.

Full cutoff fixture means a fixture that allows no emission above a horizontal plane through the fixture.

Fully shielded means light fixtures that are constructed so all light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, nearly one-hundred percent (100%) cut-off type, as evidenced by the manufacturer's photometric data.

Glare means direct lighting emitted from a luminary that causes reduced vision or temporary blindness.

High pressure sodium (HPS) means a high intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 to). HPS is essentially point source light.

Horizontal plane means a line horizontal to the lowest point on the fixture from which light is emitted.

Illumination means the density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in footcandles.

Incandescent lamp means any lamp that produces light by heating a filament through use of an electric current.

Installed means the attachment, or assembly fixed in place, whether or not connected to a power source, or any outdoor light fixture.

Kilowatt (kwh) means a unit of energy equal to the work done by one (1) kilowatt (1000 watts) of power acting for one (1) hour.

Light source means a device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

Light trespass means light falling outside the boundary of property for which it was originally intended or needed. Also referred to as spillover light or obtrusive light.

Low pressure sodium (LPS) means a discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 to). LPS is a "tube source" monochromatic light.

Lumen means the quantity of luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) candela. A one-candela source provides 12.57 lumens.

Luminaire means a device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

Luminance means the luminous intensity per unit projected area of a given surface viewed from a given direction; for purposes of this article expressed in candelas divided by distance squared.

Mercury lamp means a high intensity discharge lamp where light is produced by radiation from mercury vapor.

Metal halide lamp means a high intensity discharge lamp where light is produced by radiation from metal halide vapor.

Outdoor lighting fixture means an outdoor artificial illumination device, whether permanent or portable, used for illumination outdoors and shall include but not be limited to devices used for search, spot, flood and area lighting for buildings and structures, recreational facilities, parking areas, landscape lighting, outdoor advertising displays, billboards, signs, public and private street lighting and walkway lighting.

Partially shielded means shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light transmission above the horizontal plane, or at least ninety percent (90%) of the emitted light projects below the horizontal plane as evidenced by the manufacturer's photometric data.

Photometric means quantitative measurements of light levels and distribution.

Shielding means a physical structure intended to restrict emitted light.

Substantial change means any change to the lamp or bulb that alters the lighting properties of the site, or any change in the type, style or orientation of a light fixture.

10.4 *Applicability and Exemptions.* The lighting standards for the City of Sachse shall apply to all new construction except as follows:

- A. Outdoor lighting that lawfully exists as of the date of this ordinance shall be deemed a lawful use. Any substantial change or addition to the existing lighting system, as determined by the Building Official, shall comply with the provisions of this ordinance. If a site substantially changes more than twenty-five percent (25%) of the lighting on a site or adds new lighting that increases the number of light fixtures by more than twenty five percent (25%), the entire site shall comply with the provisions of this ordinance.

- B. Commercial sites approved as part of a site plan prior to the ordinance from which this chapter is derived shall conform to the provisions in place at that time. Any substantial change or addition to the existing lighting system shall, as determined by the Building Official, comply with the provisions of this section. If a site substantially changes more than twenty-five percent (25%) of the lighting on a site or adds new lighting that increases the number of light fixtures by more than twenty five percent (25%), the entire site shall comply with the provisions of this ordinance.
- C. If a use with existing, non-conforming lighting shall cease operation for a period of more than eighteen (18) months, then such nonconforming lighting shall be deemed permanently abandoned. The lighting on such site shall be brought into conformance with the provisions of this ordinance prior to the redevelopment or re-use of the site.
- D. The following uses shall be exempt from the requirements of this section:
 - (1) Lighting installed by a governmental agency for public benefit on public rights-of-way, parks, and public recreation areas;
 - (2) Temporary special effects of holiday lighting;
 - (3) Navigation and airport lighting required by the Federal Aviation Administration for operation of airplanes; and
 - (4) Emergency lighting by police, fire, and/or municipal, state or federal government authorities.

10.5 *Submittal Requirements.*

- A. As part of any site plan application or prior to altering any existing lighting, the applicant shall submit evidence that the proposed work will comply with this chapter. The submission shall contain, but is not be limited to, the following:
 - (1) Plans I indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices, and the mounting height of the light;
 - (2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices shall include, but is not limited to, catalog cuts by manufacturers and drawings; and
 - (3) Photometric plans showing illumination levels on the property, at the property line and just beyond the property line, as well as other data such as that furnished by manufacturers or similar data showing the angle of cutoff for light emissions.

- B. The required plans, description, and data provided shall be sufficient to enable the plans examiner to readily determine whether compliance with the requirements of this chapter will be secured.

10.6 *Measurement.*

- A. *Metering equipment.* Lighting levels shall be measured in footcandles with a direct reading, portable light meter. The meter shall read within an accuracy of plus or minus five percent. It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one year of the date of use as attested to by a certificate issued by such laboratory.
- B. *Method of measurement.* The meter sensor shall be mounted or held not more than six inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made when the National Weather Service indicates visibility is six miles or greater such that measurements will not be adversely affected by atmospheric scatter. Measurements shall be made at least one hour after sunset or one hour prior to sunrise with the existing questioned light sources on, then with the same sources off. The difference between the two readings shall be compared to the limitations stated by this section. This procedure eliminates the effects of moonlight and other ambient light. However, if lighting levels comply with the light sources on then no further reading is needed with the light sources off to demonstrate compliance.
- C. *Computation of illumination.* Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of an Illumination Engineering Society of North America accepted method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, new and clean fixtures, and at rated voltage and wattage, with ballasts, lenses, shields, diffusers, and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and man-made objects and industry standard maintenance factors.

10.7 *Illumination.*

- A. *Limitations on neighboring property.* The limit of illumination on neighboring property from one establishment shall be based on the zoning of the neighboring property. Maximum computed maintained and maximum measured footcandles at the neighboring property lines shall not exceed:

(1) Single family and two-family residential districts.	0.25 footcandles
(2) Multifamily residential districts	0.5 footcandles
(3) Agriculture	1.0 footcandles
(4) Nonresidential districts (excluding industrial)	3.0 footcandles
(5) Rights-of-way and private streets	3.0 footcandles
(6) Industrial districts	5.0 footcandles

(7) Exception. Illumination at interior property lines on contiguous lots in a multitenant nonresidential development may exceed the above criteria when necessary to provide constant lighting levels of adjoining parking areas, fire lanes and interior access roadways as determined by the Director of Community Development.

B. *Limitations on subject property.* The maximum outdoor maintained computed and measured illumination level on the subject property shall not exceed 20 footcandles at any point, with the following exceptions:

- (1) Lighting under canopies (such as service stations) shall not exceed 30 footcandles. All other lighting on the site shall comply with the provisions of this section.
- (2) Lighting for car dealerships shall not exceed 30 footcandles within vehicle display areas.

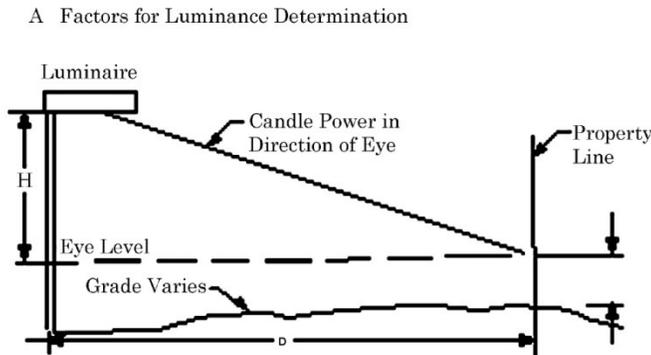
10.8 *Luminance.*

A. *Calculations generally.* If illumination measurements are not practical as determined by the Building Official and no other means of measuring fixture luminance is immediately available, a computation for measuring luminance may be used to determine compliance with this article.

B. Luminance calculations using luminaire photometric data. For the purpose of this article, the luminance shall be computed by the formula:

$$L = \frac{I}{(d^2 + h^2)}$$

where I is the fixture candlepower in candelas in the direction of the point from which the calculations are to be made, d is the shortest distance in feet measured horizontally from the property line to a point directly under the luminaire, and h is the height of the luminaire above the eye level (at the property line) as explained in Figure A below:



C. *Luminance limitations.* The luminance on neighboring property from one establishment shall be by zoning of the neighboring property. The luminance as calculated in subsection (b) shall not exceed the value by zoning as follows:

Luminance

Single-family and two-family residential districts	0.02
Multiple-family residential districts	0.05
Nonresidential districts, streets	0.30
Industrial districts	0.50

10.9 *Effective Outdoor Lighting.* The purpose of the effective outdoor lighting section is to minimize glare, sky glow, light trespass and excessive energy consumption through the use of appropriate lighting fixtures, practices and systems, while maintaining safety, security and productivity and curtailing degradation of the nighttime visual environment. The following are requirements for effective outdoor lighting:

A. Fully shielded luminaries shall be required in all outdoor lighting installations, with the following exceptions:

- (1) Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal or platform shall use a very narrow cone of light or shielded lights for the purpose of confining the light to the object of interest and minimize light spillover and glare. Compliance with this provision shall be subject to approval by the Building Official.
- (2) Building facades and architectural features of buildings may be floodlighted when the floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated. The configuration of the floodlight installation shall block all view to the floodlight fixture's lamps from adjacent properties. Compliance with this provision shall be subject to approval by the Building Official.

B. The following lamp types shall be prohibited for outdoor lighting:

- (1) Low pressure sodium
- (2) Mercury vapor

C. The quality of the light source shall be a minimum of 65 CRI (color rendering index) as indicated by the lamp manufacturer's data.

D. Outdoor lighting shall be constructed and installed in a manner consistent with this section and shall be located so as not produce glare or direct illumination across the property line or onto rights-of-way.

E. *Pole height.*

- (1) In parking areas containing zero to 150 parking spaces, the maximum height of lighting pole standards shall not exceed 25 feet.
- (2) In parking areas containing 151 or more parking spaces, the maximum height of lighting pole standards shall not exceed 35 feet.
- (3) For contiguous lots in a multitenant nonresidential development, adjacent parking areas may be combined for the purposes of calculating parking spaces used to determine maximum pole height.

F. *Hours of operation.*

- (1) Lighting used for the illumination of outdoor sales and eating areas, on-site advertising, assembly areas, repair areas, and businesses may be operated during the hours that the facilities are open to the public;
- (2) Lighting used for the illumination of recreational and sporting areas shall be turned off by 11:00 pm on Monday through Thursday and by 12:00 midnight on Friday and Saturday. The use of lights on Sunday is prohibited; and
- (3) Lighting used for the illumination of walkways, roadways, equipment yards, parking areas and outdoor security may be operated anytime."

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

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

SECTION 4. 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 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

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

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

APPROVED:

Mike Felix
Mayor

DULY ENROLLED:

Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(JJG/01-15-13/58998)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE SACHSE CODE OF ORDINANCES BY AMENDING CHAPTER 11, TITLED “ZONING”, BY AMENDING ARTICLE 4 TITLED “GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS” BY ADDING SECTION 10 TITLED “OUTDOOR LIGHTING”; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sachse City Council has determined that it is necessary to provide for comprehensive regulations regarding the provision of outdoor lighting on private property within the City; and

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 applying to amending the Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said Zoning Ordinance should be amended as provided herein;

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

SECTION 1. The Code of Ordinances, City of Sachse, Texas, be amended, by amending Chapter 11 titled “Zoning”, by amending Article 4 titled “General Provisions Applying to All or Several Districts” by adding Section 10 titled “Outdoor Lighting”, to read as follows:

“Chapter 11

ZONING

.....

ARTICLE 4. GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

.....

Sec. 10. Lighting.

10.1 *General.* This section establishes minimum criteria for the installation, use and maintenance of outdoor lighting.

10.2 *Purpose.* The purpose of the lighting standards is to:

- A. Preserve and enhance the lawful nighttime use and enjoyment of property;
- B. Protect drivers and pedestrians on nearby travel ways from disabling glare from non-vehicular light sources that shine directly into their eyes, thereby, impairing safe travel;
- C. Shield neighboring properties from nuisance glare and trespass resulting from improperly directed or unshielded light sources;
- D. Prevent and/or lessen light pollution;
- E. Promote efficient design and operation with regard to energy conservation; and
- F. Curtail the degradation of the nighttime visual environment.

10.3 *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the chief building official for the City of Sachse, or his or her designee, having responsibility to enforce and administer this article.

Bulb or *lamp* means the source of electric light. To be distinguished from the whole assembly, lamp is used to denote the bulb and its housing.

Candela means the unit of luminous intensity in a given direction. It is commonly called one (1) candlepower.

Cutoff fixture means a fixture that provides a cutoff (shielding) of the light emitted.

Diffusing luminaire means one that scatters light substantially in all directions as contrasted with a *directional luminaire* which confines its light principally in an angle of less than one hundred eighty (180) degrees.

Floodlight means a luminaire designed to project its light in a well-defined area. It is directional in character.

Floodlight beam means the angular spread of light between two (2) orthogonal planes each of which equal ten (10) percent of the maximum candlepower within the beam.

Footcandle means the amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.

Footlambert means the luminance of a surface uniformly emitting, transmitting, or reflecting one (1) lumen per square foot of surface.

Fixture means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or defractor (lens), the ballast, housing and the attachment parts.

Full cutoff fixture means a fixture that allows no emission above a horizontal plane through the fixture.

Fully shielded means light fixtures that are constructed so all light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, nearly one-hundred percent (100%) cut-off type, as evidenced by the manufacturer's photometric data.

Glare means direct lighting emitted from a luminary that causes reduced vision or temporary blindness.

High pressure sodium (HPS) means a high intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 to). HPS is essentially point source light.

Horizontal plane means a line horizontal to the lowest point on the fixture from which light is emitted.

Illumination means the density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in footcandles.

Incandescent lamp means any lamp that produces light by heating a filament through use of an electric current.

Installed means the attachment, or assembly fixed in place, whether or not connected to a power source, or any outdoor light fixture.

Kilowatt (kwh) means a unit of energy equal to the work done by one (1) kilowatt (1000 watts) of power acting for one (1) hour.

Light source means a device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

Light trespass means light falling outside the boundary of property for which it was originally intended or needed. Also referred to as spillover light or obtrusive light.

Low pressure sodium (LPS) means a discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 to). LPS is a "tube source" monochromatic light.

Lumen means the quantity of luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) candela. A one-candela source provides 12.57 lumens.

Luminaire means a device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

Luminance means the luminous intensity per unit projected area of a given surface viewed from a given direction; for purposes of this article expressed in candelas divided by distance squared.

Mercury lamp means a high intensity discharge lamp where light is produced by radiation from mercury vapor.

Metal halide lamp means a high intensity discharge lamp where light is produced by radiation from metal halide vapor.

Outdoor lighting fixture means an outdoor artificial illumination device, whether permanent or portable, used for illumination outdoors and shall include but not be limited to devices used for search, spot, flood and area lighting for buildings and structures, recreational facilities, parking areas, landscape lighting, outdoor advertising displays, billboards, signs, public and private street lighting and walkway lighting.

Partially shielded means shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light transmission above the horizontal plane, or at least ninety percent (90%) of the emitted light projects below the horizontal plane as evidenced by the manufacturer's photometric data.

Photometric means quantitative measurements of light levels and distribution.

Shielding means a physical structure intended to restrict emitted light.

Substantial change means any change to the lamp or bulb that alters the lighting properties of the site, or any change in the type, style or orientation of a light fixture.

10.4 *Applicability and Exemptions.* The lighting standards for the City of Sachse shall apply to all new construction except as follows:

- A. Outdoor lighting that lawfully exists as of the date of this ordinance shall be deemed a lawful use. Any substantial change or addition to the existing lighting system, as determined by the Building Official, shall comply with the provisions of this ordinance. If a site substantially changes more than twenty-five percent (25%) of the lighting on a site or adds new lighting that increases the number of light fixtures by more than twenty five percent (25%), the entire site shall comply with the provisions of this ordinance.

- B. Commercial sites approved as part of a site plan prior to the ordinance from which this chapter is derived shall conform to the provisions in place at that time. Any substantial change or addition to the existing lighting system shall, as determined by the Building Official, comply with the provisions of this section. If a site substantially changes more than twenty-five percent (25%) of the lighting on a site or adds new lighting that increases the number of light fixtures by more than twenty five percent (25%), the entire site shall comply with the provisions of this ordinance.
- C. If a use with existing, non-conforming lighting shall cease operation for a period of more than eighteen (18) months, then such nonconforming lighting shall be deemed permanently abandoned. The lighting on such site shall be brought into conformance with the provisions of this ordinance prior to the redevelopment or re-use of the site.
- D. The following uses shall be exempt from the requirements of this section:
 - (1) Lighting installed by a governmental agency for public benefit on public rights-of-way, parks, and public recreation areas;
 - (2) Temporary special effects of holiday lighting;
 - (3) Navigation and airport lighting required by the Federal Aviation Administration for operation of airplanes; and
 - (4) Emergency lighting by police, fire, and/or municipal, state or federal government authorities.

10.5 *Submittal Requirements.*

- A. As part of any site plan application or prior to altering any existing lighting, the applicant shall submit evidence that the proposed work will comply with this chapter. The submission shall contain, but is not be limited to, the following:
 - (1) Plans I indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices, and the mounting height of the light;
 - (2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices shall include, but is not limited to, catalog cuts by manufacturers and drawings; and
 - (3) Photometric plans showing illumination levels on the property, at the property line and just beyond the property line, as well as other data such as that furnished by manufacturers or similar data showing the angle of cutoff for light emissions.

- B. The required plans, description, and data provided shall be sufficient to enable the plans examiner to readily determine whether compliance with the requirements of this chapter will be secured.

10.6 *Measurement.*

- A. *Metering equipment.* Lighting levels shall be measured in footcandles with a direct reading, portable light meter. The meter shall read within an accuracy of plus or minus five percent. It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one year of the date of use as attested to by a certificate issued by such laboratory.
- B. *Method of measurement.* The meter sensor shall be mounted or held not more than six inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made when the National Weather Service indicates visibility is six miles or greater such that measurements will not be adversely affected by atmospheric scatter. Measurements shall be made at least one hour after sunset or one hour prior to sunrise with the existing questioned light sources on, then with the same sources off. The difference between the two readings shall be compared to the limitations stated by this section. This procedure eliminates the effects of moonlight and other ambient light. However, if lighting levels comply with the light sources on then no further reading is needed with the light sources off to demonstrate compliance.
- C. *Computation of illumination.* Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of an Illumination Engineering Society of North America accepted method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, new and clean fixtures, and at rated voltage and wattage, with ballasts, lenses, shields, diffusers, and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and man-made objects and industry standard maintenance factors.

10.7 *Illumination.*

- A. *Limitations on neighboring property.* The limit of illumination on neighboring property from one establishment shall be based on the zoning of the neighboring property. Maximum computed maintained and maximum measured footcandles at the neighboring property lines shall not exceed:

(1) Single family and two-family residential districts.	0.25 footcandles
(2) Multifamily residential districts	0.5 footcandles
(3) Agriculture	1.0 footcandles
(4) Nonresidential districts (excluding industrial)	3.0 footcandles
(5) Rights-of-way and private streets	3.0 footcandles
(6) Industrial districts	5.0 footcandles

(7) Exception. Illumination at interior property lines on contiguous lots in a multitenant nonresidential development may exceed the above criteria when necessary to provide constant lighting levels of adjoining parking areas, fire lanes and interior access roadways as determined by the Director of Community Development.

B. *Limitations on subject property.* The maximum outdoor maintained computed and measured illumination level on the subject property shall not exceed 20 footcandles at any point, with the following exceptions:

- (1) Lighting under canopies (such as service stations) shall not exceed 30 footcandles. All other lighting on the site shall comply with the provisions of this section.
- (2) Lighting for car dealerships shall not exceed 30 footcandles within vehicle display areas.

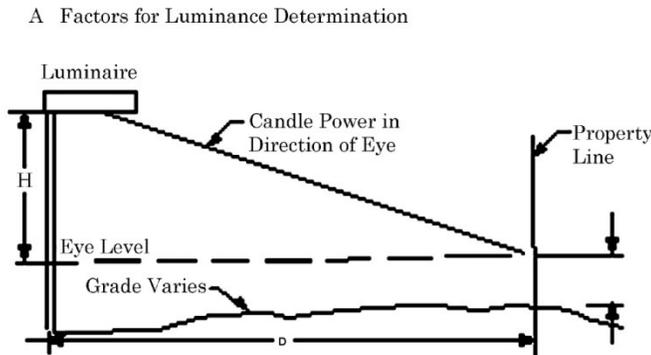
10.8 *Luminance.*

A. *Calculations generally.* If illumination measurements are not practical as determined by the Building Official and no other means of measuring fixture luminance is immediately available, a computation for measuring luminance may be used to determine compliance with this article.

B. Luminance calculations using luminaire photometric data. For the purpose of this article, the luminance shall be computed by the formula:

$$L = \frac{I}{(d^2 + h^2)}$$

where I is the fixture candlepower in candelas in the direction of the point from which the calculations are to be made, d is the shortest distance in feet measured horizontally from the property line to a point directly under the luminaire, and h is the height of the luminaire above the eye level (at the property line) as explained in Figure A below:



- C. *Luminance limitations.* The luminance on neighboring property from one establishment shall be by zoning of the neighboring property. The luminance as calculated in subsection (b) shall not exceed the value by zoning as follows:

Luminance

Single-family and two-family residential districts	0.02
Multiple-family residential districts	0.05
Nonresidential districts, streets	0.30
Industrial districts	0.50

10.9 *Effective Outdoor Lighting.* The purpose of the effective outdoor lighting section is to minimize glare, sky glow, light trespass and excessive energy consumption through the use of appropriate lighting fixtures, practices and systems, while maintaining safety, security and productivity and curtailing degradation of the nighttime visual environment. The following are requirements for effective outdoor lighting:

- A. Fully shielded luminaries shall be required in all outdoor lighting installations, with the following exceptions:

- (1) Any light source 15 watts and under shall be permitted as a non-cutoff fixture.
- (2) Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal or platform shall use a very narrow cone of light or shielded lights for the purpose of confining the light to the object of interest and minimize light spillover and glare. Compliance with this provision shall be subject to approval by the Building Official.
- (3) Building facades and architectural features of buildings may be floodlighted when the floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated. The configuration of the floodlight installation shall block all view to the floodlight fixture's lamps from adjacent properties. Compliance with this provision shall be subject to approval by the Building Official.

- B. The following lamp types shall be prohibited for outdoor lighting:

- (1) Low pressure sodium
- (2) Mercury vapor

- C. The quality of the light source shall be a minimum of 65 CRI (color rendering index) as indicated by the lamp manufacturer's data.

- D. Outdoor lighting shall be constructed and installed in a manner consistent with this section and shall be located so as not produce glare or direct illumination across the property line or onto rights-of-way.

- E. *Pole height.*

- (1) In parking areas containing zero to 150 parking spaces, the maximum height of lighting pole standards shall not exceed 25 feet.
- (2) In parking areas containing 151 or more parking spaces, the maximum height of lighting pole standards shall not exceed 35 feet.
- (3) For contiguous lots in a multitenant nonresidential development, adjacent parking areas may be combined for the purposes of calculating parking spaces used to determine maximum pole height.

F. *Hours of operation.*

- (1) Lighting used for the illumination of outdoor sales and eating areas, on-site advertising, assembly areas, repair areas, and businesses may be operated during the hours that the facilities are open to the public;
- (2) Lighting used for the illumination of recreational and sporting areas shall be turned off by 11:00 pm on Monday through Thursday and by 12:00 midnight on Friday and Saturday. The use of lights on Sunday is prohibited; and
- (3) Lighting used for the illumination of walkways, roadways, equipment yards, parking areas and outdoor security may be operated anytime."

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

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

SECTION 4. 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 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

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

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

APPROVED:

Mike Felix
Mayor

DULY ENROLLED:

Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(JJG/01-15-13/58998)



Legislation Details (With Text)

File #: 13-1327 **Version:** 1 **Name:** 2013 TIF Appoint Chairperson
Type: Agenda Item **Status:** Agenda Ready
File created: 1/18/2013 **In control:** City Council
On agenda: 1/21/2013 **Final action:**

Title: Consider appointment of Chairperson of the President George Bush Turnpike Tax Increment Financing (TIF) Board or Directors as required by enabling ordinance.

Executive Summary

Ordinance 2049, the enabling ordinance for Sachse's TIF district, requires that the City Council designate a Chairperson of the Board. At the January 15, 2013 TIF Board Meeting, Mr. Ed Brown was elected by the Board to serve as the vice chairperson. Mr. Brown had been the Chairperson prior to that meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [TIF Ordinance.pdf](#)
[TIF Roster.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider appointment of Chairperson of the President George Bush Turnpike Tax Increment Financing (TIF) Board or Directors as required by enabling ordinance.

Executive Summary

Ordinance 2049, the enabling ordinance for Sachse's TIF district, requires that the City Council designate a Chairperson of the Board. At the January 15, 2013 TIF Board Meeting, Mr. Ed Brown was elected by the Board to serve as the vice chairperson. Mr. Brown had been the Chairperson prior to that meeting.

Background

Ordinance 2049, the enabling ordinance for Sachse's TIF district, requires that the City Council designate a Chairperson of the Board. At the January 15, 2013 TIF Board Meeting, Mr. Ed Brown was elected by the Board to serve as the vice chairperson. Mr. Brown had been the Chairperson prior to that meeting.

The current Board members include:

- Troy Riner
- Bobby Tillman (Secretary)
- Frank Millsap
- Ed Brown (Vice Chairperson)

Jeff Dowdle

Policy Considerations

Appointing a Chairperson satisfies Ordinance 2049.

Budgetary Considerations

None.

Staff Recommendations

Appoint a Chairperson as appropriate.

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX INCREMENT FINANCING REINVESTMENT ZONE IDENTIFIED AS THE PGBT REINVESTMENT ZONE; ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE, AND OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse, Texas, (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area (the PGBT area) within its jurisdiction by the creation of a reinvestment zone, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code (the "Act"); and,

WHEREAS, in compliance with the Act, the City has called a public hearing to hear public comments on the creation of the proposed reinvestment zone and its benefits to the City and other taxing units, and the property in the proposed reinvestment zone; and,

WHEREAS, in compliance with the Act, notice of such public hearing was published in a paper of general circulation in the City, such publication date being not later than seven (7) days prior to the date of the public hearing; and,

WHEREAS, such public hearing was convened at the time and place set forth in the published notice, to wit, on the 17th day of November, 2003 at 7:30 p.m., at the City Council Chamber in the City Hall of the City of Sachse, Texas, which hearing was then closed; and,

WHEREAS, at such public hearing interested persons were permitted to speak and voice objection to the creation of the proposed zone and to the inclusion of property within the proposed zone described in Exhibit "A" and depicted in the map attached hereto as Exhibit "B"; and,

WHEREAS, the owners of property located within the proposed reinvestment zone, the taxing units that levy real property taxes within the proposed zone, and other interested persons were given the opportunity to appear and speak at the public hearing and voice objection to the inclusion of property within the proposed zone;

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City Council, after conducting a public hearing and having heard such evidence and interested persons, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on the creation of the reinvestment zone has been properly called, held and conducted and that notice of such hearing has been published as required by law and delivered to all taxing units that levy real property taxes within the proposed reinvestment zone.
- (b) That creation of the proposed reinvestment zone as described in Exhibits "A" and "B" will result in benefits to the City, its residents and property owners, in general, and to the property, residents and property owners in the proposed reinvestment zone.
- (c) That the reinvestment zone, as described in Exhibits "A" and "B", meets the criteria for designation of a reinvestment zone as set forth in the Act in that:
 - (1) It is a contiguous geographic area located wholly within the corporate limits of the City.
 - (2) The area is predominately open, and because of obsolete platting, deteriorating structures, or other factors, it substantially impairs the growth of the City.
 - (3) The area within the reinvestment zone substantially impairs the growth of the City; retards the provision of housing; constitutes an economic and social liability to the public health, safety, morals and welfare because of the presence of substandard or deteriorating structures, faulty lot layout, inadequate sidewalks or street layout; and, unsanitary or unsafe conditions.
- (d) That not more than ten percent (10%) or less of the property in the proposed reinvestment zone, excluding publicly-owned property, is used for residential purposes.
- (e) That the total appraised value of all taxable real property in the proposed reinvestment zone does not exceed fifteen percent (15%) of the total appraised value of property in the City and in the industrial districts created by the City, if any.
- (f) That the proposed reinvestment zone does not contain more than fifteen percent (15%) of the total appraised value of real property taxable by a county or school district.
- (g) That the improvements within the reinvestment zone will significantly enhance the value of the taxable real property in the reinvestment zone and will be of general benefit to the City.

- (1) That the development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonably foreseeable future.

SECTION 3. That the City hereby creates a reinvestment zone for the property described in Exhibit "A" attached hereto and as depicted in the map attached hereto as Exhibit "B", and such reinvestment zone hereafter be identified as the PGBT Reinvestment Zone (the "Zone" or the "PGBT Reinvestment Zone").

SECTION 4. That there is hereby established a board of directors for the Zone, which shall consist of nine (9) members. The board of directors of the PGBT Reinvestment Zone shall be appointed as follows:

- (a) Five members shall be appointed by the City Council. One (1) member shall be appointed by each of the governing bodies of the Garland Independent School District, Dallas County, Dallas County Community College District, and Dallas County Hospital District; provided, however, that if a taxing unit waives its right to appoint a member of the board, the City may appoint such board member in its stead. The initial board of directors shall be appointed by resolution of the governing bodies of the City and the taxing units as provided herein within sixty (60) days of the passage of this ordinance or within a reasonable time thereafter. All members appointed to the board shall meet the eligibility requirements as set forth in the Act.
- (b) The terms of the board members shall be for two year terms. The City Council shall designate a member of the board to serve as chairperson of the board of directors, and the board shall elect from its members a vice chairperson and other officers as it sees fit.
- (c) The board of directors shall make recommendations to the City Council concerning the administration of the Zone. It shall prepare and adopt a project plan and reinvestment zone financing plan for the Zone and shall submit such plans to the City Council for its approval. The board of directors shall possess all powers necessary to administer, manage, or operate the Zone and the implementation of the project plan for the Zone with the prior approval of the City Council evidenced by formal resolution.

SECTION 5. That the PGBT Reinvestment Zone shall take effect on January 1, 2003, and that the termination of the PGBT Reinvestment Zone shall occur on December 31, 2028, or at an earlier time designated by subsequent ordinance of the City Council in the event the City determines that the PGBT Reinvestment Zone should be terminated due to insufficient private investment, accelerated private investment or other good cause, or at such time as all project costs, tax increment bonds, if any, and the interest on such bonds have been paid in full.

SECTION 6. That the Tax Increment Base for the PGBT Reinvestment Zone, which is the total appraised value of all taxable real property located in the PGBT Reinvestment Zone, is to be determined as of January 1, 2003, the year in which the PGBT Reinvestment Zone was designated.

SECTION 7. That there is hereby created and established a Tax Increment Fund for the PGBT Reinvestment Zone which may be divided into such subaccounts as may be authorized by subsequent resolution or ordinance, into which all Tax Increments, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts shall be maintained in an account at the depository bank of the City and shall be secured in the manner prescribed by law for a home rule municipality. In addition, all revenues from the sale of any tax increment bonds and notes hereafter issued by the City, revenues from the sale of any property acquired as part of the tax increment financing and/or project plan and other revenues to be dedicated to and used in the PGBT Reinvestment Zone shall be deposited into such fund or subaccount from which money will be disbursed to pay project costs for the PGBT Reinvestment Zone or to satisfy the claims of holders of tax increment bonds or notes issued for the PGBT Reinvestment Zone.

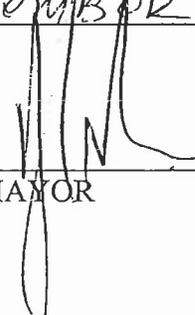
SECTION 8. That if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Sachse and it is accordingly ordained.

DULY APPROVED AND PASSED BY THE CITY COUNCIL OF THE CITY OF

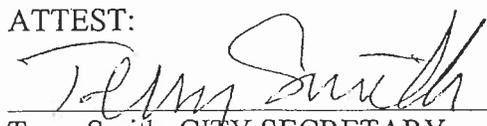
SACHSE, TEXAS ON THIS THE 17 DAY OF NOVEMBER, 2003.

APPROVED:



Hugh Cairns, MAYOR

ATTEST:



Terry Smith, CITY SECRETARY

APPROVED AS TO FORM:

Peter G. Smith, CITY ATTORNEY

PGBT TIF (Tax Increment Financing) Board

<u>MEMBERS</u>	<u>TITLE</u>	<u>PLACE</u>	<u>Contact Info</u>	<u>TERM EXPIRES</u>
Troy Riner 7511 Keith Lane Sachse, TX 75048		1	972-442-1769 (H) 972-835-2065 (W)	March 2012
Bobby Tillman 6314 Ben Road Sachse, TX 75048	Secretary	2	972-272-3555 (W) 972-675-0037 (H)	March 2013
Frank Millsap 3904 Miles Rd. Sachse, TX 75048		3	972-860-7397 (W) 972-675-0988 (H)	March 2012
Edward Brown 3615 Sewell Drive Sachse, TX 75048	<i>VICE CHAIRMAN</i>	4	214-747-6839 (W) 972-496-6577 (H)	March 2013
Jeff Dowdle 6615 Crestmoor Ln. Sachse, TX 75048		5	214-675-7751 (W) 972-442-5627 (H)	March 2012



Legislation Details (With Text)

File #: 13-1316 **Version:** 1 **Name:** Adjourn Executive Session pursuant to the provisions of the Texas Government Code, Section 551.074: To discuss the annual evaluation of the City Secretary.

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

File created: 1/11/2013 **In control:** City Council

On agenda: 1/21/2013 **Final action:**

Title: Adjourn to Executive Session pursuant to the provisions of the Texas Government Code, Section 551.074: To discuss the annual evaluation of the City Secretary.

Consider any action necessary as a result of executive session regarding the annual evaluation of the City Secretary.

Executive Summary
Annual review of the City Secretary.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Title

Adjourn to Executive Session pursuant to the provisions of the Texas Government Code, Section 551.074: To discuss the annual evaluation of the City Secretary.

Consider any action necessary as a result of executive session regarding the annual evaluation of the City Secretary.

Executive Summary
Annual review of the City Secretary.

Background

Annual evaluation of the City Secretary. Forms for this agenda item were distributed prior to the meeting.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Council conduct executive session as appropriate.