



Sachse, Texas

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

Meeting Agenda City Council

Tuesday, January 3, 2012

7:30 PM

Council Chambers

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

The City Council of the City of Sachse will hold a Special Meeting on Tuesday, January 3, 2012, 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.

11-0605 Consider approval of the minutes of the December 5, 2011, regular meeting.

*Executive Summary
Minutes of the last Council meeting*

Attachments: [Min. 12.5.11.pdf](#)

11-0606 Consider the acceptance of the resignation of Mr. Michael Ewing from the Library Board.

*Executive Summary
Mr. Ewing is moving from the City and has resigned his seat on the Library Board.*

Attachments: [Resignation Ltr.pdf](#)

- [11-0608](#) Consider approval of a Memo of Understanding (MOU) between the City of Sachse TX and Dallas County TX for a Prisoner Transportation Agreement and fee.

Executive Summary

Proposed agreement between The City of Sachse and Dallas County providing for an annual fee for prisoner transportation.

Attachments: [MOU Prisoner Transport Agreement.pdf Final](#)

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

- [11-0612](#) Employee Recognition

Executive Summary

Each Quarter the City Council Recognizes employees with 5, 10, and 15 years of service as well as the Employee of the Quarter and Employee of the Year

Attachments: [Employee Recognition 01 03 12](#)

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.

- [11-0602](#) Discuss North Texas Municipal Water District water supply and water rate implications.

Executive Summary

Lavon Lake is the primary water source for the North Texas Municipal Water District (NTMWD), which serves over 1.5 million people with domestic water. Chapman Lake and Lake Texoma also provide raw water to the NTMWD. Raw water cannot be pumped from Lake Texoma to Lavon Lake due to the zebra mussel found in Lake Texoma. Consequently, this accounts for a 28% loss of the total water supply to the NTMWD. Lavon Lake is currently 12 feet below normal pool elevation, which makes the lake only 51% of its useful capacity. In addition, as of the most recent measurement, NTMWD's Chapman Lake water supply is at 35% due to the

continued drought. The current drought has resulted in the North Texas Municipal Water District having to implement their drought contingency plan. Several options are being considered by the NTMWD in order to sustain delivery of water to its member cities and customer cities, which will ultimately affect the water rates for the City of Sachse. A representative from the NTMWD will be presenting information on these options.

11-0582

Conduct Public Hearing and Consider the application of Double H Motor Group for a Special Use Permit for Automobile and motorcycle sales, leasing, service and repair on approximately 0.23 acres at 6601 Park Lane, located on the south side of Park Lane, approximately 100 feet west of Highway 78.

Executive Summary

Double H Motor Group, represented by Shea Horne, has requested a special use permit for a used car lot on the property located at 6601 Park Lane, in the Sachse Industrial Park. The site is approximately 0.23 acres and has formerly been used for a window tinting business and a pool construction company.

Attachments: [51Sachse - SUP for used car dealership](#)
[SUP 11-02 presentation](#)
[SUP 11-02 - 6601 ParkLn- site plan](#)
[SUP 11-02 - 6601 ParkLn-Aerial](#)
[SUP 11-02 - 6601 ParkLn-Zoning](#)
[SUP 11-02 - 6601 ParkLn- application](#)

11-0604

Conduct a public hearing and consider an ordinance amending Chapter 9, "Traffic Regulations" by amending Section 9-6 "Parking" to provide for additional no parking areas.

Executive Summary

The proposed ordinance will amend Section 9-6 of the Code of Ordinances to add two additional no parking zones to the ordinance. One zone, on the slip road on the west side of Dewitt Road, south of Ingram Road, is in place, but is not referenced in the existing ordinance. The second proposed zone, on Lillie Street, west of Salmon Street, would be a new no parking zone.

Attachments: [51SACHSE no parking amendment 010312](#)
[parking standards presentation cc 010312](#)

11-0598

Consider an Ordinance to install a no left turn sign for northbound Sachse Road traffic at the intersection of SH 78.

Executive Summary

SH 78 was recently widened to a six-lane divided roadway from a four-lane divided roadway, which decreased the median width significantly along the roadway. Several accidents have occurred at the intersection of Sachse Road and SH 78. In an effort to prevent accidents and improve the safety of the traveling public at the intersection of Sachse Road and SH 78, the City Engineer recommends installing a no left turn sign for northbound traffic on Sachse Road at the intersection of SH 78.

Attachments: [Ordinance to Erect No Left Turn Sign at Sachse Road and SH 78](#)
[Attachment 1](#)

11-0596

Discuss Guidelines and Criteria for Tax Abatement and Economic Development Incentive Program.

Executive Summary

The Guidelines and Criteria for Tax Abatement and Economic Development Incentives Program adopted by the City are effective for two years from the date adopted.

Attachments: [TaxAbatementGuidelines](#)
[TaxAbatementApplication](#)
[TaxAbatementOutline](#)
[TaxAbatementFtWorth](#)
[TaxAbatementPlano](#)
[TaxAbatementCollinCo](#)
[TaxAbatementDentonCo](#)
[TaxAbatementOtherCities](#)
[TaxAbatementGuidelinesResolutionCityCouncil](#)

11-0611

Discuss and consider the installation and purchase of radio equipment for Public Safety in an amount not to exceed \$34,000.00.

Executive Summary

The City of Sachse has an opportunity to replace/upgrade the current radio consoles in the Public Safety Building. The current radio system consoles were purchased in 2003 and the opportunity for the City to acquire newer radio console(s) is a great opportunity for Sachse. The current consoles, have grown with Public Safety up to this point and now it has reached its limits of any further upgrades and the ability to get replacement parts is not available.

Attachments: [Radio Console Powerpoint PDF](#)
[Motion](#)

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: December 30, 2011; 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 #: 11-0605 **Version:** 1 **Name:** Consider approval of the minutes of the December 5, 2011, regular meeting.

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

File created: 12/21/2011 **In control:** City Council

On agenda: 1/3/2012 **Final action:**

Title: Consider approval of the minutes of the December 5, 2011, regular meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [Min. 12.5.11.pdf](#)

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

Title
Consider approval of the minutes of the December 5, 2011, regular meeting.

Executive Summary
Minutes of the last Council meeting

Background
Minutes of the last regular meeting on December 5, 2011

Policy Considerations
None

Budgetary Considerations
None

Staff Recommendations
Approval of the minutes of the December 5, 2011 regular meeting as a consent agenda item.

REGULAR MEETING
OF THE
CITY COUNCIL OF THE CITY OF SACHSE

DECEMBER 5, 2011

The City Council of the City of Sachse held a Regular Meeting on Monday, December 5, 2011 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 Charles W. Smith
Councilman Bill Adams
Councilwoman Pat McMillan
Councilman Jared Patterson
Councilman Todd Ronnau
Councilman Mark Timm

and all were present except Mayor Pro Tem Charles W. Smith.

Staff present: City Manager Billy George, Finance Director Jeri Rainey; Community Development Director Barry Shelton; Fire Chief Doug Kendrick, Police Chief Dennis Veach, Sachse EDC Director Carlos Vigil, and Deputy City Secretary Denise Vice.

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

The invocation was offered by Councilman Mark Timm and the pledges were led by Councilman Bill Adams.

1. Consent Agenda:

Councilman Mark Timm moved to approve the Consent Agenda Item No. 11-0567: Approval of Minutes of the November 21, 2011 Regular Meeting; and Item No. 11-0568: Resolution No. 3348 authorizing the City Manager to execute a contract with Océ Imagistics, Inc. for the five-year lease of six (6) copy machines through the State of Texas contract. The motion was seconded by Councilman Bill Adams and passed unanimously.

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

Mayor Felix noted the upcoming events: The Fraternal Order of Police toy drive ends on December 16th; Senior Center luncheon on December 21st; and City offices will be closed December 23rd and 26th and on January 2nd for the holidays.

Councilman Adams congratulated Officer Richard Oliver on his recognition by Congressman Sam Johnson's office for his service at a veteran's event on December 3, 2011.

City Manager Billy George noted the success of the tree lighting, story time with Santa, and Pancakes with Santa and invited everyone to the city's annual Christmas parade and Cookies with Santa on Saturday, December 10th.

11-056 Presentation of proclamation recognizing the Sachse High School football team and their achievements this year:

Mayor Felix presented a proclamation to Coach Red Behrens, Principal Steve Hammerle and the Sachse High School football team for their achievements this year.

3. Citizen Input:

There were no comments during citizen input.

Council recessed from 7:45 to 7:49 p.m.

4. Regular Agenda Items:

11-0431 Discuss outdoor lighting standards:

Community Development Director Barry Shelton presented details of the proposed outdoor lighting standards. Council requested that Mr. Shelton bring the item back for further discussion and allow for a public hearing. No action was taken on this item.

11-0565 Consider action to cancel the second meeting in December, 2011 for the Christmas holidays:

Following a brief discussion, Councilman Mark Timm moved to cancel the December 19, 2011 meeting. The motion was seconded by Councilman Bill Adams and passed unanimously.

11-0564 Consider a nominee to the Emergency Preparedness Council:

City Manager Billy George introduced the item and outlined the duties of the appointee. Mayor Pro Tem Charles Smith had served in this capacity in the past. Following discussion, Councilman Jared Patterson made a motion to nominate Mayor Pro Tem Charles Smith as Sachse's nominee to the Emergency Preparedness Council. The motion was seconded by Councilwoman McMillan and passed unanimously.

11-0573 Discuss and consider the approval of a Termination Agreement by and among the City of Sachse, the Sachse Economic Development Corporation, Inspired Development, LLC and Ryan & Company:

Finance Director Jeri Rainey outlined the details of the termination of the agreement including funds and when these funds will be available to the City and the Sachse EDC. Following discussion, Councilman Mark Timm made a motion authorizing the City Manager to execute the Termination Agreement by and among the City of Sachse, the Sachse Economic Development Corporation, Inspired Development, LLC and Ryan & Company upon the report of the City Attorney that all documents have been provided and all conditions precedent have been satisfied. The motion was seconded by Councilman Todd Ronnau and passed unanimously.

11-0580 Adjourn to Executive Session pursuant to the provisions of Texas Government Code Section 551.071:

a. Consult with and seek advice from city attorney on matters relating to pending litigation in the case styled The City of Sachse v. The Trull Foundation, Cause No. CC-11-03461 in the County Court at Law No. 3, Dallas County, Texas

At 8:21 p.m. Councilman Jared Patterson moved to recess to Executive Session. The motion was seconded by Councilman Mark Timm and passed unanimously.

At 8:58 p.m. Councilman Mark Timm moved to return to open session. The motion was seconded by Councilman Jared Patterson and passed unanimously.

11-0581 Consider any action necessary as the result of Executive Session including, but not limited to, authorizing the City Manager to negotiate and execute a settlement agreement in the case styled The City of Sachse v. The Trull Foundation, Cause No. CC-03461 in the County Court at Law No. 3, Dallas County, Texas:

A motion was made by Councilman Mark Timm to approve a Resolution No. 3349 of the City Council of the City of Sachse, Texas, authorizing the negotiation and execution of Settlement Agreement in eminent domain case styled The City of Sachse v. Trull Foundation; and providing for an effective date. The motion was seconded by Councilman Todd Ronnau and passed unanimously.

There being no further business, Councilman Jared Patterson moved to adjourn. The motion was seconded by Councilman Mark Timm and passed unanimously. The meeting adjourned at 9:01 p.m.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR



Legislation Details (With Text)

File #: 11-0606 **Version:** 1 **Name:** Consider the acceptance of the resignation of Mr. Michael Ewing from the Library Board.

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

File created: 12/21/2011 **In control:** City Council

On agenda: 1/3/2012 **Final action:**

Title: Consider the acceptance of the resignation of Mr. Michael Ewing from the Library Board.

Sponsors:

Indexes:

Code sections:

Attachments: [Resignation Ltr.pdf](#)

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

Title

Consider the acceptance of the resignation of Mr. Michael Ewing from the Library Board.

Executive Summary

Mr. Ewing is moving from the City and has resigned his seat on the Library Board.

Background

Mr. Michael Ewing has resigned his seat on the Library Board due his moving from the City at the end of December, 2011. He was presented a plauqe of appreciation on behalf of the City. Staff is advertising for applicants and will schedule interviews with the Council in the near future.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Acceptance of the resignation of Mr. Michael Ewing from the Library Board, as a consent agenda item.

Terry Smith

From: MICHAEL EWING [mewing2227@msn.com]
Sent: Monday, December 12, 2011 8:10 PM
To: Terry Smith
Subject: Library Board

Mr. Smith,

My name is Michael Ewing and I have been an active member of the Sachse Library Board for one year. We have sold our house and will be moving to Atlanta, Georgia the end of this month and I will need to give my resignation effective Decrmbber 13, 2011.

Thanks,

Michael Ewing
972-429-1310



Legislation Details (With Text)

File #:	11-0608	Version:	2	Name:	Memo of Understanding Prisoner Transport Agreement
Type:	Regular Agenda Item	Status:		Status:	Agenda Ready
File created:	12/28/2011	In control:		In control:	City Council
On agenda:	1/3/2012	Final action:		Final action:	
Title:	Consider approval of a Memo of Understanding (MOU) between the City of Sachse TX and Dallas County TX for a Prisoner Transportation Agreement and fee.				
	<p>Executive Summary Proposed agreement between The City of Sachse and Dallas County providing for an annual fee for prisoner transportation.</p>				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	MOU Prisoner Transport Agreement.pdf Final				

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

Title

Consider approval of a Memo of Understanding (MOU) between the City of Sachse TX and Dallas County TX for a Prisoner Transportation Agreement and fee.

Executive Summary

Proposed agreement between The City of Sachse and Dallas County providing for an annual fee for prisoner transportation.

Background

Dallas County has asked all Cities in the County to assist in funding prisoner transportation between the Municipal jails and Dallas County jail. With the exceptions of Wilmer, Hutchins and Carrollton, all the Cities have agreed to the MOU. Those cities are: Addison, Balch Springs, Cockrell Hill, Coppell, Desoto, DFW Airport, Duncanville, Farmers Branch, Garland, Glen Heights, Grand Prairie, Highland Park, Irving, Mesquite, Richardson, Rowlett, Seagoville, University Park. Sachse Municipal Government did not approve the initial Memo of Understanding. In response, Dallas County has added wording that addresses the time frame in which they should pick up prisoners after being notified. The County has also added wording that advises that they will, upon request, provide information on how the pro rated share is calculated.

Policy Considerations

Consider Approval of a Memo of Understanding with Dallas County TX for Transportation of Prisoners.

Budgetary Considerations

Currently the cost would be \$451 for the first year (October 2011-October 2012). The fee in subsequent years will be pro-rated based on what percentage of all Dallas County prisoner transports each city experiences. We expect the fee to increase as we make more arrests that involve transportation to the Dallas County Jail. From October 2010 to the end of December 2011 there have been 133 transports to Dallas County. The vast majority of these transports were made by Sachse Police.

Each time Sachse Police transport a prisoner to Dallas County there is an inherent cost to the City of Sachse in time and equipment. A prisoner transport in the morning, before noon, will take at least two hours of an officers time. A prisoner transport after noon can take as long as four hours due to the level of busyness at Dallas County combined with heavy vehicle traffic conditions. The difference in the am and pm workload is usually based on the fact that every prisoner must be seen by a nurse before being accepted into the jail. That requirement alone can add between one and two hours to the intake process in the afternoon because of the increased incoming volume that becomes backed up.

We consider an officers's time to be worth at a minimum approximately \$30 an hour. Based on that, each transport will cost the City of Sachse between \$60 and \$120 dollars in officers time. The proposed fee of \$451 works out to be \$28 per transport. These numbers are based on the transportation of 16 prisoners to Dallas County in 2010 and are conservative. They do not take into consideration the wear on vehicles and equipment, loss of an officer being available in Sachse and safety issues for our personnel.

Staff Recommendations

Staff recommends approval of the Memo of Understanding between the City of Sachse TX and Dallas County TX regarding a Prisoner Transportation Agreement and fee as a Consent Agenda item.

4. TERMINATION

A. City may terminate its participation in this MOU prior to the end of the Initial Term or any Renewal Period if:

(1) County ceases providing Transport Assistance Services as provided herein and continues to not provide such services for more than five (5) days after written request by City to resume such services; or

(2) County is otherwise in default of this MOU and fails to cure such default on or before the 30th day following delivery of notice by City to County of such default.

In the event City terminates this MOU prior to the end of the Initial Term or any Renewal Period pursuant to this Section 4.A, County shall pay to City, within thirty (30) days after the date of termination, an amount equal to the amount paid by City to County pursuant to Section 7, below, multiplied by a fraction, the numerator of which is the number of days remaining in the Initial Term or the Renewal Period (whichever is applicable) after the date of termination, and the denominator of which is 365, said repayment being the sole and exclusive remedy of City for County's default of this MOU.

B. County may terminate this MOU prior to the end of the Initial Term or any Renewal Period if City is in default of this MOU and fails to cure such default on or before the 30th day following delivery of notice by County to City of such default. In the event County terminates this MOU pursuant to this Section 4.B., County shall not be obligated to repay City any amounts paid by City pursuant to Section 7, below, the retention of such amounts being the sole and exclusive remedy of County for City's default of this MOU.

5. RENEWAL

Not later than June 1, 2012, County agrees to provide to City and the Participating Municipalities a "Notice of Renewal" setting forth the *pro rata* share of City's and the Participating Municipalities' cost of the County's Transport Assistance Services for the next twelve month period commencing on the anniversary of the effective date of this MOU ("the Renewal Period"). Upon request, County will provide information on how the pro rata share is calculated, so that City can make an informed decision regarding renewal of the MOU. Not later than July 1, 2012, City shall notify County if City desires to renew this MOU for the Renewal Period. This MOU shall terminate if City fails to notify County that it desires to renew this MOU for the Renewal Period. The process of providing a Notice of Renewal and notifying County regarding renewal of this MOU for an additional one-year term, inclusive of the deadlines for notification on June 1 and July 1, respectively, shall continue for each subsequent year until City fails to renew for a subsequent Renewal Period or County notifies City that it will no longer provide Transport Assistance Services.

6. ANNUAL EVALUATION.

The Parties agree to cooperate in an annual evaluation of this MOU in order to calculate the number of inmates transferred by the County from each individual municipal facility to the County's facilities. Such data shall be used to determine the amounts to be paid by City and the Participating Municipalities for Transport Assistance Services for the Renewal Period.

7. PAYMENT

City agrees to pay County the City's share of the cost for the Transport Assistance Services in accordance with Attachment A, hereto. City and County understand and acknowledge that the amounts set forth in Attachment A represent City's and the other Participating Municipalities' *pro rata* share of the cost of transporting inmates from various municipal facilities to County's facilities during the term of the MOU. Unless otherwise agreed, each payment due pursuant to this MOU, inclusive of the payment due for each Renewal Period, will be paid to the County on each October 1 during the term of the MOU.

8. RESPONSIBILITY FOR NEGLIGENT CONDUCT

County and City, including their respective employees and elected officials, agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or City under Texas and other applicable laws, and without waiving any available defenses under Texas and other applicable laws. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

9. INSURANCE

City and County agree that they will at all times during the term of this MOU maintain in full force and effect insurance, or self-insurance, to the extent permitted by applicable law under a plan of self-insurance, that is also maintained in accordance with sound accounting practices. It is expressly agreed that City and County will be solely responsible for all cost of their respective insurance or self insurance; and solely responsible for any and all deductible amounts in any policy.

10. NOTICE

Any notice or certification required or permitted to be delivered under this Agreement shall be deemed to have been given when personally delivered, or if mailed, seventy-two (72) hours after deposit of the same in the United States Mail, postage prepaid, certified, or registered, return receipt requested, properly addressed to the contact person shown at the respective addresses set forth below, or at such other addresses as shall be specified by written notice delivered in accordance herewith:

COUNTY

Marlin Suell, Chief Deputy
Sheriff's Department
Detention Services Bureau
133 N. Riverfront, LB 31
Dallas, Texas 75207

CITY OF SACHSE

Dennis Veach, Chief of Police
Sachse Police Department
3815 Sachse Road, Suite D
Sachse, Texas 75048

With Copy to:

Peter G. Smith
Nichols, Jackson, Dillard,
Hager & Smith, LLP
500 N. Akard, Suite 1800
Dallas, Texas 75201

11. ENTIRE AGREEMENT AND AMENDMENT

This MOU, including any Exhibits and Attachments, constitutes the entire agreement between the Parties and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, novation, renewal or other alteration of this MOU shall be effective unless mutually agreed upon in writing and executed by the Parties.

12. COUNTERPARTS, NUMBER/GENDER AND HEADINGS

This MOU may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Words of any gender used in this MOU shall be held and construed to include any other gender. Any words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise. Headings are for the convenience of reference only and shall not be considered in any interpretation of this MOU.

13. SEVERABILITY

If any provision of this MOU is construed to be illegal, invalid, void or unenforceable, this construction will not affect the legality or validity or any of the remaining provisions. The unenforceable or illegal provision will be deemed stricken and deleted, but the remaining provisions shall not be affected or impaired, and such remaining provisions shall remain in full force and effect.

14. FISCAL FUNDING CLAUSE

Notwithstanding any provisions contained in this MOU, the obligations of City and County under this MOU are expressly contingent upon the availability of funding for each item and obligation for the term of the MOU and any pertinent extensions. Neither Party shall have a right of action against the other in the event the other Party is unable to fulfill its obligations under this MOU as a result of lack of sufficient funding for any item or obligation from any source utilized to fund

this MOU or failure to budget or authorize funding for this MOU during the current or future fiscal years.

15. DEFAULT/CUMULATIVE RIGHTS/MITIGATION

It is not a waiver of default if the non-defaulting Party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this MOU are cumulative, and either Party's use of any right or remedy will not preclude or waive its right to use any other remedy. These rights and remedies are in addition to any other rights the Parties may have by law, statute, ordinance or otherwise. Both Parties have a duty to mitigate damages.

16. IMMUNITY

This MOU is expressly made subject to City's and County's Governmental Immunity, including, without limitation, Title 5 of the Texas Civil Remedies Code and all applicable State and federal Laws. The Parties expressly agree that no provision of this MOU is in any way intended to constitute a waiver of any immunities from suit or from liability, or a waiver of any tort limitation, that City or County has by operation of law, or otherwise. Nothing in this MOU is intended to benefit any third party beneficiary. No term or provision of this MOU is intended to, or shall, create any rights in any person, firm, corporation or other entity not a party hereto, and no such person or entity shall have any cause of action hereunder.

17. COMPLIANCE OF LAWS AND VENUE

In providing services required by this MOU, City and County must observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials, and all applicable federal, State, and local statutes, ordinances, rules, and regulations. Texas law shall govern this Agreement and venue shall lie exclusively in a state court in Dallas County, Texas.

18. RELATIONSHIP OF PARTIES

City is an independent contractor and not an agent, servant, joint enterpriser, joint venturer or employee of County. County is an independent contractor and not an agent, servant, joint enterpriser, joint venturer or employee of City. City and County agree and acknowledge that each entity shall be responsible for its own acts, forbearance, negligence and deeds, and for those of its agents or employees in conjunction with the performance of work covered under this MOU.

19. SIGNATORY WARRANTY

City and County represent that each has the full right, power and authority to enter and perform this MOU in accordance with all of the terms and conditions, and that the execution and delivery of MOU have been made by authorized representatives of the Parties to validly and legally bind the Parties to all terms, performances and provisions set forth in this MOU.

The County of Dallas has executed this MOU pursuant to Commissioners Court Order No.

_____, on this _____ day of _____ 2011.

[SIGNATURE PAGE SHALL FOLLOW]

EXECUTED THIS _____ DAY OF _____ 2011.

DALLAS COUNTY:

CITY OF SACHSE:

BY: Clay Lewis Jenkins
County Judge

BY: Mike Felix
Mayor

Recommended:

BY: Lupe Valdez
Sheriff of Dallas County

Approved as to Form:

BY: Peter G. Smith
City Attorney
(PGS/JJG/11-17-11/52461)

BY: Gordon Hikel
Chief, Civil Division
Assistant District Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ATTACHMENT A

Sheriff Costing of InterCity Transfer

Agency		Percentage	Annual Cost
Addison	300	1.95%	8,465
Balch Springs	628	4.07%	17,720
Carrollton	0	0.00%	0
Cockrell Hill	131	0.85%	3,696
Coppell	127	0.82%	3,583
Desoto	1,600	10.38%	45,146
DFW Airport	33	0.21%	931
Duncanville	437	2.83%	12,331
Farmers Branch	627	4.07%	17,692
Garland	3,066	19.88%	86,511
Glenn Heights	104	0.67%	2,934
Grand Prairie	1,305	8.46%	36,822
Highland Park	67	0.43%	1,890
Hutchins	0	0.00%	0
Irving	3,354	21.75%	94,638
Mesquite	2,317	15.03%	65,377
Richardson	742	4.81%	20,937
Rowlett	354	2.30%	9,989
Sachse	16	0.10%	451
Seagoville	204	1.32%	5,756
University Park	7	0.05%	198
Wilmer	0	0.00%	0
	15,419	100.00%	435,067



Legislation Details (With Text)

File #: 11-0612 **Version:** 1 **Name:** Employee Recognition 01 03 12
Type: Regular Agenda Item **Status:** Agenda Ready
File created: 12/29/2011 **In control:** City Council
On agenda: 1/3/2012 **Final action:**
Title: Employee Recognition
Sponsors:
Indexes:
Code sections:
Attachments: [Employee Recognition 01 03 12](#)

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

Title
Employee Recognition

Executive Summary
Each Quarter the City Council Recognizes employees with 5, 10, and 15 years of service as well as the Employee of the Quarter and Employee of the Year

Background
The following employees are being recognized for years of service:
5 years
Ryan Stalling, Fire Rescue Specialist
Brandon Slone, Fire Rescue Specialist
Brendan Kearney, Fire Rescue Specialist
John Morris, Fire Rescue Specialist
Chris Weinzapfel, Part-time Firefighter

15 years
Betty O'Bryant, Lead Custodian

Employee of the Quarter
Teresa Savage, Finance Manager

Employee of the Year
Matt Wright, Police Officer

Policy Considerations
None

Budgetary Considerations

None

Staff Recommendations

None

Employee Recognition

5 years of Service

Ryan Stalling, Fire Rescue Specialist

Ryan has been an important part of the Fire Department for 5 years. He is passionate about his job as a firefighter and works hard to take care of the City and our Citizens. We are glad to have Ryan as part of the team.

Brandon (George) Slone, Fire Rescue Specialist

Although Brandon is being recognized for 5 years of service, he has actually been with the Fire Department for much longer. Before becoming a full-time Firefighter, he worked with us part-time. He has tremendous dedication and loyalty to Sachse Fire and Rescue and is an asset to the team.

Brendan Kearney, Fire Rescue Specialist

Brendan takes his job as a firefighter seriously and truly cares about the Citizens he works for. He is a team player and always willing to lend a helping hand when needed.

John Morris, Fire Rescue Specialist

John knows his job well and does a great job as a firefighter. Patient care is a top priority for him. John is an important part of the Fire Department.

Chris Weinzapfel, Part-time Firefighter

Chris takes his job as a Firefighter seriously. He fills in when necessary to make sure the Fire Department is running smoothly. Thank you, Chris for your dedication to the Sachse Fire Rescue Department.

15 years of Service

Betty O'Bryant, Lead Custodian

Although Betty is being recognized for 15 years of service, she has actually been with the City much longer. Betty has been recognized several times throughout the years for her dedication to the City. Most recently, she was selected for Sachse's first ever Employee of the Year. Betty works hard every day to make the City of Sachse even better. She is also always very considerate to her co-workers. We are truly lucky to have Betty on our team.

Employee of the Quarter

Teresa Savage, Finance Manager

Although Teresa has only been with us for a little over a year, she has really proven herself during this short time. She works long and hard to make sure the Finance Department is running smoothly. She steps in and takes care of business even when it is not her area of responsibility. She was a tremendous help during budget preparations and when the Finance Director was the acting City Manager.

Employee of the Year
Matt Wright, Police Officer

In March of this year, Officer Wright responded to a call of major accident. On arrival he found a car engulfed in flames and a woman trapped inside. While others tried to fight the fire, Officer Wright entered the burning car and freed the woman. Matt's actions, with no thought for his own personal safety, show his willingness to do whatever it takes for the Citizens of Sachse. We are proud to award Matt with Employee of the Year for 2011.



Legislation Details (With Text)

File #: 11-0602 **Version:** 1 **Name:** Discuss NTMWD water supply and water rate implications

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

File created: 12/20/2011 **In control:** City Council

On agenda: 1/3/2012 **Final action:**

Title: Discuss North Texas Municipal Water District water supply and water rate implications.

Executive Summary

Lavon Lake is the primary water source for the North Texas Municipal Water District (NTMWD), which serves over 1.5 million people with domestic water. Chapman Lake and Lake Texoma also provide raw water to the NTMWD. Raw water cannot be pumped from Lake Texoma to Lavon Lake due to the zebra mussel found in Lake Texoma. Consequently, this accounts for a 28% loss of the total water supply to the NTMWD. Lavon Lake is currently 12 feet below normal pool elevation, which makes the lake only 51% of its useful capacity. In addition, as of the most recent measurement, NTMWD's Chapman Lake water supply is at 35% due to the continued drought. The current drought has resulted in the North Texas Municipal Water District having to implement their drought contingency plan. Several options are being considered by the NTMWD in order to sustain delivery of water to its member cities and customer cities, which will ultimately affect the water rates for the City of Sachse. A representative from the NTMWD will be presenting information on these options.

Sponsors:

Indexes:

Code sections:

Attachments:

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

Title

Discuss North Texas Municipal Water District water supply and water rate implications.

Executive Summary

Lavon Lake is the primary water source for the North Texas Municipal Water District (NTMWD), which serves over 1.5 million people with domestic water. Chapman Lake and Lake Texoma also provide raw water to the NTMWD. Raw water cannot be pumped from Lake Texoma to Lavon Lake due to the zebra mussel found in Lake Texoma. Consequently, this accounts for a 28% loss of the total water supply to the NTMWD. Lavon Lake is currently 12 feet below normal pool elevation, which makes the lake only 51% of its useful capacity. In addition, as of the most recent measurement, NTMWD's Chapman Lake water supply is at 35% due to the continued drought. The current drought has resulted in the North Texas Municipal Water District having to implement their drought contingency plan. Several options are being considered by the NTMWD in order to sustain delivery of water to its member cities and customer cities, which will ultimately affect the water rates for the City of Sachse. A representative from the NTMWD will be presenting information on these options.

Background

The NTMWD serves domestic drinking water to the City of Sachse. The current drought and subsequent low lake level of Lavon Lake has resulted in the NTMWD to implement its drought contingency plan. The plan consists of considering several capital projects in order to supply water to Lavon Lake along with implementing water restrictions to curtail use in order to sustain water delivery to its member cities and customer cities.

Currently the City is under Stage 3 water restrictions, which limits landscape watering with sprinklers or irrigation systems to once every two weeks between November 1 and March 31 and eliminates watering from 10 AM to 6 PM. The goal of Stage 3 is a 10% reduction in water use and increased awareness in ongoing water conservation efforts. Stage 4 may be initiated if the drought conditions persist. Stage 4 water restrictions include no outdoor water use, with certain exceptions. The goal of Stage 4 is a 33% reduction in water use. Stage 4 is typically initiated when the storage in Lavon Lake is less than 35% of the total conservation pool capacity and NTMWD's storage in Jim Chapman Lake is less than 35% of NTMWD's total conservation pool capacity. The overall usage by the cities served by the NTMWD as a whole under the current Stage 3 restrictions is 15% higher than the goal established in the Drought Contingency Plan.

The engineering consultants for the NTMWD have developed short term modeling scenarios given the current water storage conditions and predicted weather conditions. Given the results of the modeling scenarios and in order to sustain water delivery to its customers, several strategic options including capital projects are being implemented by the NTMWD. The NTMWD recently met with its customer cities and presented the modeling scenarios and strategic options.

Policy Considerations

The recommended strategies to address the current water supply shortages include the following:

- 1) Continue with water conservation efforts.
- 2) Purchase up to 60 million gallons per day (MGD) of raw water from the City of Dallas for 5 years with an option to continue an additional five years. The cost will range between \$8-\$16 million per year. The cost and details of the contract are under negotiation between the NTMWD and the City of Dallas. The anticipated raw water delivery from the City of Dallas is spring or summer of 2012.
- 3) Begin engineering and construction for a pipeline from Lake Texoma to the raw water intake at Lavon Lake. The cost is anticipated to be \$270 million with a completion date of June 2013.
- 4) Construction of the "main stem" of the Trinity River pump station and pipeline from Rosser to the existing Wetlands Connection near US 175 near Crandall. The cost to the NTMWD is estimated to be \$75 million and the anticipated completion date is June 2013.

The NTMWD Board as approved continuing with Stage 3 water restrictions and will implement Stage 4 water restrictions should Lavon Lake level dip below 475' (currently the lake is at 497.98). Furthermore, the NTMWD Board has directed their staff to continue negotiations with the City of Dallas to purchase raw water, begin engineering for the Lake Texoma pipeline, accelerate the engineering of the main stem of Trinity pipeline and pump station, and pursue seasonal pumping at Lake Texoma in accordance with federal regulations as a result of the zebra mussel.

Budgetary Considerations

Given the recommended strategies to address the current water supply shortages, there will be costs to the member cities and customer cities based on the strategies chosen by the NTMWD Board to construct. The City will have to pass on any capital cost increases to its rate payers if water rate collections are to cover the costs of water purchased. The current tiered water rates for the City of Sachse are as follows:

Tier 1	0 - 10,000 gallons	\$2.76
Tier 2	10,001 - 15,000 gallons	\$3.45
Tier 3	15,001 - 20,000 gallons	\$4.15
Tier 4	20,001 - 30,000 gallons	\$4.84
Tier 5	30,001 gallons and up	\$5.53

The potential fiscal impact for each of the short term recommended strategies are as follows:

- 1) Continue with conservation efforts - no fiscal impact for fiscal year 2011-2012.
- 2) Purchase of raw water from City of Dallas - no fiscal impact for fiscal year 2011-2012. Possible increase \$0.08-\$0.16 per 1000 gallons in future years. This equates to a 2.3%-4.6% increase for the Tier 2 rate (average per capita use for Sachse for last 12 months).
- 3) Construct pipeline from Texoma - at least a \$0.27 per 1000 gallons increase. This equates to a 7.8% increase for the Tier 2 rate (average per capita use for Sachse for last 12 months).
- 4) Construct main stem pipeline and pump station - at least a \$0.06 per 1000 gallons increase. This equates to a 2.3% increase for the Tier 2 rate.

Staff Recommendations

This is a discussion item only and no action is necessary. A representative from the NTMWD and City staff will be available to answer questions.



Legislation Details (With Text)

File #: 11-0582 **Version:** 1 **Name:** SUP for used car dealership
Type: Regular Agenda Item **Status:** Agenda Ready
File created: 12/6/2011 **In control:** City Council
On agenda: 1/3/2012 **Final action:**

Title: Conduct Public Hearing and Consider the application of Double H Motor Group for a Special Use Permit for Automobile and motorcycle sales, leasing, service and repair on approximately 0.23 acres at 6601 Park Lane, located on the south side of Park Lane, approximately 100 feet west of Highway 78.

Executive Summary

Double H Motor Group, represented by Shea Horne, has requested a special use permit for a used car lot on the property located at 6601 Park Lane, in the Sachse Industrial Park. The site is approximately 0.23 acres and has formerly been used for a window tinting business and a pool construction company.

Sponsors:

Indexes:

Code sections:

- Attachments:** [51Sachse - SUP for used car dealership](#)
[SUP 11-02 presentation](#)
[SUP 11-02 - 6601 ParkLn- site plan](#)
[SUP 11-02 - 6601 ParkLn-Aerial](#)
[SUP 11-02 - 6601 ParkLn-Zoning](#)
[SUP 11-02 - 6601 ParkLn- application](#)

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

Title

Conduct Public Hearing and Consider the application of Double H Motor Group for a Special Use Permit for Automobile and motorcycle sales, leasing, service and repair on approximately 0.23 acres at 6601 Park Lane, located on the south side of Park Lane, approximately 100 feet west of Highway 78.

Executive Summary

Double H Motor Group, represented by Shea Horne, has requested a special use permit for a used car lot on the property located at 6601 Park Lane, in the Sachse Industrial Park. The site is approximately 0.23 acres and has formerly been used for a window tinting business and a pool construction company.

Background

The subject property is zoned Industrial 1(I-1) District. The applicant is proposing to utilize an approximate 0.23 acre site within the Sachse Industrial Park for a used car dealership, which is categorized as Automobile and motorcycle sales, leasing, service and repair. This use is only permitted by special use permit in the Industrial 1 (I-1) zoning district.

The Planning and Zoning Commission voted unanimously to approve the proposed special use permit at their December 12, 2011 regular meeting.

Policy Considerations

None

Budgetary Considerations

None

Staff Recommendations

Staff recommends approval of the application for a special use permit for Automobile and motorcycle sales, leasing, service and repair on approximately 0.23 acres at 6601 Park Lane, on the south side of Park Lane, approximately 100 feet west of Highway 78 with the following conditions:

1. The special use permit shall be for Automobile and motorcycle sales, leasing, service and repair.
2. The establishment be constructed and operated in accordance with the attached site plan.
3. Vehicle service and repair shall not be permitted by this special use permit.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP SO AS TO GRANT A SPECIAL USE PERMIT FOR AUTOMOBILE AND MOTORCYCLE SALES, LEASING, SERVICE AND REPAIR ON AN APPROXIMATELY 0.23 ACRE TRACT OF LAND LOCATED AT 6601 PARK LANE IN AN I-1 INDUSTRIAL 1 DISTRICT; PROVIDING SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby amended to grant a Special Use Permit for Automobile and motorcycle sales, leasing, service and repair for the property located at 6601 Park Lane, (hereinafter the "Property"), being situated in the City of Sachse, Dallas County, Texas, and being more particularly described as set forth in Exhibit "A," attached hereto and incorporated as if set forth herein, in an I-1 Industrial 1 District.

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

1. The Special Use Permit shall be for Automobile and motorcycle sales and leasing.
2. The establishment be constructed and operated in accordance with the site plan attached hereto as Exhibit "B" and incorporated as if set forth herein.
3. The site shall not permit service and repair facilities.

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

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

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

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

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

DULY PASSED by the City Council of the City of Sachse, Texas, on the _____ day of _____, 2012.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

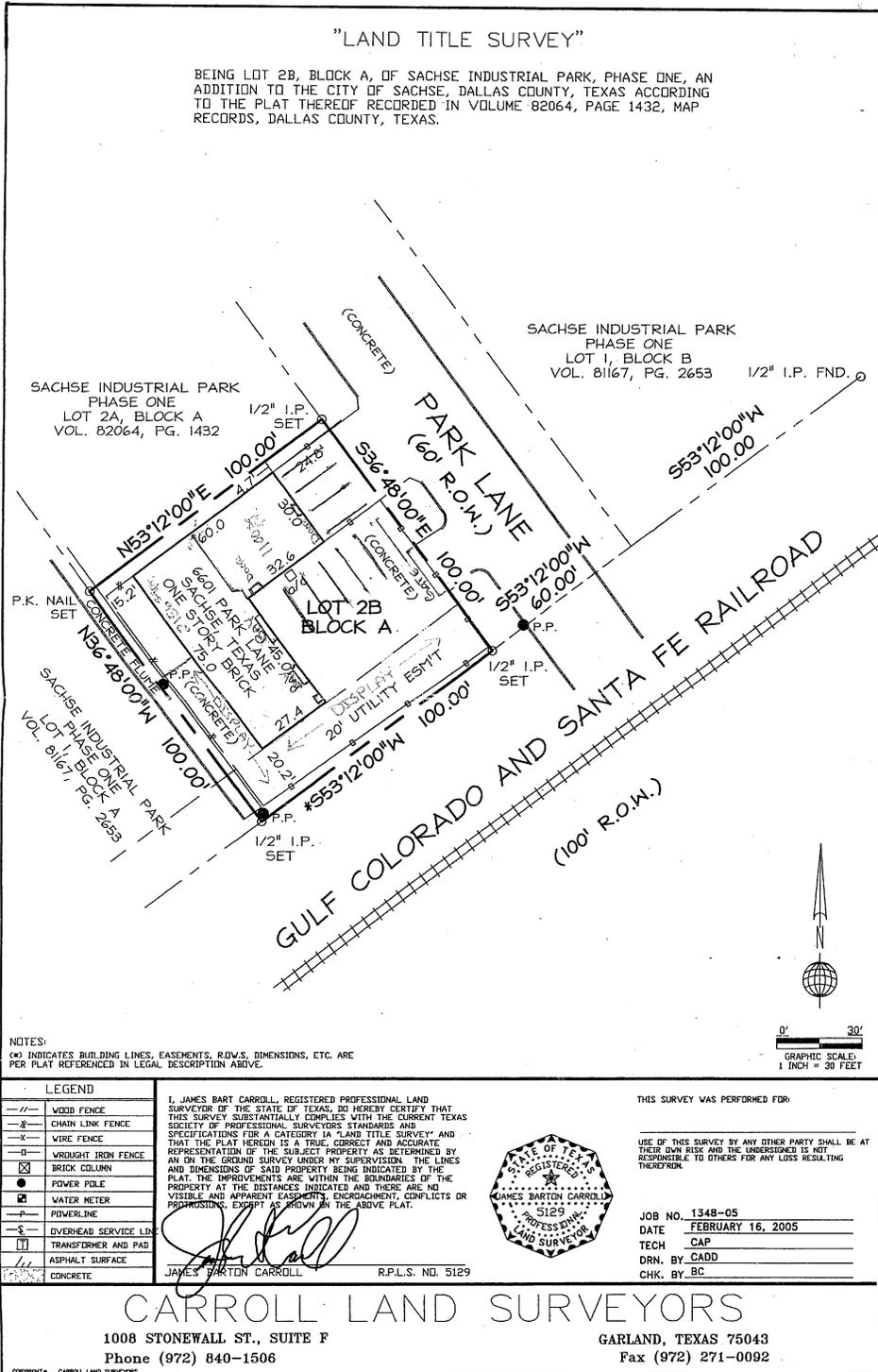
EXHIBIT "A"

Legal Description

This property is Lot 2, Block A of the Sachse Industrial Park, an approximately 10,000 square foot or 0.23 acre tract of land. The property is commonly known as 6601 Park Lane.

EXHIBIT "B"

Site Plan



SUP 11-02

Double H Motor Group

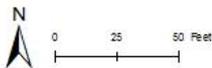
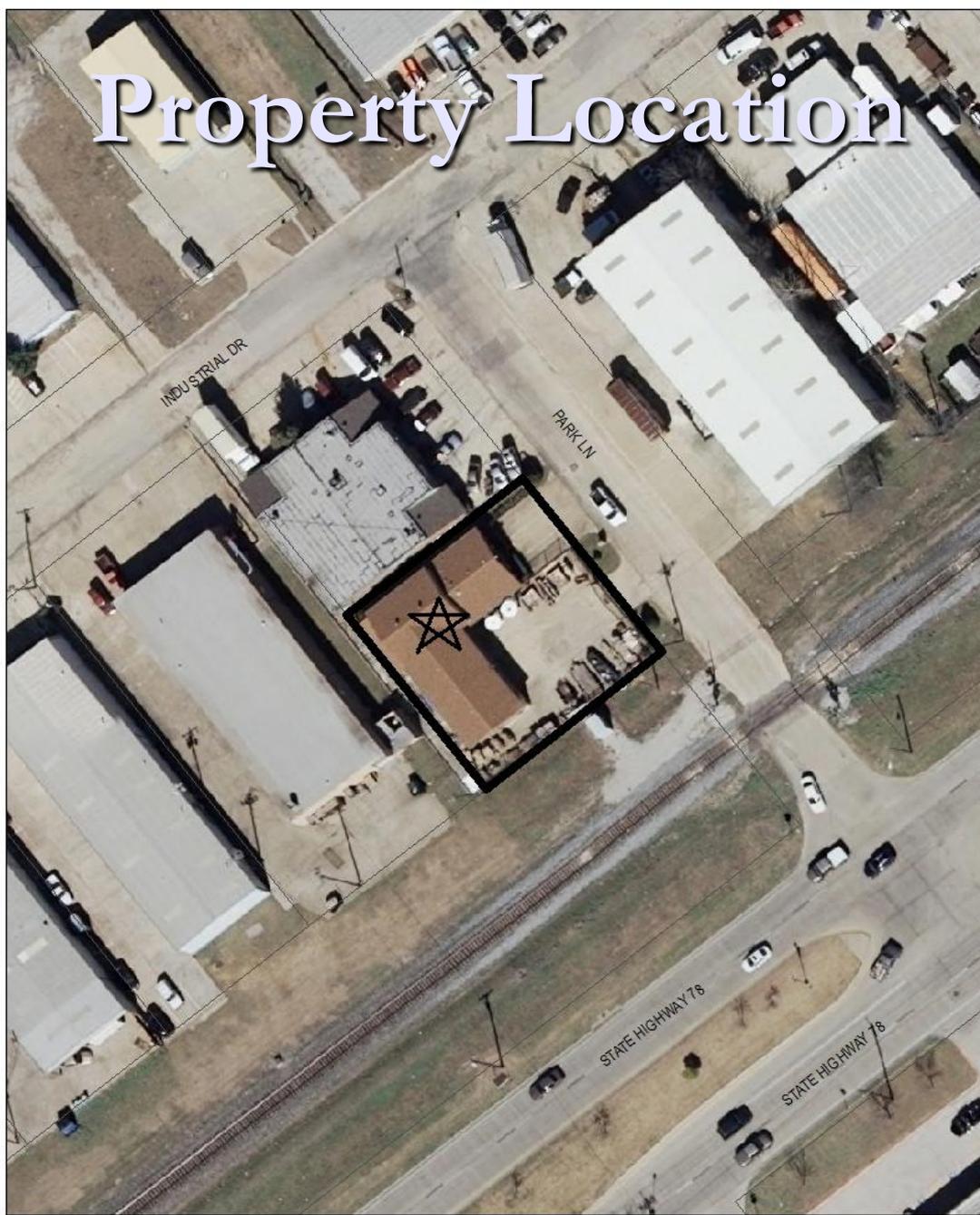
Used Car Dealership

January 3, 2012

SUP Request

- The applicant is proposing to construct a used car dealership on an approximately 0.23 acre commercial property within the Sachse Industrial Park located at 6601 Park Lane.
- A used car dealership, which falls under automobile and motorcycle sales, leasing, service and repair on the use chart, is allowed in the Industrial 1 (I-1) district by special use permit.

Property Location

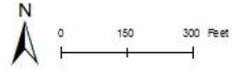
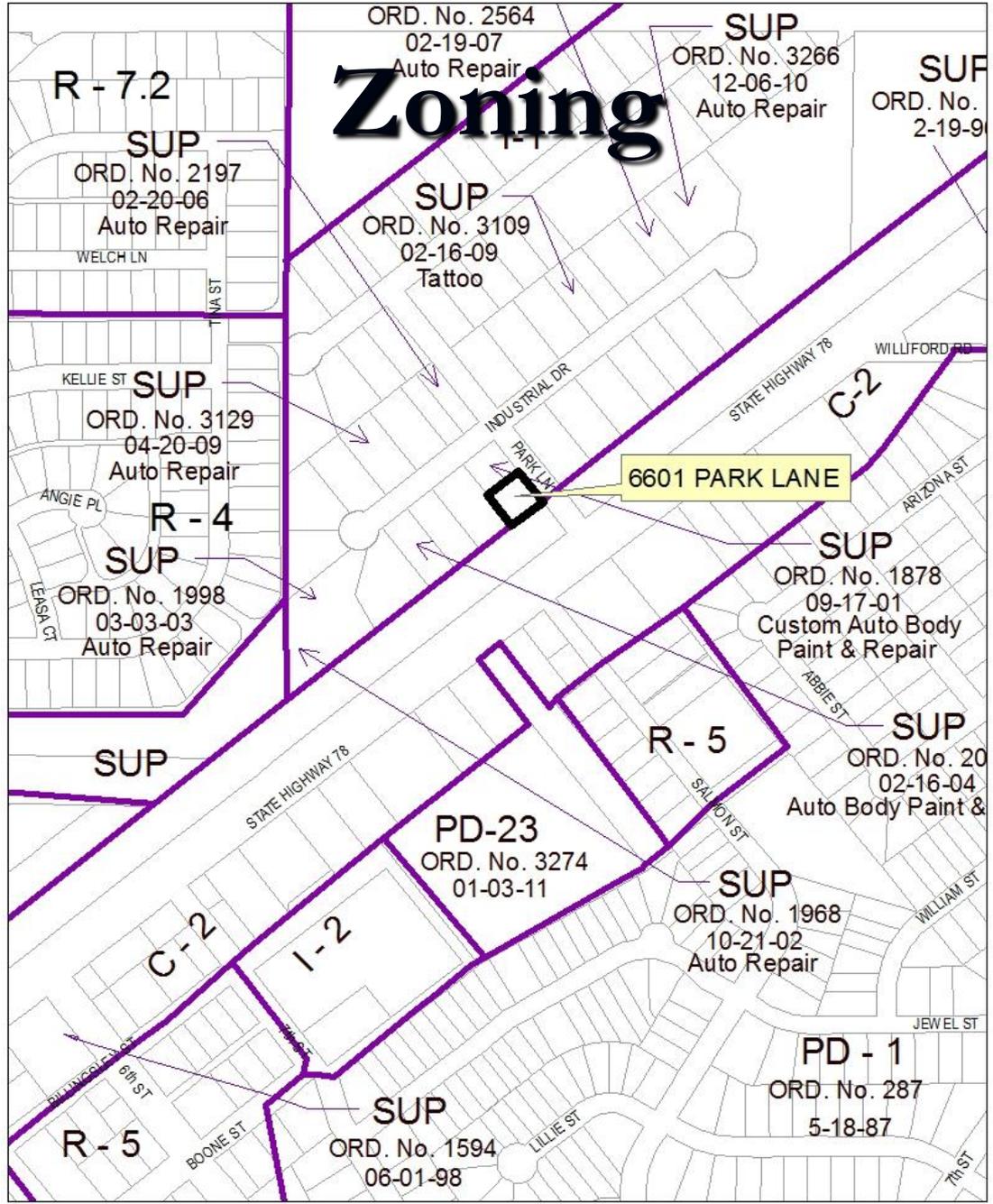


AERIAL MAP



FILE: SUP 11-02
6601 PARK LANE
SUBJECT PROPERTY

Zoning

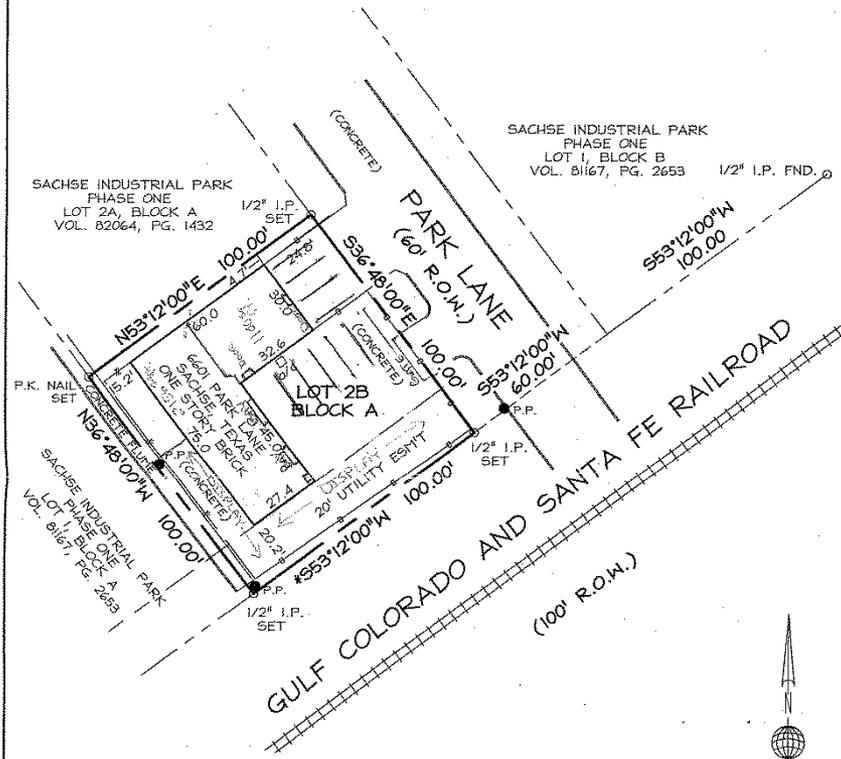


ZONING MAP

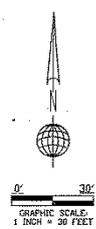
FILE: SUP 11-02
6601 PARK LANE
SUBJECT PROPERTY

Site Plan

"LAND TITLE SURVEY"
 BEING LOT 2B, BLOCK B OF SACHSE INDUSTRIAL PARK, PHASE ONE, AN
 ADDITION TO THE CITY OF SACHSE, DALLAS COUNTY, TEXAS, ACCORDING
 TO THE PLAT THEREOF RECORDED IN VOLUME 82064, PAGE 1432, MAP
 RECORDS, DALLAS COUNTY, TEXAS.



NOTES:
 (60) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE
 PER PLAT REFERENCED IN LOCAL DESCRIPTION ABOVE.



LEGEND	
	WOOD FENCE
	CHAIN LINK FENCE
	WIRE FENCE
	WROUGHT IRON FENCE
	BRICK COLUMN
	POWER POLE
	WATER METER
	POWERLINE
	OVERHEAD SERVICE LINE
	TRANSFORMER AND PAD
	ASPHALT SURFACE
	CONCRETE

I, JAMES MART CARROLL, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 18 "LAND TITLE SURVEY" AND THAT THE PLAT HEREIN IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS RETURNED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THE LINES AND DIMENSIONS OF THE PROPERTY HEREIN INDICATED BY THE PLAT, THE IMPROVEMENTS ARE WITHIN THE BOUNDARIES OF THE PROPERTY AT THE DISTANCES INDICATED AND THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS OR PERMISSIONS, EXCEPT AS SHOWN IN THE ABOVE PLAT.

James Martin Carroll
 JAMES MARTIN CARROLL

R.P.L.S. NO. 5129



THIS SURVEY WAS PERFORMED FOR:
 USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
 JOB NO. 1348-05
 DATE FEBRUARY 16, 2005
 TECH CAP
 DRN. BY CADD
 CHK. BY BC

CARROLL LAND SURVEYORS
 1008 STONEWALL ST., SUITE F GARLAND, TEXAS 75043
 Phone (972) 840-1506 Fax (972) 271-0092

Considerations

- The proposed dealership would be a total of 3,256 square feet, of which 1,100 square feet would be devoted to office and 2,156 would be used for inside display space.
- The Zoning Ordinance requires a minimum of 1 parking space for every 300 square feet of office, 2 parking spaces per service bay and 1 parking space for every 500 square feet of service area.
- Since the proposed dealership will have no repair service on site, the total required parking is 4 spaces.

Considerations

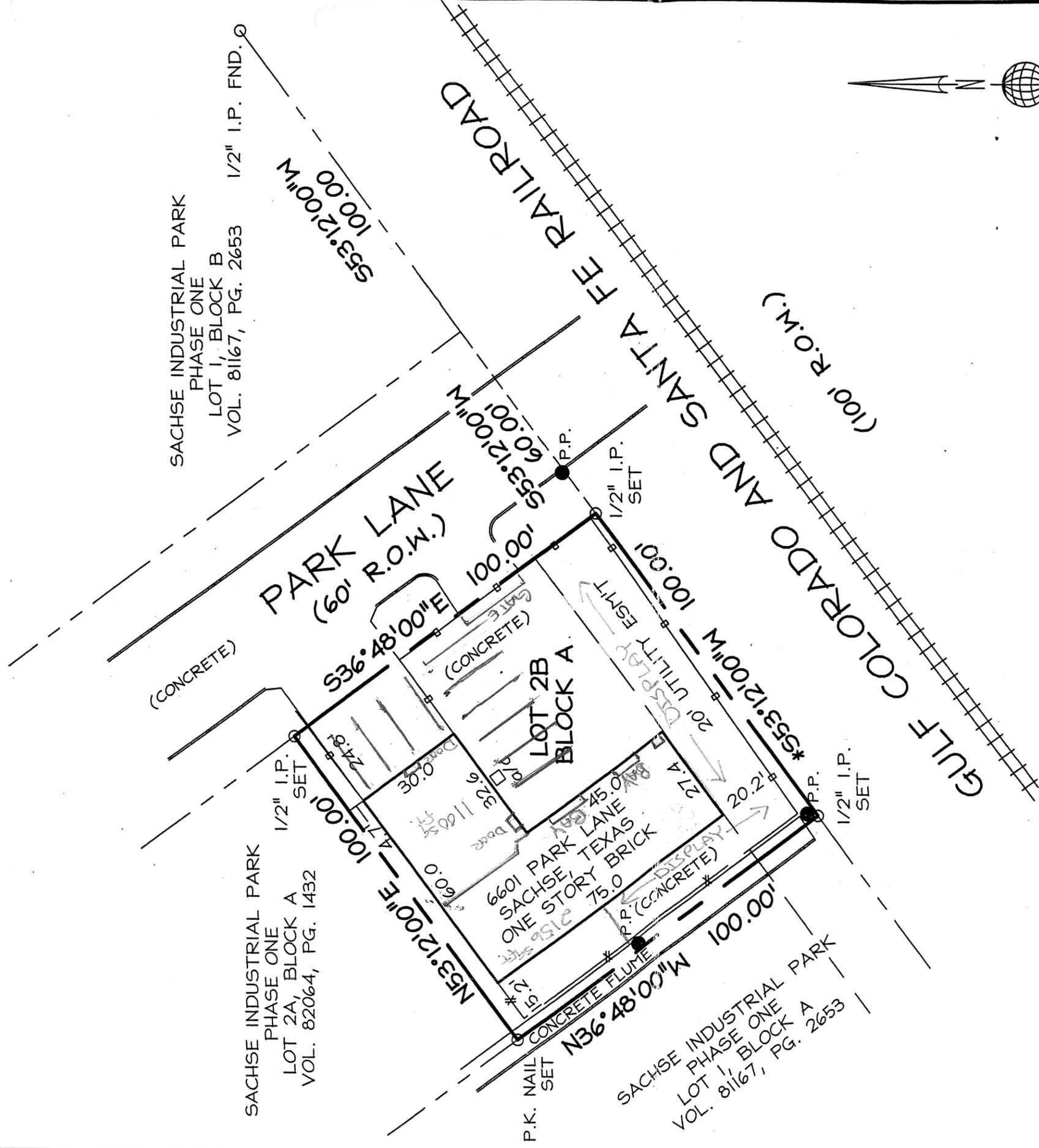
- The City's non-residential landscape standards are not required as this is an existing site. The landscaping standards would apply if the redevelopment of the site included a 30% increase in building square footage or an addition of 20 or more parking spaces.

Staff Recommendation

- Staff recommends approval of the Special Use Permit with the following special conditions:
 - The Special Use Permit shall be for Automobile and motorcycle sales and leasing.
 - The establishment be constructed and operated in accordance with the attached site plan.
 - Vehicle service and repair shall not be permitted by this Special Use Permit.

"LAND TITLE SURVEY"

BEING LOT 2B, BLOCK A, OF SACHSE INDUSTRIAL PARK, PHASE ONE, AN ADDITION TO THE CITY OF SACHSE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 82064, PAGE 1432, MAP RECORDS, DALLAS COUNTY, TEXAS.



NOTES:

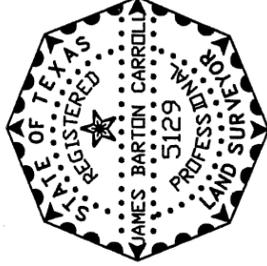
(*) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.

LEGEND	
—//—	WOOD FENCE
—X—	CHAIN LINK FENCE
—x—	WIRE FENCE
—□—	WROUGHT IRON FENCE
—■—	BRICK COLUMN
—●—	POWER POLE
—■—	WATER METER
—P—	POWERLINE
—\$—	OVERHEAD SERVICE LINE
—T—	TRANSFORMER AND PAD
—/—	ASPHALT SURFACE
—/—	CONCRETE

I, JAMES BART CARROLL, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A "LAND TITLE SURVEY" AND THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE PLAT. THE IMPROVEMENTS ARE WITHIN THE BOUNDARIES OF THE PROPERTY AT THE DISTANCES INDICATED AND THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENT, CONFLICTS OR PROVISIONS, EXCEPT AS SHOWN ON THE ABOVE PLAT.

[Signature]
 JAMES BARTON CARROLL
 R.P.L.S. NO. 5129

THIS SURVEY WAS PERFORMED FOR:



USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

JOB NO. 1348-05
 DATE FEBRUARY 16, 2005
 TECH CAP
 DRN. BY CADD
 CHK. BY BC

0' 30'
 GRAPHIC SCALE:
 1 INCH = 30 FEET

CARROLL LAND SURVEYORS

1008 STONEWALL ST., SUITE F

Phone (972) 840-1506

GARLAND, TEXAS 75043

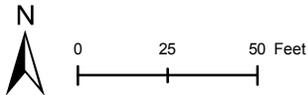
Fax (972) 271-0092

INDUSTRIAL DR

PARK LN

STATE HIGHWAY 78

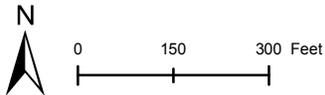
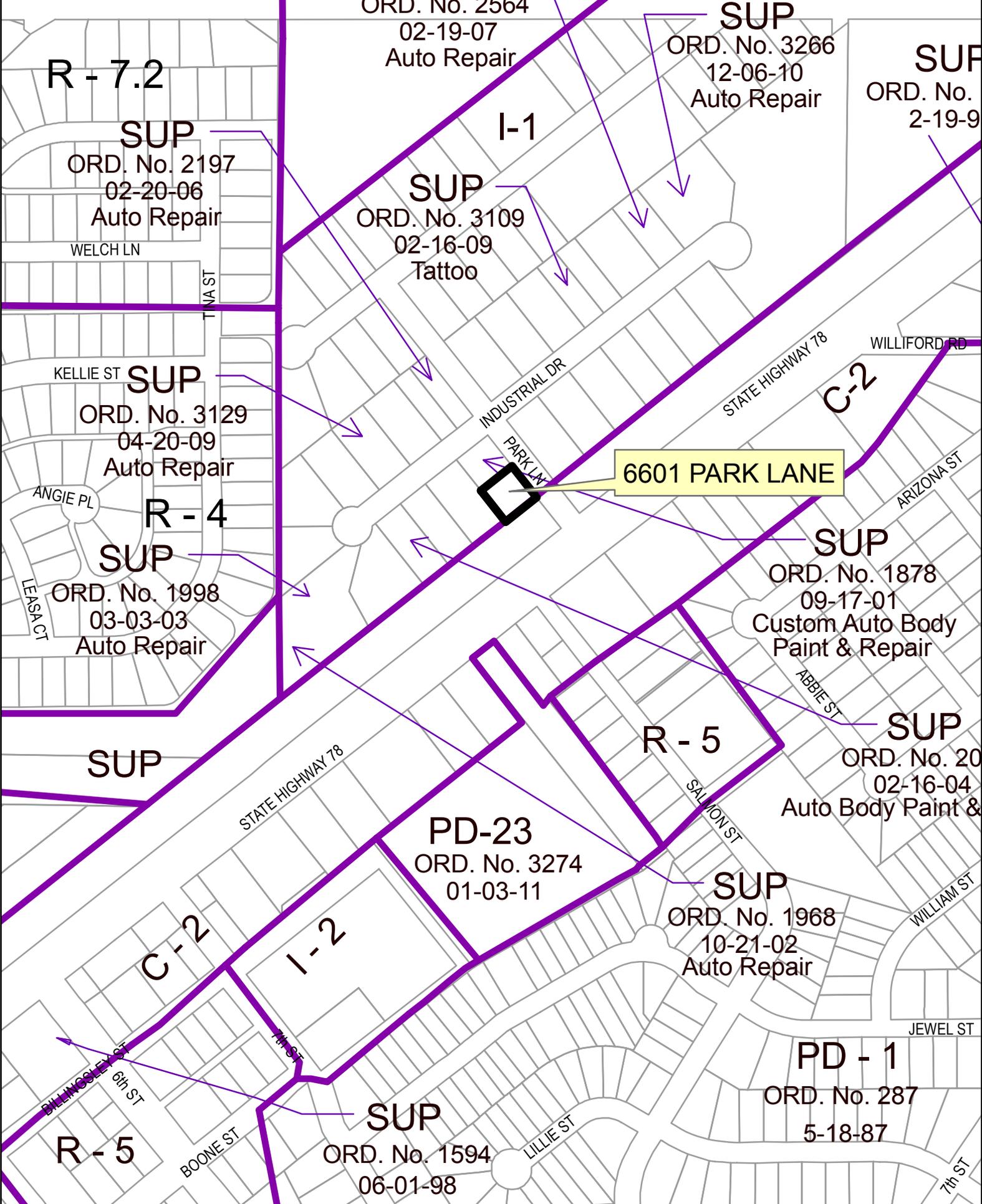
STATE HIGHWAY 78



AERIAL MAP



FILE: SUP 11-02
6601 PARK LANE
SUBJECT PROPERTY



ZONING MAP



NOV 16 2011

DEVELOPMENT APPLICATION

Type of Request: (Please Check Applicable Category)

2011 0903
SUP 11-02

Change in Zoning from _____ to _____

Specific Use Permit (SUP) for PRE-OWNED VEHICLE SALES

Planned Development (PD) Zoning from _____ to _____

Detail Plan Approval/ Amend Existing Planned Development (PD) Ordinance

Sign Variance

Reason for Request TO ACQUIRE SPECIFIC USE PERMIT (SUP)
TO RETAIL PRE-OWNED MOTOR VEHICLES AT 6601 PARK LN.
SACHSE, TX. 75048

The Applicant shall provide four (4) 24" X 36" copies and one (1) reduced 11" X 17" copy of an Exhibit drawn to scale showing the location of all existing and proposed structures, easements, driveways and parking.

Area of Property (in acres and square feet): 0.23 1 10,000 Existing Zoning: I-1

Applicant

Name:	<u>DOUBLE H MOTOR GROUP (SHEA HOLDINGS)</u>	Telephone No:	<u>(214) 714-5589</u>
Mailing Address:	<u>6601 PARK LN.</u>		
City:	<u>SACHSE</u>	State:	<u>TX</u>
Phone:	<u>(214) 714-5589</u>	Fax No:	
		Email:	<u>DOUBLEHNTX AUTO@GMAIL.COM</u>

Owner

Name:	<u>SHCH HOLDINGS</u>	Daytime Telephone No:	<u>(214) 676-7565</u>
Mailing Address:	<u>409 BIRCH LN.</u>		
City:	<u>RICHARDSON</u>	State:	<u>TX</u>
Phone:	<u>(214) 676-7565</u>	Fax No:	
		Email:	<u>SPIKEH@TX.RR.COM</u>

Architect/ Engineer

Name:	_____	Daytime Telephone No:	_____
Company Name:	_____		
Mailing Address:	_____		
City:	_____	State:	_____
Phone:	_____	Fax No:	_____
		Email:	_____

Legal Description of Subject Property:

Street Address: 6601 Park Ln. Sachse, Tx. 75048
Subdivision Name: SACHSE INDUSTRIAL PARK Lot 2 Block A

Attach Metes and Bounds description if property is unplatted.

Acknowledgments

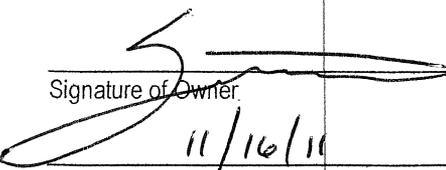
I understand that all required information and plans must be submitted with this application or the application may be delayed at my expense.

I hereby authorize the placing of a sign on subject property indicating a zoning change is under consideration, and I hereby declare that the information supplied herein is true and correct and that I have read and understand this application.

I understand the requirements of the zoning classifications as stated in the City of Sachse Zoning Ordinance applicable to this request and will comply with all necessary requirements of the City codes. I am aware that the City Council has the power to zone land as most appropriate in their wisdom, to promote the health, safety, morals and for the protection and preservation of places of historical or cultural importance, and the general welfare of the community.

The City of Sachse will not accept any application for rezoning if property taxes or liens are outstanding or delinquent. Any property taxes or liens owed to the City of Sachse must be paid in full prior to being accepted by the Community Development Department.

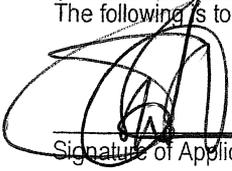
Applicants (or a representative) are expected to be present at all public hearings concerning this application to justify and explain their request and to answer questions posed by the Planning and Zoning Commission and City Council.


Signature of Owner

Date

11/16/11

The following is to be completed only if a person other than the owner is submitting this application.


Signature of Applicant

Date

11/16/11

DOUBLE H MOTOR GROUP
6601 PARK LANE
SACHSE, TX 75048

November 16, 2011

City of Sachse, TX
Planning and Zoning Department
3815-B Sachse Road
Sachse, TX 75048

Letter of Intent: 6601 Park Lane

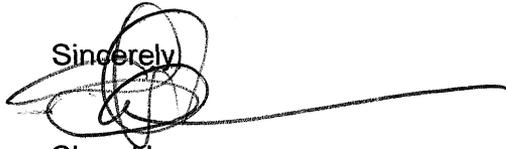
To Whom It May Concern:

This letter of intent is concerning the above mentioned property located in the Sachse Industrial Park. 6601 Park Lane (otherwise known as 2B/BLK A Phase 1 of Sachse Industrial Building Park) covers .23 acres of land. The property is located on the north side of Highway 78 on Park Lane, approximately 100 feet south of Industrial Drive. It is currently zoned as I-1 (restricted manufacturing/warehousing). We are requesting the current zoning be changed to SP (special use permit). Our reason for the request to rezone, is to sell pre-owned vehicles. We are a hometown family owned and operated business that is committed to the improvement and development of the City of Sachse. All employees are family members who take pride in the services they provide. We believe in supporting the community and the residents of Sachse. Our main goal is to deliver high quality customer service and to develop a family business that can grow and prosper. The premises will not be used for major car repairs. Only minor repairs to cars will be made on property for example: car detailing, paint less dent repair and windshield repair. The building that is located at the address is approximately 3,256 square feet (1,100 square feet used for office and 2,156 square feet used for vehicle storage). Along the perimeter of the building, there are eight parking spaces measuring approximately 9 feet by 18 feet (per city requirements). The car lot area is surrounded by a wrought iron fence with a rolling gate.

We are submitting this letter of intent to the Planning and Zoning Commission meeting set for December 12, 2011. Upon approval of the Planning and Zoning Commission, it will then be presented to the City Council on January 2, 2012 for their approval.

Thank you for your consideration and assistance. If you have any questions, please feel free to contact me at 214-714-5589.

Sincerely,



Shea Horne
Owner/President
Double H Motor Group



Legislation Details (With Text)

File #:	11-0604	Version:	1	Name:	No parking
Type:	Regular Agenda Item	Status:		Status:	Agenda Ready
File created:	12/20/2011	In control:		In control:	City Council
On agenda:		Final action:		Final action:	

Title: Conduct a public hearing and consider an ordinance amending Chapter 9, "Traffic Regulations" by amending Section 9-6 "Parking" to provide for additional no parking areas.

Executive Summary

The proposed ordinance will amend Section 9-6 of the Code of Ordinances to add two additional no parking zones to the ordinance. One zone, on the slip road on the west side of Dewitt Road, south of Ingram Road, is in place, but is not referenced in the existing ordinance. The second proposed zone, on Lillie Street, west of Salmon Street, would be a new no parking zone.

Sponsors:

Indexes:

Code sections:

Attachments: [51SACHSE no parking amendment 010312](#)
[parking standards presentation cc 010312](#)

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

Title

Conduct a public hearing and consider an ordinance amending Chapter 9, "Traffic Regulations" by amending Section 9-6 "Parking" to provide for additional no parking areas.

Executive Summary

The proposed ordinance will amend Section 9-6 of the Code of Ordinances to add two additional no parking zones to the ordinance. One zone, on the slip road on the west side of Dewitt Road, south of Ingram Road, is in place, but is not referenced in the existing ordinance. The second proposed zone, on Lillie Street, west of Salmon Street, would be a new no parking zone.

Background

The City Council adopted an ordinance amending the no parking section of the Sachse Code of Ordinances in March 2011. This amendment clearly listed the various no parking zones in the city. Staff has prepared a proposed ordinance that further amends this section to add the following no parking zones:

- Lillie Street, west of Salmon Street - At the public hearing for the previous ordinance amendment, a citizen recommended adding a no parking zone on Lillie Street, west of Salmon Street. This short stretch of road contains 11 duplex structures for a total of 22 housing units in a relatively small area. The on-street parking needs for these units tends to occupy much of the street frontage. This on-street parking, combined with the curvature of

Lillie Street can lead to difficulty accessing the homes on the street. Access difficulties are magnified for emergency response vehicles such as fire trucks and ambulances. Staff is proposing a no parking zone along 110 feet of the south side of Lillie Street to allow for better access.

- Dewitt Road slip road - Dewitt Road, south of Ingram Road was recently reconstructed as a four lane divided thoroughfare. To provide access to the homes along the west side of Dewitt, a one-way slip road was constructed. This slip road is too narrow to allow for on-street parking and is currently signed for no parking. The proposed ordinance will add this street section to the list of no parking zones in the community to assist in enforcement.

Policy Considerations

None

Budgetary Considerations

None

Staff Recommendations

Staff recommends approval of the proposed ordinance amending Chapter 9, "Traffic Regulations" by amending Section 9-6 "Parking" to provide for additional no parking areas.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE SACHSE CODE OF ORDINANCES BY AMENDING CHAPTER 9, "TRAFFIC REGULATIONS" BY AMENDING SECTION 9-6, "PARKING" TO PROVIDE FOR NO PARKING AREAS; 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 HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that an amendment to the no parking zones regulations for the city is necessary in order to clarify where no parking is permitted.

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 9, Traffic Regulations, Section 9-6, Parking, in part, to read as follows:

"Sec. 9-6. Parking.

. . . .

B. *No parking areas.* Certain areas or portions of the public streets described in this section have been, are hereby and shall hereafter be set apart, marked and designated as no parking for all vehicles owned by or operated by any person within said areas or portions of said public streets. The parking of any vehicle within any space within the designated area which is or shall be marked "No Parking" shall be prohibited on each and every day of the year between the hours of 12:01 a.m. and 12:00 midnight.

. . . .

(1) *Areas Designated.* The area of the public streets of the city within which certain areas or spaces shall be marked or designated as "No Parking" shall and does hereby include:

. . . .

h. *Lillie Street.*

i. The south side of Lillie Street from a point 70 feet east of Salmon Street to a point 180 feet east of Salmon Street.

- i. *Dewitt Road slip road.*
 - i. Both sides of the entire length of the slip road on the west side of Dewitt Road, south of Ingram Road.

. . . .”

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 hundred dollars (\$200.00) 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 _____, 2012.

APPROVED:

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

APPROVED AS TO FORM:

Peter G. Smith, City Attorney

NO PARKING ZONES

January 3, 2011

No Parking Zones

- The City Council adopted an ordinance amending the no parking section of the Sachse Code of Ordinances in March 2011.
- This amendment clearly listed the various no parking zones in the city.
- At the public hearing for the ordinance amendment, a citizen recommended adding a no parking zone on Lillie Street, west of Salmon Street.

No Parking Zones

- Tonight's proposed ordinance will amend Section 9-6 to add the following two no parking zones:
 - The south side of Lillie Street from a point 70 feet east of Salmon Street to a point 180 feet east of Salmon Street.
 - Both sides of the entire length of the slip road on the west side of Dewitt Road, south of Ingram Road.

No Parking Zones



No Parking Zones



Recommendation

- Staff recommends approval of the proposed ordinance amending Section 9-6, Parking to add the two no parking zones.



Legislation Details (With Text)

File #: 11-0598 **Version:** 1 **Name:** Sachse Road - SH 78 No left turn sign
Type: Regular Agenda Item **Status:** Agenda Ready
File created: 12/16/2011 **In control:** City Council
On agenda: 1/3/2012 **Final action:**
Title: Consider an Ordinance to install a no left turn sign for northbound Sachse Road traffic at the intersection of SH 78.

Executive Summary

SH 78 was recently widened to a six-lane divided roadway from a four-lane divided roadway, which decreased the median width significantly along the roadway. Several accidents have occurred at the intersection of Sachse Road and SH 78. In an effort to prevent accidents and improve the safety of the traveling public at the intersection of Sachse Road and SH 78, the City Engineer recommends installing a no left turn sign for northbound traffic on Sachse Road at the intersection of SH 78.

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance to Erect No Left Turn Sign at Sachse Road and SH 78 Attachment 1](#)

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

Title

Consider an Ordinance to install a no left turn sign for northbound Sachse Road traffic at the intersection of SH 78.

Executive Summary

SH 78 was recently widened to a six-lane divided roadway from a four-lane divided roadway, which decreased the median width significantly along the roadway. Several accidents have occurred at the intersection of Sachse Road and SH 78. In an effort to prevent accidents and improve the safety of the traveling public at the intersection of Sachse Road and SH 78, the City Engineer recommends installing a no left turn sign for northbound traffic on Sachse Road at the intersection of SH 78.

Background

The widening of SH 78 has provided additional capacity for traffic on SH 78. However, making a left turn onto SH 78 has become more difficult since there are two more lanes of traffic to maneuver across when making a left turn onto SH 78. Over the last year, 18 motor vehicle accidents (MVA's) have occurred at the intersection of Sachse Road and SH 78, with seven MVA's occurring the past six months. Motorists are avoiding the traffic signal at the intersection of 5th and SH 78 and attempting to make a left turn onto SH 78 to go westbound on SH 78 (see Attachment 1 Project Map). Given the high traffic volume on SH 78, it is difficult to make the left turn from Sachse Road to westbound SH 78 during the peak times in

the morning and evening. Therefore, some motorists attempt to seek refuge in the median area, which is only four feet in width, until a break in traffic occurs so they can continue westbound. The City Engineer recommends installing a no left turn sign for northbound Sachse Road traffic in order to improve safety at the intersection.

Policy Considerations

The Code of Ordinances of the City of Sachse provides that the City Manager shall install traffic control devices when directed to do so by ordinance of the City Council in order to protect the health and welfare its citizens. The City Engineer recommends installing a no left turn for northbound traffic on Sachse Road to improve the safety of the traveling public. Prohibiting a left turn at the Sachse Road intersection will result in more traffic being directed to the signalized intersection at 5th Street and SH 78. The City Engineer is working with TxDOT to insure the traffic signal timing is optimum during the morning and evening peak times to minimize the delay for motorists traveling northbound on 5th Street. Traffic on Sachse Road will be allowed to make a right turn onto SH 78 and then make a U-turn further east, which is a safer movement than attempting to make a left turn across three lanes of traffic in the eastbound direction. With the opening of the President George Bush Turnpike (PGBT), traffic patterns in this area may change and the impact to the motorists from the southern sector of the City could be less significant if more vehicles choose to access the PGBT via Miles Road and/or Merritt Road rather than using Sachse Road to SH 78 thence to the PGBT.

TxDOT crews will install the sign once an ordinance is approved by the City Council and TxDOT crews include the task into their work schedule. The City estimates it will take two to three weeks before TxDOT can install the sign. The Public Works Department will install pavement markings and a right turn only sign on Sachse Road at the intersection of SH 78.

Budgetary Considerations

The no left turn sign will be installed by TxDOT at no cost to the City. The cost to install the right turn only sign and pavement markings on Sachse Road in advance of the SH 78 intersection is approximately \$300 and funds from the current operating budget will be used.

Staff Recommendations

Staff recommends the City Council to approve an Ordinance directing the City Manager to have installed a no left turn sign for northbound Sachse Road traffic at the intersection of SH 78.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, DIRECTING THE CITY MANAGER TO ERECT A NO LEFT TURN SIGN FOR NORTHBOUND TRAFFIC ON SACHSE ROAD AT THE INTERSECTION OF STATE HIGHWAY 78; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Sachse provides that the City Manager shall install traffic control devices when directed to do so by ordinance of the City Council; and

WHEREAS, the City Council has determined that, to protect the health and safety of its citizen, a no left turn sign should be erected at the intersection of Sachse Road and State Highway 78;

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

SECTION 1. The City Council hereby designates a no left turn for northbound traffic on Sachse Road at the intersection of State Highway 78, and such no left turn sign to conform to the manual and specification adopted under Texas Transportation Code § 544.001 and located in accordance with Texas Transportation Code § 544.003.

SECTION 2. Immediately following the installation of the no left turn sign, the City Manager shall cause a written report to be filed thereof with the City Secretary in accordance with the Code of Ordinances.

SECTION 3. All provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. If any article, paragraph, subdivision, clause or provision of this ordinance be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

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

DULY APPROVED AND PASSED by the City Council of the City of Sachse, Texas on the Third day of January, 2012.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

ATTACHMENT 1 – PROJECT MAP



Existing Traffic Signal

Proposed No Left Turn



Legislation Details (With Text)

File #:	11-0596	Version:	1	Name:	Tax Abatement Guidelines and Criteria
Type:	Regular Agenda Item	Status:		Status:	Agenda Ready
File created:	12/16/2011	In control:		In control:	City Council
On agenda:	1/3/2012	Final action:		Final action:	
Title:	Discuss Guidelines and Criteria for Tax Abatement and Economic Development Incentive Program.				
	Executive Summary The Guidelines and Criteria for Tax Abatement and Economic Development Incentives Program adopted by the City are effective for two years from the date adopted.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	TaxAbatementGuidelines TaxAbatementApplication TaxAbatementOutline TaxAbatementFtWorth TaxAbatementPlano TaxAbatementCollinCo TaxAbatementDentonCo TaxAbatementOtherCities TaxAbatementGuidelinesResolutionCityCouncil				

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

Title
Discuss Guidelines and Criteria for Tax Abatement and Economic Development Incentive Program.

Executive Summary
The Guidelines and Criteria for Tax Abatement and Economic Development Incentives Program adopted by the City are effective for two years from the date adopted.

Background
The City Council last adopted the Guidelines and Criteria for Tax Abatement and Economic Development Incentives Program on November 16, 2009. As a requirement of the Sunset Review Law, this incentive program must be reviewed every two years. The Sachse Economic Development Corporation has reviewed the guidelines and criteria and recommends to approve as written without any changes.

Policy Considerations
Section 380.001 Texas Local Government Code authorizes a City to establish and provide for

one or more programs to promote state or local economic development incentives to stimulate business and commercial activity in the municipality.

Budgetary Considerations

Consideration for tax abatements or any economic development incentives are considered on an individual basis with supporting data for justification.

Staff Recommendations

Staff recommends discussing Guidelines and Criteria for Tax Abatement and Economic Development Incentive Program.

City of Sachse
Guidelines and Criteria
for
Tax Abatement and Economic Development Incentives

Section 1
PURPOSE

- (a) The City of Sachse is committed to the promotion and retention of high quality development within the City of Sachse and to better the quality of life for its citizens. These objectives can often be attained by the enhancement and expansion of the local economy. To meet these objectives, the City of Sachse will, on a case-by-case basis, consider providing tax abatements or other economic development incentives to aid in the stimulation of economic development in Sachse. The City of Sachse will give said consideration in accordance with this Guidelines and Criteria. Nothing herein shall imply or suggest that the City of Sachse is under any obligation to provide tax abatements or incentives to any applicant. All applicants shall be considered on a case-by-case basis.
- (b) According to the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code, the City may only grant tax abatement on the increment in value added to a particular property by specific development proposal which meets the economic development goals and objectives of the City. The tax abatement may apply to the land, improvements, tangible personal property. Tax abatement may also be granted to the owners of leasehold interests in exempt and non-exempt property. Tax abatement is available for both new facilities and structures and for the expansion or modernization of existing facilities and structures.
- (c) Participation in an abatement or incentive agreement does not eliminate the obligation to comply all applicable codes and ordinances of the City or other applicable governmental agency.

Section 2
DEFINITIONS

- (a) “**Abatement**” means the full or partial exemption from ad valorem taxes of certain eligible property in a Reinvestment Zone designated for economic development purposes.
- (b) “**Agreement**” means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement and/or economic development incentives.”
- (c) “**Base Year Value**” means the appraised value of the eligible property as certified by the Appraisal District as of January 1 of the year in which the tax abatement agreement is executed.”

- (d) “**City**” means the City of Sachse, Texas.
- (e) “**Economic Life**” means the number of years a property improvement or tangible personal property is expected to be in service.
- (f) “**Eligible Jurisdiction**” means the City of Sachse, Collin County, Dallas County, or other special taxing units that assesses ad valorem taxes against property located within a proposed or existing Reinvestment Zone.
- (g) “**Expansion**” means the addition or enlargement of buildings, structures, fixed machinery, or equipment for purposes of increasing production capacity.
- (h) “**Facility**” means property improvements completed or in the process of construction which together comprise an integral whole.
- (i) “**Improvement**” means a building or structure or expansion or modernization of a building or structure.
- (j) “**Manufacturing Facility**” means buildings and structures including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or material or the processing of such goods or materials by physical or chemical change, including the assembly of goods and materials from multiple sources in order to create a finished or semi-finished product.
- (j) “**Modernization**” means the replacement and upgrading of existing facilities which increases the productivity input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration, or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, or repairing except as may be integral to or in direct connection with an existing expansion.
- (k) “**New Facility**” means a property previously undeveloped that is placed into service by means other than or in conjunction with expansion or modernization.
- (l) “**Other Basic Industry**” means buildings or structures including fixed machinery and equipment not elsewhere described. Furthermore, “**other basic industries**” are any industries, businesses or developments that the City Council deems appropriate and that are used for the sale or production of products or services which result in the creation of new permanent jobs and create new wealth in the City.
- (m) “**Project**” means any property improvement including expansions, modernization, and new facilities; but excluding any deferred maintenance.

- (n) **“Regional Distribution Center Facility”** means buildings and structures, including machinery and equipment, used primarily to receive, store, service, or distribute goods or materials owned by the facility operator where a majority of the revenues generated by activity at the facility are derived from outside Dallas County.
- (o) **“Regional Entertainment/Tourism Facility”** means buildings and structures, including machinery and equipment, used or to be used to provide entertainment and/or tourism related services, from which a majority of revenues generated by activity at the facility are derived from outside Sachse.
- (p) **“Regional Service Facility”** means buildings and structures, including machinery and equipment, used or to be used to provide services from which a majority of revenues generated by activity at the facility are derived from outside of Sachse.
- (q) **“Reinvestment Zone”** means an area of the City designated by ordinance of the City County as a reinvestment zone for tax abatement purposes. It is the intent of the City to designate reinvestment zones on a case-by-case basis in order to maximize the potential incentives for eligible enterprises to locate or expand in the City.
- (r) **“Research Facility”** means buildings and structures including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.
- (s) **Retail Facility**” means buildings and structures including fixed machinery and equipment, used or to be used to provide retail sales and services.
- (t) **“Tangible Personal Property”** means personal property owned or leased by the applicant, excluding supplies and inventory, which is added to the land after the execution of a tax abatement agreement.”

SECTION 3 ABATEMENT AUTHORIZED

(a) **Eligible Facilities.** The following types of facilities may be eligible for abatement:

- Retail Facility,
- Manufacturing Facility,
- Research Facility,
- Regional Distribution Center Facility,
- Regional Service Facility,
- Regional Entertainment/Tourism Facility, or
- Other Basic Industry.

- (b) **Authorized Date.** A facility may be eligible for tax abatement if application is made prior to the commencement of construction, provided however that facility meets these Guidelines and Criteria.
- (c) **Creation of New Value.** Abatement may only be granted for the added appraised value of eligible property listed in an abatement agreement between the City and the property owner and/or lessee, subject to such restrictions or limitations as the City Council may require.
- (d) **New and Existing Facilities.** Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization and expansion.
- (e) **Eligible Property.** Abatement may be granted for improvements and/or tangible personal property. Eligible property includes: the value of buildings, structures, fixed machinery and equipment, site improvements and related improvements necessary to the operation and administration of the facility.
- (f) **Ineligible Property.** The following classes of property shall be fully taxable and ineligible for abatement: land, inventories, supplies, furnishings or other forms of moveable personal property, vehicles, facilities leased or under lease at the time of application, "Freeport Goods", or "Goods in Transit" deferred maintenance investments, residential property and any property that is associated or connected with any illegal activity, property owned or used by the State of Texas, or its political subdivisions, or property owned by an organization which is owned, operated or directed by a political subdivision of the State of Texas.
- (g) **Leased Facilities.** The tax abatement agreement for eligible property that is leased may be executed both the lessor and the lessee. Tax abatement may not be provided for improvements that have already been leased, or are under lease by the applicant.
- (h) **Value and Term of Abatement.** Abatement shall be granted commencing with January 1 of the calendar year immediately following the issuance of a certificate of occupancy unless otherwise provided in the Agreement. The amount of value or percentage of value and the term of abatement for new eligible property shall be set forth in the agreement and determined as follows:
 - (1) The value of the abatement shall not exceed 700 percent of the investment by the business in eligible property described in Section 3(e), above, or such other value as permitted by law. The City Manager, or designated representative, shall work with the applicant to determine the amount and term of abatement.
 - (2) The percentage of abatement shall not exceed one hundred percent (100%) of the value of eligible property in a single year, and the duration of an abatement shall not exceed 10 years or one-half (1/2) the economic life of the property, whichever is less.

(i) **Economic Qualification.** In order to be eligible to receive tax abatement the applicant and project must meet the following qualifications:

- (1) For a new facility (with the exception of a retail or regional entertainment/tourism facility), be reasonably expected to invest not less than two million dollars (\$2,000,000) in the facility (including both eligible and ineligible property) within three years after the commencement of construction and be expected to create at least 10 permanent full time employment positions associated with the production of goods and services at such facility in the City.
- (2) For an expanded or modernized facility, be reasonably expected to invest not less than three hundred fifty thousand dollars (\$350,000) in the facility (including both eligible and ineligible property) within three years after the commencement of construction and be expected to create or retain at least 10 permanent fulltime employment positions associated with the production of goods and services at such facility in the City.
- (3) For retail and regional entertainment/tourism facilities, be reasonably expected to invest not less than seven hundred fifty thousand dollars (\$750,000) in the facility (including both eligible and ineligible property) within three years after the commencement of construction and be expected to create at least 5 permanent fulltime employment positions associated with the production of goods and services at such facility in the City.
- (4) Two or more part-time, permanent employees totaling an average of not less than 40 hours per week may be considered as one full-time, permanent employee.
- (5) Not be expected to have the effect of transferring employment positions from one part of the City to another.

(j) **Taxability.** All real and personal property that is not subject to abatement shall be fully taxable. From the execution of the abatement agreement until the expiration of the agreement the taxes shall be payable as follows:

- (1) Ineligible property shall be fully taxable,
- (2) The base year value of existing eligible property shall be fully taxable, and
- (3) The additional value of new eligible property shall be taxable in the manner described in Section 3(h), above.

(k) **Conflict of Interest:** Property that is in a Reinvestment Zone and that is owned or leased by a member of the City Council, the Planning and Zoning Commission of the City, or the members of the Sachse Economic Development Corporation Board of Directors shall be ineligible for property tax abatement.

Section 4
APPLICATION

- (a) Any present or potential property owner of taxable property in the City may request tax abatement by submitting a written application to the City Manager or the designated representative.
- (b) The completed application shall contain and be accompanied by the following:
 - (1) Name (legal entity name), address, phone number, facsimile number for the property owner; type of entity (e.g. partnership, corporation sole proprietorship)
 - (2) A general written description of the proposed use and the general nature and extent of the modernization, expansion, or new improvements to be undertaken;
 - (3) A descriptive list of the improvements, additions or renovations that will be part of the facility;
 - (4) A map and property description;
 - (5) A time schedule for undertaking and completing the planned improvements;
 - (6) Such financial and other information as deemed appropriate by the City Manager for purposes of evaluating the application;
 - (7) The name, address and phone number of the owner (and lessee or tenant, if applicable) of the real property, the contemplated improvements, any tangible personal property to be added and the type of legal entity if other than an individual;
 - (8) The amount of expected capital investment in the project;
 - (9) Amount of sales tax expected to be generated at the facility;
 - (10) The projected taxable value of the Eligible Property; and
 - (11) Number and type of employment positions to be created and/or maintained at the facility including fulltime, parttime and contract labor.
- (c) The application will be reviewed by the City Manager, or the designated representative for completeness and compliance with the guidelines. The review shall be based upon a subjective evaluation of the completed application. Additional information may be requested as needed. The application may be distributed to appropriate City departments for internal review and comments.
- (d) After receipt of an application for tax abatement, the Sachse Economic Development Corporation and the City, shall prepare a feasibility study setting out the impact of the

proposed Reinvestment Zone and tax abatement. The feasibility study shall include, but not limited to, an estimate of the economic impact of the creation of the proposed Reinvestment Zone and the abatement of taxes, and the cost/benefit to the City and other affected jurisdictions. The Sachse Economic Development Corporation will then make a formal recommendation to the City Council.

- (e) A request for tax abatement shall not be granted if the City Council finds that the request for abatement was filed after the commencement of construction, alteration, or installation of improvements related to the proposed expansion, modernization, or the new facility.
- (f) Variance. A request for variance to these guidelines may be made to the City Manager, or the designated representative in writing which shall include explanation and justification for a deviation from these guidelines. A variance to these guidelines shall require a majority vote of the City Council.

Section 5 PUBLIC HEARING

- (a) After approval of the application the City Council will conduct a public hearing to consider the establishment of a Reinvestment Zone. Before the City may enter into a tax abatement agreement, the real property involved must be designated as a Reinvestment Zone.
- (b) At the public hearing the City Council will determine whether the real property involved should be designated as a Reinvestment Zone, whether the project is feasible and practical, and whether the project would be a benefit to the City after expiration of the agreement. At the public hearing, the City staff, and/or the applicant may make a presentation after which interested persons may speak for or against the designation.
- (c) After the public hearing the City council will consider adoption of an ordinance designating the area described in the legal description of the proposed project as a Reinvestment Zone. After designation of the Reinvestment Zone, the tax abatement agreement may be executed. The tax abatement agreement and ordinance designating the Reinvestment Zone may be approved at the same City Council meeting.
- (d) Neither a Reinvestment Zone nor an abatement agreement shall be authorized if it is determined that:
 - (1) There would be an adverse impact or demand on the provision of government services or tax base; or
 - (2) The applicant has insufficient financial capacity.

Section 6 AGREEMENT

(a) After designation of the Reinvestment Zone and approval of the tax abatement agreement prepared by and approved by the City Attorney, the City Council will adopt a resolution and authorize the execution of an agreement with the owner of the facility and/or the lessee, which shall include at least the following:

1. General description of the project.
2. Amount of tax abatement.
3. Method for calculating the value of the abatement.
4. Term of the abatement.
5. Legal description of the property.
6. Type, number, location and timetable of planned improvements.
7. Any specific terms or conditions to be met by the owner and/or lessee.
8. Annual certification that applicant is in compliance with the agreement.
9. The number and type of employment positions if applicable.
10. Authority to terminate the agreement, in event of an uncured default or breach of the agreement, and recapture of the abated taxes.
11. Recapture of abated taxes in the event of an uncured default or breach of the agreement or failure to achieve other milestone.
12. City access to inspect the property to determine compliance with the agreement.
13. If after receiving a public subsidy, the business, or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. Section 1324a(f), the business shall repay the amount of the public subsidy with interest, at the rate and according to the other terms provided by an agreement under Texas Government Code, Section 2264.053, not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development corporation notifies the business of the violation.

(b) The applicable property owner/lessee must execute the tax abatement agreement prior to placement on the City Council agenda for consideration of approval by the City Council.

Section 7 RECAPTURE

The tax abatement agreement will provide for the termination of the agreement and the recapture of abated taxes in the event the applicant breaches any of the terms and conditions of the agreement, suffers an event of bankruptcy or has delinquent ad valorem or sales taxes owed to the City or the State of Texas, or fails to achieve other milestones. If the applicant fails to cure such default after written notice of such

default the city may terminate the agreement and require all taxes previously abated to be repaid with interest.

Section 8 ADMINISTRATION

- (a) Tax abatement is an exemption from property tax which is administered by the chief appraiser of the appraisal district of the county in which the eligible property is located. The Chief Appraiser of the appraisal district in which the eligible property is located shall determine the whether the applicant and the eligible property qualify for the tax abatement provided by the tax abatement agreement. Each year, the owner and/or lessee, as applicable, receiving the tax abatement shall make application for exemption to the appraisal district, as may be required by the Texas Tax Code, and furnish a copy of the same to the City with such information as may be reasonably necessary to determine the eligibility and continuation of abatement including the number of new and/or retained employment positions associated with the facility. If the appraisal district does not grant the exemption for any tax year the applicant (owner and/or lessee) will not be entitled to the abatement for that tax year.
- (b) The agreement shall require that city employees and/or designated representatives shall have access to the property during the term of the abatement agreement to determine compliance with the terms and conditions of the abatement agreement.
- (c) Upon completion of construction, the City shall annually evaluate each facility receiving abatement to ensure compliance with the agreement.
- (d) All proprietary information submitted to the City in application for tax abatement and as may be required by the City for purposes of monitoring compliance of the terms and conditions of an abatement agreement shall be considered confidential as allowed by law.

Section 9 ASSIGNMENT

- (a) A tax abatement agreement may be transferred and assigned upon the approval by resolution of the City Council subject to the financial capacity of the assignee and further provided that the new owner shall assume in writing all terms and conditions under the abatement agreement.
- (b) No assignment shall be approved if the party to the existing tax abatement agreement, or the new owner or new lessee, have delinquent ad valorem or sales taxes due the City or any affected jurisdiction, or are liable for any other financial obligations.

Section 10 OTHER ECONOMIC DEVELOPMENT INCENTIVES

- (a) **Economic Development Incentives.** The City may enter into an economic development incentive agreement as permitted by Chapter 380 of the Texas Local Government Code. An incentive may include but is not limited to:
- (1) **Loans and Grants.** The City may provide subsidized loans or grants upon approval of the City Council.
 - (2) **Provide Personnel.** The City may provide personnel and services of the municipality upon approval of the City Council.
 - (3) **Waiver of Fees.** Permit application, utility tap, impact fees and similar fees may be waived upon approval of the City Council.
 - (4) **Infrastructure.** Extension, construction or reconstruction of infrastructure necessary for the development of a targeted enterprise, or funding for the same may be made upon approval of the City Council.
 - (5) **Leased facilities.** Incentives may not be provided for improvements that have already been leased, or are under lease by the applicant at the time of application.
- (b) The Sachse Economic Development Corporation may enter into an economic development incentive agreement as permitted by the Development Corporation Act, Chapter 501 Texas Local Government Code. for the creation and retention of primary jobs that are required for the development of manufacturing and industrial facilities, and other authorized projects, and for infrastructure suitable for new or expanded business enterprises. Incentives may not be provided for improvements that have already been leased, or are under lease by the applicant.
- (c) The applicant shall submit a written application, on a form provided by the Sachse Economic Development Corporation or City, as applicable, requesting an incentive to the City Manager or designee, or the Executive Director of the Sachse Economic Development Corporation, as applicable, in the same manner as an application for tax abatement. The procedures for the review and granting tax abatement shall, to the extent applicable, govern an application for an economic development incentive from the City and the Sachse Economic Development Coporation. The application will be reviewed for completeness and sent to the City Council or the Board of Directors of the Sachse Economic Development Corporation, as the case may be, for consideration and approval of an agreement. Any agreement will include, but not be limited to, the following specific items:
1. General description of the project.
 2. Amount and type of incentive.
 3. Method for determining the amount of the incentive.
 4. Term of the incentive.
 5. Legal description of the property.

6. Type, number, location and timetable of planned improvements.
7. Any specific terms or conditions to be met by applicant.
8. Annual certification that applicant is in compliance with the agreement and/or audit.
9. The number and type of employment positions if applicable.
10. Minimum taxable values and/or sales tax to be generated.
11. Authority to terminate the agreement, if the applicant fails to comply with the agreement, and for recapture of the incentive.

(c) All proprietary information submitted to the City for application for an incentive or tax abatement and/or the Sachse Economic Development Corporation, or as may be required by the City or the Sachse Economic Development Corporation for purposes of monitoring compliance by a company with the terms and conditions of an incentive or tax abatement agreement shall be considered confidential, as allowed by law.

Section 11 RENEWAL OF GUIDELINES

These guidelines are effective for a period of two (2) years following adoption; and must thereafter be renewed every two (2) years.

Sachse Economic Development Corporation
5560 Highway 78
Sachse Texas 75048
Tax Abatement and Incentive Application

The City of Sachse and the Sachse Economic Development Corporation are committed to the promotion and retention of high quality development within the City of Sachse and to better the quality of life for its citizens. These objectives can often be attained by the enhancement and expansion of the local economy. To meet these objectives, the City of Sachse and the Sachse Economic Development Corporation will, on a case-by-case basis, consider providing tax abatements or other economic development incentives to aid in the stimulation of economic development in Sachse. The City of Sachse and the Sachse Economic Development Corporation will give said consideration in accordance with the City of Sachse Guidelines and Criteria for Tax Abatement and Economic Development Incentives Program. Nothing herein shall imply or suggest that the City of Sachse or the Sachse Economic Development Corporation is under any obligation to provide tax abatements or incentives to any applicant. All applicants shall be considered on a case-by-case basis.

Completion of this application will allow the Sachse Economic Development Corporation Board of Directors and the City of Sachse City Council to predetermine a satisfactory level of return on investment. The application of a fiscal impact examination is a decision tool, and it is recognized that the guidelines are not all-inclusive. Any consideration of the use of public resources for a business, regardless of whether they are direct financial investments, abatements, deferred taxes or regulatory considerations, requires that the fiscal impacts be considered as one of the measurement tools used to determine the incentives offered.

In order for the Sachse Economic Development Corporation to determine the value of a project, it is necessary to obtain certain information. Please provide us with the following:

I. Real Property

1. *Acquisition cost of vacant property (if applicable)*\$ _____
2. *Acquisition price of an existing facility or current taxable value* \$ _____
3. *Total construction budget for new facility*.....\$ _____
 - a. *Percent allocated to materials*..... _____
 - b. *Percent allocated to soft costs*..... _____
(Soft costs are permitting fees, architectural engineering, testing, inspections, environmental studies, developer management fees, legal and audit fees, etc.)
 - c. *Percent allocated to labor*..... _____
 - e. *Percent of construction materials purchased in Sachse*..... _____
 - f. *Percent of soft costs purchased in Sachse*..... _____
 - g. *Percent of construction workforce residing in Sachse*..... _____
4. *Appraised Land Value*\$ _____

II. Business Personal Property

1. *Value of newly purchased furniture and fixtures*\$ _____
2. *Value of furniture and fixtures relocated to Sachse*\$ _____

- 3. Value of newly purchased equipment \$ _____
- 4. Percent of new equipment purchased in Sachse..... _____
- 5. Value of equipment relocated to Sachse \$ _____
- 6. Value of inventory as of January 1 each year \$ _____

III. Sales Tax

- 1. Annual Amount of Total Sales \$ _____
- 3. Percentage of Sales that are taxable at the local level..... \$ _____
- 4. Annual Amount of anticipated local sales tax \$ _____

IV. Employee Information

- 1. Number of **existing** employees..... _____
- 2. Average annual wage of **existing** employees..... \$ _____
- 3. Annual wage growth rate (in %) of **existing** employees..... _____
- 4. Percentage of **existing** employees who live in Sachse..... _____
- 5. Anticipated number of **new** employees in..... Year #1 Year #2 Year #3
 - Exempt Employees _____
 - Non Exempt Employees..... _____
- 6. Average annual wage of **new** employees (indicate different levels within each category by labeling them as Class 1 or Class 2)
 - Exempt Employees –..... \$ _____
 - Non Exempt Employees –..... \$ _____
- 7. Annual wage growth rate (in %) of **new** employees
 - Exempt Employees _____
 - Non Exempt Employees _____

V. Operations

- 1. Total annual operating budget \$ _____
- 2. Value of materials purchased for operations (excluding inventory)..... \$ _____
- 3. Percentage of these materials bought in Sachse..... _____
- 4. Average annual cost of each utility
 - a. Electricity \$ _____

- b. Telephone \$ _____
- c. Cable \$ _____
- d. Natural Gas \$ _____
- e. Sanitation \$ _____
- f. Water & Sewer..... \$ _____
- 5. Cost of onsite infrastructure.....\$ _____
- 6. Cost of offsite infrastructure.....\$ _____

VI. Addition Information

Attach the following information:

- 1. Site plan and drawings.
- 2. A map of the facility location.
- 3. Photo's of similar facilities.
- 4. A time schedule for undertaking and completing the planned improvements.

VII. Assurances

I certify:

- 1. the information provided above is, to the best of my knowledge, complete and accurate.
- 2. I have received and read the City of Sachse Guidelines and Criteria for Tax Abatement and Economic Development Incentives Program.
- 3. I understand that failure to comply with the terms and condition of the abatement agreement may result in the recapture of the full incentive by the City of Sachse and Sachse Economic Development Corporation all incentives related to the proposed project.
- 4. I understand that participation in an incentive dos not remove any obligation to satisfy all the codes and ordinances issued by the City of Sachse or any other jurisdiction that maybe in effect and applicable at the time this project is implemented.

Type of Business: _____

Name of Company: _____

Mailing Address: _____

City, State & Zip Code: _____

Phone #: _____ Fax #: _____

E-Mail Address: _____

Name (Please Print): _____

Signature

Date

City of Sachse
Guidelines and Criteria
Tax Abatement and Economic Development Incentives

Section I – Purpose

On a case by case basis, consider providing tax abatements to aid in the stimulation of economic development.

Chapter 312 of the Texas Tax Code – Sachse may only grant tax abatement on the increment in value added to land, improvements, tangible personal property. Tax abatements may also be granted to:

- Owners of leasehold interest in exempt and non-exempt property.
- For new facilities and structures.
- For expansion or modernization of existing facilities and structures.

Section 2 – Definitions

Section 3 – Abatement Authorized

Eligible Facilities:

Retail	Manufacturing
Research	Regional Distribution Centers
Regional Service	Regional Entertainment/Tourism
Other Basic Industry	

Authorized Date – prior to construction.

Creation of New Value – only for the added appraised value.

New and Existing Facilities – for modernization and expansion.

Eligible Property – buildings, structures, fixed machinery and equipment, site improvements necessary to the operation and administration of the facility.

Ineligible Property – land, inventories, supplies, furnishings, moveable personal property, vehicles, facilities leased, Freeport goods, deferred maintenance investments, residential property.

Leased Facilities – for lessor and lessee.

Value and Term of Abatement – January 1 of the following year after issuance of COA.

1. Shall not exceed 700% of investment

2. Shall not exceed 100% and shall not exceed 10 years or ½ the economic life of property.

Economic Qualification – Must meet following requirements:

1. For new facility - Expected to invest not less than two million dollars within 3 years and create at least 10 jobs.
2. For expansion or modernization – Expected to invest not less than \$350,000 within 3 years and create at least 10 jobs.
3. For retail and regional entertainment/tourism – Expected to invest not less than \$750,000 within 3 years and create at least 5 jobs.
4. Two or more part-time, permanent employees totaling not less than 40 hrs. per week may be considered one full time permanent.
5. Cannot transfer employment positions from one part of the city to another.

Taxability – All property not subject to abatement shall be fully taxable.

Conflict of interest – any property owned or leased is ineligible.

Section 4 – **Application** (see attached)

Section 5 – **Public Hearing** to create a Reinvestment Zone.

Section 6 – **Agreement** prepared by city attorney.

Section 7 – **Recapture** provides for the termination of the agreement and recapture of abated taxes in the event of default of agreement.

Section 8 – **Administration** – monitoring of compliance.

Section 9 – **Assignment** – transferred and assigned with approval of City Council.

Section 10 – **Other Economic Development Incentives**

Loans and grants.

Provide Personnel.

Waiver of Fees.

Infrastructure.

Leased Facilities.

Section 11 – **Renewal of Guidelines** every two (2) years.

City of Fort Worth
General Tax Abatement Policy
Effective June 17, 2008 through June 16, 2010

1. GENERAL PROVISIONS.

1.1. Purpose.

Chapter 312 of the Texas Tax Code allows, but does not obligate or require, the City to grant a tax abatement on the value added to a particular property on account of a specific development project that meets the eligibility requirements set forth in this Policy. In order for the City to participate in tax abatement, the City is required to establish guidelines and criteria governing tax abatement agreements. This Policy is intended to set forth those guidelines and criteria for persons or entities interested in receiving a tax abatement from the City. This Policy shall expire on June 16, 2010.

1.2. General Eligibility Criteria.

A tax abatement can only be granted to persons or entities eligible for tax abatement pursuant to Section 312.204(a) of the Texas Tax Code, which persons or entities as of the effective date of this Policy are (i) the owner of taxable real property located in a tax abatement reinvestment zone; or (ii) the owner of a leasehold interest in real property located in a tax abatement reinvestment zone. Although the City will consider all applications for tax abatement that meet the eligibility requirements set forth in this Policy, it is especially interested in development projects that:

- result in the creation of new full-time jobs for Fort Worth Residents and Central City Residents; and
- are located in the Central City; and
- result in development with little or no additional cost to the City while producing a positive economic impact to the tax paying citizens of Fort Worth; and
- have a positive impact on Fort Worth Companies and Fort Worth Certified M/WBE Companies; and
- promotes quality, affordable housing and/or mixed income development.

1.3. General Exclusions and Limitations.

1.3.1. Lessees of Real Property.

A person or entity seeking tax abatement on real property that is leased from a third party should be advised that, pursuant to state law, the City can only abate taxes on the increased value of the taxable leasehold interest in the real property, if any, and the increase in value of taxable improvements and tangible personal property located on the real property and subject to the leasehold interest, if any. Before applying for a tax abatement from the City, such persons or entities should seek professional and legal guidance, and may wish to consult with the appraisal district having jurisdiction over the property in question, as to whether their development projects will result in a taxable leasehold interest in the property and, if so, the anticipated value of that leasehold interest.

1.3.2. Property Located in Neighborhood Empowerment Zones (“NEZs”).

The City Council has designated certain distressed areas of the City needing affordable housing, economic development and expanded public services as NEZs. Notwithstanding anything that may be interpreted to the contrary, this Policy does not apply to property located in a NEZ. A person or entity seeking tax abatement on property owned or leased in a NEZ should refer to the NEZ Policy.

1.3.3. Property Located in Tax Increment Reinvestment Zones (“TIFs”).

The City Council has designated certain areas of the City as TIFs. This Policy does apply to property located in a TIF. However, a person or entity seeking tax abatement on property owned or leased in a TIF should be advised that state law requires a TIF’s board of directors and the governing bodies of all taxing jurisdictions contributing tax increment revenue to a TIF to approve a City tax abatement agreement on property located in that TIF before the agreement can take effect.

1.3.4. Property Located in Enterprise Zones.

The State of Texas has designated certain areas of the City with high unemployment as enterprise zones. Various economic development incentives are available to owners of property located in enterprise zones. In accordance with state law, all property located within an enterprise zone is automatically designated as a tax abatement reinvestment zone. However, the City typically designates individual tax abatement reinvestment zone overlays when it wishes to grant tax abatements on property located in an enterprise zone.

1.3.5. Business Relocations Due to Major Public Infrastructure Projects.

Pursuant to Resolution No. 3556-11-07, the City Council has approved a Relocation Incentives Policy (the “Relocation Policy”) for qualifying businesses that are required to relocate due to a Major Public Infrastructure Project, as that term is defined in the Relocation Policy. Tax abatement is one of the incentives authorized by the Relocation Policy. Notwithstanding anything to the contrary herein, any tax abatement granted by the City under the Relocation Policy shall be governed solely by the terms of and in accordance with the Relocation Policy.

2. DEFINITIONS.

Capitalized terms used in this Policy but not defined elsewhere shall have the following meanings:

Abatement or Tax Abatement - A full or partial exemption from ad valorem taxes on eligible taxable real and personal property located in a Reinvestment Zone for a specified period on the difference between (i) the amount of increase in the appraised value (as reflected on the certified tax roll of the appropriate county appraisal district) resulting from improvements begun after the execution of a written Tax Abatement Agreement and (ii) the appraised value of such real estate prior to execution of

a written Tax Abatement Agreement (as reflected on the most recent certified tax roll of the appropriate county appraisal district for the year prior to the date on which the Tax Abatement Agreement was executed).

Abatement Benefit Term – The period of time specified in a Tax Abatement Agreement, but not to exceed ten (10) years, that the recipient of a tax abatement may receive the Abatement.

Abatement Compliance Term – The period of time specified in a Tax Abatement Agreement during which the recipient of a tax abatement must comply with the provisions and conditions of the Tax Abatement Agreement and file an annual report with the City which outlines and documents the extent of the recipient’s compliance with such provisions and conditions.

Business Expansion Project – A project in the square footage of a facility or facilities currently located in the City that will be expanded.

Capital Investment - Only real property improvements such as, without limitation, new facilities and structures, site improvements, facility expansion, and facility modernization. Capital Investment does NOT include (i) land acquisition costs; (ii) any improvements existing on the property prior to execution of a Tax Abatement Agreement; or (iii) personal property such as, without limitation, machinery, equipment, supplies and inventory.

Central City – A geographic area within the City, defined by the City Council and shown in the map of Exhibit “A” of this Policy.

Central City Resident – An individual whose principle place of residence is at a location within the Central City.

Commercial/Industrial Development Project – A development project in which a facility or facilities will be constructed or renovated on property that is or meets the requirements to be zoned for commercial or industrial use pursuant to the City’s Zoning Ordinance.

CDBG Eligible Area – Any census tract in which fifty-one percent (51%) or more of the residents in that census tract have low to moderate incomes, as defined by the United States Department of Housing and Urban Development.

Commitment - An agreed upon amount and/or percentage related to the utilization of Fort Worth Companies and Fort Worth Certified M/WBE Companies for construction spending on a given project or for Supply and Service Expenditures and related to the hiring of Fort Worth Residents and Central City Residents.

Fort Worth Certified M/WBE Company – A minority or woman-owned business that (i) has received certification as either a minority business enterprise (MBE), a woman business enterprise (WBE), or a disadvantaged business enterprise (DBE) by the North Central Texas Regional Certification Agency (NCTRCA), and (ii) has a Principal Office located within the corporate limits of the City that provides the product or service for which credit is sought for purposes of a specific commitment set forth in a given Tax Abatement Agreement.

Fort Worth Company – A business that has a Principal Office located within the corporate limits of the City that provides the product or service for which credit is sought for purposes of a specific commitment set forth in a given Tax Abatement Agreement.

Fort Worth Resident – An individual whose principal place of residence is at a location within the corporate limits of the City.

Mixed-Use Development Project – A development project in which a facility or facilities will be constructed or renovated such that (i) at least twenty percent (20%) of the total gross floor area will be used as residential space and (ii) at least ten percent (10%) of the total gross floor area will be used for office, restaurant, entertainment and/or retail sales and service space.

M/WBE Advisory Committee (MWBEAC) – A committee appointed by the Fort Worth City Council to review and make recommendations as to Commitments proposed by an applicant for Tax Abatement if any such Commitments contain less than a 25% expenditure with Fort Worth Certified M/WBE companies for construction spending and for Supply and Service Expenditures and to advise the City as to the availability of Fort Worth Certified M/WBEs.

Principal Office – An office facility that is fully operational and has sufficient equipment, supplies, and personnel to provide the product or service of the business in question to clients in the City without significant reliance on the resources of another entity or affiliate or of an auxiliary facility of the business which is located outside the corporate limits of the City.

Reinvestment Zone – An area designated by the City as a tax abatement reinvestment zone in accordance with Chapter 312 of the Texas Tax Code.

Residential Development Project – A development project in which a facility or facilities will be constructed or renovated as multi-family living units on property that is or meets requirements to be zoned for multi-family or mixed-use pursuant to the City’s Zoning Ordinance.

Supply and Service Expenditures – Discretionary expenditures made as part of normal business operations on the real property subject to tax abatement, such as, by way of example only, office supplies, janitorial supplies and professional services.

Tax Abatement Agreement – A written Agreement that the recipient of a tax abatement must enter into with the City and that outlines the specific terms and conditions pertaining to and governing the tax abatement.

3. RESIDENTIAL DEVELOPMENT PROJECTS ELIGIBLE FOR TAX ABATEMENT.

To be eligible for tax abatement under this Policy, a Residential Development Project must meet all of the criteria set forth in one of the following paragraphs:

3.1. (i) Be located in the Central City; and (ii) Satisfy the Capital Investment and affordability criteria necessary for a Residential Development Project to be eligible for tax abatement under Section III.B. of the NEZ Policy; and (iii) Meet all of the Commitments set forth in Section 7 of this Policy (Standard Requirements for Residential Development Projects, Certain Commercial/Industrial and Mixed-Use Development Projects); or

3.2. (i) Be located in a CDBG Eligible Area; and (ii) Have a capital investment of at least \$5 million; and (iii) Meet all of the Commitments set forth in Section 7 of this Policy (Standard

Requirements for Residential Development Projects and Certain Commercial /Industrial and Mixed-Use Development Projects); or

3.3. (i) Be located outside of the Central City; and (ii) Have a capital investment of at least \$5 million; and (iii) Meet all of the Commitments set forth in Section 7 of this Policy (Standard Requirements for Residential Development Projects and Certain Commercial/Industrial and Mixed-Use Development Projects).

In addition, an applicant for a Residential Development Project tax abatement that includes, in whole or in part, the renovation of one or more existing structures shall provide, as part of the applicant's Tax Abatement Application, a detailed description and the estimated costs of the renovations contemplated.

4. COMMERCIAL/INDUSTRIAL DEVELOPMENT PROJECTS ELIGIBLE FOR TAX ABATEMENT.

To be eligible for tax abatement under this Policy, a Commercial/Industrial Development Project must meet all of the criteria set forth in one of the following paragraphs:

4.1. (i) Have a minimum Capital Investment of \$250,000; and (ii) Be located in the Central City or on property immediately adjacent to the major thoroughfares which serve as boundaries to the Central City, or within a CDBG Eligible Area; and (iii) meet all of the Commitments of Section 7 of this Policy (Standard Requirements For Residential Development Projects, Certain Commercial/Industrial Development Projects, Mixed-Use Development Projects, And Business Expansion Projects); or

4.2. (i) Have a minimum Capital Investment of \$10 million; and (ii) meet all of the Commitments of Section 7 of this Policy (Standard Requirements For Residential Development Projects, Certain Commercial/Industrial Development Projects, Mixed-Use Development Projects, And Business Expansion Projects); or

4.3. (i) Have a minimum Capital Investment of \$100 million; and (ii) satisfy additional requirements that may be set forth by the City on a project-specific basis.

In addition, an applicant for tax abatement on a Commercial/Industrial Development Project that includes, in whole or in part, the renovation of one or more existing structures shall provide, as part of the applicant's Tax Abatement Application, a detailed description and the estimated costs of the renovations contemplated.

5. MIXED-USE DEVELOPMENT PROJECTS ELIGIBLE FOR TAX ABATEMENT.

To be eligible for tax abatement under this Policy, a Mixed-Use Development Project must meet all of the criteria set forth in one of the following paragraphs:

5.1. (i) Have a minimum Capital Investment of \$250,000; and (ii) Be located in the Central City or on property immediately adjacent to the major thoroughfares which serve as boundaries to the Central City, or within CDBG Eligible Area; and (iii) meet all of the Commitments of Section 7 of this

Policy (Standard Requirements For Residential Development Projects, Certain Commercial/Industrial Development Projects, Mixed-Use Development Projects, And Business Expansion Projects); or

5.2. (i) Have a minimum Capital Investment of \$10 million; and (ii) meet all of the Commitments of Section 7 of this Policy (Standard Requirements For Residential Development Projects, Certain Commercial/Industrial Development Projects, Mixed-Use Development Projects, And Business Expansion Projects); or

5.3. (i) Have a minimum Capital Investment of \$100 million; and (ii) consist of multiple land uses, whereby no single land use would comprise greater than 40% of the project's land area; and (iii) emphasize live/work/play opportunities with multi-modal access; and, (iv) satisfy additional requirements that may be set forth by the City on a project-specific basis.

In addition, an applicant for tax abatement on a Mixed-Use Development Project that includes, in whole or in part, the renovation of one or more existing structures shall provide, as part of the applicant's Tax Abatement Application, a detailed description and the estimated costs of the renovations contemplated.

6. BUSINESS EXPANSION PROJECTS FOR EXISTING FORT WORTH BUSINESSES

To be eligible for tax abatement under this Policy, a Business Expansion Project must meet all of the criteria set forth in one the following paragraphs:

6.1 (i) Be located in the Central City or a CDBG Eligible Area; and (ii) Have been in business continuously for at least six months prior to the submission of an Application to the City for Tax Abatement, and (iii) Have a total real and personal property investment of at least \$250,000; and (iv) Meet all of the Commitments set forth in Section 7 of this Policy (Standard Requirements For Residential Development Projects, Certain Commercial/Industrial Development Projects, Mixed-Use Development Projects, And Business Expansion Projects); or

6.2 (i) Be located outside of the Central City and CDBG Eligible Area and (ii) Have been in business continuously for at least five years prior to the submission of an Application to the City for Tax Abatement, and (iii) Have a total real and personal property investment of at least \$10 million (a minimum Capital Investment of \$1 million) and (iv) Meet all of the Commitments set forth in Section 7 of this Policy (Standard Requirements For Residential Development Projects, Certain Commercial/Industrial Development Projects, Mixed-Use Development Projects, And Business Expansion Projects) improvements.

7. STANDARD REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT PROJECTS, CERTAIN COMMERCIAL/INDUSTRIAL DEVELOPMENT PROJECTS, MIXED-USE DEVELOPMENT PROJECTS, AND BUSINESS EXPANSION PROJECTS.

To be eligible for property tax abatement, a Residential Development Project meeting the requirements set forth in Sections 3.1, 3.2 or 3.3 of this Policy; a Commercial/Industrial Development Project meeting the requirements set forth in Sections 4.1 and 4.2 of this Policy; a Mixed-Use Development Project meeting the requirements set forth in Sections 5.1 and 5.2; and a Business Expansion Project meeting the requirements set forth in Sections 6.1 or 6.2 shall meet all of the following requirements:

7.1. Commit to provide full-time employment to a set number and/or a percentage of full-time jobs offered on the real property where the Development is located, to Central City Residents, which Commitment will be agreed upon and set forth in the Tax Abatement Agreement; and

7.2. Commit to provide full-time employment to a set number and/or a percentage of full-time jobs offered on the real property where the Development is located, to Fort Worth Residents, which Commitment will be agreed upon and set forth in the Tax Abatement Agreement; and

7.3. Commit to spend a set amount or percentage of total construction costs and annual Supply and Service Expenses with Fort Worth Companies, which Commitment will be agreed upon and set forth in the Tax Abatement Agreement; and

7.4 Commit to spend a set amount or percentage of total construction costs and annual Supply and Service Expenditures with Fort Worth Certified M/WBE Companies. Any Commitment below 25% of the total construction costs and of the annual Supply and Service Expenses will require an applicant for Abatement to meet with the City of Fort Worth’s M/WBE Advisory Committee to seek input and assistance prior to action by the City Council. The M/WBE Advisory Committee will provide the City Council with a recommendation related to the utilization of Fort Worth Certified M/WBEs. The M/WBE Advisory Committee’s recommendation, if different from the Commitment made by the applicant for Abatement, will be non-binding, but should be taken under advisement by the City Council

7.5 For Residential Development Projects and Mixed-Use Development Projects that include rental residential units, commit to a set number or percentage of total rental residential units that must be set aside exclusively for lease to qualifying households whose adjusted incomes do not exceed the then-current eighty percent (80%) income limits established by the United States Department of Housing and Urban Development (“HUD”) for the Fort Worth-Arlington, TX HUD Metro FMR (fair market rents) Area at rents that are affordable to such households, as defined by HUD

7.6 All Commitments established pursuant to Sections 7.1 through 7.5 will be agreed upon and set forth in the Tax Abatement Agreement and, if not met, will serve to reduce the value of Abatement in accordance with the specific terms and conditions of the Tax Abatement Agreement; and

7.7. Commit to file a plan with the City (within six weeks of City Council approval of the Tax Abatement Agreement) as to how the Commitments for use of Fort Worth Certified M/WBE Companies will be attained and, in order to demonstrate compliance with that plan, (i) to file monthly reports with the City and the Minority and Women Business Enterprise Advisory Committee throughout the construction phase of any improvements required by the Tax Abatement Agreement

reflecting then-current expenditures made with Fort Worth Certified M/WBE Companies, (ii) list the name of a contact person that will have knowledge of the construction phase of the project, and (iii) from the start of the First Compliance Auditing Year (as defined in Section 9) until expiration of the Tax Abatement Agreement, to file quarterly reports with the City reflecting then-current expenditures made with Fort Worth Certified M/WBE Companies.

The City Council may, in its sole discretion, require a Commercial/Industrial Development Project meeting the criteria set forth in Section 4.3 of this Policy and a Mixed-Use Development Project meeting the criteria set forth in Section 5.3 of this Policy to satisfy some, all or none of the requirements set forth in this Section 7.

8. TAX ABATEMENT CALCULATION.

All Tax Abatement Agreements shall require the recipient to construct or cause construction of specific improvements on the real property that is subject to the abatement. Failure to construct these specific improvements at the minimum Capital Investment expenditure and by the deadline established in the Tax Abatement Agreement shall give the City the right to terminate the Tax Abatement Agreement. The amount of a particular tax abatement shall be negotiated on a case-by-case basis and specifically set forth in the Tax Abatement Agreement. The calculation of tax abatement for a Commercial/Industrial Project that meets the requirements of Section 4.3 of this Policy or for a Mixed-Use Development Project that meets the requirements of Section 5.3 of this Policy shall be negotiated on a case-by-case basis and governed solely by the terms and conditions of the Tax Abatement Agreement. The calculation of tax abatement for any other project shall be negotiated on a case-by-case basis, but shall be governed directly in accordance with the degree to which the recipient meets the four (4) Commitments set forth in Sections 7.1, 7.2, 7.3 and 7.4 of this Policy, which will be outlined in the Tax Abatement Agreement. A Tax Abatement Agreement may establish a base abatement that is (i) reduced in accordance with the recipient's failure to meet one or more of such Commitments or (ii) increased in accordance with the recipient's meeting and/or exceeding one or more of such Commitments.

9. TAX ABATEMENT IMPLEMENTATION.

The term of a tax abatement shall be negotiated on a case-by-case basis and specified in the Tax Abatement Agreement. The City will audit and determine the recipient's compliance with the terms and conditions of the Tax Abatement Agreement for a full calendar year prior to the first year in which the tax abatement is available (the "**First Compliance Auditing Year**"). The Compliance Auditing Year shall either be the full calendar year in which a final certificate of occupancy is issued for the improvements required by the Tax Abatement Agreement for the real property subject to abatement or the following calendar year, as negotiated and set forth in the Tax Abatement Agreement. The first tax abatement will be available to the recipient for the tax year following the Compliance Auditing Year. In other words, the degree to which the recipient meets the Commitments set forth in the Tax Abatement Agreement will determine the percentage of taxes abated for the following tax year. The City will continue to audit and determine the recipient's compliance with the terms and conditions of the Tax Abatement Agreement for each subsequent calendar year, which findings shall govern the percentage of taxes abated for the following tax year, until expiration of the Tax Abatement Agreement.

10. TAX ABATEMENT APPLICATION PROCEDURES.

Each tax abatement application shall be processed in accordance with the following standards and procedures:

10.1. Submission of Application.

If a given development project qualifies for tax abatement pursuant to the eligibility criteria detailed in Section 4, Section 5, Section 6, or Section 7 of this Policy, as the case may be, an applicant for tax abatement must complete and submit a City of Fort Worth Tax Abatement Application (with required attachments) (the “**Application**”). An Application can be obtained from and should be submitted to the City’s Economic and Community Development Department. In order to be complete, the Application must include documentation that there are no delinquent property taxes due for the property on which the development project is to occur.

10.2. Application Fee.

Upon submission of the Application, an applicant must also pay an application fee. This application fee shall be \$15,000 (“**Application Fee**”) of which \$13,000 will be credited to any permit, impact, inspection or other fee paid by the applicant and required by the City directly in connection with the proposed project, as long as substantive construction on the project, as determined by the City in its sole and reasonable discretion, has been undertaken on the property specified in the Application within one (1) year following the date of its submission.

If any Application Fee funds are remaining after the development project covered in the Application has received a final Certificate of Occupancy (CO) from the City, the applicant must submit a letter to the director of the City’s Economic and Community Development Department requesting a refund of the remaining funds. *The request must be made within three (3) months from the date of the final CO.* Application fees remaining after the development project covered in the Application has received a final CO will become the property of the City and will not be eligible for refund, even if a final CO was issued, if the applicant does not submit the written request for refund as required by this Section. The remaining \$2,000 of the Application Fee is non-refundable and will be utilized for City staff expenses associated with processing the Application and fees associated with legal notice requirements.

10.3. Application Review and Evaluation.

The Economic and Community Development Department will review an Application for accuracy and completeness. Once complete, the Economic and Community Development Department will evaluate an Application based on the perceived merit and value of the project, including, without limitation, the following criteria:

- Types and number of new jobs created, including respective wage rates, and employee benefits packages such as health insurance, day care provisions, retirement packages, transportation assistance, employer-sponsored training and education, and any other benefits;

- Percentage of new jobs committed to Fort Worth Residents;
- Percentage of new jobs committed to Central City Residents;
- Percent of construction contracts committed to (i) Fort Worth Companies and (ii) Fort Worth Certified M/WBE Companies;
- Percentage of Supply and Service Contract expenses committed to (i) Fort Worth Companies and (ii) Fort Worth Certified M/WBE Companies;
- Financial viability of the project;
- The project's reasonably projected increase in the value of the tax base;
- Costs to the City (such as infrastructure participation, etc.);
- Remediation of an existing environmental problem on the real property;
- The gender, ethnic background and length of employment of each member of the applicant's board of directors, governing body or upper management, as requested by the City; and
- For residential projects, number or percentage of units reserved as affordable housing for persons with incomes at or below eighty percent (80%) of median family income based on family size (as established and defined by the United States Department of Housing and Urban Development)
- Other items that the City may determine to be relevant with respect to the project.

Based upon the outcome of the evaluation, the Economic and Community Development Department will present the Application to the City Council's Economic and Community Development Committee. In an extraordinary circumstance, the Economic and Community Development Department may elect to present the Application to the full City Council without initial input from the Economic and Community Development Committee.

10.4. Consideration by Council Committee.

The City Council's Economic and Community Development Committee will consider the Application in an open meeting or, if circumstances dictate and the law allows, a closed meeting. The Committee may either (i) recommend approval of the Application, in which case City staff will incorporate the terms of the Application into a Tax Abatement Agreement for subsequent consideration by the full City Council with the Economic and Community Development Committee's recommendation to approve the Agreement; (ii) request modifications to the Application, in which case Economic and Community Development Department staff will discuss the suggested modifications with the applicant and, if the requested modifications are made, resubmit the modified Application to the Economic and Community Development Committee for consideration; or (iii) deny to recommend consideration of the Application by the full City Council.

10.5. Consideration by the City Council.

A Tax Abatement Agreement will only be considered by the City Council if the applicant has first executed the Tax Abatement Agreement. The City Council retains sole authority to approve or deny any Tax Abatement Agreement and is under no obligation to approve any Application or Tax Abatement Agreement.

11. GENERAL POLICIES AND REQUIREMENTS.

Notwithstanding anything that may be interpreted to the contrary herein, the following general terms and conditions shall govern this Policy:

11.1. A tax abatement shall not be granted for any development project in which a building permit application has been filed with the City's Planning and Development Department. In addition, the City will not abate taxes on the value of real or personal property for any period of time prior to the year of execution of a Tax Abatement Agreement with the City.

11.2. The applicant for a tax abatement must provide evidence to the City that demonstrates that a tax abatement is necessary for the financial viability of the development project proposed.

11.3. In accordance with state law, the City will not abate taxes levied on inventory, supplies or the existing tax base.

11.4. An applicant for tax abatement shall provide wage rates, employee benefit information for all positions of employment to be located in any facility covered by the Application.

11.5. Unless otherwise specified in the Tax Abatement Agreement, the amount of real property taxes to be abated in a given year shall not exceed one hundred fifty percent (150%) of the amount of the minimum Capital Investment expenditure required by the Tax Abatement Agreement for improvements to the real property subject to abatement multiplied by the City's tax rate in effect for that same year, and the amount of personal property taxes to be abated in a given year shall not exceed one hundred fifty percent (150%) of the minimum value of personal property required by the Tax Abatement Agreement to be located on the real property, if any, subject to abatement multiplied by the City's tax rate in effect for that same year.

11.6. The owner of real property for which a Tax Abatement has been granted shall properly maintain the property to assure the long-term economic viability of the project. In addition, if a citation or citations for City Code violations are issued against a project while a Tax Abatement Agreement is in effect, the amount of the tax abatement benefit will be subject to reduction, as provided in the Tax Abatement Agreement.

11.7. If the recipient of a tax abatement breaches any of the terms or conditions of the Tax Abatement Agreement and fails to cure such breach in accordance with the Tax Abatement Agreement, the City shall have the right to terminate the Tax Abatement Agreement. In this event, the recipient will be required to pay the City any property taxes that were abated pursuant to the Tax Abatement Agreement prior to its termination.

11.8. As part of the consideration under all Tax Abatement Agreements, the City shall have, without limitation, the right to (i) review and verify the applicant's financial statements and records

related to the development project and the abatement in each year during the term of the Tax Abatement Agreement prior to the granting of a tax abatement in any given year and (ii) conduct an on-site inspection of the development project in each year during the term of the Tax Abatement to verify compliance with the terms and conditions of the Tax Abatement Agreement. Any incidents of non-compliance will be reported to all taxing units with jurisdiction over the real property subject to abatement.

11.9. The recipient of a tax abatement may not sell, assign, transfer or otherwise convey its rights under a Tax Abatement Agreement unless otherwise specified in the Tax Abatement Agreement. A sale, assignment, lease, transfer or conveyance of the real property that is subject to the abatement and which is not permitted by the Tax Abatement Agreement shall constitute a breach of the Tax Abatement Agreement and may result in termination of the Tax Abatement Agreement and recapture of any taxes abated after the date on which the breach occurred. For additional information about this Tax Abatement Policy, contact the City of Fort Worth's Economic and Community Development Department using the information below:

City of Fort Worth
Economic & Community Development Department
1000 Throckmorton Street
Fort Worth, Texas 76102
(817) 392-6103
<http://fortworthgov.org/ecodev/>



CITY OF PLANO, TEXAS

POLICY STATEMENT FOR TAX ABATEMENT

I. General Purpose and Objectives

The City of Plano is committed to the promotion and retention of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. Insofar as these objectives are generally served by the enhancement and expansion of the local economy, the City of Plano will, on a case-by-case basis, give consideration to providing tax abatement as stimulation for economic development in Plano. The City of Plano will consider providing incentives in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City of Plano is under any obligation to provide tax abatement to any applicant. All applicants shall be considered on a case-by-case basis.

II. Criteria

All tax abatements provided by the City of Plano must have as their underlying goal to further economic development in Plano. The goals to be achieved by the granting of the tax abatement should be measurable and be binding upon the recipient of the tax abatement as set forth in an agreement between the City and recipient.

Any person, organization or corporation seeking a tax abatement to foster location, modernization of existing facilities, improvement or expansion of operations within the city limits of Plano, must comply with the following procedures. Nothing within these procedures shall imply or suggest that Plano is under any obligation to provide any incentive to an applicant.

III. Value of Tax Abatements

Following an assessment of the narrative response, the City Manager shall determine whether it is in the best interests of the City to recommend that a tax abatement be offered to the applicant. Additional consideration beyond the criteria will include such items as the degree to which the project/applicant furthers the goals and objectives of the community or meets or compliments a special need identified by the community.

Tax Abatement shall be offered in two categories: 1) Real Property and/or 2) Business Personal Property. Real property abatements will be offered to applicants that pursue the construction of new or expanded facilities in which to house the applicable project or the modernization of existing facilities. The abatement will apply to the assessed value of improvements made. Business Personal Property abatements will be offered to applicants that pursue the purchase or long-term lease of existing facilities. The abatement will apply to the assessed value of new personal property brought into the taxing jurisdiction. Assessed value as used in this Policy Statement shall mean the taxable value of real property improvements and business personal property as determined by the county appraisal district in which the property is located.

Once a determination has been made that a tax abatement should be offered, the percentage of abatement and term of the abatement will be determined based upon information provided in the narrative response.

IV. Application

- A. Applicant shall complete the attached "Application for Tax Abatement."
- B. Applicant shall prepare a plat showing the precise location of the property to which the tax abatement applies, all roadways within 500 feet of the site, and all existing land uses and zoning within 500 feet of the site, and the address of the property. Fourteen (14) days prior to the public hearing, the applicant must provide a metes and bounds property description and a general address of the property.

- C. Applicant shall complete all forms and information detailed in items A through B above and submit them to the Director of Finance, City of Plano, P. O. Box 860358, Plano, Texas 75086-0358 (email: finadmin@plano.gov). Applicant shall also submit a copy of the application to the Executive Director of the Plano Economic Development Board, Inc., 5601 Granite Parkway, Suite 310, Plano, Texas 75024
- D. Any information provided by applicant on the Application Form may be subject to release to the public pursuant to the Texas Public Information Act. It is the responsibility of the applicant to clearly identify information it wishes to protect from release that is considered proprietary or confidential. The City will notify the applicant if a request is made for information indicated as confidential by the applicant so that the applicant may assert to the Texas Attorney General its right to be withheld from release.
- E. Certain information provided to the City in connection with an application may be confidential and not subject to public disclosure until the incentive agreement is executed. The City of Plano will respond to requests for disclosure as required by law and will assert exceptions on its behalf to disclosure as it deems relevant. The City will make reasonable attempts to notify the Applicant of the request so it may assert its own objections to the Attorney General.

V. Application Review Steps

- A. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
- B. The City Manager may use city personnel and third parties to assist in the application review process.
- C. Upon review, the City Manager will determine whether he will recommend a proposed tax abatement to the applicant subject to final Council approval. The proposed incentive by the City Manager is not binding upon the City Council to grant a tax abatement. It is a conditional offer subject to the City Council's approval.

- D. Upon receipt of the proposed offer to be recommended to the City Council, the applicant will have ninety (90) days to accept, decline or request an extension of the proposed offer. All responses and requests shall be made in writing to the City Finance Director. In certain circumstances, the City Manager may alter the time frame.
- E. Upon written acceptance by the applicant of the offer, the recommendation of the City Manager with all relevant materials will be forwarded to the City Council.
- F. The City Council of Plano may consider a resolution calling a public hearing to consider establishment of a tax reinvestment zone.
- G. The City Council of Plano may hold the public hearing and determine whether the project is "feasible and practical and would be of benefit to the land to be included in the zone and to the municipality after the expiration of the tax abatement agreement."
- H. The City Council of Plano may consider adoption of an ordinance designating the area described in the legal description of the proposed project as a commercial/industrial tax abatement zone.
- I. The City Council may consider adoption of a resolution approving the terms and conditions of a contract between the City and the applicant governing the provision of the tax abatement.
- J. The governing body of Collin County may consider participation in the tax abatement agreement between the City of Plano and the applicant. Plano Independent School District and Collin County Community College are either prohibited by law or have elected not to participate in tax abatement agreements.
- K. If the tax abatement agreement is approved, the City of Plano will send copies of the agreement to the Office of the Governor Economic Development and Tourism, Office of the Comptroller, and to the State Property Tax Board each April.

- L. Property taxes are assessed on January 1 of each year. It is the obligation of the applicant to ensure that all final approvals for the tax abatement agreement have occurred by December 31st of the year prior to the year the improvements are assessed. No tax abatement can be given for improvements that are on the Tax Assessor's Roll before the tax abatement is effective. The applicant should be aware that because of mandatory publication requirements, compliance with the governing body's calendar, and other matters, the process for obtaining approval for a tax abatement with the City of Plano governing body may take as long six weeks as well as additional time to obtain the approval of other participating taxing entities. It is the applicant's responsibility to ensure the follow up of these items and approvals.

VI. Tax Abatement Agreement Terms

At a minimum, all tax abatements shall include the following provisions:

1. No Business Personalty shall be located from any other City of Plano created reinvestment zone;
2. A minimum number of full-time jobs must be created, transferred or retained on the Property at the time Real Property Improvements are completed and a designated number maintained on the Property for the life of the agreement;
3. Right of inspection to the premises must be provided to ensure compliance with the Agreement;
4. The right of recapture of previously abated taxes if Applicant fails to pay taxes for the assessed value for the Real Property and/or Business Personalty;
5. The value of all real property improvements and business personal property will be the assessed value as determined by the appropriate county appraisal district;
6. The term of a tax abatement agreement may not exceed 10 years as required by law; and
7. The right to terminate a tax abatement agreement in the event of a material breach of the agreement.

CITY OF PLANO, TEXAS

APPLICATION FOR TAX ABATEMENT

NOTE: PLEASE CLEARLY IDENTIFY ANY INFORMATION YOU DEEM TO BE CONFIDENTIAL OR PROPRIETARY. THE CITY WILL ATTEMPT TO PROTECT ANY INFORMATION MARKED CONFIDENTIAL OR PROPRIETARY AND WILL NOTIFY THE APPLICANT OF ANY REQUESTS FOR DISCLOSURE.

1. Applicant Company's Name:
Company's Representative:
Title:
Mailing Address:
Telephone Number:
Email Address:
Website Address:

2. Tenant's Representative:
Company:
Mailing Address:
Telephone Number:
Email Address:

3. Property Owner:
Property Owner's Representative:
Company:
Mailing Address:
Telephone Number:
Email Address:

4. Property Address and/or location description:

5. Property Legal Description (attach metes and bounds):

6. Located within:
City of Plano
Plano Independent School District
Lewisville Independent School District
Frisco Independent School District
Collin County
Denton County

7. Company description and overview (including headquarters location, year founded, products and services, and annual revenue and growth).
8. Applicant business is:
 Public
 Private
9. State of Incorporation:
10. Is a recent annual audit available?
 If yes, please submit a copy with application.
11. Applicant company's four digit NAICS Industry Code: (if known)
12. Description of project:
13. Will any zoning changes be necessary to accommodate the project?
 If yes, please provide additional information:
14. Does the applicant company plan to utilize Plano-based companies in the design, construction and on-going operations of the facility?
15. Date projected for occupancy of project/initiation of operations:
16. Will applicant company occupy:
 Existing space:
 Space currently planned or under construction:
 Proposed new facility:
17. Acreage of proposed site:
18. Square footage of proposed occupied space:
19. Proposed type of occupancy:
 Owner Occupied
 Landlord/Tenant
 If leasing, what is length of lease?
20. Applicant business is: (Click on all that apply)
 Existing Plano company
 New company to Plano
 Expanding
 Relocating from another city in Texas

Relocation from out-of-state or country

21. If company is currently located in Plano, when does their current lease expire?

22. Type of tax abatement requested:

Real Property improvements

Business Personal Property improvements

23. Specify other economic assistance requested:

Employment Impact

1. Number of Full Time Equivalents (FTE)* employed by applicant company at occupancy and to be maintained throughout the term of the agreement (exclusive of contract employees):

*FTE means one or more job positions located at the Property which individually or when combined total 2080 hours (inclusive of holidays, vacation and sick leave) annually.

2. Future FTE employment (if applicable):
Projected FTE employment (milestone) of _____ by _____ (indicate date)
Projected FTE employment (milestone) of _____ by _____ (indicate date)

3. Is this an existing business in Plano?
If yes, what is the FTE employment that will be retained in Plano by this project?

4. Does the applicant company anticipate hiring contract employees?
If yes, what is the number of FTE contract employees?
What is the median annual salary of the FTE contract employees?

5. If applicable, what is the number of FTE positions that will be relocated to Plano from applicant company's other locations?
Provide location(s) the positions are being relocated from:

6. Indicate the applicant company's FTE employment in each category (at occupancy):
Executive
Professional
Managerial
Technical
General Staff
Production Workers _____
Total

7. What will be the median annual salary of company's FTEs (at occupancy)?
8. Projected annual payroll at occupancy:

Fiscal Impact

	Initial Year	Year (If applicable)	Year (If applicable)
1. What is the estimated fair market value of the Real Property improvements (exclusive of land) that will be added to the tax base?			
2. What is the estimated fair market value of the Business Personal Property improvements that will be added to the tax base exclusive of inventory and exclusive of property currently located in Plano?			
TOTAL IMPROVEMENTS	\$	\$	\$

3. If applicable, what is the annual value of inventory eligible for Freeport Exemption?

4. If applicable, what is the annual value of sales that will be subject to sales tax collection by the City of Plano?

5. Will additional infrastructure investment be required from the City of Plano at the proposed site(s)?

If yes, detail required improvements including cost estimates.

Community Impact

1. Please summarize the overall economic impact on the City of Plano (sales, real property and business personal property improvements, employment, business sector, etc.).
2. Please estimate the annual number of room-nights* in the City of Plano the applicant company anticipates generating.
*Room-nights are the number of hotel rooms booked times the number of nights, i.e. four rooms booked for five nights equals 20 room-nights.
2. Please describe the necessity in requesting property tax abatement. Describe the competitive, financial or other issues associated with this application.

Certifications

Certification of No Undocumented Workers

Chapter 2264 of the Texas Government Code requires that each business that submits an application to receive a public subsidy include in the application a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. An undocumented worker means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under the law to be employed in that manner in the United States. If after receiving a public subsidy, the business, or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. Section 1324a(f), the business shall repay the amount of the public subsidy with interest, at the rate and according to the other terms provided by an agreement under Section 2264.053, not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development corporation notifies the business of the violation.

I hereby certify that _____ is in compliance with Chapter 2264 of the Texas Government Code.

Signature:

Name:

Title:

Company:

I hereby certify that the information provided in this application is, to the best of my knowledge and belief, true and correct.

Date:

Signature:

Name:

Title:

Company:

Note:

Insertion of '/s/' above the name is acceptable evidence of an electronic signature by the person so signing.

**COLLIN COUNTY ECONOMIC DEVELOPMENT
CHAPTER 381 PROGRAM
The 50/3 Plan**

- I. **Program Authority** Chapter 381 of the Texas Local Government Code has been chosen to provide an efficient means of providing county incentives for local economic development. Chapter 381 authorizes a county to make a grant of public monies, for select activities, including the following:
- A. To promote state or local economic development; and
 - B. To stimulate, encourage, and develop business and commercial activity in the county.
- II. **Program Purpose And Benefits** The Commissioners Court has determined that adopting a program pursuant to Chapter 381 is appropriate to provide economic development incentives for certain qualifying new and expanding businesses which create new jobs, and increases in real and business personal property in the county. Qualifying and approved businesses complying with the terms of the program will receive a grant equal to one half of the businesses' county taxes for up to three years.
- III. **Qualified Applicants** Qualified applicants for this program are limited to the following:
- A. New and expanding businesses:
 - 1. A new business established and operating in, Collin County, or an established business in the county which has expanded (not relocated) and is operating in a new and additional location in the county;
 - 2. The new or expanding business must (a) be located in a non-residentially zoned area of the municipality, or an unincorporated area of the county and (b) not be located in a T.I.F. or T.E.R.Z. zone.
 - B. Minimum Performance Standards:
 - 1. A minimum increase in the business taxable property (either real estate or business personal property, or in the aggregate) in an amount not less than \$100,000; and
 - 2. A minimum creation of five new full-time equivalent ("FTE") jobs at the new business, maintained throughout the term of the program; and
 - 3. Full compliance with the terms above, and any others in the agreement for the incentive approved by the county.
 - C. The applicant may not be receiving any other form of tax incentive from Collin County for the same new business.
 - D. Approval of application is not automatic. The County reserves the right to modify the terms of the program, and/or reject any individual application. The County

will consider approval of qualified applicants for the program, and may create individual agreements, or programs, with specific applicants. Applications for businesses which are not beneficial economic development for the county will not be approved. Applicants whose applications are received for locations in municipalities which have established policies against development incentives for similar businesses will not be approved. Adoption by the county of this program therefore does not:

1. Limit the discretion of the court
2. Prohibit delegation by the court to county employees the discretion to screen applications for approval
3. Create a property right.

IV. **Terms of the Program.**

The Applicant must provide the required information to the county requested on the Program Application. If approved, the applicant would be enrolled in the program on the first day of the following calendar year, when taxable values are established for the applicant.

A. Conditions precedent to payment by the county—

1. The county program benefits terminate as to the business if the minimum standards for improvements and employment are not met within the first year, and or not maintained in the second or third years.
2. A sworn affidavit by the applicant that the program requirements have been met for the preceding tax year must be filed by the applicant each year, on or before _____.
3. A copy of the applicant's tax bill with proof of payment must be submitted with the affidavit in IV. A. 2. above.
4. The applicant has timely and fully paid all of its taxes, to the County.
5. All representations made by applicant in the application and the yearly affidavits are true and accurate.

B. Program Performance Standards

1. A minimum increase in the business taxable property (either real estate or business personal property, or in the aggregate) in an amount not less than \$100,000; and
2. A minimum creation of five new FTE jobs in the county, maintained throughout the term of the program.
3. Full compliance with the terms above, and any others in the agreement for the incentive approved by the county.
4. The applicant must file for the program by December 1st of the year the business is established expanded and operating;
5. If approved, the tax value of the business on January 1st of the following year, and the taxes paid on that tax value, determine the 381 grant to the business for such year.

- C. Recapture provision--In the event the approved applicant fails to meet the terms of the agreement, all amounts received from the county from the program must be repaid to the county within 30 days of notice from the county.

- D. Notwithstanding any other provision of the program, the county grant of funds:
 - 1. must serve a public purpose; and
 - 2. may not be a gratuitous payment to a private entity; and
 - 3. must comply with any applicable statutory requirements.

Therefore, the county will require and ensure that there is consideration for any incentive. A county may condition any grant payments upon the creation of employment, construction of improvements, continued operation in a county for a stated period, achieved minimum taxable values, or sales tax revenue, or other provision, in the county's discretion.

SUBJECT: DENTON COUNTY TAX ABATEMENT POLICY
TITLE: DENTON COUNTY TAX ABATEMENT POLICY
EFFECTIVE: JANUARY 8, 2010 – JANUARY 7, 2012

I INTRO/GENERAL PURPOSE AND REQUIREMENTS

Taxing jurisdictions in Texas are authorized under Chapters 311 and 312 as well as Section 11.24 of the Texas Property Tax Code to provide tax abatements for historic preservation, housing, and economic development. Denton County is committed to the promotion of high quality development in all parts of the County and to an ongoing improvement in the quality of life for its citizens. Insofar as these objectives are generally served by the enhancement and expansion of the local economy, Denton County will, on a case-by-case basis, give consideration to providing tax abatements. Denton County will not utilize Chapter 381 of the Texas Local Government Code to administer a Community and Economic Development Program to provide grants as a form of economic development. To help ensure that all tax abatement requests are consistently reviewed and that only the most effective and appropriate tax abatement projects are undertaken, this Denton County Tax Abatement Policy has been developed.

- (a) It is the policy of Denton County that consideration of all abatement applications will be provided in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that Denton County is under any obligation to provide a tax abatement to any applicant.
- (b) Applicant and Municipalities shall adhere to all Denton County application procedures and requirements including Section III (d) for Municipality-Initiated Abatement Agreements and Section IV for County Initiated Abatement Agreements.
- (c) Requests for abatements will not be considered if, prior to the submission of an application, the project is already substantially underway or completed. A project will be considered to be substantially underway if actions such as, but not limited to, the following have occurred, (1) The demolition, site preparation, or the installation of infrastructure has begun; (2) A building permit has been issued for construction not associated with mitigating an environmental hazard; (3) Construction (including renovations or tenant finish-out) has begun; (4) Equipment, inventory, or employees have been relocated to the new site.

Execution of a lease, the mitigation of environmental problems, the purchase of land, the completion of an environmental assessment, or the preparation of architectural and engineering plans do not constitute a project being substantially underway.

- (d) Requests for an abatement will not be considered for property that will be used in whole or in part for a sexually-oriented business, including but not limited to condoning, legitimizing, or promoting obscene materials, nude or topless modeling or dancing, adult motel operations, escort services, sexual encounter centers, sex phone centers, or any other sexually-oriented business activity. Similarly, property receiving an existing abatement for another use cannot convert this property for use as a sexually-oriented business or an establishment and still retain this abatement.
- (e) Requests for an abatement will not be considered for an applicant with which the County is currently involved in or has within the past thirty-six months been involved in litigation, a pending claim, or unsatisfactory contractual performance, nor to any applicant indebted to the county for ad valorem taxes or other obligations.
- (f) The County Abatement Application must be submitted to the appropriate County Representative. The appropriate County Representative is defined as the Commissioners Court member in whose precinct the property that is the subject of the abatement application is located. Because the availability of abatement assistance can facilitate the selection of a specific site when numerous sites are under consideration, the appropriate County Representative may issue or instruct staff to issue verbal or written proposed terms for a particular abatement agreement. Proposed terms are non-binding. Denton County reserves the right to request other information deemed necessary for evaluating the application.
- (g) The County Abatement Application shall be completed and delivered to the appropriate County Representative along with payment of a non-refundable application fee in the amount of ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00) for administrative costs associated with the processing of the tax abatement request. All checks in payment of the administrative fee should be made payable to the Denton County Treasurer.
- (h) The maximum term for any abatement agreement under this policy is ten years. An abatement agreement approved by the affirmative vote of a **majority** of the Commissioners Court in a regularly scheduled meeting shall consist of a percentage of the County Ad Valorem Tax obligation calculated as follows:

Creation of New Value	Abatement Amount
Less than \$10,000,000	-0-
Between \$10,000,000 and \$19,999,999	not to exceed 25% of the County Ad Valorem Tax Obligation
Between \$20,000,000 and \$29,999,999	not to exceed 30% of the County Ad Valorem Tax Obligation

Between \$30,000,000 and \$39,999,999	not to exceed 35% of the County Ad Valorem Tax Obligation
Between \$40,000,000 and \$49,999,999	not to exceed 40% of the County Ad Valorem Tax Obligation
More than \$50,000,000	such percentages of the County Ad Valorem Tax Obligations as may be deemed appropriate by the Commissioners Court of Denton County, Texas

- (i) An abatement agreement approved by the affirmative vote of a **super-majority** of the Commissioners Court in a regularly scheduled meeting may authorize a percentage of the County Ad Valorem Tax obligation other than that found in Section I (h).
- (j) In order to enter into a Tax Abatement Agreement, the Commissioners Court must find that the terms of the proposed agreement meet Guidelines and Criteria and that:
 1. There will be no substantial adverse effect on the provision of the jurisdiction's service or tax base; and
 2. The planned use of the property will not constitute a hazard to public safety, health or morals.

II DEFINITIONS

- (a) "Abatement" means the full or partial exemption from ad valorem taxes of certain real property and personal property in a reinvestment zone designated for economic development purposes.
- (b) "Agreement" means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement.
- (c) "Applicant" means the firm, party, entity, or organization that would be receiving the tax abatement if granted.
- (d) "Authorized Facility" A facility may be eligible for abatement if it is a Manufacturing Facility, a Regional Distribution Center Facility, a Regional Service Facility, a Non-Manufacturing Facility, or Other Basic Industry as defined. The economic life of a facility and any improvements must exceed the life of the abatement agreement

- (e) “Base Year Value” means the certified value of eligible property January 1, preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January I but before the execution of the agreement.
- (f) “Creation of New Value” Abatement may only be granted for the additional value of eligible property improvements made subsequent to and listed in an abatement agreement between the County and the property owner and/or lessee, subject to such limitations as Commissioners Court may require.
- (g) “Economic Life” means the number of years a property improvement is expected to be in service in a facility.
- (h) “Eligible Jurisdiction” means Denton County and any municipality or other entity located in Denton County that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone.
- (i) “Eligible Property” Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, fixed personal property, and site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility.
- (j) “Expansion” means the addition of buildings, structures, fixed machinery and equipment, and fixed personal property for purposes of increasing production capacity.
- (k) “Facility” means property improvements completed or in the process of construction, which together comprise an integral whole.
- (l) “Fixed Machinery and/or Personal Property” means tangible machinery, equipment, and fixed personal property, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such good or materials by physical or chemical change.
- (m) “Ineligible Property” The following types of property shall be fully taxable and ineligible for abatement: land; inventories; supplies; tools; furnishings; and other forms of moveable personal property; vehicles; vessels; private aircraft; property to be rented or leased except as provided in the definition of II (i) above; and any property included in the calculation of base year value as defined.
- (n) “Manufacturing Facility” means buildings and structures, including fixed machinery and equipment, and fixed personal property, the primary purpose is to manufacture goods.

- (o) “Modernization” means the replacement and upgrading of existing facilities. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery and equipment and fixed personal property. It shall not be for the purpose of reconditioning, refurbishing or repairing.
- (p) “New Facility” means a property previously undeveloped that is placed into service by means other than or in conjunction with expansion or modernization.
- (q) “New and Existing Facilities” Abatement may be granted for new facilities and improvements to existing facilities for the purposes of modernization or expansion
- (r) “Non-Manufacturing Facilities” means building and structures used to service and/or house individuals on a permanent or temporary basis.
- (s) “Other Basic Industry” means buildings and structures including fixed machinery and equipment, and fixed personal property not elsewhere described, used or to be used for the production of products or services that result in the creation of new permanent jobs and bring new wealth into Denton County.
- (t) “Owned/Leased Facilities” If a leased facility is granted abatement, the agreement shall be executed with the lessor and the lessee.
- (u) “Regional Distribution Center Facility” means buildings and structures, including fixed machinery and equipment, and fixed personal, property, used or to be used, primarily to receive, store, service or distribute goods or materials owned by the facility operator.
- (v) “Regional Service Facility” means buildings and structures, including fixed machinery and equipment, and fixed personal property, used or to be used to service goods.
- (w) “Research Facility” means building and structures, including fixed machinery and equipment and fixed personal property, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials, or to improve or develop the production processes thereto.
- (x) “Reinvestment Zone” means a geographical area of the County that meets the criteria of Chapters 311 or 312 of the Texas Property Tax Code.
- (y) “Taxability” From the execution of the abatement to the end of the agreement period taxes shall be payable as follows:
 1. The value of ineligible property shall be fully taxable;
 2. The base year value of existing eligible property shall be fully taxable;

3. The additional value of the eligible property shall be taxable in the manner and for the period provided for in the abatement agreement; and
4. The additional value of the new eligible property shall be fully taxable at the end of the abatement period.

III MUNICIPALITY-INITIATED ABATEMENT AGREEMENTS-ADDITIONAL CRITERIA/INFORMATION

- (a) The Denton County Commissioners Court recognizes that each municipality within the County has a different vision and goal for its economic development efforts. Denton County will endeavor to work in concert with other taxing authorities as part of an overall publicly supported incentive program designed to create job opportunities that bring new economic advantages or strengthen the current economic base of our community. The terms and conditions of a Tax Abatement Agreement entered into between a Municipality and an applicant are separate from the terms and conditions of the Tax Abatement Agreement entered into between said applicant and the County.
- (b) It is the intent of the Commissioners Court to consider granting an Abatement Agreement to an applicant that has a Tax Abatement Agreement with a Municipality, provided the County's Agreement:
 1. Does not exceed the equivalent abatement granted by the Municipality unless such action is contemplated by County Policy;
 2. May contain additional or differing terms and conditions that the Court may deem advisable pursuant to Denton County Tax Abatement Policy and all applicable law governing counties;
 3. Does not encourage an applicant to move from one Denton County municipality to another unless such agreement is acceptable to both municipalities, which have indicated their approval in writing; and
 4. Does not provide one Denton County municipality with a competitive advantage over another Denton County municipality seeking the same project.
- (c) In the case where the property is located within a Municipality's extraterritorial jurisdiction, the Municipality shall be the initiating taxing entity unless expressly deferred to the County.
- (d) Application Procedures. In addition to the general application requirements found in Section I, Municipality-Initiated Abatements will only be awarded when the following procedures have been followed:

1. Municipality in which the project is located makes County aware of applicant request for Municipality abatement and invites County comments during negotiation. County makes Municipality aware of concerns/changes prior to final action by Municipality.
2. Applicant makes application to appropriate County Representative for County Tax Abatement after applying with Municipality.
3. County Representative ensures County's Policy is met and makes a recommendation regarding proceeding with approval of a County Tax Abatement Agreement.
4. Commissioners Court shall not approve County Tax Abatement Agreement until Municipality Agreement has been approved and executed and applicant has signed a County Tax Abatement Agreement.

IV COUNTY-INITIATED ABATEMENT AGREEMENTS-ADDITIONAL CRITERIA/INFORMATION

For those areas within Denton County that are not located within the boundaries of an incorporated municipality or are within the extraterritorial jurisdiction of a municipality and the Municipality has deferred to the County, or are in unincorporated areas not located in a Municipality's extraterritorial jurisdiction, the following criteria contained in these guidelines will be applied by the Commissioners Court when considering the establishment of a reinvestment zone and adopting a County Tax Abatement Agreement.

- (a) Economic Qualification. In order to be eligible for designation as a reinvestment zone and receive a Tax Abatement, the planned improvement:
 1. Must be reasonably expected to have an increase in positive net economic benefit to Denton County as described in Section I (h) over the life of the Abatement, computed to include new sustaining payroll and/or capital improvements. The number and type of new jobs will also factor into the decision to grant an Abatement; and
 2. Must not be expected to solely or primarily have the effect of transferring employment from one part of Denton County to another without a super-majority vote of approval from the Commissioners Court.
 3. Must provide for a minimum of 25 jobs for new business and sustained employment levels for existing business expansions.

- (b) Application Procedures. In addition to the general application requirements found In Section I, County-Initiated Abatements will only be awarded when the provisions of Chapters 311 or 312 of the Texas Local Government Code have been met, including the following:
1. Any present or potential owner of taxable property in unincorporated Denton County may request the creation of a reinvestment zone and tax abatement by filing a written request with the appropriate County Representative as defined in Section I (f).
 2. All applications for creation of reinvestment zones and Abatements shall incorporate a feasibility study estimating the economic effect of the proposed reinvestment zone and Tax Abatement on Denton County, other eligible participating jurisdictions, and the applicant.
 3. Upon receipt of a completed application for creation of a reinvestment zone, the appropriate County Representative shall notify in writing and provide a copy of the application to the presiding officer of the governing body of each eligible jurisdiction.
 4. The Commissioners Court may not adopt a resolution creating a reinvestment zone until it has held a public hearing at which interested parties are entitled to speak and present evidence for or against its designation. Notice of the hearing shall be clearly identified on the Commissioners Court agenda at least 30 days prior to the hearing and a public notice shall be published in a general circulation publication at least 30 days prior to the hearing.

V ASSIGNMENT

Tax Abatement Agreements may be assigned to a new owner of the entire property with the written consent of the Commissioners Court, which consent shall not be unreasonably withheld. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in the County Policy and Tax Abatement Agreement.

VI ADMINISTRATION AND EVALUATION

- (a) The County will have the right to inspect the facility to determine if the terms and conditions of the Tax Abatement Agreement are being met. All inspections will be made after the giving of twenty-four (24) hours notice and will be conducted in such a manner as to not unreasonably interfere with the construction or operation of the facility. All inspections will be made with one or more representatives of the recipient and in accordance with its safety standards.

- (b) The County shall annually evaluate each facility receiving a County Tax Abatement to ensure compliance with the County Tax Abatement Policy and Agreement. On or before April 30th of every year during the life of the County Tax Abatement Agreement, the recipient of said Agreement shall complete and file a Tax Abatement Evaluation Report with the appropriate County Representative detailing and certifying the recipient's compliance with the terms of said Agreement. Failure to provide information requested in the Tax Abatement Evaluation Report, or other requested information, by the prescribed deadline may result in previously abated taxes becoming being due and payable.

VII RECAPTURE

If a County Tax Abatement Agreement recipient is not in compliance with County Policy or said Agreement, then said Agreement shall not be in effect for the period of time during which non-compliance occurs. If a recipient's project is not completed as specified in the County Tax Abatement Agreement, the County has the right to modify or cancel said Agreement and determine which previously abated taxes are due to the County. The decision to seek full or partial recapture lies solely with the County.

VIII SUNSET PROVISION

This County Policy is effective upon the date of its adoption and will remain in force for two years, at which time all reinvestment zones and Tax Abatement Agreements created pursuant to its provisions will be reviewed by the County to determine whether the goals have been achieved. Based on that review, the Guidelines and Criteria of this Policy will be modified, renewed or eliminated.

Approved by:
Denton County Commissioner's Court

Mary Horn
(Denton County Judge)

City of Dallas Public/Private Programs

It is the purpose of the following programs to provide assistance only for projects where such assistance is necessary to stimulate private investment. Accordingly, these programs are available when agreements between the City and private parties that are not tax-exempt are approved by City Council prior to private investment occurring. Projects seeking economic incentives must provide written assurance that 'but for' the incentives sought, the proposed project would be substantially altered such that the project would not otherwise occur in the city or the economic returns to the city would be reduced. Projects occurring in Southern Dallas are provided special consideration.

The information contained herein shall not be construed as implying or suggesting that the City of Dallas is offering or is under any obligation to provide tax abatement or other incentives to any applicant, and all applicants shall be considered on a case-by-case basis. Pawnshops, sexually-oriented businesses, bars, truck stops, and truck dealerships are excluded from consideration for incentives provided under this program.

Eligibility Requirements

Each geographic area of the City has a minimum requirement in order to be considered for incentives:

- **Southern Dallas:** Projects must create/retain 25 jobs or provide \$1 million of investment;
- **Northern Dallas and Central Business District:** Projects must create/retain 150 jobs or provide \$10 million of investment; and
- **Non-Conforming Projects:** Projects will be considered on a case-by-case basis.

Tax Abatement

Temporary abatement of either real estate or personal property taxes. Recipient firms must meet primary considerations of capital improvements and job creation/retention. City staff may consider secondary considerations such as Dallas resident employment, efforts to exceed minimum environmental regulations, wage rates, community activities, target industry projects, and M/WBE participation when negotiating this incentive. A firm's tax abatement percentage will be reduced by 25 percent for any single year of the tax abatement term in which secondary considerations included in the agreement are not met unless an alternative method is prescribed by City Council in a project specific resolution. Real property tax abatement is not available in TIF Districts. In limited cases, projects may be considered for a combination of both real and personal property tax abatement when the combined amount does not exceed 90 percent of the City taxes on total new improvement value. All tax abatements must begin by January 1 of the second calendar year following City Council authorization.

Abatement Benefits

- **Southern Dallas:** Real property tax abatement up to 90 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;
- **North Dallas:** Real property tax abatement up to 50 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;
- **Central Business District:** Business personal property tax abatement of up to 75 percent for five years and/or for non-TIF District sites real property tax abatement of up to 90 percent for 10 years; and
- **Non-Conforming Projects:** Projects will be considered on a case-by-case basis.

INCENTIVES NEGOTIATED OR PROPOSED BY CITY STAFF ARE SUBJECT TO SPECIFIC FEDERAL, STATE AND LOCAL GUIDELINES, FUNDING AVAILABILITY AND CITY COUNCIL APPROVAL. DEPENDING ON THE INCENTIVE, THERE MAY BE ADDITIONAL RESTRICTIONS BASED ON GEOGRAPHY, PROJECT SIZE AND OTHER FACTORS.

Business Development Chapter 380 Grant Program

Companies considering a relocation/expansion or new commercial development may be eligible for a grant in lieu of tax abatement or to defray project costs such as: land purchase, building costs, public infrastructure costs, development fees, right of way abandonment fees, loan guarantees, training costs, relocation costs, etc. Grants will be considered on a case-by-case basis and are subject to funding limitations and investment/job eligibility requirements. Companies will be required to meet eligibility requirements of the Public/Private Partnership Program.

Transit-Oriented Development (TOD) Program

Minimum eligibility for consideration of city incentives through the Public/Private Partnership Program will require a cumulative investment of \$300 million for new mixed-use, commercial, retail and/or residential development in proximity of at least two DART light-rail transit stations (with one or both in Southern Dallas). TOD projects are eligible for consideration for the full complement of necessary and appropriate incentives available through this program including, but not limited to, tax increment financing, tax abatement, grants and loans, and infrastructure cost participation. Residential developments seeking incentives will be required to have a 20 percent affordable housing set aside in North Dallas and mixed-income housing in Southern Dallas. Further, projects must meet the City's established Good Faith Effort guidelines for M/WBE participation.

Economic Development GO Bond Program for Southern Dallas

General Obligation Bond funding may be used as described in this paragraph for private commercial, industrial, retail, residential, and mixed-use development in the Southern area of the city that promotes economic development. Funding may be provided as a catalyst to promote private economic development and may be used for planning, designing, extending, constructing and acquiring land for public streets, utilities and other related infrastructure facilities or uses consistent with this purpose. Funding is also available in support of mixed-use or residential development, for the acquisition of improved and unimproved properties and for the cost of demolition of existing structures. Private developments may be eligible for economic development grants and loans pursuant to Chapter 380 of the Texas Local Government Code. Grants and loans will be considered for infrastructure improvements and/or land acquisition consistent with the scope of funding and other uses described above. Grants or loans will be considered on a case-by-case basis subject to funding limitations and development agreements approved by City Council, which agreements will contain appropriate conditions, safeguards and benchmarks to ensure that the public purpose of economic development will be carried out. Residential developments will be required to have a mixed-income set aside. Further, it is anticipated that resources and other forms of development assistance from other applicable City economic development programs may be utilized to support this program.

Local Government Corporation (LGC) Chapter 380 Grant Program

The City of Dallas will consider making grants from its general fund to a LGC, subject to annual appropriation of funds and the approval of the Dallas City Council. These funds will be restricted to the payment of project costs, including the payment of debt service on any bonds issued by the LGC to finance project costs, and the funding of any necessary reserve fund or capitalized interest accounts and the payment of the cost of issuance of bonds.

INCENTIVES NEGOTIATED OR PROPOSED BY CITY STAFF ARE SUBJECT TO SPECIFIC FEDERAL, STATE AND LOCAL GUIDELINES, FUNDING AVAILABILITY AND CITY COUNCIL APPROVAL. DEPENDING ON THE INCENTIVE, THERE MAY BE ADDITIONAL RESTRICTIONS BASED ON GEOGRAPHY, PROJECT SIZE AND OTHER FACTORS.

Target Industry Projects

Target Industry projects are provided special consideration for economic incentives and are generally defined as follows: Brownfields or recycling, information technology, building materials and furnishings, company headquarters, logistics, telecommunications, transportation manufacturing and assembly, film/television/media, advanced instruments and food processing/distribution. Due to the temporary nature of film/television production, projects in this industry are not required to meet minimum job or investment eligibility established for the Public/Private Partnership Program. Rather, these projects are considered on a case-by-case basis with consideration given to the positive economic returns projects bring to the City. Target Industry projects must be confirmed in advance by the City in order to receive consideration under this designation.

Non-Conforming Projects

Non-Conforming projects are considered on a case-by-case basis for high impact projects, unique developments and competitive situations where projects may receive competing offers of incentives. These projects require a simple majority vote of City Council in Southern Dallas and a 3/4 vote of City Council in the CBD and in Northern Dallas. High Impact Project - Projects creating/retaining a minimum of 500 jobs with substantial capital investment. In addition, this status may be granted to major projects by Fortune 500, Manufacturers 400, or Global 500 listed firms.

Competitive and Retention Projects

In special cases, companies receiving competing offers of incentives or those currently located in the city of Dallas considering a relocation/expansion are eligible to apply for financial incentives with negotiable terms. Existing firms must expand job base by 25 percent to be eligible for consideration. Incentives may be offered in specific cases to 'match other offers.' Companies may be required to demonstrate competing cities, offers, land/lease costs, taxes at current rates, utility rates, relocation costs, other significant costs and 'gap' to be filled, etc.

Other Sources of Financial Assistance

Tax Increment Districts

Special districts funding public improvements (not services) with increased tax revenues resulting from new private development. Tax rates are the same as elsewhere in the City and no added cost to private parties is incurred.

Public Improvement Districts

Special districts created by petition to privately fund public improvements or special supplemental services over and above those provided by City, when such services are supportive of related City investments in capital improvements.

City of Dallas Regional Center - EB-5

The City of Dallas Regional Center (CDRC) is designed to open a new source of foreign private capital that can be aligned with Dallas' Public/Private Partnership Program to fuel the City of Dallas' economic growth strategy. The CDRC encompasses the entire City of Dallas geographical area, with an emphasis on Target Employment Areas (TEA) such as Southern Dallas. CDRC capital is aggregated from foreign investors into limited partnerships and then invested as debt and/or equity into developments or businesses that meet stringent underwriting

INCENTIVES NEGOTIATED OR PROPOSED BY CITY STAFF ARE SUBJECT TO SPECIFIC FEDERAL, STATE AND LOCAL GUIDELINES, FUNDING AVAILABILITY AND CITY COUNCIL APPROVAL. DEPENDING ON THE INCENTIVE, THERE MAY BE ADDITIONAL RESTRICTIONS BASED ON GEOGRAPHY, PROJECT SIZE AND OTHER FACTORS.

criteria. The CDRC is structured specifically to attract high net worth investors, who must pass rigorous screening tests in order to receive a conditional investment visa in exchange for investing a minimum of \$500,000 (for investments in a TEA) or \$1,000,000 in businesses or projects that generate real and permanent jobs for the City of Dallas.

New Market Tax Credits

The City of Dallas participates in the New Market Tax Credit Program (NMTC), a federal program operated by the Department of Treasury, that provides opportunities for new development in traditionally underserved areas. The program provides NMTC investors with a 39% federal tax credit payable over seven years. These investments are partnered with additional funds for businesses and real estate development in Low Income Neighborhoods.

Foreign Trade Zone

Allows duty-free importing of foreign-made components into the Zone, where they may be assembled, manufactured, processed or packaged. Duties are charged only when products are subsequently distributed into the U.S. market - if they are shipped to international markets, no duty is levied.

State Incentives

The City of Dallas will facilitate applications for assistance from State programs including Enterprise Zone Projects, Texas Enterprise Fund, and the Texas Emerging Technology Fund.

Contact Us

To obtain more detail on these programs, or to inquire regarding other assistance, contact:
Office of Economic Development, Dallas City Hall, 1500 Marilla Street, Room 5CS, Dallas, Texas 75201,
Phone: (214) 670-1685, Fax: (214) 670-0158.

INCENTIVES NEGOTIATED OR PROPOSED BY CITY STAFF ARE SUBJECT TO SPECIFIC FEDERAL, STATE AND LOCAL GUIDELINES, FUNDING AVAILABILITY AND CITY COUNCIL APPROVAL. DEPENDING ON THE INCENTIVE, THERE MAY BE ADDITIONAL RESTRICTIONS BASED ON GEOGRAPHY, PROJECT SIZE AND OTHER FACTORS.

City of Taylor Tax Abatement Matrix

Appendix "A"

General Project	Equal To Or Greater Than	But Less Than	Up To	Up To:
Capital Investment	\$1,000,000	\$2,000,000	20%	5 years
	\$2,000,000	\$5,000,000	40%	5 years
	\$5,000,000	\$10,000,000	60%	5 years
Major Investment	\$10,000,000	-	90%	10 years
Plus Option One or				
New or Retained Jobs	15	24	10%	10 years
	25	39	20%	10 years
	40	-	30%	10 years
Option Two or				
Target Industry			30%	10 years
Option Three or				
Wages Paid	Between 100% and 110% of the average weekly wages paid for this industry		10%	10 years
	Between 110 and 120% of the average weekly wages paid for this industry		20%	10 years
	Greater than 120% of the average weekly wages paid for this industry		30%	10 years
Option Four				
Residency Requirement	Between 25 and 50% of the newly created full-time employees locate to Taylor within 12 months of the issuance of the certificate of occupancy		15%	10 years
	Greater than 50% of the newly created full-time employees locate to Taylor within 12 months of the issuance of the certificate of occupancy		30%	10 years
Maximum Possible Tax Abatement			90%	10 years

City of Taylor Tax Abatement Matrix
Appendix "A"

EZ/NEZ				
	Equal To Or Greater Than	But Less Than	Up To	Up To:
Capital Investment	\$500,000	\$1,000,000	20%	5 years
	\$1,000,000	\$3,000,000	40%	5 years
	\$3,000,000	\$5,000,000	60%	10 years
Major Investment	\$5,000,000	-	90%	10 years
Plus Option One or				
New or Retained Jobs	10	14	10%	10 years
	15	19	20%	10 years
	20	-	30%	10 years
Option Two				
Target Industry			30%	10 years
Maximum Possible EZ/NEZ Tax Abatement				
			90%	10 years
Downtown				
	Equal To Or Greater Than	But Less Than	Up To	Up To:
Capital Investment	\$100,000	\$250,000	20%	5 years
	\$250,000	\$450,000	40%	5 years
	\$450,000	\$750,000	60%	10 years
Major Investment	\$750,000	-	90%	10 years
Plus Option One or				
New or Retained Jobs	5	-	30%	10 years
Option Two				
Target Industry			30%	10 years
Maximum Possible Downtown Tax Abatement				
			90%	10 years
Historic Preservation				
Historic Preservation Tax Abatement			20%	3 years

**Tax Abatement Target Industry List
Appendix "B"**

General Projects and Projects in EZ and NEZ Areas		
TARGET INDUSTRY	NAICS	NOTES
Manufacturing	31 - 33	All types
Value Added Agriculture		Agricultural biotechnology, other R+D, finance, trade, manufacturing, etc found in other NAICS sectors
Logistics and Distribution	493	Warehousing and storage
Hospitality and Tourism	7211	Traveler Accommodation
	7221	Full Service Restaurants
Healthcare	621	Ambulatory Healthcare Services
	622	Hospitals
	623	Nursing and Residential Care Facilities
Projects in the Downtown Redevelopment Area		
TARGET INDUSTRY	NAICS	NOTES
Design (arts and crafts, software, film production, professional services)	711	Performing arts, spectator sports, and related industries
	512110	Film studios producing films
	541511	Software analysis and design services, custom computer
	511210	Software Publishers
	541	Professional, scientific, and technical services
Retail	443	Electronics and Appliance Stores
	444	Building Materials and Garden Equipment and Supplies Dealers
	445	Food and Beverage Stores
	446	Health and Personal Care Stores
	448	Clothing and Clothing Accessory Stores
	451	Sporting Goods, Hobby, Book, and Music Stores
	452	General Merchandise Stores
	453	Miscellaneous Store Retailers
	454	Nonstore Retailers

Personalize your online experience to stay up-to-date on news, events and other information you care about. [View my dashboard](#)

[Sign In](#)



Search

Search

[DEVELOPMENT PACKET](#)

[COMMUNITY PROFILE](#)

[BUSINESS PROFILE](#)

[PROJECTS](#)

[QUICK FACTS](#)

[INCENTIVES](#)

[FIND PROPERTIES](#)

[Home](#) > [Projects](#) > [Incentives](#)

Incentives

Tax Abatement

The City of Sachse is committed to the promotion and retention of high quality development within the city and to better the quality of life for its citizens. To meet these objectives, the city will, on a case-by-case basis, consider providing tax abatements or other economic development incentives to aid in the stimulation of economic development in Sachse.

[Tax Abatement and Incentive Application](#)

[Tax Abatement and Incentive Policy](#)

Fee Waivers

Fee waivers may reduce or eliminate any city fees associated with the development of the project. Where a company intends to develop property for the consideration of a sales tax generator and other public improvements, the city will agree to waive the collection of permit fees.

Infrastructure Improvements

Infrastructure improvements include the provision of, or participation in, the extension of community infrastructure to the project site, including water, wastewater, drainage or road improvements.

380 Agreements

The City may consider providing loans or grants of city funds as permitted by Section 380.001 of the Texas Local Government Code.

[Texas Local Government Code](#)

Tax Increment Financing (TIF)

The area in which TIF is being used is known as a Tax Increment Reinvestment Zone (TIRZ). By leveraging private investment for certain types of development within a targeted area, TIF can be used to finance new and/or enhanced public improvements and infrastructure. [Tax Increment Financing District](#)

Expedited Permitting

The Community Development Department has created a Technical Review Committee to review development plans to streamline the permit process. It is the intent of the City to facilitate the review of all plans in an expeditious manner.

General Beautification Grant

Generally, the Sachse Economic Development Corporation will match each project dollar for dollar up to a maximum of \$10,000. The main retail corridor of Highway 78 has been an ongoing improvement project and funds are available to assist in any beautification grant for a business located within the city.

[Grant Application](#)

Sign Grants

Generally, the Sachse Economic Development Corporation will pay up to \$6,000 for the replacement of an existing pole sign with an approved monument sign. Several grants have been allocated for businesses wanting to make improvements to their business sign.

[Grant Application](#)

Skills Development Fund

Through the Texas Workforce Commission, in cooperation with industry and the local community college, this fund assists businesses by designing, financing and implementing customized job training programs.

[Skills Development Fund - A Job Training Program](#)

Texas Enterprise Fund

The Texas Enterprise Fund (TEF) provides the State's leaders with a "deal closing fund" that has the flexibility and financial resources to help strengthen the State's economy. The fund can be used for a variety of economic development projects including infrastructure and community development, job training programs and business incentives. Before funds can be awarded, the governor, lieutenant governor and speaker must unanimously agree to support the use of the TEF for each specific project.

[Texas Enterprise Fund - How Does It Work](#)

Emerging Technology Fund

This program establishes partnerships between State governments, institutions of higher education and private industries to focus greater attention on the research, development and commercialization of emerging technology in early state companies.

[Emerging Technology Fund - More Information](#)



Sachse Economic
Development Corporation
3815 Sachse Rd., Building B
Sachse, Texas 75048
Ph: 469.429.4764

Share RSS Twitter Facebook

Personalize your online experience to stay up-to-date on news, events and other information you care about. [View my dashboard](#)

Sign In

Rowlett^{TX} ECONOMIC DEVELOPMENT

On the Water. On the Move.

SITE SELECTION

INCENTIVES & PROGRAMS

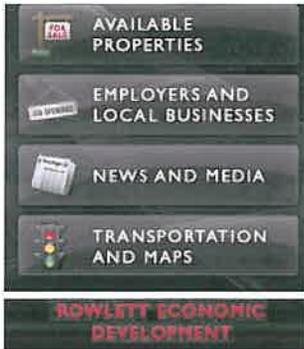
ROWLETT PROFILE

DEVELOPMENT PACKET

Incentives

Search

SHARE EMAIL PRINT



4000 Main Street
Rowlett, TX 75088
972-412-6121

Incentives and Programs

Incentive Packages

The City of Rowlett offers incentives on a case-by-case basis to stimulate business attraction, retention, redevelopment and expansion. The incentive package is determined by the type of operation, the number of full-time jobs created, capital investment, median wage and community impact.

For more information, please contact the Economic Development Department at 972-412-6121.

Types of Incentives and Programs

- **Tax Abatement**
 - The City will consider providing tax abatements for real and/or personal property. A Cost / Benefit Analysis will be performed to determine the feasibility of the project.
- **Fee Waivers**
 - Fee waivers may reduce or eliminate any city fees associated with the development of the project.
- **Infrastructure Improvements**
 - Infrastructure improvements include the provision of, or participation in, the extension of community infrastructure to the project site, including water, wastewater, drainage or road improvements.
- **380 Agreements**
 - The City may consider providing loans or grants of city funds as permitted by Section 380.001 of the [Texas Local Government Code](#).
- **Triple Freeport Exemption**
 - This business incentive is designed to exempt some of a company's entire inventory from property taxes. To be eligible, property must be assembled, stored, manufactured or fabricated locally and then exported out of the State within 175 days after the property was acquired or imported into the State.
- **Tax Increment Financing (TIF)**
 - The area in which TIF is being used is known as a Tax Increment Reinvestment Zone (TIRZ). By leveraging private investment for certain types of development within a targeted area, TIF can be used to finance new and/or enhanced public improvements and infrastructure. [Tax Increment Financing Map](#)
- **Skills Development Fund**
 - Through the Texas Workforce Commission, in cooperation with industry and the local community college, this fund assists businesses by designing, financing and implementing customized job training programs.
- **Texas Enterprise Fund**
 - The Texas Enterprise Fund (TEF) provides the State's leaders with a "deal closing fund" that has the flexibility and financial resources to help strengthen the State's economy. The fund can be used for a variety of economic development projects including infrastructure and community development, job training programs and business incentives. Before funds can be awarded, the governor, lieutenant governor and speaker must unanimously agree to support the use of the TEF for each specific project.
- **Emerging Technology Fund**
 - This program establishes partnerships between State governments, institutions of higher education and private industries to focus greater attention on the research, development and commercialization of emerging technology in early stage companies.

Prospect Questionnaire

In an effort to objectively evaluate the economic and fiscal impact that your development project may have on the City of Rowlett, the City will review and evaluate certain project specific information. Your assistance and cooperation in providing the requested information will assist the City in determining the need for incentives and/or partnerships. Quality projects are considered for incentives on a case by case basis. In order to be considered, please fill out the online [Prospect Questionnaire](#). If you have questions, please contact Rowlett Economic Development 972-412-6121.



For All The Right Reasons!

- Economic Development
- Pro-Business Leadership
- Business Parks
- Retail Development
- Who's Who in Terrell
- Demographics
- Business Incentives
- Strategic Location
- Video Tour of Terrell
- Chamber of Commerce
- Information Request
- Available Property
- Contact Us
- Site Search
- TEDC Meeting Agenda

Business Incentives

The Right Address To Call Home

Terrell wants to be a partner in your success. We offer one of the most aggressive incentive programs in the State of Texas. Visit the links below to learn about programs, grants and loans available to companies who invest in our city.

- ★ [The Terrell Economic Development Corporation](#)
- ★ [Tax Abatement](#)
- ★ [Urban Development Action Grant](#)
- ★ [Industrial Revenue Bonds](#)
- ★ [Texas Capital Fund](#)
- ★ [Job Training Partnership Act](#)
- ★ [Metrocrest Business Park](#) and [Airport Business Park](#)

The Terrell Economic Development Corporation

The Terrell Economic Development Corporation (TEDC) was formed in 1990 after the passage of a \$.005 sales tax proposition. Terrell was one of the first cities in the State to implement this program and has aggressively sought projects using the dollars generated.

The main criteria used in the allocation of funding are the number of jobs created and total economic impact. A minimum of 15 jobs and \$500,000.00 investment is required to qualify for assistance. Each project is judged on its own merit, with types of jobs created and payroll the most important factors. Assistance available from TEDC is in the form of:



- ★ Low interest loans
- ★ Grants
- ★ Infrastructure improvements
- ★ Land purchase

The TEDC currently owns the 750-acre [Metrocrest Business Park](#), a fully developed park with 4-lane streets and all utilities, and the [Airport Business Park](#), adjacent to Terrell Municipal Airport.

To apply for assistance from TEDC, request an application from [Danny Booth](#) and submit it with all the necessary support documents.

★ [TEDC Application](#)



Tax Abatement

All taxing entities in the City of Terrell have adopted a policy for tax abatement for new/existing business and industry locations in Terrell.

(a) Central Business District

To qualify for central business district abatements, businesses:

- ★ Must increase the ad valorem tax value of a property by at least \$150,000 in new construction in the central business district, or
- ★ Must increase the ad valorem tax value of a property by at least \$50,000 in rehabilitation of an existing structure in the central business district.

(b) Enterprise Zone (Metrocrest Business Park and the Airport Business Park)

To qualify for tax abatements in Terrell Enterprise Zones, businesses:

- ★ Must add at least 25 new or retained jobs, and
- ★ Must increase the ad valorem value of a property by at least \$500,000 in new construction, or
- ★ Must increase the ad valorem value of a property by at least \$250,000 in rehabilitation of an existing structure.

Procedural Guidelines

For more information on applying for abatements, contact [Danny Booth](#) at 972-563-5703.

[Application For Tax Abatement](#) (word format) ([pdf format](#))



Additional Opportunities for New Industries:

Urban Development Action Grant

The Urban Development Action Grant (UDAG) Program of the U.S. Department of Housing and Urban Development (HUD) is designed to encourage private development projects in eligible cities. Funds are available for a wide variety of commercial, industrial, and mixed use projects which:

- ★ Help revitalize the city's economic base
- ★ Provide new permanent employment opportunities
- ★ Cannot work without the UDAG

Funds may be used for fixed asset financing. There is no minimum or maximum project amount. UDAG loans, however, generally range from 15% to 25% of the project's cost. Projects in which the UDAG loan is less than \$100,000 are unusual. Some up-front equity investment is generally required, although the specific amount is negotiable.



Industrial Revenue Bonds (I.R.B.) \$10,000,000 Issue

The Terrell Economic Development Corporation is authorized under State Law to issue I.R.B. The corporation will work with the Texas Commerce Department in the issuance of I.R.B. Terrell passed the \$.005 sales tax for economic development in 1990. We currently generate approximately \$800,000.00 annually. These funds can be used for grants, low interest loans, land purchases, utility extension, etc.



Texas Capital Fund

The City of Terrell is qualified to submit applications for an eligible activity to the Texas Department of Commerce. Businesses with a three year track record are desirable, but not mandatory. There are no limitations on the personal net worth of the business owners. Complete applications are selected on a statewide competitive basis with scoring allowed for (1) community distress, (2) benefits to low/moderate income persons, (3) private leverage, (4) number of employees and (5) other.

What are the terms?

- ★ Loan amount: Must not exceed \$800,000
- ★ Purpose of loan: Fixed assets, working capital
- ★ Maturity of loan: Flexible - typically tied to the economic life of the assets

purchased with the loan

- ★ Rate of interest: Flexible - typically low rate financing from 3 to 8%

If approved, the state awards the city a grant. The grant is then loaned to the project principal(s). The repayment funds to the city are recycled for other economic development or community development activities.



Job Training Partnership Act

\$250,000 in job training assistance. For additional information contact contact [Danny Booth](#) at 972-563-5703

Terrell "[For all the Right Reasons!](#)"

[Back](#)

[\[Home\]](#)

[\[Pro-Business Leadership\]](#) [\[Business Parks\]](#) [\[Retail Development\]](#) [\[Who's Who in Terrell\]](#)

[\[Demographics\]](#) [\[Business Incentives\]](#) [\[Strategic Location\]](#) [\[Property Search\]](#)

[\[Video Tour of Terrell\]](#) [\[Terrell Chamber\]](#) [\[TEDC Meeting Agenda\]](#)

[\[Contact Us\]](#)



Terrell Economic Development Corporation

1314 W. Moore Avenue

Terrell, Texas 75160

972-563-5703

Dallas Metro: 972-524-5703

FAX: 972-563 -2363

Toll Free: 1-877-Terrell

E-mail: info@terrelltexas.com



Copyright © 1998- 2011

Terrell Economic Development Corporation

All rights reserved

This page designed and maintained
by [Word Works](#)
Please report any problems to [Webmaster](#)

Personalize your online experience to stay up-to-date on news, events and other information you care about. [View my dashboard](#)

Home • News • Mission • Site Map • Photo Credits



You are here: [Home](#) > [Business](#) > [Economic Development Corporation](#) > Economic Development Incentives

Economic Development Incentives

It is with pleasure that Little Elm, Texas outlines for you the incentives that we may be able to offer for investments related to the development of a business or manufacturing facility with the Town of Little Elm.

SHARE | RSS | Email | Print

- [Water Bill Payment Options](#)
- [LE News Sign-Up](#)
- [Comments/Questions](#)
- [Ask the Mayor](#)
- [P.W. Action Center](#)
- [CIP Connection](#)

- [Agendas and Minutes](#)
- [Economic Excellence Award](#)
- [Kroger Marketplace to Open in Little Elm](#)
- [Town Center Project](#)
- [About Us](#)
- [Aerial Map and Little Elm Brochure](#)
- [Economic Profile](#)
- [Little Elm Location Map](#)
- [Economic Development Incentives](#)
- [Tax Increment Reinvestment Zones](#)
- [Town Center Available Properties](#)
- [Start a Business](#)
- [EDC Financial Report](#)

MyGov
Contractor Registration
Permits & Inspections
Code Enforcement

FOLLOW US ON:

FOLLOW US ON:

Impact Fee Reductions:

The Town of Little Elm may consider reducing the impact fees on projects with a real estate investment over \$5,000,000 up to 60% and under \$5,000,000 up to 50%, based in part on the sales tax return and value of each project.

Tax Abatement:

The Town of Little Elm may consider abating the real estate and/or personal property tax for projects with an investment over \$5,000,000 for variable rates of abatement.

Fast Track Permitting and Inspection Procedures:

Town of Little Elm staff may provide a fast track, one-stop location for permitting and inspections related to the development.

Waiving of Platting, Zoning and Building Permit Fees:

For projects over \$5,000,000 in value, the Town of Little Elm may consider waiving zoning and platting fees, a portion of the building permit, plan review fees, and inspection fees.

4A Sales Tax Incentive Grant:

The Little Elm Economic Development Corporation may consider a grant for infrastructure and site improvements; plus grants for land, buildings, equipment, facilities, expenditures, plus job training for development, expansion and retention of manufacturing and industrial facilities, research and development facilities, transportation facilities, distribution centers, small warehouse facilities, and call centers as authorized by the State Economic Development laws. The goal is to obtain a return on the investment over 5 to 10 years. The Texas Leverage Fund may be utilized to leverage the available funds of the Economic Development Corporation.

Little Elm Reinvestment Zones #1 and #2:

The Town of Little Elm and Little Elm Economic Development Corporation have approved plans for two Tax Increment Reinvestment Zones. These Zones allow for the financing of public improvements through utilization of the increase in value due to the development proposed generating additional and future ad valorem taxes as well as sales tax generated by the new development. For more information on the Project Plan and Reinvestment Zone Financing Plan see the [Plan for Zone No. 1](#) and the Plan for [Zone No.2](#). The Little Elm Redevelopment Authority assists the Town and the Little Elm Economic Development Corporation in administration of the Zones.

Texas Dept. of Agriculture/ Texas Capital Fund for Infrastructure or Real Estate: Little Elm is qualified to apply on behalf of the developer or end user for funding up to \$750,000 for infrastructure or real estate development. Applications are competitive and received quarterly. The minimum job creation requirement is

30 jobs. The infrastructure development is a grant and real estate development is a lease for 20 years. Terms of the lease are negotiable.

Texas Enterprise Zone:

Projects that create more than 10 permanent jobs for the Town of Little Elm may be nominated as a project for the Texas Enterprise Zone. The Little Elm Economic Development Corporation may pay the application preparation and the application fee. Once nominated, the Texas Enterprise Zone project is allowed to obtain sales tax rebates on a per employee basis as well as deductions from franchise tax payments.

Texas Enterprise Fund:

The Town of Little Elm and Little Elm Economic Development Corporation may assist in application preparations for obtaining a Texas Enterprise Fund Grant for the purpose of securing a significant new business or significant expansion of an existing business as part of a competitive recruitment situation.

Freeport Tax Exemption:

The Town of Little Elm will exempt Freeport inventory. Denton and Frisco ISD's have the Freeport Exemption. Denton County has the Freeport Exemption.

The above list serves as a general guideline for use in considering an investment. Little Elm is interested in attracting and expanding quality projects and will be very competitive. We offer to provide a detailed incentive proposal for potential projects, following a formal meeting with the developers and end users.



(972)727-0250

Toll Free: 1(877)425-5368

[Home](#)[About Us](#)[Contact Us](#)[Property Search](#)[Location](#)[Properties](#)[Incentives](#)[Prospect Form](#)[Demographics](#)[« 06.02.2010](#)[Workforce Training Grants »](#)

Incentives



Allen's reputation has grown as a proactive, pro-business community. It has adopted every economic development incentive program available! Qualified companies can take advantage of cost-saving incentives through the Triple Freeport Inventory Exemption and Tax Abatement. Additionally, the Allen Economic Development Corporation, funded through a half-cent sales tax, can assist with infrastructure, relocation costs and other development activities.

Allen is very aggressive in the recruitment of new companies and expansion of existing industries. Incentives are based on a case-by-case basis with consideration given to the type of industry, capital investment, annual payroll and number of jobs.

Prospect Questionnaire – Economic and Fiscal Impact Analysis

Companies seeking incentives are asked to complete an [Economic and Fiscal Impact Analysis Form](#), which gives the AEDC some of the background information necessary to determine the most beneficial package based on the company's qualifications. Representatives of the AEDC will meet with the company to determine any special needs. The process is streamlined to expedite meeting with the AEDC Board at the monthly meeting or at a "Special-Called Meeting," to determine the level of

[Home](#)[Our Story](#)[Calendar](#)[Galleries](#)[Employment](#)[Contact Us](#)**Economic Development > Development Incentives**[Lake Dallas Incentives](#) | [Texas Incentives](#)**Lake Dallas Incentives*****Lake Dallas wants to be your business partner...***

There are several financing alternatives available for businesses seeking to expand or relocate in Lake Dallas. Because financial assistance is of a customized nature, the Lake Dallas Economic Development Corporation and City Council will work with companies to develop a tailor-made and beneficial package for interested parties.

Pro-Business City Council

Lake Dallas makes business and industry welcome by working with them on all facets of their location or relocation in the city.

Expedient Permit Process

City departments work closely with business and industry to expedite procurement of building and other required city permits. The goal is to become a partner in future city growth

Tax Abatements

Lake Dallas has targeted several specific types of business that are ideally suited with the future development of the community. To help make Lake Dallas more attractive to those targeted businesses, the City offers an aggressive tax abatement policy that helps offset the cost of relocation. The policy provides for a variable abatement rate based on the company investment in the community. Assistance is based on the company's financial reports, the projected increased taxable value of building and equipment, and number of employees.

Development Grant For Sales Tax Rebate

Lake Dallas offers sales tax rebates. The amount of the grant and the length of time are determined on a case by case basis.

Development Fee Rebate Policy

Lake Dallas will consider a rebate of company development fees on a case by case basis.

[Agendas/Minutes](#)[Announcements/News](#)[Community Development](#)[Economic Development](#)[Municipal Court](#)[The Hook - Newsletter](#)[Online Payments](#)[Parks & Recreation](#)[Public Notices](#)[Special Events](#)[Street Closures](#)[Voter Information](#)

Infrastructure Cost Share Policy

Lake Dallas considers participating in a company infrastructure costs on a case by case basis.

Skills Development Fund

This program, created in 1995, is administered by the Texas Workforce Commission and is intended to assist community and technical colleges meet industry and workforce needs. These funds can cover program design, instruction, texts, and reusable equipment.

Texas Leverage Fund

The TLF is an economic development bank offering financing to communities with the ED sales tax. This fund provides financing to local businesses for industry expansion or industrial park establishment

Capital Certified Development Corporation

This program offers long-term financing at a fixed interest rate for businesses in operation for at least three (3) years. The funds can be used for land, building, equipment and machinery.

Industrial Revenue Bonds

The State of Texas Industrial Revenue Bond Program is designed to provide tax-exempt financing to finance land and depreciable property for eligible industrial or manufacturing projects. The Development Corporation Act allows cities, counties, conservation and reclamation districts to form non-profit industrial development corporations or authorities on their behalf. The purpose is to issue taxable and tax-exempt bonds for eligible projects in their jurisdictions.

Negotiable local incentives

Incentives are awarded based on an Economic Impact Analysis. In addition, incentives might include workforce training funds, relocation allowances, infrastructure improvements, developed or undeveloped land, one-stop municipal permitting, waiver of municipal fees, Reinvestment Zone plus Job Fair assistance and sponsorship.

[top](#)

[Privacy Policy](#) | [Disclaimer](#) | [Site](#)

[Map](#) | [Contact Us](#)

© 2006 City of Lake Dallas. All rights reserved.



Website design by [Dark Horse Productions](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE GUIDELINES AND CRITERIA FOR TAX ABATEMENT AND ECONOMIC DEVELOPMENT INCENTIVES, ATTACHED AS EXHIBIT “A”; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sachse is committed to the promotion and retention of high quality development within the City to improve the quality of life for its citizens, which can be attained by the enhancement and expansion of the local economy; and

WHEREAS, the City of Sachse will, on a case-by-case basis, consider providing tax abatements or other economic development incentives to aid in the stimulation of economic development in the City in accordance with these Guidelines and Criteria; and

WHEREAS, the Board of Directors of the Sachse Economic Development Corporation has recommended the City Council adopt the Guidelines and Criteria for Tax Abatement and Economic Development Incentives attached as Exhibit “A”;

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

Section 1. That the City Council hereby approves and adopts the Guidelines and Criteria for Tax Abatement and Economic Development Incentives set forth in Exhibit “A” incorporated herein for all purposes.

Section 2. That this Resolution shall take effect immediately from and after its passage, and it is, accordingly, so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Sachse, Texas, this the _____ day of December, 2011.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

APPROVED AS TO FORM:

Peter G. Smith

Peter G. Smith, City Attorney
(PGS:11-29-11:TM 52641)

Exhibit "A"
(Copy of Guidelines and Criteria for
Tax Abatement and Economic Development Incentives
to be attached)



Legislation Details (With Text)

File #: 11-0611 **Version:** 1 **Name:** Consider purchase of additional radion equipment.
Type: Regular Agenda Item **Status:** Agenda Ready
File created: 12/29/2011 **In control:** City Council
On agenda: 1/3/2012 **Final action:**
Title: Discuss and consider the installation and purchase of radio equipment for Public Safety in an amount not to exceed \$34,000.00.

Executive Summary

The City of Sachse has an opportunity to replace/upgrade the current radio consoles in the Public Safety Building. The current radio system consoles were purchased in 2003 and the opportunity for the City to acquire newer radio console(s) is a great opportunity for Sachse. The current consoles, have grown with Public Safety up to this point and now it has reached its limits of any further upgrades and the ability to get replacement parts is not available.

Sponsors:

Indexes:

Code sections:

Attachments: [Radio Console Powerpoint PDF Motion](#)

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

Title

Discuss and consider the installation and purchase of radio equipment for Public Safety in an amount not to exceed \$34,000.00.

Executive Summary

The City of Sachse has an opportunity to replace/upgrade the current radio consoles in the Public Safety Building. The current radio system consoles were purchased in 2003 and the opportunity for the City to acquire newer radio console(s) is a great opportunity for Sachse. The current consoles, have grown with Public Safety up to this point and now it has reached its limits of any further upgrades and the ability to get replacement parts is not available.

Background

During the final stage of the construction and during the budget process, the City of Sachse through savings had additional monies with the bond left over for us to approach our needs that we have discovered once the campus was put in service. This money was looked at compared to the needs for the campus and was broke out in projects based on priorities we still need for the campus. It was decided that we should put aside \$50,000.00 for an upgrade to our radio system knowing of the opportunity we had with the City of Frisco acquiring their consoles they have replaced which are only 4-5 years old and upgradable. Once approved of the \$34,000.00, we researched, planned and received quoted prices for the installation of 3 consoles with necessary equipment to make it operable for Sachse.

The City of Garland informed us that the City of Frisco purchased a new radio system and that there was an opportunity for Sachse to request their radio equipment. This equipment is Motorola equipment and is still useable, upgradable and still supported by Motorola. Sachse obtained this equipment through request to the City of Frisco and was granted this equipment at no cost. This equipment new was at a cost of \$120,000.00+ which we now have at no cost other than a cost for a current upgrade for our needs and an installation cost. This equipment was taken to the City of Garland to be tested out to Garland's system and passed all test.

Policy Considerations

There are current regional operability agreements in place with other cities that will be enhanced by the upgrade/installation of updated radio consoles.

Budgetary Considerations

Approving this request of a budget of \$50,000.00 bond money which was discussed during the FY 2011-2012 budget. The following is cost of install and equipment:

*Motorola additional parts and cable for connections	\$16,537.12
*DFW Communications for install	\$11,399.28
*Verizon T1 line to Garland cost to Sachse 1st year	\$1,000.00
*Replace computer screens to "touch" (3)	\$1,500.00
*Additional Software	\$3,000.00
Total	\$33,436.40

*** There will be incurring cost that will be included in our annual rental cost on the Garland Radio Maintenance invoice that will include the T1 line estimated \$1,000.00.

Staff Recommendations

Approval of a motion authorizing the City Manager to enter into necessary agreements for the installation and purchase of radio equipment for Public Safety in an amount not to exceed \$34,000.00

Radio Console Upgrade



Objective

- Replace current dispatch radio consoles with newer equipment obtained from the Frisco Police Department.



Current System



Background

- Current dispatch radio consoles purchased in 2003 through a grant obtained through NCTCOG
 - Current system has reached the limits of its capabilities expandability
 - Current system has reached its support lifecycle through the manufacturer, making parts for repairs more difficult to find



Background

- In 2010 the City of Frisco expanded and upgraded their radio system to a digital system.
 - Virtually all equipment was replaced
 - Three consoles that had been purchased for their EOC through a Federal Grant were no longer compatible with their radio system and taken out of service.
 - These Motorola consoles were rarely used and less than three years old when taken out of service.



Background

- The consoles in question were inspected by the Garland Radio shop and determined to be in like new condition and perfectly compatible with the current Garland radio system.
- The City of Frisco agreed to transfer the ownership of the three radio consoles to the City of Sachse, at no cost.
 - \$120,000+ purchased new



Background

- The equipment has been received by the City of Sachse and is currently being stored.



Benefits to Upgrading Radio Consoles

- Current consoles cannot communicate with Wylie or Murphy Police or Fire Departments.
- Current consoles are nothing more than remote controlled mobile radios, the same radios that are used in the patrol cars and fire trucks.



Benefits to Upgrading Radio Consoles

- “Emergency” buttons and radio caller ID features are not compatible with current consoles.
- New consoles have significant room for future expansion.
- New consoles will be directly connected to the Garland radio system, not just remote controlled radios.



Benefits to Upgrading Radio Consoles

- New consoles have “emergency” button and radio caller ID capability.
- New consoles can be configured to communicate with Murphy and Wylie Police and Fire Departments.
- New consoles are the same consoles being used in the City of Garland.



Benefits to Upgrading Radio Consoles

- New consoles should bridge the gap until the City of Garland migrates it's system to a completely digital system, 2017 at the soonest.



Radio Console Upgrade

■ Questions



Motion:

I make a motion to authorize the City Manager to enter into necessary agreements for the installation and purchase of radio equipment for Public Safety in an amount not to exceed \$34,000.00.