

CITY COUNCIL OF THE CITY OF SACHSE

SPECIAL MEETING MINUTES

September 14, 2015

The City Council of the City of Sachse held a special meeting on Monday, September 14, 2015 at 7:30 p.m. at Sachse City Hall, 3815-B Sachse Road, Sachse, Texas. Those present were Mayor Mike Felix, Mayor Pro Tem Brett Franks, Council Members Charlie Ross, Paul Watkins, Bill Adams, Cullen King, and Jeff Bickerstaff. City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; City Engineer, Greg Peters; Parks and Recreation Director, Lance Whitworth; Human Resources Manager, Stacy Buckley; Fire Chief, Rick Coleman; Police Chief, Bryan Sylvester; Library Manager, Mignon Morse; and, Finance Director, Teresa Savage.

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

CONSENT AGENDA: All items listed on the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items unless a council member or citizen so requests. **15-2995** Approve the minutes of the September 1, 2015 special Council meeting. **15-3014** Approve the minutes of the September 1, 2015 joint Council and EDC workshop meeting. **15-3007** Approve a resolution renewing the authorization for an Interlocal Agreement for Food Establishment Inspection and Environmental Health Services between Dallas County, on behalf of Dallas County Health and Human Services, and the City of Sachse. **15-3008** Approve a resolution renewing the terms and conditions of a Professional Services Agreement, by and between the City of Sachse and the City of Garland for the City of Garland Health Department to provide immunizations, well child health care and communicable disease investigation services for the City of Sachse.

Councilman King made a motion to approve items 15-2995, 15-3014, 15-3007, and 15-3008 as submitted. Councilman Ross seconded that motion and the motion was unanimously approved.

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

Councilman King announced that North Point Church will host a kids and divorce group for anyone that may be interested.

Mayor Felix acknowledged his appreciation to the Sachse Park Pals for hosting the dedication event as well as a big thanks to CERT, Mike Kellam, and all the volunteers who helped at the event. Mayor Felix announced that CERT will be hosting preparedness classes on September 19

and 20; the Drug Take Back Initiative will be held 10-2 on Saturday, September 26; National Night Out will take place October 6; the Senior Center will be hosting a Blue Grass Under the Stars Event on Saturday, September 19 from 7:30-10:30 p.m.; the Library will host a Fall Crafts with the Stamp Maven at 6 p.m. on Tuesday, September 15; and, on Tuesday, September 22, the Library will host PAWS to read with Princess the Dog at 6 p.m.

Mrs. Nash provided a water bill update stating city staff began meter testing along with September readings began this week. The staff has currently received 295 complaints. Ms. Nash explained that the department currently has only two meter readers and a few individuals in the Utility Billing Department. As they respond to calls, it is taking time to return each one as the staff is spending time with each resident. It is a slow-going process, but staff will continue to work on the inquiries as they were received.

15-2994 Proclamation declaring September, 2015 as National Preparedness month.

Mayor Felix presented a proclamation to Jeri McGrath with CERT. Ms. McGrath encouraged all to attend the classes on September 19 and 20 as they will help prepare everyone in an emergency.

15-2996 Presentation of Hancher Library Grant for \$27,000.

Mignon Morse, Library Manager presented a check for \$27,000 that was awarded to the Sachse Library. The grant funds will be used to replace lap tops and e-audio books. Ms. Morse recognized Blais and Associates for their assistance in writing the grant.

CITIZENS INPUT:

Mike Kellam, 5619 Pinnacle Circle, offered his thanks to those who partnered to make the dedication event a success. Mr. Kellam also thanked city staff, the park board, citizens, Sachse CERT, and the volunteers who selflessly volunteer. A very special thanks was given to Paul and Nilfour Watkins for their support and sponsorship.

REGULAR AGENDA ITEMS:

15-3015 Consider authorizing City Manager to execute a purchase order to Motorola Solutions Incorporated for the purchase and acquisition of radios and equipment related to the P-25 Digital Radio Upgrade.

Rick Coleman, Fire Chief stated that this Interlocal Agreement will allow for the purchase of the radios and additional equipment. Mr. Coleman stated that staff is recommending council to approve the proposed purchase order to Motorola Solutions Inc., in order to move forward with the upgrade. Mrs. Nash added this is the first of a two part step for the radio upgrade. The radios and equipment are purchased first with the funds already being allocated to do so.

Councilman King made a motion to approve a purchase order to Motorola Solutions Inc., for the purchase and acquisition of radios and equipment related to the P-25 Digital Radio Upgrade. Councilman Bickerstaff seconded that motion and the motion was unanimously approved.

15-2988 Discuss and consider an ordinance approving and adopting the budget for fiscal year beginning October 1, 2015 and ending September 30, 2016; providing that expenditures for said fiscal year shall be made in accordance with said budget; appropriating and setting aside the necessary funds out of the general and other revenues for said fiscal year for the maintenance and operation of the various departments and for various activities and improvements of the city; providing a repealing clause; providing a severability clause; and providing an effective date.

Ms. Savage stated that there have been no changes since the last time this item was presented and provided a brief summary of the proposed budget.

Councilman Watkins made a motion to approve and adopt the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016. Councilman King seconded that motion and the motion was unanimously approved.

15-2991 Discuss and consider an ordinance levying ad valorem taxes for the year 2015 (Fiscal Year 2015-2016) at a rate of \$0.757279 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Sachse as of January 1, 2015, to provide revenue for the payment of current expenses; providing for an interest and sinking fund for all outstanding debt of the City of Sachse; providing for due an delinquent dates together with penalties and interest; providing a severability clause; providing a repealing clause; and providing an effective date.

Councilman Bickerstaff made a motion that the property tax rate be increased by the adoption of a tax rate of 0.757279, which is effectively a 6.15 percent increase in the tax rate. Councilman Watkins seconded that motion and the motion was unanimously approved.

15-2997 Motion to ratify the property tax increase in the budget for Fiscal Year 2015-2016.

Councilman King mad a motion to ratify the property tax increase in the budget for Fiscal Year 2015-2016. Mayor Pro Tem Franks seconded that motion and the motion was unanimously approved.

15-3006 Consider a resolution amending the Master Fee Schedule adopted by Resolution 3433 by amending Solid Waste Rates for residential service effective October 1, 2015.

Ms. Savage stated that there is no CPI increase this year. The rate adjustment is related to the landfill. The increase will equate to \$0.10 per resident each month.

Councilman Ross made a motion to approve an amendment to the Master Fee Schedule amending Solid Waste Rates for residential service effective October 1, 2015. Councilman Watkins seconded that motion and the motion was unanimously approved.

15-3013 Conduct a public hearing and consider an ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by granting a change in zoning from Planned Development (PD-4) to General Commercial (C-2) with a Special Use Permit for a restaurant with drive-through use on an approximately 1.0492 acre tract of land located at 3802 Sachse Road; 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) for each offense; and providing an effective date.

Mr. Peters introduced this item stating that the applicant is proposing a restaurant with drive thru, office, and retail space. Mr. Peters indicated where this property is located within the Future Land Use Plan of the Comprehensive Plan. Mr. Peters indicated the current and proposed zoning of the property and that the property was never platted with the residential development of Park Lake Estates. Mr. Peters stated that 165 notices were sent to surrounding property owners and as of Wednesday, September 9, 2015, two were returned in favor, thirty in opposition and one from outside the response area. Mr. Peters indicated that due to the location, property size, and adjacent traffic volume, staff concludes that residential is not the best use of the subject property. A change in zoning will result in a change to the Future Land Use Plan. The Planning and Zoning Commission voted to recommend a zoning change for PD-4 to C-1 without a SUP for the drive-thru at their August 24, 2015 meeting. The recommendation made was for a more restrictive zoning than the applicant's request. Mr. Peters outlined the main differences between C-1 and C-2 zoning, and that a SUP would still be required. Mr. Peters stated that the council does have the option of approving a zoning change to C-1, because it is more restrictive than the requested C-2 zoning. Staff recommends approval with SUP.

Mayor Felix opened the public hearing.

Diane Smith, 4802 Sachse, Road, is opposed. This is not a good location for a drive-thru.

Pat Reeb, 5315 Park Lake, is opposed. This is not something the city needs.

Barbara Elkins, 4116 Blossom Drive, is opposed. This does not promote an enjoyable quality of life and will have a negative impact on the neighborhood.

Becky Clemmons, 3640 Sachse Road, is opposed. Would like to see it left as green space.

Gary Elkins, 4116 Blossom Drive, is opposed. Would bring too much traffic to area.

Christine Horning, 4607 Mallard Lane, is opposed. Would be an eyesore to the neighborhood and have a negative impact with traffic, children, etc.

Greg Smith, 4008 Blossom Drive, is opposed.

Corrine Smith, 4008 Blossom Drive, is opposed. Would like to keep the area quiet and peaceful.

Cathy Cobb, 3820 6th Street, is opposed.

Tricia Lyndsey, 3718 Rock House Road is in favor of the proposed.

John Mericle, 3910 Blossom Drive, is opposed.

Councilman Adams made a motion to close the public hearing. Mayor Pro Tem Franks seconded that motion and the motion was unanimously approved.

Mr. Mike Alturk spoke on behalf of the applicant.

The council discussed the traffic concerns, the character of the surrounding neighborhood as to whether the proposed was a good fit to the community. The council discussed the C1 versus the C2 zoning and if there was a conceptual plan.

Mayor Pro Tem Franks made a motion to deny an ordinance of the City of Sachse, Texas, to amend the Comprehensive Zoning Ordinance and Map by granting a change in zoning from Planned Development (PD-4) to General Commercial (C-2) with a Special Use Permit for a restaurant with drive-through use on an approximately 1.0492 acre tract of land located at 3802 Sachse Road; as the request is not in conformance with the Future Land Use Map, known as Figure 3-3 in the Comprehensive Plan of the City of Sachse. Councilman Ross seconded that motion and the motion was unanimously approved.

15-3012 Conduct a public hearing and consider the application for a Temporary Special Use Permit for North Pointe Church of Christ for two temporary portable classroom buildings on approximately 6.114 acres of land located at 7030 State Highway 78, for a period of five years.

Councilman King read the following statement. "I am a member of the North Pointe Church of Christ and have been for a while. I was a part of the leadership building team that oversaw the construction of the current facility. Although I do not currently hold a leadership position I have held several in the past. When I approach items like the one on our agenda tonight, I look to see if I can evaluate it as I would any other request that comes through. I believe that I could but I also recognize that I have made inquiries and follow up requests that I did not make on similar items presented to us. I have also helped advise Church leaders in the navigation of the SUP process. I Timothy 3 states a leader in the Church must be above reproach, I interpret this to mean beyond the perception of wrong doing or conflict of interest. I would apply that same philosophy to my service to Sachse. I firmly believe in equal treatment for like entities and after looking at the information, have a good idea of how I would vote. This has led me to a very difficult decision. Because I have been a leader within the North Pointe Church and because I was involved in the construction of the current facility and am still involved in the technology maintenance of the current building, to avoid the perception of a conflict of interest, I will be abstaining from this vote. After consulting with our city attorney, it is understood that this will be recorded as neither a yea nor nay. Should a future issue arise, I will evaluate it, based on its merits, the same way." Councilman King left the dais.

Mr. Peters provided an overview of the subject property including property location, current and surrounding zoning, and the proposed location for the two temporary buildings. Mr. Peters sat

that the proposed buildings are to be used as classrooms, and the applicant plans to construct a new deck and ramp, and complete exterior repairs to the siding, gutters, and paint. Mr. Peters stated that the requested temporary use permit for the temporary buildings could be approved by the City Manager, if the intended period of time was 2 years or less. However, the applicant is requesting a period of five years, which requires City Council approval. Staff has found that temporary buildings have historically been allowed at other churches in the community for use as classrooms and the proposed installation will include a new wood deck and ramp would satisfy requirements of the Americans with Disabilities Act (ADA). Therefore, staff recommends approval.

Mayor Felix opened the public hearing.

Mike Campbell, 6006 Pleasant Valley, a representative for the church stated that the buildings would provide for additional classroom space, which they need as well as would allow to expand their food pantry and additional services.

Cathy Cobb, 3820 6th Street, commented that due to the location of the buildings and the church that if bad weather should hit, that the church be prepared for an emergency.

Mayor Pro Tem Franks made a motion to close the public hearing. Councilman Watkins seconded that motion. The motion passes with a 6-0 vote. Councilman King abstained.

Councilman Bickerstaff stated that weather radios are a good idea and that the applicant may be able to work with the building official on an anchor system.

Mayor Pro Tem Franks discussed the placement of the buildings and exit door(s) location.

Councilman Watkins made a motion to approve the application for a Temporary Special Use Permit for North Pointe Church of Christ for two temporary portable classroom buildings on approximately 6.114 acres of land located at 7030 State Highway 78, for a period of five years. Councilman Ross seconded that motion. The motion passes with a 6-0 vote. Councilman King abstained.

15-3017 Conduct a public hearing and consider the application of North Pointe Church, requesting a variance from the Code of Ordinances, Chapter 3, Building Regulations, Section 3-10. Table 1, General Sign Provisions to reduce the required front yard setback for an Institutional Sign from 15 feet to 8 feet in an existing sign easement on the property located at 7010 State Highway 78.

Mr. Peters introduced this item providing an overview of the subject property. The Applicant is currently operating a Church facility at 7030 State Highway 78, located between Williford Road and Sable Lane, and is a grantee of an existing sign easement located at 7100 State Highway 78. The sign easement was part of a driveway and parking easement filed in Collin County on August 22, 2006. The applicant is proposing to construct an institutional sign within the sign easement. Mr. Peters noted the sign location, the current and surrounding zoning, as well as the existing sign easement location. Mr. Peters stated the applicant is requesting a variance from the required 15 foot setback from the public right-of-way to an 8 foot setback. Staff has reviewed the

proposed sign layout and location, and finds the proposed sign to meet all other city requirements. Therefore, recommends approval.

Mayor Felix opened the public hearing. No comments were made.

Councilman Adams made a motion to close the public hearing. Mayor Pro Tem Franks seconded that motion. The motion passes with a 6-0 vote. Councilman King abstained.

Mayor Felix asked if the sign would be marquee or digital. Tony Burrows with the sign company responded that it will be an LED board sign.

Mayor Pro Tem Franks made a motion to approve the application of North Pointe Church, requesting a variance from the Code of Ordinances, Chapter 3, Building Regulations, Section 3-10. Table 1, General Sign Provisions to reduce the required front yard setback for an Institutional Sign from 15 feet to 8 feet in an existing sign easement on the property located at 7010 State Highway 78. Councilman Bickerstaff seconded that motion. The motion passes with a 6-0 vote. Councilman King abstained.

15-3016 Discuss potential development agreement with Sachse 95 LP, a Texas Limited Partnership.

Mr. Peters introduced this item providing an overview with the property location and developer information. The 96.8 acre property was rezoned to a Planned Development in May, 2015. The development includes: 66 residential lots (minimum 1-acre), minimum home size of 3,000 square feet, additional architectural and landscaping requirements (above City minimums), 24' wide concrete local streets with bar ditches for drainage, 30-ft landscape easement along Pleasant Valley Road, and a Homeowners Association (HOA) for the development. Mr. Peters talked about the standard requirements for city streets, water, and infrastructure. Staff engaged Kimley-Horn & Associates to conduct a proportionality study regarding the City requirements for street improvements related to the development. The Licensed Professional Engineer for Kimley-Horn has experience in reviewing and preparing proportionality studies related to land development and infrastructure for municipalities. The Study was completed on August 24, 2015 and was provided to City staff and the Developer for review and discussion. The Proportionality Study recommended that the developer should construct the 36-foot wide collector road through the development, and receive impact fee reimbursement for the difference between the City standard street (31') and the collector road (36') due to the development being limited to 66 one acre lots, the construction or escrow for constructing travel lanes on Pleasant Valley Road is above and beyond the proportional share of the impact of the development, additional analysis should be completed to determine if turn lanes should be constructed along Pleasant Valley Road for the development. This traffic impact analysis (TIA) would be required by City staff to be completed by the Developer's engineer during the engineering plan preparation, review, and approval. Mr. Peters stated that the developer has agreed to construct the proposed 12-inch water main, with the City reimbursing for the oversize cost between what is needed for the development (8") and what is show in the City of Sachse 10-yr CIP (12"), and the Developer agrees with the proportionality study findings regarding Pleasant Valley Road. Staff finds that development requirements in the Sachse Subdivision Ordinance may be above and beyond what State Law will allow, when applied to large lot and rural residential development. This is due to the

anticipated level of impact on City infrastructure and that the development requirements in the Sachse Subdivision Ordinance, when applied to low density residential development (10,000 square foot lots and under) and commercial development in the City, are more likely to be consistent with State Law due to higher impacts on City infrastructure. Staff also finds that the proportionality study prepared by Kimley-Horn should be used for preparing a Development Agreement for the project. Staff recommends that the City Council consider a development agreement for the project to include the following: Impact Fee reimbursement for the upsize cost of the capital water main from an 8-inch main to a 12-inch main (anticipated reimbursement of \$57,243.00) and Impact Fee reimbursement for the upsize cost of the collector street per the Proportionality Study, from the City standard 31-foot local street to the proposed 36-foot collector street with no curbs. (Anticipated reimbursement of \$73,230.00).

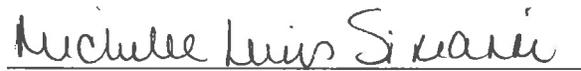
The council discussed the larger lot sizes and their impact as well as the streets and whether or not the hike and bike trails would be built to the width as indicated in the Master Plan.

The council consensus was that based on the Proportionality Study, they are in favor of moving forward on this item.

ADJOURNMENT:

At 9:51 p.m. Councilman Bickerstaff made a motion to adjourn the meeting. Councilman Ross seconded that motion and the motion was unanimously approved.

ATTEST:


Michelle Lewis Sirianni, City Secretary


MIKE FELIX, MAYOR

