



# City of Sachse, Texas

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

## Meeting Agenda City Council

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Monday, January 4, 2016

7:30 PM

Council Chambers

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

The City Council of the City of Sachse will hold a Regular Meeting on Monday, January 4, 2016, at 7:30 p.m. in the Council Chambers at Sachse City Hall, 3815-B Sachse Road, 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.

*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.*

[16-3165](#) Approve the minutes of the December 7, 2015 workshop meeting.

**Attachments:** [12.07.15 Minutes Workshop](#)

[16-3166](#) Approve the minutes of the December 7, 2015 regular meeting.

**Attachments:** [12.07.15 Minutes](#)

[16-3168](#) Consider receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2015.

**Attachments:** [GF 11-30-15](#)

[UF 11-30-15](#)

[DS 11-30-15](#)

[SEDC 11-30-15](#)

[Sales Tax Analysis January 2016](#)

[16-3171](#) Consider a resolution authorizing the purchase of a one-ton Ford F350 extended cab pickup truck for the Parks Department through the BuyBoard Cooperative Purchasing Program via Sam Pack's Five Star

Ford in an amount not to exceed \$28,869.69.

**Attachments:** [Resolution](#)

[Ford F350 Quote - 2015](#)

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

[16-3167](#) Recognize employees for their service to the City of Sachse.

**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. Time limit is 3 minutes per speaker. The City Council is prohibited by state law from discussing any item not posted on the agenda according to the Texas Open Meetings Act, but may take them under advisement.*

**4. REGULAR AGENDA ITEMS.**

[15-3160](#) Consider a request for the installation of a temporary traffic calming device in accordance with the Citizen's Handbook for Requesting Traffic Calming Devices.

**Attachments:** [Mustang Drive Traffic Calming Presentation](#)

[Exhibit A - Citizens Handbook For Requesting Traffic Calming Devices](#)

[Exhibit B - Primary Affected Area](#)

[Exhibit C - Application and Petition Form](#)

[Exhibit D - Traffic Speed Statistics - 10-13-15 to 10-21-15](#)

[Exhibit E - Traffic Calming Process Diagram](#)

[15-3161](#) Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 45 miles per hour to 40 miles per hour for Pleasant Valley Road from the west City limits to the east City limits; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.

**Attachments:** [Presentation](#)

[Ordinance](#)

[15-3162](#) Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 30 miles per hour to 40 miles per hour for Ranch Road from Maxwell Creek Road to State Highway 78; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars

for each offense; and providing an effective date.

**Attachments:** [Presentation](#)

[Ordinance](#)

[15-3163](#)

Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to amend the school zone on a portion of Ranch Road eastbound and westbound from a point three hundred feet west of Woodcreek Way to a point one thousand and twenty feet east of Woodcreek Way; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date

**Attachments:** [Presentation](#)

[Attachment A - ITE Recommendations](#)

[Ordinance](#)

[16-3169](#)

Discuss and consider conducting an independent audit of the City's utility billing processes and procedures.

**Attachments:** [Water Update January 2016](#)

[16-3170](#)

Consider approval of a Chapter 380 Grant Agreement made by and between the City of Sachse, Texas and Highland Homes - Dallas, LLC.

**Attachments:** [Presentation](#)

[Sachse Texas Sales vs Use Tax Diagram](#)

[380 Agreement](#)

[15-3164](#)

Consider a resolution authorizing the City Manager to enter into a Development Agreement with Paul Taylor Homes, LTD for the development of Malone Estates, and take any necessary action.

**Attachments:** [Presentation](#)

[Exhibit A - Property Description](#)

[Exhibit B – Roadway Facilities](#)

[Exhibit C - Roadway Impact Study](#)

[RESO and Agreement - Paul Taylor](#)

**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.

As authorized by Section 551.072(2) of the Texas Government Code, this meeting may be convened into closed Executive Session at any time during the City Council workshop or regular meeting for the purpose of seeking confidential legal advice from the City Attorney on any workshop or regular meeting agenda item listed herein.

Posted: December 23, 2015; 5:00 p.m.

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Michelle Lewis Sirianni, City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements, please contact Michelle Lewis Sirianni, City Secretary, at (972) 495-1212, 48 business hours prior to the scheduled meeting date.



Legislation Details (With Text)

<b>File #:</b>	16-3165	<b>Version:</b>	1	<b>Name:</b>	December 7, 2015 Council workshop minutes
<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	12/14/2015	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	1/4/2016	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Approve the minutes of the December 7, 2015 workshop meeting.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">12.07.15 Minutes Workshop</a>				

Date	Ver.	Action By	Action	Result
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Title

Approve the minutes of the December 7, 2015 workshop meeting.

Background

Minutes of the December 7, 2015 workshop meeting.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Approve the minutes of the December 7, 2015 workshop meeting.

**CITY COUNCIL OF THE CITY OF SACHSE**

**WORKSHOP MEETING MINUTES**

**December 7, 2015**

The City Council of the City of Sachse held a workshop meeting on Monday, December 7, 2015 at 6:30 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, Jeff Bickerstaff, and Cullen King. City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; Director of Public Works and Engineering, Greg Peters; Community Development Director, Dusty McAfee; Chief of Police, Bryan Sylvester; Finance Director, Teresa Savage; and Human Resources Director, Stacy Buckley.

Mayor Felix called the meeting to order at 6:35 p.m.

**DISCUSSION OF TRUCK ROUTES WITHIN SACHSE:**

Mr. Peters introduced this item by providing an overview of the City’s current ordinance, a map of current truck routes within the City, as well as in Wylie, Garland, and Murphy, and a map of potential truck routes. Mr. Peters briefed Council on the City’s current Code of Ordinances established traffic regulations, which included: established routes, times, load limits on Williford Road, Dewitt Road, and Bailey Road, load limited bridges, and the exceptions. Mr. Peters indicated where all the current truck routes are within the City along with potential truck routes. Mr. Peters stated that staff is seeking feedback and direction from council.

The Council discussed the city’s truck routes, signage, and safety regarding the impact of using these routes. The consensus of Council was to bring back an amended ordinance eliminating Pleasant Valley, Old Miles Road and Merritt Road as truck routes. The Council would prefer SH 78, George Bush, the Industrial Park, Miles Road segments south of 190, Merritt Road south of 190, and Murphy Road. Council also requested to remove the signs at Sachse Road.

No action was taken.

**ADJOURNMENT:** At 7:17 p.m. Mayor Felix adjourned the meeting.

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MIKE J FELIX, MAYOR

ATTEST:

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Michelle Lewis Sirianni, City Secretary



Legislation Details (With Text)

**File #:** 16-3166      **Version:** 1      **Name:** December 7, 2015 Council regular minutes.  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/17/2015      **In control:** City Council  
**On agenda:** 1/4/2016      **Final action:**  
**Title:** Approve the minutes of the December 7, 2015 regular meeting.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [12.07.15 Minutes](#)

Date	Ver.	Action By	Action	Result
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Title  
Approve the minutes of the December 7, 2015 regular meeting.

Background  
Minutes of the December 7, 2015 regular meeting.

Policy Considerations  
None.

Budgetary Considerations  
None.

Staff Recommendations  
Approve the minutes of the December 7, 2015 regular meeting.

# CITY COUNCIL OF THE CITY OF SACHSE

## MEETING MINUTES

December 7, 2015

The City Council of the City of Sachse held a regular meeting on Monday, December 7, 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; Community Development Director, Dustin McAfee; Parks and Recreation Director, Lance Whitworth; Economic Development Director, Leslyn Blake; Human Resources Director, Stacy Buckley; Fire Chief, Rick Coleman; Police Chief, Bryan Sylvester; Finance Director, Teresa Savage; and City Attorney, Joe Gorfida.

Mayor Felix opened the meeting at 7:34 p.m.

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

**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. **15-3137** Approve the minutes of the November 16, 2015 workshop meeting. **15-3140** Approve the minutes of the November 16, 2015 regular meeting. **15-3148** Consider approval of the Monthly Revenue and Expenditure Report for the period ending October 31, 2015. **15-3147** Consider a resolution authorizing the purchase of a Case 580N T4 Loader/Backhoe from ASCO Equipment through the Houston-Galveston Area Council (“HGAC”) Purchasing Program in the amount not to exceed eighty five thousand dollars (\$85,000) for the City of Sachse Public Works Department; and providing an effective date.

Councilman Bickerstaff made a motion to approve items 15-3137, 15-3140, 15-3148, and 15-3147 as submitted. Councilman King seconded that motion and the motion was unanimously approved.

### **MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS,**

Mayor Pro Tem Franks stated that the Daddy/Daughter Dance was a great event again this year and had a great turnout.

Councilman Ross stated that the City held its annual tree lighting event followed by Storytime with Santa at the Library, which had over 300 people in attendance. Councilman Ross thanked staff for doing an outstanding job.

Councilman Ross noted that the Library will be hosting on December 8 a Wonder Workshop presented by Explore Horizons at 6:00 p.m.; on December 14 the children's ballet will have the Nutcracker presented by Harmonic Motion at 6:00 p.m.; on December 17 Christmas Storytime at 11:00 a.m.; and the Library will be closed on December 18, 24, 25, and 26. Lastly, Councilman Ross commented that e-books/audio books are available 24 hours a day and encouraged residents to check them out.

Mayor Felix stated that Saturday, December 12 the annual Christmas Parade and Cookies with Santa will take place at City Hall with the parade beginning at 9:30 a.m.

### **15-3149 Administer Oath of Office to Board and Commission member(s).**

Mayor Felix administered the oath of office to the following:

- **EDC:** Niloufer Watkins.
- **Parks and Recreation Board:** Jermaine McDaniel.

### **15-3142 Introduction of new public safety employees.**

Chief Sylvester introduced the following new employees:

- Chris Hanks – Animal Control Officer
- Stephani Angeli – Police recruit.
- Paul Robison – Police recruit.

Chief Coleman introduced the following new employees:

- Seth Day – Firefighter (not in attendance)
- Billy Martin – Firefighter
- Joseph Martin – Firefighter
- Ricky Patrick – Fire Rescue Specialist
- Hunter Willard – Fire Rescue Specialist

### **15-3144 Presentation of Life Saving Awards**

Chief Coleman stated that on July 9th, 2015 Firefighter/Paramedics Brian Crutcher and John Morris responded to a 911 call for possible seizures. Upon arrival, the men quickly ascertained that the citizen was in cardiac and respiratory arrest. Acting quickly, the men administered CPR and Advanced Life support to the victim. As soon as they could, they loaded the patient into the ambulance and transported to the hospital. During transport, the patient had a return of spontaneous heart beat and began to improve. The patient had a good blood pressure when he arrived at the hospital. These two men's actions saved this citizen's life. Chief Coleman presented Brian Crutcher and John Morris with Life Saving Awards.

## **CITIZENS INPUT:**

Michael Feucht, 7121 Abilene Drive, stated that he currently has a storm sewer behind his residence. His concern is the erosion that is occurring and with all the rain they have seen, it has been getting worse. Mr. Feucht noted that his easement lies within the City of Sachse as well as the City of Murphy. Mr. Feucht asked if the City could take time to look at his property and provide assistance if possible.

## **REGULAR AGENDA ITEMS:**

### **15-3143 Discuss a Special Events Policy.**

Mr. Whitworth stated that staff presented the recommendations from the City Council to the Parks and Recreation Board at the November 12th board meeting. Park Board members discussed and made the changes recommended by Council as well as additional recommendations made by the Board. Mr. Whitworth stated that staff is seeking feedback again tonight and will continue the discussion on the Special Events Policy.

Mr. Whitworth stated the following recommendations were made by the City Council and the Parks and Recreation Board:

- Fees will be assessed on an hourly basis according to the standard rates that the city sets for each type of personnel needed.
- The fee or portion of the fee may be waived as determined by City Staff, Parks and Recreation Board, or City Council.
- City staff shall determine the type of notification needed for the event.
- Applications should be submitted at least three months prior to the event.
- Individuals or organizations submitting the application must reside in the City of Sachse.
- Staff will determine, based on the event and location, the number and type of personnel needed for the event.
- This process may take several weeks to determine approval or denial of the special event request.

Mr. Whitworth asked for feedback and direction from Council regarding the recommendations stated above and specifically to those the Parks and Recreation Board proposed.

The Council discussed whether the individual or organization shall reside in the City. The Council agreed that as long as a liaison with the organization or a citizen affiliated with the City submits the application, they are okay with having within the policy. Councilman Watkins suggested that events be prioritized if same dates are requested. Council was in agreement with allowing staff to determine the number and type of personnel needed for the event. Mayor Felix commented that the policy should be a tool used to keep communication lines open with the applicants so that the events can be handled effectively and safely.

Council consensus was to continue moving forward with the policy.

Corrine Smith, 4008 Blossom Drive, asked what qualifies how the city staff determines the fees or portions of fees that can be waived, type of notifications sent out, and factors they are using such as a checklist to determine such. Mr. Whitworth responded that each applicant will be looked at individually. The staff understands the relationships that the City has with area businesses, schools, and individuals and will look at those cautiously. The City is not trying to profit from these, but merely trying to establish a way to keep events organized and well managed.

**15-3132 Discuss and consider approval of a resolution for the Sachse Library Computer Use Policy.**

Mignon Morse, Library Manager introduced this item by stating that the original policy was an Internet Use Policy written in 2007. With the changes in technology and the requirements for security, this current policy is outdated. The staff did review policies from other cities and created a policy that is more specific to Sachse. The proposed policy has been expanded from the Internet Use Policy to a Computer Use Policy. Staff believes that usage will increase with the installation of new computers and this is a good time to put a more formal policy in place. Staff created a more detailed policy to encompass all computer usage.

The proposed policy states that out-of-state guests are eligible for a guest pass. Texas residents need to apply for a library card to use the computers. It requires people who have a library card to be in good standing with the library and not have fines over \$5.00 on their library cards. This is in compliance with the circulation policy which states users can not have over \$5.00 on their cards to checkout items in the library. The proposed policy has been rewritten to establish computer access rules and define illegal activity that will be prohibited on the library's computers. In addition, the policy gives staff the authority to restrict time limits on users to allow more citizens access to the library's computers. The proposed policy gives staff the authority to terminate computer usage and/or initiate suspension from the facility as determined by the library manager if the policy is violated.

Councilman King asked if the Library still has the Kindles/tablets and recommended adding them within the policy.

Councilman Bickerstaff made a motion to approve the Library Computer Use Policy. Mayor Pro Tem Franks seconded that motion and the motion was unanimously approved.

**15-3138 Consider and act on a plat application for Malone Estates, Preliminary Plat, from Paul Taylor Homes, generally located on the west side of Merritt Road and south of Heritage Circle, within city limits.**

Mr. McAfee stated that the proposed Preliminary Plat consists of 37 residential lots and one HOA lot on approximately 13.563 acres. Mr. McAfee stated that the current zoning is a PD with a base zoning of R-10. The Planning and Zoning Commission unanimously recommended approval at their November 9, 2015 meeting. Staff has reviewed the proposed plat and it is in compliance with the City's subdivision regulations and zoning ordinance; therefore, staff recommends approval.

Councilman Adams made a motion to approve the Preliminary Plat for Malone Estates as submitted. Councilman Bickerstaff seconded that motion and the motion was unanimously approved.

**15-3139 Discussion of the Comprehensive Plan’s project scope.**

Mr. McAfee introduced this item stating that the project scope includes an objective, public participation, plan components, and a timeline. The objective is to seek assistance of a professional planning consultant to develop a new Comprehensive Plan focusing on specific areas of need as identified by City Council as well as public engagement. Mr. McAfee noted a variety of approaches, mediums, and tools used to survey and engage the community. Public participation is the most important component, but is also time and labor intensive, but the staff wants to ensure that the Plan is uniquely designed for Sachse. Mr. McAfee highlighted the plan components, which included the Future Land Use Plan (FLUP), visual preference surveys, a Parks Facilities Plan, Master Trails Plan, Thoroughfare Plan, SH 78 Corridor Plan, financial and population forecasts, Commercial design standards, the role of Mixed-Use, and Programs. Mr. McAfee briefed council on the proposed timeline of the project and is looking at a Fall 2016/ Winter 2017 completion date.

Mr. McAfee asked Council for their feedback regarding the Plan components as well as the proposed timeline.

Council agreed on the Plan components presented as well as the timeline.

**15-3106 Hear, discuss, and consider an appeal by Sachse 95 LP, regarding the construction of public infrastructure for the proposed development located at the northeast corner of Ben Road and Pleasant Valley Road.**

Mr. Peters introduced this item providing an overview of the property location and developer information. The developer has requested an appeal to the City Council regarding the construction of public improvements for the project, specifically the proposed collector road. Mr. Peters refreshed Council on standard requirements for streets as well as state law regarding infrastructure. In order to determine the proper infrastructure obligations of the Developer, City 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 proportionality study recommended the following: 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’). The Developer disagrees with the findings of the proportionality study related to the collector road. The Developer is requesting that the City Council consider reimbursing impact fees for the difference between the local street section of the PD (24’) and the collector street (36’) (anticipated reimbursement of \$175,752.000. Mr. Peters stated that staff finds that the proportionality study prepared by Kimley-Horn should be used for preparing a Development Agreement for the project; therefore, recommends denial of the Developer appeal.

Ron Haynes, Developer, presented City Council with his appeal. Mr. Hanes emphasized that since a collector street is not needed for the proposed community and the standard street width is 24', he feels that it seems reasonable that the road impact fee reimbursement to the developer for building an oversized collector street should be the difference between its approved street width (24') and the width of the collector street, which is 36'. Therefore, the reimbursement in his opinion should be calculated by the difference of 12' width rather than 5' as recommended by the City. Mr. Hanes asked why the developer couldn't use 100% of its road impact fees to help build the extra 12' of pavement required for the collector street.

The Council discussed the monies involved with the road impact fees, the difference within the standard width of the streets versus what was granted, and why the proportionality study was completed.

Councilman Bickerstaff made a motion to deny the appeal by Sachse 95 LP. Councilman King seconded that motion and the motion was unanimously approved.

**EXECUTIVE SESSION:**

**15-3141 The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel regarding the six month review of the City Manager.**

At 9:33 p.m. the City Council adjourned into Executive Session.

At 10:37 p.m. a motion was made by Councilman King to return to open session. Councilman Watkins seconded that motion and the motion was unanimously approved.

No action was taken.

**ADJOURNMENT:**

At 10:38 p.m. Mayor Felix adjourned the meeting.

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MIKE J. FELIX, MAYOR

ATTEST:

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Michelle Lewis Sirianni, City Secretary



Legislation Details (With Text)

**File #:** 16-3168      **Version:** 1      **Name:** November 2015 Revenue and Expenditure Report  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/17/2015      **In control:** City Council  
**On agenda:** 1/4/2016      **Final action:**  
**Title:** Consider receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2015.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [GF 11-30-15](#)  
[UF 11-30-15](#)  
[DS 11-30-15](#)  
[SEDC 11-30-15](#)  
[Sales Tax Analysis January 2016](#)

Date	Ver.	Action By	Action	Result
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Title

Consider receiving the Monthly Revenue and Expenditure Report for the period ending November 30, 2015.

Background

The Finance Department will prepare a report each month to update the City Council regarding revenues and expenditures for the City. Included in this report are unaudited summaries for the General Fund, Utility Fund, Debt Service Fund, and Sachse Economic Development Corporation, for the period ended November 30, 2015, as well as an analysis of sales tax receipts for the fiscal year.

Policy Considerations

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

Budgetary Considerations

None.

Staff Recommendations

Receive the Monthly Revenue and Expenditure Report for the period ending November 30, 2015.

**City of Sachse**  
 Monthly Revenue and Expenditure Report  
 November 30, 2015  
 (Unaudited)

**GENERAL FUND**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Property Tax	\$ 9,106,824	\$ 316,014	\$ 479,773	5.27%	<b>A</b>
Sales Tax	1,244,094	127,895	224,124	18.02%	
Franchise Fees	1,590,122	145,112	365,857	23.01%	
Licenses and Permits	535,500	69,281	152,314	28.44%	
Service Fees	681,500	59,351	140,590	20.63%	
Fines	275,000	12,255	29,950	10.89%	
Interest Income	12,000	(49)	214	1.78%	
Miscellaneous Income	372,360	3,461	10,969	2.95%	
Intergovernmental Revenue	986,945	82,245	164,491	16.67%	
<b>Total Revenue</b>	<b>\$ 14,804,345</b>	<b>\$ 815,564</b>	<b>\$ 1,568,282</b>	<b>10.59%</b>	
<b>Expenditure Summary</b>					
City Manager	\$ 374,652	\$ 23,565	\$ 61,784	16.49%	
City Secretary	157,148	8,634	18,426	11.73%	
Human Resources	294,803	21,719	41,540	14.09%	
Finance	608,428	39,754	99,237	16.31%	
Municipal Court	212,197	10,369	24,805	11.69%	
Parks & Recreation	1,004,375	60,331	113,103	11.26%	
Senior Programs	122,821	8,334	15,965	13.00%	
Library Services	371,686	28,263	60,766	16.35%	
Community Development	810,899	73,803	122,588	15.12%	
Streets & Drainage	1,259,147	72,178	153,815	12.22%	
Facility Maintenance	463,404	27,075	65,742	14.19%	
Police	4,566,001	356,656	717,334	15.71%	
Animal Control	225,172	13,274	28,519	12.67%	
Fire/EMS	3,295,682	223,214	489,607	14.86%	
Combined Services	577,463	39,904	244,526	42.34%	<b>B</b>
City Engineer	299,968	17,630	38,795	12.93%	
<b>Total Expenditures</b>	<b>\$ 14,643,846</b>	<b>\$ 1,024,703</b>	<b>\$ 2,296,551</b>	<b>15.68%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ 160,499</b>	<b>\$ (209,139)</b>	<b>\$ (728,269)</b>		

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**Explanation of Major Variances:**

- A** Property Tax receipts peak in December and January
- B** Total annual property and liability premium paid in October

**City of Sachse**  
 Monthly Revenue and Expenditure Report  
 November 30, 2015  
 (Unaudited)

**UTILITY FUND**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Water Revenue	\$ 4,839,836	\$ 475,311	\$ 1,203,944	24.88%	
Sewer Revenue	4,132,115	338,018	650,979	15.75%	
Fees	156,300	18,792	21,192	13.56%	
Interest Income	2,500	(237)	(233)	-9.31%	
Transfer In-Debt Service	138,194			0.00%	
Miscellaneous Income	-	-	-		
<b>Total Revenue</b>	<b>\$ 9,268,945</b>	<b>\$ 831,883</b>	<b>\$ 1,875,882</b>	<b>20.24%</b>	
<b>Expenditure Summary</b>					
Utility Administration	\$ 285,823	\$ 9,901	\$ 34,250	11.98%	
Water Operations	5,034,698	113,085	488,474	9.70%	
Sewer Operations	3,427,132	278,980	347,558	10.14%	
Meter Reading	227,045	27,994	45,082	19.86%	
<b>Total Expenditures</b>	<b>\$ 8,974,698</b>	<b>\$ 429,960</b>	<b>\$ 915,364</b>	<b>10.20%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ 294,247</b>	<b>\$ 401,923</b>	<b>\$ 960,518</b>		

**Explanation of Major Variances:**

Monthly Revenue and Expenditure Report  
November 30, 2015  
(Unaudited)

**Debt Service Fund**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Property Tax	\$ 3,001,087	\$ 102,130	\$ 155,062	5.17%	
Interest Income	1,500	(42)	(11)	-0.71%	
<b>Total Revenue</b>	<b>\$ 3,002,587</b>	<b>\$ 102,089</b>	<b>\$ 155,052</b>	<b>5.16%</b>	
<b>Expenditure Summary</b>					
Fees	\$ 1,000	\$ -	\$ -	0.00%	
Principal	1,325,000	-	-	0.00%	<b>A</b>
Interest	1,553,433			0.00%	<b>A</b>
Transfer Out-Utility Fund	138,146				
<b>Total Expenditures</b>	<b>\$ 3,017,579</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ (14,992)</b>	<b>\$ 102,089</b>	<b>\$ 155,052</b>		

**A** Principal payments are due in February and interest payments in February and August

**City of Sachse**  
 Monthly Revenue and Expenditure Report  
 November 30, 2015  
 (Unaudited)

**SACHSE ECONOMIC DEVELOPMENT CORPORATION**

17% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 17%
<b>Revenue Summary</b>					
Sales Tax	\$ 609,759	\$ 63,948	\$ 108,718	17.83%	
Other Income	\$ -	\$ -	\$ -		
Interest Income	8,000	(273)	317	3.97%	
<b>Total Revenue</b>	<b>\$ 617,759</b>	<b>\$ 63,674</b>	<b>\$ 109,035</b>	<b>17.65%</b>	
<b>Expenditure Summary</b>					
Expenditures	599,811	26,672	62,923	10.49%	
<b>Total Expenditures</b>	<b>\$ 599,811</b>	<b>\$ 26,672</b>	<b>\$ 62,923</b>	<b>10.49%</b>	
<b>Total Revenue Over/Under Expenses</b>	<b>\$ 17,948</b>	<b>\$ 37,002</b>	<b>\$ 46,112</b>		

**Explanation of Major Variances:**

**CITY OF SACHSE  
2015/2016 SALES TAX ANALYSIS**

<b>FY 2015</b>	<b>Total Sales Tax</b>	<b>General Fund Sales Tax</b>	<b>General Fund Year-To-Date</b>	<b>YTD Percent of Budget</b>	<b>FY 2016</b>	<b>Total Sales Tax</b>	<b>General Fund Sales Tax</b>	<b>General Fund Year-To-Date</b>	<b>YTD Percent of Budget</b>
October	149,053	85,169	85,169	7.30%	October	156,703	89,540	89,540	7.34%
November	227,089	129,759	214,928	18.43%	November	223,828	127,895	217,435	17.83%
December	162,100	92,624	307,552	26.37%	December	162,793	93,020	310,455	25.46%
January	158,992	90,848	398,400	34.16%	January				
February	257,209	146,969	545,369	46.75%	February				
March	141,655	80,941	626,311	53.69%	March				
April	135,136	77,217	703,527	60.31%	April				
May	226,142	129,217	832,745	71.39%	May				
June	166,541	95,162	927,907	79.55%	June				
July	155,796	89,022	1,016,929	87.18%	July				
August	228,922	130,806	1,147,735	98.40%	August				
September	165,152	94,368	1,242,103	106.49%	September				
<b>TOTAL</b>	<b>2,173,787</b>	<b>1,242,103</b>			<b>TOTAL</b>	<b>543,324</b>	<b>310,455</b>		
<b>BUDGET</b>		<b>1,166,444</b>			<b>BUDGET</b>		<b>1,219,518</b>		



Legislation Details (With Text)

**File #:** 16-3171      **Version:** 1      **Name:** 2015 Parks Truck  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/17/2015      **In control:** City Council  
**On agenda:** 1/4/2016      **Final action:**

**Title:** Consider a resolution authorizing the purchase of a one-ton Ford F350 extended cab pickup truck for the Parks Department through the BuyBoard Cooperative Purchasing Program via Sam Pack's Five Star Ford in an amount not to exceed \$28,869.69.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Resolution](#)  
[Ford F350 Quote - 2015](#)

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

Title

Consider a resolution authorizing the purchase of a one-ton Ford F350 extended cab pickup truck for the Parks Department through the BuyBoard Cooperative Purchasing Program via Sam Pack's Five Star Ford in an amount not to exceed \$28,869.69.

Background

In the FY 2015-2016 budget, the City Council approved funds for the purchase of a one-ton pickup truck to replace a 2000 Chevy Silverado model pickup truck in the Parks Department. The 2000 truck has over 144,000 miles and will be sent to auction. The new truck will be purchased through the BuyBoard Cooperative Purchasing Program. The total purchase price is within the budgeted amount of \$35,000.

Policy Considerations

None.

Budgetary Considerations

The final purchase price of \$28,869.69 will be funded in the FY 2014-2015 budget.

Staff Recommendations

Approve a resolution authorizing the purchase of a one-ton Ford F350 extended cab pickup truck for the Parks Department, through the BuyBoard Cooperative Purchasing Program via Sam Pack's Five Star Ford, in an amount not to exceed \$28,869.69.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AUTHORIZING THE PURCHASE OF A ONE-TON FORD F350 EXTENDED CAB PICKUP TRUCK FOR THE PARKS AND RECREATION DEPARTMENT THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS HGACBUY COOPERATIVE PURCHASING PROGRAM IN THE AMOUNT NOT TO EXCEED \$28,869.69; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sachse, Texas, pursuant to the authority granted by Chapter 271, Subchapter D, of the Texas Local Government Code, desires to participate in intergovernmental purchasing; and

**WHEREAS**, the City Council is of the opinion that participation in this program will be highly beneficial to the taxpayers of this City, through the anticipated savings to be realized through the intergovernmental purchase of products including municipal vehicles; and

**WHEREAS**, funding has been appropriated in the fiscal year 2015-2016 budget for the purchase of a one-ton Ford F350 extended cab pickup truck for the Parks and Recreation Department.

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

**SECTION 1.** The City Council does hereby approve the use of cooperative purchasing through Houston-Galveston Area Council of Governments HGACBuy Cooperative Purchasing Program to purchase a one-ton Ford F350 crew cab pickup truck in an amount not to exceed \$28,869.69 from Sam Pack's Five Star Ford and authorizes the City Manager to execute any documents necessary to complete this transaction.

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

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Sachse, Texas, this the 4<sup>th</sup> day of January, 2016.

CITY OF SACHE, TEXAS

\_\_\_\_\_  
Mike J. Felix, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Lewis Sirianni, City Secretary





Legislation Details (With Text)

<b>File #:</b>	16-3167	<b>Version:</b>	1	<b>Name:</b>	Employee Recognition 4th Quarter 2015 Employee Recognition 4th Quarter 2013
<b>Type:</b>	Agenda Item	<b>Status:</b>			Agenda Ready
<b>File created:</b>	12/17/2015	<b>In control:</b>			City Council
<b>On agenda:</b>	1/4/2016	<b>Final action:</b>			
<b>Title:</b>	Recognize employees for their service to the City of Sachse.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
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Title

Recognize employees for their service to the City of Sachse.

*Executive Summary*

*Each quarter the City Council recognizes employee milestones.*

Background

**Twenty Years**

Lorraine Massie has been with the City of Sachse as a dispatcher for 20 years. Lorraine has been an invaluable asset to the City during her tenure. She is a wealth of knowledge on department matters and maintains a high degree of professionalism and integrity. In her role as a dispatcher, Lorraine has worn many hats, including the following: lead dispatcher, trainer for new employees and 911 Public Education Trainer. Lorraine has a wealth of knowledge and information about the City, the residents and the internal employees. She has also been responsible for, or at least had a hand in, training and mentoring the new employees who have worked in the Communications department throughout her tenure here. Lorraine has always been willing to help co-workers and other employees, whether it be work-related or in personal matters. In recent years, Lorraine has juggled her personal and professional life in order to continue her education by working toward a College Degree in Teaching/Education. Lorraine has been an excellent employee, co-worker and a friend.

**Ten Years**

Clay Hodges started his career at Sachse Fire Department as a Firefighter/Paramedic

in January 2006. When not working for Sachse, Clay is also employed as a hospital emergency room paramedic. Clay is currently assigned to A-shift and is considered an asset to his shift and to the department. Prior to working in Sachse, Clay was a paramedic for TLC ambulance. Clay spends his spare time with his fiancé and his sons. Sachse is proud to have professional firefighters such as Clay on staff.

Scott Potter was also hired in the Sachse Fire Department as a Firefighter/Paramedic in January 2006. During his 10 years with the City, Scott has spent the majority of his time as the uniform and bunker gear quartermaster. He currently works on C-shift and is comfortable in his role as a senior firefighter. Prior to working in Sachse, Scott volunteered for the Little Elm Fire Department. In his spare time, Scott enjoys spending time with his wife and children. Sachse is lucky to have such talented firefighters.

### **Employee of the Quarter**

Katie Saturnino has been working as a part-time Library Assistant since March 2015. Being the very creative person that she is, Katie has contributed several new ideas regarding library programming. One of her most successful ideas was to host some National Novel Writing Month events. The first program was a huge success with many people in attendance. In addition to her programming ideas, Katie is in charge of the 3- to 5-year old story time. Under's Katie's helm, attendance has doubled. Katie is a forward thinker, quick learner, always willing to help out and is a wonderful asset to the library team

### **Employee of the Year**

Chris Hall started his career in Sachse in 2004 as a part-time firefighter. He became full-time in 2008, was promoted to Fire Lieutenant in 2013, and most recently was promoted to Fire Operations Captain in early 2015. Chris exceeds the definition of a servant leader but his most recent accolade garnered him the Employee of the Year award. The Code Enforcement department was working on a case in Sachse that included the homeowner needing to repair a section of fence that was damaged by high winds. It soon became apparent that this citizen would not be able to do the repairs because of financial hardship. With the code enforcement officer looking into creative ways to help this citizen, Captain Hall took it upon himself to contact the homeowner and offer his services free of charge. Captain Hall took two days of his own time to go over to the resident's home and help repair his fence. This action is way above and beyond the call of duty and shows the true nature of Captain Hall. He is constantly demonstrating the highest level of professionalism and is someone we are very lucky to have as a Sachse employee.

### Policy Considerations

None.

### Budgetary Considerations

None.

Staff Recommendations

Present awards to employees.



Legislation Details (With Text)

<b>File #:</b>	15-3160	<b>Version:</b>	1	<b>Name:</b>	Mustang Drive Traffic Calming
<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	12/14/2015	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	1/4/2016	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider a request for the installation of a temporary traffic calming device in accordance with the Citizen's Handbook for Requesting Traffic Calming Devices.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Mustang Drive Traffic Calming Presentation</a> <a href="#">Exhibit A - Citizens Handbook For Requesting Traffic Calming Devices</a> <a href="#">Exhibit B - Primary Affected Area</a> <a href="#">Exhibit C - Application and Petition Form</a> <a href="#">Exhibit D - Traffic Speed Statistics - 10-13-15 to 10-21-15</a> <a href="#">Exhibit E - Traffic Calming Process Diagram</a>				

Date	Ver.	Action By	Action	Result
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Title

Consider a request for the installation of a temporary traffic calming device in accordance with the Citizen's Handbook for Requesting Traffic Calming Devices.

Background

City staff recieved a request for the installation of a traffic calming device on Mustang Drive in September of this year. The request was processed by staff in accordance with the Citizen's Handbook for Requesting Traffic Calming Devices. (Exhibit A - attached)

Staff identified the primary affected area (Exhibit B - attached) for the request and provided the applicant with an application and petition. The applicant submitted a completed application and petition (Exhibit C - attached), along with the required application fee of \$50.00. The petition included 80% of property owners responding in favor, which is more than the 75% minimum requirement.

Staff completed a traffic study, including speed counts for the street. (Exhibit D - attached) The 85% speed was found to be 31.8 mph, however 25.4% of the traffic was traveling above 30 mph, including vehicles traveling as fast as 50+ miles per hour. The street has a long downhill stretch, where the slope is 6%. This slope is likely impacting the speed of vehicles travling down the hill.

Exhibit E shows an overview of the traffic calming process included in the handbook. Further

staff study, citizen feedback, and City Council consideration will be required prior to the installation of any permanent device.

#### Policy Considerations

The Citizen's Handbook for Requesting Traffic Calming Devices was adopted by the City Council on January 19, 2015.

#### Budgetary Considerations

Since this is the first request to come before the City Council under the new handbook, the City will need to purchase a high density rubber speed cushion to be placed on the street. The speed cushion is re-useable and will be used on other future requests. The anticipated cost of a high density rubber speed cushion is \$4,000.00. The cushion would be purchased through the Public Works Department Streets Maintenance budget line item.

#### Staff Recommendations

Install a temporary traffic calming device on Mustang Drive.



# Mustang Drive Traffic Calming Request

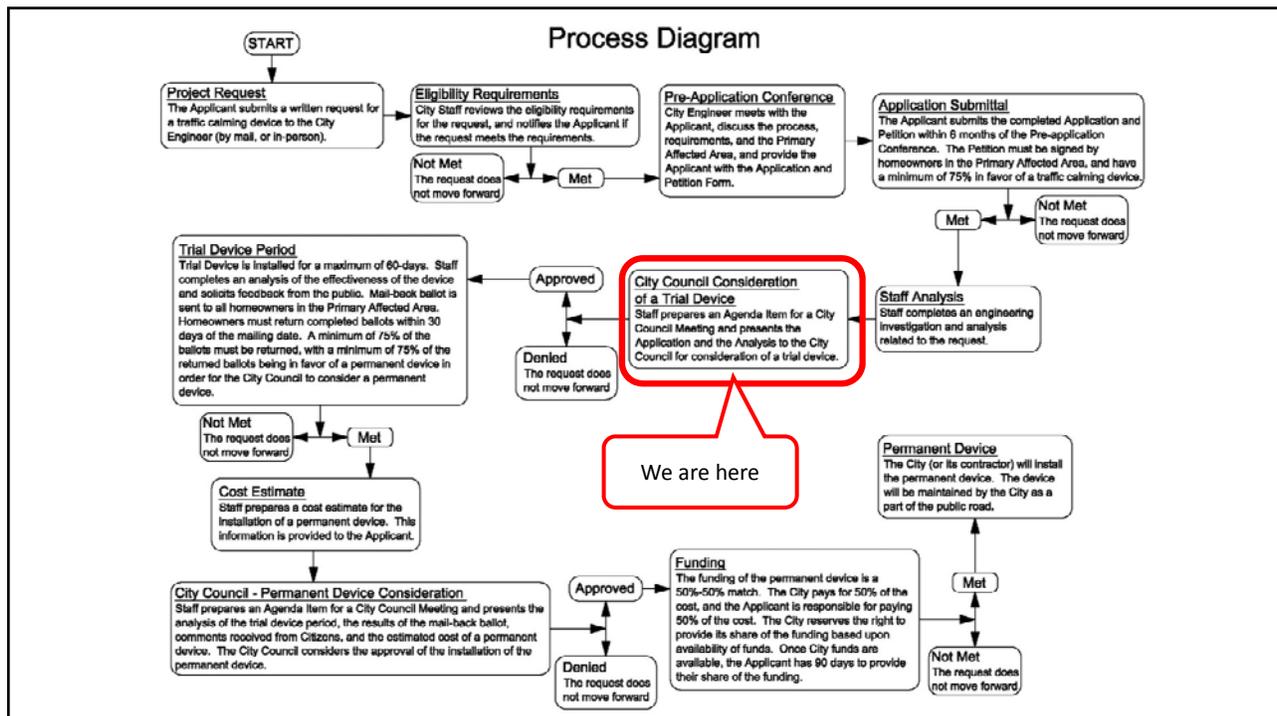
City Council  
January 4, 2016

## Overview

- Citizen's Handbook for Traffic Calming Requests
- Process Overview
- Mustang Drive
  - Location
  - Primary Affected Area
  - Engineering Study
  - Petition Results
- Staff Recommendations
- Next Steps
- City Council Consideration

# Citizen's Handbook for Requesting Traffic Calming Devices

- Adopted by the City Council on January 19, 2015.
- Available on the City of Sachse website, under "Engineering"
- Provides guidelines for citizens to request a traffic calming device, and a review process for City staff and the City Council.



# Mustang Drive

Mustang Drive



# Mustang Drive



View looking to the West (up the hill)



View looking to the East (down the hill)

## Primary Affected Area

Includes 30 residences



## Engineering Study

- Staff analyzed the following items:
  - Traffic count & speed
  - Geometry of the road
  - Critical/Non-critical route

## Traffic Study

- Staff conducted a traffic study in the exact location of the requested device, for the week of October 21st.
- Out of a total of 8,772 vehicles, 2,232 were traveling in excess of 30 mph.
- 74.6% of the traffic is traveling 0-30 mph
- 25.4% of the traffic is above 30 mph, including:
  - 1,824 cars traveled 30-35 mph
  - 341 cars traveled between 35-40 mph
  - 55 cars traveled 40-45 mph
  - 9 cars traveled 45-50 mph
  - 3 cars traveled 50+ mph
- The 85% speed was 31.8 mph

## Roadway Geometry

- Mustang Drive is very straight with a long downhill slope from Wrangler Lane to Lee Hutson Drive.
- The slope of Mustang Drive varies from 6% down the hill to 1.92% on the eastern portion.

## Critical/Non-Critical Route

- Staff finds that Mustang Drive is a critical route for public safety vehicles to access portions of the Jackson Hills Subdivision.
- The requested traffic calming device is in a location on Mustang Drive that has minimal impact to public safety access, due to the geometry of the surrounding streets. The impact to public safety access is limited to the identified Primary Affected Area.
- Since Mustang Drive is a critical route, it is recommended that any traffic calming device considered for use be such that it has minimal impact for fire apparatus.

## Staff Findings

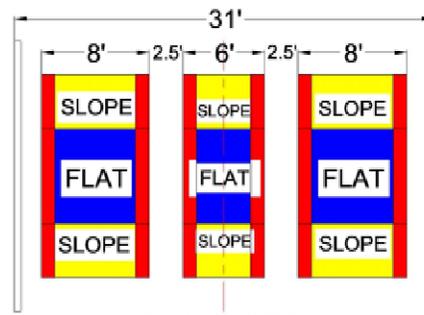
- 74.6% of vehicles were traveling at or below the posted speed limit of 30 mph.
- 25.4% of vehicles were traveling above the posted speed limit of 30 mph, including some vehicles traveling 10-25 mph above the posted speed limit.
- Mustang Drive is very straight with a long downhill slope from Wrangler Lane to Lee Hutson Drive. This geometry may contribute to excessive speeding by some vehicles.

## Petition Results

- The applicant returned the completed petition to City staff on November 10, 2015.
- The petition included signatures from 80% of the 30 residences in the petition area, in favor of a traffic calming device.
- The petition meets the 75% minimum requirement.

## Staff Recommendations

- Staff recommends that a trial device is placed on Mustang Drive, between Lee Hutson Drive and Mane Drive.
- Since Mustang Drive is a critical route, staff is recommending a speed cushion be selected, to allow passage of fire apparatus.



## Next Steps

- If approved by the City Council, staff will install a temporary device for a maximum of 60-days.
- Staff will conduct a traffic study to determine the effectiveness of the device.
- A mail back ballot will be sent to property owners in the Primary Affected Area. If 75% respond, and 75% of respondents are in favor, the item will return to the City Council for consideration of a permanent device.
- The installation of a permanent device has a cost match of 50% City, 50% property owners.

## City Council Consideration

- Consider the implementation of a trial device on Mustang Drive between Lee Hutson Drive and Mane Drive.



# **Citizens Handbook for Requesting Traffic Calming Devices**

**January 19, 2015**

RESOLUTION NO. 3647

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS,  
ADOPTING THE CITY OF SACHSE CITIZENS HANDBOOK FOR REQUESTING  
TRAFFIC CALMING DEVICES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to adopt a policy aimed at slowing the speed of motor vehicle traffic in neighborhoods; and

**WHEREAS**, the Citizens Handbook for Requesting Traffic Calming Devices was reviewed by the City Council, which finds such policy to be in the best interest of the citizens of Sachse; and

**WHEREAS**, the City Council of the City of Sachse desires to adopt the City of Sachse Citizens Handbook for Requesting Traffic Calming Devices, attached hereto as Exhibit "A";

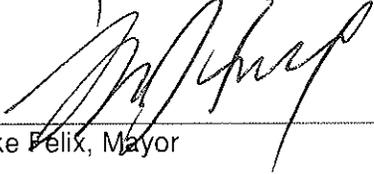
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS;**

**Section 1:** The City of Sachse Traffic Calming Guidelines for Residential Neighborhoods attached hereto having been reviewed by the City Council of the City of Sachse, Texas, is found to be acceptable and in the best interest of the City and its citizens, be and the same is hereby, in all things approved.

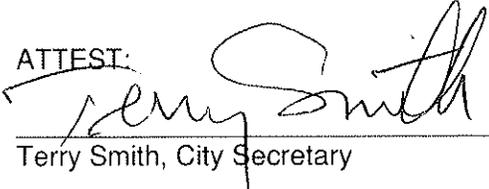
**Section 2:** Notwithstanding the criteria and procedures described in this policy, the City Council, at its discretion, may cause to construct improvements on any public street within the City when deemed necessary to preserve or protect the public health, safety, and welfare.

**Section 3:** This Resolution shall become effective immediately from and after its passage.

RESOLVED this 19 day of JANUARY, 2015. CITY OF SACHSE, TEXAS

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

ATTEST:

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



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- PROCESS OVERVIEW**
- PROCESS DIAGRAM**
- APPLICATION AND SAMPLE PETITION FORM**
- PRIMARY AFFECTED AREA – SAMPLE MAP**
- TRAFFIC CALMING MEASURE EXHIBITS**



## *1. Purpose*

The purpose of this handbook is to provide property owners living in Sachse neighborhoods with guidelines for requesting a traffic calming device on their local street. The guidelines included herein emphasize a citizen-driven method to calming traffic on neighborhood streets. Larger thoroughfares, which include the arterial and collector streets identified in the City's Thoroughfare Plan, are not eligible for the traffic calming guidelines included in this handbook.

The City of Sachse is committed to preserving the integrity of residential neighborhoods while meeting the needs of motorists. The City has a diverse network of roadways, ranging from large divided thoroughfares that move traffic through and across the City, to the local streets that provide access to homes. This handbook is focused on addressing neighborhood traffic concerns on local neighborhood streets in the City.

This handbook provides an organized method by which property owners have the opportunity to request the installation of certain Traffic Calming measures and establish a procedure for the evaluation of such requests. The Traffic Calming guidelines included specify the types of streets eligible for consideration, how a request is made, what procedures will be used to evaluate a request, and how the cost of installing the Traffic Calming measure will be paid.

When a Traffic Calming device is installed, it may affect adjacent and surrounding streets. These guidelines provide for the participation of nearby property owners who may be affected. The City will provide the opportunity for affected property owners to participate in the process and provide feedback on a request. If the installation of a traffic calming device is approved, the City will also work with the neighborhood to select the appropriate device to meet the primary goal of preserving the integrity of the neighborhood.

The Engineering Department is responsible for the program application process and implementation of any approved Traffic Calming Measures. The installation of Traffic Calming Devices through this program is limited by the annual budget adopted by the City Council each year.



## 2. *Definitions*

An *Applicant* is a property owner living on the block of the street in the request, and is the individual designated as the contact person for the property owners making the traffic calming request.

An *application* will consist of a completed form provided by the City, along with a petition in favor of the proposed Traffic Calming device, signed as described herein, and the required Application Fee as shown in the City of Sachse Master Fee Schedule.

*Critical service routes* consist of streets necessary for the provision of services to the community by Police, Fire, and the bus routes of Garland and Wylie Independent School Districts.

*Neighborhood concurrence* is the percentage of property owners in the Primary Affected Area that must concur with the placement of either a temporary or permanent Traffic Calming device.

The *Primary Affected Area* is defined as the private property determined by the City Engineer to meet the following:

- 1) Property that is zoned as single family residential, as shown on the latest Zoning Map of the City
- 2) Private property with an address or driveway on the block of the street being considered for a Traffic Calming device
- 3) Private property with an address or driveway on the street being considered for a Traffic Calming device that depends on the street block under discussion for convenient access.
- 4) Private property with an address or driveway on an intersecting street that depends on the street block under discussion for convenient access.
- 5) Private property with an address or driveway on the blocks of immediately adjacent parallel streets that are likely to experience an increase in traffic volume after the Traffic Calming measure is implemented due to diverted traffic

The boundary of the Primary Affected Area shall not exceed the following limits:

- 1) An existing arterial road as shown in the City of Sachse Thoroughfare Plan
- 2) An existing collector road as shown in the City of Sachse Thoroughfare Plan
- 3) The City limits as defined by City Ordinances and recorded with the City Secretary

The City Engineer will determine the Primary Affected Area for each proposed Traffic Calming measure, and will provide the limits of the Primary Affected Area to the Applicant at the pre-application meeting.

*Street length* is the distance measured along the centerline of the street from the projection of the curb line at the last intersecting street or an existing acceptable turn-around point to the center of the proposed turn-around, dead-end, or cul-de-sac.



## Citizens Handbook for Requesting Traffic Calming Devices

A *Traffic Calming measure or device* is a physical barrier, electronic device, or a geometric design feature installed for the purpose of reducing the speed of vehicles traveling a roadway and classified as speed control measures. Traffic Calming measures include speed monitor display signs (temporary or permanent), speed humps, speed cushions, speed tables, traffic circles, chicanes, center island narrowing, midblock narrowing, and intersection neckdowns.

The *85<sup>th</sup> percentile speed* is the speed at or below which 85% of vehicles on the roadway travel.



## ***General Information***

Any request/petition for a Traffic Calming device must be in writing and include a completed Traffic Calming Request Application, and the Application Fee as shown in the City of Sachse Master Fee Schedule. The application must be signed and submitted with the required signature of the Applicant. Applications must be turned in to the City Engineer to be eligible for consideration. Each request will be evaluated according to the requirements and procedures outlined below.

Traffic calming measures require approval from the City Council. In order for a request to be forwarded to the City Council for consideration, all eligibility requirements must be met. This is done by meeting the minimum threshold criteria, achieving the appropriate level of concurrence from the impacted property owners, and conducting the necessary traffic impact analyses.

### ***3.1. Eligibility Requirements***

A local street eligible to be considered for a new traffic calming device shall meet the following requirements:

#### *3.1.1. Operational Characteristics:*

- The roadway must be classified as a two-lane local street. The traffic calming guidelines herein do not pertain to Major Arterials, Minor Arterials, and Collector Streets as depicted in the latest Thoroughfare Plan, which is amended from time to time.
- Properties with an address on or having vehicular access to the street must be predominantly zoned as single family residential.
- The street must have a legal speed limit of 30 miles per hour, or less.
- Traffic volumes must be greater than 500 vehicles/day.



## Citizens Handbook for Requesting Traffic Calming Devices

- If the street is a critical service route as identified by the Police, Fire, or an Independent School District, the list of acceptable traffic calming devices include: Speed Control Signs, Speed Cushions, and Midblock Narrowings. When the City Council considers the approval of the installation of a trial or final traffic calming device, City staff will provide the City Council with a determination of whether the street is a critical service route, and the list of acceptable traffic calming devices.
- A Traffic Calming measure must not block the only means of vehicular, pedestrian, or service vehicle access to any property or restrict access to utilities.

### 3.1.2. *Geometric Characteristics:*

- The street must have adequate sight distances to safely accommodate the Traffic Calming measure as determined by the City Engineer.
- The street must not have curves or grades that prevent safe placement of the Traffic Calming measure. The Traffic Calming measure may not be located on streets that have a vertical grade of more than 5% on their immediate approaches.
- The street must be paved and be at least 1,000 feet in length. If there is no curb and gutter, a special design shall be used to prevent vehicles from maneuvering around the device.
- The design and implementation of the traffic calming device must not interfere with the existing street drainage, property access, or driveways.

### 3.1.3. *Other Characteristics:*

- A traffic calming device shall not be placed in front of a driveway.
- A traffic calming device shall not be placed in front of a property whose owner is opposed to the device installation.

For application requests meeting the above requirements, City staff will proceed with the analysis described in Section 4.4. If a request is found to not be eligible for a traffic calming device, the Applicant will be notified in writing.



### **3.2. *Cost Responsibility***

#### **3.2.1. *Traffic Calming Measure Costs:***

Installation cost - The installation of various traffic calming devices (including accompanying signs, pavement markings, etc.) that meet the eligibility and petition requirements and are approved by the City Council will be funded through a 50/50 cost share between the City and the Applicant. The Applicant shall be responsible for obtaining 50% of the funding for the device, and providing the funds to the City no later than 90 days following the City Council approval of the device and City funds for the installation being made available. The City Engineer will notify the Applicant in writing when the City funds are made available for the device installation. The City's 50% share of funding for the device is limited to the available funds in the fiscal year operating budget. If the applicant chooses to provide 100% of the funding for the installation of the traffic calming device, the City may expedite the installation.

### **3.3. *Location of Traffic Calming Device***

Many factors must be considered in locating Traffic Calming devices for optimal effectiveness. If not correctly placed, localized reductions in speed or volume may occur instead of overall speed or volume reductions along the entire block. Specific site details and conditions should be the dominant consideration in determining the location for each device.

### **3.4. *Removal of Traffic Calming Device***

The process and procedure for requesting removal or alteration of Traffic Calming devices is the same as the process for installation, except that there is no City participation in cost sharing for removal of speed humps and speed cushions that were installed under this policy. All associated costs for the removal of devices originally installed under this program must be borne by the Applicant.

Notwithstanding the criteria and procedures described in this policy, the City Council, at its discretion, may cause improvements to be made to any public street within the City when deemed necessary to preserve or protect the public health, safety, and welfare.



### ***3.5 Street Maintenance***

#### ***3.5.1 Maintenance of Traffic Calming Devices***

All traffic calming devices installed under this policy shall be maintained by the City of Sachse.

#### ***3.5.2 Street Reconstruction***

Streets scheduled for reconstruction that contain a traffic calming device installed under this policy will be evaluated prior to reconstruction. The City Engineer shall hold a public meeting with the property owners in the Affected Area and provide a new petition form for completion. If the petition requirements of Section 4.5.2 are met, the City Engineer will include the device in the construction documents and project scope for the reconstruction of the road.

### ***3.6. Design Standards and Procedures***

The City Engineer shall prepare and maintain design standards and installation procedures for Traffic Calming devices in accordance with these guidelines.

## ***4. Procedures for Requesting and Installing a Traffic Calming Device***

### ***4.1. Project Request***

The initial request for installation of traffic calming measures shall originate from a property owner(s) residing on the street(s) in question. A request in writing must be mailed or delivered to the City of Sachse, Engineering Department, 3815-B Sachse Road, Sachse, Texas 75048.

### ***4.2. Pre-Application Conference***

Upon receipt of a written request from a property owner, the City Engineer will meet with the property owner(s) to discuss the application process, the eligibility requirements, the limits of the area potentially impacted by the Traffic Calming device (the Primary Affected Area), the evaluation procedure and the implementation process. The property owner(s) will select an Applicant as the primary point of contact for the City, and provide the Applicant's contact information to the City Engineer. The Applicant shall be a property owner that resides on the street in question.



### ***4.3. Application***

The application will consist of a completed Traffic Calming Request form supplied by the City Engineer to the Applicant, the Application Fee, as shown in the current City of Sachse Master Fee Schedule, and the required petition with signatures. The petition must be signed by greater than 75% of the property owners in the Primary Affected Area. The City Engineer will utilize Dallas and/or Collin County Appraisal District data to determine the property owners in the Primary Affected Area. Properties that are not zoned as single family properties will not be included in the petition. All signatures must be dated within six months of the issuance of the petition. The applicant is responsible for submitting all of the components of the application to the City Engineer in order for review of the Traffic Calming proposal to commence.

A dated petition form will be issued by the City Engineer to the Applicant after the pre-application meeting. It will include the names and addresses of property owners within the Primary Affected Area. The Applicant must obtain the signatures. The petition form in the appendix is only an example.

### ***4.4. Implementation Process for Trial Device***

After the application and all its components have been submitted to the city, the City Engineer will evaluate the request and make a recommendation to the City Council relative to the proposed Traffic Calming device based on a combination of the factors listed below and accepted engineering principles and practices. The following procedures must be followed for a trial Traffic Calming device placement request.

- 4.4.1. City Staff will conduct a traffic study to determine if the subject street meets the eligibility requirements and an infrastructure review to confirm existing conditions. The study may include, but is not limited to, the following:
- A review of pertinent issues and conditions, including but not limited to, existing traffic conditions, projected traffic conditions, vehicle and pedestrian safety, bus routes (i.e., speed, volume etc.) and other factors.
  - License plate surveys, 24-hour traffic counts, spot speed studies, accident history for the prior three years and crime statistics for the prior three years.
  - An examination of the technical feasibility, physical conditions, and anticipated impacts of the proposed device.
  - A review of safe school routes and pedestrian flow.
  - Confirmation that the proposed device and resulting traffic flow modifications will not exceed the capacity of streets and intersections impacted



## Citizens Handbook for Requesting Traffic Calming Devices

by the diverted traffic.

- 4.4.2. The review conducted by the City Engineer will be sent to all affected City departments, including Public Works, Community Development, Police and Fire as well as school district(s) for comment.
- 4.4.3. Once the studies are completed, the City staff will determine if the subject street meets the eligibility requirements and is a good candidate for a Traffic Calming device. If the street either does not meet the eligibility criteria or the petition requirements are not met, the Applicant will be notified of this in writing by the City staff.
- 4.4.4. The City Engineer will determine the most practical options available for a proposed traffic calming device on the subject street, and prepare a recommendation of appropriate traffic calming devices for the City Council to consider. Device cost may be a consideration.
- 4.4.5. If a traffic calming measure meets the eligibility and petition requirements, the City Council will be briefed on the request and consider approval of a trial installation. Approval of the City Council is required prior to installation of any traffic calming device. If approved by the City Council, the location will be placed on the list for trial device installation. The applicant will be notified of the result, and an estimated time frame for the installation of a trial device.
- 4.4.6. Signs giving notice of the trial device and contact information for questions or comments will be erected by the City at the location of the device approximately two weeks prior to the installation date.
- 4.4.7. The trial period for a traffic calming device will last a minimum of 60 days for evaluation. During the trial period, city staff will conduct traffic studies similar to those performed before the trial period to determine the effectiveness of the traffic calming device. A letter explaining the trial device will be sent to the Applicant and the property owners in the Primary Affected Area.

After the end of the trial period, the City Engineer will prepare a report, including data from the completed studies and feedback received from citizens. Written public comments received during the evaluation period will be attached and summarized in the report. The report will be made available to the property owners. The City Engineer will give a presentation to the City Council, providing the information included in the report and the recommendations of City staff. After reviewing the report about the effectiveness of the device and evaluating the public comments, the City Council will consider approving a



## Citizens Handbook for Requesting Traffic Calming Devices

permanent device.



#### ***4.5. Implementation for Permanent Device Installation***

The trial device evaluation process must be completed, documented and the required percentage of all property owners in the Primary Affected Area must concur prior to the City Council consideration of the installation of the permanent device. The process is as follows:

- 4.5.1 City staff will estimate the funding necessary to implement the permanent device based on design, right-of-way, and construction costs.
- 4.5.2 The City will notify all property owners in the affected area by mail of the requested permanent device. The notice will include a mail-back ballot to indicate support or opposition to the request. A minimum of 75% of the ballots must be returned to the City within 30 days of the mailing date. In addition, at least 75% of all responding property owners in the Primary Affected Area must support the permanent installation of a traffic calming device.
- 4.5.3 If 75% of all returned ballots from property owners in the Primary Affected Area support the installation of a permanent traffic calming device, and all other conditions are met, staff will prepare an agenda item for public hearing at a City Council Meeting. If the criteria described herein are not met, the application will not be presented to the City Council for consideration and the Applicant will be notified in writing.



## Citizens Handbook for Requesting Traffic Calming Devices

4.5.4 If a permanent device is approved by the City Council, the temporary devices will remain in place for no longer than 90 days after City Council Approval. If the Applicant's share of the funding is not received by the City within 90 days of the latter of City Council approval and City funds being made available for device installation, the request will expire, and no device will be installed. The City Engineer will notify the Applicant in writing when the City funds are made available for the device installation. Once funds to construct any permanent modifications are identified and received, the design and construction process will begin as outlined below.

- City staff will initiate the preliminary design and review process to implement the device.
- The Applicant will be notified and have the opportunity to review the design with staff prior to construction; however, the City will have final design approval.
- The City will develop a final design and cost estimate for the device and the Applicant's cost, if applicable, will be adjusted accordingly.
- Once the Applicant's share of the project cost is received (if applicable), the City will finalize the design and schedule construction of the Traffic Calming device.

Notwithstanding the criteria and procedures described in this policy, the City Council, at its discretion, may cause improvements to be made to any public street within the City when deemed necessary to preserve or protect the public health, safety, and welfare.



## 5. Types of Traffic Calming Measures

Traffic Calming measures are installed to control vehicle speed on neighborhood streets. Allowable measures are listed below with a description.

### 5.1. Speed Control Display Signs

- Either pole mounted or portable signs that display the speed of approaching vehicles. The displays will be installed only with solar powered cells on appropriate support structures, either installed, or existing.
- The device may or may not include a sign displaying the posted speed limit.
- Estimated cost \$5,000 and up
- Reference Exhibit #1 in the Appendix.

### 5.2. Speed Cushions

- A rubber overlay that measures 6 feet by 7 feet, about 3 inches high, placed in sets of two or more across a roadway depending on the width of the roadway. Speed cushions are wide enough that they force regular vehicles to travel over them, but they allow wide axle vehicles (i.e. emergency vehicles) to travel over them without slowing down.
- Estimated cost \$1,000 and up per cushion; if the street width requires three cushions, then the cost would be approximately \$3,000 and up.
- Rubberized speed cushions may be used as trial or permanent devices.
- Reference Exhibit #2 in the Appendix.

### 5.3. Speed Humps

- A pavement overlay placed on the roadway, approximately 14 feet in length, about 3.5 inches high, extending from curb to curb. The ends are tapered to be flush with the street at the curbs and gutter to allow water to drain.
- Estimated cost \$2,000 and up
- Reference Exhibit #3 in the Appendix.

### 5.4. Speed Tables

- A pavement overlay placed on the roadway, approximately 22 feet in length, and about 3.5 inches high, extending from curb to curb. The ends are tapered to be flush with the street at the curbs and gutters to allow water to drain.
- Estimated cost \$2,500 and up
- Reference Exhibit #4 in the Appendix.



### 5.5. Traffic Circles & Roundabouts

- Raised island, often landscaped, placed in an intersection, around which traffic circulates.
- Estimated cost \$6,000 and up
- Reference Exhibit #5 in the Appendix.

### 5.6. Chicanes

- Series of two or more staggered curb extensions on alternating sides of the roadway. A raised island can be added to the center of the road to prevent motorist from crossing the center line.
- Estimated cost \$22,500 and up
- Reference Exhibit #6 in the Appendix.

### 5.7. Center Island Narrowings

- Also called midblock medians, slow points, or median chokers; medians placed down the center of the street to narrow the lanes to slow traffic; often landscaped to provide a visual amenity and neighborhood identity.
- Estimated cost \$8,000 and up
- Reference Exhibit #7 in the Appendix.

### 5.8. Midblock Narrowings

- Curb extensions at midblock that narrow a street by widening the sidewalk or planting strip.
- Estimated cost \$8,000 and up
- Reference Exhibit #8 in the Appendix.

### 5.9. Intersection Neckdowns

- Curb extensions at intersections that reduce roadway width between curbs.
- Estimated cost \$8,000 and up
- Reference Exhibit #9 in the Appendix.

**Note:** *The estimated costs for each traffic calming measure cannot replace detailed cost estimates using quantities and local unit prices for work items associated with specific projects; however, these estimates are provided for use in the conceptual planning phase, as they show order-of-magnitude differences among the various calming measures.*



# *Appendix*

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**Citizens Handbook for Requesting Traffic Calming Devices - Application**

*Prior to submission of an application, the applicant must meet with the City of Sachse Engineering Department staff to discuss eligibility requirements, the Primary Affected Area of impact, the evaluation procedure and the implementation process. A completed application with petition must be submitted to initiate the evaluation of the request.*

**Submittal Date** \_\_\_\_\_

**Application Fee: \$50.00**

**Neighborhood**

\_\_\_\_\_  
*(Subdivision Name and Street Name)*

**Brief Description  
of Traffic  
Calming Request**

\_\_\_\_\_  
*(Include Street Name and address limits of requested Traffic Calming device, attach a map with limits of the desired Traffic Calming area clearly identified)*

**Reason for  
Request**

Attach an "Applicant's Statement" to this application detailing the reason for the requested Traffic Calming device.

**Application  
Petition**

Following the pre-application meeting, the City will provide a petition form that must be signed by at least 75% of the property owners in the Primary Affected Area as determined by the City to initiate a review of the request. For consideration of a permanently-installed device, a separate poll of all impacted residences will be conducted by the City. A favorable vote of 75% of the property owners for a permanent device would be required before permanent modification of the street is considered by City Council.

*(Please print legibly or type on the lines below).*

**Acknowledgement  
and Applicant's  
Signature**

\_\_\_\_\_  
**Applicant / Contact Person**

\_\_\_\_\_  
**Title (if applicable)**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City, State, Zip**

\_\_\_\_\_  
**Telephone**

\_\_\_\_\_  
**Fax**

\_\_\_\_\_  
**e-mail address**

\_\_\_\_\_  
**Signature (must be original signature)**

***City of Sachse***  
***Traffic Calming Petition Form***

This petition is required by the City of Sachse in order to consider an application requesting the placement of a Traffic Calming device on a residential street. The purpose of the City's Traffic Calming Policy is to provide uniform guidelines for evaluation and implementation of citizens' requests for Traffic Calming devices. The policy and procedures specify what type of streets may be modified, what procedures should be used to evaluate the request, how to implement the process and how the cost for the device should be paid. Since the placement of a Traffic Calming device may affect other streets, the policy provides a means for area property owners to participate in this process and to understand the impact on all affected streets prior to a permanent modification.

An application for speed control measures must consist of a petition in favor of the proposed device signed by greater than 50% of the residents in the Primary Affected Area. Obtaining a completed petition is only one step in the process and does not guarantee a street will be modified.

By signing this petition, the residents in the Primary Affected Area concur with the request for a study to be conducted on the feasibility of placing a Traffic Calming device on the subject street. Fifty % of all property owners in the Primary Affected Area must concur with the request for the study and review process; 75% must concur for permanent placement of a traffic calming device, such as a speed hump.

<b>Property Address</b>	<b>Mailing Address</b>	<b>Property Owner</b>	<b>Signature</b>
123 Main Street	123 Main Street	John Doe	
124 Main Street	124 Main Street	George and Mary Smith	
125 Main Street	125 Main Street	Billy and Betty Johnson	
126 Main Street	126 Main Street	Susie Taylor	
127 Main Street	127 Main Street	Mark Marks	
128 Main Street	128 Main Street	Rocky Roads	
129 Main Street	129 Main Street	Sally Streets	

# Primary Affected Area - Example



## Sample Primary Affected Area Speed Control Measure

Neighborhood Traffic Calming

Legend:

Affected Area - 

Speed Hump - 

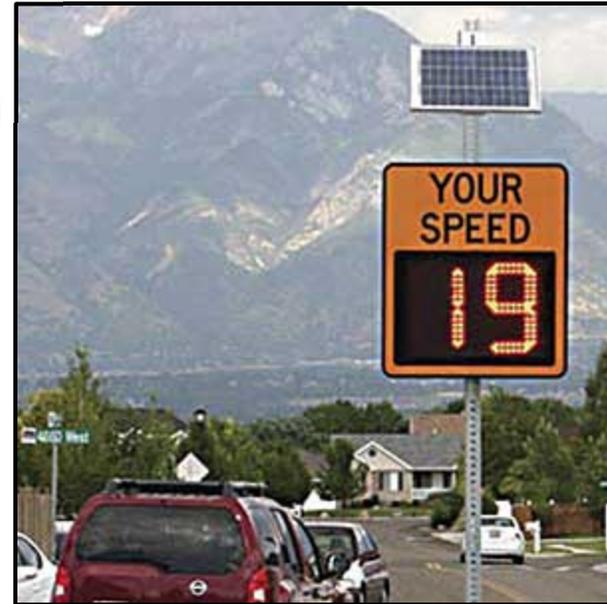
Target Street - 

Affected Street - 

0 62.5 125 250 Feet



# Exhibit 1. Speed Control Signs (Radar Speed Signs)



# Exhibit 2. Speed Cushions (undulations)

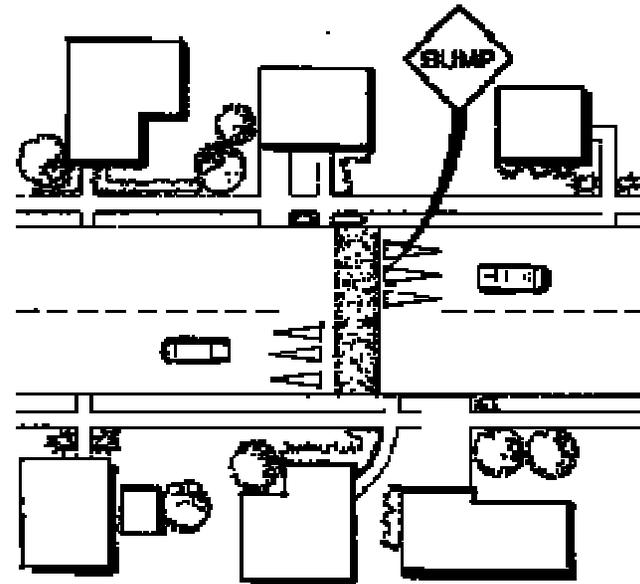


- Multiple small speed humps that allow for the passage of wide axle vehicles without slowing down, including firetrucks.



# Exhibit 3. Speed Humps

## (undulations)

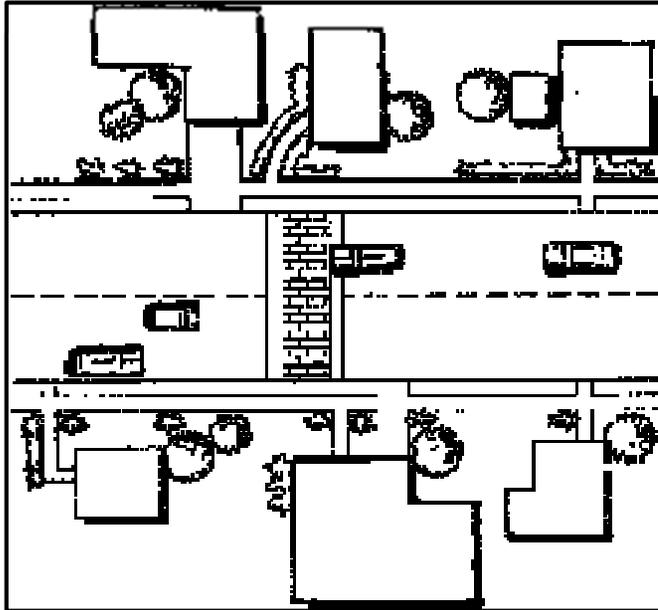


- A rounded vertical undulation in the road surface, usually 12 to 14 feet in length.



# Exhibit 4. Speed Tables

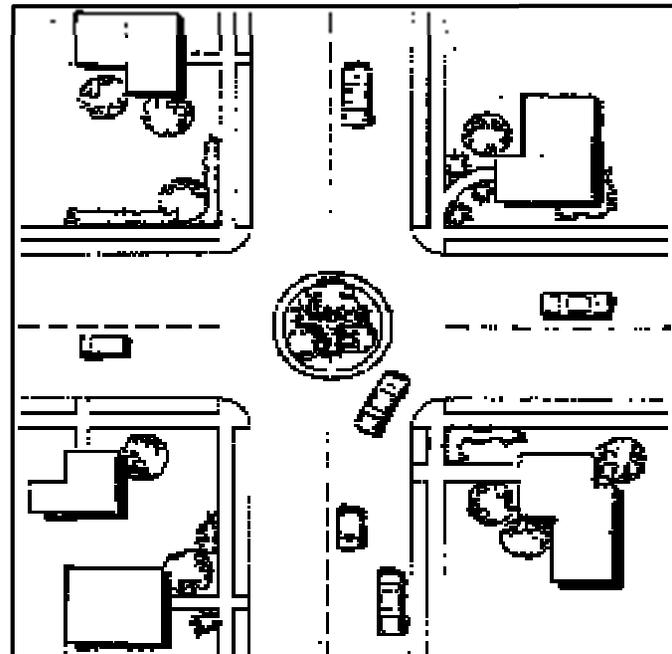
## (trapezoidal humps, flat topped humps)



- A flat topped speed hump that is longer than a standard speed hump and has less of an incline on each side.



# Exhibit 5. Traffic Circles & Roundabouts (rotaries, intersection islands)

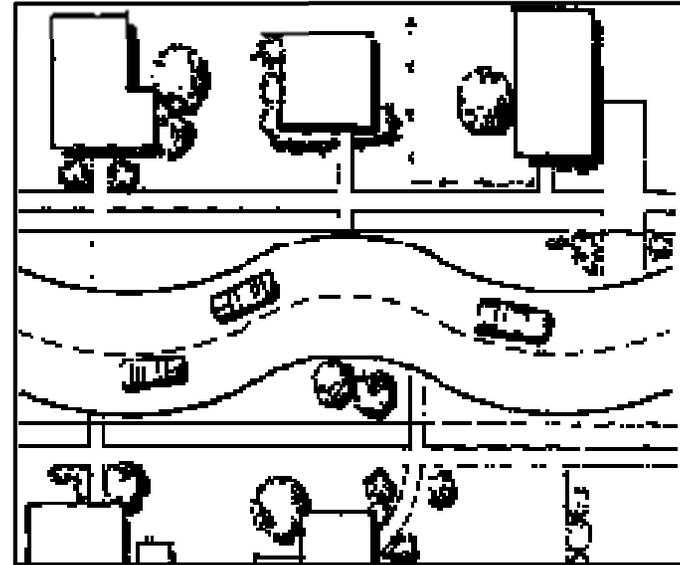


- A raised island at an intersection creating a one way circular street for both turning and through traffic.



# Exhibit 6. Chicanes

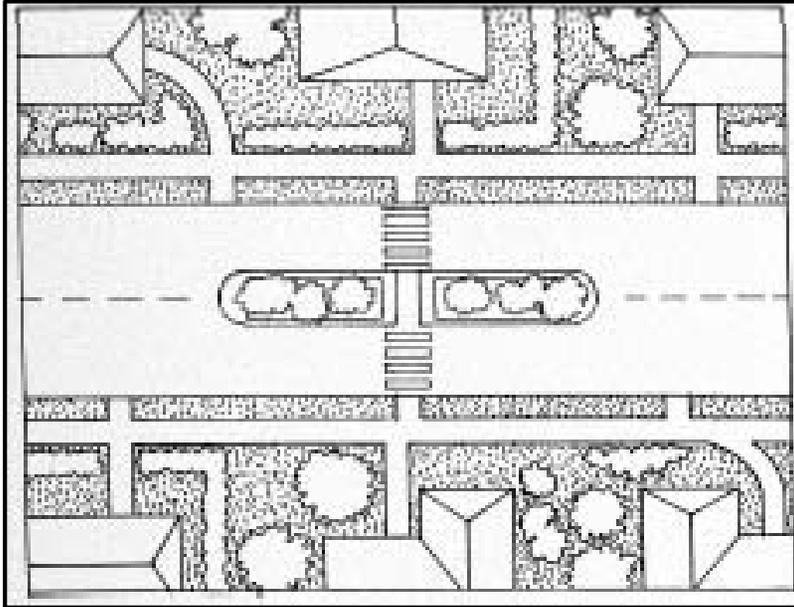
(serpentines, reversing curves)



- Undulating curbs or projections into the street to create curves in the vehicle driving path.



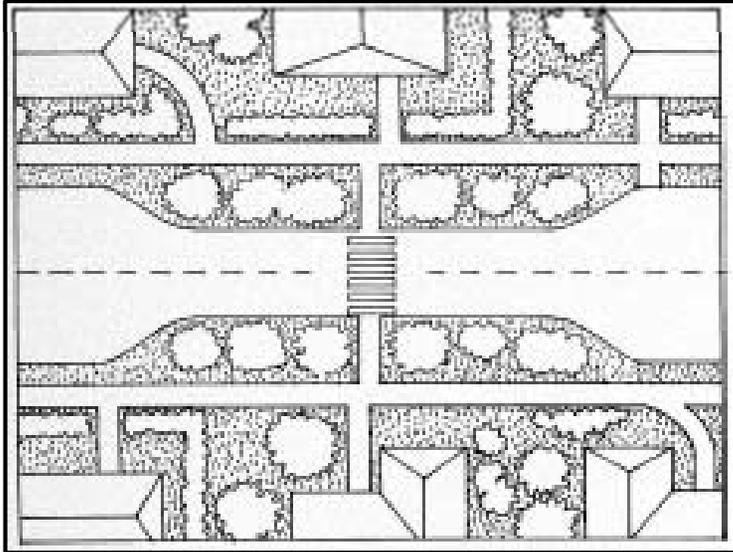
# Exhibit 7. Center Island Narrowings



- Raised curb medians that narrow the travel lanes at midblock locations.
- Often used to protect pedestrians when crossing a street.



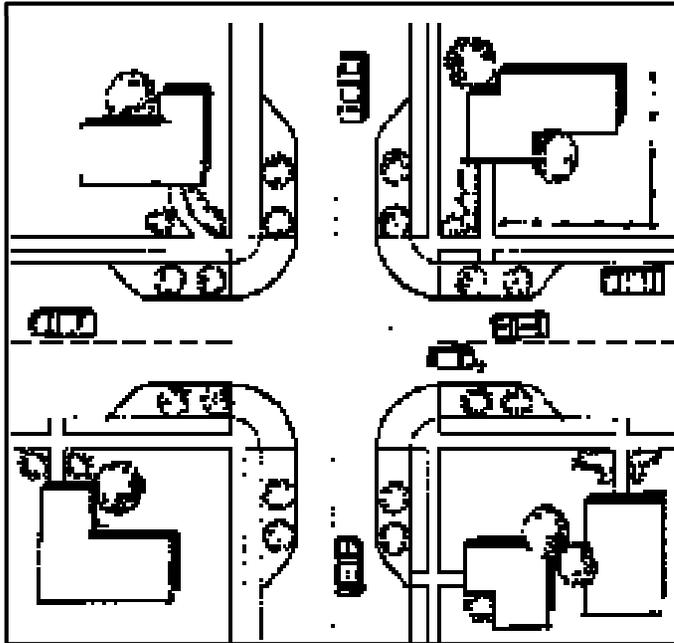
# Exhibit 8. Midblock Narrowings (chokers, curb extensions)



- Raised curb extensions that narrow the travel lanes at intersections midblock locations.
- Often used to lessen the length of pedestrian crossings.



# Exhibit 9. Intersection Neckdowns (nubs, bulbouts, knuckles, intersection narrowings, corner bulges)



- Raised curb extensions that narrow the travel lanes at intersections.
- Often used to lessen the length of pedestrian crossings.



# Mustang Drive Primary Affected Area



**Citizens Handbook for Requesting Traffic Calming Devices - Application**

Prior to submission of an application, the applicant must meet with the City of Sachse Engineering Department staff to discuss eligibility requirements, the Primary Affected Area of impact, the evaluation procedure and the implementation process. A completed application with petition must be submitted to initiate the evaluation of the request.

Submittal Date 9/21/15

Application Fee: \$50.00

Neighborhood JACKSON HILLS - 4103 LEE HUTSON DR.  
(Subdivision Name and Street Name)

Brief Description of Traffic Calming Request LOOKING INTO SPEED CUSHIONS TO HELP SLOW DOWN CARS IN THE NEIGHBORHOOD!  
(Include Street Name and address limits of requested Traffic Calming device, attach a map with limits of the desired Traffic Calming area clearly identified)

Reason for Request Attach an "Applicant's Statement" to this application detailing the reason for the requested Traffic Calming device.

Application Petition Following the pre-application meeting, the City will provide a petition form that must be signed by at least 75% of the property owners in the Primary Affected Area as determined by the City to initiate a review of the request. For consideration of a permanently-installed device, a separate poll of all impacted residences will be conducted by the City. A favorable vote of 75% of the property owners for a permanent device would be required before permanent modification of the street is considered by City Council.

(Please print legibly or type on the lines below).

**Acknowledgement and Applicant's Signature**

SEP 21 2015

JONATHAN CARTER  
Applicant / Contact Person

Title (if applicable)  
4103 LEE HUTSON DR.  
Address

SACHSE, TX 75048  
City, State, Zip

214/906-5259  
Telephone

Fax  
BRENT.CARTER@MOEN.COM  
e-mail address

[Signature]  
Signature (must be original signature)



NOV 10 2015

Traffic Calming Petition Form  
Sachse Farms

Prepared By: Greg Peters Date Prepared: 10/2/15  
Applicant Name: BRENT CARTER 214/906-5259 Date Received: \_\_\_\_\_

Property Address	Property Owner Name	Property Owner Signature
4014 Mustang Avenue	Nguyen, Thao Thien Minh	[Signature]
4012 Mustang Avenue	Bao Tan	[Signature]
4008 Mustang Avenue	Briggs, Kenneth E & Marisol	Kenneth E. Briggs
4004 Mustang Avenue	Gray, Eunita D	[Signature]
3928 Mustang Avenue	Musacchio, Joseph M II & Megan M	Megan Musacchio
3924 Mustang Avenue	Stacy, Tracey	Tracey Stacy
3920 Mustang Avenue	Gerhart, Jaime M & Ashley	[Signature]
3916 Mustang Avenue	Thomas, Saji & Sonu Mary	[Signature]
3912 Mustang Avenue	Leake, Jason Scott & Shelley	[Signature]
3908 Mustang Avenue	Musser, Tommy Wayne & Betty	Tommy Musser
3904 Mustang Avenue	Kim Jin & Woo Kim	[Signature]
3907 Mustang Avenue	Nguyen, Luan Dinh	[Signature]
3911 Mustang Avenue	Placino, Roberto J & Mary Lou	[Signature]
3915 Mustang Avenue	Youngkin, Christopher Mark & Loucinda Elaine	[Signature]
3919 Mustang Avenue	Doyle, Kimberlee Ann	Kimberlee Doyle
4110 Lee Hutson Drive	Shutts, Tony & Sharon	[Signature]
4114 Lee Hutson Drive	Laza, Lesley	Lesley Laza
4118 Lee Hutson Drive	Lewis, Byron Wayne & Jennifer Lynn	Jennifer Lewis
4122 Lee Hutson Drive	Moore, Sterling & Karen A	[Signature]
4126 Lee Hutson Drive	Goellner, Nicholas W & Hailee A	Nicholas Goellner
4130 Lee Hutson Drive	Siep, Michael Jay & Tracy Lynn	[Signature]
4134 Lee Hutson Drive	Fitzgerald, Cristina	[Signature]
4131 Lee Hutson Drive	Thomas, Grace & Pradeesh	[Signature]
4127 Lee Hutson Drive	Clayborn, Kamili	[Signature]
4123 Lee Hutson Drive	Leflore, Chandanise September & Thomas Gerald	[Signature]
4119 Lee Hutson Drive	Cao Tai The	[Signature]
4115 Lee Hutson Drive	Quan Luong	Bridget Ashack
4111 Lee Hutson Drive	Vandertulip, Aevan M & Jennifer L	Jennifer Vandertulip
4107 Lee Hutson Drive	Hill, Anthony & Arly	[Signature]
4103 Lee Hutson Drive	Carter, Jonathan B & Crystal M	[Signature]

10/2/15  
[Signature]

## MetroCount Traffic Executive Speed Statistics

### SpeedStat-14 -- English (ENU)

#### Datasets:

**Site:** [Mustang 1] <30mph>  
**Attribute:** Traffic Calming  
**Direction:** 6 - West bound A>B, East bound B>A. Lane: 0  
**Survey Duration:** 10:12 Tuesday, October 13, 2015 => 16:19 Wednesday, October 21, 2015,  
**Zone:**  
**File:** Mustang 1 0 2015-10-21 1619.EC0 (Plus )  
**Identifier:** KD23DTTJ MC56-L5 [MC55] (c)Microcom 19Oct04  
**Algorithm:** Factory default axle (v4.06)  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### Profile:

**Filter time:** 10:13 Tuesday, October 13, 2015 => 16:19 Wednesday, October 21, 2015 (8.25426)  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13  
**Speed range:** 5 - 100 mph.  
**Direction:** North, East, South, West (bound), P = East  
**Separation:** Headway > 0 sec, Span 0 - 300 ft  
**Name:** Default Profile  
**Scheme:** Vehicle classification (Scheme F2)  
**Units:** Non metric (ft, mi, ft/s, mph, lb, ton)  
**In profile:** Vehicles = 8772 / 8789 (99.81%)

## Speed Statistics

### SpeedStat-14

**Site:** Mustang 1.0.1WE  
**Description:** <30mph>  
**Filter time:** 10:13 Tuesday, October 13, 2015 => 16:19 Wednesday, October 21, 2015  
**Scheme:** Vehicle classification (Scheme F2)  
**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12 13 ) Dir(NESW) Sp(5,100) Headway(>0) Span(0 - 300)

Vehicles = 8772

Posted speed limit = 40 mph, Exceeding = 67 (0.76%), Mean Exceeding = 42.67 mph

Maximum = 54.4 mph, Minimum = 6.0 mph, Mean = 26.2 mph

85% Speed = 31.8 mph, 95% Speed = 34.7 mph, Median = 26.4 mph

10 mph Pace = 22 - 32, Number in Pace = 5586 (63.68%)

Variance = 31.67, Standard Deviation = 5.63 mph

### Speed Bins (Partial days)

Speed	Bin	Below	Above	Energy	vMult	n * vMult
0 - 5	0 0.0%	0 0.0%	8772 100.0%	0.00	0.00	0.00
5 - 10	40 0.5%	40 0.5%	8732 99.5%	0.00	0.00	0.00
10 - 15	199 2.3%	239 2.7%	8533 97.3%	0.00	0.00	0.00
15 - 20	950 10.8%	1189 13.6%	7583 86.4%	0.00	0.00	0.00
20 - 25	2307 26.3%	3496 39.9%	5276 60.1%	0.00	0.00	0.00
25 - 30	3044 34.7%	6540 74.6%	2232 25.4%	0.00	0.00	0.00
30 - 35	1824 20.8%	8364 95.3%	408 4.7%	0.00	0.00	0.00
35 - 40	341 3.9%	8705 99.2%	67 0.8%	0.00	0.00	0.00
40 - 45	55 0.6%	8760 99.9%	12 0.1%	0.00	0.00	0.00
45 - 50	9 0.1%	8769 100.0%	3 0.0%	0.00	0.00	0.00
50 - 55	3 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
55 - 60	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
60 - 65	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
65 - 70	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
70 - 75	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
75 - 80	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
80 - 85	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
85 - 90	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
90 - 95	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00
95 - 100	0 0.0%	8772 100.0%	0 0.0%	0.00	0.00	0.00

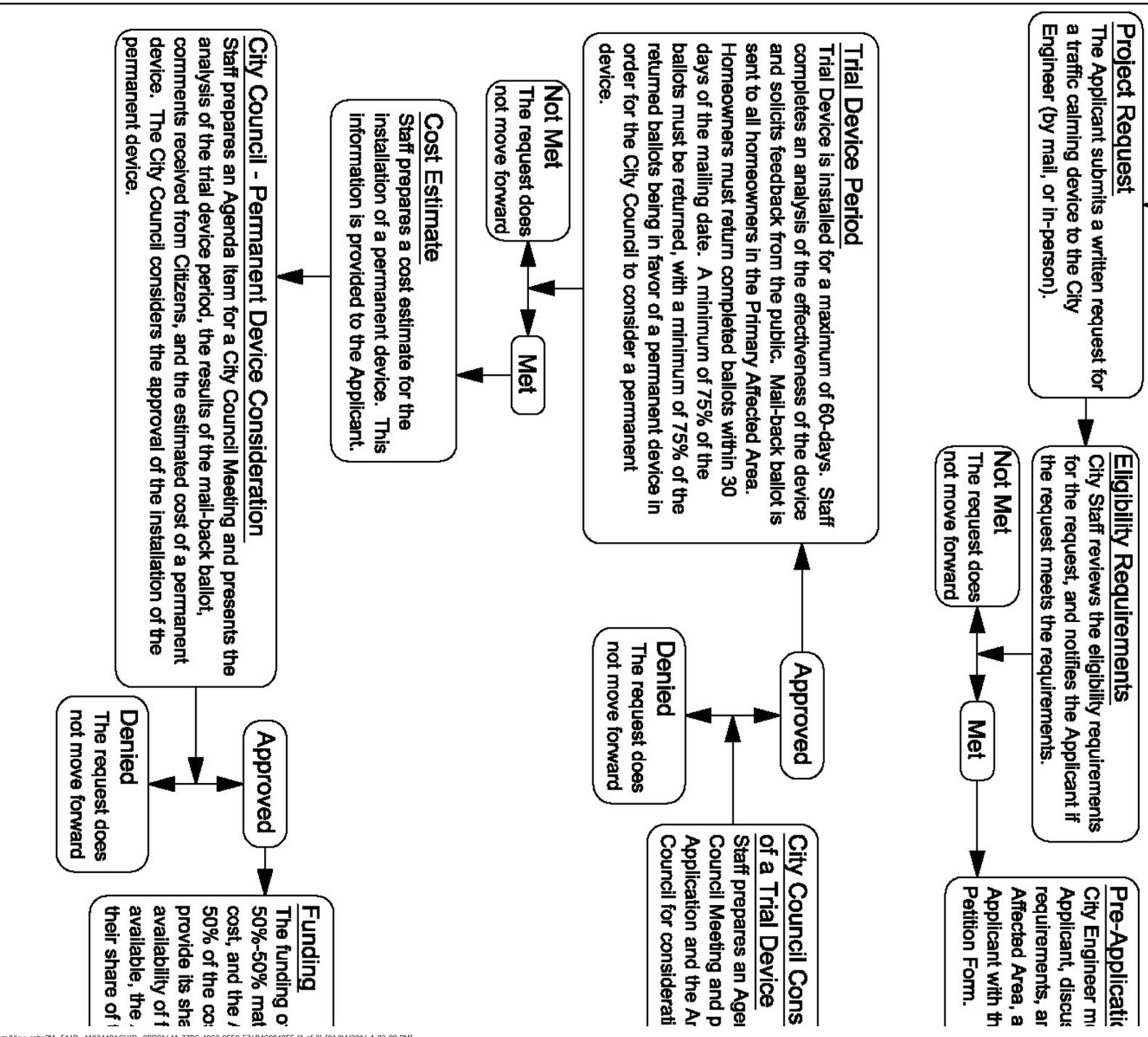
Total Speed Rating = 0.00

Total Moving Energy (Estimated) = 0.00

### Speed limit fields (Partial days)

Limit	Below	Above
0   40 (PSL)	8705 99.2%	67 0.8%

# Citizens Handbook for Requesting Traffic Calming Process Diagram



# Traffic Calming Devices

**Pre-Application Conference**  
Meets with the applicant as the process, and the Primary Applicant and provide the

**Application Submittal**  
The Applicant submits the completed Application and Petition within 6 months of the Pre-application Conference. The Petition must be signed by homeowners in the Primary Affected Area, and have a minimum of 75% in favor of a traffic calming device.

**Met**  
**Not Met**  
The request does not move forward

**Consideration**  
The City Item for a City presents the analysis to the City on of a trial device.

**Staff Analysis**  
Staff completes an engineering investigation and analysis related to the request.

**Permanent Device**  
The City (or its contractor) will install the permanent device. The device will be maintained by the City as a part of the public road.

If the permanent device is a sign. The City pays for 50% of the cost. Applicant is responsible for paying the rest. The City reserves the right to use the funding based upon the funds. Once City funds are provided Applicant has 90 days to provide the funding.

**Met**  
**Not Met**  
The request does not move forward



Legislation Details (With Text)

**File #:** 15-3161      **Version:** 1      **Name:** Pleasant Valley Road Speed Limit  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/14/2015      **In control:** City Council  
**On agenda:** 1/4/2016      **Final action:**

**Title:** Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 45 miles per hour to 40 miles per hour for Pleasant Valley Road from the west City limits to the east City limits; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.

**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Presentation](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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Title

Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 45 miles per hour to 40 miles per hour for Pleasant Valley Road from the west City limits to the east City limits; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.

Background

City staff has conducted a traffic study regarding the speed limit of Pleasant Valley Road from the west City limit to the east City limit in the City of Sachse, Texas. The study included a review of the roadway geometry and characteristics, pavement condition, traffic count data related to volume and speed of traffic, and a review of similar roads in the City of Sachse. In addition, staff consulted the guidelines provided by the Manual on Uniform Traffic Control Devices relative to speed limits on public roadways.

Upon review of the roadway geometry and characteristics, pavement condition, traffic count data related to volume and speed of traffic, and a review of similar roads in the City of Sachse, staff is recommending that the maximum prima facie speed limit on Pleasant Valley Road be reduced. Staff is also recommending that additional advisory speed signs and warning signs be placed in critical locations, where the road has curves that impact traffic

movement.

#### Policy Considerations

Section 545.356 of the Transportation Code provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway.

#### Budgetary Considerations

None.

#### Staff Recommendations

Approve an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 45 miles per hour to 40 miles per hour for Pleasant Valley Road from the west City limits to the east City limits; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.



# Speed Limit Ordinance Pleasant Valley Road

City Council  
January 4, 2016

## Overview

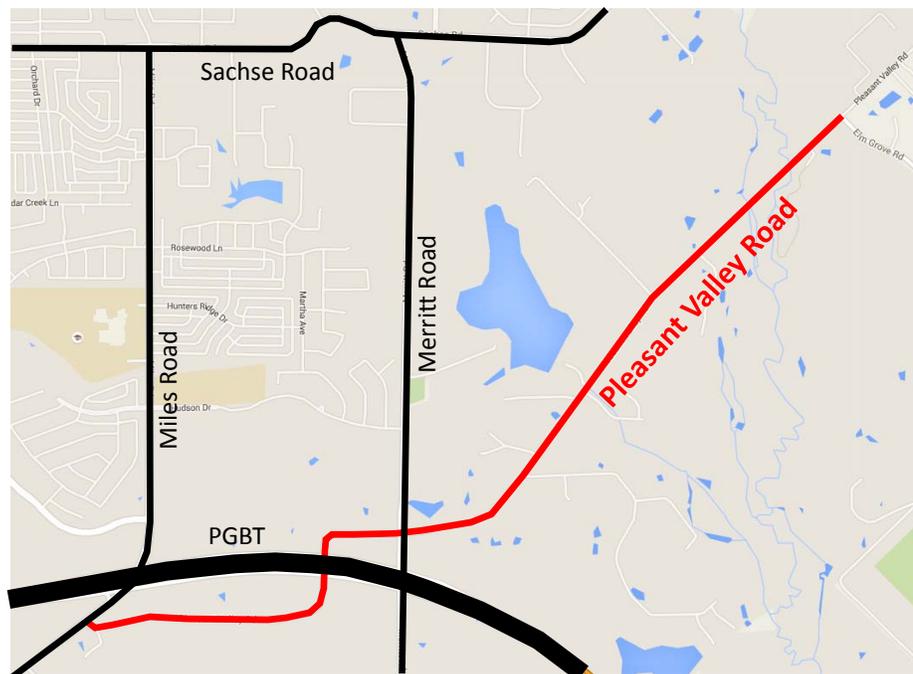
- MUTCD Guidelines
- Road Location
- Current Speed Limit
- Traffic Count Data
- Road Composition & Geometry
- Comparison Roads
- Speed Study Findings
- Staff Recommendations
- Advisory Speed Limits
- Ordinance Language
- City Council Consideration

## MUTCD Guidelines

Chapter 2 of the Manual on Uniform Traffic Control Devices, Section 2B.13, provides guidelines for determining speed limits on public roads:

- **States and local agencies should conduct engineering studies to reevaluate non-statutory speed limits on segments of their roadways that have undergone significant changes since the last review**, such as the addition or elimination of parking or driveways, changes in the number of travel lanes, changes in the configuration of bicycle lanes, changes in traffic control signal coordination, or significant changes in traffic volumes.
- **When a speed limit within a speed zone is posted, it should be within 5 mph of the 85th-percentile speed of free-flowing traffic.**
- Other factors that may be considered when establishing or reevaluating speed limits are the following:
  - **A. Road characteristics, shoulder condition, grade, alignment, and sight distance;**
  - B. The pace;
  - C. Roadside development and environment;
  - D. Parking practices and pedestrian activity; and
  - **E. Reported crash experience for at least a 12-month period.**

## Road Location



## Current Speed Limit



- Pleasant Valley Road currently has a speed limit of 45 miles per hour from Elm Grove Road to the President George Bush Turnpike.

## Traffic Count Data

- Historical traffic counts on Pleasant Valley Road have been taken
  - October 2008 – 4418 vehicles/day, 85% Speed – 46 mph
  - July 2009 – 4001 vehicles/day, 85% Speed – 45 mph
  - June 2013 – 4743 vehicles/day, No speed data taken (volume only)
  - November 2013 – 4605 vehicles/day, 85% Speed – 47 mph
  - May/June 2015 – 4631 vehicles/day, 85% Speed – 45 mph
- The 85% speed is the speed at which 85% of traffic is moving at or below. This statistic is commonly used to determine speed limits.

## Road Composition & Geometry

- Pleasant Valley Road is classified as a minor arterial road in the City.
- The road is a two-lane asphalt road that is 24-feet wide. The road appears to have minimal subgrade treatment, and has been overlaid with asphalt multiple times throughout its history.
- The road has four significant curves, including:
  - One 45-degree curve at the intersection with Miles Road
  - One 90-degree curve between Miles Road and the PGBT
  - One 90-degree curve between the PGBT and Merritt Road
  - One 45-degree curve between Merritt Road and Eastview Drive

## Road Composition & Geometry



## Road Composition & Geometry



View of Pleasant Valley Road  
looking west, South of the PGBT

## Comparison Roads



- Merritt Road
  - Between Sachse Road and Pleasant Valley Road
  - Speed Limit: 40 mph
  - Minor arterial
  - 2-lane asphalt road
  - ~8000 vehicles/day



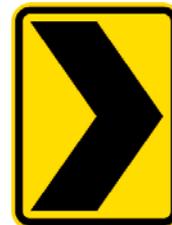
- Sachse Road
  - Between Miles Road & Merritt Road
  - Speed Limit: 40 mph
  - Minor arterial
  - 2-lane asphalt road
  - ~7,600 vehicles/day

## Speed Study Findings

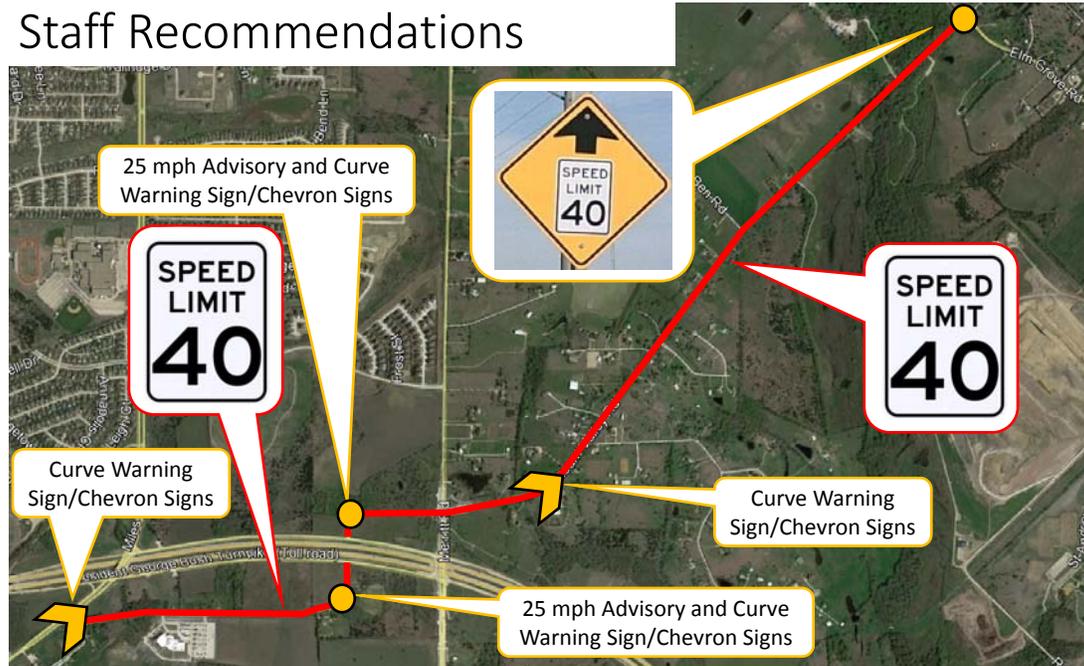
- Staff has completed a speed study for Pleasant Valley Road between Miles Road and Elm Grove Road.
- The findings include:
  - The 85% Speed shows that motorists are comfortable traveling at 45 miles per hour
  - Crash data for 2013-2015 includes 11 crashes on Pleasant Valley Road, of which two involved trash trucks.
  - The road geometry includes two 90-degree curves which have a calculated design speed of 25 mph.
  - The road geometry includes two 45-degree curves which have a calculated design speed of 40 mph.
  - The pavement condition was found to be a 2 on the PASER Rating system. (Scale of 1-10, with 10 being new pavement)
  - The road has no shoulders and has bar ditches on each side of the road, which vary in depth and width.

## Staff Recommendations

- Staff recommends:
  - A 40 mph Speed Limit for Pleasant Valley Road, from Miles Road to Elm Grove Road.
  - An advisory speed of 25 mph at the two 90-degree curves, in accordance with the recommendations of the Manual on Uniform Traffic Control Devices.
  - Additional warning signs and chevron signs at all curves



## Staff Recommendations



## Advisory Speed Limits

- Advisory Speed limits are shown on advisory signs.
- These speeds are recommended by the governing body, but not enforced
- Advisory speed limits are commonly enacted on short sections of a roadway (typically where curves exist), where the geometry is such that the speed limit for the road exceeds the design speed of that short section of road.

## Ordinance Language

- AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 TITLED "TRAFFIC REGULATIONS" BY AMENDING SECTION 9-4 TITLED "SPEED LIMITS" TO CHANGE THE MAXIMUM PRIMA FACIE SPEED LIMIT FROM 45 MILES PER HOUR TO 40 MILES PER HOUR FOR PLEASANT VALLEY ROAD FROM THE WEST CITY LIMITS TO THE EAST CITY LIMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

City Council Consideration

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

**AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 TITLED “TRAFFIC REGULATIONS” BY AMENDING SECTION 9-4 TITLED “SPEED LIMITS” TO CHANGE THE MAXIMUM PRIMA FACIE SPEED LIMIT FROM 45 MILES PER HOUR TO 40 MILES PER HOUR FOR PLEASANT VALLEY ROAD FROM THE WEST CITY LIMITS TO THE EAST CITY LIMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 545.356 of the Transportation Code provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway ; and

**WHEREAS**, the City Council of the City of Sachse, Texas, upon the basis of an engineering and traffic investigation finds it necessary to alter prima facie maximum speed limits established by Section 545.356 of the Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe, and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof; and,

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

**SECTION 1.** That Chapter 9 “Traffic Regulations” of the City of Sachse Code of Ordinances be, and the same is hereby amended by amending Section 9-4 “Speed Limits” to read as follows:

“Chapter 9

**TRAFFIC REGULATIONS**

...

**Sec. 9-4      Speed Limits.**

...

B. *Special speed zones.* Pursuant to subsection A(3) above, the following streets, or portions thereof, are designated as special speed zones. A person commits an offense if he or she drives a vehicle in a special speed zone at a speed greater than is reasonable and prudent under the circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with the preceding sentence, the limits specified in this subsection shall be lawful, but any speed in excess of the limits specified in this subsection shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

...

(5) *Pleasant Valley Road:*

Eastbound from west city limits to east city limits to be 40 mph

Westbound from the east city limits to the west city limits to be 40 mph

...”

**SECTION 2.** That any provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

**SECTION 3.** 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 4.** That should any sentence, article, paragraph, subdivision, clause, phrase, or section 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.** 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 Code of Ordinances of the City of Sachse, as heretofore amended, and upon conviction shall be punished by 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 constitute a separate offense.

**SECTION 6.** 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 RESOLVED AND PASSED** by the City Council of the City of Sachse, Texas, the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF SACHSE, TEXAS

\_\_\_\_\_  
Mike J. Felix, Mayor

DULY ENROLLED:

\_\_\_\_\_  
Michelle Lewis Sirianni, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith  
City Attorney



Legislation Details (With Text)

**File #:** 15-3162      **Version:** 1      **Name:** Ranch Road Speed Limit  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/14/2015      **In control:** City Council  
**On agenda:** 1/4/2016      **Final action:**

**Title:** Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 30 miles per hour to 40 miles per hour for Ranch Road from Maxwell Creek Road to State Highway 78; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.

**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Presentation](#)  
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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Title

Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 30 miles per hour to 40 miles per hour for Ranch Road from Maxwell Creek Road to State Highway 78; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.

Background

City staff has conducted a traffic study regarding the speed limit of Ranch Road from Maxwell Creek Road to State Highway 78 in the City of Sachse, Texas. The study included a review of the roadway geometry and characteristics, pavement condition, traffic count data related to volume and speed of traffic, and a review of similar roads in the City of Sachse. In addition, staff consulted the guidelines provided by the Manual on Uniform Traffic Control Devices (MUTCD) relative to speed limits on public roadways.

Upon review of the roadway geometry and characteristics, pavement condition, traffic count data related to volume and speed of traffic, and a review of similar roads in the City of Sachse, staff is recommending that the maximum prima facie speed limit on Ranch Road be increased.

The traffic data and MUTCD recommendations provide for a recommendation for a 40 mph

speed limit on Ranch Road.

However, the pedestrian volume and location of brick screen walls along the roadway do warrant consideration for an alternative speed limit. A 35 mph speed limit is reflective of the pedestrian characteristics of the road corridor. The combination of brick screening walls and an active pedestrian environment in a narrow corridor limits pedestrian movement away from the pavement.

#### Policy Considerations

Section 545.356 of the Transportation Code provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway

#### Budgetary Considerations

None.

#### Staff Recommendations

Approve an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to change the maximum prima facie speed limit from 30 miles per hour to 40 miles per hour for Ranch Road from Maxwell Creek Road to State Highway 78; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.



# Speed Limit Ordinance Ranch Road

City Council  
January 4, 2016

## Overview

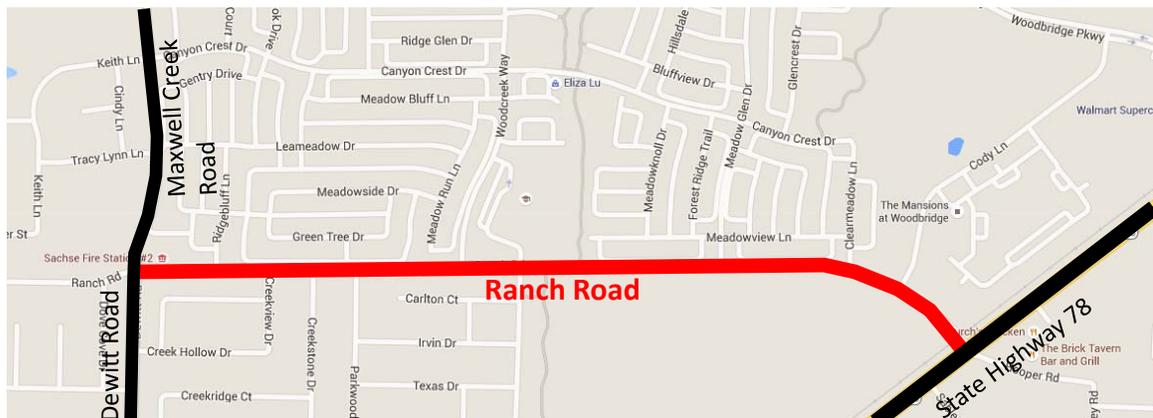
- MUTCD Guidelines
- Road Location
- Current Speed Limit
- Traffic Count Data
- Road Composition & Geometry
- Comparison Roads
- Speed Study Findings
- Staff Recommendations
- Ordinance Language
- City Council Consideration

## MUTCD Guidelines

Chapter 2 of the Manual on Uniform Traffic Control Devices, Section 2B.13, provides guidelines for determining speed limits on public roads:

- States and local agencies should conduct engineering studies to reevaluate non-statutory speed limits on segments of their roadways that have undergone significant changes since the last review, such as the addition or elimination of parking or driveways, changes in the number of travel lanes, changes in the configuration of bicycle lanes, changes in traffic control signal coordination, or significant changes in traffic volumes.
- When a speed limit within a speed zone is posted, it should be within 5 mph of the 85th-percentile speed of free-flowing traffic.
- Other factors that may be considered when establishing or reevaluating speed limits are the following:
  - **A. Road characteristics, shoulder condition, grade, alignment, and sight distance;**
  - **B. The pace;**
  - **C. Roadside development and environment;**
  - **D. Parking practices and pedestrian activity;** and
  - E. Reported crash experience for at least a 12-month period.

## Road Location



## Current Speed Limit



- Ranch Road currently has a speed limit of 30 miles per hour from Maxwell Creek Road to State Highway 78.

## Traffic Count Data

- New traffic counts on Ranch Road have been taken
  - December 17, 2015 – 5,418 vehicles/day, 85% Speed – 44 mph
- The 85% speed is the speed at which 85% of traffic is moving at or below. This statistic is commonly used to determine speed limits.

## Road Composition & Geometry

- Ranch Road is classified as a minor arterial road in the City.
- The road was recently completed as a four-lane concrete road with curbs and a median. The road surface is in very good condition.
- The road has one significant curve near the intersection with State Highway 78.

## Road Composition & Geometry



View of Ranch Road looking west near Woodcreek Way

## Comparison Roads



- **Bunker Hill Road**

- Between Miles Road and State Highway 78
- Speed Limit: 40 mph
- Minor arterial
- 4-lane concrete road
- ~6000 vehicles/day

- **Dewitt Road**

- Between 5<sup>th</sup> Street and Ranch Road
- Speed Limit: 40 mph
- Minor arterial
- 4-lane concrete road
- ~8600 vehicles/day

## Road Characteristics

- Ranch Road does have an elementary school, Whitt Elementary, on the north side of the road, at the intersection with Woodcreek Way.
- During school opening and release, a 20 mph school zone is in place in front of the school, for pedestrian safety.
- Outside of school hours, Ranch Road has regular pedestrian activity, especially along the north side of the road.
- The road is lined with brick screen walls on each side for the majority of the length of the road. These brick screen walls limit pedestrian movements away from the pavement surface.

## Speed Study Findings

- Staff has completed a speed study for Ranch Road between Maxwell Creek Road and State Highway 78.
- The findings include:
  - The 85% Speed shows that motorists are comfortable traveling at 44 miles per hour
  - The road geometry includes one 45-degree curve which has a calculated design speed of 55 mph.
  - The pavement condition was found to be a 9 on the PASER Rating system. (Scale of 1-10, with 10 being new pavement)

## Staff Recommendations

- Staff recommends that the speed limit on Ranch Road be increased based upon the improved road conditions resulting from the completion of the road as a 4-lane divided roadway.

Option 1



A 40 mph speed limit is consistent with MUTCD guidelines, and reflective of the speed at which motorists are comfortable traveling. In addition, similar roads in Sachse have a speed limit of 40 mph.

Option 2



A 35 mph speed limit is reflective of the pedestrian characteristics of the road corridor. The combination of brick screening walls and an active pedestrian environment in a narrow corridor limits pedestrian movement away from the pavement.

## Ordinance Language

- AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 TITLES "TRAFFIC REGULATIONS" BY AMENDING SECTION 9-4 TITLED "SPEED LIMITS" TO CHANGE THE MAXIMUM PRIMA FACIE SPEED LIMIT TO 40 MILES PER HOUR FOR RANCH ROAD FROM MAXWELL CREEK ROAD TO STATE HIGHWAY 78; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

## City Council Consideration

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

**AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 TITLES “TRAFFIC REGULATIONS” BY AMENDING SECTION 9-4 TITLED “SPEED LIMITS” TO CHANGE THE MAXIMUM PRIMA FACIE SPEED LIMIT FROM 30 MILES PER HOUR TO 40 MILES PER HOUR FOR RANCH ROAD FROM MAXWELL CREEK ROAD TO STATE HIGHWAY 78; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 545.356 of the Transportation Code provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway ; and

**WHEREAS**, the City Council of the City of Sachse, Texas, upon the basis of an engineering and traffic investigation finds it necessary to alter prima facie maximum speed limits established by Section 545.356 of the Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe, and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof; and,

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

**SECTION 1.** That Chapter 9 “Traffic Regulations” of the City of Sachse Code of Ordinances be, and the same is hereby amended by amending Section 9-4 “Speed Limits” to read as follows:

“Chapter 9

**TRAFFIC REGULATIONS**

...

**Sec. 9-4        Speed Limits.**

...

B. Special speed zones. Pursuant to subsection A(3) above, the following streets, or portions thereof, are designated as special speed zones. A person commits an offense if he or she drives a vehicle in a special speed zone at a speed greater than is reasonable and prudent under the circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with the preceding sentence, the limits specified in this subsection shall be lawful, but any speed in excess of the limits specified in this subsection shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

...

(18) Ranch Road:

Eastbound from Maxwell Creek Road to State Highway 78 to be 40 mph

Westbound from the State Highway 78 to Maxwell Creek Road to be 40 mph

...

**SECTION 2.** That any provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

**SECTION 3.** 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 4.** That should any sentence, article, paragraph, subdivision, clause, phrase, or section 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.** 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 Code of Ordinances of the City of Sachse, as heretofore amended, and upon conviction shall be punished by 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 constitute a separate offense.

**SECTION 6.** 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 RESOLVED AND PASSED** by the City Council of the City of Sachse, Texas, the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF SACHSE, TEXAS

\_\_\_\_\_  
Mike J. Felix, Mayor

DULY ENROLLED:

\_\_\_\_\_  
Michelle Lewis Sirianni, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith  
City Attorney



Legislation Details (With Text)

<b>File #:</b>	15-3163	<b>Version:</b>	1	<b>Name:</b>	Ranch Road School Zone Extension
<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	12/14/2015	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	1/4/2016	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to amend the school zone on a portion of Ranch Road eastbound and westbound from a point three hundred feet west of Woodcreek Way to a point one thousand and twenty feet east of Woodcreek Way; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Presentation</a> <a href="#">Attachment A - ITE Recommendations</a> <a href="#">Ordinance</a>				

Date	Ver.	Action By	Action	Result
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Title

Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to amend the school zone on a portion of Ranch Road eastbound and westbound from a point three hundred feet west of Woodcreek Way to a point one thousand and twenty feet east of Woodcreek Way; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.

Background

The final phase of Ranch Road was finished this year, completing the road as a 4-lane divided roadway. As a part of the construction, an additional pedestrian crosswalk was added east of Woodcreek Way. This item is to amend the limits of the school zone on Ranch Road to adequately include the new crosswalk.

Policy Considerations

The Institute of Transportation Engineers (ITE) and the State of Texas provide guidelines for determining the limits of school zones. (Attachment A - ITE recommendations) For a 20- mph school zone, ITE recommends a 200-foot distance from a crosswalk to the edge of the school zone.

Budgetary Considerations

None. City staff will relocate the existing sign and equipment.

Staff Recommendations

Approve an ordinance amending the Code of Ordinances by amending Chapter 9 titled "Traffic Regulations" by amending Section 9-4 titled "Speed Limits" to amend the school zone on a portion of Ranch Road eastbound and westbound from a point three hundred feet west of Woodcreek Way to a point one thousand and twenty feet east of Woodcreek Way; providing a repealing clause; providing a savings clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of two hundred (\$200.00) dollars for each offense; and providing an effective date.



# School Zone Ordinance Ranch Road

City Council  
January 4, 2016

## Overview

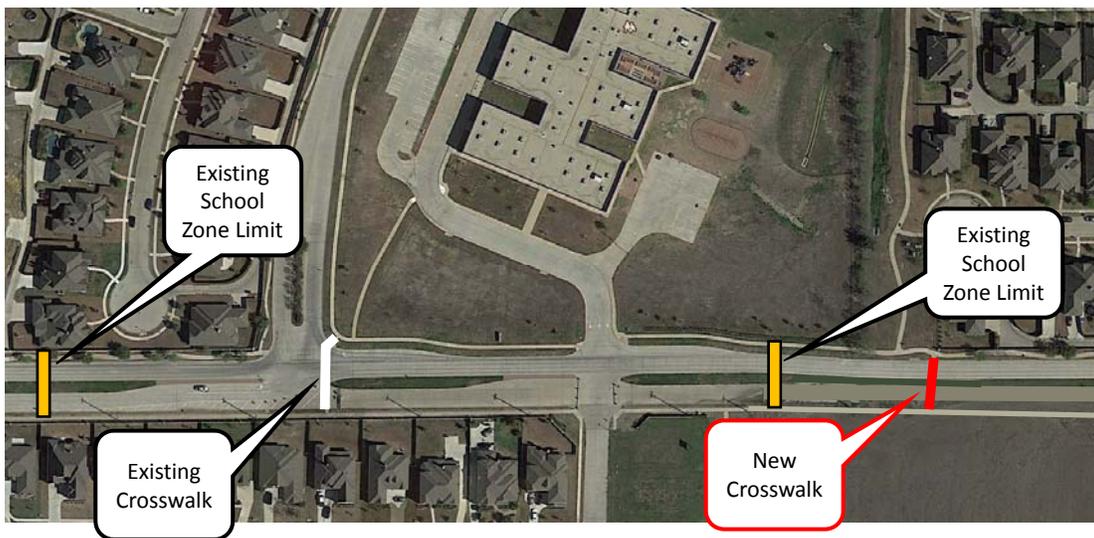
- ITE Guidelines
- Road Location
- Current School Zone
- Pedestrian Paths
- Staff Recommendations
- Ordinance Language
- City Council Consideration



## Current School Zone Location



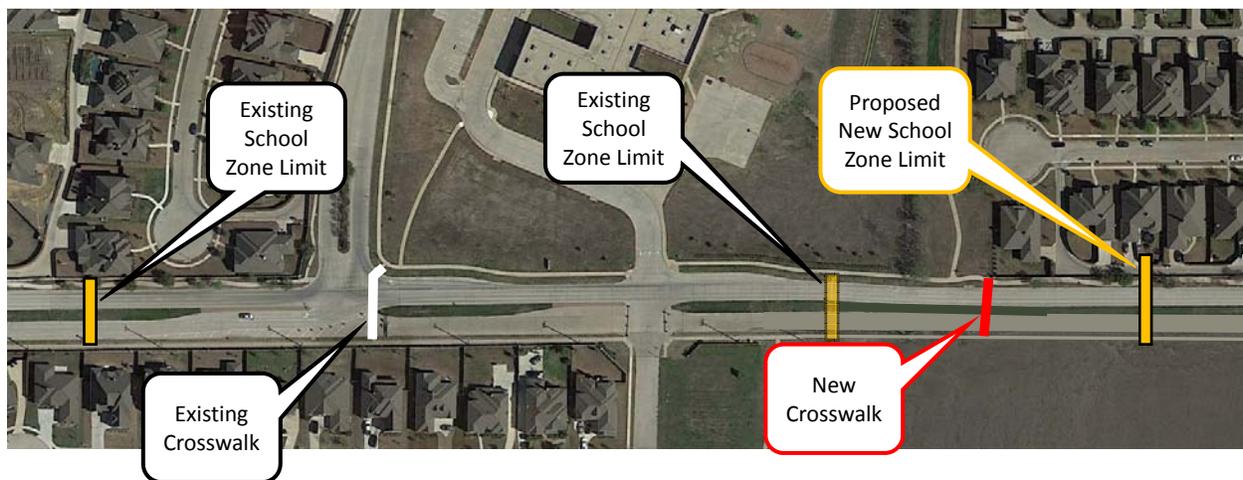
## Pedestrian Paths



## Staff Recommendations

- Staff recommends that the Ranch Road school zone be extended to adequately include the new crosswalk.
- Per the Institute of Transportation Engineers, the recommended distance from a crosswalk to a school zone limit is 200 feet for a 20 mph school zone.

## Staff Recommendations



## Ordinance Language

- AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 TITLED "TRAFFIC REGULATIONS" BY AMENDING SECTION 9-4 TITLED "SPEED LIMITS" TO AMEND THE SCHOOL ZONE ON A PORTION OF RANCH ROAD EASTBOUND AND WESTBOUND FROM A POINT THREE HUNDRED FEET WEST OF WOODCREEK WAY TO A POINT ONE THOUSAND AND TWENTY FEET EAST OF WOODCREEK WAY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Council Consideration

### INTRODUCTION

Higher vehicle speeds are strongly associated with a greater likelihood of both a pedestrian crash and serious pedestrian injury. A 1999 National Highway Traffic Safety Administration study found that 5 percent of pedestrians are fatally injured when struck by a vehicle traveling at 20 mph or less. This compares with fatality rates of 40, 80, and nearly 100 percent when the pedestrian is struck at 30, 40, and 50 mph or more, respectively.<sup>1</sup>

Simply setting a reduced speed limit in a school zone is not likely to produce the entire desired speed reduction on its own. Tools used to assist in reducing vehicle speeds in school zones include police enforcement (for example, conventional, automated speed cameras, double fines), public awareness campaigns, and engineering countermeasures. Traffic engineering tools include school speed limit zones and traffic calming (such as curb extensions or raised crosswalks). See ITE Briefing Sheet—*The Use of Traffic Calming Near Schools* for more information. Applying a combination of measures in conjunction with a reduced speed limit is more likely to slow traffic.

### SCHOOL SPEED ZONES

Many parents and school and community groups request that the school speed limit be reduced by the greatest possible extent, with the expectation that motorists will obey the posted speed limit. While speeds are lower in a school speed limit zone as compared to when the posted regulatory speed is in effect, the average operating speed does not always reach the posted school speed limit even when combined with flashing lights. Research shows that the measured 85th percentile speed is about 5 to 7 mph higher than the posted school speed limit (see Figure 1).<sup>2</sup> Therefore, while a school speed limit zone does have lower speeds, drivers still exceed the posted school speed limit.

Principal questions with reduced school speed limits include:

- Should speed limits be reduced for the school?
- What limit should be selected for the reduced school speed limit?
- Where should the reduced school speed limit zone begin and end?
- When should the reduced school speed limit be in effect?

The answers to these questions vary widely between states and individual jurisdictions. In many cases, some of these issues are settled by state statute or local ordinance. In the absence of state or local requirements, a jurisdiction should establish uniform procedures for considering the need for and the implementation of school speed limit zones.

### Should Speed Limits Be Reduced for the School?

The evaluation process needs to measure existing speeds on the street in question during school hours and determine whether speeds are higher than desired. The evaluation process should consider whether other actions might bring about the desired results more effectively.

A school speed limit zone typically is considered when children are crossing a roadway going to and from school. The zone may be considered on any street along the school frontage.

In some regions, school speed limit zones are generally not used when signalized or stop-controlled intersections are present at the school crossings, because their traffic control creates gaps that children can use to cross a roadway. A school speed limit zone may be installed or retained at a roundabout, at a signalized or stop-controlled intersection (for example, as a mitigation measure for concerns related to sight distance), or in other situations as determined by an engineering study.

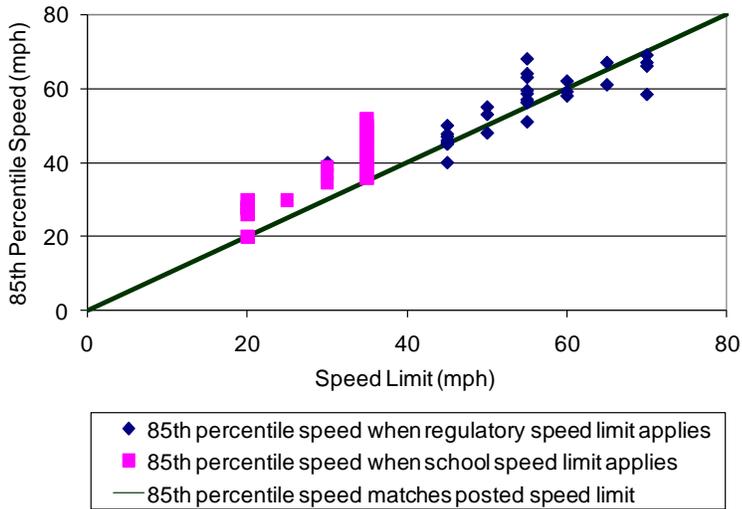


Figure 1. Measured 85th percentile speeds for school sites in Texas when reduced school speed limits are and are not active.<sup>2</sup>

Young

students need slower speeds in school zones because children do not have the same abilities as adults in:

- Seeing and evaluating traffic conditions because of their height;
- Processing information because of their limited peripheral vision and visual acuity;
- Perceiving correctly the direction and sound of traffic; and
- Understanding the use of traffic control devices and crosswalks.

### What Speed Limit Should Be Selected for the School Zone?

The value used for the reduced school speed limit varies and is influenced by state and local laws. In some states, the value is the same for all reduced-speed school zones. In other locations, the value must fall within a range depending on the established speed limit or is entirely determined on a case-by-case basis. See Table 1 for examples of school speed limit zone values.

**Table 1. A Sample of School Speed Limit Zone Values**

State	Speed Limit in School Zone	
Arizona <sup>3</sup>	15 mph	
Delaware <sup>4</sup>	20 mph	
Iowa <sup>5</sup>	No fixed value. Locations are evaluated on a case-by-case basis, usually 10 mph below posted speed limit.	
Massachusetts <sup>6</sup>	20 mph	
Minnesota <sup>7</sup>	No more than 30 mph below the established speed limit and no lower than 15 mph.	
Montana <sup>8</sup>	No fixed value. Locations are evaluated on a case-by-case basis.	
New Hampshire <sup>9</sup>	10 mph under the posted speed limit.	
New Jersey <sup>10</sup>	25 mph	
Ohio <sup>11</sup>	20 mph	
Oregon <sup>12</sup>	20 mph	
Pennsylvania <sup>13</sup>	15 mph	
South Dakota <sup>14</sup>	15 mph	
Texas <sup>15</sup>	<b>85<sup>th</sup> Percentile Speed</b>	<b>Suggested School Speed Limit</b>
	Below 55 mph	Not more than 15 mph below 85th percentile speed or posted speed. Not to exceed a 35 mph school speed limit.
	55 mph	20 mph below the 85th percentile speed or posted speed.
	Greater than 55 mph	Use buffer zone to transition to a 35 mph speed limit.
Washington <sup>16</sup>	20 mph	

Speed studies provide a sound basis for selecting the proper speed limits for school zones. While it is not common practice to set speed limits significantly lower than the 85th percentile speed for regulatory speed zones, exceptions to this practice are often found in school zones.

Factual studies, reason, and sound engineering judgment, rather than emotion, should govern the final decision on the maximum deviation from the 85th percentile speed that will provide a reasonable and prudent school speed limit.

### Where Should the School Speed Limit Zone Begin and End?

In some states, the start and end of the school speed zone are established by state law. The *Manual on Uniform Traffic Control Devices* (MUTCD) states that the beginning point of a reduced school speed limit zone should be at least 200 ft. in advance of the school grounds, a school crossing, or other school-related activities. This 200-ft. distance should be increased, however, if the reduced school speed limit is 30 mph or higher. Researchers suggest the beginning of the school speed limit zone be based upon the school speed limit as follows:<sup>2</sup>

**Table 2. Suggested beginning of school speed limit zone**

School Speed Limit (mph)	Distance to Crosswalk or First Driveway (ft.)
20	200
25	200
30	300
35	400

The location of the beginning and end of a school speed limit zone should be based on engineering judgment rather than the exact location of the school property line or fence. The school speed limit zone should be centered at the location(s) where children cross the roadway. The beginning and ending points should be selected with appropriate consideration for the location of other traffic control devices and/or features that could affect the effective implementation of the school speed limit zone.

School speed limit zones in urban areas, where speeds are 30 mph or less, may have school zones as short as 400 ft. School speed limit zones in rural areas, where regulatory posted speeds are typically 55 mph or more, will have longer school zones. The suggested length of school zones in rural areas is 1,000 ft.

Research has shown that speeds are approximately 1 mph higher for every 500 ft. driven within a school zone; therefore, longer school zones are associated with greater speed variability within the zone.<sup>2</sup>

### When Should a Reduced School Speed Limit Be in Effect?

Generally, the reduced school speed limit zones should be in effect only during specified intervals such as at the start and end of a school day. While the transportation agency responsible for the roadway operations and maintenance installs the signs, the times are generally set through consulting with the local school district. Close cooperation is needed between school officials and those who operate the roadway.



Figure 2. Example of school speed limit sign.  
Source: Aliyah N. Horton

In some locations, the intervals of operation of the flashing beacons (if used) on the school speed limit sign assemblies may be extended or revised for school events, as agreed upon by the school district and the entity responsible for operating the flashing beacons. In this case, the flashing beacons should be in operation only when there is an increase in vehicular activity and/or pedestrian or bicycle traffic in and around the roadway associated with the school event.

Research has also shown that operating speeds in an active school speed limit zone are at their lowest close to the start time or end time of the school day.<sup>2</sup> Approximately 20 minutes past these times, the speed increases 1 mph. Automated flashers (example shown in Figure 2) used with reduced school speed limit assemblies must be coordinated with school officials for half-day sessions and early release to ensure that the reduced speed is in effect during school crossing times. Local traffic officials need to coordinate with school officials each year to ensure that the traffic control plans fit the school arrival and dismissal schedule.

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

**AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 TITLED “TRAFFIC REGULATIONS” BY AMENDING SECTION 9-4 TITLED “SPEED LIMITS” TO AMEND THE SCHOOL ZONE ON A PORTION OF RANCH ROAD EASTBOUND AND WESTBOUND FROM A POINT THREE HUNDRED FEET WEST OF WOODCREEK WAY TO A POINT ONE THOUSAND AND TWENTY FEET EAST OF WOODCREEK WAY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 545.356 of the Transportation Code provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and,

**WHEREAS**, the City Council of the City of Sachse, Texas, upon the basis of an engineering and traffic investigation finds it necessary to alter prima facie maximum speed limits established by Section 545.356 of the Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe, and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof; and,

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

**SECTION 1.** That Chapter 9 “Traffic Regulations” of the City of Sachse Code of Ordinances be, and the same is hereby amended by amending Section 9-4 “Speed limits” to read as follows:

“Chapter 9

**TRAFFIC REGULATIONS**

...

**Sec. 9-4 Speed limits.**

...

C. *School zones.*

...

(g) The portion of Ranch Road, both eastbound and westbound, that falls within the area from three hundred feet west of Woodcreek Way to a point one thousand and twenty feet east of Woodcreek Way, during the hours of 7:00 a.m. to 7:45 a.m. and 2:15 p.m. to 3:00 p.m.

...“

**SECTION 2.** That any provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

**SECTION 3.** 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 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 thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**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 Code of Ordinances of the City of Sachse, as heretofore amended, and upon conviction shall be punished by 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 constitute a separate offense.

**SECTION 6.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

**PASSED AND APPROVED** by the City Council of the City of Sachse, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mike J. Felix  
Mayor

DULY ENROLLED:

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Michelle Lewis Sirianni  
City Secretary

APPROVED AS TO FORM:

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Peter G. Smith  
City Attorney



Legislation Details (With Text)

<b>File #:</b>	16-3169	<b>Version:</b>	1	<b>Name:</b>	Water Billing Update January 2016
<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	12/17/2015	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	1/4/2016	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Discuss and consider conducting an independent audit of the City's utility billing processes and procedures.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Water Update January 2016</a>				

Date	Ver.	Action By	Action	Result
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Title

Discuss and consider conducting an independent audit of the City's utility billing processes and procedures.

Background

City of Sachse customers' water bills for August 2015 were dramatically higher than previous months in 2015 and compared to the past three years. Many customers contacted the Utility Billing Department, as well as elected officials and the City Manager to dispute their metered readings and computed bills. A special City Council meeting was held on September 8th to allow customers to register their comments and concerns. Staff was tasked with completing a review of all disputed accounts, and the final report of those findings will be presented here.

On September 1st, we established a master spreadsheet to track the status of the immense number of questions and complaints received. Over the course of the next two months, we received 795 separate inquiries through direct telephone, voicemail, email, in person requests at the counter, and forwarded requests from elected officials and City Manager. 119 of those were duplicates, 4 did not have the basic information needed to identify the account (no phone number, address, or account number), and 675 have been resolved, leaving one customer unresolved as of December 20th. 599 service orders were initiated and completed, consisting of visual confirmation of the readings collected via radio and daily data logs where available. The 76 accounts that did not generate a service order were resolved by providing the customer with a detailed usage history that indicated the August usage was not out of the ordinary compared to their historical usage.

31 customers on the master spreadsheet received an adjustment due to leaks after the account investigation indicated the presence of a leak; there were an additional 94 leak adjustments covering the months of July-October for customers who were aware of leaks and

presented repair bills through the normal procedures. There were an additional 3 adjustments granted due to human error not associated with meter reads or bill calculation-- 1) miskey of manual read at time of occupant change, 2) sewer status at account setup not on correct schedule, and 3) mismatch of electronic identification number from factory.

Several customers' accounts warranted extensive and repeated contact with staff at various levels in several departments. Public works personnel performed 29 volume tests ("bucket tests") to confirm for customers that their meter was in fact registering accurately. All customers from the master spreadsheet who had volume tests performed, were found to have meters registering accurately. Spot checks were performed on meters not included on the complaint list, and 14 meter setups were discovered that had meters and registers that were not the same size. The effect this might have on usage was not conclusive, but the meters and registers were replaced as a precaution.

Unfortunately, the ability to pull daily data logs is not available for all meters in the City. That technology did not become available until several years after the initial conversion of our system to Automated Meter Reading (AMR). The meters function properly and do send a radio signal, but the ability to pull the daily consumption data is not present in the older registers. Due to budgetary limitations, those meters are only replaced as the radio signal fails. A significant number of disputed accounts are served by these older meters, and that detailed information was not available. Several customers who received their daily data logs still disputed the the usage shown; more detailed and time consuming hourly logs were provided to those customers.

When viewed in the context of increased rates, relaxed landscape watering restrictions, and 2015 weather patterns, the city's overall usage for the month of August 2015 was not entirely unexpected. The rates charged for water increased by 25% in October 2014, so bills would have been significantly higher for all customers even if their usage did not increase. During the summer of 2014, Stage 3 restrictions were in place, limiting legal landscape watering to twice per month; relaxed restrictions in 2015 allowed watering twice per week. Customers who simply followed the watering guidelines could expect to see their gallons used quadruple, plus the rates charged for that water be 25% higher than in 2014. For purposes of determining the logical amount of water to be consumed, we went back to 2011 (the last year that residents were allowed twice per week watering) and compared the usage then to 2015 levels.

During the investigation period, normal collection procedures were suspended. There were no service terminations for unpaid balances resulting from August bills until December, and then only for customers who had not contacted Utility Billing to set up payment arrangements. There were no late payment penalties assessed on any customer's account in September and October, and the November late payment register was analyzed for the appearance of customers who were still awaiting the results of their initial investigation.

### Policy Considerations

Charges for water and wastewater treatment and billing and collection procedures are

included in Chapter 10 of the City of Sachse Code or Ordinances.

#### Budgetary Considerations

Staff's internal investigation has been completed, and all findings are included in this report. Preliminary proposals for having an independent external audit of the processes show an average cost of \$150/hour of consultant time, and an estimated range of hours required of 140 to 265 hours, or a potential fee range of \$20,000 to \$40,000, depending on scope. Funding for this is not included in the 2015-2016 budget and would require a budget amendment.

#### Staff Recommendations

Discuss and consider conducting an independent audit of the City's utility billing processes and procedures.

# STAFF UPDATE ON WATER USAGE

City of Sachse City Council

January 4, 2016

## August/September 2015 Billing Disputes

- August gallons billed citywide increased 105% over July, prompting an unusually high number of customer inquiries
- Master List September 1- October 16
- Special City Council meeting was held September 8
- Update provided to City Council on October 5
- 676 disputes logged through various channels
- 669 were resolved
- 4 could not complete due to lack of basic information (phone number, address, account number, or full name)
- 3 received full packet, not satisfied

## Staff Action Steps

- Meter re-reads—Confirm accuracy of radio read by visual reading
- 672 Monthly consumption reports—up to five years usage history
- 273 Daily usage reports, only available on newer registers
- 29 10-Gallon Bucket tests performed with customer present to confirm meter is registering accurately
- Leak detection—with customer home to confirm all water turned off
- Bill enhancements were implemented to clarify rate tiers
- Modified collection processes (suspend penalties and shutoffs, extend payment arrangement schedules)

## Findings/Billing Adjustments

- 3 Bills adjusted for human error
- 1 Correction for erroneous meter EID from factory
- 34 accounts adjusted for leaks-repair confirmed
  - (94 additional accounts received leak adjustments through normal process)
- 17 accounts adjusted to level tiers(insufficient history to compare yearly usage and no data log available)
- All bucket tests registered accurately
- 4 customers disputed data usage logs—drilled further into register to extract usage by the hour.

## Maximum Tier Rate-Residential Customers (current year)

Tier	July	%	August	%	September	%	October	%	November	%
1	4858	65%	2144	29%	3376	45%	3422	45%	5931	79%
2	1285	17%	1253	17%	1518	20%	1623	22%	973	13%
3	618	8%	1202	16%	1028	14%	1088	14%	346	5%
4	455	6%	1556	21%	1013	13%	940	12%	215	3%
5	234	3%	1338	18%	569	8%	451	6%	85	1%
Total	7450	100%	7493	100%	7504	100%	7524	100%	7550	100%

## Maximum Tier Rate-Residential Customers (August Only 2011-2015)

Tier	2011	%	2012	%	2013	%	2014	%	2015	%
1	1310	19%	2051	30%	2766	40%	4915	68%	2144	29%
2	1027	15%	1322	19%	1630	23%	1284	18%	1253	17%
3	1135	17%	1188	17%	1115	16%	546	8%	1202	16%
4	1747	26%	1403	20%	979	14%	311	4%	1556	21%
5	1524	23%	904	13%	490	7%	144	2%	1338	18%
Total	6743	100%	6868	100%	6980	100%	7200	100%	7493	100%
Watering Schedule	2 Times Per Week		1 Time Per Week		1 Time Per Week		2 Times Per Month		2 Times Per Week	

## Investigation Status

- Internal Investigation of August/September 2015 billing disputes is complete
- No systemic problems or errors were found
  - Meter reads and accuracy have been confirmed
  - Billing processes and rates have been reviewed
- Issues contributing
  - Loosening of watering restrictions by NTMWD
  - Alternating severe weather patterns created large swings in water use
  - Lack of knowledge of automatic sprinkler system operations
  - Rate and tier changes implemented in October 2014

## Water Billing Audit Options

- October 5<sup>th</sup> direction to complete internal investigation before deciding on necessity of audit
- Approximate cost of \$150/hour
- Estimated Range of \$20,000-\$40,000 depending on scope
- Not budgeted, would require budget amendment
- Scope
  - Collecting and processing water meter data
  - Processing water bills according to water usage
  - Analyzing and monitoring water usage
  - Evaluation and implementation of annual rate changes
  - Purchasing and selling water from NTMWD

## NEXT STEPS

- Council direction on proceeding with independent audit of water billing processes
- Direct staff to draft and implement a comprehensive water efficiency education program
  - Regularly scheduled topics related to saving water and saving money
  - Purchase weather station and assist citizens with registering for [watermyyard.org](http://watermyyard.org)
  - Rebate program linked to completion of training on the proper operation/maintenance of automatic sprinkler systems
  - Utilize Agri-Life extension services to hold a water expo and/or citizens' water academy
- Continue meter replacement and maintenance



Legislation Details (With Text)

<b>File #:</b>	16-3170	<b>Version:</b>	1	<b>Name:</b>	380 Agreement with Highland Homes
<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	12/17/2015	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	1/4/2016	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider approval of a Chapter 380 Grant Agreement made by and between the City of Sachse, Texas and Highland Homes - Dallas, LLC.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Presentation</a> <a href="#">Sachse Texas Sales vs Use Tax Diagram</a> <a href="#">380 Agreement</a>				

Date	Ver.	Action By	Action	Result
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Title

Consider approval of a Chapter 380 Grant Agreement made by and between the City of Sachse, Texas (the "City") and Highland Homes--Dallas, LLC (the "Company").

Background

On October 19, 2015, the City Council adopted a 380 agreement with First Texas Homes granting a rebate of 0.8% of the total local use tax of 1.75% back to the Company. Highland Homes is now seeking a similar agreement with the City under the same terms.

Currently, the City receives no sales tax revenues from the purchase of building materials used in construction of homes within the City. The Company has applied for a direct payment permit which authorizes them to self-assess and pay applicable state and local use taxes directly to the State of Texas related to selected portions of the Company's taxable purchases; the local portion of use taxes on building materials purchased for use in constructing homes within the City of Sachse will now be allocated to the City, and the City will in turn grant the rebated portion.

The projections of savings to the Company and tax revenues to the City are based on the most conservative estimates, with no additional building lots being acquired by the Company and no increases in the cost of building materials over the ten year term of the agreement. At that most conservative estimate, the Company would save \$19,252 and total revenue for the City would be \$22,600. Additional building lots and inflationary increases in the cost of building materials would increase both the Company's savings and the City's revenue.

Policy Considerations

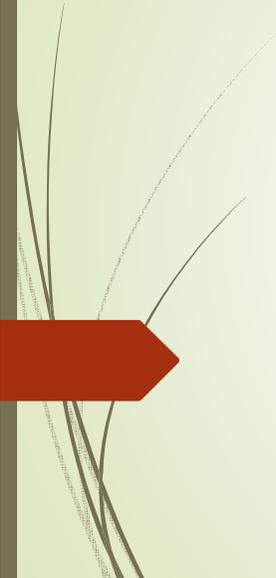
Chapter 380 of the Texas Local Government Code allows municipalities to enter agreements to promote local economic development and stimulate business and commercial activity.

Budgetary Considerations

There are no additional expenditures to the City as a result of administering the agreement. Future impact of additional use tax revenues would be budgeted as part of the annual budget process.

Staff Recommendations

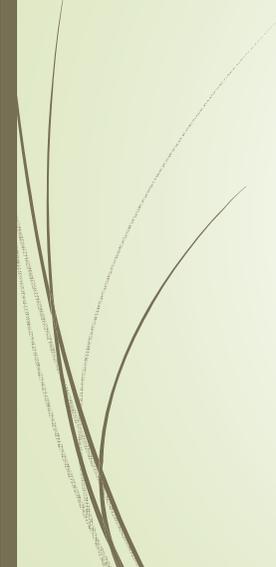
Approve a Chapter 380 Grant Agreement made by and between the City of Sachse, Texas and Highland Homes--Dallas, LLC.



# HIGHLAND HOMES SALES/USE TAX 380 GRANT AGREEMENT

City Council Presentation

January 4, 2016



## WHY AND HOW?

- Currently Highland Homes pays sales tax on materials with local portion going to location of supplier.
- Sachse has no suppliers to Highland Homes, so no sales tax receipts.
- Highland will obtain direct payment sales tax permit and file use tax instead of sales tax; local portion goes to the delivery location.
- City gains a total of .95% net (1.75% less .8% rebate) use tax on building materials delivered to Sachse.
- Highland Homes receives a rebate from the City of .8%.

## SALES TAX/USE TAX COMPARISON

- ▶ Taxpayer pays sales tax on materials to vendor
- ▶ Sales tax paid based on vendor's sales outlet location
- ▶ Cities where construction occurs receive no sales tax on materials
- ▶ Larger cities receive majority of sales taxes on materials used in Sachse construction
- ▶ Taxpayer self-assesses use tax on materials to the State
- ▶ Taxpayer issues direct payment exemption certificate to vendor
- ▶ Use tax paid where materials are used
- ▶ City receiving use tax revenue provides rebate to taxpayer

## ESTIMATED SAVINGS/BENEFIT

Estimated Benefits for the Agreement - Highland	0.8% Total	HH Est Sav - thru Buildout			
Existing Undev. Lots / Current Mat. Prices		\$19,252.20			
Existing Undev. Lots/Mat. Price Incr 5% Annually		\$25,425.96			
Existing Undev. Lots/Mat. Price Incr 8% Annually		\$30,121.03			
Estimated Benefits for the Agreement - City	.95% Total	City Est. Sav thru Build-out	.2% Gen. City Tax	.25% Roads	.5% EDC
Existing Undev. Lots / Current Mat. Prices		\$22,600.41	\$4,757.98	\$5,947.48	\$11,894.95
Existing Undev. Lots/Mat. Price Incr 5% Annually		\$29,847.86	\$6,283.76	\$7,854.70	\$15,709.40
Existing Undev. Lots/Mat. Price Incr 8% Annually		\$35,359.47	\$7,444.10	\$9,305.12	\$18,610.25

Note: Based on NO future undeveloped lot purchases/development during 10-year 380 Agreement



## ADDITIONAL INFORMATION

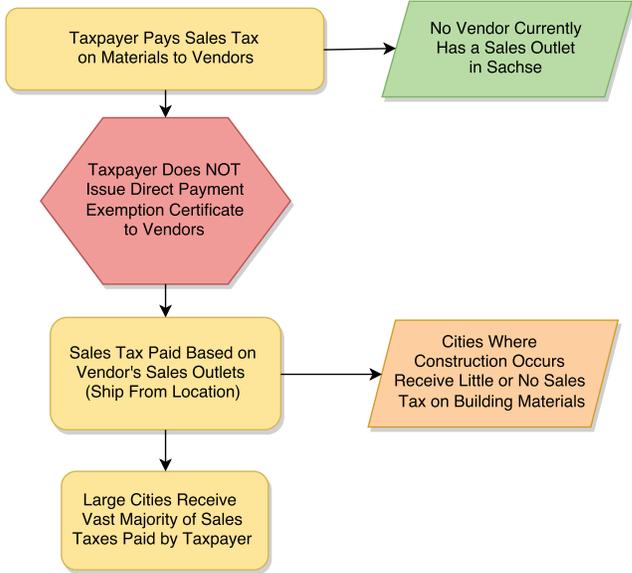
- Requires extensive record-keeping by taxpayer Highland Homes.
- Only worthwhile if 380 agreements in place with multiple cities.
- 380 agreements either approved or pending with *Frisco, Prosper, Little Elm, Fulshear, Leander, Celina, McKinney, Melissa, Wylie, Flower Mound, and Anna*.
- Rebates to be issued twice a year.
- Requires minimal work/record keeping by the City.
- Projections shown assume 100% of rebate coming from General Fund; allocating between City and EDC is possible with a separate Economic Development Agreement.



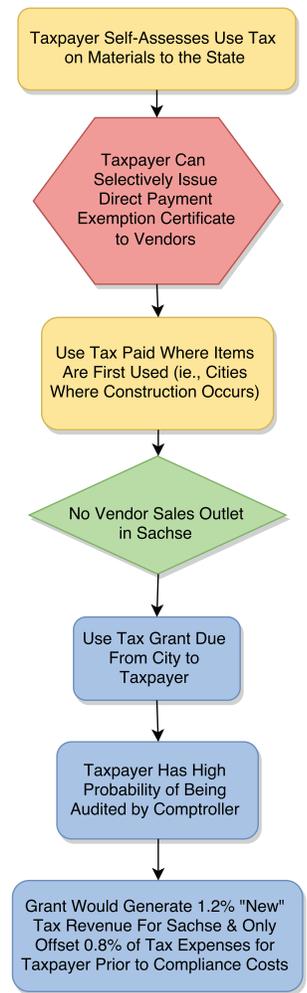
## CONCLUSION—Next Steps

- Approve Chapter 380 Agreement between City and First Texas Homes—January 4, 2016 City Council meeting.
- Highland Homes applies for direct payment sales tax permit.
- Use tax receipts and rebates commence on January 5th (estimated).

**Texas Sales Tax Paid to Vendor**



**Texas Use Tax Paid by Purchaser**



**CHAPTER 380 GRANT AGREEMENT BY AND BETWEEN  
THE CITY OF SACHSE, TEXAS AND HIGHLAND HOMES – DALLAS, LLC**

This CHAPTER 380 GRANT AGREEMENT ("Agreement") is made by and between the City of Sachse, Texas ("City", also referred to as "Grantor") and Highland Homes – Dallas, LLC (the "Company"), acting by and through their respective authorized officers and representatives.

**WHEREAS**, the City Council of the City of Sachse, Texas ("City Council") has investigated and determined that it is in the best interest of the City and its citizens to encourage programs, including programs for making loans and grants of public money to promote local economic development and stimulate business and commercial activity in the City pursuant to Chapter 380, Texas Local Government Code, as amended ("Chapter 380"); and

**WHEREAS**, the Company will be engaged in the business of purchasing building materials for its use on construction projects within the City; and

**WHEREAS**, the Company has advised that it would like to partner with the City, and that a contributing factor that would induce the Company to purchase items using a Texas Direct Payment Permit (hereinafter defined) and generate economic development and local use tax revenue for the City, that would otherwise not be available to the City, would be an agreement by the Grantor to provide an economic development grant to the Company; and

**WHEREAS**, the Company desires to purchase and use new building materials within the City that will generate additional economic development and use tax revenue for the City; and

**WHEREAS**, the City Council has investigated and determined that the Company meets the criteria for providing the grants (hereinafter defined), pursuant to Chapter 380, based on, among other things, the Company: (i) acquiring properties for development, and constructing improvements; (ii) adding taxable improvements to real property in the City; and (iii) creating employment opportunities for the citizens of Sachse ("Approved Project"); and

**WHEREAS**, the City has concluded that the Approved Project qualifies for a Grant under Chapter 380; and

**WHEREAS**, with the approval of this Agreement, the City hereby establishes a program authorized by Chapter 380 of the Texas Local Government Code to encourage and induce the generation of local use tax; and

**WHEREAS**, the Grantor has determined that making an economic development grant to the Company in accordance with this Agreement will further the objectives of the Grantor, will benefit the City and the City's inhabitants and will promote local economic development and stimulate business and commercial activity in the City;

**NOW THEREFORE**, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties agree as follows:

## **ARTICLE I DEFINITIONS**

1.01 For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

"City" and "Grantor" shall mean the City of Sachse, Texas.

"Company" shall mean Highland Homes – Dallas, LLC.

"Direct Payment Permit" also referred to herein as a "Texas Direct Payment Permit" shall mean that permit issued by the State of Texas authorizing Company to self-assess and pay applicable state and local use taxes directly to the State of Texas related to selected portions of Company's taxable purchases. Texas Rule 3.288 of the Texas Administrative Code defines the requirements and responsibilities of Texas Direct Payment Permit holders along with any amendments, permutations, or re-codifications of such Code or Rules whether renaming such permits or otherwise modifying such provisions.

"Effective Date" shall mean the last date of execution of this Agreement.

"Event of Bankruptcy or Insolvency" shall mean the dissolution or termination (other than a dissolution or termination by reason of a party merging with an affiliate) of a party's existence as a going business, insolvency, appointment of receiver for any part of a party's property and such appointment is not terminated within ninety (90) business days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against a party and in the event such proceeding is not voluntarily commenced by the party, such proceeding is not dismissed within ninety (90) business days after the filing thereof.

"Force Majeure" shall mean any delays due to strikes, riots, acts of God, shortages of labor or materials, war, terrorism, governmental approvals, laws, regulations, or restrictions, or any other cause of any kind whatsoever which is beyond the reasonable control of the party.

"Grant" shall mean the periodic payments paid by the City to the Company in accordance with Section 3 of this Agreement.

"Grant Period" shall mean consecutive six (6) month periods during the term of this Agreement, except that the first Grant Period shall begin on the Effective Date and continue through and include the last day of June 2016 following the Effective Date. For illustration purposes, assume the Effective Date is January 1, 2016 then the first Grant Period would begin on January 1, 2016 and continue through and include June 30, 2016. The next Grant Period

would begin on July 1, 2016 and continue through and include December 31, 2016. The final Grant Period for the initial 10-year term of the Agreement would be from July 1, 2025 and end on December 31, 2025.

"Impositions" shall mean all taxes, assessments, use and occupancy taxes, charges, excises, license and permit fees, and other charges by public or governmental authority, general and special, ordinary and extraordinary, foreseen and unforeseen, which are or may be assessed, charged, levied, or imposed by any public or governmental authority on the Company or any property or any business owned by Company within the City.

"Program" shall mean the economic incentive program established by the City pursuant to Chapter 380 of the Texas Local Government Code together with any amendments, permutations, or recodifications of such Code provisions whether renaming such economic incentive or other modifications thereof.

"Taxable Items" shall have the same meaning assigned by Sections 151.010 and 151.0101, TEX. TAX CODE, as amended.

"Use Tax" shall mean the general City one percent (1%) use tax imposed by the City pursuant to Chapter 321 of the Texas Tax Code, attributed to the purchase of Taxable Items by Company associated with the issuance of Company's Texas Direct Payment for Taxable Items used or consumed in the City.

"Use Tax Certificate" shall mean a certificate or other statement in a form reasonably acceptable to the Grantor setting forth the Company's collection of Use Tax imposed by and received by the Grantor from the State of Texas, for the use of Taxable Items by Company in the City for the applicable Grant Period which are to be used to determine Company's eligibility for a Grant, together with such supporting documentation required herein, and as Grantor may reasonably request.

"Use Tax Receipts" shall mean the Grantor's receipts from the State of Texas from the collection of Use Tax (it being expressly understood that the City's one percent (1%) Use Tax Receipts are being used only as a measurement for its use of general funds to make a grant for economic development purposes attributed to the collection of Use Tax by Company associated with the issuance of Company's Texas Direct Payment for Taxable Items used or consumed in the City.)

## ARTICLE II TERM

2.01 Term. The term of this Agreement shall begin on the Effective Date and continue for a ten (10) year period.

2.02 This Agreement shall remain in effect until Grantor has made the Program Grants set forth in Section 3 of the Agreement, or until otherwise terminated under the provisions of this Agreement.

2.03 This Agreement may be extended for an additional period of time on terms mutually acceptable to both parties by a written agreement executed by both parties.

### **ARTICLE III ECONOMIC DEVELOPMENT GRANT**

3.01 Grant. Subject to the Company's continued compliance of all the terms and conditions of this Agreement, the Grantor agrees to provide Company with an economic development grant from lawful available funds payable as provided herein in an amount equal to 80% of the Use Tax Receipts for the applicable Grant Period (the "Grant"). The amount of each Grant shall be computed by multiplying the Use Tax Receipts received by the City for a given Grant Period by 80% less any administrative fee charged to the City by the State of Texas for collection of the Use Taxes pursuant to Tax Code Section 321.503 or other applicable law. The Grant will never include any monies the Company pays or owes to the State of Texas for any penalties for late payments, failures to report in a timely manner, and the like, related to the Use Tax Receipts.

3.02 Grant Payment. Grantor shall pay the Grant for the applicable Grant Period within forty-five (45) days after receipt of a Use Tax Certificate from Company following the end of each Grant Period, pursuant to Section 4.01. Company shall submit Use Tax Certificates to Grantor within thirty (30) days following the end of the applicable Grant Period, beginning with the first Grant Period. For illustration purposes, assume the first Grant Period begins on January 1, 2016 and continues through and includes June 30, 2016. Company would submit a Use Tax Certificate to Grantor for the first Grant Period on or before July 30, 2016 and Grantor would pay the first Grant within forty-five (45) days after receipt of the Use Tax Certificate. Further assume that the Use Tax Receipts for the first Grant Period equal Five Thousand Dollars (\$5,000.00), then the amount of the first Grant would be Four Thousand Dollars (\$4,000.00).

3.03 Amended Returns and Audits. In the event the Company files an amended use tax return, or report, or if additional Use Tax is due and owing, as a result of an audit conducted by the State of Texas that increases the Use Tax Receipts for a previous Grant Period covered within the term of this agreement, the Grant payment for the Grant Period immediately following such State approved amendment shall be adjusted accordingly, provided the Grantor must have received the Use Tax Receipts attributed to such adjustment. As a condition precedent to payment of such adjustment, Company shall provide Grantor with a copy of such amended use tax report, tax return or audit adjustment, and the approval thereof by the State of Texas.

3.04 Refunds. In the event the State of Texas determines that the City erroneously received Use Tax Receipts, or that the amount of Use Tax paid to the City exceeds the correct amount of Use Tax for a previous Grant paid to the Company, the Company shall, within thirty (30) days after receipt of notification thereof from the City specifying the amount by which such Grant exceeded the amount to which the Company was entitled pursuant to such State of Texas

determination, pay such amount to the Grantor. The Grantor may at its option adjust the Grant payment for the Grant Period immediately following such State of Texas determination to deduct there from the amount of the overpayment. As a condition precedent to payment of such refund, the City shall provide Company with a copy of such determination by the State of Texas.

3.05 Grant Payment Termination; Suspension. The payment of the Grants shall terminate on the effective date of termination of the Direct Payment Permit or on the date of determination by the State of Texas or other appropriate agency or court of competent jurisdiction that the Use Tax associated with the Direct Payment Permit was incorrectly paid to the City (the "Comptroller Challenge"). In the event the State of Texas seeks to invalidate the payment of Use Tax to the City associated with the Direct Payment Permit the payment of Grants by the City hereunder shall be suspended until such Comptroller Challenge is resolved in whole favorably to the City. In such event, the Company shall not be required to return or refund Grants previously received from the City provided the Company is actively defending against and/or contesting the Comptroller Challenge and Company promptly informs the City in writing of such Company actions and with copies of all documents and information related thereto. In the event the Comptroller Challenge is not resolved favorably to the City, then the obligation to pay the Grants shall terminate and the Company shall refund all Grants received by the Company from the City that relate to the Comptroller Challenge, which refund shall be paid to the City within sixty (60) days after the date that the City is required to repay Use Tax Receipts.

3.06 Current Revenue. The Grants made hereunder shall be paid solely from lawfully available funds pursuant to Texas Constitution Article II, Section 52-a, and Texas Local Government Code Chapter 380. Consequently, notwithstanding any other provision of this Agreement, the City shall have no obligation or liability to pay any Grants except as allowed by law. The City shall not be required to pay any Grants if prohibited under federal or state legislation or a decision of a court of competent jurisdiction. Under no circumstances shall City obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by the Company. None of the City's obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

3.07 Indemnification. **THE COMPANY AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY FOR PURPOSE OF THIS SECTION, THE "CITY") HARMLESS FROM AND AGAINST ANY AND ALL REASONABLE LIABILITIES, CLAIMS, LAWSUITS, JUDGMENTS, BY THE STATE OF TEXAS THAT THE CITY HAS BEEN PAID ERRONEOUSLY, OVER-PAID OR INCORRECTLY ALLOCATED USE TAX ATTRIBUTED TO THE COMPANY DIRECT PAYMENT PERMIT AND THE COLLECTION OR PAYMENT OF USE TAX BY COMPANY FOR TAXABLE ITEMS USED OR CONSUMED IN THE CITY FOR ANY GRANT PERIOD DURING THE TERM OF THIS AGREEMENT (COLLECTIVELY, A "CLAIM"). IT BEING THE INTENTION OF THE PARTIES THAT THE COMPANY SHALL BE RESPONSIBLE ONLY FOR THE REPAYMENT OF ANY GRANTS PAID TO THE COMPANY**

**HEREIN BY THE CITY THAT INCLUDES USE TAX RECEIPTS THAT THE STATE OF TEXAS HAS DETERMINED WERE PAID ERRONEOUSLY, DISTRIBUTED, OR ALLOCATED TO THE CITY. THE PROVISIONS OF THIS SECTION SHALL SURVIVE TERMINATION OF THIS AGREEMENT. THE PROVISIONS OF THIS SECTION ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND DO NOT CREATE ANY OBLIGATIONS FROM OR GRANT ANY CONTRACTUAL OR OTHER RIGHTS TO ANY OTHER PERSON OR ENTITY, OTHER THAN OBLIGATIONS, IF ANY, THAT ARISE FROM THE COMPANY TO THE CITY TO PERFORM OBLIGATIONS CREATED BY THIS SECTION.**

**ARTICLE IV  
CONDITIONS TO THE ECONOMIC DEVELOPMENT GRANT**

The obligation of the City to provide the Grants shall be conditioned upon the continued compliance with and satisfaction of each of the terms and conditions of this Agreement by the Company and each of the conditions set forth in this Article.

4.01 Use Tax Certificate. During the term of this Agreement Company shall within thirty (30) days after the end of each Grant Period, provide the Grantor with a Use Tax Certificate relating to Use Tax Receipts paid during the Grant Period. The Grantor shall have no duty to calculate the Use Tax Receipts or determine Company's entitlement to any Grant for a Grant Period, or pay any Grant during the term of this Agreement until such time as Company has provided the Grantor a Use Tax Certificate for such Grant Period and the Grantor has received the actual Use Tax Receipts from the State of Texas attributable to such calendar months within the Grant Period. Company shall provide such additional documentation as may be reasonably requested by Grantor to evidence, support and establish the Use Tax paid directly to the State of Texas pursuant to Company's Direct Payment Permit. The Use Tax Certificate for each Grant Period shall at a minimum contain, include or be accompanied by the following:

- a. A copy of all Texas Direct Payment Permit and self-assessment use tax returns and reports during the applicable Grant Period, use tax audit assessments or credits, including amended use tax returns or reports, filed by the Company during the Grant Period showing use tax paid directly to the State of Texas related to Company's operations for the Grant Period; and
- b. Information concerning any refund or credit received by the Company of Use Tax paid by the Company which has previously been reported by the Company as Use Tax paid for a previous Grant Period within the term of this Agreement.

Company will provide to Grantor the Use Tax Certificates from time to time pursuant to the terms of the Agreement, which are confidential ("Confidential Information") and, except as otherwise provided herein, may not be disclosed to a third party without the Company's consent. To the extent that any disclosure of the Confidential Information may be required by law, Grantor will use reasonable efforts to inform Company of the request in sufficient time for

Company to assert any objection it may have to such disclosure to an appropriate judicial or administrative body.

4.02 Receipt of Use Tax Certificate. Grantor shall have received a Use Tax Certificate for the months within the Grant Period for which payment of a Grant is requested, and Grantor must have received the actual Use Tax Receipts for all calendar months within the Grant Period.

4.03 Issuance of Direct Payment Permit. Company shall have issued its Texas Direct Payment Permit to specific suppliers or vendors that provide large quantities of building materials or other tangible personal property.

4.04 Direct Payment Permit. The Company shall have provided the Grantor with a true and correct copy of its Texas Direct Payment Permit, which permit shall be kept in full force and effect throughout the term of the Agreement.

4.05 Good Standing. Company or the City shall not have an uncured breach or default of this Agreement.

## **ARTICLE V TERMINATION**

5.01 This Agreement may be terminated upon any one or more of the following:

- (a) by mutual written agreement of the parties;
- (b) upon written notice by Grantor or Company, respectively, if the other party defaults or breaches any of the terms or conditions of this Agreement or a Related Agreement and such default or breach is not cured within thirty (30) days after written notice thereof by the Grantor or Company, as the case may be;
- (c) upon written notice by Grantor, if any Impositions owed to the Grantor or the State of Texas by Company shall have become delinquent (provided, however, Company retains the right to timely and properly protest and contest any such Impositions);
- (d) upon written notice by Grantor, if Company suffers an Event of Bankruptcy or Insolvency;
- (e) upon written notice by Grantor or Company, respectively, if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable;
- (f) upon written notice by Company, if the City does not pay the applicable Grant amount within 45 days of receipt of the Use Tax Receipts as required herein covered by a valid Use Tax Certificate issued by Company or fails to cure this

breach within an additional 30 days and so long as the Company is not in default, or;

(g) expiration of the term, or any subsequent renewal of the term.

5.02 Offsets. The City may at its option, offset any amounts due and payable under this Agreement against any debt (including taxes) lawfully due to the City from the Company regardless of whether the amount due arises pursuant to the terms of this Agreement or otherwise and regardless of whether or not the debt due the City has been reduced to judgment by a court.

The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the termination of this Agreement except for any rights, responsibilities and/or liabilities that accrued prior to such termination.

## ARTICLE VI MISCELLANEOUS

6.01 Binding Agreement. The terms and conditions of this Agreement are binding upon the parties to this agreement and their respective successors and permitted assigns. This Agreement may not be assigned without the express written consent of Grantor, which consent shall not be unreasonably withheld or delayed.

6.02 Limitation on Liability. It is understood and agreed between the parties that the Company and Grantor, in satisfying the conditions of this Agreement, have acted independently, and Grantor assumes no responsibilities or liabilities to third parties in connection with these actions. The Company agrees to indemnify and hold harmless the Grantor from all such claims, suits, and causes of actions, liabilities and expenses, including reasonable attorney's fees, of any nature whatsoever by a third party arising out of the Company's performance of the conditions under this Agreement.

6.03 No Joint Venture. It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture between the parties.

6.04 Authorization. Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

6.05 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered sent via fax.

If intended for City, to:

Attn: Gina Nash  
City Manager  
3815 Sachse Rd., Bldg. B  
Sachse, TX 75048

With a copy to:

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

If intended for the Company:

Attn: Dan Miller  
Chief Financial Officer  
Highland Homes – Dallas, LLC  
5601 Democracy Drive, Suite 300  
Plano, TX 75024

With a copy to:

Attn: Brad Gahm  
General Counsel  
Highland Homes – Dallas, LLC  
5601 Democracy Drive, Suite 300  
Plano, TX 75024

6.06 Entire Agreement. This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the parties that in any manner relates to the subject matter of this Agreement.

6.07 Governing Law. The laws of the State of Texas shall govern the Agreement; and this Agreement is fully performable in Sachse, Dallas County, Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction. Exclusive venue for any action concerning this Agreement shall be in the state district court Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

6.08 Amendment. This Agreement may only be amended by the mutual written agreement of the parties.

6.09 Legal Construction. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.10 Recitals. The recitals to this Agreement are incorporated herein.

6.11 Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument and any such counterparts shall be deemed to be incorporated herein.

6.12 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

6.13 Sovereign Immunity. The parties agree that the City has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.

6.14 Dispute Resolution. Any controversy or claim arising from or relating to this Agreement, or a breach thereof shall be subject to non-binding mediation, as a condition precedent to the institution of legal or equitable proceedings by any party unless the institution of such legal or equitable proceeding is necessary to avoid the running of an applicable statute of limitation. The parties shall endeavor to resolve their claims by mediation. Grantor and Company shall share the costs of mediation equally. The mediation shall be held in Sachse, Texas, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

6.15 Employment of Undocumented Workers. During the term of this Agreement, the Company agrees not to knowingly employ any undocumented workers, and if convicted of a violation under 8 U.S.C. Section 1324a (f), the Company shall repay the Grants provided herein and any other funds received by the Company from the City as of the date of such violation within one hundred twenty (120) days after the date the Company is notified by the City of such violation, plus interest at the rate of six percent (4%) compounded annually from the date of violation until paid. The Company is not liable for a violation of this section by a subsidiary, affiliate, or franchisees of the Company or by a person with whom the Company and/or Company contracts.

*[Signature Page to Follow]*

EXECUTED as of the \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF SACHSE, TEXAS**

By: \_\_\_\_\_  
Mike Felix, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Michelle Lewis Sirianni, City Secretary

**Approved as to Form:**

By: *Peter G. Smith*  
Peter G. Smith, City Attorney  
(12-18-15/74754)

EXECUTED as of the \_\_\_\_ day of \_\_\_\_\_, 2016.

**HIGHLAND HOMES – DALLAS, LLC  
A TEXAS LIMITED LIABILITY COMPANY**

By: \_\_\_\_\_  
Dan Miller, Chief Financial Officer



Legislation Details (With Text)

**File #:** 15-3164      **Version:** 1      **Name:** Development Agreement - Paul Taylor Homes, LTD  
**Type:** Agenda Item      **Status:** Agenda Ready  
**File created:** 12/14/2015      **In control:** City Council  
**On agenda:** 1/4/2016      **Final action:**  
**Title:** Consider a resolution authorizing the City Manager to enter into a Development Agreement with Paul Taylor Homes, LTD for the development of Malone Estates, and take any necessary action.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Presentation](#)  
[Exhibit A - Property Description](#)  
[Exhibit B – Roadway Facilities](#)  
[Exhibit C - Roadway Impact Study](#)  
[RESO and Agreement - Paul Taylor](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution authorizing the City Manager to enter into a Development Agreement with Paul Taylor Homes, LTD for the development of Malone Estates, and take any necessary action.

Background

Paul Taylor Homes, LTD is the developer of Malone Estates, a single family planned development on 13.909 acres of land located on Merritt Road, south of Sachse Road. (Exhibit A - Property Description)

The development includes 37 single family residential lots, public water and sanitary sewer system connections, and a local street in the form of a loop road that will connect to Merritt Road in two locations. The development does not contain any internal collector roads for which any portion of impact fees could be applied.

The anticipated impact fees from the development include:

- Roadway - \$90,665.54
- Water - \$93,302.53
- Sanitary Sewer - \$68,734.16

City Standard Requirements - Streets

Sec. 8-19. - Street design and construction costs.

B. Street, design construction costs and escrow requirement.

(2) The owner shall be responsible for the construction of the following width perimeter streets to his development:

(b) When developing land zoned "C-1," "C-2," or "PD," the owner shall be responsible for construction of one-half of a 45-foot concrete street or one-half of the actual width of the proposed street, whichever is less.

(3) The owner shall construct all internal and perimeter streets at the time of development unless, from an engineering standpoint, it is not feasible to do so. Upon such determination, the owner shall be required to place an amount equal to his share of the construction costs plus six percent of such sum for future engineering costs in escrow with the city.

Roadway Impact of the Development

- Merritt Road is a 2-lane minor arterial road that is shown in the City of Sachse Thoroughfare Plan to be built as a 4-lane divided roadway in the future. (Exhibit C - Roadway Facilities)

- Current traffic count on Merritt Road: 8,042 vehicles/day

- Anticipated traffic from the Development: 370 vehicles/day

- The development results in a 4.6% increase in traffic on Merritt Road

- The cost to construct half of the roadway along the perimeter of the Development is \$164,000.00, which exceeds the impact fees for the development.

- **The Developer requested that the City consider reviewing the proportional share of**

**roadway costs related to the Development.**

Staff applied the traffic impact of the development to the estimated cost to design and construct Merritt Road, to determine the proportional share of the construction cost to construct Merritt Road (Exhibit B)

- Proportional Share of Roadway Impact: \$105,451.52

- Roadway Impact Fees from the Development: \$90,665.54

- **Required Additional Roadway Impact Funds: \$14,785.98**

Policy Considerations

The City Council may choose to enter into agreements with private land developers related to public improvements in the City.

**State Law regarding infrastructure: September 2005 - 79<sup>th</sup> Session of Texas Legislature Passes HB 1835 amending Section 212 of the LGC**

(a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure

improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

(b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body. After hearing any testimony and reviewing the evidence, the governing body shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

(c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is located within 30 days of the final determination by the governing body.

(d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

(f) This section does not diminish the authority or modify the procedures specified by Chapter 395 [Impact Fees].

#### Budgetary Considerations

The Developer agrees to pay an additional \$14,785.98 in Roadway Impact Fees for the development.

#### Staff Recommendations

Approve a resolution authorizing the City Manager to enter into a Development Agreement with Paul Taylor Homes, LTD for the development of Malone Estates.



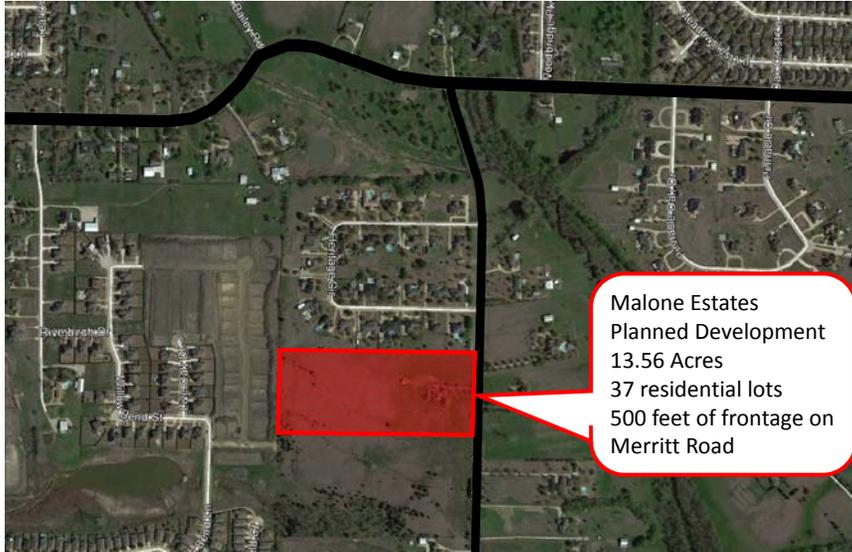
# Development Agreement with Paul Taylor Homes, LTD.

City Council  
January 4, 2016

## Overview

- Development Location
- Impact Fees
- Roadway Impact
- Agreement Details
- City Council Consideration

## Development Location & Information



## Impact Fees

- The anticipated impact fees from the development include:
  - Roadway - \$90,665.54
  - Water - \$93,302.53
  - Sanitary Sewer - \$68,734.16

## City Standard Requirements - Streets

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## Development - Public Roads

- The Development has one local street (loop road) with two connections to Merritt Road.
- The Development has no internal collector roads for which any portion of impact fees could be applied.

## Roadway Impact

- Merritt Road is a 2-lane minor arterial road that is shown in the City of Sachse Thoroughfare Plan to be built as a 4-lane divided roadway in the future.
- Current traffic count on Merritt Road: 8,042 vehicles/day
- Anticipated traffic from the Development: 370 vehicles/day
- The development results in a 4.6% increase in traffic on Merritt Road
- The cost to construct half of the roadway along the perimeter of the Development is \$164,000.00, which exceeds the impact fees for the development.
- The Developer requested that the City consider reviewing the proportional share of roadway costs related to the Development.

## Proportionality Study

- Staff applied the traffic impact of the development to the estimated cost to design and construct Merritt Road, to determine the proportional share of the construction cost to construct Merritt Road.

Proportional Share Analysis			
Cost Per Lane Mile	Road Length (ft)	Proportional Share	Total Cost Impact
1,000,000	6,052	4.60%	\$ 105,451.52
Proportional Share of Roadway Impact			\$ 105,451.52
Roadway Impact Fees from the Development			\$ 90,665.54
Required Additional Roadway Impact Funds			\$ 14,785.98

## Agreement Details

- The Developer has agreed to pay an additional \$14,785.98 in Roadway Impact Fees for the development, for the proportional share of roadway impact as a result of the development.
- The Developer has agreed to pay \$14,785.98 toward Roadway Impact Fees prior to the City release of the construction documents for the Development.

City Council Consideration

EXHIBIT "A"  
13.909 Acres  
SACHSE, TEXAS

PROPERTY DESCRIPTION

BEING a 13.909 acre tract of land situated in the F.H. Miller Survey, Abstract Number 855, Dallas County, Texas, same being all of that certain tract of land conveyed to Dwain L. Malone by deed recorded in Instrument Number 20080237113, Official Public Records, Dallas County, Texas, together with a portion of Merritt Road and being further described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of the herein described tract of land, same being the southwest corner of Lot 7, Block 2, HERITAGE COUNTRY ESTATES, an addition to the City of Sachse as recorded in Volume 84084, Page 1646, Deed Records, Dallas County, Texas;

THENCE North 89°49'00" East, along the south line of said addition, passing at a distance of 1176.64 feet, a 5/8" iron rod set for corner on the west line of Merritt Road and continuing to the centerline of said Merritt Road for a total distance of 1206.64 feet;

THENCE South 00°11'12" West, along the centerline of Merritt Road, for a distance of 501.92 feet;

THENCE South 89°49'00" West, passing at a distance of 30.00 feet, a 1/2" iron rod found for the northeast corner of that certain tract of land conveyed to Michael & Thomas Bennett by deed recorded in Volume 2001058, Page 2722, Deed Records, Dallas County, Texas, and continuing along the north line of said Bennett Tract, for a total distance of 1207.60 feet to a 1/2" iron rod found for corner;

THENCE North 00°17'48" East, for a distance of 501.93 feet to the POINT OF BEGINNING and containing 605,867 square feet or 13.909 acres of land, more or less.



DATE: September 24, 2014  
Project No. 30214079



12801 N. Central Expressway Suite 1250  
Dallas, Texas 75243  
(214) 739-3152 Fax (214) 739-3169

Engineering Firm #P-819 Surveying Firm #101319-00



### Exhibit B - Roadway Impact Funds

<b>Impact Fee Information</b>			
Fee	Unit Price	# of Units	Total Fee
Roadway	\$ 2,450.42	37	\$ 90,665.54
Water	\$ 2,521.69	37	\$ 93,302.53
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Length of Frontage	~500 feet
Improvement Cost Estimate	\$ 164,000.00
Current # of Vehicles/day	8,042
Proposed new trips/day	370
% Increase	4.60%

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Cost Per Lane Mile	Travel Distance (ft)	Proportional Share	Total Cost Impact
1,000,000	6,052	4.60%	\$ 105,451.52

Proportional Share of Roadway Impact \$ 105,451.52  
 Roadway Impact Fees \$ 90,665.54

<b>Required additional Roadway Impact Funds</b>	<b>\$ 14,785.98</b>
-------------------------------------------------	---------------------

Prepared By: Greg Peters, P.E., Director of Public Works & Engineering  
 Date updated: 12/16/2015

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACHSE, TEXAS, AND PAUL TAYLOR HOMES, LTD.; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Paul Taylor Homes, Ltd. is the owner of real property, which is located in Sachse, Texas, and which Paul Taylor Homes desires to develop the Property in accordance with the Development Regulations and other applicable City ordinances, including the construction of Public Improvements; and

**WHEREAS**, Paul Taylor Homes, Ltd. intends to develop the Property and to provide funds to the City for the proportional share of impact the Development will place onto the City Roadway Facilities adjacent to the Property, as determined by the City Engineer and shown in Exhibit “B” (collectively referred to as the “Project”); and

**WHEREAS**, in association with the construction of the Development, the Parties find it to be in their mutual benefit and interest to enter into the Development Agreement included herein; and

**NOW THEREFORE**, in consideration of the premises and the mutual covenants contained herein and other valuable consideration the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

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

**SECTION 1.** That the City Council hereby approves the terms and conditions of the Development Agreement, a copy of which is attached hereto and incorporated herein as Exhibit “A”, by and between the City of Sachse and Paul Taylor Homes, Ltd.

**SECTION 2.** The City Manager is hereby authorized to execute the Development Agreement on behalf of the City, and any amendments or other instruments related thereto.

**SECTION 3.** This Resolution shall take effect immediately from and after its passage, and it is, accordingly, so resolved.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Sachse, Texas,  
this \_\_\_\_ day of January, 2016.

CITY OF SACHSE, TEXAS

---

Mike J. Felix, Mayor

ATTEST:

---

Michelle Lewis Sirianni, City Secretary

**Exhibit “A”  
Development Agreement  
(to be attached)**

STATE OF TEXAS           §  
                                          §  
COUNTY OF DALLAS       §

**DEVELOPMENT AGREEMENT**

This Development Agreement (“Agreement”) is made by and between the City of Sachse, Texas (“City”), and Paul Taylor Homes, a private limited company (“Developer”) (each a “Party” or collectively the “Parties”), acting by and through their duly authorized representatives.

**RECITALS:**

**WHEREAS**, Developer is the owner of the Property, which is located in Sachse, Texas, and which Developer desires to develop the Property in accordance with the Development Regulations and other applicable City ordinances, including the construction of Public Improvements; and

**WHEREAS**, Developer intends to develop the Property and to provide funds to the City for the proportional share of impact the Development will place onto the City Roadway Facilities adjacent to the Property, as determined by the City Engineer and shown in Exhibit “B” (collectively referred to as the “Project”); and

**WHEREAS**, in association with the construction of the Development, the Parties find it to be in their mutual benefit and interest that (i) Developer shall make payment for as provided herein; (iii) Developer shall dedicate the necessary right-of-way for the future construction of Merritt Road; and

**NOW THEREFORE**, in consideration of the premises and the mutual covenants contained herein and other valuable consideration the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

**Article I  
Term**

The term of this Agreement shall commence on the last date of execution hereof by a Party (the “Effective Date”) and shall continue until all Parties have fully satisfied all terms and conditions of this Agreement, unless sooner terminated as provided herein as evidenced by the execution by the City of the Release described in Section 5.1, below.

**Article II  
Definitions**

Wherever used in this Agreement, the following terms shall have the meanings ascribed to them in this Article II unless the context clearly indicates a different meaning:

“Capital Improvement Facilities” shall mean the Roadway Facilities and related appurtenances to be constructed in the future, as set forth in Exhibits “B” and “C”.

“City” shall mean City of Sachse, Texas.

“City Engineer” shall mean City of Sachse Director of Public Works and Engineering, or designee.

“Developer” shall mean Paul Taylor Homes, a private limited company, and any subsequent developer of any portion of the Property.

“Development” shall mean the construction of 37 single family homes on 13.909 Acres on the Property known as Malone Estates.

“Effective Date” shall mean the last date of execution of this Agreement.

“Property” shall mean the real property described in Exhibit “A” attached hereto.

“Roadway Facilities” shall mean the future design and construction of Merritt Road in accordance with City of Sachse Standard Construction Details.

### **Article III Capital Improvement Facilities**

3.1 **Roadway Facilities.** Developer agrees to make payment of fourteen thousand seven hundred eighty-five dollars and ninety eight cents (\$14,785.98) to the City of Sachse toward the construction of future Roadway Facilities in accordance with the applicable standards, ordinances, and regulations adopted by the City (“City of Sachse Standard Construction Details”). Developer shall submit payment for the future Roadway Facilities to the City of Sachse prior to the release of construction plans for the Development. Developer agrees that City may withhold construction plans for the Development until such time as Developer has made payment toward the construction of future Roadway Facilities.

3.5 **Right-of-Way.** Developer shall, without cost to the City, dedicate all necessary right-of-way for the future construction, operation and maintenance of the Roadway Facilities upon recordation of a final plat for the Development.

### **Article IV Termination**

This Agreement may be terminated by the mutual written agreement of the Parties. Either Party may terminate this Agreement if the other Party breaches any of the terms and conditions of this Agreement, and such breach is not cured by such Party within sixty (60) days after receipt of notice thereof.

## **Article V Miscellaneous**

5.1 **Release.** Upon the full and final satisfaction by City and Developer of their respective obligations contained herein, City and Developer shall execute and record, in the Deed Records of Dallas County, a release of City and Developer from their obligations set forth herein.

5.2 **Books and Records.** Developer and City agree to make their respective books and records relating to the construction of the Project available for inspection by the other Party, until acceptance of the Project by the City.

5.3 **INDEMNIFICATION/HOLD HARMLESS. DEVELOPER DOES HEREBY RELEASE, INDEMNIFY AND HOLD HARMLESS CITY, ITS OFFICERS, AGENTS, EMPLOYEES, AND THIRD-PARTY REPRESENTATIVES (COLLECTIVELY REFERRED TO AS "CITY") FROM ANY AND ALL CLAIMS, DAMAGES, CAUSES OF ACTION OF ANY KIND WHATSOEVER, STATUTORY OR OTHERWISE, PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE AND LAWSUITS AND JUDGMENTS, INCLUDING COURT COST, EXPENSES AND ATTORNEY'S FEES, AND ALL OTHER EXPENSES ARISING DIRECTLY OR INDIRECTLY FROM DEVELOPER'S PERFORMANCE OF THIS AGREEMENT. THE FOREGOING RELEASE AND INDEMNITY SHALL SURVIVE TERMINATION OF THIS AGREEMENT.**

5.4 **Project Plans.** Except as otherwise provided herein, prior to Commencement of Construction, Developer shall submit all Construction Documents for all Capital Improvement Facilities to the City Engineer for review and approval.

5.5 **Compliance with Laws.** Except as otherwise provided herein, Developer shall fully comply with all local, state and federal laws, including all codes, ordinances and regulations applicable to this Agreement and the work to be done hereunder, which exist or which may be enacted later by governmental bodies having jurisdiction or authority for such enactment.

5.6 **Successors and Assigns.** All obligations and covenants of Developer under this Agreement shall be binding on Developer, its successors and permitted assigns. Developer may not assign this Agreement without the prior written consent of City, which shall not be unreasonably withheld.

5.7 **Binding Agreement.** The terms and conditions of this Agreement are binding upon the successors and assigns of all Parties hereto.

5.8 **Limitation on Liability.** It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the Parties. It is understood and agreed between the Parties that Developer, in satisfying the conditions of this Agreement, has acted independently, and City assumes no responsibilities or liabilities to third-parties in connection with these actions.

5.9 **Authorization.** Each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

5.10 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days after it is sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the Party at the address set forth below or on the day actually received when sent by courier or otherwise hand delivered.

If intended for Developer, to:

With a copy to:

Paul Taylor Homes, LTD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If intended for City, to:

With a copy to:

City of Sachse, Texas  
Attn: City Manager  
3815-B Sachse Road  
Sachse, Texas 75048

Joseph Gorfida, Jr.  
Nichols, Jackson, Dillard, Hager & Smith  
1800 Ross Tower  
500 N. Akard  
Dallas, Texas 75201

With a copy to Engineer:

City of Sachse, Texas  
Director of Public Works and Engineering  
3815-B Sachse Road  
Sachse, Texas 75048

5.11 **Entire Agreement.** This Agreement embodies the complete agreement of the Parties hereto, superseding all oral or written, previous and contemporary, agreements between the Parties and relating to the matters in this Agreement.

5.12 **Governing Law.** The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the Parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in State District Court of Dallas County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

5.13 **Amendment.** This Agreement may be amended by the mutual written agreement of the Parties.

5.14 **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the

intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

5.15 **Recitals**. The recitals to this Agreement are incorporated herein and are found to be true and correct.

5.16 **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

5.17 **Exhibits**. Any exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

5.18 **Survival of Covenants**. The representations, warranties, covenants, and obligations of Developer set forth in this Agreement shall survive termination.

5.19 **Recordation of Agreement**. An original of this Agreement shall be recorded in the Deed Records of Dallas County, Texas.

5.20 **Covenants Run With Property**. The provisions of this Agreement are hereby declared covenants running with the Property and are fully binding on Developer and each and every subsequent owner of all or any portion of the Property but only during the term of such Party's ownership thereof (except with respect to defaults that occur during the term of such person's ownership) and shall be binding on all successors, heirs, and assigns of Developer which acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part hereof, thereby agrees and covenants to abide by and fully perform the provisions of this Agreement with respect to the right, title or interest in such Property.

*(Signature page to follow)*

**EXECUTED** in duplicate originals on the \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF SACHSE, TEXAS**

By: \_\_\_\_\_  
Gina Nash, City Manager

**ATTEST:**

By: \_\_\_\_\_  
Michelle Lewis Sirianni, City Secretary

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Peter G. Smith, City Attorney  
(12-22-2015/74791)

**EXECUTED** in duplicate originals on the \_\_\_\_ day of \_\_\_\_\_, 2016.

**DEVELOPER:**

**Paul Taylor Homes, LTD**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY'S ACKNOWLEDGMENT**

**STATE OF TEXAS** §

§

**COUNTY OF DALLAS** §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by Gina Nash, City Manager of City of Sachse, Texas, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

**DEVELOPER'S ACKNOWLEDGMENT**

**STATE OF TEXAS** §

§

**COUNTY OF DALLAS** §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, Paul Taylor Homes, a private limited company, on behalf of said partnership.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

EXHIBIT "A"  
13.909 Acres  
SACHSE, TEXAS

PROPERTY DESCRIPTION

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DATE: September 24, 2014  
Project No. 30214079



12801 N. Central Expressway Suite 1250  
Dallas, Texas 75243  
(214) 739-3152 Fax (214) 739-3169

Engineering Firm #P-819 Surveying Firm #101319-00

**Exhibit B - Roadway Impact Funds**

<b>Impact Fee Information</b>			
Fee	Unit Price	# of Units	Total Fee
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Prepared By: Greg Peters, P.E., Director of Public Works & Engineering

Date updated: 12/16/2015

