

REGULAR MEETING
OF THE
CITY COUNCIL OF THE CITY OF SACHSE
SEPTEMBER 20, 2010

The City Council of the City of Sachse held a Regular Meeting on Monday, September 20, 2010 at 7:30 p.m. at the Sachse City Hall after proper notice. The roll of the duly constituted City Council Members was called which members are as follows, to wit:

Mayor Mike Felix
Mayor Pro Tem Cullen King
Councilman Jared Patterson
Councilman Mark Timm
Councilman Bill Adams
Councilwoman Pat McMillan
Councilman Charles Smith

and all were present.

Staff present: City Manager Allen Barnes; City Secretary Terry Smith; Community Development Director Barry Shelton; City Engineer Billy George; Finance Director Jeri Rainey; Public Works Director Joe Crase and Police Chief Dennis Veach.

1. Consent Agenda:

Councilman Adams requested to withdraw Consent Item No. 1e for discussion.

Councilman Timm moved to approve the Consent Agenda Items of: Item a. Approval of Minutes of the August 30, 2010, Special Meeting; b. Approval of Minutes of the September 7, 2010, Special Meeting; c. Approval of Minutes of the September 13, 2010, Special Meeting; d. Ordinance No. 3241 amending the code of ordinances by amending Chapter 10 “utilities” by adding Section 10-8 titled “Testing of backflow prevention assemblies” to adopt provisions related to the testing of backflow prevention assemblies; Providing a penalty of fine not to exceed \$500 and providing for an effective date; f. Resolution No. 3242 regarding the maximum elected representation redistricting effort in Collin County; g. Ordinance No. 3243 authorizing certain budget amendments pertaining to the Fiscal Year 2009-2010 budget; and Providing for an effective date. The motion was seconded by Councilman Adams and carried unanimously.

e. Consider a resolution approving the Economic Development Corporation budget for FY 2010-2011: Following Discussion, Councilman Adams moved to approve Resolution No. 3244 approving the Economic Development Corporation budget for FY 2010-2011. The motion was seconded by Councilman Timm and carried unanimously.

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

Mayor Pro Tem King noted the Low Cost Pet Shot Clinic held last Saturday was a success. He also noted the Paws and Read Program at the Library was appreciated. On October 9th, is the Chamber of Commerce Fallfest County Fair.

Mayor Felix announced the following events: October 2nd is the Fishing Derby at Park Lake Park; October 5th is National Night Out; October 23rd is the Pumpkin Prowl at Salmon Park; and November 7th is the open house for the municipal complex.

City Manager Alan Barnes stated Finance Manager Dianne Lawson is leaving the City to accept a position as Assistant Finance Director at Little Elm. He expressed appreciation for her work.

3. Citizen Input:

No comments were made.

4. Administer Oath of Office to newly appointed Animal Shelter Board Member:

Mayor Felix administered the oath of office to Ms. Debbie Langham. No formal Council action was taken.

Mayor Pro Tem King made a motion to move up Agenda Item #10, next on the agenda. The motion was seconded by Councilman Timm and carried unanimously

10. Adjourn to Executive Session pursuant to the provisions of Texas Government Code Section 551.072:

a. Deliberation of the acquisition and purchase of various interests in real property for the Bunker Hill Road improvement project.

At 8:00 p.m. the Council recessed to executive session.

At 8:44 p.m. Councilman Timm moved to return to open session. The motion was seconded by Councilman Smith and carried unanimously

Councilman Timm made a motion to move up Agenda Item #11, next on the agenda. The motion was seconded by Mayor Pro Tem King and carried unanimously

11. Consider any action necessary as a result of executive session regarding the acquisition and purchase of land or right-of-way for the Bunker Hill Road project including, but not limited to, consideration and action on one of more of the following resolutions:

- a. RESOLUTION DECLARING A PUBLIC NECESSITY EXISTS AND FINDING A PUBLIC USE AND PURPOSE FOR THE ACQUISITION OF 0.182 ACRES OF LAND FOR A PUBLIC STREET AND UTILITY RIGHT OF WAY, AND A TEMPORARY CONSTRUCTION EASEMENT, OUT OF THE DANIEL CRIST SURVEY, ABST. NO. 226, DALLAS COUNTY, TEXAS; PROVIDING FOR A LAST AND FINAL OFFER, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS (THOMAS TRACT).

Councilman Timm moved to approve Resolution No. 3245 declaring a public necessity exists and finding a public use and purpose for the acquisition of 0.182 acres of land for a public street and utility right-of-way, and a temporary construction easement, out of the Daniel Crist Survey, Abst. No. 226, Dallas County, Texas; and providing for a last and final offer of \$24,864, and authorizing eminent Domain proceedings (Thomas Tract). The motion was seconded by Councilwoman McMillan and carried with Councilman Patterson voting no.

- b. RESOLUTION DECLARING A PUBLIC NECESSITY EXISTS AND FINDING A PUBLIC USE AND PURPOSE FOR THE ACQUISITION OF TRACTS OF LAND OF 0.007 ACRES, A 0.057 ACRES, AND 0.106 ACRES, RESPECTIVELY, FOR A PUBLIC STREET AND UTILITY RIGHT OF WAY, A 0.214 ACRE TRACT OF LAND FOR A DRAINAGE EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT, OUT OF DANIEL CRIST SURVEY, ABST. NO. 226, DALLAS COUNTY, TEXAS; PROVIDING FOR A LAST AND FINAL OFFER AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS (PATERSON TRACTS).

Councilman Timm moved to approve Resolution No. 3246 declaring a public necessity exists and finding a public use and purpose for the acquisition of tracts of land of 0.007 acres, 0.057 acres and 0.106 acres of land, and a 0.214 acre tract of land respectively for a public street and utility right of way, a 0.214 acre tract of land for a drainage easement, and a temporary construction easement, out of the Daniel Crist Survey, Abst. No. 226, Dallas County, Texas; and providing for a last and final offer of \$38,309, and authorizing eminent Domain proceedings (Paterson Tract). The motion was seconded by Mayor Pro Tem King and carried with Councilman Patterson voting no.

- c. RESOLUTION DECLARING A PUBLIC NECESSITY EXISTS AND FINDING A PUBLIC USE AND PURPOSE FOR THE ACQUISITION OF A 1.456 ACRE TRACT OF LAND FOR A PUBLIC STREET AND UTILITY RIGHT OF WAY, A 0.382 ACRE TRACT OF LAND FOR A DRAINAGE EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT, OUT OF DANIEL CRIST SURVEY, ABST. NO. 226, DALLAS COUNTY, TEXAS; PROVIDING FOR A LAST AND FINAL OFFER AND, AUTHORIZING EMINENT DOMAIN PROCEEDINGS (EQUITY BANK TRACT).

Councilman Adams moved to approve Resolution No. 3247 declaring a public necessity exists and finding a public use and purpose for the acquisition of 1.456 acre tract of land for a public street and utility right-of-way, a 0.382 acre tract of land for a drainage easement and a temporary construction easement, out of the Daniel Crist Survey, Abst. No. 226, Dallas County, Texas; and providing for a last and final offer of \$36,687, and authorizing eminent Domain proceedings (Equity Bank Tract). The motion was seconded by Councilman Timm and carried with Councilman Patterson voting no.

- d. RESOLUTION DECLARING A PUBLIC NECESSITY EXISTS AND FINDING A PUBLIC USE AND PURPOSE FOR THE ACQUISITION OF A 0.803 ACRE TRACT OF LAND FOR A PUBLIC STREET AND UTILITY RIGHT OF WAY, AND A TEMPORARY CONSTRUCTION EASEMENT, OUT OF THE DANIEL CRIST SURVEY, ABST. NO. 226, DALLAS COUNTY, TEXAS; PROVIDING FOR A LAST AND FINAL OFFER TO AUTHORIZING EMINENT DOMAIN PROCEEDINGS (GUILLEN TRACT).

Councilman Adams moved to approve Resolution No. 3248 declaring a public necessity exists and finding a public use and purpose for the acquisition of a 0.803 acre tract of land for a public street and utility right-of-way, and a temporary construction easement, out of the Daniel Crist Survey, Abst. No. 226, Dallas County, Texas; and providing for a last and final offer of \$30,293.62, and authorizing eminent Domain proceedings (Guillen Tract). The motion was seconded by Councilman Smith and carried with Councilman Patterson voting no.

Mayor Pro Tem King made a motion to move up Agenda Item #7, next on the agenda. The motion was seconded by Councilman Timm and carried unanimously

7. Consider the application of Trent Chambers requesting approval of a variance to the Subdivision Ordinance to waive the construction of public improvements for an approximately 1.18 acre property located on the northeast corner of Williford Road and Vicuna Circle:

Following discussion, Councilman Timm moved to approve application of Trent Chambers requesting approval of a variance to the Subdivision Ordinance to waive the construction of public improvements for an approximately 1.18 acre property located on the northeast corner of Williford Road and Vicuna Circle. The motion was seconded by Councilman Patterson and carried unanimously.

Councilman Smith left the meeting at 9:00 p.m.

5. Conduct a Public Hearing and Consider a resolution making certain findings pursuant to the Texas Parks and Wildlife Code Section 26.001 and Title 49 United States Code Section 303(c) regarding the use by the North Texas Tollway Authority of an approximately 0.4018 acre tract of land out of the Richard Copeland Survey, Abstract No. 228, City of Sachse, Dallas County, Texas, as Right-Of-Way for the Eastern Extension of the President George Bush Turnpike; and Providing an effective date:

Lori Shelton, NTTA, provided the briefing on the matter for the City Council.

Mayor Felix opened the public hearing.

Jim Becker, 1105 Meadow Lane, stated when the City acquired the land, it was the only access to Heritage Park. It was part of the right-of-way.

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

Following discussion, Mayor Pro Tem King moved to approve Resolution No. 3249 making certain findings pursuant to the Texas Parks and Wildlife Code Section 26.001 and Title 49 United States Code Section 303(c) regarding the use by the North Texas Tollway Authority of an approximately 0.4018 acre tract of land out of the Richard Copeland Survey, Abstract No. 228, City of Sachse, Dallas County, Texas, as Right-Of-Way for the Eastern Extension of the President George Bush Turnpike; and Providing an effective date. The motion was seconded by Councilwoman McMillan and carried unanimously.

6. Conduct a public Hearing and Consider an ordinance amending the City of Sachse Water Conservation and Drought Contingency and Water Emergency Response Plan adopted pursuant to Ordinance No. 3128, by amending Section 8.4, titled "Landscape Water Management Measures" to allow for watering by hand, the use of soaker hoses around the foundation of structures and the watering of newly planted landscape:

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

Councilman Patterson moved to close the public hearing. The motion was seconded by Mayor Pro Tem King and carried unanimously.

Following discussion, Councilman Timm moved to approve the Ordinance No.3250 amending the City of Sachse Water Conservation and Drought Contingency and Water Emergency Response Plan adopted pursuant to Ordinance No. 3128, by amending Section 8.4, titled “Landscape Water Management Measures” to allow for watering by hand, the use of soaker hoses around the foundation of structures and the watering of newly planted landscape. The motion was seconded by Councilman Patterson and carried unanimously.

8. Consider a resolution supporting the establishment of a joint City of Garland and City of Sachse Railroad Quiet Zone that includes the Murphy Road at-grade railroad crossing within the City of Sachse; authorizing the Mayor to execute the necessary documents to establish the joint quiet zone; and Providing an effective date:

Following discussion, Councilman Timm moved to approve Resolution No. 3251 supporting the establishment of a joint City of Garland and City of Sachse Railroad Quiet Zone that includes the Murphy Road at-grade railroad crossing within the City of Sachse; authorizing the Mayor to execute the necessary documents to establish the joint quiet zone; and Providing an effective date, as presented. The motion was seconded by Councilman Adams and carried unanimously. Council members thanked Mr. Robert Wunderlich with the City of Garland for their participation on the project.

9. Consider a resolution adopting a revised Public Information Act Records Policy:

Following discussion, Councilman Timm moved to approve Resolution No. 3252 adopting a revised Public Information Act Records Policy, as presented. The motion was seconded by Councilwoman McMillan and carried unanimously.

There being no further business, Councilman Timm moved to adjourn. The motion was seconded by Councilman Patterson and passed unanimously. The meeting adjourned at 9:35 p.m.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR