



CITY COUNCIL COMMUNICATION

October 8, 2013

SUBJECT: Hold Public Hearing for Amendment to the Unified Development Code, Case No. 13-06-CC and Consider First and Final Reading of Ordinance No. 2012

SUBMITTED BY: Kim Sutter, City Secretary

REFERENCE NO: 13-06-CC

ACTION REQUESTED:

Hold Public Hearing and Consider First and Final Reading of Ordinance No. 2012 amending Chapter 84 "Unified Development Code", of the Code of Ordinances, by amending Article VI, "Signs and Street Graphics Regulations", Section 84-232, "Definitions and Requirements", Subsection (68) "Political Signs", by providing for the placement of political signs on public property in certain circumstances concurring with the Planning and Zoning Commission's 6-0 recommendation on October 1, 2013.

ALTERNATIVES:

- Approve the request with modifications
- Table the request
- Deny the request

SUMMARY OF SUBJECT:

The City of Euless currently does not permit the posting of political signs on city-owned property. However, with the passage of H.B. 259 during the 83rd regular session of the Texas Legislature, changes to the current code are necessitated.

H.B. 259 prohibits a city that owns a building used as a polling location from restricting electioneering while voting is taking place. The Bill also includes a definition for electioneering which now includes the posting, use, or distribution of political signs or literature. Additionally, the Bill permits entities that own or control a public building that is being used as a polling location to enact reasonable regulations concerning the time, place, and manner of electioneering.

Currently, the Euless Public Library is the only public building that is utilized as a polling location for a number of elections. One of the main concerns of staff in allowing signs to be posted in the ground is the potential for damage to the underground utilities, specifically the irrigation system. To reduce the risk of any such damage, staff is

recommending restrictions with regard to the size of the sign and the stakes used to support the signs.

Staff is recommending the following proposed amendments to the ordinance:

- **Time:** signs must be removed from the polling site within twenty four (24) hours after the close of the polls on Election Day and within twenty four (24) hours after the close of the early voting period;
- **Place:** the posting, use, or distribution of political signs would be permitted only in designated locations on the City's property that are approved by the City Council and only during the voting period or the early voting period;
- **Manner:** the sign shall not be larger than six (6) square feet (2' x 3') and must be attached to a stake driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged by such a stake. Additionally, each supporting stake(s) must not exceed a 9 gauge diameter as defined by the American Wire Gauge (AWG) standard.

Staff briefed the Planning and Zoning Commission of the proposed amendments at their September 17, 2013, meeting. The Commission held a public hearing at their October 1, 2013, regular meeting and is recommending approval of the amendments as presented.

Please note that the proposed amendments only affect the placement of political signs on public property when the location is actively being utilized as a polling location.

SUPPORTING DOCUMENTS:

- Ordinance No. 2012
- Draft Minutes – P & Z

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office