



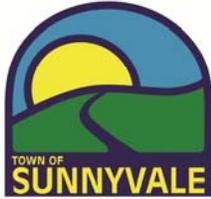
Town of Sunnyvale

Town Council

February 8, 2016

**Town Council
Special Meeting
6:00 P.M.**

**Town Council
Regular Meeting
7:00 P.M.**



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
CONFERENCE ROOM - 127 N. COLLINS RD
MONDAY, FEBRUARY 8, 2016
6:00 P.M.**

CALL MEETING TO ORDER

Mayor calls the Meeting to order, state the date and time. State Councilmember's present and declare a quorum present.

EXECUTIVE SESSION

Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

EXECUTIVE SESSION AGENDA:

A. SECTION 551.087 ECONOMIC DEVELOPMENT

To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

PROSPECT AT SUNNYVALE CENTRE

END OF EXECUTIVE SESSION

Reconvene into open session and take any action necessary as a result of the Executive Session.

1. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:

A. SECTION 551.087 ECONOMIC DEVELOPMENT

To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

PROSPECT AT SUNNYVALE CENTRE

ADJOURN

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

TCS
02/08/2016

THE SUNNYVALE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.087 (ECONOMIC DEVELOPMENT).

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON FEBRUARY 5, 2016, IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:

TOWN HALL AT 127 N. COLLINS ROAD

LESLIE BLACK, TOWN SECRETARY

RTCM
02/08/2016



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, FEBRUARY 8, 2016
TOWN HALL - 127 N. COLLINS RD.
7:00 P.M.**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

Mayor calls the Meeting to order, state the date and time. State Councilmembers present and declare a quorum present.

PUBLIC FORUM

Citizens may speak on any matter other than personnel matters or matters under litigation. No Town Council actions or discussion will be taken until such matter is placed on the agenda and posted in accordance with law.

CONSENT AGENDA ITEMS 1 THROUGH 4:

All items on the consent agenda are routine items and may be approved with one motion; should any member of the Town Council or any individual wish to discuss any item, said item may be removed from the consent agenda by motion of the Town Council.

1. **MINUTES OF SPECIAL TOWN COUNCIL MEETING – JANUARY 25, 2016.**
2. **MINUTES OF REGULAR TOWN COUNCIL MEETING – JANUARY 25, 2016.**
3. **ACCEPTANCE OF DEPARTMENT MONTHLY REPORTS – DECEMBER 2015.**
4. **DISCUSS AND CONSIDER SECOND READING OF ORDINANCE 16-02: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD IN SAID TOWN AT THE NEXT UNIFORM ELECTION DATE ON THE 7TH DAY OF MAY, 2016, FOR THE PURPOSE OF ELECTING TOWN COUNCIL PLACES 1 AND 2; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD, MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATING TO THE PURPOSE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

DISCUSSION/ACTION ITEMS:

DEVELOPMENT SERVICES

5. **DISCUSS AND CONSIDER SECOND READING OF ORDINANCE 16-01: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, DALLAS**

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02/08/2016

COUNTY, TEXAS, ABANDONING A TEMPORARY TRAIL EASEMENT DESCRIBED AS "10' TEMPORARY TRAIL EASEMENT" ON LOT 10 AND LOT 11, BLOCK C OF THE HOMESTEAD PHASE 5A AND SHOWN IN EXHIBITS "A" AND EXHIBIT "B" ATTACHED HERETO; RESERVING ALL EXISTING EASEMENT RIGHTS OF OTHERS, IF ANY, WHETHER APPARENT OR NON-APPARENT, AERIAL, SURFACE, UNDERGROUND OR OTHERWISE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED; PROVIDING FOR THE INDEMNIFICATION OF THE TOWN OF SUNNYVALE, TEXAS, AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

6. DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 16-03: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, AMENDING CHAPTER 8, *OFFENSES AND NUISANCES*, BY REPLACING ARTICLE 8.200, *JUNKED VEHICLES* AS SHOWN IN EXHIBIT A PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
7. DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 16-04: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, AMENDING CHAPTER 6, HEALTH AND SANITATION, BY REPLACING ARTICLE 6.200, WEEDS, GRASS AND BRUSH AS SHOWN IN EXHIBIT A, BY ENACTING ORDINANCE NUMBER 16-XX, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FINANCE DEPARTMENT

8. DISCUSS AND CONSIDER RESOLUTION 16-04: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE TOWN TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE MAYOR, MAYOR PRO TEM OR TOWN MANAGER TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE TOWN'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP.

MAYOR & COUNCIL

9. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS.

ADJOURN

RTCM
02/08/2016

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TOWN HALL AT 127 N. COLLINS ROAD

LESLIE BLACK, TOWN SECRETARY



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
CONFERENCE ROOM - 127 N. COLLINS RD
MONDAY, JANUARY 25, 2016
6:00 P.M.**

MAYOR	JIM PHAUP
MAYOR PRO-TEM, & PLACE 2	SAJI GEORGE
COUNCILMEMBER, PLACE 1	KARA RANTA
COUNCILMEMBER, PLACE 3	MARK EGAN
COUNCILMEMBER, PLACE 4	JIM WADE
COUNCILMEMBER, PLACE 5	KAREN HILL
COUNCILMEMBER, PLACE 6	CHRIS MCNEILL

CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 6:02 p.m. Councilmember McNeill arrived at 6:10 p.m. All other Councilmembers were present.

EXECUTIVE SESSION

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EXECUTIVE SESSION AGENDA:

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**PROSPECT AT SUNNYVALE CENTER INDUSTRIAL PARK
PROSPECT AT SUNNYVALE CENTRE**

B. SECTION 551.072 REAL PROPERTY

To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

SOUTHEAST CORNER OF U.S. HWY 80 & COLLINS ROAD

Councilmember Egan made a motion, seconded by Mayor Pro-Tem George, to recess into Executive Session at 6:03 p.m. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 6/0. Councilmember McNeill arrived at 6:10 p.m.

TCS
01/25/2016

END OF EXECUTIVE SESSION

Reconvene into open session and take any action necessary as a result of the Executive Session.

1. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:

A. SECTION 551.087 ECONOMIC DEVELOPMENT

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**PROSPECT AT SUNNYVALE CENTER INDUSTRIAL PARK
PROSPECT AT SUNNYVALE CENTRE**

B. SECTION 551.072 REAL PROPERTY

To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

SOUTHEAST CORNER OF U.S. HWY 80 & COLLINS ROAD

Mayor Phaup reconvened the meeting at 7:16 p.m. Councilmember Hill made a made a motion, seconded by Mayor Pro-Tem George, to approve a 4A Development Corporation infrastructure grant to Palmetto Capital in an amount not to exceed \$40,000, conditional upon the recipient maintaining a property value of no less than \$2,000,000 for the next five years. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 7/0.

ADJOURN

Mayor Phaup adjourned the meeting at 7:18 p.m.

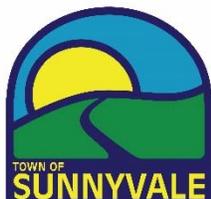
The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

RTCM
01/25/2016



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, JANUARY 25, 2016
TOWN HALL - 127 N. COLLINS RD.
7:00 P.M.**

MAYOR	JIM PHAUP
MAYOR PRO-TEM, & PLACE 2	SAJI GEORGE
COUNCILMEMBER, PLACE 1	KARA RANTA
COUNCILMEMBER, PLACE 3	MARK EGAN
COUNCILMEMBER, PLACE 4	JIM WADE
COUNCILMEMBER, PLACE 5	KAREN HILL
COUNCILMEMBER, PLACE 6	CHRIS MCNEILL

INVOCATION

Councilmember Hill led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Jim Phaup led the Pledge of Allegiance.

CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 7:26 p.m. All Councilmembers were present.

PUBLIC FORUM

None.

RECOGNITION OF NEW EMPLOYEES

Kandi Jackson – Assistant Town Secretary
Gabriel Saldana – Parks Technician
Blake Thompson - Maintenance Technician

PUBLIC HEARING

Open or continue public hearing, consider testimony and other information provided, close public hearing, and take necessary action with respect to the following:

- 1. APPLICANT : STEPHEN FLUCKIGER**
AT OR ABOUT: 555 & 579 NORTH COLLINS ROAD
REQUEST: REPLAT- FLUCKIGER ADDITION, LOT 2R AND 3R, BLOCK1

Director of Development Services Rashad Jackson introduced the item. The applicant is the owner of a 2 residential lots located at 555 North Collins and 579 North Collins. The property is zoned within a SF-2 Single Family Residential District. The minimum lot size for the SF-2 District is one (1) acre. The minimum lot width for a property within this district is 250' and the lot depth shall be greater than the width. The applicant proposes to subdivide the property with the intent to create two (2), two acre lots that have visibility and direct access to North Collins Road. As it exists now, one lot sits in front of another lot, subsequently blocking the home in the rear.

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The applicant plans to develop the residential lot (555 N. Collins) on the side of their existing lot (579 N. Collins). Once replatted, the lot width for both properties will be short of what is required by the zoning ordinance. The applicant received a lot width and side yard setback variance for the subject property from the Board of Adjustment on September 8, 2015.

The applicants proposed plat has been developed in accordance with the Board of Adjustment approval and other Town zoning and subdivision ordinance requirements.

Notice was published within the Town's Official Newspaper on Wednesday, December 2nd. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Sixteen (16) letters were sent out. One letter was received in favor of the request.

Town staff had the following comments/recommendation for consideration:

1. Staff recommendation is approval. The applicants proposal is actually creating two lots that are more consistent with proper residential development. As it exists, the current lot configuration would be considered a "flag lot" with one lot behind the other which is not a proper way to develop residential lots. The applicant has gone through the variance and replat process so that they may develop (and sell) the lots appropriately.

The applicant went before the Board of Adjustment on September 8, 2015 and received a variance to widen lot 555 N. Collins. One letter was received in favor of this request.

Councilmember Hill asked if the lot width was being lowered from 250 feet to 50 feet. Director of Development Services Rashad Jackson explained that the existing condition is already 50 feet. They are proposing to widen 579 N. Collins and create the 50 feet on the newer lot. As it widens out it is actually a more appropriate configuration of the lots.

Mayor Phaup opened the Public Hearing. No comments were made. Mayor Phaup closed the Public Hearing.

Councilmember Egan made a motion, seconded by Ranta to approve property at 555 and 579 North Collins Road, Repat -Fluckiger Addition, Lot 2R and 3R, Block 1 subject to Staff's recommendations. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

2. **APPLICANT:** MARK TAYLOR
NAAM GROUP DEVELOPMENT
AT OR ABOUT: 3615 BELTLINE ROAD
REQUEST: SITE PLAN – NAAM GROUP RETAIL ADDITION

Director of Development Services Rashad Jackson introduced the item. The subject property is located at or about 3615 and 3700 Beltline Road. In October 2015, the applicant submitted a minor plat request for the subject property to consolidate three existing three parcels in this area into one developable lot. The minor plat was approved. The applicant has returned with a proposed site plan for approval. The subject property, located within a Local Retail zoning district is 1.1484 acres in size. The applicant proposes to develop a medical office center.

Beltline Design Overlay District: The proposed building lies within the Beltline Design Overlay District. The primary objective of the district is to create and reflect a high level of architectural design appeal throughout the Town. The guidelines intend to implement consistent landscaping, pedestrian walks, low profile buildings and pedestrian scale.

The applicant proposes to construct a 10,000 square foot building on the subject property. The building will be designed in accordance with the Beltline Design Overlay district guidelines for aesthetics, landscaping and site design. Plans show a one-story masonry building with articulated facades at three vestibule entries. Each entry along the front façade will be covered by a standing seam metal roof. Details of the design are as follows:

- Building height: Single story with parapet style roof
- Main entrance will face Beltline Road.
- The service entrance and trash pickup will be in the rear on the west side of the development.
- Building exterior / façade: The proposed facades are primarily clad with a brick veneer. A cornice ledge, front façade vestibules and corner details will provide articulation and design detail on the exterior of the building. Metal awnings will be located above each office/storefront window.
- Off-street parking: Required parking shall be 1 space per 200 sq.ft. (52 spaces). The applicant has submitted plans meeting this requirement. The parking will accommodate the proposed use for the site, medical offices.
- Landscape and Buffers: Proposed details meet the standards set forth in the zoning and overlay districts. The applicant will maintain the existing landscape at the entry into the site. Shrubs will screen the parking spaces and additional trees will be added throughout the site.
- Building setbacks: Front – 50'
 Side – 25'
 Rear – 25'
- Sidewalks: A 6' sidewalk will be located along Beltline Road Blvd per overlay district requirements. The sidewalk will tie into the existing sidewalks in front of CVS and the New Hope shopping center.
- Lighting: The preliminary lighting plan shows two light fixture styles to be used on site. All lighting will be located on the subject property and not in the public ROW. The overlay district requires Onco approved Hanover Eurotique (antique) series style street light fixtures in the public ROW. Staff notes that all outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line shall be 0.2 foot candles. The proposed plans are consistent with the noted requirement.

Notice was published within the Town's Official Newspaper on December 23rd. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Sixteen (16) letters were sent. As of the writing of this staff memo, one (1) letter had been returned either in favor of the request.

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Town staff has the following comments/recommendation for consideration:

1. Town staff comments, as stated within the letter sent to the applicant on 01.04.16, must be satisfactorily addressed prior to construction.
2. The Beltline Overlay District requires consistent lighting within the district's boundaries. Prior to installation, the applicant should submit the type of lighting proposed for review by the Town. It shall be consistent with surrounding development.
3. Building materials colors shall be submitted and approved prior to construction so that they are consistent with design overlay requirements.
4. Site plan notes should be revised to note a 6-foot sidewalk instead of 5-foot sidewalk.

One letter was received in favor of request.

Councilmember George verified that there are 52 parking spaces and just one entrance to Beltline. Director of Development Services Rashad Jackson state the lot is landlocked and connects to properties adjacent.

The applicant is Chris Robertson, 5331 E. Mockingbird, Dallas, Texas.

Councilmember Wade asked if the proposed façade was primarily brick. Applicant stated it was stucco and it does comply with the guidelines.

Councilmember Wade asked if the awnings were metal, and if they matched the roof on the vestibules. Director of Development Services Rashad Jackson explained they are the same shape and color as the roof.

Councilmember Hill asked what the veneer looks like. Applicant explained that it looks like brick.

Mayor Phaup expressed that it is difficult to get a sense of impact of the proposal without more detailed colored drawings. It is just difficult to make a decision not knowing what colors. Applicant explained that it is SMU colors, brick color with stone. It should have a classic look.

Councilmember Ranta asked if there were anything in the standards that required a difference in the height of the building and the elevation. Director of Development Services Rashad Jackson explained that the height difference was not necessarily a requirement.

Councilmember Wade was concerned that the awning would create a glare. Applicant stated there would not be a glare in this situation.

Mayor Phaup confirmed all issues on January 4th letter from staff are resolved. Mayor Phaup also verified that lighting and staff memo conditions of approval, subject to Items 1-4 of staff recommendations.

Councilmember Ranta asked do we have any grounds for not approving. Councilmember Wade stated he had no opposition to the facility as it is an improvement to a vacant lot. The concern would be that it is another medical building, and the metal awnings are a concern, as well as the colors. He thinks it's a great addition to a vacant piece of property.

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Councilmember Hill asked how tall the parapet roof would be. Applicant stated it would be about 15 feet. Roof is standard, but if awnings are a problem, we are open to other materials.

Mayor Phaup stated with regards to articulation not to misconstrue our desire, we do welcome and encourage it. We want to understand how it fits in to the design.

Councilmember Wade stated delaying this another month or two won't benefit us either way.

Mayor Phaup opened the Public Hearing. No comments were made. Mayor Phaup closed the Public Hearing.

Councilmember Wade made motion, seconded by Councilmember Ranta, to approve 3615 Beltline Road, site plan - Naam Group Retail Addition subject to Staff's recommendations. Mayor Phaup called for a vote, and with six members voting affirmative, Councilmember George opposing, item passed 6/1.

- 3. APPLICANT: TOMMY SATTERFIELD**
AT OR ABOUT: 612 U.S. HWY 80 FRONTAGE ROAD
REQUEST: PRELIMINARY PLAT – VALEZ HWY 80 ADDITION, BLOCK A LOT 1

Director of Development Services Rashad Jackson introduced the item. The applicant is the representative for a residential property located at 612 U.S. Highway 80. The parcel of land is approximately 16.5 acres. The Sunnyvale Zoning Ordinance requires lots of this size to have a minimum lot width (at the right of way) of 250'. The applicant proposes to plat the subject lot with a 124' lot width. As it exists now, the un-platted property has an existing drive along the U.S. 80 Frontage Road. The applicant proposes to keep the existing entry (124' wide) and use it for access to the residential property. The lot width is currently constrained by property boundaries for the Community Life (C-Life) Church to the east and the Long Creek floodplain to the west. The applicant received a lot width variance for the subject property on December 12, 2015 from the Board of Adjustment.

The proposed preliminary plat conforms to the approved variance and all other Town zoning and subdivision ordinance requirements.

Notice was published within the Town's Official Newspaper on Wednesday, December 23rd. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Town Ordinance. Ten (10) letters were sent out. No letters were returned either in favor or in opposition of the request.

Town staff has the following comments/recommendation for consideration:

1. Town staff comments, as stated within the letter sent to the applicant on 01.14.16, must be satisfactorily addressed prior to construction or as soon as possible.

Town zoning and subdivision requirements have been met. No letters were received, only one phone call asking if this was a single lot or a multi-home lot. It is a single lot.

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Mayor Pro-Tem George asked if he expected any variance on the setback requirement. Director of Development Services Rashad Jackson explained the only variance is in the entry.

Tommy Satterfield explained it is a 16-acre single lot.

Mayor Phaup opened the Public Hearing. No comments were made. Mayor Phaup closed the Public Hearing.

Councilmember Hill asked Director of Development Services Rashad Jackson if his concerns had been satisfied. Director of Development Services Rashad Jackson explained that some of the comments to the engineer had not been addressed, but they will be addressed prior to construction.

Councilmember Hill made motion, seconded by Councilmember Egan to approve 612 U.S. Hwy. 80 Frontage Road, Preliminary Plat – Valez Hwy. 80 addition, block A Lot 1, subject to Staff's recommendations. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

4. APPLICANT: HOLLY MONTIE, P.E.
AT OR ABOUT: 520 CLAY ROAD
REQUEST: SITE PLAN – FLOWERS DISTRIBUTION CENTER

Director of Development Services Rashad Jackson introduced stating that property is approximately 3 acres, and the building lies within the Industrial zoning classification. The subject property is located at or about 520 Clay Road directly north of the Union Pacific Railroad and Scyene Road. The applicant has submitted a site plan application for the development of an office warehouse building. The building will be used for by the Flowers Food Company for the distribution of baked goods. The subject property approximately is 3.048 acres in size.

Industrial District Regulations: The proposed building lies with an Industrial zoning district. The Industrial District is intended to provide for general manufacturing uses in locations which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.

The front façade of all industrial buildings within 300' of a primary right of way must be clad in masonry per Section 20.8 of the zoning ordinance. The exterior walls of all buildings that do not directly face a right of way may be constructed of prefabricated metal type (not including corrugated metal). The exterior finish of the building proposed meets these standards.

The applicant proposes to construct a 7,860 sq.ft. building on the subject property. The building will be designed in accordance with the Industrial district guidelines for aesthetics, landscaping and site design. Plans show a one-story building with 2,340 square feet of office space and 5,520 square feet of warehouse space.

- Building height: Single story with parapet style roof over office and standing seam metal roof over warehouse
- Main entrance will be from Clay Road.

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01/25/2016

- The service entrance will be in the rear of the development. The applicant does not plan to have a dumpster enclosure. The applicant noted that the proposed building will be a distribution center and will not generate daily waste to require a dumpster.
- Building exterior / façade: The front office space will be clad in a CMU (concrete masonry unit) veneer. An overhanging metal panel parapet will sit on top of the office space. The warehouse area will be clad in a pre-finished metal panel with a standing seam metal roof. The entire building will be lighted by wall attached down lights. An ADA accessible ramp will provide access to the facility on the northern façade.
- Off-street parking: Required parking shall be 1 space per 1000 sq.ft. of warehouse space and 1 space per 300 sq. ft. of office space (14 spaces). The applicant has submitted plans meeting this requirement (18 spaces proposed).
- Landscape and Buffers: Proposed details meet the standards set forth for the zoning district. Bald Cypress and Cedar Elm Trees will be located within the exterior buffer areas of the site. Additional trees, shrubbery and native plantings will be used around the building and parking island areas. Proposed landscaping will exceed the district requirements.
- Building setbacks: Front – 40'
 Side – 25'
 Rear – 25'

Notice was published within the Town's Official Newspaper on December 23rd. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Five (5) letters were sent. As of the writing of this staff memo, one (1) letter had been returned in favor of the request.

Town staff has the following comments/recommendation for consideration:

1. Town staff comments, as stated within the letter sent to the applicant on 01.14.16 must be satisfactorily addressed prior to construction
2. Upon review, the Fire Department requests that the fire lane be shown to completely around the building. It is currently only noted at the entrance of the site.
3. The subject property must be platted prior to construction.

Councilmember Hill asked if the runoff calculations for the storm water detention pond mentioned here were addressed. Director of Development Services Rashad Jackson confirmed it had been addressed.

Councilmember Ranta quoted from the ordinance stating that front façade of any building within 300 feet of a primary right of way must be clad in masonry as she reads it. The exterior walls of all buildings facing within 300 feet of a dedicated street shall be 90% masonry veneered with decorative masonry material. Exterior walls of all buildings that do not face a dedicated street will be constructed of a prefabricated metal type. She asked if the wall that faces Scyene Road is within 300 feet of Scyene Road, should it be masonry. Director of Development Services Rashad Jackson explained that Scyene Road is south of railroad, the road on the site plan is not Scyene Road. It is not a dedicated road, it is a private road that goes in the Industrial Park and it is not that close. Councilmember Ranta also asked about the concrete masonry unit (CMU material) would have indentation, hammered, split or flat finish. Director of Development Services Rashad Jackson explained the requirements.

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Councilmember Ranta asked Applicant Holli Montie, 1002 Glen Cove, Richardson, TX, to describe the CMU material. Holli noted that on the elevations it actually says 4inch, 3 wall masonry units, instead of a CMU unit. That is more of a brick type, and they would be happy to work with staff as far as the building materials and making sure that they look good.

Mayor Pro-Tem asked what if there is a spill. The Applicant stated that there will be two dumpsters, one for cardboard, and one for solid waste. They will be screened appropriately. They are not asking for variances on this project.

Councilmember Wade stated that CMU material resembles cinderblocks, and asked how it is different. The Applicant said Flowers would work with Town for hammered look with tan or brown color to have more of a brick style and less of a flat surface.

Mayor Phaup confirmed that the Applicant received the January 4th letter and understands the staffs concerns. The Applicant stated they did receive it and did have a clear understanding.

Mayor Phaup opened the Public Hearing. No comments were made. Mayor Phaup closed the Public Hearing.

Mayor Phaup asked if Director of Development Services Rashad Jackson understood the concerns about the look and textures of the CMU material, and that it was prudent moving along with this project. Director of Development Services Rashad Jackson stated that he did understand.

Mayor Pro-Tem George made motion, seconded by Councilmember Egan, to approve 520 Clay Road, site plan – Flowers Distribution Center subject to Staff's recommendations. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

**5. APPLICANT: CHRISTOPHER JACKSON
WYNNE/JACKSON DEVELOPMENT
AT OR ABOUT: 301 JOBSON ROAD
REQUEST: PRELIMINARY PLAT – HOMESTEAD PHASE 6**

Director of Development Services Rashad Jackson introduced the item. This item was initially heard and approved by the Planning & Zoning Commission and Town Council in October 2015. Since the approval, the applicant has proposed some subtle changes to the proposed preliminary plat for Homestead Phase 6. The changes are intended to increase the overall quality of the development.

The changes that have been made since the previous approval on October 26, include:

- Lots 29 through 33 have been moved to the east along Jobson Road. This relocation (actually just sliding the lots down) allowed for an open space buffer area at the entrance along the east side of Morning Fog. The open space area will be landscaped and provide a nice scenic entry from Jobson into the development.
- Common Area 1 has been reduced in size due to the movement of the above mentioned lots.

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- Common area is still almost 90 feet wide and will be a nice landscape area. However, this size reduction allowed for the above mentioned open space to be added at the Morning Fog entry (Common Area 6).
- No roadway alignments or other lots have been changed.

As noted, all other details of the plat remain consistent with the previous approval and consistent with the Homestead Concept Plan. Town staff has reviewed the plans and note that they adhere to the approved Concept Plan and Zoning Ordinance standards.

The property is zoned SF-3 PRO. The phase is located west of Jobson Rd and north of Hidden Lake Drive. This phase is 25.60 acres in size. The property would allow for the development of thirty-three (33) residential lots. Each lot measures approximately 20,000 square feet or larger in size. There are also six (6) common area tracts within this phase.

Acreage:	25.600 acres
Residential lots	33 lots
Dwelling Units per Acre	1.29
Open Space Lots	6
Open Space Acreage	4.17 acres
Open Space Electrical Esmt.	1.82 acres
% Open Space	16.29 %

Common Area 1	Along Jobson Rd	Detention Easement	.44 acres
Common Area 2	South Along Jobson Rd to Morning Fog	50' Landscape Buffer	.90 acres
Common Area 3	North Along Jobson Rd to Morning Fog	50' Landscape Buffer	.44 acres
Common Area 4	Common area within the north corner of the phase along Tavenner Lane	Open Space	.27 acres
Common Area 5	Common area with the south corner of the phase along Jobson Rd	Detention Easement	.36 acres
Common Area 6	Common area along the west portion of the phase.	Open Space – Utility Easement	1.82 acres
		APPROX. TOTAL	4.17 acres

Per the Concept Plan, most of the lots within this phase were planned to be between 18,000 to 34,000 square feet in area. The preliminary plat shows that most lots will be in the 20,000 square feet range. Setbacks and size requirements for lots that range in size from 14,000 to 34,999 square feet are as follows:

Lot width	100 feet
Lot depth	Greater than the width
Front yard setback	50 feet
Side yard setback	12 feet

Rear yard setback 30 feet

While some landscape drawings have been submitted, a landscape plan is required for the landscape buffers and open space areas for each phase of the development. The landscape buffer area must meet the requirements of the 1993 Zoning Ordinance. A landscape plan would need to be reviewed and approved before any permits can be issued for grading, building, paving, or construction on the property.

Landscaped buffer areas are required to be covered with living grass or ground cover and shall be maintained by an automatic sprinkler system. The applicant would need to provide an irrigation plan for review and approval by the Building Official.

Decorative lighting is required at all residential subdivision entries. Additional lighting is to be placed throughout the development. Light poles are to be fourteen (14) feet in height. Traffic information and street names shall be placed on the poles. Final location of street lighting fixtures will be verified and approved by Town staff.

Fire Hydrants would need to be located in accordance with the regulations as provided for within the Zoning Ordinance and Subdivision Ordinance. The distance of a fire hydrant from the edge of pavement for a public street shall not exceed five (5) feet unless otherwise permitted by the Town Engineer. Fire hydrants must be located at all intersecting streets and at intermediate locations between intersections at a maximum spacing of five hundred (500) feet.

Fencing will be provided along the lot perimeters. Given that fencing will be adjacent to open space, open fencing with openings that do not cover more than fifty (50) percent of the fence area shall be used.

Garages may not face the front of the lot. No front building elevation or plan for a single-family detached dwelling shall be repeated with a block face or within 1,000 feet along a street(s). All residential units shall consist of ninety (90) percent brick or stone, with exception given to doors and windows. All fireplace chimneys are to be 100 percent masonry. All dwelling units will have a minimum 2200 square feet of air conditioned space.

Sidewalks have been provided as required by Ordinance throughout the development. A trail system will be provided within the landscaped buffer areas as well as through the larger open space area to the west within the project area.

Public notice was provided to the Town's Official Newspaper for publication on December 23rd, 2015. Letters were also sent to property owners' within 400' of the subject property. The total number of letters sent was forty-seven (47). As of the release of the staff memo, one (1) response had been received.

As each phase of the development receives final development plat approval and prior to filing the final plat, the applicant will be required to provide the Town with a monetary contribution \$2,303 per lot. For this particular phase of the development, an estimated \$75,999 would need to be provided to the Town.

Town staff has the following comments/recommendations for consideration:

1. A Landscape Plan for the open space and landscape buffer areas must be provided for review and approval prior to the issuance of any permits for grading, paving, or building. Such plan shall meet the requirements of the Zoning Ordinance.

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2. HOA documents have been submitted for the proposed development.

Councilmember Hill stated she was concerned because there is an ordinance specific to this subdivision and it was only mentioned one time, and if we were working from that particular ordinance or not. Councilmember Hill also stated that she did not see where we would be with the entire development such as the lots and density for entire project because there are limitations on allowed density. She also asked how much common area 1 was reduced.

Councilmember Wade clarified that it was simple and the area from common area 1 went to common area 6. Director of Development Services Rashad Jackson stated yes, that is the case. He said common area 6 never existed, it was added. This is an aesthetic change that did not affect the number of lots or density. This is not what the Town Council approved in 2015 so Director of Development Services Rashad Jackson felt it should be brought before the Town Council for approval.

Councilmember Hill stated that the concept plan says the lots will be between 18,000 and 34,000 square feet and they were all made uniform at 20,000 square feet, which changes the dynamics of the way the ordinance was written. That is why she has been asking where this puts us on the overall density for this subdivision, and the ordinance establishing the subdivision.

Mayor Phaup asked other than the changes to the open area, the lot sizes stayed the same as to what was approved. Director of Development Services Rashad Jackson said yes.

Councilmember Wade stated that the lots do not look like the same size either by the red marks or the measurements. The lots were shifted down on the drawing so there is no way to tell.

Christopher Jackson, 600 N. Pearl, Ste #650, Dallas, TX, stated that the intent was for the common area by the school to be used for detention or retention for storm water. As engineers were able to work and refine the plans, the need for a detention pond was eliminated. At that point, the common area was too big, so it would be a much better plan to shift as much of that area to the front entry, so that as you drive in there would be a much better look and feel. It was totally for the aesthetics of it and no lot sizes were changed.

Mayor Phaup opened the Public Hearing. No comments were made. Mayor Phaup closed the Public Hearing.

Councilmember Hill asked if the engineer signed off to removal of a retention pond in common area 1. Director of Development Services Rashad Jackson said he did approve.

Councilmember McNeill made a motion, seconded by Mayor Pro-Tem Mayor Pro-Tem George, to approve 301 Jobson Road, Preliminary Plat - Homestead Phase 6 subject to Staff's recommendations. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

DISCUSSION/ACTION ITEMS:
DEVELOPMENT SERVICES

6. **DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 16-01: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS, ABANDONING A TEMPORARY TRAIL EASEMENT DESCRIBED AS “10’ TEMPORARY TRAIL EASEMENT” ON LOT 10 AND LOT 11, BLOCK C OF THE HOMESTEAD PHASE 5A AND SHOWN IN EXHIBITS “A” AND EXHIBIT “B” ATTACHED HERETO; RESERVING ALL EXISTING EASEMENT RIGHTS OF OTHERS, IF ANY, WHETHER APPARENT OR NON-APPARENT, AERIAL, SURFACE, UNDERGROUND OR OTHERWISE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED; PROVIDING FOR THE INDEMNIFICATION OF THE TOWN OF SUNNYVALE, TEXAS, AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Director of Development Services Rashad Jackson introduced the **request** to abandon a temporary trail easement within phase 5A of the Homestead subdivision. The developer of Homestead, Wynne/Jackson, proposes to abandon a temporary trail easement within phase 5A of The Homestead subdivision. The temporary trail easement, currently a stub out sidewalk that leads to nowhere, is located between lots 10 and 11 within phase 5A. The temporary easement was established as part of The Homestead 5A final plat in order to construct the sidewalk between these two lots. The developer would like to abandon the trail easement so that they may develop the two lots on which the temporary trail sidewalk currently resides. Staff has worked with the developer to create an abandonment ordinance that will abandon only the temporary easement on the two lots in question (Lots 10 and Lot 11, Block C).

Once abandoned, the developer also plans to extend the trail over to phase 2C as it is intended per The Homestead concept plan. The trail shown on the concept plan will extend across the Vanek property and connect to the existing trail in phase 2C. The developer will work with Mr. Vanek privately to obtain the proper easements in order to extend the trail across Mr. Vanek’s property. The developer would like to grade and construct the trail extension across Mr. Vanek’s property (Phase 5B) out of a mulch material so that they may move forward with the connection to phase 2C prior to the development of the Vanek property. Open space standards noted in Section IV of The Homestead PRO stipulates that a material other than concrete may be used for the trail if approved by Town Council. The standards note that the trail shall consist of an 8-foot wide paved reinforced concrete having a thickness of at least 4 inches situated within a fifteen-foot trail right of way. In lieu of reinforced concrete the property owner may submit plans to the Town to use construction materials that have the same durability and maintenance qualities as reinforced concrete.

Town staff has the following comments/recommendations for consideration:

1. Staff recommends approval of the proposed abandonment. The temporary trail easement between lots 10 and 11 should not have been dedicated.
2. Staff suggests that the temporary trail connection across the Vanek property (Phase 5B) be constructed out of crushed granite if an alternate material is approved. When compacted, a crushed

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granite trail would provide more stability and long term durability in comparison to a mulch trail which would require consistent maintenance. Acquirement of the necessary easements for the trail will be the responsibility of the developer.

Councilmember Hill asked if trail will just dead end. Director of Development Services Rashad Jackson responded no, it should connect through phase 5B to 2DS. The ordinance requires the developer to install a trail at time of development. In this case, the Developer is going above and beyond the requirements.

Mayor Pro-Tem George asked how the Town can ensure the developer can work with the private owner to connect the trail. Director of Development Services Rashad Jackson explained there is no guarantee because the requirement in the PRO states that the trail should be constructed with each phase. He is trying to construct the trail prior to the development.

Councilmember Egan wanted to make the comment that a lot of people think it stays in place but it does not. This needs to be looked at real closely with regard to crushed granite.

Councilmember Hill stated it needs to be edged.

Councilmember McNeill stated he does not know the grading of this particular area or water flow. Stone Canyon can show every possible way to do a trail wrong. Large crushed granite is not pedestrian or bike friendly. Small granite along the back of Stone Canyon East washes out. Concrete is permanent but with drainage, the soil on each side drops off. Terrain and water flow should be evaluated when constructing a trail.

Councilmember Ranta stated the idea of crushed granite is nice but it requires dedicated maintenance.

Christopher Jackson is a runner and wanted to see the trail continued. This is a way to free those lots up and reach out to neighbors for temporary trail.

Mayor Pro-Tem George asked if Christopher Jackson had any discussion with Mr. Vanek. Mr. Jackson replied not yet.

Councilmember Wade asked is this shifting from your lot 10 and 11 to his lot 2 and 3. Christopher replied it has been on the master plan.

Councilmember Hill stated she would like to hear from Mr. Vanek before we agree to move the trail. She is not crazy about mulch, rock, etc. Town Manager Sean Fox stated that Mr. Jackson is being very gracious in being willing to work Mr. Vanek to install a temporary trail.

Councilmember McNeill asked if it is roughly 120 feet.

Councilmember Hill stated it would have to be temporary because in 5 years it won't connect. The Town Council might even need to put a time limit on it.

Councilmember McNeill stated that the ordinance is solely addressing abandonment of temporary trail.

Mayor Phaup stated this is our first reading, so this will be on the agenda again on February 8th.

FIRE DEPARTMENT

7. DISCUSS AND CONSIDER RESOLUTION 16-02: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF CEDAR HILL, TEXAS, FOR PURCHASING EMS SUPPLIES.

Chief Berkobien stated that this plan allows us to participate in a pricing plan through Boundtree Medical which is the primary Emergency Medical Service (EMS), supply company for the Town. They are one of the largest in Texas. The majority of Dallas, FT. Worth (DFW) metroplex providers use them. Several years ago, Cedar Hill went in with several other municipal organizations to create this plan to use bulk buying power to reduce the cost. We simply want to tag along. With the signing of the agreement it allows the Town to purchase EMS supplies at a lower cost.

Councilmember Hill asked if the Town will be responsible for purchasing and payment or will we have to group the purchases through Cedar hill. Chief Berkobien responded no, Staff will be responsible for our own ordering and paying. All of that will be specific to the Town.

Councilmember Hill made a motion, seconded by Councilmember McNeill to approve Resolution 16-02 as presented. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

TOWN SECRETARY

8. DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 16-02: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD IN SAID TOWN AT THE NEXT UNIFORM ELECTION DATE ON THE 7TH DAY OF MAY, 2016, FOR THE PURPOSE OF ELECTING TOWN COUNCIL PLACES 1 AND 2; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD, MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATING TO THE PURPOSE OF THIS ORDINANCE ; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Town Secretary Leslie Black introduced to the Town Council that it is time to order the annual elections which include Places 1 and 2, currently held by Councilmember Ranta and Councilmember George. The only thing different about this election is that our general election will be held the first Saturday in May, not the second Saturday in May. It also provides for a runoff should that be necessary, which is established by Dallas County, as well as our early voting dates.

Mayor Phaup stated this is the first reading; it will be on the agenda again on February 8th.

TOWN MANAGER**9. DISCUSS AND CONSIDER RESOLUTION 16-03; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, APPROVING THE ENTERING INTO OF A PROJECT SPECIFIC AGREEMENT FOR PAVING AND DRAINAGE IMPROVEMENTS ON COLLINS ROAD FROM TRIPP TO US 80.**

Town Manager Sean Fox informed the Town Council that on April 23, 2013, Dallas County and the Town approved a Master Agreement for the governing of transportation Major Capital Improvement Projects, MCIP, for the purpose of pouring drainage improvements of Collins from Tripp Road to State Hwy. 80. It is identified as project 22602_3. Project Specific Agreements (PSA) go along with Master Agreement where they are supposed to specifically identify the project changes and the rights and responsibilities of each of the parties. As far as widening Collins Road, from State Hwy. 80 to Tripp, it is anticipated that there will be a total of 3 project specific agreements. The first one will be for design, and the second will be Right of Way (ROW) Acquisition, and then ultimately Construction. This PSA relates specifically to design whereas the total design cost of the project is estimated to be \$600,000 of which the Town's obligation is not to exceed \$300,000.00 and County's total obligation is not to exceed \$300,000.00. Of note, the County's share of the project is upon completion of construction and reduced by County in-house delivery costs. They do not have a General Fund (GF). Any overhead costs that the County incurs, it automatically has to go to a contract. They specified, in this particular case, they expect no more than \$25,000.00. Whereas we pay for lights, utilities, and everything out of the GF, Dallas County does not have a GF so everything has to be tied to a particular project. So their \$300,000, of that \$25,000, is dedicated for their overhead expenses. The contract for engineering that we signed back in July of 2015 was for \$532,905.00. We have been incurring those bills from GHD as they have gone forward with preliminary design, so far we are at about 60% design phase for the Collins Road expansion. We know with the recent approval of the roundabout, they will start bringing it up to speed, but we have been incurring those bills. With this PSA, should the Council approve it, and should Dallas County approve it, then finally we can go ahead and submit half of those bills to Dallas County, so they can start paying us back. It's a 50/50 cost share.

Mayor Pro-Tem George asked if we anticipate any increase to approved engineering contract amount of \$532,905.00. Town Manager Sean Fox replied not at this time. The PSA wants to work with round numbers so they just said \$600,000.00. Mayor Pro-Tem George asked if the Council agreed to the 4.1 option, and if this goes all the way from Hwy 80 to Tripp. Town Manager Sean Fox responded yes. Mayor Pro-Tem George asked how the timeline lines up with our 4.1 option? The 4.1 and widening of Collins from Hwy 80 up to and including the Tripp intersections are all at the same time.

Councilmember Wade asked who puts this together, is what we want, have we gone through this and are sure it is correct. Town Manager Sean Fox responded Dallas County puts it together; yes we have gone through this and made sure it is correct.

Councilmember Wade stated that it talks about bike lanes and we checked no. If we are concerned about safety and uniqueness perhaps we should discuss bike lanes. Town Manager Sean Fox stated that bike lanes in that particular situation, is identifying extra width in the road.

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Councilmember Wade stated the worst thing that can happen is we put in a 4 lane road and these bike packs take up a whole lane. Bike lanes might be worth considering.

Councilmember McNeill stated it would require an additional 6 feet to 8 feet of width and it is optimistic to think they would use it.

Mayor Phaup stated his concern was a sidewalk along Collins, and asked if one would be put in. Town Manager Sean Fox responded yes, that was the original plan. The design review can be revisited.

Councilmember Hill stated she assumed one of the adjacent property owners would want a sidewalk.

Mayor Pro-Tem George asked what is the intended use of the sidewalk, and who would use it.

Councilmember Ranta stated she sees people walking to Riverstone and Stone Canyon.

Councilmember Egan stated the sidewalks would need character like on Rowlett Rd. to keep bicyclers and skateboarders out of the street. It would also provide a buffer for trees.

Mayor Phaup stated in some areas you will create a mini-bridge.

Mayor Pro-Tem George made a motion, seconded by Councilmember Hill to approve resolution 16-03 as presented. Mayor Phaup called for a vote, with all members voting affirmative, the item passed 7/0.

10. CONSIDER THE AWARD OF A CONSTRUCTION CONTRACT TO DURABLE SPECIALITIES, INC FOR THE TRAFFIC SIGNAL AT THE INTERSECTION OF BELTLINE ROAD AND CREEKSIDE DRIVE.

Town Manager Sean Fox stated that on August 20, 2015 Town Council awarded professional services contract to Freese and Nichols for designing of the traffic signal at Beltline and Creekside in the amount not to exceed \$41,400.00, which included \$18,500.00 for preliminary and final design. Surveying would be \$7,500.00, and \$15,400.00 for additional services, such as bidding and construction phase services. Town Staff advertised for bids and received 3 sealed bids. They were opened last Wednesday. The lowest qualified bidder was Durable Specialties. They came in with a bid of \$158,000.00. Bid tabulation is listed from the other 2 submitting firms. Durable Specialties has performed work for the Town in the past. They recently constructed the traffic signal at Tripp and Collins. With a total project budget of \$250,000.00, we anticipate that we will come in under budget by somewhere around \$60,000.00 to \$65,000.00. Justin Brown, the contract engineer, could oversee a lot of the construction and we would not need an additional contract with Freese and Nichols in that capacity. Staff is projecting somewhere between \$60,000.00 to \$65,000.00 dollars savings over the projected budget amount of \$250,000.00. The contractor has been given 120 days to complete the project after the contract was signed. Then the signal should be in full operation. Staff recommends awarding the contract to Durable Specialties in the amount of \$58,500.00 for the construction of the traffic signal.

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Mayor Pro-Tem George asked if there have been various discussions about prices, is \$158,000.00 reasonable. Town Manager Sean Fox stated it is reasonable, because it is important to know that the light at Marazzi has three mast heads, they are installing one additional mast head. This is competitive for four mast heads.

Councilmember Hill made a motion, seconded by Mayor Pro-Tem Mayor Pro-Tem George, to award the construction contract to Durable Specialities, Inc. for an amount not to exceed \$158,000.00. Mayor Phaup called for a vote, with all members voting affirmative, the item passed 7/0.

11. DISCUSS AND CONSIDER ADDITION OF RIGHT TURN LANE ON COLLINS ROAD SOUTH OF HOUNSEL ROAD.

Town Manager Sean Fox stated that at the completion of the last council meeting, it was requested that Staff investigate the possibility of adding a right hand turn lane on Collins Road, south of Hounsel, to temporarily help minimize traffic congestions until a more permanent improvement could be made along the North Collins corridor. Staff has received 2 different bids. We have just one (1) presented in the packet, which was the lowest. The attached bid is to install 382 feet worth of right hand turn lane, which would allow for approximately 10 vehicles worth of loading. Improvements would be made within the confines of the existing right of way so no additional right of way investment required. The bid comes out at just under \$40,000.00. This is not in the budget currently, and if approved a budget amendment would be necessary.

Councilmember Ranta asked for a better understanding of the problem we are trying to solve and the root of the problem. Councilmember Hill explained that in the morning, traffic is backing up beyond Raider Lane. Councilmember Ranta stated her observation is the delay is due to officers letting cars out on Collins.

Town Manager Sean Fox stated that traffic starts at Raider and shifts to Hounsel. Problem is traffic on Collins at Stoney Creek. One solution could be the installation of temporary light at Stoney Creek. Those signals could also be used at Town East and Collins. Adding any roadway can help alleviate the problem.

Councilmember Ranta stated the Stoney Creek intersection would be the bigger bang for our buck.

Councilmember McNeill asked about exiting the Elementary School on Hounsel, and specifically if there is a dedicated right turn lane, could we have a dedicated right lane on north bound Collins.

Councilmember Hill stated that \$40,000.00 is a lot of money in one spot. Lights trying to get back into left hand turn for north and south bound would be a little different.

Councilmember Ranta stated she would like to hear from engineers for the best use of that money.

Mayor Phaup asked if we wanted to table this and look at other possible solutions, or act on it.

Mayor Phaup called for a motion, no motion was made.

12. DISCUSS AND CONSIDER APPROVAL OF ADDITIONAL SERVICE REQUEST FOR PLANNING SERVICES FOR THE COMPREHENSIVE PLAN UPDATE.

Town Manager Sean Fox stated that in August of 2014, the Town Council authorized a fee for service contract La Terra Studio to complete the Comprehensive Planning Process in the amount of \$51,700.00. The majority of the services outlined in the scope of work have been completed with the exception of final draft report and the hearing adopting the Plan. Through the course of Council receiving draft submissions and providing feedback and further guidance, Council had directed additional meetings outside of the original scope of work, resulting in La Terra Studio requesting additional compensation to complete the plan. La Terra Studio is requesting additional funds for their participation and facilitation of a Town Council Comprehensive Plan Workshop that was held two weeks ago on January 9th and additional funds to incorporate the basic plan modifications as a result of that workshop. The fiscal impact is an additional \$8,000. The request can be funded with the existing Community Development Service Capital Outlay and Projects FY 2016 budget. There is money within the budget to approve the increase if Council so desires.

Mayor Pro-Tem George asked are we responsible for spending, did we know this was coming or was it after the meeting. Town Manager Sean Fox stated they brought this up about a month and half ago. Originally, la terra was asking for additional money, my concern was final draft had not been submitted. We have gone above and beyond original scope. Town Manager Sean Fox stated he felt it was a fair amount.

Councilmember Hill stated one of Town Manager Sean Fox's first acts as Town Manager was to solicit this company because the previous firm said they completed the project, with no product. Now this company is doing the same. When we asked for the January 9th workshop we should have been told this was beyond their scope of work, so we would know if we wanted to do this or not. Two drafts have been received, and the quality has been inferior and not substantive. It is doubtful the final product could meet expectations.

Mayor Pro-Tem George asked was the scope of the contract on meetings or deliverables. Town Manager Sean Fox responded it was on both.

Mayor Pro-Tem George stated he agreed it is not a complete project, but more hours were spent than agreed upon. Town Manager Sean Fox said yes, we asked them to use someone else's work. We received two (2) other bids, Freese and Nichols for \$70,000.00 to pick up from where the last one left off. We paid the previous company nearly \$70,000.00 for an incomplete project.

Mayor Pro-Tem George stated they agreed upon the bid.

Councilmember Egan asked if there was additional money owed. Town Manager Sean Fox responded yes, \$1,385.00 for the adoption hearing. Councilmember Egan stated if we approve this the remaining funds should be held back until we get final product. Town Manager Sean Fox stated that he did not believe anyone would walk away from the project at this point.

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Councilmember Wade stated his concern is that they were so far off on the January 9th meeting that we need another meeting to be sure things were corrected from that meeting. They are putting their spin on it, not ours. It is a lack of comprehension.

Councilmember McNeill stated that we have had some presentations made to the Council. Not until the workshop did we have the opportunity to provide input, and it was naïve. That was not considered part of the original contract.

Mayor Phaup stated we are fifteen (15) months in with the second company to complete the process and it has not been completed. Half of it was worthless with grammatical errors junior high school students would have caught. We need one other meeting with the Planning and Zoning Commission to see the corrections made and talk about the rest of document. If we get a land use plan right, we can rewrite it ourselves. We should be done.

Councilmember Hill asked what will be the process for us working together to complete this.

Mayor Phaup stated at least one more meeting with Planning and Zoning, to make sure the rest of document ensures tone and tenure we want. There are things we need to tie together and confirm as a group. I could not comfortably consider adoption without at least one more meeting.

MAYOR & COUNCIL

13. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS.

Councilmember McNeill stated he was thankful for the map of public land; it does not look there are many options. Two items, one is a pet peeve in Stone Canyon to discuss, toilet papering houses is becoming problematic. Some publicity on our website or possible newsletter reminding parents of curfew and littering ordinances, and parents can be fined. Second is constructive use to spotlight local businesses. Some people may not be aware of business that we have such as CrossFit, restaurants, and mobile phone repair store.

Mayor Pro-Tem George stated that there is a new dentist in town and he wanted me to advertise his business, and that he was hesitant as he was unsure of the appropriate method to do so. Perhaps be a tab on website with listing by category may be the best way to provide business information.

Councilmember Egan stated some businesses will be unhappy. The purposes of a government is to protect health and welfare. He asked can a government body do that without slighting another.

Councilmember Ranta asked if 4A and 4B Development Corporations could maintain it.

Councilmember McNeill stated we would just have to list them all.

Councilmember Egan stated a pet peeve is red tip photinia as a landscape plant. He stated he thought we got rid of that all along Collins. They are disease laden weeds that are not native.

RTCM
01/25/2016

He also gave kudos to Public Works Director Johnny Meeks and Town Manager Sean Fox on the speed sign.

Mayor Pro-Tem George would like a timeline on roads, specifics for 1st year.

ADJOURN

Mayor Phaup adjourned the meeting at 9:46 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary



Town of Sunnyvale

Department Monthly Report Measuring Performance, Targeting Results



Inside **TOWN OF SUNNYVALE**
Welcome from the Town Manager
Town Secretary

Town of Sunnyvale
127 N. COLLINS ROAD
SUNNYVALE, TEXAS 75182





The Town staff is pleased to present the December 2015 Monthly Reports. Monthly Reports are intended to provide metric-based performance data on our municipal services and programs for use by the Mayor, Town Council and our citizens. The information contained

within each report will be utilized to highlight efficiencies and identify potential inefficiencies for the purpose of improving services, aiding in responsible budgeting and enhancing transparency in our local government. The data is compiled internally by each department on a monthly basis and then organized for presentation. The report will contain previous month's information for all departments.

The Town staff and I will continue to work diligently to improve on the metrics contained and the user friendliness of each report to achieve the goals established by Council.

I am pleased to present to you the December 2015 Monthly Report. Please feel free to contact me with any questions, comments and/or suggestions regarding this report.

Regards,

Sean P. Fox
Town Manager





Finance Director
Elizabeth
Hopkins

MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING DECEMBER 31, 2015

OVERVIEW

As of December 31, 2015, General and Utility Fund combined revenues are \$2,849,737. This is 29% of the annual projected amounts.

Combined expenses of \$2,003,988 are 19% of the annual budget. December 31, 2015 marks the end of the third month of the FY 2016 Budget Year. Therefore, the year-to date budget percentage for comparison is 25%.

- Property Taxes are 49% of the YTD projection.
 - Sales Taxes are 24% of the YTD projection.
 - Permits and Licenses are 27% of the YTD projection.
 - Franchise Fees are 2% of the YTD projection.
 - Water Sales are 19% of the YTD projection
-

Budget Update - December 31, 2015

25% of
Year
Lapsed

General Fund

	Current Year - 2016			Previous Year - 2015		
	Budget	Year to Date Actual	Percent of Budget	Budget	Year to Date Actual	Percent of Budget
Revenue Summary						
Property Taxes	3,069,000	1,516,118	49%	2,860,129	1,324,088	46%
Permits/Licenses	208,325	57,208	27%	211,100	20,319	10%
Franchise Fees	996,000	22,618	2%	1,105,643	14,918	1%
Sales Tax	1,200,000	292,472	24%	1,140,000	301,819	26%
Sales Tax - Roads	300,000	73,118	24%	0	0	0%
Developer Fees	20,000	0	0%	38,196	38,196	100%
Court Fines	428,700	75,844	18%	419,000	80,369	19%
Warrant Fees	0	0	0%	0	0	0%
Interest	300	0	0%	500	29	6%
Ambulance Service Fees	44,200	5,071	11%	46,000	2,311	5%
Operating Transfer In	117,000	0	0%	111,000	0	0%
Miscellaneous	10,787	540	5%	36,615	-6,162	-17%
Grant Revenue	0	249	0%	1,000	550	0%
Total Revenue	6,394,312	2,043,238	32%	5,969,183	1,776,437	30%
Expenditure Summary						
Town Manager	332,862	78,374	24%	466,478	79,427	17%
Town Secretary	156,462	40,127	26%	171,392	51,886	30%
Finance	250,720	62,683	25%	236,765	52,217	22%
Court	172,400	32,171	19%	174,458	42,244	24%
Parks & Streets	502,652	108,772	22%	991,623	135,946	14%
Development Services	765,324	128,053	17%	922,590	171,218	19%
Contract Police	1,540,753	401,096	26%	1,506,801	378,629	25%
Fire & EMS	895,250	232,016	26%	818,062	167,181	20%
Library	194,500	43,033	22%	150,474	33,357	22%
Non-Departmental	379,261	158,074	42%	695,268	177,141	25%
Road Maintenance	1,099,400	69,014	6%	0	0	0%
Transfer Out	250,000	500	0%	0	0	0%
Total Expenditures	6,539,584	1,353,912	21%	6,133,911	1,289,245	21%
Revenues Over/(Under) Expenditures	-145,272	689,326		-164,728	487,192	
Transfers To Vehicle/Street Light		0			-	
Net Increase to Unassigned Fund Balance		<u>689,326</u>			<u>487,192</u>	

Budget Update - December 31, 2015

25% of Year
Lapsed

General Fund Unassigned Fund Balance Summary

	History	Budget	Year To Date	
	2015 Actual	2016 Budget	2016 Actual	% Change
Beginning Fund Balance - Unassigned	4,095,034	4,446,681	4,446,681	0%
Revenues				
Operating Revenue	5,904,307	6,277,312	2,043,238	-67%
Water Transfer In	25,000	25,000	-	-100%
4A Transfer In *	12,000	12,000	-	-100%
4B Transfer In	80,000	80,000	-	-100%
Total Revenues	6,021,307	6,394,312	2,043,238	-68%
Expenditures				
Operating Expenditures	5,323,933	6,289,584	1,353,412	-78%
Transfer Out	345,727	250,000	500	-100%
Total Expenditures	5,669,660	6,539,584	1,353,912	-79%
Ending Fund Balance - Unassigned	4,446,681	4,301,409	5,136,007	19%
Equivalent Operating Days (Total)	286	240		
Percent of Operating Expenses	78%	66%		
Revenue Over/ (Under) Expenditures	351,647	(145,272)	689,326	

Budget Update - December 31, 2015

25% of
Year
Lapsed

General Fund Assigned Fund Balance Summary

	History	Budget	Year To Date	% Change
	2015 Actual	2016 Budget	2015 Actual	
Beginning Fund Balance - Unassigned Funds	4,446,681	4,446,681	4,446,681	0%
Beginning Fund Balance - Assigned Funds	389,608	735,335	735,335	0%
Beginning Fund Balance - Vehicle Replacement				
Transfer In from General Fund	280,247	250,000	0	-100%
Beginning Fund Balance - Community Services				
Transfer In from General Fund	0	0	0	
Beginning Fund Balance - Infrastructure Improvements				
Transfer In from General Fund	100,000	0	0	0%
Total Transfers In	380,247	250,000	0	-100%
Expenditures-Assigned Funds				
Vehicle Replacement	34,520	0	0	0%
Community Services	0			
Infrastructure	0	0	0	0%
Total Transfers Out	34,520	0	0	0%
Net Transfers	345,727	250,000	0	-100%
Ending Fund Balance - Assigned	735,335	985,335	735,335	-25%
Ending Total Fund Balance	5,182,016	4,915,641	5,871,342	19%

Actual YTD Balances	09.30.14	12.31.15
Vehicle Replacement	126,060	371,787
Stoney Creek Insurance	63,473	63,473
Sunnyvale Property Sidewalks	25,000	25,000
Traffic Light	150,000	250,000
Parks	25,075	25,075
	389,608	735,335

GENERAL FUND REVENUES

PROPERTY TAXES

Tax collections of \$1,516,118 year to date are 49% of the annual budget and comparable to this time last year.

SALES TAXES

Total revenues of \$292,472 represent the budgeted accrual for the first two months and one month actual of the current year and are projected to be higher than the previous year by \$60,000.

FRANCHISE FEES

Franchise fees consist of fees assessed on the consumption of electricity, natural gas, cable TV, and telecom services. These fees are received monthly, quarterly or annually. Solid waste collections are monthly, in arrears, and are impacted by the number of service addresses. Total revenues of \$22,618 represent the October and November solid waste collections.

PERMITS AND LICENSES

Revenues of \$57,208 year to date are in line with projections at 27% and higher than this time last year. This revenue is impacted by the expected building activity and is difficult to project due to the nature and timing of projects.

COURT FINES AND FEES

Total revenues of \$75,844 are less than projected at 18% of the year to date projection.

AMBULANCE SERVICE FEES

Total revenues of \$5,071 are less than projected at 11% of the year to date projection. These fees are collected and paid via a third party provider with a 60 day lag time due to processing and collection efforts.

TRANSFERS

Transfers projected to total \$117,000 consist of a reimbursement from the Utility Fund, 4A Economic Development Corporation and 4B Economic Corporation for the funds' share of G&A expenses and made annually.

MISCELLANEOUS REVENUES

Miscellaneous revenues include library fines, Town Hall rental, and animal control donations, impound fees, code mowing, interest earned and other non-major revenues. Total revenues year to date total \$540.

GRANT REVENUE

Historically these revenues were derived from the Texas A&M Forest Service for cost assistance for Fire Department training and extended catastrophic insurance for volunteers. Year to date \$249 has been received from the Inter-local Library Program.

GENERAL FUND EXPENDITURES

TOWN MANAGER

The Town Manager expenses through December 31, 2015 are \$78,374 or 24% of the department budget.

TOWN SECRETARY

The Town Secretary expenses through December 31, 2015 are \$40,127 or 26% of the department budget and include the first and second quarter DCAD appraisal fee.

FINANCE

Finance expenses through December 31, 2015 are \$62,683 or 25% of the department budget.

COURT

Court related expenses through December 31, 2015 are \$32,171 or 19% of the department budget.

PARKS

Park related expenses through December 31, 2015 are \$108,772 or 22% of the department budget.

DEVELOPMENT SERVICES

Development Services expenses through December 31, 2015 are \$128,053 or 17% of the department budget.

CONTRACT POLICE

Contract Police expenses through December 31, 2015 are \$401,096 or 26% and includes 3 payments to Dallas County for patrol services and the annual worker's compensation premium.

FIRE & EMS

Fire & EMS expenses through December 31, 2015 are \$232,016 or 26% of the department budget. A 12KW gas generator back-up system was installed at 404 Tower Place for emergency management purposes.

LIBRARY

Library expenses through December 31, 2015 are \$43,033 or 22% of the department budget.

NON-DEPARTMENTAL

Non-Departmental expenses through December 31, 2015 are \$158,074 or 42% of the department budget and include the annual property and liability insurance payment, encumbered expense from the Stoney Creek Insurance settlement for road repair, and annual payments on contract maintenance and support contracts.

ROAD MAINTENANCE

Road Maintenance expenses through December 31, 2015 are \$69,014 or 6% of the department budget. This total includes engineering costs for the Collins Road expansion, the purchase of a sander, road inspections and maintenance.

TRANSFERS

Transfers include vehicle replacement funding budgeted at \$250,000 and will be made before the end of the fiscal year. The year to date expense of \$500 was the documentation fee associated with the capital lease on the new ambulance.

Budget Update - December 31, 2015

25% of
Year
Lapsed

Water Revenue Fund Revenue & Expense Report

	Current Year - 2016			Previous Year - 2015		
	Budget	Year to Date Actual	Percent of Budget	Budget	Year to Date Actual	Percent of Budget
Revenue Summary						
Water Revenue	2,250,000	425,151	19%	1,980,000	497,236	25%
Sewer Revenue	1,100,000	272,997	25%	1,045,000	322,302	31%
Water Meters	32,000	13,450	42%	32,000	1,600	5%
Disconnects	12,000	1,200	10%	15,000	1,750	12%
Penalties	46,000	25,161	55%	50,000	12,966	26%
Trash Service	265,000	66,489	25%	262,904	65,139	25%
Miscellaneous Revenue	6,000	2,051	34%	0	2,067	
Total Revenue	3,711,000	806,499	22%	3,384,904	903,060	27%
Expenditure Summary						
Public Works Administration	482,604	118,171	24%	414,766	112,533	27%
Maintenance, Supplies & Training	344,020	107,940	31%	276,600	40,960	15%
Contractual & Professional Services	2,499,459	415,218	17%	2,393,357	457,351	19%
Debt Service & Transfers	334,183	0	0%	338,099	0	0%
Depreciation & Bad Debt	298,000	-508	0%	298,000	0	0%
Capital Equipment & Improvements	35,000	9,255	26%	63,000	2,976	5%
Total Expenditures	3,993,266	650,076	16%	3,783,822	613,821	16%
Revenues Over/(Under) Expenditures	-282,266	156,423		-398,918	289,238	

UTILITY FUND REVENUES

WATER SALES

Overall, the volume of water sold is lower when compared to December 2014. NOAA reports 1.13 inches of rain in December 2014 compared to 3.83 inches in December 2015.

SANITARY SEWER CHARGES

Sanitary sewer charges are driven by water consumption and therefore were also lower compared to December 2014.

TRASH SERVICES

Revenues of \$66,489 year to date are in line with projections at 25%.

FINES AND FEES

Revenues (Penalty Charges for Late Payments) of \$25,161 are more than projected at 55% of the projection.

OTHER CHARGES FOR SERVICES

Year to date revenues of \$13,450 or 42% is primarily driven by charges for water meter and installation.

UTILITY FUND EXPENDITURES

PUBLIC WORKS ADMINISTRATION

Administration expenses through December 31, 2015 are \$118,171 and consist of salaries and benefits at 24% of budget.

MAINTENANCE, SUPPLIES & TRAINING

Maintenance, supplies & training expenses through December 31, 2015 of \$107,940 are higher than projections at 31%. Year to date expenses reflect the budgeted purchase of smart meters for upgrades throughout Town. This category includes water and sewer system maintenance, vehicle and building maintenance, uniforms and continuing education.

CONTRACTUAL & PROFESSIONAL SERVICES

Contractual and professional services expenses through December 31, 2015 of \$415,218 or 17% include water purchases, sewer costs and trash collections.

DEBT SERVICE & TRANSFERS

The Utility Fund debt service projected at \$308,683 includes the 2013 Refinancing of water line construction, the 2010 Long Creek water line bond, and 62% of the Water Tower bond. Principal and interest payments are due on February 15th of each year and a second interest only payment is due on August 15th of each year. The transfer out to the General Fund projected at \$25,000 includes the Utility Funds' share of G&A expenses and made annually.

DEPRECIATION & BAD DEBT

The cost to acquire, construct, or improve a capital asset in a business activity fund is not an expense when incurred for accounting purposes, but instead depreciated over the estimated useful line of the asset in the form of depreciation expense. The net book value of Utility Fund assets as of September 30, 2015 was approximately \$9,365,000 and is depreciated at the close of each fiscal year. Bad debt is the related to unpaid water bills usually upon moving out of the area. Outstanding accounts as of September 30, 2014 were charged off the last day of fiscal 2015. Collection efforts recovered \$508 through December.

CAPITAL EQUIPMENT & IMPROVEMENTS

Capital equipment expenses for the current budget include \$35,000 to the Vehicle Replacement Plan and will be transferred before the end of the year. Year to date expenses of \$9,255 are related to the water line projects that are now complete.



Town of Sunnyvale 4A Monthly Finance Report

December 31, 2015 (Unaudited)

Budget: Net Revenues/Expenses: Budget = \$9,344 Actual = \$ 24,378

Highlights:

Revenues:	MTD = \$ 23,248.33	YTD = \$ 73,439.39
Expenses:	MTD = \$ 19,361.77	YTD = \$ 49,061.61
Net:	MTD = \$ 3,886.56	YTD = \$ 24,377.78

Revenues: Sales tax recorded YTD is \$73,118.02 (actual – 1 month, accrual – 2 months). Interest earned YTD is \$ 321.37.

Expenses: The YTD expenses total \$49,061.61. The MTD expenses include routine payroll, CoStar payment, Rosenberg Paschall Johnson (legal services-Sunnyvale Industrial Park), McManus & Johnson (design services-Sunnyvale Industrial Park), and Sunnyvale Chamber of Commerce luncheon.

Fund Balance (Unaudited):

09/30/15 Unassigned Fund Balance	\$1,089,056.18
09/30/15 Assigned Industrial Park Fund Balance	\$1,018,164.63 \$2,107,220.81
12/31/15 Net Revenues/Expenses	\$ 24,377.78
12/31/15 Unassigned Fund Balance	\$1,138,608.96
12/31/15 Assigned Industrial Park Fund Balance	\$ 992,989.63 \$2,131,598.59



Town of Sunnyvale 4B Monthly Finance Report

December 31, 2015 (Unaudited)

Budget: Net Revenues/Expenses: Budget = (\$ 637,184) Actual = \$ 20,019

Highlights:

Revenues: MTD = \$46,257.30 YTD = \$146,300.53

Expenses: MTD = \$20,087.02 YTD = \$126,281.32

Net: MTD = \$26,170.28 YTD = \$ 20,019.21

Revenues: Sales tax recorded YTD is \$146,236.04 (actual - 1 month, accrual – 2 months). Interest income recorded YTD is \$64.49.

Expenses: The YTD expenses total \$126,281.32 and include 50% of the EDC Director position, 33% of the EDC Assistant position and 1.5 Park Maintenance Technician positions. MTD expenses include routine payroll, Landscape Maintenance, Fast Signs (Map markers), Clark Electric (electrical boxes for security cameras at Town Center Park), Training expense reimbursement (Niki Anthony – 4B Development Sales Tax Training), and misc. office supplies.

Fund Balance:

09/30/15	Total Fund Balance	\$1,814,149.75 Unaudited
12/31/15	Net Revenues/Expenses	\$ 20,019.21
12/31/15	Total Fund Balance	\$1,834,168.96

SPENDING PLAN FOR PROGRAM ENHANCEMENT

12/31/15

GENERAL FUND 2015-2016							
Department	Lead	Budget Yr.	Project	Status for Completion	Budget	Act Cost To Date	Acct
Town Manager	Sean	15-16	Dallas Water Utility	10/2015	6,000,000		
Town Manager	Sean	15-16	Town Hall Improvements	Painting complete	44,000	17,575	610-6303
Town Manager	Sean	14-15	Belt Line & Creekside Traffic Light	Construction 04/2016	250,000	15,786	11-4314
Roads	Sean	15-16	Collins Road Expansion	Engineering Nathan D. Maier \$532,905/2	266,000	88,598	611-6308
Town Secretary	Leslie	14-15	5 Scanners for Laserfiche Document Mgt.		5,000	1,770	610-6407
Parks	Rand	14-15	Cameras at Town Center Park	4B Project	7,000	7,000	605-6305
Development Services	Rashad	14-15	Comprehensive Plan	Apr-16	51,700	48,815	606-6408
Development Services	Rashad	14-15	Land Use Plan	Apr-16	10,750	10,750	606-6408
Development Services	Rashad	15-16	Unified Development Code Project	10/2016	190,000	19,676	606-6408
Contract Police	Brett	15-16	Additional Deputy	Complete	85,779		607-6410
Fire & EMS	Don	15-16	Radios for interoperability	One on order	22,000	5,497	608-6304
Fire & EMS	Don	15-16	Extractor for Protective Clothing	Bid Process	15,000		608-6703
Fire & EMS	Don	15-16	Take Delivery of Fire Engine	02/0216	418,238		11-3231
Fire & EMS	Don	15-16	Take Delivery of Ambulance	Complete	178,000	176,125	11-3231
Roads	Johhny	15-16	Sander	On Order /\$8,200 Mid Yr Item	4,900		611-6700
Roads	Johnny	15-16	(1) Tripp Road /Falls Drive to Collins (2) Tripp /Collins Road to North Paschall (3) East Fork/SH-80 to Tripp Road	Awaiting Project Specific Agreements (PSAs) with Dallas County 9-21-15	385,000		611-6406
					8,049,719	393,380	

UTILITY FUND 2015-16							
Department	Lead	Budget Yr.	Project	Status for Completion	Budget	Act Cost To Date	Acct
Utility	Johnny	15-16	Install 200 smart meters	43 Installed	52,400	11,266	621-6361
Utility	Leslie	15-16	Tyler Outut Processor for water bills		6,400		621-6320-6750
Utility	F&N	14-15	Water Master Plan/Water Supply Evaluation	Pending mtg w DWI on supply options	86,750	35,413	621-6741
					199,252	46,679	

CIP Water Lines							
Department	Lead	Budget Yr.	Project	Status for Completion	Budget	Act Cost To Date	Acct
Utility	Johnny	14-15	East Fork	Installed/Tested/Online	430,828	385,398	73-1802
			Manor Way	Installed/Tested/Online	320,483	623,551	73-1806

			Town East (Jobson to Collins)	Installed/Tested/Online	398,713	322,306	73-1809
			Deer Creek / Bufflehead	Installed/Tested/Online	173,803	106,516	73-1812
			WIP All Lines			0	73-1815
			Engineering All Lines (Included in Project Cost Above)		149,500	0	73-1820
					1,473,327	1,437,770	

CIP Water Tower							
Department	Lead	Budget Yr.	Project	Status for Completion	Budget	Act Cost To Date	Acct
Utility	F&N	14-15	Water Tower	Engineering 2/2016, Bid 5/2016, Construction 6/2016, Complete 6/2017	4,186,364	395,246	73-1810
					4,186,364	395,246	

4A Economic Development Corporation							
Department	Lead	Budget Yr.	Project	Status for Completion	Budget	Act Cost To Date	Acct
4A EDC	Rand	14-15	Sunnyvale Industrial Park	100% Preliminary Design 90% Design 100% Topographic Survey and Boundary Survey	1,100,000	95,335	91-691-6718
					1,100,000	95,335	

**TOWN OF SUNNYVALE
INVESTMENT REPORT
December 31, 2015**

INVESTMENT TYPE	DESCRIPTION	MATURITY DATE	RATE	RATE CHANGE	INVESTMENT VALUE 12/31/2015	INVESTMENT VALUE 11/30/2015	NET CHANGE																																
General Fund 11 Ledger	Checking Account	N/A	0.00%		4,910,037	4,289,018	621,020																																
	Money Market	N/A	0.03%	0.00%	392,613	392,603	10																																
General Fund - Road Maint/Sales Tax	Checking Account	N/A	0.00%		174,389	151,271	23,118																																
General Fund Bond - Bridge 72 Ledger	TexSTAR -MM	N/A	0.19%	0.07%	872,537	872,399	138																																
	Fund Total				6,349,577	5,705,291	644,286																																
Road Impact Fees 25 Ledger	Money Market	N/A	0.03%	0.00%	847,105	845,751	1,354																																
	Fund Total				847,105	845,751	1,354																																
Debt Service 24 Ledger	Money Market	N/A	0.03%	0.00%	503,415	259,353	244,062																																
	Fund Total				503,415	259,353	244,062																																
General Fund Grand Total \$					7,700,096	6,810,394	889,702																																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Debt Service - General Fund 24 Ledger</td> <td style="width: 25%;">2013 Refi Town Hall, Bridge, SC, WL</td> <td style="width: 10%;"></td> <td style="width: 10%;">2011 @ 38% Water Tower</td> <td style="width: 10%;"></td> <td style="width: 10%;">2014 Public Safety Ctr</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>02/15/2016</td> <td>460,525</td> <td>02/15/2016</td> <td>65,084</td> <td>02/15/16</td> <td>125,954</td> <td></td> </tr> <tr> <td></td> <td>08/15/2016</td> <td>41,375</td> <td>08/15/2016</td> <td>18,658</td> <td>08/15/16</td> <td>4,982</td> <td></td> </tr> <tr> <td></td> <td></td> <td><u>501,900</u></td> <td></td> <td><u>83,742</u></td> <td></td> <td><u>130,935</u></td> <td></td> </tr> </table>								Debt Service - General Fund 24 Ledger	2013 Refi Town Hall, Bridge, SC, WL		2011 @ 38% Water Tower		2014 Public Safety Ctr				02/15/2016	460,525	02/15/2016	65,084	02/15/16	125,954			08/15/2016	41,375	08/15/2016	18,658	08/15/16	4,982				<u>501,900</u>		<u>83,742</u>		<u>130,935</u>	
Debt Service - General Fund 24 Ledger	2013 Refi Town Hall, Bridge, SC, WL		2011 @ 38% Water Tower		2014 Public Safety Ctr																																		
	02/15/2016	460,525	02/15/2016	65,084	02/15/16	125,954																																	
	08/15/2016	41,375	08/15/2016	18,658	08/15/16	4,982																																	
		<u>501,900</u>		<u>83,742</u>		<u>130,935</u>																																	
Water Revenue Fund 21 Ledger	Checking Account	N/A	0.00%		2,230,868	2,204,425	26,442																																
	Money Market	N/A	0.03%	0.00%	120,135	120,132	3																																
Water Fund Bond - Water Lines	TexSTAR -MM	N/A	0.19%	0.07%	0	792,496	-792,496																																
Water Fund Bond - Water Tower 73 Ledger	TexSTAR -MM	N/A	0.19%	0.07%	2,823,118	2,822,670	448																																
	Water Revenue Fund Total				5,174,120	5,939,723	-765,603																																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Debt Service - Water Revenue Fund 21 Ledger</td> <td style="width: 25%;">2010 Long Creek Water Line</td> <td style="width: 10%;"></td> <td style="width: 10%;">2011 @ 62% Water Tower</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>02/15/2016</td> <td>170,100</td> <td>02/15/2016</td> <td>105,666</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>08/15/2016</td> <td>2,625</td> <td>08/15/2016</td> <td>30,292</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td><u>172,725</u></td> <td></td> <td><u>135,958</u></td> <td></td> <td></td> <td></td> </tr> </table>								Debt Service - Water Revenue Fund 21 Ledger	2010 Long Creek Water Line		2011 @ 62% Water Tower						02/15/2016	170,100	02/15/2016	105,666					08/15/2016	2,625	08/15/2016	30,292						<u>172,725</u>		<u>135,958</u>			
Debt Service - Water Revenue Fund 21 Ledger	2010 Long Creek Water Line		2011 @ 62% Water Tower																																				
	02/15/2016	170,100	02/15/2016	105,666																																			
	08/15/2016	2,625	08/15/2016	30,292																																			
		<u>172,725</u>		<u>135,958</u>																																			
Water Impact Fees: 28 Ledger	Money Market	N/A	0.03%	0.00%	1,117,691	1,102,160	15,530																																
	Water Impact Fund Total				1,117,691	1,102,160	15,530																																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Debt Service - Water Impact Fund 28 Ledger</td> <td style="width: 25%;">2013 Refi Water Line Improvements</td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>02/15/2016</td> <td>168,963</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>08/15/2016</td> <td>27,563</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td><u>196,525</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>								Debt Service - Water Impact Fund 28 Ledger	2013 Refi Water Line Improvements								02/15/2016	168,963							08/15/2016	27,563								<u>196,525</u>					
Debt Service - Water Impact Fund 28 Ledger	2013 Refi Water Line Improvements																																						
	02/15/2016	168,963																																					
	08/15/2016	27,563																																					
		<u>196,525</u>																																					
Sewer Impact Fees: 28 Ledger	Money Market	N/A	0.03%	0.00%	300,803	294,868	5,935																																
	Sewer Impact Fund Total				300,803	294,868	5,935																																
Water Fund Grand Total					6,592,614	7,336,751	-744,138																																
OTHER FUNDS:																																							
Homestead Amenities: 93 Ledger	Money Market	N/A	0.02%	0.00%	66,674	66,672	1																																
	Fund Total				66,674	66,672	1																																
4A - Development: 91 Ledger	Checking Acct	N/A	0.00%		761,494	750,711	10,783																																
	Money Market	N/A	0.03%	0.00%	487,695	487,683	12																																
	TexSTAR -MM	N/A	0.19%	0.07%	745,698	745,579	118																																
	Certificate of Deposit	90 Day	0.10%	0.00%	106,553	106,553	0																																
	Fund Total				2,101,439	2,090,526	10,913																																
4B - Development: 92 Ledger	Checking Acct	N/A	0.00%		910,371	869,998	40,373																																
	Money Market	N/A	0.03%	0.00%	862,240	862,218	21																																
	Fund Total				1,772,611	1,732,217	40,394																																

This report is prepared in accordance with Chapter 2256 of the Public Funds Investment Act (PFIA). Section 2256.023(a) of the PFIA states that "not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report, which covers the month ending December 31, 2015 is signed by the Town of Sunnysvale's Investment Officers and includes information required by the PFIA. These investment transactions were made in compliance with the PFIA and the Town of Sunnysvale's investment Policy and Strategy.

Elizabeth Hopkins
Elizabeth Hopkins
Finance Director



Development
Services
Rashad Jackson



Monthly Highlight

Planning & Zoning Commission

The Planning & Zoning Commission discussed the following items:

APPLICANT: CHRISTOPHER JACKSON
WYNNE/JACKSON DEVELOPMENT
AT OR ABOUT: 301 JOBSON ROAD
REQUEST: AMENDED CONCEPT PLAN – THE HOMESTEAD

Commissioner Pease made a motion, seconded by Commissioner Moss, to approve the amend concept plan as submitted. Chairperson Demko called for a vote, and with all members voting affirmative, the motion passed unanimously.

APPLICANT: CHRISTOPHER JACKSON
WYNNE/JACKSON DEVELOPMEN
AT OR ABOUT: 301 JOBSON ROAD
REQUEST: PRELIMINARY PLAT – HOMESTEAD 6

Commissioner Moss made a motion, seconded by Commissioner Daniel, to approve the preliminary plat as submitted. Chairperson Demko called for a vote, and with all members voting affirmative, the motion passed unanimously.

APPLICANT: BRENT HAMMOND - TREPEX
AT OR ABOUT: 301 T.C. LUPTON ROAD
REQUEST: SITE PLAN – LOT 1, BLOCK 1, MALOUF ADDITION

Commissioner Okafor made a motion, seconded by Commissioner Moss, to approve the site plan as submitted. Chairperson Demko called for a vote, and with all members voting affirmative, the motion passed unanimously.

APPLICANT: BRENT HAMMOND - TREPEX
AT OR ABOUT: 301 T.C. LUPTON ROAD
REQUEST: PRELIMINARY PLAT – LOT 1, BLOCK 1, MALOUF ADDITION

Swimming Pools	1												
Solicitors Permits	0												
Demolitions	0												
Total Permits	42												
Rental Inspections	2												
Other Inspections	82												
Total Inspections	84												

Code Enforcement Activity

High Grass	3												
Parking	0												
Trash/Junk	2												
In-Operable Veh.	0												
Limb Overhang	1												
Signs	24												
Other	3												
Building W/O Permit	1												
Total Issues Resolved	34												

Animal Control Activity

Incoming Strays	9												
Owner Surrender	0												
Owner Redeemed	2												
Adopted	1												
Rescued	2												
Died at Shelter	0												
Quarantined	0												
Euthanized	5												
Current Shelter Animals	7												
Calls for Service	44												
Warnings Issued	1												
Citations Issued	0												

Other animals: Skunks (8), Racoons (2), Opossum (2), Armadillo (0)
 Facebook likes went from 1469 to 1489, viewed 1460 times per week.
 Adopt-A-Pet.com viewed 982 times per week.

DALLAS COUNTY SHERIFF'S DEPARTMENT
December 2015 Monthly Report
for the
TOWN OF SUNNYVALE

OFFENSES BY FELONY / MISDEMEANOR

P.C. SECT.	FELONY OFFENSES	2015	2014
19	HOMICIDE		
20	KIDNAPPING		
21	INDECENCY WITH A CHILD		
22	SEXUAL ASSAULTS		
22	AGGRAVATED ASSAULTS		
	DRUGS		1
25	FAMILY OFFENSES		
28	PROPERTY OFFENSES		
29	ROBBERY		
30	BURGLARY	3	
31	THEFT	1	5
31B	AUTO THEFT(UUMV)		
32	FRAUD		
33	COMPUTER CRIMES		
34	MONEY LAUNDERING		
35	INSURANCE FRAUD		
36	BRIBERY		
37	PERJURY		
38	OBST. GOVT. OPER.	1	
39	ABUSE OF OFFICE		
43	INDECENCY		
46	WEAPONS OFFENSES		
49	INTOXICATION OFFENSES		
71	ORGANIZED CRIME OFFENSES		
	TOTAL	5	6

P.C. SECT.	MISDEMEANOR OFFENSES	2015	2014
20	FALSE IMPRISONMENT		
21	SEXUAL OFFENSES		
22	SEXUAL ASSAULT		
22	ASSAULTS		
	DRUGS		
25	FAMILY OFFENSES		
28	PROPERTY OFFENSES		
30	TRESPASS / BCOM / BMV		3
31	THEFT	4	4
32	FRAUD		
33	COMPUTER CRIMES		
35	INSURANCE FRAUD		
36	BRIBERY		
37	PERJURY		
38	OBST. GOVT. OPER.		
39	ABUSE OF OFFICE		
42	DISORDERLY CONDUCT	1	
43	INDECENCY		
46	WEAPON OFFENSES		
47	GAMBLING		
48	PUBLIC HEALTH VIOLATION		
49	PUBLIC INTOXICATION		1
71	ORGANIZED CRIME OFFENSES		
	TOTAL	5	8

COMMON INCIDENTS / CALLS FOR SERVICE

	DISTURBANCES	7	11
	INJURED PERSON	0	3
	SICK CALL	8	12
	TOTAL	15	26

	ALARMS	35	44
	LOOSE LIVESTOCK	8	0
	ROUTINE CHECKS	2,616	2,855
	TOTAL	2,659	2,899

TRAFFIC

TRAFFIC STOPS		491	212
	SCHOOL ZONE CITATIONS	293	0
	ALL OTHER CITATIONS	198	92

ACCIDENTS		10	15
	Minor	7	11
	Major	3	4
	Fatality	0	0

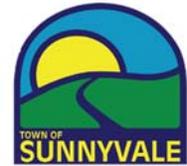
ARRESTS

	ON-SITE	3	2
	FELONY	1	0
	MISDEMEANOR	2	2
	WARRANTS CLEARED	5	3
	FELONY	2	1
	MISDEMEANOR	3	2

	DWI	0	0
	FELONY	0	0
	MISDEMEANOR	0	0
	TOTAL PERSONS ARRESTED	7	5
	(each may have multiple charges)		



SUNNYVALE FIRE RESCUE MONTHLY REPORT *December 2015*



CALLS FOR SERVICE	December	2015 YTD
Fire/EMS*	58	624
EMS Transports**	12	205
EMS Non-Transports**	13	139

AVERAGE RESPONSE TIME (minutes)	December	2015 YTD
Fire/EMS*	6:17	6:48
EMS**	5.23	5.32

FIRE INSPECTIONS	December	2015 YTD
Inspections*	08	132
Re-inspections*	11	116
Pre-Incident Plan	1	4

VOLUNTEER PARTICIPATION	December	2015 YTD
Hours Contributed*	365	5,572
An In-Kind Contribution of	\$5,475	\$84,455

(based on equivalent part time pay per hour)

PUBLIC EVENTS	December	2015 YTD
Station Tours	4	19
Football Games	0	14
Fire Prevention	0	16
Other	1	17

MISCELLANEOUS

•
*data from Emergency Reporting

**data from Rescue Medic

Sunnyvale Fire Department

Sunnyvale, TX

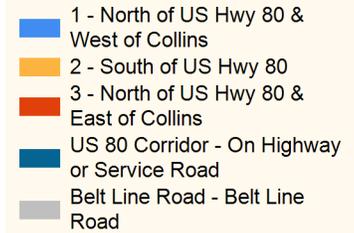
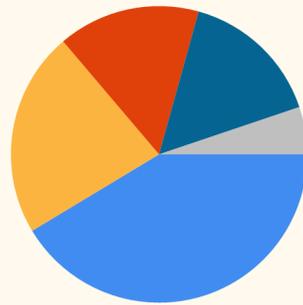
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Count of Incidents by Incident Type per Zone

Incident Status: Reviewed | Start Date: 12/01/2015 | End Date: 12/31/2015

% of Incidents per Zone



INCIDENT TYPE	# INCIDENTS	% of TOTAL
1 - North of US Hwy 80 & West of Collins		
100 - Fire, other	1	1.72%
118 - Trash or rubbish fire, contained	1	1.72%
151 - Outside rubbish, trash or waste fire	1	1.72%
311 - Medical assist, assist EMS crew	2	3.45%
320 - Emergency medical service, other	2	3.45%
321 - EMS call, excluding vehicle accident with injury	2	3.45%
322 - Motor vehicle accident with injuries	1	1.72%
412 - Gas leak (natural gas or LPG)	1	1.72%
444 - Power line down	1	1.72%
445 - Arcing, shorted electrical equipment	1	1.72%
554 - Assist invalid	1	1.72%
653 - Smoke from barbecue, tar kettle	1	1.72%
700 - False alarm or false call, other	2	3.45%
733 - Smoke detector activation due to malfunction	1	1.72%
740 - Unintentional transmission of alarm, other	1	1.72%
743 - Smoke detector activation, no fire - unintentional	1	1.72%
745 - Alarm system activation, no fire - unintentional	3	5.17%
813 - Wind storm, tornado/hurricane assessment	1	1.72%
Zone: 1 - North of US Hwy 80 & West of Collins Total Incident:	24	41.38%
2 - South of US Hwy 80		
320 - Emergency medical service, other	1	1.72%
321 - EMS call, excluding vehicle accident with injury	2	3.45%
322 - Motor vehicle accident with injuries	1	1.72%
324 - Motor vehicle accident with no injuries.	3	5.17%
553 - Public service	1	1.72%
611 - Dispatched & cancelled en route	3	5.17%
700 - False alarm or false call, other	1	1.72%
733 - Smoke detector activation due to malfunction	1	1.72%

Only REVIEWED incidents included

INCIDENT TYPE	# INCIDENTS	% of TOTAL
Zone: 2 - South of US Hwy 80 Total Incident:	13	22.41%
3 - North of US Hwy 80 & East of Collins		
151 - Outside rubbish, trash or waste fire	1	1.72%
210 - Overpressure rupture from steam, other	1	1.72%
320 - Emergency medical service, other	2	3.45%
321 - EMS call, excluding vehicle accident with injury	2	3.45%
324 - Motor vehicle accident with no injuries.	2	3.45%
631 - Authorized controlled burning	1	1.72%
Zone: 3 - North of US Hwy 80 & East of Collins Total Incident:	9	15.52%
Belt Line Road - Belt Line Road		
321 - EMS call, excluding vehicle accident with injury	1	1.72%
424 - Carbon monoxide incident	1	1.72%
622 - No incident found on arrival at dispatch address	1	1.72%
Zone: Belt Line Road - Belt Line Road Total Incident:	3	5.17%
US 80 Corridor - On Highway or Service Road		
251 - Excessive heat, scorch burns with no ignition	1	1.72%
320 - Emergency medical service, other	3	5.17%
321 - EMS call, excluding vehicle accident with injury	1	1.72%
324 - Motor vehicle accident with no injuries.	4	6.90%
Zone: US 80 Corridor - On Highway or Service Road Total Incident:	9	15.52%
TOTAL INCIDENTS FOR ALL ZONES:	58	100%

Only REVIEWED incidents included

Sunnyvale Fire Department

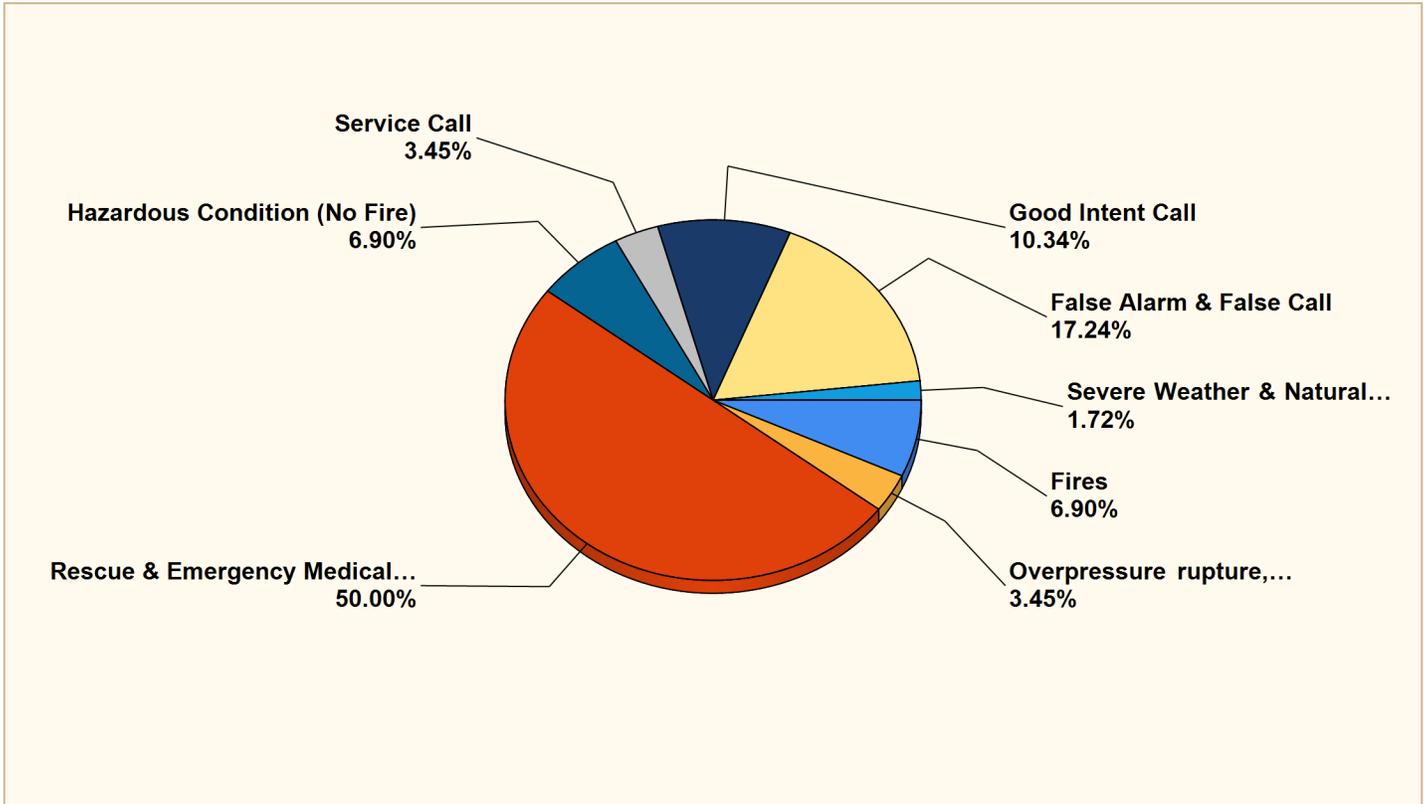
Sunnyvale, TX

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 12/01/2015 | End Date: 12/31/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	4	6.90%
Overpressure rupture, explosion, or overheating - no fire	2	3.45%
Rescue & Emergency Medical Service	29	50.00%
Hazardous Condition (No Fire)	4	6.90%
Service Call	2	3.45%
Good Intent Call	6	10.34%
False Alarm & False Call	10	17.24%
Severe Weather & Natural Disaster	1	1.72%
TOTAL	58	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
100 - Fire, other	1	1.72%
118 - Trash or rubbish fire, contained	1	1.72%
151 - Outside rubbish, trash or waste fire	2	3.45%
210 - Overpressure rupture from steam, other	1	1.72%
251 - Excessive heat, scorch burns with no ignition	1	1.72%
311 - Medical assist, assist EMS crew	2	3.45%
320 - Emergency medical service, other	8	13.79%
321 - EMS call, excluding vehicle accident with injury	8	13.79%
322 - Motor vehicle accident with injuries	2	3.45%
324 - Motor vehicle accident with no injuries.	9	15.52%
412 - Gas leak (natural gas or LPG)	1	1.72%
424 - Carbon monoxide incident	1	1.72%
444 - Power line down	1	1.72%
445 - Arcing, shorted electrical equipment	1	1.72%
553 - Public service	1	1.72%
554 - Assist invalid	1	1.72%
611 - Dispatched & cancelled en route	3	5.17%
622 - No incident found on arrival at dispatch address	1	1.72%
631 - Authorized controlled burning	1	1.72%
653 - Smoke from barbecue, tar kettle	1	1.72%
700 - False alarm or false call, other	3	5.17%
733 - Smoke detector activation due to malfunction	2	3.45%
740 - Unintentional transmission of alarm, other	1	1.72%
743 - Smoke detector activation, no fire - unintentional	1	1.72%
745 - Alarm system activation, no fire - unintentional	3	5.17%
813 - Wind storm, tornado/hurricane assessment	1	1.72%
TOTAL INCIDENTS:	58	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

Sunnyvale Fire Department

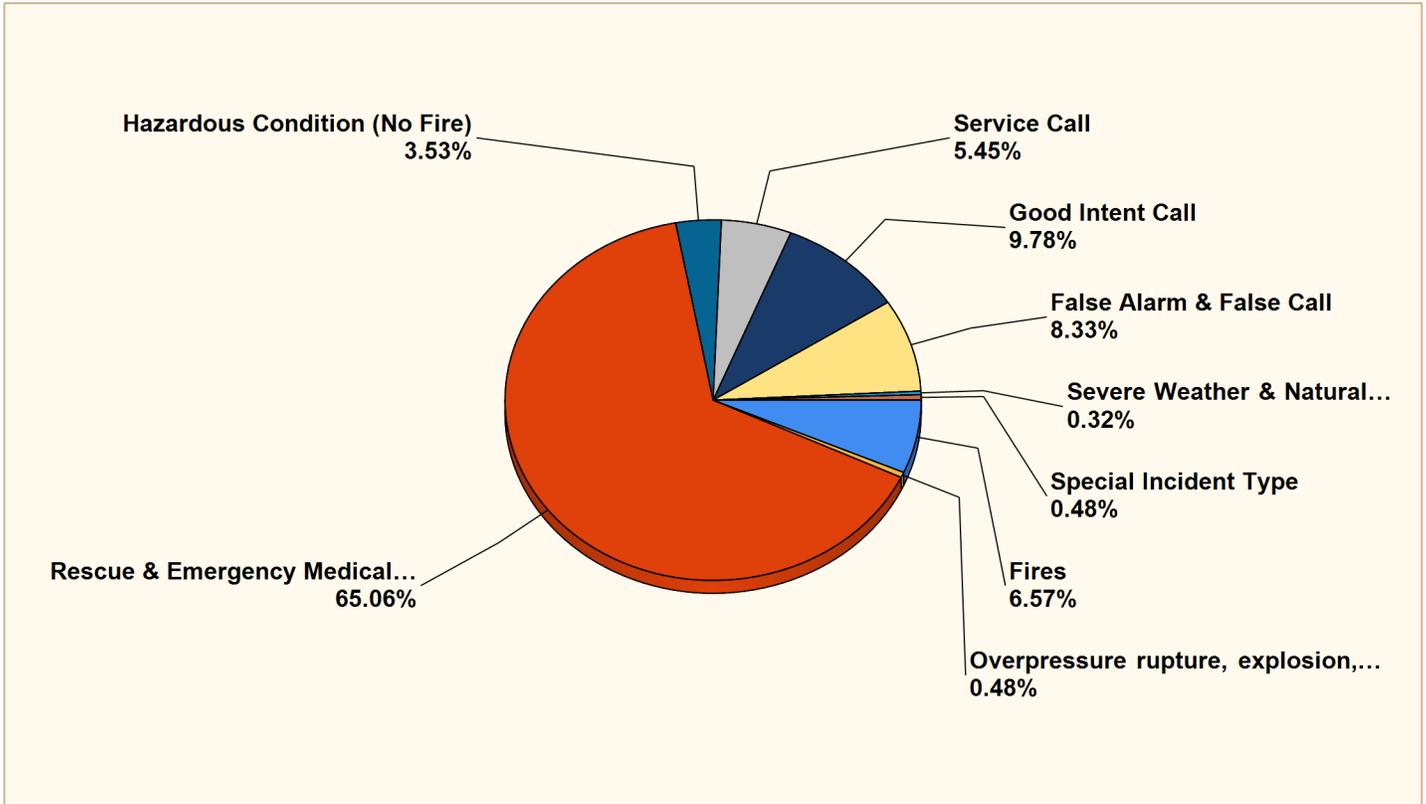
Sunnyvale, TX

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 01/01/2015 | End Date: 12/31/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	41	6.57%
Overpressure rupture, explosion, overhear - no fire	3	0.48%
Rescue & Emergency Medical Service	406	65.06%
Hazardous Condition (No Fire)	22	3.53%
Service Call	34	5.45%
Good Intent Call	61	9.78%
False Alarm & False Call	52	8.33%
Severe Weather & Natural Disaster	2	0.32%
Special Incident Type	3	0.48%
TOTAL	624	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
100 - Fire, other	2	0.32%
111 - Building fire	6	0.96%
118 - Trash or rubbish fire, contained	2	0.32%
130 - Mobile property (vehicle) fire, other	1	0.16%
131 - Passenger vehicle fire	7	1.12%
132 - Road freight or transport vehicle fire	1	0.16%
140 - Natural vegetation fire, other	4	0.64%
142 - Brush or brush-and-grass mixture fire	7	1.12%
143 - Grass fire	6	0.96%
150 - Outside rubbish fire, other	1	0.16%
151 - Outside rubbish, trash or waste fire	2	0.32%
160 - Special outside fire, other	1	0.16%
162 - Outside equipment fire	1	0.16%
210 - Overpressure rupture from steam, other	1	0.16%
251 - Excessive heat, scorch burns with no ignition	2	0.32%
300 - Rescue, EMS incident, other	1	0.16%
311 - Medical assist, assist EMS crew	5	0.80%
320 - Emergency medical service, other	76	12.18%
321 - EMS call, excluding vehicle accident with injury	169	27.08%
322 - Motor vehicle accident with injuries	55	8.81%
324 - Motor vehicle accident with no injuries.	95	15.22%
331 - Lock-in (if lock out , use 511)	1	0.16%
342 - Search for person in water	1	0.16%
350 - Extrication, rescue, other	1	0.16%
360 - Water & ice-related rescue, other	1	0.16%
363 - Swift water rescue	1	0.16%
410 - Combustible/flammable gas/liquid condition, other	1	0.16%
412 - Gas leak (natural gas or LPG)	5	0.80%
421 - Chemical hazard (no spill or leak)	2	0.32%
424 - Carbon monoxide incident	1	0.16%
440 - Electrical wiring/equipment problem, other	2	0.32%
442 - Overheated motor	1	0.16%
443 - Breakdown of light ballast	1	0.16%
444 - Power line down	5	0.80%
445 - Arcing, shorted electrical equipment	3	0.48%
460 - Accident, potential accident, other	1	0.16%
500 - Service Call, other	1	0.16%
511 - Lock-out	5	0.80%
520 - Water problem, other	1	0.16%
522 - Water or steam leak	1	0.16%
541 - Animal problem	1	0.16%
550 - Public service assistance, other	5	0.80%
553 - Public service	3	0.48%
554 - Assist invalid	16	2.56%
561 - Unauthorized burning	1	0.16%
600 - Good intent call, other	8	1.28%
611 - Dispatched & cancelled en route	36	5.77%
622 - No incident found on arrival at dispatch address	13	2.08%
631 - Authorized controlled burning	2	0.32%
651 - Smoke scare, odor of smoke	1	0.16%
653 - Smoke from barbecue, tar kettle	1	0.16%
700 - False alarm or false call, other	14	2.24%
730 - System malfunction, other	3	0.48%
733 - Smoke detector activation due to malfunction	7	1.12%
734 - Heat detector activation due to malfunction	1	0.16%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
735 - Alarm system sounded due to malfunction	4	0.64%
740 - Unintentional transmission of alarm, other	4	0.64%
741 - Sprinkler activation, no fire - unintentional	1	0.16%
743 - Smoke detector activation, no fire - unintentional	4	0.64%
744 - Detector activation, no fire - unintentional	4	0.64%
745 - Alarm system activation, no fire - unintentional	8	1.28%
746 - Carbon monoxide detector activation, no CO	2	0.32%
813 - Wind storm, tornado/hurricane assessment	1	0.16%
814 - Lightning strike (no fire)	1	0.16%
900 - Special type of incident, other	3	0.48%
TOTAL INCIDENTS:	624	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.

Sunnyvale Fire Department

Sunnyvale, TX

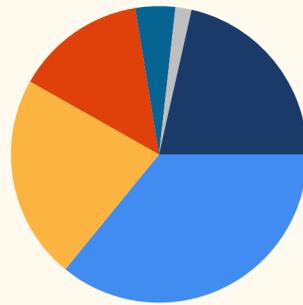
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Count of Incidents by Incident Type per Zone

Incident Status: Reviewed | Start Date: 01/01/2015 | End Date: 12/31/2015

% of Incidents per Zone



- 1 - North of US Hwy 80 & West of Collins
- 2 - South of US Hwy 80
- 3 - North of US Hwy 80 & East of Collins
- Belt Line Road - Belt Line Road
- MA - Mutual Aid
- US 80 Corridor - On Highway or Service Road

INCIDENT TYPE	# INCIDENTS	% of TOTAL
1 - North of US Hwy 80 & West of Collins		
100 - Fire, other	1	0.16%
111 - Building fire	2	0.32%
118 - Trash or rubbish fire, contained	1	0.16%
131 - Passenger vehicle fire	2	0.32%
140 - Natural vegetation fire, other	2	0.32%
143 - Grass fire	1	0.16%
151 - Outside rubbish, trash or waste fire	1	0.16%
311 - Medical assist, assist EMS crew	5	0.80%
320 - Emergency medical service, other	38	6.09%
321 - EMS call, excluding vehicle accident with injury	79	12.66%
322 - Motor vehicle accident with injuries	8	1.28%
324 - Motor vehicle accident with no injuries.	13	2.08%
342 - Search for person in water	1	0.16%
412 - Gas leak (natural gas or LPG)	4	0.64%
440 - Electrical wiring/equipment problem, other	2	0.32%
443 - Breakdown of light ballast	1	0.16%
444 - Power line down	4	0.64%
445 - Arcing, shorted electrical equipment	2	0.32%
511 - Lock-out	1	0.16%
541 - Animal problem	1	0.16%
550 - Public service assistance, other	3	0.48%
553 - Public service	2	0.32%
554 - Assist invalid	13	2.08%
600 - Good intent call, other	6	0.96%
611 - Dispatched & cancelled en route	4	0.64%
622 - No incident found on arrival at dispatch address	2	0.32%
631 - Authorized controlled burning	1	0.16%
653 - Smoke from barbecue, tar kettle	1	0.16%

Only REVIEWED incidents included

700 - False alarm or false call, other	5	0.80%
730 - System malfunction, other	2	0.32%
733 - Smoke detector activation due to malfunction	5	0.80%
735 - Alarm system sounded due to malfunction	1	0.16%
740 - Unintentional transmission of alarm, other	1	0.16%
743 - Smoke detector activation, no fire - unintentional	2	0.32%
745 - Alarm system activation, no fire - unintentional	4	0.64%
746 - Carbon monoxide detector activation, no CO	2	0.32%
813 - Wind storm, tornado/hurricane assessment	1	0.16%
Zone: 1 - North of US Hwy 80 & West of Collins Total Incident:	224	35.90%
2 - South of US Hwy 80		
100 - Fire, other	1	0.16%
131 - Passenger vehicle fire	3	0.48%
140 - Natural vegetation fire, other	2	0.32%
142 - Brush or brush-and-grass mixture fire	2	0.32%
143 - Grass fire	1	0.16%
300 - Rescue, EMS incident, other	1	0.16%
320 - Emergency medical service, other	14	2.24%
321 - EMS call, excluding vehicle accident with injury	44	7.05%
322 - Motor vehicle accident with injuries	12	1.92%
324 - Motor vehicle accident with no injuries.	18	2.88%
360 - Water & ice-related rescue, other	1	0.16%
412 - Gas leak (natural gas or LPG)	1	0.16%
444 - Power line down	1	0.16%
511 - Lock-out	4	0.64%
520 - Water problem, other	1	0.16%
550 - Public service assistance, other	1	0.16%
553 - Public service	1	0.16%
554 - Assist invalid	1	0.16%
600 - Good intent call, other	1	0.16%
611 - Dispatched & cancelled en route	12	1.92%
622 - No incident found on arrival at dispatch address	2	0.32%
651 - Smoke scare, odor of smoke	1	0.16%
700 - False alarm or false call, other	2	0.32%
730 - System malfunction, other	1	0.16%
733 - Smoke detector activation due to malfunction	2	0.32%
735 - Alarm system sounded due to malfunction	3	0.48%
740 - Unintentional transmission of alarm, other	1	0.16%
741 - Sprinkler activation, no fire - unintentional	1	0.16%
744 - Detector activation, no fire - unintentional	3	0.48%
814 - Lightning strike (no fire)	1	0.16%
Zone: 2 - South of US Hwy 80 Total Incident:	139	22.28%
3 - North of US Hwy 80 & East of Collins		
111 - Building fire	3	0.48%
118 - Trash or rubbish fire, contained	1	0.16%
142 - Brush or brush-and-grass mixture fire	1	0.16%

Only REVIEWED incidents included

151 - Outside rubbish, trash or waste fire	1	0.16%
160 - Special outside fire, other	1	0.16%
210 - Overpressure rupture from steam, other	1	0.16%
320 - Emergency medical service, other	13	2.08%
321 - EMS call, excluding vehicle accident with injury	28	4.49%
322 - Motor vehicle accident with injuries	5	0.80%
324 - Motor vehicle accident with no injuries.	8	1.28%
350 - Extrication, rescue, other	1	0.16%
445 - Arcing, shorted electrical equipment	1	0.16%
500 - Service Call, other	1	0.16%
550 - Public service assistance, other	1	0.16%
554 - Assist invalid	1	0.16%
561 - Unauthorized burning	1	0.16%
611 - Dispatched & cancelled en route	5	0.80%
622 - No incident found on arrival at dispatch address	1	0.16%
631 - Authorized controlled burning	1	0.16%
700 - False alarm or false call, other	4	0.64%
734 - Heat detector activation due to malfunction	1	0.16%
740 - Unintentional transmission of alarm, other	2	0.32%
744 - Detector activation, no fire - unintentional	1	0.16%
745 - Alarm system activation, no fire - unintentional	3	0.48%
900 - Special type of incident, other	3	0.48%
Zone: 3 - North of US Hwy 80 & East of Collins Total Incident:	89	14.26%
Belt Line Road - Belt Line Road		
320 - Emergency medical service, other	1	0.16%
321 - EMS call, excluding vehicle accident with injury	12	1.92%
322 - Motor vehicle accident with injuries	6	0.96%
324 - Motor vehicle accident with no injuries.	4	0.64%
331 - Lock-in (if lock out , use 511)	1	0.16%
424 - Carbon monoxide incident	1	0.16%
522 - Water or steam leak	1	0.16%
622 - No incident found on arrival at dispatch address	1	0.16%
Zone: Belt Line Road - Belt Line Road Total Incident:	27	4.33%
MA - Mutual Aid		
131 - Passenger vehicle fire	1	0.16%
142 - Brush or brush-and-grass mixture fire	2	0.32%
320 - Emergency medical service, other	2	0.32%
321 - EMS call, excluding vehicle accident with injury	2	0.32%
324 - Motor vehicle accident with no injuries.	2	0.32%
611 - Dispatched & cancelled en route	2	0.32%
Zone: MA - Mutual Aid Total Incident:	11	1.76%
US 80 Corridor - On Highway or Service Road		
111 - Building fire	1	0.16%
130 - Mobile property (vehicle) fire, other	1	0.16%
131 - Passenger vehicle fire	1	0.16%

Only REVIEWED incidents included

132 - Road freight or transport vehicle fire	1	0.16%
142 - Brush or brush-and-grass mixture fire	2	0.32%
143 - Grass fire	4	0.64%
150 - Outside rubbish fire, other	1	0.16%
162 - Outside equipment fire	1	0.16%
251 - Excessive heat, scorch burns with no ignition	2	0.32%
320 - Emergency medical service, other	8	1.28%
321 - EMS call, excluding vehicle accident with injury	4	0.64%
322 - Motor vehicle accident with injuries	24	3.85%
324 - Motor vehicle accident with no injuries.	50	8.01%
363 - Swift water rescue	1	0.16%
410 - Combustible/flammable gas/liquid condition, other	1	0.16%
421 - Chemical hazard (no spill or leak)	2	0.32%
442 - Overheated motor	1	0.16%
460 - Accident, potential accident, other	1	0.16%
554 - Assist invalid	1	0.16%
600 - Good intent call, other	1	0.16%
611 - Dispatched & cancelled en route	13	2.08%
622 - No incident found on arrival at dispatch address	7	1.12%
700 - False alarm or false call, other	3	0.48%
743 - Smoke detector activation, no fire - unintentional	2	0.32%
745 - Alarm system activation, no fire - unintentional	1	0.16%
Zone: US 80 Corridor - On Highway or Service Road Total Incident:	134	21.47%
TOTAL INCIDENTS FOR ALL ZONES:	624	100%

Only REVIEWED incidents included



Public Works Johnny Meeks

	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.
New Meters	61									
Total Connections										
Water Leaks Repaired	2									
Water Gallons Sold										
Sewage Gallons Mesquite										
Sewage Gallons Garland										
Sewer Repairs	0									
Storm Drains Cleaned	0									
Road Repairs	3 tons of upm Crackseal									
Street Signs Repaired/Replaced	8 poles 5 signs									





4A Development Corporation

The 4A Development Corporation held its regular meeting on December 2nd. Agenda items of interest included:

- Discussion regarding the acquisition of 13.92 acres at the southeast corner of US 80 and Collins Road.

4B Development Corporation

The 4B Development Corporation held its regular meeting on December 8th. Agenda items of interest included:

- Discussion regarding the acquisition of 13.92 acres at the southeast corner of US 80 and Collins Road.

Economic Development

The Sunnyvale Chamber of Commerce held its annual meeting and holiday breakfast on December 8th. The Chamber also held a ribbon cutting for Stone Canyon Dental at 192 S. Collins Road on December 2nd. Staff has accepted the invitation to serve as a member of the Chamber board for 2015 and contributes to the ongoing coordination of these events.

Throughout the month of December staff continued to coordinate with the stakeholders regarding the Sunnyvale Center Industrial Park project. This ongoing work effort is in accordance with a resolution approved by Town Council declaring the need for improvements at the industrial park exist, stating the general nature of the improvements, and directing staff to obtain more detailed plans, specifications, and cost estimates for the improvements. Staff anticipates returning to Town Council at the second meeting in February and first meeting in March to approve the 4A Development Corporation's expenditure on the final project, award the construction contract, and levy an assessment upon the benefited property owners.

In addition to the above events and ongoing work efforts, staff met with economic development prospects and associated stakeholders (e.g. brokers) regarding Sunnyvale. Due to the nature of these discussions, limited information should be shared publicly. If members of Town Council have specific questions, staff is willing to discuss individually or in Executive Session with the entire Town Council.

PROJECTS: Incentive proposal approved by Council/Board, negotiating real estate, EDA in process, and/or deal closing

Project	Description	Source
Project Bread	Distribution center for baked goods	Town

PROSPECTS: Short listed, second round due diligence phase, and/or ongoing discussions

Prospects	Description	Source
Prospect PopPop	Artisan dessert company looking for a retail store front	Town
Prospect Pan-Am	Metal stretch forming for the architectural, automotive and aerospace industries	Town
Prospect Touchdown II	Entertainment venue with multiuse facilities	Town
Project Cajun	Courting a restaurant to open a Sunnyvale location; fast casual or quick service	Town
Project Notre Dame	Working to identify a real estate solution for a new fast casual restaurant	Town

INQUIRIES/CONTACTS: Relationship building, dialogue held, outbound contact made, and/or proposal/information packet submitted

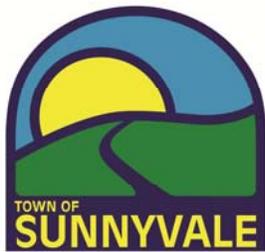
Inquiry/Contact	Description	Source
Contact Smoke	Existing caterer considering a new restaurant concept	Town
Project Digits	Franchise chain of fast casual restaurants offering chicken wings, chicken fingers, sandwiches, and salads	Town
Project Otto	Retailer of aftermarket automotive parts and accessories	Town
Project Tim	Retail home improvement store	Town
Project Austin	Franchise chain of restaurants, specializing in sandwiches	Town

INACTIVE: Did not respond, did not meet key criteria, opportunity on hold, and/or no longer in consideration

Inactive	Description	Source
Project Take Away	Require 20 to 40 contiguous acres of buildable land for manufacturing and distribution operations	OOG

MONTHLY METRICS**Dec-15**

Number of commercial properties listed for sale on CoStar Property®	26
Average property size (acres)	4.45
Average sale price per square foot	\$ 69.50
Average days on the market	1,480
Number of commercial properties listed for lease on CoStar Property®	14
Total area available (sf)	142,900
Average asking rent per square foot per year	\$ 11.41
Number of general economic development projects, inquiry, or prospects evaluated or managed	12
Number of outbound contacts made (retail/restaurant/consumer oriented only)	26
Number of returned contacts received	5
Number of activities for department outreach and/or outside participation	17



Town of Sunnyvale

Prepared By: Leslie Black

Summary:

DISCUSS AND CONSIDER SECOND READING OF ORDINANCE 16-02: AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN SAID TOWN AT THE NEXT UNIFORM ELECTION DATE ON THE 7TH DAY OF MAY, 2016, FOR THE PURPOSE OF ELECTING PLACES 1 AND 2; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD, MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATING TO THE PURPOSE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Background:

Each year the Town Council is required to order the general election. This year's election is scheduled for Saturday, May 7, 2016, with early voting to be held April 25th through May 3rd. The Charter provides that in order to be elected, a candidate must receive more than 50% of the votes cast. If a candidate fails to receive more than 50% of the votes cast, we must hold a runoff election.

Analysis:

The attached Ordinance orders the 2016 General Election, and a runoff election if necessary. Staff anticipates the contract with Dallas County Elections Department will be ready for Council review prior to the February 22nd, Council Meeting.

The Ordinance is also provided in Spanish in accordance with State law.

Fiscal Impact:

None.

Staff Recommendation:

Staff recommends approval.

**ORDINANCE 16-02
TOWN OF SUNNYVALE, TEXAS**

AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD IN SAID TOWN AT THE NEXT UNIFORM ELECTION DATE ON THE 7TH DAY OF MAY, 2016, FOR THE PURPOSE OF ELECTING TOWN COUNCIL PLACES 1 AND 2; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD, MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATING TO THE PURPOSE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. That an election is hereby ordered to be held on the next uniform election date to be participated in by the qualified voters of the Town of Sunnyvale, Texas, to be held on the 1ST Saturday of May, the same being the 7th day of May, 2016, which is not less than seventy-one days from the date of this ordinance, between the hours of 7:00 a.m. and 7:00 p.m. at the voting places hereafter named for the purpose of electing Councilmember Places 1 and 2.

SECTION 2. That the Town election precincts for this election shall consist of the territory located within the corporate limits of the Town, and the polling places at said election shall be as follows, to-wit:

POLLING PLACE

Sunnyvale Town Hall
127 N. Collins Road

SECTION 3. Early voting shall be conducted by the Dallas County Elections Administrator, Toni Pippins-Poole, who is hereby appointed as the Early Voting Clerk, said voting to be conducted by the Office of the Elections Department. The main voting polling place is Dallas County Records Building, Office of the Elections Department, First Floor, 509 Main Street, Dallas, Texas 75202. Mandy Bush, Dallas County Elections Department Central Count Manager, is hereby appointed as Manager of the Central Count Station. Early voting in the Town of Sunnyvale will be conducted at the Sunnyvale Town Hall, 127 N. Collins Road, Sunnyvale, Texas 75182, and all other locations as designated by the Dallas County Elections Administrator. The required early voting period of said election as well as additional times established by the Town Council are as follows:

April 25 th – April 30 th , 2016 (Tuesday - Saturday)	8:00 a.m. to 5:00 p.m.
May 1 st , 2016 (Sunday)	1:00 p.m. to 6:00 p.m.
May 2 nd – May 3 rd (Monday & Tuesday)	7:00 a.m. to 7:00 p.m.

SECTION 4. Should a Runoff Election be required, the date of the Runoff Election is designated to be Saturday, June 18, 2016. The required early voting period of said election as well as additional times established by the Town Council are as follows:

June 6 th – June 10 th , 2016 (Monday-Friday)	8:00 a.m. to 5:00 p.m.
June 11 th , 2016 (Saturday)	8:00 a.m. to 5:00 p.m.
June 12 th , 2016 (Sunday)	1:00 p.m. to 6:00 p.m.
June 13 th – June 14 th , 2016 (Monday & Tuesday)	7:00 a.m. to 7:00 p.m.

All terms, conditions, and provisions established for the May 7, 2016, General City Officers Election shall apply to the Runoff Election.

SECTION 5. All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8th floor, Health and Human Service Building, 2377 North Stemmons Freeway, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

SECTION 6. That all resident qualified electors of the Town shall be permitted to vote in said election. In addition, the election material enumerated in the Texas Election Code shall be printed in both English and Spanish for the use at the polling place and for early voting in said election.

SECTION 7. The Office of the Elections Department, 2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207, is hereby established as the Central Count Station to receive and tabulate votes for said election.

SECTION 8. Notice of this election shall be given by publication, as required by law.

SECTION 9. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this ordinance shall be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

SECTION 10. That this ordinance shall become effective from and after its passage.

Introduced and read at the Town Council meeting on January 25, 2016.

**PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS THE 8th DAY
OF FEBRUARY, 2016.**

Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

ORDENANZA 16-02
CIUDAD DE SUNNYVALE TEXAS

UN DECRETO ORDENANDO UNA ELECCIÓN QUE SE CELEBRARÁ EN DICHA CIUDAD EN LA PRÓXIMA CITA ELECTORAL UNIFORME EL DÍA 7 DE MAYO DE 2016, CON EL PROPÓSITO DE ELEGIR CONCEJALES PARA LOS LUGARES 1 Y 2; DESIGNACIÓN DE LA FECHA DE UNA ELECCIÓN DE DESEMPATE, SI ES NECESARIO; DESIGNAR EL LUGAR EN QUE DICHA ELECCIÓN SE VA A CELEBRAR, ADOPTAR DISPOSICIONES PARA LA REALIZACIÓN DE ESAS ELECCIONES Y OTRO INCIDENTE DE DISPOSICIONES RELACIONADAS CON EL PROPÓSITO DE LA PRESENTE ORDENANZA; PROPORCIONANDO UNA CLÁUSULA DE DIVISIBILIDAD; Y PROPORCIONAR UNA FECHA EFECTIVA.

SECCIÓN 1. Que una elección se ordena que se celebrará en la próxima cita electoral uniforme a ser participada por los votantes calificados de la ciudad de Sunnyvale, Texas, que se celebrará en la primero el sábado de mayo, el mismo que el día 7 de mayo de 2016, que no menos de 70 días desde la fecha de la presente Ordenanza, entre las horas de 7:00 a 19:00 en la votación lugares denominado en lo sucesivo con el propósito de elegir concejales a sitios 1 y 2.

SECCIÓN 2. Que los precintos electorales de ciudad para esta elección consistirá en el territorio ubicado dentro de los límites corporativos de la ciudad, y el sondeo coloca en dicha elección deberá ser como sigue, a saber:

LUGAR DE VOTACIÓN

Sunnyvale Ayuntamiento
127 N. Collins Road

SECCIÓN 3. La votación anticipada se efectuará por el administrador de elecciones del Condado de Dallas, dijo Toni Pippins-Poole, quien es nombrado por la presente al Secretario de votación adelantada, votando para ser llevado a cabo por la oficina del Departamento de elecciones. El principal lugar de votación es Dallas County Records Building, oficina del Departamento de elecciones, primer piso, 509 Main Street, Dallas, Texas 75202. Mandy Bush, Dallas County elecciones Departamento Central Conde Manager, se nombro como Gerente de la estación Central Conde. Votación temprana en la ciudad de Sunnyvale se llevará a cabo en el Ayuntamiento de Sunnyvale, 127 N. Collins Road, Sunnyvale, Texas 75182 y todas las otras ubicaciones designadas por el administrador de elecciones del Condado de Dallas (véase anexo A). El período de votación temprano requiere de dicha elección, así como tiempos adicionales establecidos por el Consejo de la ciudad son los siguientes:

25 De Abril – 30 de Abril, 2016 (Lunes a Sábado) 8:00 a 5:00 p.m.
1 De Mayo, 2016 (Domingo) 13:00 a 18:00
2 De Mayo – 3 de Mayo (el Lunes y el Martes) 7:00 a 19:00

SECCIÓN 4. Se debe exigir una elección de desempate, la fecha de la elección de desempate es designada para ser sábado, 18 de Junio de 2016. El período de votación temprano requiere de dicha elección, así como tiempos adicionales establecidos por el Consejo de la ciudad son los siguientes:

6 De Junio – 10 de Junio, 2016 (Lunes a Viernes) 8:00 a 17:00

11 de Junio, 2016 (Sábado) 8:00 a 17:00

12 De Junio, 2016 (Domingo) 13:00 a 18:00

13 De Junio – 14 de Junio (el Lunes y el Martes) 7:00 a 19:00

Todos los términos, condiciones y disposiciones establecidas para el 7 de mayo de 2016 ciudad oficiales de elecciones se aplicarán a la elección de desempate.

SECCIÓN 5. Todas las solicitudes de boletas votos tempranas por correo que son recibidas por las autoridades participantes serán transportadas por el corredor en el día de recepción al Departamento de elecciones del Condado de Dallas, 8° piso, salud y edificio de servicios humanos, 2377 North Stemmons Freeway, Dallas, Texas 75207 para su procesamiento. Personas que voten por correo le enviará sus boletas votadas para el Departamento de elecciones del Condado de Dallas.

SECCIÓN 6. Que todo residente calificado los electores de la ciudad se le permitirá votar en dicha elección. Además, el material de elección enumerado en el código electoral de Texas deberá imprimirse en inglés y en español para el uso en el lugar de votación y para la votación anticipada en dicha elección.

SECCIÓN 7. La oficina del Departamento de elecciones, 2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207, se establece como la estación Central cuenta para recibir y tabular los votos para dicha elección.

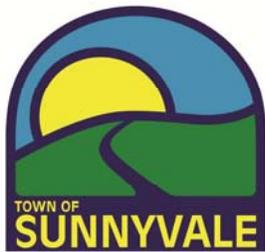
SECCIÓN 8. Se dará aviso de esta elección por medio de edicto, como exige la ley.

SECCIÓN 9. Que los términos y disposiciones de la presente Ordenanza se considerarán divisibles y que si la validez de cualquier sección, subsección, oración, cláusula o frase de esta ordenanza será declarada inválido, la misma no afectará la validez de cualquier otra sección, subsección, oración, cláusula o frase de esta ordenanza.

SECCIÓN 10. Que esta ordenanza entrará en vigencia desde y después de su paso.

Introducido y leído en la sesión del Concejo Municipal el 25 de enero de 2016.

PASADO Y APROBADO POR EL AYUNTAMIENTO EN ESTO EL 8 DÍA DE FEBRERO DE 2016.



Town of Sunnyvale

February 8, 2016

Prepared By: Rashad Jackson, AICP

Summary:

CONSIDER SECOND READING OF AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS, ABANDONING A TEMPORARY TRAIL EASEMENT DESCRIBED AS “10’ TEMPORARY TRAIL EASEMENT” ON LOT 10 AND LOT 11, BLOCK C OF THE HOMESTEAD PHASE 5A AND SHOWN IN EXHIBITS “A” AND EXHIBIT “B” ATTACHED HERETO; RESERVING ALL EXISTING EASEMENT RIGHTS OF OTHERS, IF ANY, WHETHER APPARENT OR NON-APPARENT, AERIAL, SURFACE, UNDERGROUND OR OTHERWISE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED; PROVIDING FOR THE INDEMNIFICATION OF THE TOWN OF SUNNYVALE, TEXAS, AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

The developer of Homestead, Wynne/Jackson, proposes to abandon a temporary trail easement within phase 5A of The Homestead subdivision. The temporary trail easement, currently a stub out sidewalk that leads to nowhere, is located between lots 10 and 11 within phase 5A. The temporary easement was established as part of The Homestead 5A final plat in order to construct the sidewalk between these two lots. The developer would like to abandon the trail easement so that they may develop the two lots on which the temporary trail sidewalk currently resides. Staff has worked with the developer to create an abandonment ordinance that will abandon only the temporary easement on the two lots in question (Lots 10 and Lot 11, Block C).

Once abandoned, the developer also plans to extend the trail over to phase 2D-S as it is intended per The Homestead concept plan. The trail shown on the concept plan will extend across the Vanek property and connect to the existing trail in phase 2D-S. The developer will work with Mr. Vanek privately to obtain the proper easements in order to extend the trail across Mr. Vanek’s property. The developer would like to grade and construct the trail extension across Mr. Vanek’s property (Phase 5B) using temporary materials (mulch or crushed granite) so that they may move forward with the connection to phase 2D-S prior to the development of the Vanek property. Open space standards noted in Section IV of The Homestead PRO stipulates that a material other than concrete may be used for the trail if approved by Town Council. The standards note that the trail shall consist of an 8-foot wide paved reinforced concrete having a thickness of at least 4 inches situated within a fifteen foot trail right of way. In

lieu of reinforced concrete the property owner may submit plans to the Town to use construction materials that have the same durability and maintenance qualities as reinforced concrete.

Staff Recommendation

Town staff has the following comments/recommendations for consideration:

1. Staff recommends approval of the proposed abandonment. The temporary trail easement between lots 10 and 11 should not have been dedicated.
2. Staff supports a temporary trail connection across the Vanek property (Phase 5B) but recommends it be constructed out of crushed granite. When compacted, a crushed granite trail would provide more stability and long term durability in comparison to a mulch trail which would require consistent maintenance.

Attachments

- Location Map
- Proposed Abandonment Ordinance w/ exhibits

ORDINANCE: 16-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS, ABANDONING A TEMPORARY TRAIL EASEMENT DESCRIBED AS "10' TEMPORARY TRAIL EASEMENT" ON LOT 10 AND LOT 11, BLOCK C OF THE HOMESTEAD PHASE 5A AND SHOWN IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO; RESERVING ALL EXISTING EASEMENT RIGHTS OF OTHERS, IF ANY, WHETHER APPARENT OR NON-APPARENT, AERIAL, SURFACE, UNDERGROUND OR OTHERWISE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED; PROVIDING FOR THE INDEMNIFICATION OF THE TOWN OF SUNNYVALE, TEXAS, AGAINST DAMAGES ARISING OUT OF THE ABANDONMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO COMPLETE ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale, acting pursuant to law and upon the request of W/J Homestead, LP hereinafter referred to as Grantor, deems it advisable to abandon and quitclaim the hereinafter described 10' temporary trail easement to Grantor, and is of the opinion and finds that said temporary easement is not needed for public use as it exists and should be abandoned and quitclaimed to Grantor, subject to the reservations of this document. Once abandoned said trail easement and concrete path on lots 10 and 11, Block C of The Homestead Phase 5A shall be removed and redeveloped so that the trail connects to the existing trail system in Homestead Phase 2D-S.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, THAT:

SECTION 1. The Town of Sunnyvale hereby abandons and quitclaims in favor of Grantor, the 10' temporary easement located in between lots 10 and 11, Block C of The Homestead Phase 5A subdivision as described in Exhibit "A & B" attached hereto and made a part hereof for all purposes, the same as if fully copied herein, subject to all existing easement rights of others, if any, whether apparent or non- apparent, aerial, surface, underground or otherwise upon the real property described as "10' temporary easement" in said Exhibits "A & B."

SECTION 2. Said easement is abandoned, vacated and closed as to the right, title and interest of the public to such surface are concerned. That the Town of Sunnyvale does not abandon any other interest other than that described as 10' temporary easement in Exhibit "B", but does hereby abandon all of its right, title and interest in and to that certain tracts of land described as temporary easement in Exhibit

"B" either in fee simple or by easement or otherwise, together with any and all improvements thereon, subject to the limitations and reservations stated herein.

SECTION 3. The Town Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to Grantor, and the recording of this abandonment Ordinance in the real property records of Dallas County, Texas, shall serve as the quitclaim deed of the Town of Sunnyvale, Texas, to the Grantor, of all the right, title or interest of the Town of Sunnyvale in and to said right-of-way described as 10' temporary trail easement in Exhibit "B" subject to the limitations and reservations of this Ordinance.

SECTION 4. As a condition of this easement abandonment and as a part of the consideration for the quitclaim of the right-of-way to Grantor herein, Grantor agrees to indemnify, defend, release and hold Town of Sunnyvale, Texas whole and harmless against any and all claims for damages, costs or expenses to persons or property that may arise out of, or be accessioned by or from, the abandonment, closing, vacation, and quitclaim by the Town of Sunnyvale, Texas of the area described as 10' temporary trail easement in Exhibit "B" and Grantor hereby agrees to defend any and all suits, claims, or causes of action brought against the Town on account of the same, and to discharge any judgment or judgments that may be rendered against the Town of Sunnyvale in connection therewith.

SECTION 5. This Ordinance shall take effect immediately from and after its passage as the law and the Charter of the Town of Sunnyvale provide.

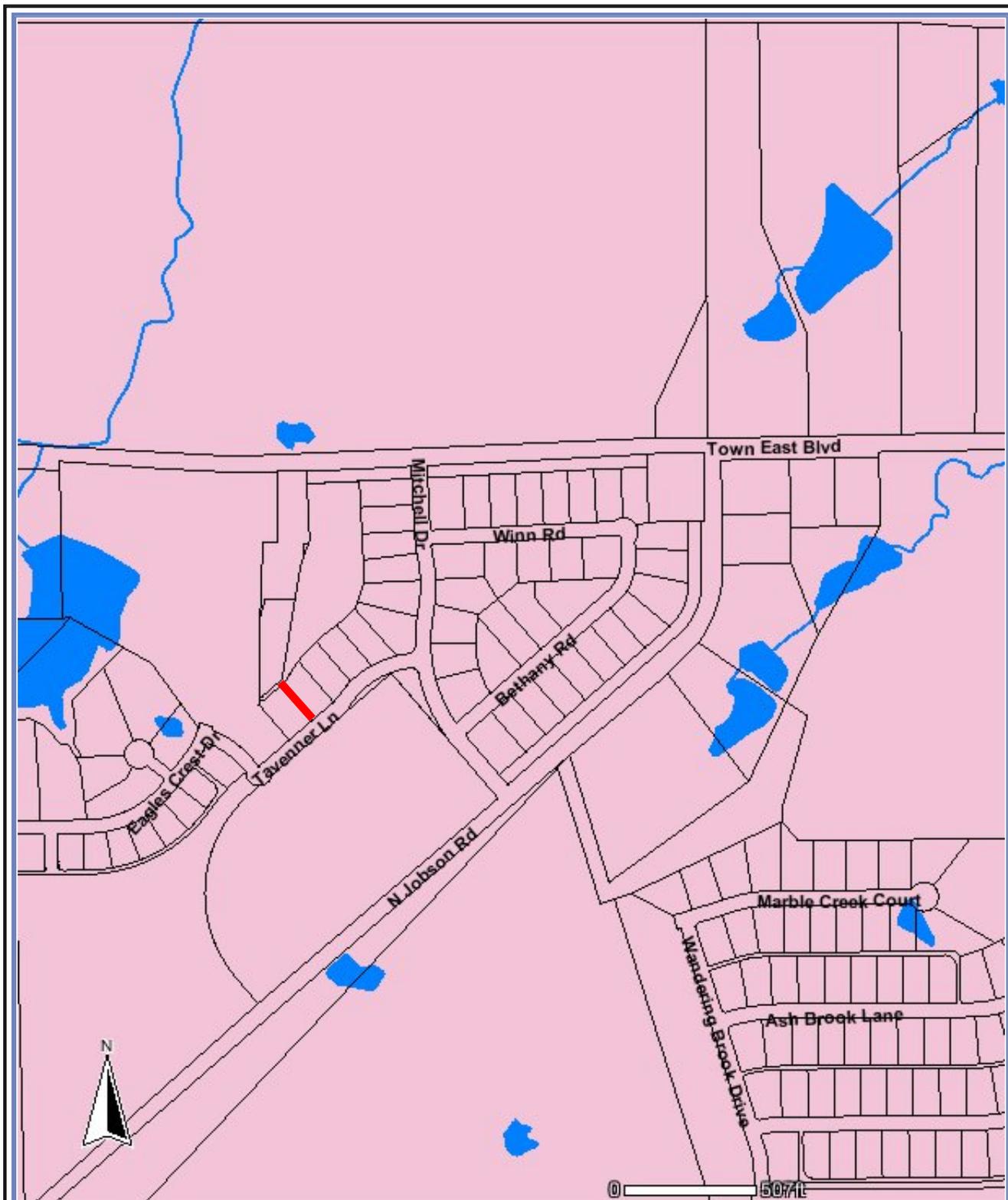
Introduced and read at the Town Council meeting on January 25, 2016.

PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS THE 8th DAY OF FEBRUARY, 2016.

Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

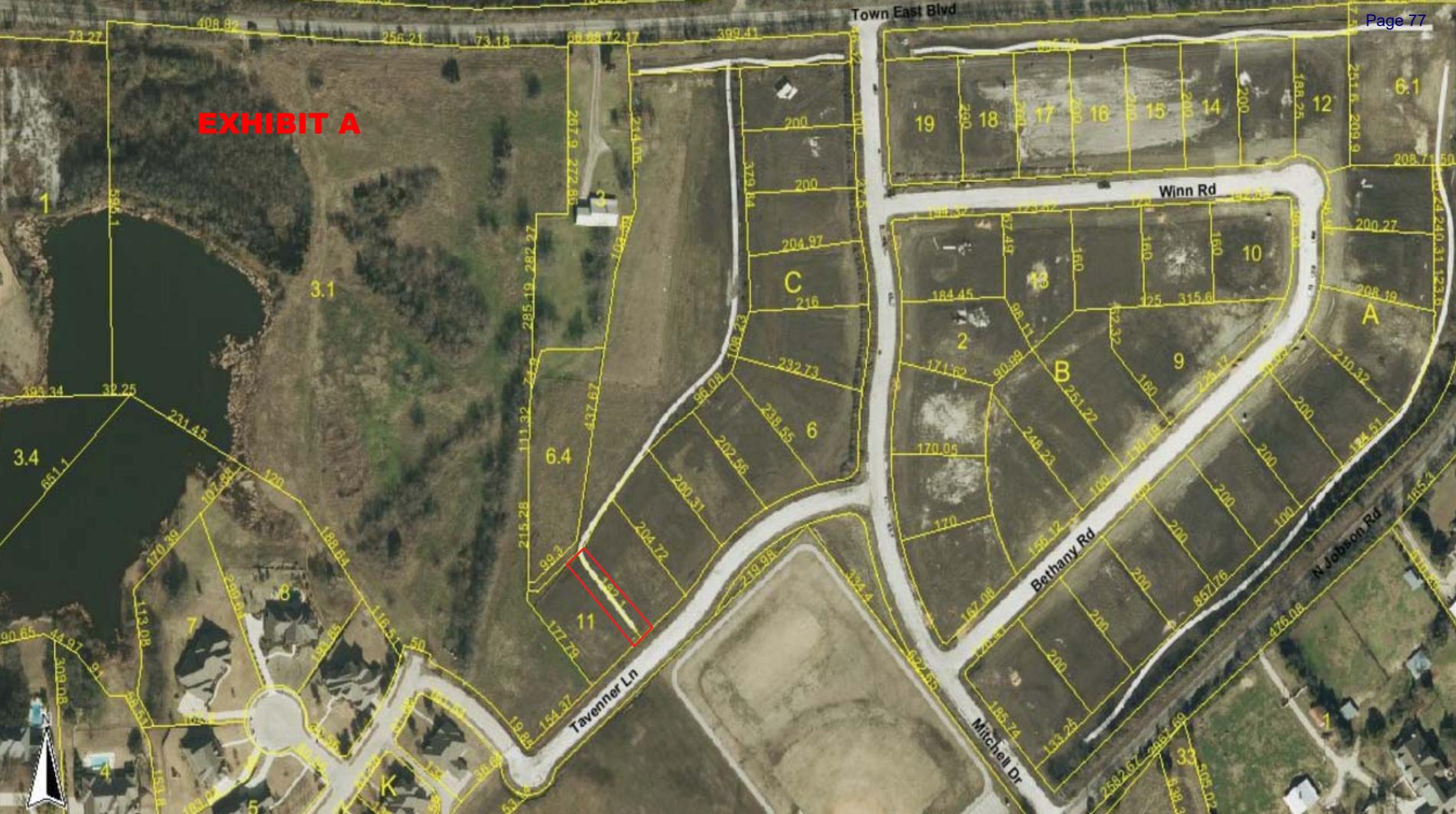


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Appraisal District**
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DISCLAIMER

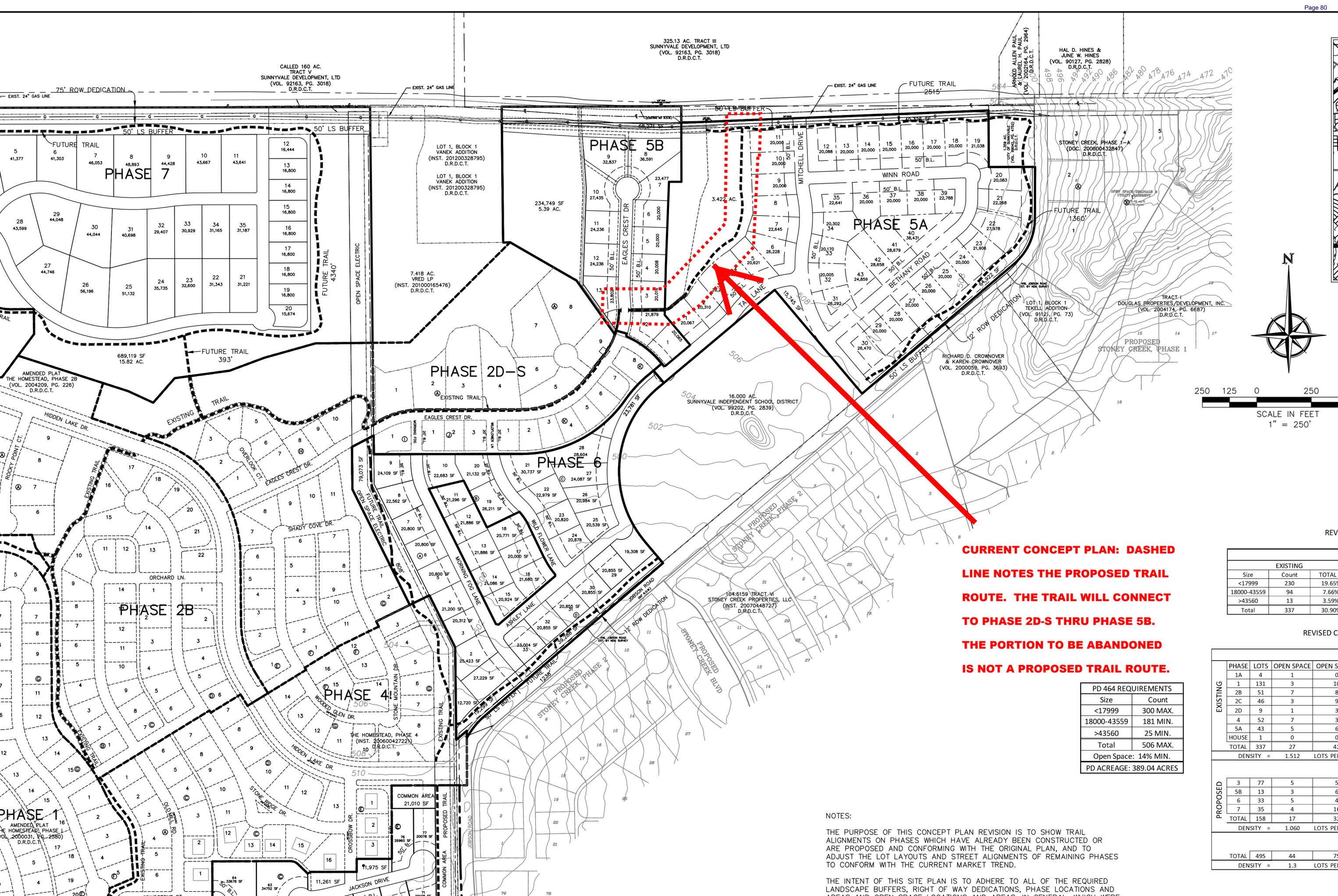
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

EXHIBIT A



325.13 AC. TRACT III
SUNNYVALE DEVELOPMENT, LTD
(VOL. 92163, PG. 3018)
D.R.D.C.T.

CALLED 160 AC.
TRACT V
SUNNYVALE DEVELOPMENT, LTD
(VOL. 92163, PG. 3018)
D.R.D.C.T.



250 125 0 250
SCALE IN FEET
1" = 250'

CURRENT CONCEPT PLAN: DASHED LINE NOTES THE PROPOSED TRAIL ROUTE. THE TRAIL WILL CONNECT TO PHASE 2D-S THRU PHASE 5B. THE PORTION TO BE ABANDONED IS NOT A PROPOSED TRAIL ROUTE.

PD 464 REQUIREMENTS	
Size	Count
<17999	300 MAX.
18000-43559	181 MIN.
>43560	25 MIN.
Total	506 MAX.
Open Space: 14% MIN.	
PD ACREAGE: 389.04 ACRES	

EXISTING		
Size	Count	TOTAL
<17999	230	19,659
18000-43559	94	7,66%
>43560	13	3,59%
Total	337	30,90%

EXISTING	PHASE	LOTS	OPEN SPACE	OPEN S
	1A	4	1	0
1	131	3	10	10
2B	51	7	8	8
2C	46	3	9	9
2D	9	1	3	3
4	52	7	3	3
5A	43	5	6	6
HOUSE	1	0	0	0
TOTAL	337	27	42	42
DENSITY = 1.512		LOTS PER		

PROPOSED	PHASE	LOTS	OPEN SPACE	OPEN S
	3	77	5	5
5B	13	3	6	6
6	33	5	4	4
7	35	4	16	16
TOTAL	158	17	32	32
DENSITY = 1.060		LOTS PER		
TOTAL		495	44	75
DENSITY = 1.3		LOTS PER		

NOTES:
THE PURPOSE OF THIS CONCEPT PLAN REVISION IS TO SHOW TRAIL ALIGNMENTS ON PHASES WHICH HAVE ALREADY BEEN CONSTRUCTED OR ARE PROPOSED AND CONFORMING WITH THE ORIGINAL PLAN, AND TO ADJUST THE LOT LAYOUTS AND STREET ALIGNMENTS OF REMAINING PHASES TO CONFORM WITH THE CURRENT MARKET TREND.

THE INTENT OF THIS SITE PLAN IS TO ADHERE TO ALL OF THE REQUIRED LANDSCAPE BUFFERS, RIGHT OF WAY DEDICATIONS, PHASE LOCATIONS AND



Town of Sunnyvale

February 08, 2016

**Prepared By: Rashad Jackson, AICP
Director of Development Services**

Summary:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, AMENDING CHAPTER 8, *OFFENSES AND NUISANCES*, BY REPLACING ARTICLE 8.200, *JUNKED VEHICLES* AS SHOWN IN EXHIBIT A, BY ENACTING ORDINANCE NUMBER 16-XX, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

In November 2015, Town staff held a code enforcement workshop for Council. At the workshop, staff provided an update for the current status of code enforcement within the Town and also noted some future updates to the Town Code.

Town staff has drafted an update to Article 8.200 Junked Vehicles. The proposed update was drafted to revise the definition of motor vehicle and alleviate any issues with clarity within the code language. The proposed changes are minor but will help with the enforcement and understanding of the ordinance.

The Town Code regulations for Junked Vehicles have been updated to include the changes below:

- Consistency with state regulations – inclusion of different forms of motor vehicles
- Definition updates - update of older terminology
- Simplify lay out and language

Staff Recommendation

Staff recommends approval.

Attachments

Proposed Ordinance

Existing Ordinance

ORDINANCE NO. 16-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, AMENDING CHAPTER 8, *OFFENSES AND NUISANCES*, BY REPLACING ARTICLE 8.200, *JUNKED VEHICLES AS SHOWN IN EXHIBIT A* PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale is amending Chapter 8, *Offenses and Nuisances*, Article 8.200, *Junked Vehicles*, and enacting Ordinance Number 16-03 under Chapter 8, Article 8.200, and

WHEREAS, in order to promote the health, safety, and general welfare of the community, and its orderly development, it is proposed that the said Ordinance be hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE:

Section 1. That the above recitals are found to be true and correct and are incorporated herein for all purposes.

Section 2. That the text of the Sunnyvale Town Code Chapter 8, *Offenses and Nuisances*, Article 8.200, *Junked Vehicles*, as amended from time to time, is hereby repealed and replaced as shown in Exhibit A, which is attached to this Ordinance and as such amendments incorporated by reference herein as if fully set forth. The proposed Town Code amendments, as set forth in Exhibit A attached hereto, are hereby adopted and the Sunnyvale Town Code text is revised accordingly.

Section 3. That it is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of the ordinance be deemed severable and should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this ordinance left standing with the validity of any code or ordinance as a whole.

Section 4. All ordinances and provisions of the Town of Sunnyvale, Texas, that are in conflict with this ordinance shall be and the same are hereby repealed to the extent in conflict, and all ordinances and provisions or ordinances of the said Town not so expressly repealed are hereby retained in full force and effect.

Section 5. This ordinance shall be effective immediately upon passage, publication in accordance with the law, and approval by the Town Council and it is so ordained.

Introduced and read at the Town Council meeting on February 8th, 2016.

PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 22nd DAY OF FEBRUARY, 2016.

APPROVED:

By: _____
Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

EXHIBIT A

Sec. 8.201 Definitions

For purposes of this chapter, "abandoned motor vehicle" and "junked vehicle" includes a motor vehicle, an aircraft, or watercraft.

Abandoned motor vehicle. Any motor vehicle which

- (1) Is inoperable, is more than five (5) years old, and has been left unattended on public property for more than 48 hours; or
- (2) Has remained illegally on public property for more than 48 hours; or
- (3) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;

Antique Vehicle. Means a passenger car or truck that is at least 25 years old.

Junked Vehicle. A vehicle that is self-propelled and

- (1) Displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and
- (2) Is:
 - (A) Wrecked, dismantled or partially dismantled, or discarded; or
 - (B) Inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.
- (3) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
- (4) A watercraft that:
 - (A) Does not have lawfully on board an unexpired certificate of number;

and

- (B) Is not a watercraft described by Section 31.055, Parks and Wildlife Code.

Law Enforcement Agency. The department of public safety, the police department of the town, acting under the general police power authority as vested in the department by the town council, the police department of any institution of higher education or the sheriff or constable of Dallas County.

Motor Vehicle Collector. Means a person whom:

- (1) Owns one or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special Interest Vehicle. Means a motor vehicle of any age that has not been changed from original manufacturer's specifications and because of its historic interest is being preserved by a hobbyist.

Sec. 8.202 Authority to take custody of abandoned motor vehicles

- (1) A law enforcement agency may take into custody an abandoned motor vehicle, aircraft, watercraft, or outboard motor found on public or private property.
- (2) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, store, send notice regarding, and dispose of an abandoned motor vehicle, aircraft, watercraft, or outboard motor taken into custody by the agency under this subchapter.

Sec. 8.203 Disposition and auction of abandoned motor vehicles

All abandoned vehicles shall be impounded and disposed of in accordance with the applicable provisions of Vernon's Texas Civil Statutes, Title 7. Vehicles and Traffic, Subtitle H Parking, Towing, and Storage of Vehicles, Chapter 683 Abandoned Motor Vehicles, Subchapter A General Provisions.

Sec. 8.204 Junked vehicles declared a public nuisance

A junked vehicle, including a part of a junked vehicle that is visible at any time of the year from a public place or public right-of-way may be considered a nuisance under the following conditions:

- (1) It is detrimental to the safety and welfare of the public;
- (2) It tends to reduce the value of private property;
- (3) It invites vandalism;
- (4) It creates a fire hazard;
- (5) It constitutes a hazard to the health and safety of minors;
- (6) It produces urban blight adverse to the maintenance and continuing development of the Town; and

Sec. 8.205 Offense

- (1) A person commits an offense if the person maintains a public nuisance described by Section 8.204.
- (2) An offense under this section is a misdemeanor punishable by a fine not to exceed \$2,000.00.
- (1) The Municipal Court shall order abatement and removal of the nuisance on conviction.

Sec. 8.206 Authority to abate junked vehicles

- (1) This article shall be administered by the Town Manager or his/her designee, all of whom shall be regularly salaried, full-time town employees except for any person authorized to remove the nuisance.
- (2) The Town Manager or his/her designee may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

Sec. 8.207 Notice

- (1) Prior to any official action being taken to abate and remove a junked vehicle

constituting a public nuisance from private property, public property, or public right-of-way, not less than ten (10) days' notice shall be given, except as hereinafter provided, to the following parties:

- (A) The last known registered owner of the nuisance;
 - (B) Each lienholder of record of the nuisance; and
 - (C) The owner or occupant of:
 - (a) The property on which the nuisance is located; or
 - (b) If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (2) The notice must state that:
- (A) The nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
 - (B) Any request for a hearing must be made before that 10-day period expires.
- (3) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
- (4) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 10th day after the date of the return.

Sec. 8.208 Hearing

- (1) The Municipal Court shall conduct hearings under the procedures adopted under this subchapter.
- (2) If a hearing is requested by a person for whom notice is required under Section 8.207, the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- (3) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (4) If the information is available at the location of the nuisance, an order

requiring removal of the nuisance must include:

- (A) For a motor vehicle, the vehicle's:
 - (a) Description;
 - (b) Vehicle identification number; and
 - (c) License plate number;
- (B) For an aircraft, the aircraft's:
 - (a) Description; and
 - (b) Federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
- (C) For a watercraft, the watercraft's:
 - (a) Description; and
 - (b) Identification number as set forth in the watercraft's certificate of number.

Sec. 8.209 Abatement of Nuisance

- (1) In the event the Municipal Court orders abatement of the nuisance, the Town or any duly authorized person may abate such public nuisance by removal and disposal of the junked vehicle and/or parts.
- (2) After any junked vehicle that has been removed under the authority of this article, it shall not be reconstructed or made operable again.
- (3) The relocation of a vehicle alleged to be a nuisance to another location within the Town limits after commencement of proceedings shall have no effect if the vehicle constitutes a nuisance at a new location.

Sec. 8.210 Exemption from article

- (1) The provisions of this article shall not apply to a vehicle:
 - (A) that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
 - (B) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard,

or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

- (i) maintained in an orderly manner;
- (ii) not a health hazard; and
- (iii) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Sec. 8.211 Disposal of Junked Vehicles

Any junked vehicles taken into custody by the Town pursuant to a provision of this article shall be disposed of in accordance with applicable provisions of Chapter 683 of the Texas Transportation Code.

Sec. 8.212 Effect of article on other procedures

This article shall not affect any law authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property.

CHAPTER 8 OFFENSES AND NUISANCES

ARTICLE 8.200 JUNKED VEHICLES*

CURRENT ORDINANCE

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.201 Definitions

Police department. The department of public safety, the police department of the town, acting under the general police power authority as vested in the department by the town council, the police department of any institution of higher education or the sheriff or constable of Dallas County.

Abandoned motor vehicle. Any motor vehicle which:

- (1) Is inoperable and more than five (5) years old and left unattended on public property for more than forty-eight (48) hours; or
- (2) Has remained illegally on public property for a period of more than forty-eight (48) hours; or
- (3) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours; or
- (4) Is left unattended on the right-of-way of a designated county, state, or federal highway within this state for more than forty-eight (48) hours or for more than twelve (12) hours on a turnpike project constructed and maintained by the state turnpike authority.

(1992 Code, sec. 7.201)

Junked vehicle. A vehicle that is self propelled and:

- (1) Does not have lawfully attached to it:
 - (A) An unexpired license plate; or
 - (B) A valid motor vehicle inspection certificate; and
- (2) Is:
 - (A) Wrecked, dismantled or partially dismantled or discarded; or
 - (B) Inoperable and has remained for more than:
 - (i) 72 consecutive hours if the vehicle is on public property; or
 - (ii) 30 consecutive days if the vehicle is on private property.

(Ordinance 356 adopted 11/12/01)

Motor vehicle. A motor vehicle subject to registration under the Certificate of Title Act (Article 6687-1, Vernon’s Texas Civil Statutes), except that for purposes of section 8.202 and section 8.203 of this article, “motor vehicle” includes a motorboat, outboard motor, or vessel subject to registration under V.T.C.A., Parks & Wildlife Code, Ch. 31. (1992 Code, sec. 7.201)

Antique auto. A passenger car or truck that is at least 25 years old. (Ordinance 356 adopted 11/12/01)

Special interest vehicle. A motor vehicle of any age that has not been altered or modified from original manufacturer’s specifications and, because of its historic interest, is being preserved by hobbyists.

Collector. The owner of one (1) or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

(1992 Code, sec. 7.201)

CURRENT ORDINANCE

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.202 Authority to take possession of abandoned motor vehicles

(a) A police department may take into custody an abandoned motor vehicle found on public or private property.

(b) A police department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle it takes into custody.

(1992 Code, sec. 7.202)

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.203 Disposition and auction of abandoned motor vehicles

All abandoned vehicles shall be impounded and disposed of in accordance with the applicable provisions of Vernon’s Texas Civil Statutes, Article 4477-9a, after notification of the owner and lienholders as provided therein. (1992 Code, sec. 7.203)

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.204 Junked vehicles as public nuisance

(a) A junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the state by producing urban blight adverse to the maintenance and continuing development of the municipalities in the state, and is a public nuisance.

(b) A person commits an offense if that person maintains a public nuisance as determined under this section.

(c) A person who commits an offense under this section is, on conviction, subject to a fine in accordance with the general penalty provision found in [section 1.109](#). On conviction, the court shall order removal and abatement of the nuisance.

(1992 Code, sec. 7.204)

CURRENT ORDINANCE

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.205 Procedure for abating the nuisance of junked vehicles

(a) Notice.

(1) Prior to any official action being taken to abate and remove a junked vehicle constituting a public nuisance, from private property, public property or public right-of-way, not less than ten (10) days notice shall be given, except as hereinafter provided, to the following parties:

(A) The last known registered owner of the junked vehicle;

(B) Any lienholder of record; and

(C) The owner or occupant of the private premises or public premises upon which the junked vehicle is located or the owner or occupant of the premises adjacent to the public right-of-way on which the junked vehicle is located.

(2) Such notice shall be mailed, by certified mail with a five (5) day return requested, and a copy of such notice shall also be affixed to the front windshield of the vehicle, and shall state the following:

(A) The nature of the public nuisance;

(B) That the nuisance must be removed and abated within ten (10) days;

(C) That a public hearing will be held by the town administrator or his/her designee on a date specified in the notice, which date will be at least ten (10) days following the date of the notice;

(D) That the persons entitled to notice shall be entitled to speak at the public hearing, either by making a request prior to the time of the hearing or by making a request at the time of the hearing; and

(E) That failure to abate the nuisance or failure to attend the hearing after notice constitutes a waiver by the owner and lienholders of all right, title and interest in the vehicle and their consent to disposal of the junked vehicle under the terms of the Vernon's Texas Civil Statutes concerning the disposal of junked vehicles.

(3) If any notice is returned undelivered by the United States Post Office, official action to

abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return of the notice.

(b) Hearing.

(1) At the public hearing, the town administrator or his/her designee shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, town personnel and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time.

(2) Following the public hearing, the town administrator or his/her designee shall consider all evidence and determine whether the vehicle, or any part thereof, constitutes a public nuisance as alleged. If the town administrator or his/her designee finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, and that notice requirements provided in this section have been met, the town administrator or his/her designee shall make a written order setting forth his/her findings and ordering that the nuisance be abated. The order shall include a description of the vehicle and the correct identification number if such information is available at the site of the vehicle, and shall state that the vehicle will be disposed of in accordance with Vernon’s Texas Civil Statutes.

(1992 Code, sec. 7.205)

CURRENT ORDINANCE

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.206 Abatement of junked vehicles

(a) In the event the town administrator or his/her designee orders abatement of the nuisance, the town or any duly authorized person may abate such public nuisance by removal and disposal of the junked vehicle in accordance with Vernon’s Ann. Civ. Statutes, Art. 44779a. (1992 Code, sec. 7.206)

(b) The relocation of a junked vehicle that is a public nuisance to another location within the corporate town limits after a proceeding for the abatement or removal of the public nuisance has commenced, has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location. (Ordinance adopting Code)

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.207 Junked vehicles not to be reconstructed or made operable after removal

After any junked vehicle has been removed under the authority of this article, it shall not be reconstructed or made operable again. (1992 Code, sec. 7.207)

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.208 Notice of removal to be given to state department of highways and public transportation

No later than five (5) days after the date of removal of a junked vehicle pursuant to this article, notice must be given to the state department of transportation (TxDOT). Such notice must identify the vehicle or vehicle part. (1992 Code, sec. 7.208)

CURRENT ORDINANCE

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.209 Disposal of junked vehicles

Any junked vehicle taken into custody of the town or any duly authorized person pursuant to a provision of this article shall be disposed of in accordance with applicable provisions of Vernon’s Ann. Civ. Statutes, Art. 4477-9a. (1992 Code, sec. 7.209)

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.210 Exemption from article

The provisions of this article shall not apply to:

- (1) A vehicle that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
- (2) A vehicle that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard;
- (3) An unlicensed, operable or inoperable antique or special interest vehicle stored by a collector on the collector’s property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

(1992 Code, sec. 7.210)

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.211 Administration

This article shall be administered by regularly salaried, full-time employees of the town as designated by the town administrator, except that the removal of a vehicle from property may be performed by any duly authorized person. (1992 Code, sec. 7.211)

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.212 Authority to enforce

(a) A person authorized by the town to administer the procedures authorized by this article may enter private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance.

(b) The municipal court of the town may issue all orders necessary to enforce any of the procedures set forth in this article or in the Vernon’s Texas Civil Statutes, Article 4477-9a, section 5.01 et seq.

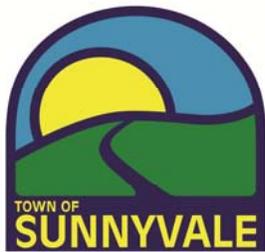
(1992 Code, sec. 7.212)

CURRENT ORDINANCE

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.213 Effect of article on other procedures

This article shall not affect any law authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property. (1992 Code, sec. 7.213)



Town of Sunnyvale

February 08, 2016

**Prepared By: Rashad Jackson, AICP
Director of Development Services**

Summary:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, AMENDING CHAPTER 6, *HEALTH AND SANITATION*, BY REPLACING ARTICLE 6.200, *WEEDS, GRASS AND BRUSH* AS SHOWN IN EXHIBIT A, BY ENACTING ORDINANCE NUMBER 16-XX, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

In 2015, Town staff held a code enforcement workshop for Council. At the workshop, staff provided an update for the current status of code enforcement within the Town and also noted some future updates to the Town Code.

Town staff has drafted an update to Article 6.200 Weeds, Grass and Brush. The proposed update was drafted to alleviate current issues with enforcement and to assure the maintenance of primary corridors into the Town. Our code officers have noted some issues with the dated language of the ordinance as well. The proposed changes are minor but will help make enforcement of the ordinance less complicated.

The Town Code regulations for Weeds, Grass and Brush have been updated to include the changes below:

- Maintenance on private property – required mow distance changed from 150 from a right of way to 100 feet from a right of way. Proposed change will make enforcement less complicated and more consistent with typical mow distance requirements.
- Primary Entry Corridors – designated high visibility areas that the Town will insure the first ten (10) feet away from the paved road surface will be maintained.
- Minimum administrative charge of \$50.00 – in the event of abatement, a bill for the actual cost incurred plus an administrative charge of 15% of the cost incurred or \$50.00, whichever is greater, has been required.
- Reward removed – the current ordinance allows for a reward of twenty-five dollars (\$25.00) to be paid to a person who reports anyone “dumping” along any public right of way upon prosecution and conviction of said offense. Staff believes that the removal of the reward would not deter a person from reporting an offense.

Staff Recommendation

Staff recommends approval.

Attachments

Proposed Ordinance

Existing Ordinance

ORDINANCE NO. 16-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, AMENDING CHAPTER 6, *HEALTH AND SANITATION*, BY REPLACING ARTICLE 6.200, *WEEDS, GRASS AND BRUSH* AS SHOWN IN EXHIBIT A, BY ENACTING ORDINANCE NUMBER 16-XX, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale is amending Chapter 6, *Health and Sanitation*, Article 6.200, *Weeds, Grass and Brush*, and enacting Ordinance Number 15-XX under Chapter 6, Article 6.200, and

WHEREAS, in order to promote the health, safety, and general welfare of the community, and its orderly development, it is proposed that the said Ordinance be hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE:

Section 1. That the above recitals are found to be true and correct and are incorporated herein for all purposes.

Section 2. That the text of the Sunnyvale Town Code Chapter 6, *Health and Sanitation*, Article 6.200, *Weeds, Grass and Brush*, as amended from time to time, is hereby repealed and replaced as shown in Exhibit A, which is attached to this Ordinance and as such amendments incorporated by reference herein as if fully set forth. The proposed Town Code amendments, as set forth in Exhibit A attached hereto, are hereby adopted and the Sunnyvale Town Code text is revised accordingly.

Section 3. That it is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of the ordinance be deemed severable and should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity of unconstitutionality shall not be construed to affect the validity of those provisions of this ordinance left standing with the validity of any code or ordinance as a whole.

Section 4. All ordinances and provisions of the Town of Sunnyvale, Texas, that are in conflict with this ordinance shall be and the same are hereby repealed to the extent in conflict, and all ordinances and provisions or ordinances of the said Town not so expressly repealed are hereby retained in full force and effect.

Section 5. This ordinance shall be effective immediately upon passage, publication in accordance with the law, and approval by the Town Council and it is so ordained.

Introduced and read at the Town Council meeting on February 8th, 2016.

**PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 22nd DAY OF
FEBRUARY, 2016.**

APPROVED:

By: _____

Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

EXHIBIT A

Sec. 6.200 WEEDS, GRASS AND BRUSH

6.201 Maintenance on Private Property

- a) It shall be unlawful for any person, firm or corporation owning, claiming, occupying, having supervision or control of any lot, tract, parcel of land or a portion thereof, occupied or unoccupied within the Town of Sunnyvale to permit grass, weeds, brush or other vegetation that is not cultivated, to grow to a height greater than twelve (12) inches on an average upon said premises **within one hundred (100) feet of any property line.**
- b) **Exception.** Land used for the agricultural purposes of grazing livestock and/or growing and harvesting of crop grasses shall be exempt from this article except that a ten (10) foot area adjacent to the side and rear property lines shall be maintained at twelve (12) inches or less at all times.

6.202 Maintenance Adjacent to Private Property

- a) It shall be the duty of any person, firm or corporation owning, claiming, occupying or having supervision or control of any lot, tract, parcel of land or a portion thereof, occupied or unoccupied within the Town of Sunnyvale to maintain grass, weeds, brush or other vegetation that is not cultivated, along the sidewalk and/or street adjacent to the property between the property line and the curb, or if there is no curb then to the paved roadway at a height not greater than twelve (12) inches on an average.

6.203 Maintenance along Primary Entry Corridors

- a) The areas listed below have been determined by the Town Council to be Primary Entry Corridors for those entering the community. In these high visibility areas and The Town of Sunnyvale will ensure the first ten (10) feet away from the paved road surface.

1. Tripp Road	to	Beltline Road	to	Collins Road
2. Town East Blvd.	to	Beltline Road	to	New Hope
3. Beltline Road	to	Tripp Road	to	Sunview
4. Jobson Road	to	Hwy 80	to	Town East Blvd.
5. Collins Road	to	Hwy 80	to	Tripp Road
6. Clay Road	to	Collins Road	to	Scyene Road

6.204 Stagnant water, rubbish, trash, carrion or other impure or unwholesome matter

- a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the town to allow such property to contain stagnant water, rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind or to allow the sidewalks in front of this property to contain same; and to allow any lots, grounds or yards to remain unwholesome or, with stagnant water thereon as a result of such owner's failure to cleanse and disinfect any house, building, establishment, lot, yard, or ground from rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind.

6.205 Maintenance violation notice

- a) In the event that any person, firm or corporation owning, claiming, occupying or having supervision or control of any lot, tract, parcel of land or a portion thereof, occupied or unoccupied within the Town of Sunnyvale fails to comply with the provisions of this Article, then the Town Manager or his designated representative will give ten (10) days' notice to the property owner in writing of the violation, in person or by first class mail addressed to that person at the address listed with the Dallas Central Appraisal District or Towns Water Records or by posting notice on the property. The Town of Sunnyvale shall have complied with this requirement by advising owners of their responsibilities under this article one (1) time per calendar year.
- b) If the town mails the notice in accordance with subsection (a) above and the United States Postal Service returns the notice as "undeliverable," the validity of the notice is not affected, and the notice is considered as delivered
- c) In the notice provided above the town may inform the owner by regular mail and posting on the property that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the town without further notice, may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this article occurs within the one year period, and the town has not been informed in writing by the owner of an ownership change, then the town may, without notice, take any action permitted by section 6.205(a) and (b) and assess its expenses as provided by the Texas Health and Safety Code section 342.007, as it may be amended from time to time.

6.206 Town May Do Work and Bill Property Owner

- a) If the person, firm or corporation fails or refuses to comply with the provisions of this Article following the expiration of not less than ten (10) days of the date of the notification, the Town of Sunnyvale may then enter the premises and do that work as necessary or cause the same to be done in order that the premise complies with the requirements of this article. The Town of Sunnyvale may enter onto such premises and may do such work as necessary, or cause the same to be done, as often as violations exist without further notification to the property owner per calendar year.
- b) A bill for the actual cost incurred plus an administrative charge of **15% of the actual cost incurred or \$50.00, whichever is greater**, resulting from the abatement of the above described condition shall be sent to the owner of said premises and must be satisfied within thirty (30) days of the date of mailing of said bill. In the event that said bill has not been satisfied within the specified period, the Town of Sunnyvale may file a statement with the county clerk of Dallas County of the expenses incurred in the abatement of the above described condition on said premises and the Town of Sunnyvale shall have a privileged lien on any lot or lots upon which said expense is incurred second only to tax liens and liens for street improvements to secure the expenses incurred, together with ten percent (10%) interest from the date such payment was due. For any such expenditure as aforesaid, suit may be instituted and recovery and foreclosure had in the name of the Town of Sunnyvale, and the statement so made as aforesaid, or a copy thereof, shall be prima facie proof of the amount expended in any such work performed by the Town of Sunnyvale.
- c) **Immediate abatement by town.** The town may immediately abate the nuisances of weeds in excess of forty-eight (48) inches in height which are an immediate danger to the health, life or safety of any person.

Sec. 6.207 Areas to which article is applicable

This article shall specifically include but not be limited to, all drainage ditches, drainage easements, water runoff paths, or ways, water ways, and all embankments and sides thereto.

6.208 Penalties.

- a) Whenever an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or wherever the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore:

(1) The violation of any such provision of this section shall be punishable by fine in accordance with the general penalty provision in section 1.109 of this code.

(2) Each day of any violation of the preceding sections shall constitute a separate offense. Any violation of any provision which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the town for such purposes.

CHAPTER 6 HEALTH AND SANITATION**ARTICLE 6.200 WEEDS, GRASS AND BRUSH*****CURRENT ORDINANCE****ARTICLE 6.200 WEEDS, GRASS AND BRUSH*****Sec. 6.201 Weeds and brush over twelve (12) inches high**

It shall be unlawful for any person, firm or corporation, owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied within the corporate limits of the township, to permit weeds, grass or brush or any objectionable or unsightly matter to grow to a greater height than twelve (12) inches upon any such real property within one hundred fifty (150) feet of any property line. It shall be unlawful for such person, firm or corporation to permit or allow such matter in the area from the line of his/her property to the curb line next adjacent to it, if there be a curb line, and if not, then within ten (10) feet outside that property line. All vegetation not regularly cultivated and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement, but shall be kept mowed the same as provided above. (1992 Code, sec. 6.201)

ARTICLE 6.200 WEEDS, GRASS AND BRUSH***Sec. 6.202 Duties of property owner to cut or remove**

It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, as provided in the next section, to allow such property to contain all such prohibited weeds, trash, brush and other objectionable or unsightly matter as provided for in the next section; provided, that the removing and cutting same at least once in every thirty (30) days shall be deemed a compliance with this article and every person shall use every precaution to prevent the same growing on such premises so as to become a nuisance. (1992 Code, sec. 6.202)

ARTICLE 6.200 WEEDS, GRASS AND BRUSH***Sec. 6.203 Duty of property owner to remove stagnant water, rubbish, trash, carrion or other impure or unwholesome matter**

It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the town to allow such property to contain stagnant water, rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind or to allow the sidewalks in front of this property to contain same; and to allow any lots, grounds or yards to remain unwholesome or, with stagnant water thereon as a result of such owner's failure to cleanse and disinfect any house, building, establishment, lot, yard. or ground from rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind. (1992 Code, sec. 6.203)

ARTICLE 6.200 WEEDS, GRASS AND BRUSH*

Sec. 6.204 Notice to owner to remove; removal by town

(a) In the event that any person owning, claiming, occupying or having supervision or control of any real property, whether occupied or unoccupied, within the corporate limits of the town violates the provisions of [sections 6.201](#), [6.202](#) or [6.203](#), and does not cease and correct such violation within seven days of notice of a violation, the town may:

- (1) Do the work or make the improvements required; and
- (2) Pay for the work done or improvements made and charge the expenses to the owner of the property.

(b) The notice shall be given:

CURRENT ORDINANCE

- (1) Personally to the owner in writing;
- (2) By letter addressed to the owner at the owners address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) If personal notice cannot be obtained:
 - (A) By publication at least once;
 - (B) By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (C) By posting the notice on a placard attached to a stake driven in the ground on the property to which the violation relates, if the property contains no buildings.

(c) If the town mails the notice in accordance with subsection (b) above and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered as delivered.

(d) In the notice provided above the town may inform the owner by regular mail and posting on the property that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the town without further notice, may correct the violation at the owner’s expense and assess the expense against the property. If a violation covered by a notice under this article occurs within the one year period, and the town has not been informed in writing by the owner of an ownership change, then the town may, without notice, take any action permitted by subsections (a) (1) and (2) and assess its expenses as provided by the Texas Health and Safety Code section 342.007, as it may be amended from time to time.

(e) Penalties. Whenever an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or wherever the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore:

- (1) The violation of any such provision shall be punishable by fine in accordance with the general penalty provision in [section 1.109](#) of this code.
- (2) Each day of any violation of [sections 6.201](#), [6.202](#), or [6.203](#) shall constitute a separate

offense. Any violation of any provision which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the town for such purposes.

(Ordinance 354 adopted 11/12/01)

CURRENT ORDINANCE

ARTICLE 6.200 WEEDS, GRASS AND BRUSH*

Sec. 6.205 Immediate abatement by town

The town may immediately abate the nuisances of weeds in excess of forty-eight (48) inches in height which are an immediate danger to the health, life or safety of any person. (Ordinance adopting Code)

ARTICLE 6.200 WEEDS, GRASS AND BRUSH*

Sec. 6.206 Violation of removal notice

(a) Any person, firm, or corporation who violates the notice requirements as set forth in the preceding sections shall be subject to a fine as provided for in the general penalty provision found in [section 1.109](#) of this code.

(b) Each and every day that the premises shall remain in a condition in violation of the terms of this article shall constitute a separate offense.

(c) This article shall be in addition to and cumulative of the provisions for the abatement of the said nuisance and charging the cost of same against the owner of the premises by the town.

(1992 Code, sec. 6.205)

ARTICLE 6.200 WEEDS, GRASS AND BRUSH*

Sec. 6.207 Charge to be levied and collected if work done by town

(a) The expenses incurred by the town pursuant to the correcting of conditions as set forth in this article shall be charged to and become a lien on the real estate or lot or lots upon which such expense is incurred.

(b) Such charges to be levied shall be the cost incurred by the township, plus fifteen percent (15%) of the cost to assist in compensation for clerical work and other office expenses.

(c) In the event that there are obstructions such as rocks, trees, shrubs, bushes, excavations, foundations of demolished structures or other impediments, the additional charge can be levied, assessed and collected against such premises for the cost, plus fifteen percent (15%), resulting from the additional expenses incurred therefrom.

(d) In the event that it becomes necessary for the town to go upon the property and do or cause to be

done the work necessary to seek compliance with [section 6.203](#) above, the actual expense incurred, plus fifteen percent (15%) shall be charged, levied, assessed and collected against such property.

(1992 Code, sec. 6.206)

CURRENT ORDINANCE

ARTICLE 6.200 WEEDS, GRASS AND BRUSH*

Sec. 6.208 Charges to become a lien to be levied and collected by the town tax assessor-collector

The charges provided for in this section shall be levied, assessed and collected by the tax assessor-collector of the town. In the event the owner of said premises upon which work was done and charges incurred fails or refuses to pay such charges and expenses within thirty (30) days after the first day of the month following the one in which the work was done, the tax assessor-collector shall file with the county clerk of Dallas County, a statement by the town secretary, setting out the expenses that the town has incurred pursuant to the provisions of this article. The town shall thereby perfect a privileged lien on the property involved, second only to tax liens and liens for street improvements, to secure the expenses incurred, together with ten percent (10%) interest from the date such payment was due. For any such expenditures and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the town. The statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for any such work or improvements. (1992 Code, sec. 6.207)

ARTICLE 6.200 WEEDS, GRASS AND BRUSH*

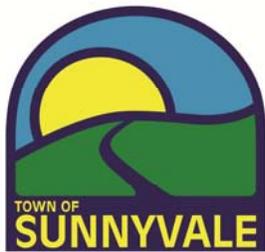
Sec. 6.209 Reward for reporting dumping

A reward of twenty-five dollars (\$25.00) will be paid to a person who reports anyone “dumping” along any public right-of-way upon prosecution and conviction of said offense. (1992 Code, sec. 6.208)

ARTICLE 6.200 WEEDS, GRASS AND BRUSH*

Sec. 6.210 Areas to which article is applicable

This article shall specifically include but not be limited to, all drainage ditches, drainage easements, water run off paths, or ways, water ways, and all embankments and sides thereto. (Ordinance adopting Code)



Town of Sunnyvale

Prepared By: Liz Hopkins - Finance

Summary:

DISCUSS AND CONSIDER A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE TOWN TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE MAYOR, MAYOR PRO TEM OR TOWN MANAGER TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE TOWN'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP.

Background & Analysis:

The Town is currently a member of TCAP which is a non-profit, political subdivision corporation that can go directly to the wholesale market for electricity rates charged to its members. TCAP's current contract expires at the end of 2017, and their belief is the market is currently very favorable, making it advantageous for TCAP to secure contract prices for its members starting in 2018. The Town would need to choose from three options on how the energy rate charged are structured and adopt a resolution to allow TCAP to act on its' behalf.

The Town's current energy rate is 7.445 cents per kWh through December 31, 2017.

Option 1 is a fixed price for all consumption regardless of the time of day. The price will not exceed 4.1 cents per kWh. The prices would become effective January 1, 2018, and expire on December 31, 2022.

Option 2 fixes a price for peak usage period and then turns to the spot market for all off-peak usage which can change every 15 minutes. Therefore, it is impossible to provide members a precise price for this option.

Option 3 begins with the purchase of a block of power to cover the base use of all members who commit to this option. Block power, since it is a firm commitment 24 hours a day, is the cheapest form of energy available in the wholesale market. Daytime peak consumption would be partly covered by a fixed price for solar power with all other consumption supplied by the spot market. It is impossible to provide members a precise price for this option.

In considering Option 2, TCAP consultants would tell you that with current prices about a half cent less than the price that existed when Option 2 was conceptualized last Spring, it will be difficult for Option 2 to generate savings sufficient to justify its selection. Option 3 with its majority reliance on the cheapest form of energy has a greater probability than Option 2 of

producing savings over Option 1. With such low Option 1 fixed priced products now available to TCAP members, and since there are no guarantees that Options 2 or 3, which utilize spot market pricing, would remain as attractive as they were even a few months ago, it is believed that Option1 is the most favorable.

The authorizing of three individual's to execute the electricity contract is to address the expectation that a purchaser sign a contract with 24 hours of receipt of the offer.

Financial Impact:

Savings of approximately 3.35 cents per kWh or 45% reduction in the energy rate beginning in 2017. For comparison purposes if the new rate were applied to the energy costs for the period January 1, 2015 through December 31, 2015 the savings would have been approximately \$95,000.

Staff Recommendation:

Staff recommends approval of Option 1 and execution of the Resolution.

Attachment:

Proposed resolution and other support documents.

RESOLUTION 16-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE TOWN TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE MAYOR, MAYOR PRO TEM OR TOWN MANAGER TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE TOWN'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP.

WHEREAS, the Town of Sunnyvale, Texas (Town) is a member of Texas Coalition For Affordable Power, Inc. (TCAP), a non-profit, political subdivision corporation dedicated to securing electric power for its more than 170 members in the competitive retail market; and

WHEREAS, TCAP has unique rights under Texas law to negotiate directly in the wholesale market and arrange separate contracts for power supply and retail services which provides TCAP leverage to achieve contract provisions that single city negotiations with a Retail Electric Provider (REP) would be unlikely to produce; and

WHEREAS, TCAP's geographic diversity across all four ERCOT zones produces an aggregated peak load that is lower than the total of individual peak loads of the individual TCAP members, allowing price benefits in the wholesale market that are not likely to be available to any given TCAP member alone; and

WHEREAS, TCAP and its predecessor organizations, Cities Aggregation Power Project, Inc. (CAPP) and South Texas Aggregation Project, Inc. (STAP), negotiated favorable contract terms that resulted in rebates from the wholesale supplier and reasonable commodity prices for delivered electricity since 2002 resulting in stable budgets for electricity for members; and

WHEREAS, commodity prices for electricity experienced significant volatility between 2002 and 2009, with prices ranging from 4 cents to over 13 cents per kWh, causing CAPP and STAP members to welcome a five year contractual commitment that came close to cutting the 2008 prices in half, with that contract being extended until December 31, 2017, with a negotiated price reduction of about 1 cent per kWh; and

WHEREAS, TCAP has become a forceful voice for consumer protections and market reform to benefit the public and well as cities and other political subdivisions; and

WHEREAS, TCAP is owned by its members and distributes monetary and other resources according to relative load size of members and is controlled by a 15 member

Board of Directors, all of whom must be city employees of members who represent diversity in size and geography; and

WHEREAS, wholesale power prices within the deregulated Texas market are largely determined by the NYMEX gas futures prices for natural gas which are currently low and relatively stable, but which change daily; and

WHEREAS, daily price changes require retail customers to execute a contract immediately upon receipt of a favorable offer; and

WHEREAS, pursuant to Texas Local Government Code Section 252.022(a)(15) expenditures for electricity are exempt from competitive bidding requirements; and

WHEREAS, on any given day, TCAP is able to capture a favorable wholesale price for any period of time, comparable to or better than any given REP or broker; and

WHEREAS, TCAP intends to continue to contract with its current wholesale supplier, NextEra, because the relationship with NextEra is such that NextEra is willing, after it knows the size of a given load, to execute a contract at or below prescribed price and terms; and

WHEREAS, the Town desires to execute a contract for electricity for the period beyond the expiration of its current contract on December 31, 2017, that locks-in favorable wholesale prices under one of three different supply options:

- Option 1 - fixed-price, full-requirements at a price not to exceed 4.1 cents per kWh for the North and West zones or 4.25 cents per kWh for the South and Houston zones;
- Option 2 - fixed price for on-peak hours and variable spot market prices for off-peak hours;
- Option 3 - block energy at a fixed price to cover the base load hours, a fixed price for solar energy to cover mid-day peak hours (approximately 10% of total load) and variable spot market prices for all remaining consumption; and

WHEREAS, TCAP will allow members six weeks from receipt of this resolution to consider whether to participate in this second opportunity to contract for post-2017 electrical supply, and thereafter allow NextEra until June 30, 2016 to contact for power for five years at a price not to exceed 4.1 cents per kWh in the North and West zones and a price not to exceed 4.25 cents per kWh in the South and Houston zones for Option 1, so long as the aggregated load for any of the three supply options reaches at least 50 megawatts; and

WHEREAS, wholesale suppliers demand assurance that TCAP will pay for all contracted load; and

WHEREAS, the Town needs to assure TCAP that it will sign a Commercial Electric Supply Agreement (CESA) reflecting the contract extension and budget for energy purchases for the post-2017 period and honor its commitment to purchase power for its electrical needs for 2018 through 2022 through TCAP,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

Section 1:

That the TCAP Board of Directors and its consultants and advisors are agents authorized to negotiate for the Town's electricity needs as a member of TCAP for the period 2018 through 2022 at a price not to exceed 4.1 cents per kWh for the North and West zones and a price not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1;

Section 2:

The Town prefers to participate in supply Option _____ with the following understanding: a) while supply Option 1 is a full-requirements, fixed-price option, Options 2 (fixed price on-peak, variable spot prices for off-peak usage) and 3 (fixed price for base load, fixed price for a portion of peak load, and variable spot market for remainder) have variable price components and savings over Option 1 cannot be guaranteed, and b) if there is insufficient desire among members to achieve a 50 MW threshold for either Option 2 or 3, the member selecting the inadequately subscribed option will be placed in the Option 1 category. If no option is selected, TCAP will assume that a passed Resolution approves of Option 1.

Section 3:

Assuming this resolution is passed before February 25, 2016 and the combined load of TCAP members passing this resolution exceeds 50 megawatts for the preferred Option and NextEra is able to provide TCAP an opportunity prior to June 30, 2016 to contract for power to be delivered to members at a price not to exceed 4.1 cents per kWh for the North and West zones and not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1 for the period January 1, 2018 through December 31, 2022, any one of the following individuals is hereby authorized to sign an electric supply agreement for the Town within 24 hours of receipt of a contract that has been approved and recommended by the TCAP Board of Directors: Mayor or Mayor Pro Tem or Town Manager.

Section 4:

That the Town will commit to purchase power to meet all of its electricity needs eligible for competition pursuant to the TCAP approved supply agreement and approve funds necessary to pay electricity costs proportionate to the Town's load under the supply agreement (whether wholesale or retail) arranged by TCAP and signed by TCAP's Executive Director or President or other TCAP representatives authorized by the TCAP Board.

Section 5:

That a copy of this resolution shall be sent to Jay Doegey, Executive Director, TCAP, 15455 Dallas Parkway, Suite 600, Addison, Texas 75001 and Geoffrey M. Gay, legal counsel to TCAP at 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PRESENTED AND PASSED on this the 8th day of February, 2016, by a vote of _____ ayes and _____ nays at a regular meeting of the Town Council of Sunnyvale, Texas.

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

Explanation of Resolution Authorizing TCAP to Procure Electricity for 2018-2022

This resolution is designed to support the second of several opportunities for TCAP members to contract for electricity for the post-2017 time period. If interested in contracting for a five-year term (2018-2022) during 2016, the authorizing resolution must be passed by the governing body of the interested TCAP member by February 25, 2016. The deadline will allow definition of the load to be served under each of three different electric supply options, which must be at least a minimum of 50 megawatts. Also, the deadline will give the wholesale provider ample opportunity to lock a fixed-price, equal to or less than a specific benchmark for each ERCOT zone, before June 30, 2016. When that supply scenario is locked, each member that passed the authorizing resolution must immediately sign a contract for that power. Please Note: The draft resolution is in Word and blanks must be filled in to identify the member, the preferred supply option and several individuals by name or position who will sign the contract when the appropriate price point is reached.

Explanation of Whereas Clauses:

What is TCAP?

As reflected in the fourth and seventh Whereas clauses, TCAP is a non-profit, political subdivision corporation, owned and controlled by its 171 political subdivision members, the vast majority of whom are cities. TCAP was formed in 2011 from the merger of Cities Aggregation Power Project (“CAPP”) and South Texas Aggregation Project (“STAP”), both of which were created in 2001, shortly before retail deregulation became effective on January 1, 2002. TCAP is governed by a 15 member board of directors, all of whom must be city employees or elected city officials. Typically, board members have been mayors, city managers, assistant city managers, finance directors or city attorneys.

Market Benefits of TCAP

An individual city, citizen or commercial customer can only purchase power directly from a Retail Electric Provider (“REP”) which under Texas law exists to give the impression of a competitive market. REPs cannot generate electricity, nor can they own wires. REPs are unnecessary middlemen between the wholesale and retail markets. As reflected in the second and fourth Whereas clauses, TCAP, as a political subdivision corporation, uniquely can go directly to the wholesale market. CAPP and STAP, prior to their merger into TCAP, separated contracts between a wholesale supplier and an independent REP, providing TCAP consultants with greater insight into the margins of various market participants than would be possible for most consumers. A broker or a REP would hand a form contract to an individual consumer. In the case of TCAP, no form contract is acceptable and, because of the size of TCAP’s load, both wholesale suppliers and REPs are willing to negotiate contract terms that are beneficial to TCAP members, enabling the refunds members have consistently received, special terms for adds and deletes, including an ability to add new loads at current market prices even if the market price is lower than the price of the master agreement.

TCAP's benefits regarding pricing

TCAP's membership consumes approximately 1.4 billion kWh annually which amounts to approximately \$100 million in revenue for the wholesale provider at current contract prices. The value of the aggregated load is extremely appealing to wholesale market participants, enabling TCAP to get the market competitive pricing at any particular moment. As reflected in the third Whereas clause, in addition to the size of its load, TCAP derives benefit from geographic diversity. TCAP members reside in all four ERCOT zones and are spread between the entire length and breadth of Texas, from Wichita Falls to Harlingen and Fort Stockton to Palestine. Since consumption is influenced by weather and since weather conditions are seldom the same across all of Texas, it is unlikely that all TCAP members are reaching peak consumption simultaneously. If the peaks of all TCAP members were totaled, the sum would equal 313.1 MW. But a wholesale supplier looks at the peak consumption of TCAP as an aggregated load rather than the sum of the peaks of all members. TCAP's peak demand is 246.9 MW. That reduction in peak is a specific and unique benefit of aggregation. And unlike other aggregation groups that accept counties and school districts as members, TCAP has focused its membership on cities and other political subdivisions that have a relationship with cities to maintain the very favorable load factor of cities with high off peak consumption from street lights which provides favorable pricing terms.

History of CAPP, STAP, TCAP pricing

As reflected in the fifth and eighth Whereas clauses, aggregated cities have historically been interested in flat, fixed-price, full-requirements contracts and price stability. The resolution under consideration maintains that goal for a five-year period at a price much lower than the current contract price. In 2002, CAPP and STAP were able to obtain prices for energy at 4 cents per kWh. Very quickly after retail deregulation was implemented, natural gas prices started to rise, and they continued on an upward trend until late 2008. In late 2008, CAPP cities were paying approximately 13.5 cents per kWh. Fear that natural gas price volatility would continue to result in high electricity rates, CAPP cities were excited to lock-in long term rates beginning in 2009 that were significantly lower than prices experienced in the 2007-2008 time frame. STAP cities experienced their highest rate in 2006 at slightly more than 9 cents per kWh. STAP cities saw prices drop to around 7.8 cents per kWh in 2008 and were happy to find a contract that would stabilize prices in the 7 to 8 cent range for an extended period. When CAPP and STAP members signed new contracts in late 2008, no one could have predicted that the economy was about to enter a multi-year recession and that fracking would bring a glut of natural gas to a market with reduced demand, putting natural gas and electricity prices into a downward trend. Fortunately, gas prices have continued to drop and now TCAP members have an opportunity to again capture rates in the range of, and hopefully below, 4 cents per kWh.

Contract Requirements

As explained in the tenth Whereas clause, there is no legal requirement that a city engage in a competitive bidding process prior to contracting for electricity. The primary expectation of contracting for wholesale energy in a deregulated energy market is that a purchaser sign a contract accepting a particular offered price within 24 hours of receipt of the offer. NYMEX gas futures prices change daily, and since gas prices drive electricity prices, it is unlikely that any

given price quote for wholesale electricity during a given period will remain open for more than a day. As explained in the ninth Whereas clause, TCAP members are expected to immediately execute a contract once TCAP's supplier is able to lock in a price at or below the benchmark prices specified in the resolutions for a five-year period commencing January 1, 2018. That is why Section 2 of the resolution requires the naming of specific individuals with whom TCAP can correspond and provide a contract for signing when appropriate.

Resolution's Objective

As explained in the eleventh thru fourteenth Whereas clauses, after the size of the load for the 2015 contract opportunity is defined by February 25, 2016, TCAP's supplier will look for an opportunity to lock prices for the five-year term at or below specified benchmarks (4.1 – 4.25 cents per kWh). That may happen by the second week of March, but if it appears that prices are trending downward, TCAP will direct its designated supplier, NextEra, to daily monitor the market to hopefully capture a price under lower than benchmarked prices. The window of opportunity for capturing a reasonable price at or below the benchmarks will expire by June 30, 2016. TCAP will develop another supply opportunity in the Fall of 2016 for any members not contracting in this offering.

TCAP benefits to the consuming public

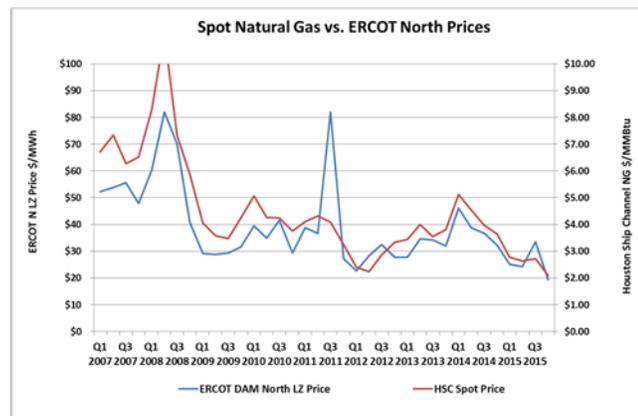
Whereas clause six references TCAP becoming a forceful voice for consumer protections and market reform to benefit the public as well as political subdivisions. When CAPP and STAP merged in 2011, one of the guiding principles established in meetings with members and through subsequent board priority-setting meetings was that TCAP should advocate for reforms in the market that would enhance competition and benefit the general public. TCAP has become the closest thing to a consumer advocate that exists in the deregulated marketplace on both the wholesale and retail sides of the business. TCAP membership not only provides political subdivisions with resources to monitor markets, capture reasonable prices and best available terms, stabilize budgets, address problems with invoices and help with governmental reports, provide best of class portals to understand consumption patterns, membership also affords an opportunity to represent to constituents that they have an advocate on their behalf.

CHOICE OF SUPPLY OPTION

Whereas Clause 13 identifies three different supply options that TCAP has arranged as choices for each member. Option 1 is a fixed price for all consumption regardless of time of day. The price will not exceed 4.1 cents per kWh in the North and West ERCOT zones. It will not exceed 4.25 cents per kWh in the Houston and South zones. The actual price is likely to be less than the benchmark prices. The prices will become effective January 1, 2018. Given that these prices are to be locked in 2016 and will not expire until December 31, 2022, they are reflective of the lowest prices for electricity experienced since the retail market was deregulated January 1, 2002. Generally speaking, there ought to be an expectation that the price of energy will climb marginally for each year of the contract term beyond two years. The possibility of locking-in energy prices at or below 4 cents per kWh for a period that terminates in seven years is truly remarkable based upon the history of deregulation.

In the Spring of 2015, TCAP consultants received indicative fixed-prices around 4.5 cents per kWh. They then developed two supply options to the fixed price full requirements contract that offered attractive savings opportunities. Both Options 2 and 3 have variable components related to the energy spot market. While the average spot price in the past three years has been \$32.14/Mwh (2013), \$38.50/Mwh (2014), \$25.53/Mwh (2015), respectively, it is important to note that spot market prices can change every 15 minutes, therefore it is impossible to provide members a precise price for Options 2 and 3. While they provide an opportunity for savings off of the benchmarked prices for Option 1, savings cannot be guaranteed, and thus Option 2 and 3 involve risk to that does not exist with Option 1. A TCAP member that is completely risk adverse should select Option 1.

Option 2 fixes a price for the peak usage period and then turns to the spot market for all off-peak usage. When TCAP was developing these products in 2014, there was a large enough gap between fixed price options and spot prices that this option looked very attractive. Now, with market prices at historic recent term lows, both spot prices and fixed prices have fallen and their price differential has shrunk to the point that future savings from the spot market may not be as great as the risk of future price increases. The following graph shows how low current spot market prices have gone.



Option 2 was developed with the anticipation that spot prices during the off peak period would be in the range of \$10/MWh to \$40/MWh (\$0.01-\$0.04/kWh) over time for spot purchases. Our latest quotes for fully fixed priced products (Option 1) includes off peak pricing fixed at under \$20/MWh. These low Option 1 fixed prices for off peak usage may make it harder for future off peak spot prices to create additional savings under Option 2 over time even though the customer will be incurring market price risk.

Option 3 begins with the purchase of a block of power to cover the base use of all members who commit to this option. Block power, since it is a firm commitment 24 hours a day, is the cheapest form of energy available in the wholesale market. Daytime peak consumption will be partly covered by a fixed price for solar power with all other consumption supplied by the spot market.

In considering Option 2, TCAP consultants would tell you that with current prices about a half cent less than the price that existed when Option 2 was conceptualized last Spring, it will be difficult for Option 2 to generate savings sufficient to justify its selection. Option 3 with its

majority reliance on the cheapest form of energy has a greater probability than Option 2 of producing savings over Option 1. But again, with such low Option 1 fixed priced products now available to TCAP members, and since there are no guarantees that Options 2 or 3, which utilize spot market pricing, will remain as attractive as they were even a few months ago.

EXPLANATION OF “BE IT RESOLVED” SECTIONS

- Section 1.** Authorizes TCAP to submit the members load, along with the load of other authorizing members, to be aggregated into a pool by TCAP’s wholesale supplier for a contract commencing January 1, 2018 and terminating December 31, 2022 with the understanding that the fixed, full-requirements price under Option 1 must not exceed 4.1 cents per kWh in the North and West zones and must not exceed 4.25 cents in the Houston and South zones.
- Section 2.** Sets conditions precedent that the aggregated load exceed 50 MW, that the resolution be passed before February 25, 2016, and that NextEra has until June 3, 2016 to lock in a fixed price for the aggregated load that does not exceed benchmark prices. It also requires the designation of a specific individual, by name or title, who are authorized to sign a contract within 24 hours of submittal, assuming the conditions have been met.
- Section 3.** Consistent with the last two Whereas clauses, this section commits the member to budget for and approve funds necessary to pay for the member’s proportionate share of the aggregated load that TCAP commits to with NextEra. TCAP will contract with NextEra based upon representations of authorizing members, each of whom will be provided with a Commercial Electric Service Agreement (“CESA”) with GEXA, the current REP, that extends current retail service terms with the lower wholesale price arranged with NextEra for the 2018-2020 time period.
- Section 4.** In order for TCAP to be informed of the passage of the resolution so that the member’s load can be aggregated by NextEra, this section specifies that a copy of the resolution should be sent to TCAP’s Executive Director and General Counsel.

History of Pricing

Sunnyvale, Texas is in CAPP North Zone

CAPP/STAP/TCAP Price History
all prices are \$/kWh

ZONE	2002	2003	2004	2005 Jan-Jun	2005 Jul-Dec	2006 Jan-Jun	2006 Jul-Dec	2007	2008 Jan-Jun	2008 Jul-Sep	2008 Oct-Dec	2009	2010	2011 Jan-Jun	2011 Jul- 2013	2014-2017
CAPP North	0.040	0.0432	0.0494	0.06838	0.06605	0.11860	0.07752	0.08132	0.08571	0.10855	0.13589	0.06974	0.07708	0.07895	0.06884	0.07445
CAPP Houston	0.040	0.0432	0.0494	0.06838	0.06605	0.11860	0.07752	0.08132	0.08571	0.10855	0.13589	0.07451	0.08243	0.08447	0.07435	0.07768
CAPP West	0.040	0.0432	0.0494	0.06838	0.06605	0.11860	0.07752	0.08132	0.08571	0.10855	0.13589	0.05257	0.05781	0.05914	0.05705	0.06372
STAP South	0.037	0.0406	0.0479	0.06310	0.06224	0.09081	0.08100	0.07845	0.07759	0.07759	0.07759	0.07109	0.07854	0.08044	0.07032	0.07485

