



# Town of Sunnyvale

**Town Council**

**February 22, 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 22, 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  
02/22/2016

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.

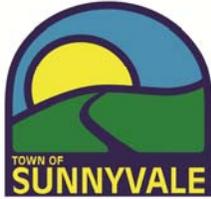
**I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON FEBRUARY 18, 2016, IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:**

**TOWN HALL AT 127 N. COLLINS ROAD**

---

**LESLIE BLACK, TOWN SECRETARY**

RTCM  
02/22/2016



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, FEBRUARY 22, 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 3:**

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 – FEBRUARY 8, 2016.**
2. **MINUTES OF REGULAR TOWN COUNCIL MEETING – FEBRUARY 8, 2016.**
3. **ACCEPTANCE OF DEPARTMENT MONTHLY REPORTS – JANUARY 2016.**

**DISCUSSION/ACTION ITEMS:**

**ECONOMIC DEVELOPMENT**

4. **DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 16-05 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, ORDERING WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK; LEVYING ASSESSMENTS AGAINST THE BENEFITTED PROPERTIES AND OWNERS OF THE PROPERTIES; PROVIDING TERMS AND CONDITIONS FOR PAYMENT AND ENFORCEMENT OF THE ASSESSMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE NECESSARY DOCUMENTS; DIRECTING THE TOWN SECRETARY TO FILE NOTICES OF LEVEY OF ASSESSMENT AND LIEN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

RTCM  
02/22/2016

## **DEVELOPMENT SERVICES**

- 5. DISCUSS AND CONSIDER SECOND 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.**
- 6. DISCUSS AND CONSIDER SECOND 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 16-04, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

## **TOWN MANAGER**

- 7. HEAR A STAFF PRESENTATION, HOLD A DISCUSSION AND PROVIDE STAFF DIRECTION REGARDING THE LOGOS AND LIGHTING ON THE NEW 1.25 MG ELEVATED STORAGE TANK.**

## **MAYOR & COUNCIL**

- 8. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS.**

## **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.

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 18, 2016, IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:**

RTCM  
02/22/2016

**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, FEBRUARY 8, 2016, 2016  
6:00 P.M.**

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

**CALL MEETING TO ORDER**

Mayor Pro-Tem George called meeting to order at 6:00 p.m. Councilmember McNeill arrived at 6:09 p.m., Mayor Phaup arrived at 6:10 p.m., and Councilmember Ranta arrived at 6:26 p.m.

**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**

Councilmember Hill made a made a motion, seconded by Councilmember Egan, to recess into Executive Session at 6:03 p.m. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 4/0. Councilmember McNeill arrived at 6:09 p.m., Mayor Phaup arrived at 6:10 p.m., and Councilmember Ranta arrived at 6:26 p.m.

**END OF EXECUTIVE SESSION**

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

**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**

Mayor Phaup reconvened into open session at 7:14 p.m. and stated no action would be taken.

**ADJOURN**

Mayor Phaup adjourned the meeting at 7:14 p.m.

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

\_\_\_\_\_  
Mayor Pro-Tem George

ATTEST:

\_\_\_\_\_  
Leslie Black, Town Secretary

RTCM  
02/08/2016



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, FEBRUARY 08, 2016  
TOWN HALL - 127 N. COLLINS RD.  
7:00 P.M.**

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

**INVOCATION**

Councilmember McNeill led the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Phaup led the Pledge of Allegiance.

**CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:16 p.m. All Councilmembers were 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.

Debi Holley, 442 E. Tripp Rd., provided information to the Town Council regarding the clean-up of trash on Hwy. 80. She will have the High School Band pick up trash on February 27, 2016. She understands the timing is horrible after the disaster of the tornado, but she is hopeful the Town will consider taking this on in the future.

**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,**

RTCM  
02/08/2016

**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.**

Councilmember Egan asked that Item 2 be removed from the Consent Agenda. Councilmember Egan made a motion, seconded by Councilmember Hill to approve consent agenda items 1, 3, and 4 as presented. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

Revised minutes were provided based on the changes from Mayor Pro-Tem George.

The third sentence in paragraph 3 under Item 9 was changed to read, "The County, when approving PSA's prefers to work with round numbers, so the Court rounded the figure to \$600,000 in lieu of the specific \$532,905 amount for the project" per the request of Mayor Pro-Tem George.

Councilmember Egan stated his first question was for Councilmember Hill, on page 2 Councilmember Hill asked if the lot width was being lowered from 250 feet to 50 feet, was that what she intended to ask. Councilmember Hill confirmed that was her intended question.

Councilmember Egan requested to change the word "repat" to "replat" on page 2.

Mayor Phaup stated the sentence approving Item 1 should be "Seconded by Councilmember Ranta" not just "seconded by Ranta" on page 2.

Councilmember Egan stated on page 8, the second paragraph should be changed from "Mayor Pro-Tem" to "Mayor Pro-Tem George".

In response to a question by Councilmember Egan, Mayor Phaup stated the question under Item 4 could be changed from "Mayor Pro-Tem asked what if there is a spill" to "Mayor Pro-Tem George asked how solid waste would be handled."

Councilmember Egan requested we remove one of the titles "Mayor Pro-Tem" because it was printed twice on page 11 in the last paragraph.

Councilmember Egan stated the word "it" should be swapped with "crushed granite" on page 13 paragraph 4 so the intent of his statement could be understood.

Mayor Phaup stated the word "hill" should be capitalized on page 14.

Councilmember Egan requested to change the sentence, "Councilmember Egan stated the sidewalks would need character like on Rowlett Rd. to keep bicyclers and

RTCM  
02/08/2016

skateboarders out of the street” to “Councilmember Egan stated the sidewalks would need character like on North Rowlett Rd. near the George Bush Turnpike to keep the bicyclers and skateboarders off the sidewalk”, on page 16, paragraph 7.

Mayor Phaup stated on page 19, the word “be” should be eliminated from the second sentence.

Councilmember Egan stated on page 19 his sentence should read “Councilmember Egan stated some businesses will be unhappy if we publish a single business in the newsletter”, instead of “Councilmember Egan stated some businesses will be unhappy”.

Councilmember Egan clarified that he meant “We have red tip photinia planted all along Collins, but he thought we were getting rid of it out of the landscape ordinance and allowed plants”, on page 19.

Councilmember McNeill made a motion, seconded by Mayor Pro-Tem George to approve changes to Minutes of Regular Town Council Meeting – January 25, 2016 as proposed by Councilmember Egan. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

## **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 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 item. 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.

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.

In response to a question by Mayor Phaup, Town Manager Sean Fox stated that Mr. Vanek had been contacted, and he does have some concerns about trespassing and liability. Mr. Vanek discussed fencing and signage options for the liability concerns. Town Manager Sean Fox stated that this is only about the abandoning of the trail.

Motion was made by Councilmember Egan, seconded by Mayor Pro-Tem George to approve Ordinance 16-01 as presented. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

**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.**

Director of Development Services Rashad Jackson introduced the request stating that, 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.

RTCM  
02/08/2016

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 recommends approval.

In response to a question by Mayor Pro-Tem George, Director of Development Services Rashad Jackson explained that if someone has a vehicle that is an issue, that person could contact Town Hall to let them know they are trying to have the car towed but it may take several days. This type of ordinance is specific to a nuisance. Staff would give consideration to those trying to abate the problem.

Councilmember Ranta stated that she compared the two Ordinances. The current ordinance defined junk vehicles and that a junked vehicle is a violation; and the new ordinance, section 8.204 on page 86 of the packet, states that someone will assess whether the vehicle is a junked vehicle or not. She asked at what point a vehicle becomes a junked vehicle.

Councilmember Hill stated there was a resident at Beltline and Sunview that had an old mustang he kept a car cover over for several years and at some point that could become a nuisance.

Councilmember Egan stated that the Town has to have something with teeth in it if it is an issue.

Mayor Phaup stated that there was a guy who had cars stacked up for years on Sunview and the Town did not have anything on the books to abate the nuisance.

In response to a question by Mayor Pro-Tem George, Town Manager Sean Fox stated after 48 hours if it is a junk vehicle, then the proper notification process begins.

Councilmember Hill stated that she appreciated the care that was included for antiqued vehicles and special interest cars because that is important to the community.

In response to a question by Councilmember Ranta, Town Attorney David Dodd stated citations and hearings can be brought through the Municipal Court, or an abatement proceeding can be started.

Councilmember Ranta asked if the Town can abate the nuisance after the hearing. Town Attorney David Dodd answered yes.

RTCM  
02/08/2016

Councilmember Ranta asked for clarification on page 88, section 8.209 number 2 after any junked vehicle has been removed it shall not be reconstructed or made operable again.

Town Attorney David Dodd stated when a vehicle is declared a junk vehicle; the Vehicle Identification Number (VIN) is removed, in accordance with state statute.

In response to a question by Councilmember Ranta, Town Attorney David Dodd stated a lot of people that are serious about fixing up a vehicle have a garage. If it is screened, it is considered an orderly manner.

Mayor Phaup stated this is the first reading it will be on the agenda again February 22<sup>nd</sup>.

**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 16-04, PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Director of Development Services Rashad Jackson introduced the proposed ordinance stating that, 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. The Town's 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.

RTCM  
02/08/2016

Staff recommends approval.

Mayor Phaup stated that the offense should be \$50.00 for the first time, \$100.00 for each subsequent offense.

Mayor Phaup stated he thinks the idea of entry corridors is a good one, and he agrees with concept of Collins from border to border. If this were to be approved he would hope for a soft implementation.

Town Manager Sean Fox stated Parks Supervisor Robert Blackburn does an amazing job, but this memorializes what Council wants done.

In response to a question by Councilmember Wade, Director of Development Services Rashad Jackson stated it is not saying a resident does not have to mow within 100 feet of right of way. It is the opposite.

Councilmember Wade clarified that bar ditches are being mowed now by Town staff. That will stop and then it becomes the responsibility of the homeowner, and stated the elderly are going to incur additional costs in having mowers mow the added area.

Councilmember Egan stated the bar ditch at his house can be maintained. Perception is bar ditch is the Town's responsibility to maintain for drainage. He can see where some homeowners will be upset because it is not practical for the homeowner to maintain right now. Mayor Phaup stated you cannot change the path of the bar ditch because it changes the flow.

In response to a question by Councilmember Ranta, Director of Development Services Rashad Jackson stated that residents will need to mow all the way around the property line according to Exception B. This requirement is important as it creates a fire break between properties.

Councilmember Wade stated it is important to be very careful how we implement this. The Town could get in a bind by deciding to mow "primary corridors" with tax payer's dollars, mowing some property, and not others.

Councilmember Wade and Mayor Phaup stated they consider Jobson to be a primary corridor.

Councilmember Ranta stated she did not know that all of Jobson is a primary corridor.

In response to a question by Councilmember Egan, Director of Development Services Rashad Jackson stated the best way to move forward with writing the ordinance is to not put a list of the primary corridors in the ordinance.

Councilmember Ranta asked under page 101 of the packet Section C, under maintenance violation notice, if someone is a repeat offender of the same kind of violation is that creating a public health/safety hazard. She also asked if 13 inch vegetation was considered a public health/safety hazard. Town Manager Sean Fox stated it is not creating a public health hazard. The concern is to send out a notice to cut grass and then another notice to cut the grass two weeks later. The letter/notice serves for the entire season.

RTCM  
02/08/2016

Councilmember Ranta stated she is probably in the minority, but she lives in rural part of Town. Strips of mowed areas are unnatural and disruptive to wildlife and nature. Councilmember Hill stated we are rural and neighborhood but there is still a health and safety factor. She does not know of anyone allowing animals to graze on anything larger than 12 inches. It needs to look tidy, clean, and healthy. Even E bar S does not have over 12 inch weeds. Councilmember Ranta stated it not as noticeable in larger areas. She appreciates keeping things looking orderly and tidy.

Mayor Phaup stated this is first reading, and next time it is on the agenda he would ask not to post it on the consent agenda so we can have additional discussion. If Council have additional ideas or specific suggestions to get them to Town Manager Sean Fox and Director of Development Services Rashad Jackson for discussion and review in the packet at the next meeting.

## 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.**

Town Manager Sean Fox introduced the Resolution. 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 rates 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

RTCM  
02/08/2016

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 Option 1 is the most favorable.

The authorizing of three individuals to execute the electricity contract is to address the expectation that a purchaser sign a contract within 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 recommends approval of Option 1 and execution of the Resolution.

Mayor Pro-Tem George asked if this was strictly for Town use. Town Manager Sean Fox stated yes, all facilities except Dallas Sheriff Office substation and the Service Center.

Councilmember Wade stated Options 2 and 3 are cheaper in price but they have the spot market price, and the difference between those averages is less than 2/100 of a cent. It makes no sense to take the spot market.

Motion was made by Councilmember Hill, seconded by Mayor Pro-Tem George, to approve Resolution 16-04 adopting Option 1 as recommended by Staff. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 7/0.

## **MAYOR & COUNCIL**

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

Councilmember Ranta stated she would like to have a discussion about how to handle the trash at 80 and Collins. Whether it is reprioritizing the staff we already have, hiring additional staff, or hiring an outside vendor.

Mayor Pro-Tem George wanted to say thank you for the road construction timeline.

RTCM  
02/08/2016

Councilmember Wade stated a privacy fence was constructed on Jobson coming out of Homestead. He thought we did not allow privacy fences along the thoroughfare and Homeowner Association (HOA's) that is facing a main thoroughfare. Staff will review the fence.

Councilmember Egan stated he experienced an issue on an afternoon at the traffic signal at Tripp and Collins at about 4:00 P.M. He came by and talked to Town Manager Sean Fox. They did find that shadowing from trees was causing a delay on the photo cell. The trees have been trimmed and the problem was solved. The signals at Beltline and Barnes Bridge, Beltline and Tripp, the controller is favoring Beltline and Mesquite traffic. The purpose of the signals should be to let traffic go through.

Councilmember Hill stated the Town should try to talk to Mesquite about allowing us to take tree and brush to Mesquite for drop off.

**ADJOURN**

Mayor Phaup adjourned the meeting at 8:33 p.m.

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

---

Mayor Jim Phaup

ATTEST:

---

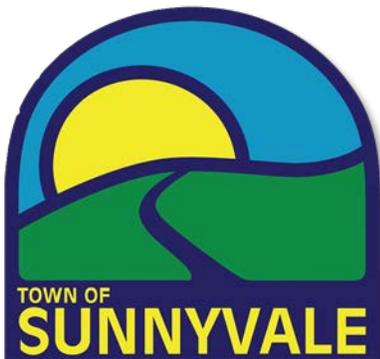
Leslie Black, Town Secretary



# *Town of Sunnyvale*

## Department Monthly Report

### Measuring Performance, Targeting Results



Town of Sunnyvale

127 N. COLLINS ROAD

SUNNYVALE, TEXAS 75182

## Inside This Issue

Welcome from the Town Manager  
Town Secretary  
Finance  
Development Services – Not included  
Patrol Services  
Fire & EMS  
Public Works  
Economic Development





I am pleased to present to you the January 2016 Monthly Report. Please feel free to contact me with any questions, comments and/or suggestions regarding this report.

Regards,

Sean P. Fox  
Town Manager





Town Secretary  
Leslie Malone

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.
Public Info Req.	10	4	6	12								
Agenda Items	24	11	16	17								
Positions Posted	2	0	0	1								
Apps Processed	45	2	4	25								
Positions Filled	2	4	0	1								

#### Municipal Court:

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Total
Citations Filed	333	439	219	562								1,553
Paid Fine	143	146	139	139								567
Dismissed	191	163	193	156								703
Warrants Issued	76	168	306	223								773
Warrants Cleared	153	112	226	210								701





Finance Director  
Elizabeth  
Hopkins

## MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING JANUARY 31, 2016

### OVERVIEW

As of January 31, 2016, General and Utility Fund combined revenues are \$4,550,307. This is 45% of the annual projected amounts.

Combined expenses of \$2,816,896 are 27% of the annual budget. January 31, 2016 marks the end of the fourth month of the FY 2016 Budget Year. Therefore, the year-to-date budget percentage for comparison is 33%.

- Property Taxes are 83% of the YTD projection.
  - Sales Taxes are 32% of the YTD projection.
  - Permits and Licenses are 36% of the YTD projection.
  - Franchise Fees are 17% of the YTD projection.
  - Water Sales are 24% of the YTD projection.
-

# Budget Update - January 31, 2016

33% 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
<b>Revenue Summary</b>						
Property Taxes	3,069,000	2,546,803	83%	2,860,129	2,378,859	83%
Permits/Licenses	208,325	75,077	36%	211,100	30,407	14%
Franchise Fees	996,000	169,233	17%	1,105,643	154,477	14%
Sales Tax	1,200,000	381,579	32%	1,140,000	400,735	35%
Sales Tax - Roads	300,000	95,395	32%	0	0	0%
Developer Fees	20,000	38,976	195%	38,196	38,196	100%
Court Fines	428,700	104,532	24%	419,000	110,623	26%
Warrant Fees	0	0	0%	0	0	0%
Interest	300	0	0%	500	107	21%
Ambulance Service Fees	44,200	5,578	13%	46,000	5,485	12%
Operating Transfer In	117,000	0	0%	111,000	0	0%
Miscellaneous	10,787	3,297	31%	36,615	-6,047	-17%
Grant Revenue	0	249	0%	1,000	550	0%
Gain on Sale of Assets	0	81,607	100%	0	0	0%
<b>Total Revenue</b>	<b>6,394,312</b>	<b>3,502,326</b>	<b>55%</b>	<b>5,969,183</b>	<b>3,113,391</b>	<b>52%</b>
<b>Expenditure Summary</b>						
Town Manager	332,862	77,817	23%	466,478	100,548	22%
Town Secretary	156,462	54,197	35%	171,392	64,525	38%
Finance	250,720	80,630	32%	236,765	67,192	28%
Court	172,400	43,210	25%	174,458	52,386	30%
Parks	502,652	140,410	28%	991,623	183,496	19%
Development Services	765,324	189,463	25%	922,590	210,798	23%
Contract Police	1,540,753	525,646	34%	1,506,801	500,025	33%
Fire & EMS	895,250	294,236	33%	818,062	220,808	27%
Library	194,500	55,864	29%	150,474	44,117	29%
Non-Departmental	379,261	193,895	51%	695,268	203,545	29%
Road Maintenance	1,099,400	126,425	11%	0	0	0%
Transfer Out	250,000	26,231	10%	0	0	0%
<b>Total Expenditures</b>	<b>6,539,584</b>	<b>1,808,024</b>	<b>28%</b>	<b>6,133,911</b>	<b>1,647,439</b>	<b>27%</b>
Revenues Over/(Under) Expenditures	-145,272	1,694,302		-164,728	1,465,953	
Transfers To Vehicle/Street Light		0			-	
Net Increase to Unassigned Fund						
Balance		<u>1,694,302</u>			<u>1,465,953</u>	

# Budget Update - January 31, 2016

33% of Year  
Lapsed

## General Fund Unassigned Fund Balance Summary

	History	Budget	Year To Date	
	2015 Actual	2016 Budget	2016 Actual	% Change
<b>Beginning Fund Balance - Unassigned</b>	<b>4,095,034</b>	<b>4,446,681</b>	<b>4,446,681</b>	<b>0%</b>
<b>Revenues</b>				
Operating Revenue	5,904,307	6,277,312	3,502,326	-44%
Water Transfer In	25,000	25,000	-	-100%
4A Transfer In *	12,000	12,000	-	-100%
4B Transfer In	80,000	80,000	-	-100%
<b>Total Revenues</b>	<b>6,021,307</b>	<b>6,394,312</b>	<b>3,502,326</b>	<b>-45%</b>
<b>Expenditures</b>				
Operating Expenditures	5,323,933	6,289,584	1,781,793	-72%
Transfer Out	345,727	250,000	26,231	-90%
<b>Total Expenditures</b>	<b>5,669,660</b>	<b>6,539,584</b>	<b>1,808,024</b>	<b>-72%</b>
<b>Ending Fund Balance - Unassigned</b>	<b>4,446,681</b>	<b>4,301,409</b>	<b>6,140,983</b>	<b>43%</b>
<b>Equivalent Operating Days (Total)</b>	<b>286</b>	<b>240</b>		
<b>Percent of Operating Expenses</b>	<b>78%</b>	<b>66%</b>		
<b>Revenue Over/ (Under) Expenditures</b>	<b>351,647</b>	<b>(145,272)</b>	<b>1,694,302</b>	

# Budget Update - January 31, 2016

33% of  
Year  
Lapsed

## General Fund Assigned Fund Balance Summary

	History	Budget	Year To Date	
	2015 Actual	2016 Budget	2015 Actual	% Change
<b>Beginning Fund Balance - Unassigned Funds</b>	<b>4,446,681</b>	<b>4,446,681</b>	<b>4,446,681</b>	0%
<b>Beginning Fund Balance - Assigned Funds</b>	<b>389,608</b>	<b>735,335</b>	<b>735,335</b>	0%
<b>Beginning Fund Balance - Vehicle Replacement</b>				
Transfer In from General Fund	280,247	250,000	0	-100%
<b>Beginning Fund Balance - Community Services</b>				
Transfer In from General Fund	0	0	0	
<b>Beginning Fund Balance - Infrastructure Improvements</b>				
Transfer In from General Fund	100,000	0	0	0%
<b>Total Transfers In</b>	<b>380,247</b>	<b>250,000</b>	<b>0</b>	-100%
<b>Expenditures-Assigned Funds</b>				
Vehicle Replacement	34,520	0	0	0%
Community Services	0	0	0	
Infrastructure	0	0	0	0%
<b>Total Transfers Out</b>	<b>34,520</b>	<b>0</b>	<b>0</b>	0%
<b>Net Transfers</b>	<b>345,727</b>	<b>250,000</b>	<b>0</b>	-100%
<b>Ending Fund Balance - Assigned</b>	<b>735,335</b>	<b>985,335</b>	<b>735,335</b>	-25%
<b>Ending Total Fund Balance</b>	<b>5,182,016</b>	<b>4,915,641</b>	<b>6,876,318</b>	40%

Actual YTD Balances	09.30.14	01.31.16
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
<b>TOTAL</b>	<b>389,608</b>	<b>735,335</b>

## GENERAL FUND REVENUES

### PROPERTY TAXES

Tax collections of \$2,546,803 year-to-date are 83% of the annual budget and comparable to this time last year.

### SALES TAXES

Total revenues of \$381,579 represent the budgeted accrual for the first two months and two months' 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 \$169,233 represent the first quarter payment by Oncor for electricity and four months of solid waste collections.

### PERMITS AND LICENSES

Revenues of \$75,077 year-to-date are in line with projections at 36% and higher than this time last year. Developer Fees of \$38,976 are related to Stoney Creek 2G. 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 \$104,532 are less than projected at 24% of the year-to-date projection.

### AMBULANCE SERVICE FEES

Total revenues of \$5,578 are less than projected at 13% 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, animal control donations, impound fees, code mowing, interest earned and other non-major revenues. Total revenues year to date total \$3,297 and includes the TCAP refund.

### 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.

### GAIN ON SALE OF ASSETS

Total revenues year-to-date total \$83,566 and includes the sale of 537 Long Creek, insurance settlement on ambulance that was struck last year.

## GENERAL FUND EXPENDITURES

### TOWN MANAGER

The Town Manager expenses through January 31, 2016 are \$77,817 or 23% of the department budget. In January the costs associated with the Beltline Creekside Traffic Light were correctly re-classified to the 612 Transfer Department to charge to assigned fund balance at end of year.

### TOWN SECRETARY

The Town Secretary expenses through January 31, 2016 are \$54,197 or 35% of the department budget and include the first and second quarter DCAD appraisal fee.

### FINANCE

Finance expenses through January 31, 2016 are \$80,630 or 32% of the department budget.

### COURT

Court related expenses through January 31, 2016 are \$43,210 or 25% of the department budget.

### PARKS

Park related expenses through January 31, 2016 are \$140,410 or 28% of the department budget.

### DEVELOPMENT SERVICES

Development Services expenses through January 31, 2016 are \$189,463 or 25% of the department budget.

### CONTRACT POLICE

Contract Police expenses through January 31, 2016 are \$525,646 or 34% and includes 4 payments to Dallas County for patrol services and the annual workers' compensation premium.

### FIRE & EMS

Fire & EMS expenses through January 31, 2016 are \$294,236 or 33% 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 January 31, 2016 are \$55,864 or 29% of the department budget.

### NON-DEPARTMENTAL

Non-Departmental expenses through January 31, 2016 are \$193,895 or 51% 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. The contingency account also absorbed non-payroll Tornado related expenses of \$9,103.

### ROAD MAINTENANCE

Road Maintenance expenses through January 31, 2016 are \$126,425 or 11.5% 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 expenses of \$500 was the documentation fee associated with the capital lease on the new ambulance and the costs associated with the Creekside Beltline traffic signal.

# Budget Update - January 31, 2016

33% 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
<b>Revenue Summary</b>						
Water Revenue	2,250,000	548,824	24%	1,980,000	600,038	30%
Sewer Revenue	1,100,000	363,392	33%	1,045,000	417,459	40%
Water Meters	32,000	16,100	50%	32,000	3,175	10%
Disconnects	12,000	1,850	15%	15,000	3,300	22%
Penalties	46,000	26,278	57%	50,000	16,166	32%
Trash Service	265,000	88,663	33%	262,904	87,042	33%
Miscellaneous Revenue	6,000	2,874	48%	0	2,106	
<b>Total Revenue</b>	<b>3,711,000</b>	<b>1,047,981</b>	<b>28%</b>	<b>3,384,904</b>	<b>1,129,285</b>	<b>33%</b>
<b>Expenditure Summary</b>						
Public Works Administration	482,604	153,278	32%	414,766	143,385	35%
Maintenance, Supplies & Training	344,020	160,350	47%	276,600	60,960	22%
Contractual & Professional Services	2,499,459	686,497	27%	2,393,357	710,099	30%
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	26,526	42%
<b>Total Expenditures</b>	<b>3,993,266</b>	<b>1,008,872</b>	<b>25%</b>	<b>3,783,822</b>	<b>940,971</b>	<b>25%</b>
<b>Revenues Over/(Under) Expenditures</b>	<b>-282,266</b>	<b>39,109</b>		<b>-398,918</b>	<b>188,314</b>	

## UTILITY FUND REVENUES

### WATER SALES

Overall, the volume of water sold is lower when compared to January 2015. Revenues are budgeted to be 12% higher than the previous year. Rainfall average for the January 2016 bill dates was 4.54 inches compared to 4.34 inches for the same period in 2015.

### SANITARY SEWER CHARGES

Sanitary sewer charges are driven by water consumption and therefore were also lower compared to January 2016.

### TRASH SERVICES

Revenues of \$88,663 year-to-date are in line with projections at 33%.

### FINES AND FEES

Revenues (Penalty Charges for Late Payments) of \$26,278 are more than projected at 57% of the projection. Disconnect fees total \$1,850 or 15% of protections.

### OTHER CHARGES FOR SERVICES

Year-to-date revenues of \$16,100 or 50% is primarily driven by charges for water meter and installation.

## UTILITY FUND EXPENDITURES

### PUBLIC WORKS ADMINISTRATION

Administration expenses through January 31, 2016 are \$153,278 and consist of salaries and benefits at 32% of budget.

### MAINTENANCE, SUPPLIES & TRAINING

Maintenance, supplies & training expenses through January 31, 2016 of \$16,350 are higher than projections at 47%. 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 January 31, 2016 of \$686,497 or 27% 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 15<sup>th</sup> of each year and a second interest only payment is due on August 15<sup>th</sup> 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 life 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 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 January.

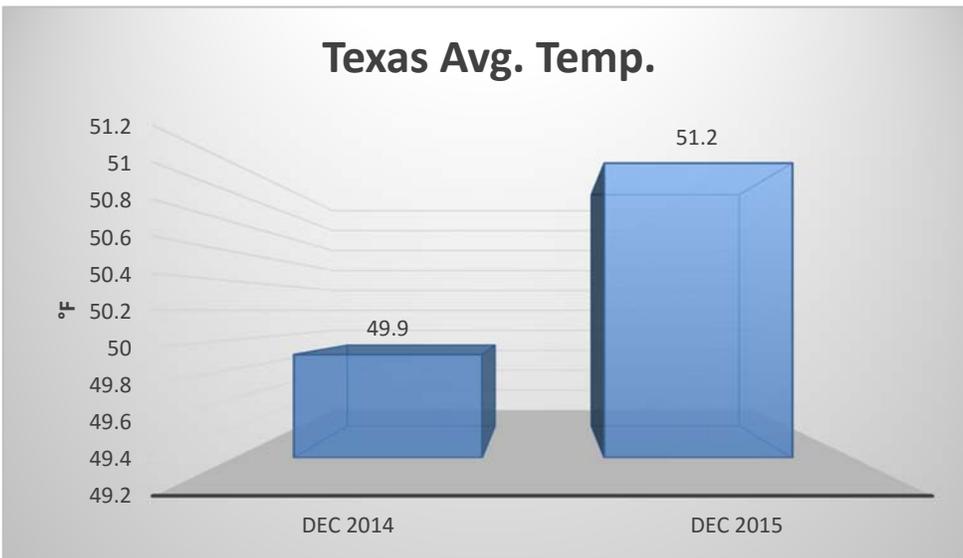
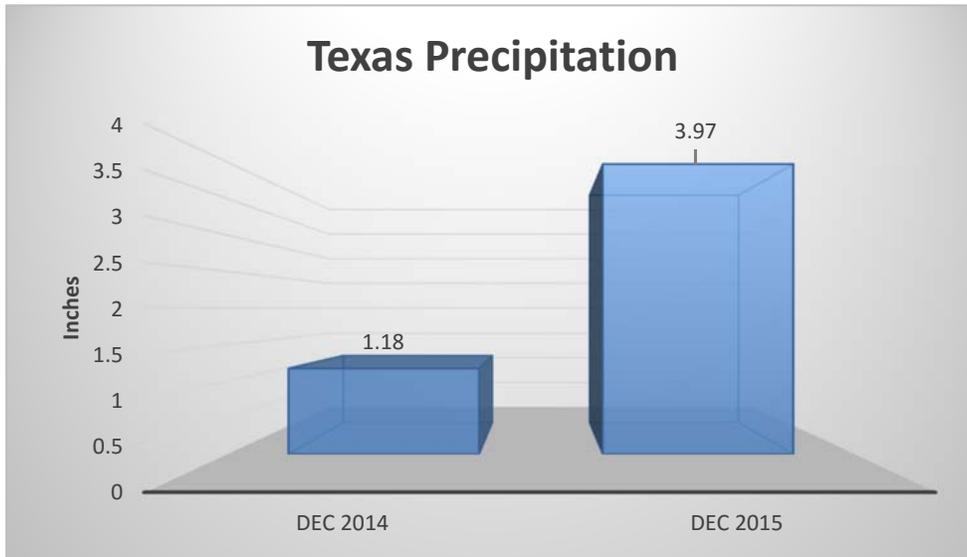
### CAPITAL EQUIPMENT & IMPROVEMENTS

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.

*\*from NOAA monthly climate data, see citations below*

Texas		Texas	
	Precipitation		Avg. Temp.
Dec 2014	1.18	Dec 2014	49.9
Dec 2015	3.97	Dec 2015	51.2

*Precipitation in inches  
Temperature in degrees F*



\*

Texas, Division 3, Monthly Averages

<http://www.ncdc.noaa.gov/temp-and-precip/climatological-rankings/>



## Town of Sunnyvale 4A Monthly Finance Report

### January 31, 2016 (Unaudited)

**Budget:** Net Revenues/Expenses: Budget = \$9,344 Actual = \$ (657,251.04)

**Highlights:**

Revenues:	MTD = \$ 22,487.23	YTD = \$ 95,926.62
Expenses:	MTD = \$704,116.05	YTD = \$753,177.66
Net:	MTD = (\$681,628.82)	YTD = (\$657,251.04)

Revenues: Sales tax recorded YTD is \$95,394.74 (actual – 2 months, accrual – 2 months). Interest earned YTD is \$ 531.88.

Expenses: The YTD expenses total \$753,177.66. The MTD expenses include routine payroll, CoStar payment, Rosenberg Paschall Johnson (legal services-Sunnyvale Industrial Park), McManus & Johnson (design services-Sunnyvale Industrial Park), ICMA membership dues, transfer to 4B for land purchase (13.92 acres at Hwy 80 & Collins Road), and misc office supplies.

#### 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
01/31/16 Net Revenues/Expenses	\$( 657,251.04)
01/31/16 Unassigned Fund Balance	\$ 471,155.14
01/31/16 Assigned Industrial Park Fund Balance	\$ 978,814.63 \$1,449,969.77



## Town of Sunnyvale 4B Monthly Finance Report

### January 31, 2016 (Unaudited)

**Budget:** Net Revenues/Expenses: Budget = (\$ 637,184) Actual = \$(632,424.24)

**Highlights:**

Revenues:	MTD = \$ 728,444.68	YTD = \$ 874,745.21
Expenses:	<u>MTD = \$1,380,888.13</u>	YTD = <u>\$1,507,169.45</u>
Net:	MTD = \$( 652,443.45)	YTD = \$( 632,424.24)

Revenues: Sales tax recorded YTD is \$190,789.50 (actual - 2 months, accrual – 2 months). Interest income recorded YTD is \$86.46. Transfers recorded YTD is \$ 683,869.25 (transfer in from 4A for land purchase @ US 80 and Collins Road).

Expenses: The YTD expenses total \$1,507,169.45 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, Republic Title of Texas for land purchase at US 80 & Collins Road (\$1,370,419.50 net of taxes and fees), and misc office supplies.

**Fund Balance:**

**Working Capital:**

09/30/15	Total Fund Balance	\$1,814,149.75 Unaudited
01/31/16	Net Revenues/Expenses	\$( 632,424.24)
01/31/16	Total Fund Balance	\$1,181,725.51

## SPENDING PLAN FOR PROGRAM ENHANCEMENT

1/31/16

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		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	Richard	15-16	Radios for interoperability	One on order	22,000	5,497	608-6304
Fire & EMS	Richard	15-16	Extractor for Protective Clothing	Bid Process	15,000		608-6703
Fire & EMS	Richard	15-16	Take Delivery of Fire Engine	Complete	418,238	418,199	11-3231
Fire & EMS	Richard	15-16	Take Delivery of Ambulance	Complete	178,000	176,125	11-3231
Roads	Johnny	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	811,579	

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
					<b>1,473,327</b>	<b>1,437,770</b>	

<b>CIP Water Tower</b>							
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
					<b>4,186,364</b>	395,246	

<b>4A Economic Development Corporation</b>							
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
					<b>1,100,000</b>	<b>95,335</b>	

**TOWN OF SUNNYVALE  
INVESTMENT REPORT  
January 31, 2016**

INVESTMENT TYPE	DESCRIPTION	MATURITY DATE	RATE	RATE CHANGE	INVESTMENT	INVESTMENT	NET
					VALUE	VALUE	CHANGE
					01/31/2016	12/31/2015	
General Fund	Checking Account	N/A	0.00%		5,623,788	4,910,037	713,751
11 Ledger	Money Market	N/A	0.03%	0.00%	392,623	392,613	10
General Fund - Road Maint/Sales Tax	Checking Account	N/A	0.00%		196,666	174,389	22,277
General Fund Bond - Bridge	TexSTAR -MM	N/A	0.27%	0.08%	872,738	872,537	201
72 Ledger							
					<b>Fund Total</b>	<b>6,349,577</b>	<b>736,238</b>
Road Impact Fees	Money Market	N/A	0.03%	0.00%	849,126	847,105	2,021
25 Ledger							
					<b>Fund Total</b>	<b>847,105</b>	<b>2,021</b>
Debt Service	Money Market	N/A	0.03%	0.00%	680,390	503,415	176,975
24 Ledger							
					<b>Fund Total</b>	<b>503,415</b>	<b>176,975</b>
<b>General Fund Grand Total \$</b>					<b>8,615,331</b>	<b>7,700,096</b>	<b>915,235</b>
Debt Service - General Fund							
24 Ledger	2013 Refi			2011 @ 38%		2014	
	Town Hall, Bridge, SC, WL			Water Tower		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	Checking Account	N/A	0.00%		2,152,599	2,230,868	-78,268
21 Ledger	Money Market	N/A	0.03%	0.00%	120,138	120,135	3
Water Fund Bond - Water Lines	TexSTAR -MM	N/A	0.27%	0.08%	0	0	0
Water Fund Bond - Water Tower	TexSTAR -MM	N/A	0.27%	0.08%	2,823,768	2,823,118	650
73 Ledger							
					<b>Water Revenue Fund Total</b>	<b>5,174,120</b>	<b>-77,615</b>
Debt Service - Water Revenue Fund							
21 Ledger	2010			2011 @ 62%			
	Long Creek Water Line			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:	Money Market	N/A	0.03%	0.00%	1,140,975	1,117,691	23,284
28 Ledger							
					<b>Water Impact Fund Total</b>	<b>1,117,691</b>	<b>23,284</b>
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:	Money Market	N/A	0.03%	0.00%	309,702	300,803	8,900
28 Ledger							
					<b>Sewer Impact Fund Total</b>	<b>300,803</b>	<b>8,900</b>
<b>Water Fund Grand Total</b>					<b>6,547,183</b>	<b>6,592,614</b>	<b>-45,431</b>
<b>OTHER FUNDS:</b>							
Homestead Amenities:	Money Market	N/A	0.02%	0.00%	66,675	66,674	1
93 Ledger							
					<b>Fund Total</b>	<b>66,674</b>	<b>1</b>
4A - Development:	Checking Acct	N/A	0.00%		82,340	761,494	-679,154
91 Ledger	Money Market	N/A	0.03%	0.00%	487,707	487,695	12
	TexSTAR -MM	N/A	0.27%	0.08%	745,869	745,698	172
	Certificate of Deposit	90 Day	0.10%	0.00%	106,579	106,553	26
					<b>Fund Total</b>	<b>2,101,439</b>	<b>-678,944</b>
4B - Development:	Checking Acct	N/A	0.00%		268,417	910,371	-641,954
92 Ledger	Money Market	N/A	0.03%	0.00%	862,262	862,240	22
					<b>Fund Total</b>	<b>1,772,611</b>	<b>-641,932</b>

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 January 31, 2016 is signed by the Town of Sunnyvale's Investment Officers and includes information required by the PFIA. These investment transactions were made in compliance with the PFIA and the Town of Sunnyvale'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: MARK TAYLOR**  
**NAAAM GROUP DEVELOPMENT**  
**AT OR ABOUT: 3615 BELTLINE ROAD**  
**REQUEST: SITE PLAN – NAAAM GROUP RETAIL ADDITION**

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

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

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

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

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



Limb Overhang	1	29	1	0								
Signs	24	19	17	22								
Other	3	1	2	2								
Building W/O Permit	1	2	0	5								
Total Issues Resolved	34	53	23	29								

Animal Control Activity												
Incoming Strays	9	7	17	20								
Owner Surrender	0	1	0	2								
Owner Redeemed	2	2	13	7								
Adopted	1	0	0	1								
Rescued	2	2	9	3								
Died at Shelter	0	0	0	0								
Quarantined	0	0	0	2								
Euthanized	5	1	4	4								
Current Shelter Animals	7	10	1	6								
Calls for Service	44	30	57	62								
Warnings Issued	1	0	1	0								
Citations Issued	0	0	1	1								

Other animals: Skunks (5), Opossum (2), Armadillo (0)

Facebook likes went from 1716 to 1849, viewed 23,110 times per week.

Adopt-A-Pet.com viewed 706 times per week.



**DALLAS COUNTY SHERIFF'S DEPARTMENT**  
**January 2016 Monthly Report**  
**for the**  
**TOWN OF SUNNYVALE**

**OFFENSES BY FELONY / MISDEMEANOR**

P.C. SECT.	FELONY OFFENSES	2016	2015
19	HOMICIDE		
20	KIDNAPPING		
21	INDECENCY WITH A CHILD		
22	SEXUAL ASSAULTS		1
22	AGGRAVATED ASSAULTS	2	
	DRUGS		
25	FAMILY OFFENSES		
28	PROPERTY OFFENSES	2	
29	ROBBERY		1
30	BURGLARY		1
31	THEFT	2	
31B	AUTO THEFT(UUMV)		1
32	FRAUD		
33	COMPUTER CRIMES		
34	MONEY LAUNDERING		
35	INSURANCE FRAUD		
36	BRIBERY		
37	PERJURY		
38	OBST. GOVT. OPER.		
39	ABUSE OF OFFICE		
43	INDECENCY		
46	WEAPONS OFFENSES	1	
49	INTOXICATION OFFENSES		
71	ORGANIZED CRIME OFFENSES		
	<b>TOTAL</b>	<b>7</b>	<b>4</b>

P.C. SECT.	MISDEMEANOR OFFENSES	2016	2015
20	FALSE IMPRISONMENT		
21	SEXUAL OFFENSES		
22	SEXUAL ASSAULT		
22	ASSAULTS		
	DRUGS		
25	FAMILY OFFENSES		
28	PROPERTY OFFENSES		1
30	TRESPASS / BCOM / BMV	1	1
31	THEFT	1	4
32	FRAUD		
33	COMPUTER CRIMES		
35	INSURANCE FRAUD		
36	BRIBERY		
37	PERJURY		
38	OBST. GOVT. OPER.		
39	ABUSE OF OFFICE		
42	DISORDERLY CONDUCT		
43	INDECENCY		
46	WEAPON OFFENSES		
47	GAMBLING		
48	PUBLIC HEALTH VIOLATION		
49	PUBLIC INTOXICATION	2	
71	ORGANIZED CRIME OFFENSES		
	<b>TOTAL</b>	<b>4</b>	<b>6</b>

**COMMON INCIDENTS / CALLS FOR SERVICE**

	DISTURBANCES	7	7
	INJURED PERSON	2	3
	SICK CALL	13	11
	<b>TOTAL</b>	<b>22</b>	<b>21</b>

	ALARMS	33	60
	LOOSE LIVESTOCK	10	0
	ROUTINE CHECKS	2,459	2,500
	<b>TOTAL</b>	<b>2,502</b>	<b>2,560</b>

**TRAFFIC**

TRAFFIC STOPS	800	522	
	SCHOOL ZONE CITATIONS	0	0
	ALL OTHER CITATIONS	722	286

ACCIDENTS	15	12	
	Minor	12	6
	Major	2	6
	Fatality	1	0

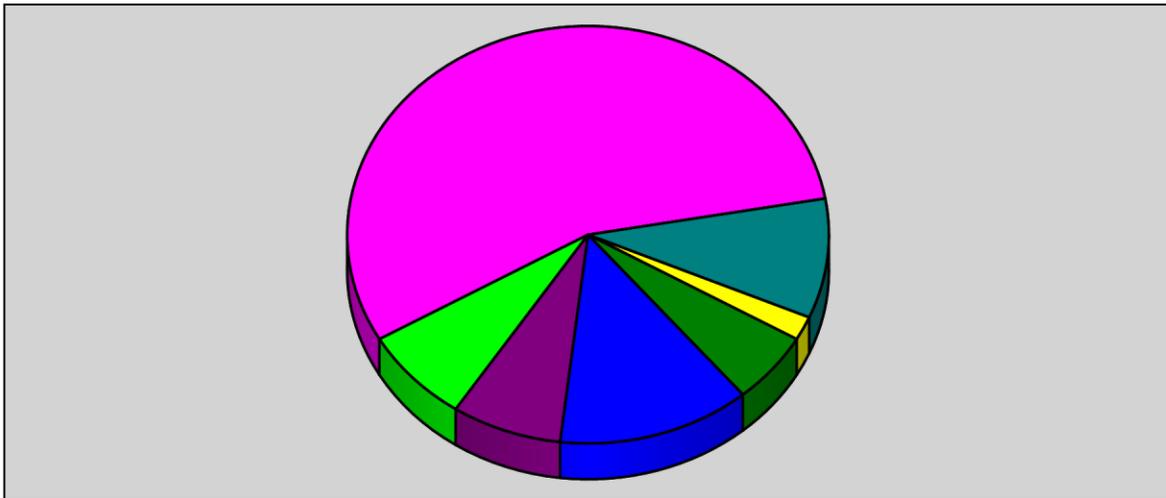
**ARRESTS**

	<b>ON-SITE</b>	<b>5</b>	<b>1</b>
	FELONY	2	0
	MISDEMEANOR	3	1
	<b>WARRANTS CLEARED</b>	<b>7</b>	<b>1</b>
	FELONY	2	0
	MISDEMEANOR	5	1

	<b>DWI</b>	<b>0</b>	<b>0</b>
	FELONY	0	0
	MISDEMEANOR	0	0
	<b>TOTAL PERSONS ARRESTED</b>	<b>12</b>	<b>2</b>
	(each may have multiple charges)		

# Fire Department Monthly Report – January 2016

Start Date: 01/01/2016 | End Date: 01/31/2016



<span style="color: green;">■</span> False Alarm & False Call	<span style="color: magenta;">■</span> Rescue & Emergency Medical Service Incident
<span style="color: blue;">■</span> Fire	<span style="color: teal;">■</span> Service Call
<span style="color: purple;">■</span> Good Intent Call	<span style="color: yellow;">■</span> Special Incident Type
<span style="color: limegreen;">■</span> Hazardous Condition (No Fire)	

INCIDENT TYPE	JAN	TOTAL
False Alarm & False Call	3	3
Fire	7	7
Good Intent Call	4	4
Hazardous Condition (No Fire)	4	4
Rescue & Emergency Medical Service Incident	30	30
Service Call	5	5
Special Incident Type	1	1
<b>Total</b>	<b>54</b>	<b>54</b>

## LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)

Station	EMS	FIRE
Sunnyvale	0:06:45	0:09:32
<b>AVERAGE FOR ALL CALLS</b>		<b>0:07:45</b>

## LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Enroute)

Station	EMS	FIRE
Sunnyvale	0:01:54	0:02:56
<b>AVERAGE FOR ALL CALLS</b>		<b>0:02:16</b>

## LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Enroute to On Scene)

Station	EMS	FIRE
Sunnyvale	0:04:51	0:06:36
<b>AVERAGE FOR ALL CALLS</b>		<b>0:05:43</b>

## Fire Department Monthly Report – January 2016

CO CHECKS	
736 - CO detector activation due to malfunction	1
<b>TOTAL</b>	<b>1</b>
MUTUAL AID	
<b>Aid Type</b>	<b>Total</b>
Aid Given	1
OVERLAPPING CALLS	
<b># OVERLAPPING</b>	<b>% OVERLAPPING</b>
4	7.41

INSPECTION ACTIVITIES	COUNT
<b>INSPECTION TYPE: ANNUAL</b>	
ASSEMBLY	1
COMMERIAL	7
HEALTH CARE	2
<b>INSPECTION TYPE: FOLLOWUP/RE-INSPECT</b>	
COMMERIAL	1
<b>INSPECTION TYPE: Pre-Plan</b>	
MERCANTILE	1
<b>INSPECTION TYPE: Reinspection</b>	
ASSEMBLY	1
COMMERIAL	7
INDUSTRIAL	3
MERCANTILE	3

PERMIT ISSUANCE	COUNT
Burn Permit	5
<b>Total</b>	<b>5</b>



## Public Works Johnny Meeks

Jun. Jul. Aug. Sep.

Connections										
Water Leaks Repaired	2	4								
Water Gallons Sold		15,682,770								
Sewage Gallons Mesquite		7,811,650								
Sewage Gallons Garland		4,959,250								
Sewer Repairs	0	4								
Storm Drains Cleaned	0	6								
Road Repairs	3 tons of upm Crackseal	2 TONS OF UPM								
Street Signs Repaired/Replaced	8 poles 5 signs	26 poles replaced or straightened								





## Economic Development Randall Heye

### 4A Development Corporation

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

- Discussion regarding the Sunnyvale Center Industrial Park project;
- An update on a Memorandum of Understanding between the 4A Development Corporation and 4B Development Corporation regarding the 13.92 acres at the southeast corner of US 80 and Collins Road; and
- Deliberations in Executive Session about real property and incentive negotiations.

### 4B Development Corporation

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

- An update on a Memorandum of Understanding between the 4A Development Corporation and 4B Development Corporation regarding the 13.92 acres at the southeast corner of US 80 and Collins Road;
- An update from The Retail Coach and its associated work effort; and
- Deliberations in Executive Session about real property and incentive negotiations.

### Economic Development

The Sunnyvale Chamber of Commerce held its quarterly Board meeting on January 25<sup>th</sup>. 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 January 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. On January 28<sup>th</sup> staff attended the Sunnyvale Center Industrial Park Property Owner's Association annual meeting to provide an update and discuss the details regarding the next 60 days of the process in greater detail. 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.

Furthermore, Town staff opened bids for the Sunnyvale Center Industrial Park project on January 28<sup>th</sup>. Of the ten bids received, the high bid for the project was \$2,030,000 and a low bid of \$883,000. The average and median bids were \$1,324,800 and \$1,261,000, respectively.

Staff also met with the developer of Sunnyvale Centre, Rick Sheldon, and Mike Anderson to discuss the latest regarding prospective anchor and the current status of the development. Staff will be returning to Town Council on a more regular basis to discuss associated items in Executive Session and solicit direction.

Earlier in the month, Sunnyvale staff requested a meeting with Mr. Willis Winters, Director of the Dallas Park & Recreation Department, to discuss several items including Samuell Farm North Park. On January 25<sup>th</sup>, Mr. Winters and additional staff from the City of Dallas met at Sunnyvale Town Hall. The meeting was very productive and encouraging regarding future opportunities at the park.

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
Project Touchdown	Entertainment venue with multiuse facilities	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**

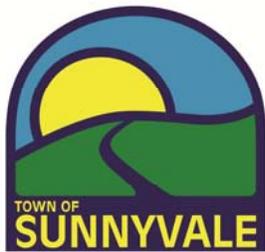
Inquiry/Contact	Description	Source
Contact Smoke	Existing caterer considering a new restaurant concept	Town
Project Digits	Franchise chain of fast casual restaurants offering chicken wings, chicken fingers, sandwiches, and salads	Town
Project Otto	Retailer of aftermarket automotive parts and accessories	Town
Project Tim	Retail home improvement store	Town
Project Austin	Franchise chain of restaurants, specializing in sandwiches	Town
Project Goodwin	Short-term hotel	Town
Project Wheel of Fortune	Subject matter expert in data centers working with staff to identify real estate solutions	Town

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

Inactive	Description	Source
----------	-------------	--------

**MONTHLY METRICS**

	Jan-16
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	14
Number of outbound contacts made (retail/restaurant/consumer oriented only)	29
Number of returned contacts received	8
Number of activities for department outreach and/or outside participation	16



# Town of Sunnyvale

Prepared By: Randall Heye

## **Summary:**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, ORDERING WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK; LEVYING ASSESSMENTS AGAINST THE BENEFITTED PROPERTIES AND OWNERS OF THE PROPERTIES; PROVIDING TERMS AND CONDITIONS FOR PAYMENT AND ENFORCEMENT OF THE ASSESSMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE NECESSARY DOCUMENTS; DIRECTING THE TOWN SECRETARY TO FILE NOTICES OF LEVEY OF ASSESSMENT AND LIEN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

## **Background & Analysis:**

The Sunnyvale Center Industrial Park, located on Clay Road between Scyene Road and Aston Drive, experienced five to six major breaks to its water works system during 2014. The breaks and condition of the water works system are a significant disruption to the existing businesses, hinder potential business expansion, may lead to future business retention issues and are an impediment to new businesses locating to the Sunnyvale Center Industrial Park. All of which negatively impacts economic development within the industrial park.

After coordination with the Sunnyvale Center Industrial Park Property Owners Association and its representatives, staff identified a possible solution that would improve the water works system by assessing benefitted properties a portion of the estimated cost of improvements in accordance with Chapter 552 of the Texas Local Government Code. These public improvements may include constructing, extending, enlarging, or reconstructing the system.

Town Council previously approved a resolution declaring the need for improvements at the industrial park exist, stating the general nature of the improvements, and directing staff to obtain detailed plans, specifications, and cost estimates of the improvements for future consideration by Town Council. Since that time staff has worked with McManus & Johnson to develop the detailed plans, specifications, and cost estimates necessary for a new water system within the industrial park.

Town Council is now being asked to consider the first reading of an ordinance ordering water system improvements to the Sunnyvale Center Industrial Park and levying an assessment upon the benefitted property owners in accordance with Chapter 552 of the Texas Local Government Code.

## **Fiscal Impact:**

The 4A Development Corporation previously assigned \$1,100,000 for the design and construction of the project with the expectation that half of the total project costs will be reimbursed to the Corporation via an assessment placed on the benefitted property owners by

the Town. On January 28, 2016 the Town received ten bids with \$883,070.40 representing the lowest bid amount by Excel Trenching & Utilities. Staff estimates the total project cost will be approximately \$1,100,000.

**Staff Recommendation:**

At the March 14 Town Council meeting, staff will recommend the Town Council levy an assessment upon the benefitted property owners of this project, approve the 4A Development Corporation's expenditure, and award a construction contract to Excel Trenching & Utilities.

**Attachment:**

- Proposed Ordinance

**ORDINANCE NO. 16-05**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, ORDERING WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK; LEVYING ASSESSMENTS AGAINST THE BENEFITTED PROPERTIES AND OWNERS OF THE PROPERTIES; PROVIDING TERMS AND CONDITIONS FOR PAYMENT AND ENFORCEMENT OF THE ASSESSMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE NECESSARY DOCUMENTS; DIRECTING THE TOWN SECRETARY TO FILE NOTICES OF LEVEY OF ASSESSMENT AND LIEN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Sunnyvale (“**Town**”) is a Texas home rule municipal corporation; and

**WHEREAS**, Subchapter D of Chapter 552 of the Texas Local Government Code (“**Chapter 552(D)**”) provides the framework by which a municipality may make water system improvements within the municipality’s boundaries and, within statutory limitations, assess the cost of improvements against the benefitted property and the owners of that property; and

**WHEREAS**, the Town is located in Dallas County, Texas which has a population of more than 25,000 and the Town is qualified to exercise the authority provided by Chapter 552(D) of the; and

**WHEREAS**, the Sunnyvale Center Industrial Park (“**SCIP**”), depicted in Exhibit A to this Ordinance incorporated herein by reference, is an industrial park situated entirely within the Town’s boundaries; and

**WHEREAS**, the property within the SCIP has been subdivided or platted for at least ten (10) years preceding the date of the assessments provided herein; and

**WHEREAS**, numerous owners of property in the SCIP and the Sunnyvale Center Property Owners Association requested that the Town make improvements to the water system within the SCIP, currently privately owned, and expressed support for the benefitted properties sharing the cost of such improvements; and

**WHEREAS**, on February 9, 2015, the Town Council passed and approved Resolution No. 15-01B, incorporated herein by reference, declaring the need for water system improvements within the SCIP and directing Town staff to obtain and submit to the Town Council detailed plans, specifications and cost estimates for said improvements; and

**WHEREAS**, Town staff obtained detailed plans, specifications and cost estimates for said improvements, generally described as the construction, extension, enlargement or reconstruction of more than 7,600 linear feet of water and fire lines serving the SCIP and more particularly described in Exhibit B to this Ordinance incorporated herein by reference, and submitted same to the Town Council before the hearing required for this matter; and

**WHEREAS**, the Town Council has determined that construction of the water system improvements within the SCIP is necessary and serves the interests of the public health, safety and welfare of the citizens of the Town; and

**WHEREAS**, the Town has provided and published all required notices to conduct the hearing required by Chapter 552(D); and

**WHEREAS**, on March 14, 2016, the Town Council conducted the hearing required for this matter prior to approval of this Ordinance at which each person who owns or claims benefitted property in the SCIP or an interest in such property was given an opportunity to be heard; and

**WHEREAS**, at the hearing on March 14, 2016, the Town Council received testimony and evidence from owners of benefitted property in the SCIP, Town staff and consultants of the Town; and

**WHEREAS**, the Town Council has determined to order the construction of the necessary water system improvements within the SCIP, to contract for these improvements and to take ownership of these improvements; and

**WHEREAS**, the Town Council, after conducting the hearing for this matter, has determined the amounts of the assessments and other necessary matters as contained in this Ordinance; and

**WHEREAS**, the Town Council has determined the enhancement in value to the benefitted properties caused by the water system improvements within the SCIP is as identified in Exhibit C to this Ordinance incorporated herein by reference; and

**WHEREAS**, it is the opinion of the Town Council that application of the "front foot rule" described in Chapter 552(D) with respect to apportionment of assessments will result in injustice or inequality in the particular cases here presented and the Town Council has determined that apportionment of the assessments based on the percentage each benefitted property's acreage bears to the total acreage contained in the SCIP, excluding all acreage represented by the privately owned roads to which these assessments do not apply, as set forth in Exhibit D to this Ordinance incorporated herein by reference is just and equitable and takes into account the special benefits in

enhanced value to be received by the benefitted properties and owners and produces a substantial equality of benefits received and burdens imposed; and

**WHEREAS**, the Town has separately computed the cost of the water system improvements within the SCIP and apportioned the part of the cost of these improvements being assessed against the benefitted properties and the owners of the properties within the SCIP as provided herein; and

**WHEREAS**, the Town Council has determined the cost of the improvements will be paid by the Town and assessments levied against the benefitted properties and owners of the benefitted properties of the SCIP in accordance with the terms provided herein and in the amounts set forth in Exhibit D, which are within statutory limitations; and

**WHEREAS**, the Town Council has determined that the assessments levied herein against the benefitted properties and owners are not more than nine-tenths of the estimated cost of the improvements and are not in excess of the enhancement in value of the benefitted properties caused by the water system improvements as determined at the hearing on this matter; and

**WHEREAS**, the Town Council has determined the time, terms and conditions of payment and defaults of the assessments, and prescribed the interest rate on the assessments, as required by and within the limitations of Chapter 552(D) and as set forth in Exhibit E to this Ordinance incorporated herein by reference.

**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, constitute findings and determinations by the Town Council acting in its legislative capacity and are incorporated herein for all purposes.

**Section 2.** That the hearing on this matter closed.

**Section 3.** That the water system improvements to the Sunnyvale Center Industrial Park, described herein, be made and that the Town take ownership of these improvements; and that the cost of the improvements shall be paid wholly by the Town and the total sum of \$\_\_\_\_\_ is hereby apportioned, levied and assessed against the benefitted properties and owners of the benefitted properties within the Sunnyvale Center Industrial Park in the amounts identified in Exhibit D to this Ordinance.

**Section 4.** That the assessments levied herein shall mature upon acceptance by the Town of the improvements for which the assessments are levied and that the owners of the benefitted properties within the SCIP be notified of such acceptance.

**Section 5.** That the time, terms, and conditions of payment and defaults of the assessments levied herein, and interest rate on the assessments, are as provided in Exhibit E to this Ordinance.

**Section 6.** That, in addition to any other remedies at law or in equity, all enforcement provisions of Subchapter D of Chapter 552 of the Texas Local Government Code are hereby adopted for the collection and enforcement of the assessments made by this Ordinance.

**Section 7.** That the Town Manager is hereby authorized to execute all other documents necessary to implement and otherwise effectuate and enforce this Ordinance.

**Section 8.** That the Town Secretary is hereby directed to file with the County Clerk of Dallas County, Texas a Notice of Levy of Assessment and Lien against each benefitted property and owner of the property for the assessments levied herein and in the form of Exhibit F to this Ordinance incorporated herein by reference.

**Section 9.** 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 10.** 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 11.** 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 22, 2016.

**PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 14th DAY OF March, 2016.**

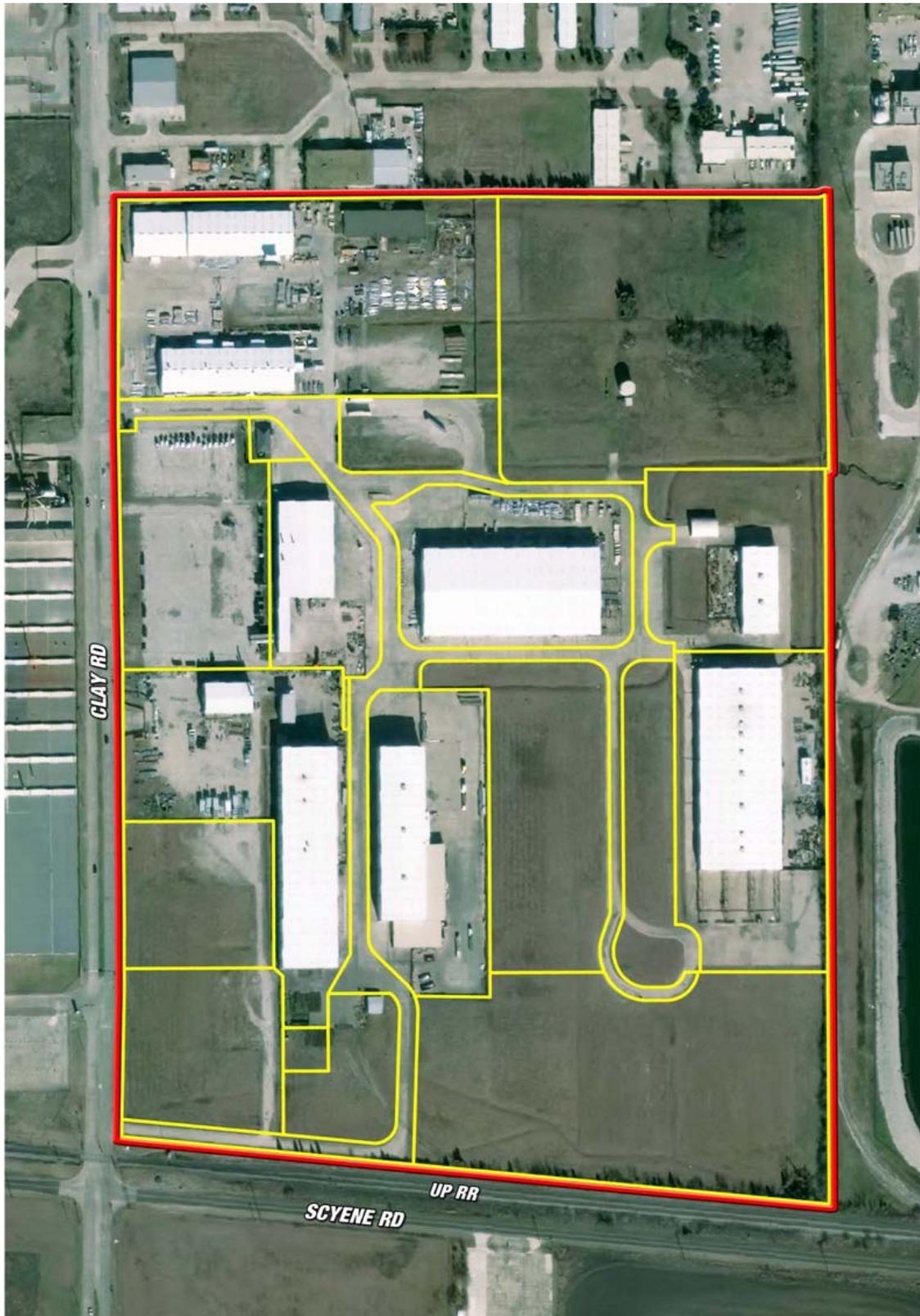
**APPROVED:**

**By:** \_\_\_\_\_  
**Jim Phaup, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Leslie Black, Town Secretary**

**EXHIBIT A TO ORDINANCE NO. 16-05**

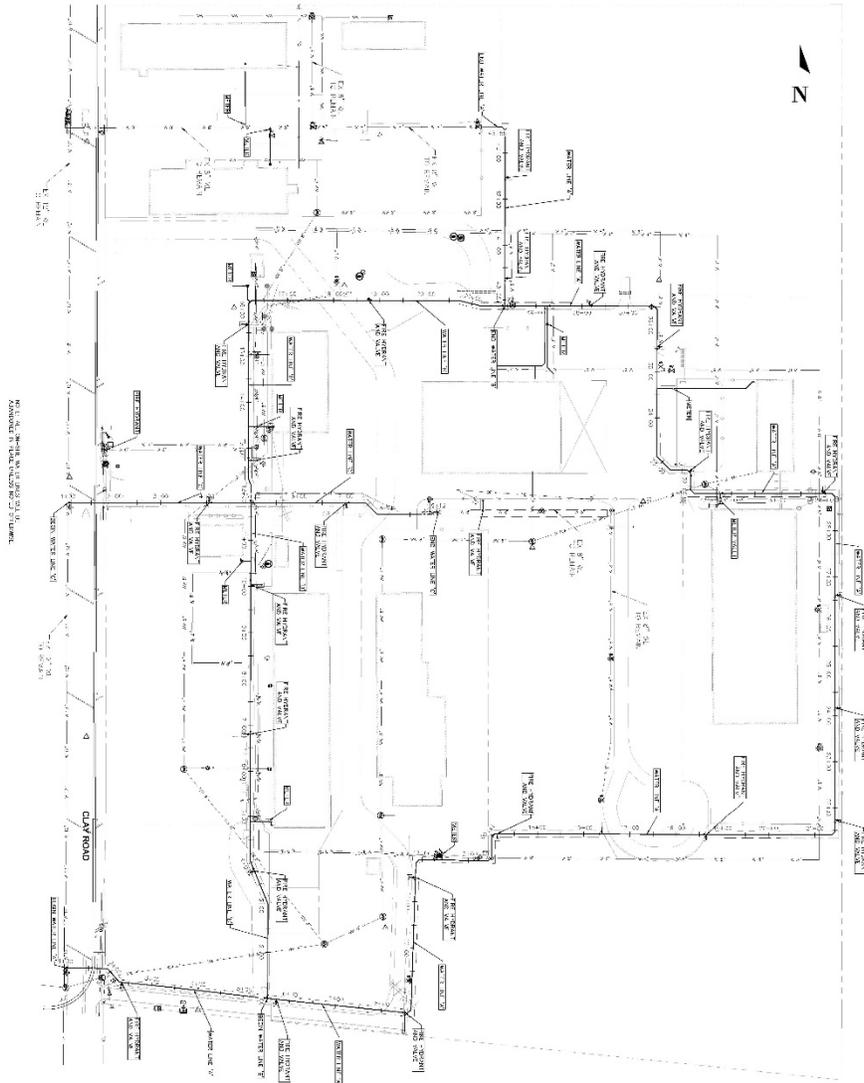


## **EXHIBIT B TO ORDINANCE NO. 16-05**

The proposed system will provide dual connections with new pipelines to the existing Sunnyvale water system pipeline in Clay Road. A new 12-inch pipeline will be connected to the existing 12-inch pipeline and across Clay Road near the south end of the Sunnyvale Center Industrial Park. A new 12-inch pipeline will be designed within new easements along the outer edges of the currently developed area. This will provide service to the existing development and provide access to water for the future development around the edges of the Sunnyvale Center Industrial Park. An additional new 12-inch pipeline will be extended into the Sunnyvale Center Industrial Park from Clay Road beginning at the existing crossing south of the Sunnyvale Center Industrial Park main entrance. This will connect to the new 12-inch that is to be installed around the existing developed area. The new 12-inch pipelines will provide dual connections to the existing system enhancing water quality and service to the Sunnyvale Center Industrial Park through multiple feeds that can provide service without disruption if one of the connections is taken out of service for maintenance or repair.

The existing 8-inch PVC pipelines that have been more recently installed will be connected to the new 12-inch pipeline and remain in service. A new connection will be made to the existing 8-inch pipeline installed through the northern part of the Sunnyvale Center Industrial Park. This will aid the system by providing looping of the system that will enhance water quality and provide the ability to shut down portions of the system without disrupting other areas. New easements will be developed along the existing pipelines that are to remain in service as they will become public water mains and must have the authorization for maintenance, repair, and replacement by Town of Sunnyvale personnel.

The new pipelines will include installation of fire hydrants each 300 feet that will provide adequate fire protection for the area. Multiple valves will also be provided that will allow isolation of a fire hydrant for maintenance without disrupting service to the others. The valves will also provide the Town operators the ability to maintain and repair portions of the newly developed system without interrupting service to multiple businesses.



## EXHIBIT C TO ORDINANCE NO. 16-05

OPINION OF ENHANCEMENT				
OWNER	ADDRESS	ACREAGE	2015 LAND ASSESSMENT	20% ENHANCEMENT
326 CLAY RD LLC	326 CLAY RD	9.1426	\$497,780	\$99,556
380 CLAY RD LLC	380 CLAY RD	4.3730	\$238,110	\$47,622
330 CLAY RD LLC	330 CLAY RD	10.8960	\$467,500	\$93,500
		<b>24.4116</b>	<b>\$1,203,390</b>	<b>\$240,678</b>
<b>390 CLAY RD PS LLC</b>				
	390 CLAY RD	3.8048	\$207,130	\$41,426
		<b>3.8048</b>	<b>\$207,130</b>	<b>\$41,426</b>
<b>490 CLAY ROAD LP</b>				
	480 CLAY RD	2.2099	\$72,170	\$14,434
	490 CLAY RD	5.7262	\$311,780	\$62,356
		<b>7.9361</b>	<b>\$383,950</b>	<b>\$76,790</b>
<b>ARTEMIS INC</b>				
	458 CLAY RD	5.7765	\$314,910	\$62,982
	510 CLAY RD	2.6374	\$171,840	\$34,368
	530 CLAY RD	1.5793	\$113,510	\$22,702
	458 CLAY RD	0.0431	\$2,590	\$518
	458 CLAY RD	0.2351	\$15,360	\$3,072
		<b>10.2714</b>	<b>\$618,210</b>	<b>\$123,642</b>
<b>JT HOLDINGS LTD</b>				
	340 CLAY RD	0.2235	\$14,570	\$2,914
		<b>0.2235</b>	<b>\$14,570</b>	<b>\$2,914</b>
<b>KAFFENBARGER LARRY E TR</b>				
	360 CLAY RD	4.3452	\$236,310	\$47,262
	370 CLAY RD	2.4489	\$133,400	\$26,680
		<b>6.7941</b>	<b>\$369,710</b>	<b>\$73,942</b>
<b>MCELROY METAL MILL INC</b>				
	460 CLAY RD	4.3100	\$205,200	\$41,040
		<b>4.3100</b>	<b>\$205,200</b>	<b>\$41,040</b>
<b>R W INVESTMENTS LLC</b>				
	328 CLAY RD	1.3743	\$149,630	\$29,926
		<b>1.3743</b>	<b>\$149,630</b>	<b>\$29,926</b>
<b>STEWARDSHIP DEVELOPMENT LLC</b>				
	470 CLAY RD	4.6633	\$205,200	\$41,040
	520 CLAY RD	3.0480	\$165,960	\$33,192
	550 CLAY RD	10.0352	\$327,860	\$65,572
		<b>17.7465</b>	<b>\$493,820</b>	<b>\$98,764</b>
		<b>76.8723</b>	<b>\$3,645,610</b>	<b>\$729,122</b>

### EXHIBIT D TO ORDINANCE NO. 16-05

Property Owner	Company	Address	Acreage	Percentage		2015 Assessed	Proportional Share of Assessment
				of SCIP			
326 CLAY RD LLC	Accura Systems	326 CLAY RD	9.1426	11.89%		\$ 497,780.00	\$ 65,412.76
380 CLAY RD LLC	Accura Systems	380 CLAY RD	4.3730	5.69%		\$ 238,110.00	\$ 31,287.62
330 CLAY RD LLC	Accura Systems	330 CLAY RD	10.8960	14.17%		\$ 467,500.00	\$ 77,957.85
			24.4116	31.76%			\$ 174,658.23
390 CLAY RD PS LLC	Prentex Alloy Fabricators, Inc.	390 CLAY RD	3.8048	4.95%		\$ 207,130.00	\$ 27,222.29
			3.8048	4.95%			\$ 27,222.29
490 CLAY ROAD LP	Performance Pulsation Control	480 CLAY RD	2.2099	2.87%		\$ 72,170.00	\$ 15,811.22
490 CLAY ROAD LP	Performance Pulsation Control	490 CLAY RD	5.7262	7.45%		\$ 311,780.00	\$ 40,969.37
			7.9361	10.32%			\$ 56,780.59
ARTEMIS INC	Vince Hagan Company	458 CLAY RD	5.7765	7.51%		\$ 314,910.00	\$ 41,329.25
ARTEMIS INC	Vince Hagan Company	510 CLAY RD	2.6374	3.43%		\$ 171,840.00	\$ 18,869.86
ARTEMIS INC	Vince Hagan Company	530 CLAY RD	1.5793	2.05%		\$ 113,510.00	\$ 11,299.40
ARTEMIS INC	Vince Hagan Company	458 CLAY RD	0.0431	0.06%		\$ 2,590.00	\$ 308.37
ARTEMIS INC	Vince Hagan Company	458 CLAY RD	0.2351	0.31%		\$ 15,360.00	\$ 1,682.08
			10.2714	13.36%			\$ 73,488.96
JT HOLDINGS LTD	JetPay Corporation	340 CLAY RD	0.2235	0.29%		\$ 14,570.00	\$ 1,599.08
			0.2235	0.29%			\$ 1,599.08
KAFFENBARGER LARRY E TR	Kaffenbarger Truck Equipment Co.	360 CLAY RD	4.3452	5.65%		\$ 236,310.00	\$ 31,088.70
KAFFENBARGER LARRY E TR	Kaffenbarger Truck Equipment Co.	370 CLAY RD	2.4489	3.19%		\$ 133,400.00	\$ 17,521.20
			6.7941	8.84%			\$ 48,609.90
MCELROY METAL MILL INC	McElroy Metal	460 CLAY RD	4.3100	5.61%		\$ 205,200.00	\$ 30,836.92
			4.3100	5.61%			\$ 30,836.92
R W INVESTMENTS LLC	Western Flyer Express Inc	328 CLAY RD	1.3743	1.79%		\$ 149,630.00	\$ 9,832.73
			1.3743	1.79%			\$ 9,832.73
STEWARDSHIP DEVELOPMENT LLC	Stewardship Development LLC	470 CLAY RD	4.6633	6.07%		\$ 205,200.00	\$ 33,364.62
STEWARDSHIP DEVELOPMENT LLC	Stewardship Development LLC	520 CLAY RD	3.0480	3.97%		\$ 165,960.00	\$ 21,807.61
STEWARDSHIP DEVELOPMENT LLC	Stewardship Development LLC	550 CLAY RD	10.0352	13.05%		\$ 327,860.00	\$ 71,799.07
			17.7465	23.09%			\$ 126,971.30
			76.8723	100.00%			\$ 550,000.00

**EXHIBIT E TO ORDINANCE NO. 16-05**

**TERMS AND CONDITIONS OF ASSESSMENTS ON BENEFITTED PROPERTIES  
AND OWNERS OF BENEFITTED PROPERTIES WITHIN THE  
SUNNYVALE CENTER INDUSTRIAL PARK**

<b>Payee and Place for Payment:</b>	Town Secretary Town of Sunnyvale, Texas 127 N. Collins Road Sunnyvale, Texas 75182
<b>Annual Interest Rate on Unpaid Assessment from Maturation Date:</b>	Three percent (3%) per annum, commencing on the date the assessments mature
<b>Term:</b>	Five (5) years, commencing on the Maturation Date
<b>Maturation Date:</b>	The date the Town accepts the improvements for which the assessment is levied
<b>Terms of Payment:</b>	The assessment shall be paid in five equal, annual installments, plus accumulated interest, on or before January 31 of each year following the Maturation Date
<b>Default:</b>	Failure to pay in good and sufficient funds any payment due on or before the due date of any such payment shall constitute a default
<b>Default Interest Rate:</b>	All sums not paid when due shall bear interest at the rate of ten percent (10%) per annum

**Additional Provisions:**

**Prepayment.** All or part of the outstanding assessment may be prepaid at any time without penalty, provided that any such prepayment shall be applied first to interest then accrued and then to all other sums due. Partial prepayments shall be applied to reduce the remaining payments in the inverse order of in which they are due.

**Remedies.** The rights, powers and remedies provided herein shall not be deemed exclusive, but shall be cumulative, and shall be in addition to all other rights and remedies in favor of Town existing at law or in equity including, without limitation, all enforcement provisions of Subchapter D of Chapter 552 of the Texas Local Government

Code which are adopted herein for all purposes. The provisions herein do not limit or otherwise impede the protections afforded the Town under Subchapter D of Chapter 552 of the Texas Local Government Code, all of which apply.

These assessments are collectable with interest, cost of collection, and reasonable attorney's fees. The assessment is a first and prior lien on the assessed property and the lien takes effect on the date that a notice of proposed improvements is made under Section 552.067 of the Texas Local Government Code. The lien is superior to any other lien or claim except a state, county, school district, or municipal property tax lien. The assessment is a personal liability and charge against the owners of the assessed property on the date on which the lien takes effect, whether or not the owners are named in a notice, instrument, certificate, or ordinance provided for under this subchapter.

The Town may enforce a lien created against any property and the personal liability of the owner of the property by an action in a court having jurisdiction or by sale of the assessed property in the manner provided by law or charter in effect in the Town for the sale of property for municipal property taxes.

As an aid to enforcement of the liability imposed by the assessment, the Town may refuse to connect or may disconnect water or sewer service to a parcel of benefitted property during the period in which there is a default in the payment of any amount assessed against the parcel or its owner.

**Reservation of Rights.** The Town reserves its rights under Subchapter D of Chapter 552 of the Texas Local Government Code to change plans, methods, contracts, or other proceedings relating to the improvements.

In the event an assessment is determined to be invalid or unenforceable, the Town Council reserves its rights under Subchapter D of Chapter 552 of the Texas Local Government Code to correct any deficiency in the proceedings relating to the assessment or any mistake or irregularity in connection with the assessment. The Town Council may make and levy reassessments after a notice and hearing that comply as nearly as possible with the requirements for the original notice and hearing, and subject to the provisions relating to special benefits. A recital in a certificate issued as evidence of a reassessment has the same force as a recital in a certificate related to an original assessment.

## EXHIBIT F TO ORDINANCE NO. 16-05

### NOTICE OF LEVY OF ASSESSMENT AND LIEN

**Benefitted Property Subject of Levy of Assessment and Lien:** [property address], more particularly described in Exhibit 1 hereto incorporated herein by reference

**Owner of Benefitted Property:** [Insert owner name and mailing address]

**Amount of Assessment and Lien:** \$[insert dollar amount of assessment levied against identified property]

**Project for which Assessment is Levied and Lien Recorded:** Water System Improvements within the Sunnyvale Center Industrial Park

In accordance with Section 552.067 of the Texas Local Government Code, the Town of Sunnyvale, Dallas County, Texas (“**Town**”), a home rule Texas municipal corporation, hereby provides notice of the Town’s levy of an assessment and lien against the benefitted properties of the Sunnyvale Center Industrial Park, located generally northeast of the intersection of Clay Road and East Scyene Road and within the boundaries of the Town, including the property described herein, for a portion of the cost of water system improvements within the Sunnyvale Center Industrial Park, in accordance with Subchapter D of Chapter 552 of the Texas Local Government Code.

On February 9, 2015, the Town Council passed and approved Resolution No. 15-01B declaring the need and necessity for water system improvements within the Sunnyvale Center Industrial Park. On March 14, 2016, following the Town’s compliance with Subchapter D of Chapter 552 of the Texas Local Government Code, the Town Council of the Town passed and adopted Ordinance No. 16-\_\_\_ that, among other things, ordered construction of the water system improvements, apportioned a portion of the cost of the water system improvements against the benefitted properties and owners of the benefitted properties, specially assessed as a lien against the benefitted properties and owners of the benefitted properties the cost of the water system improvements apportioned to the benefitted property, including the benefitted property and owner described in this Notice, and authorized the filing of this Notice.

The water system improvements being made within the Sunnyvale Center Industrial Park are more particularly described and depicted in Exhibit 2 to this Notice.

**TOWN OF SUNNYVALE, TEXAS**

**By:** \_\_\_\_\_  
**Leslie Black, Town Secretary**

**Dated:** \_\_\_\_\_

**AFTER RECORDING, PLEASE RETURN TO:**

Town Secretary  
Town of Sunnyvale  
127 N. Collins Road  
Sunnyvale, Texas 75182

**EXHIBIT 1 TO NOTICE OF LEVY OF ASSESSMENT AND LIEN**

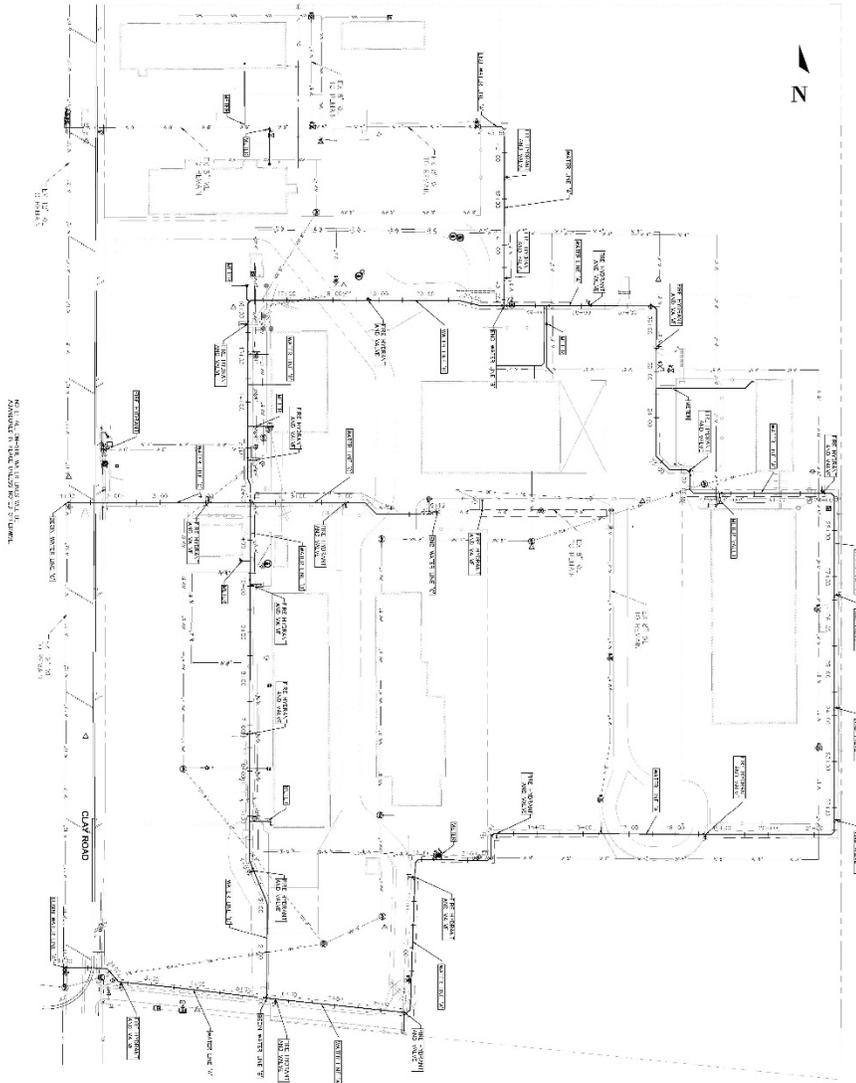
[PROPERTY DESCRIPTION]

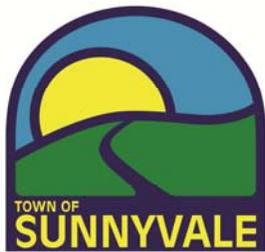
## EXHIBIT 2 TO NOTICE OF LEVY OF ASSESSMENT AND LIEN

The proposed system will provide dual connections with new pipelines to the existing Sunnyvale water system pipeline in Clay Road. A new 12-inch pipeline will be connected to the existing 12-inch pipeline and across Clay Road near the south end of the Sunnyvale Center Industrial Park. A new 12-inch pipeline will be designed within new easements along the outer edges of the currently developed area. This will provide service to the existing development and provide access to water for the future development around the edges of the Sunnyvale Center Industrial Park. An additional new 12-inch pipeline will be extended into the Sunnyvale Center Industrial Park from Clay Road beginning at the existing crossing south of the Sunnyvale Center Industrial Park main entrance. This will connect to the new 12-inch that is to be installed around the existing developed area. The new 12-inch pipelines will provide dual connections to the existing system enhancing water quality and service to the Sunnyvale Center Industrial Park through multiple feeds that can provide service without disruption if one of the connections is taken out of service for maintenance or repair.

The existing 8-inch PVC pipelines that have been more recently installed will be connected to the new 12-inch pipeline and remain in service. A new connection will be made to the existing 8-inch pipeline installed through the northern part of the Sunnyvale Center Industrial Park. This will aid the system by providing looping of the system that will enhance water quality and provide the ability to shut down portions of the system without disrupting other areas. New easements will be developed along the existing pipelines that are to remain in service as they will become public water mains and must have the authorization for maintenance, repair, and replacement by Town of Sunnyvale personnel.

The new pipelines will include installation of fire hydrants each 300 feet that will provide adequate fire protection for the area. Multiple valves will also be provided that will allow isolation of a fire hydrant for maintenance without disrupting service to the others. The valves will also provide the Town operators the ability to maintain and repair portions of the newly developed system without interrupting service to multiple businesses.





# Town of Sunnyvale

**February 22, 2016**

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

**Summary:**

**SECOND READING OF 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 8<sup>th</sup>, 2016.

**PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 22<sup>nd</sup> 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.

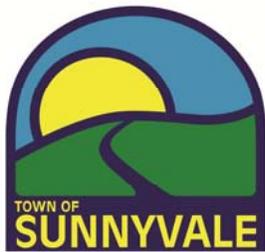
(1992 Code, sec. 7.212)

**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 22, 2016**

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

**Summary:**

**SECOND READING OF 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
- Entry Corridor Map

**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 8<sup>th</sup>, 2016.

**PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 22<sup>nd</sup> 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	from	Beltline Road	to	Collins Road
2. Town East Blvd.	from	Beltline Road	to	New Hope
3. Belt Line Road	from	Tripp Road	to	Sunview
4. Jobson Road	from	Hwy 80	to	Town East Blvd.
5. Collins Road	from	North City Limit	to	South City Limit
6. Clay Road	from	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

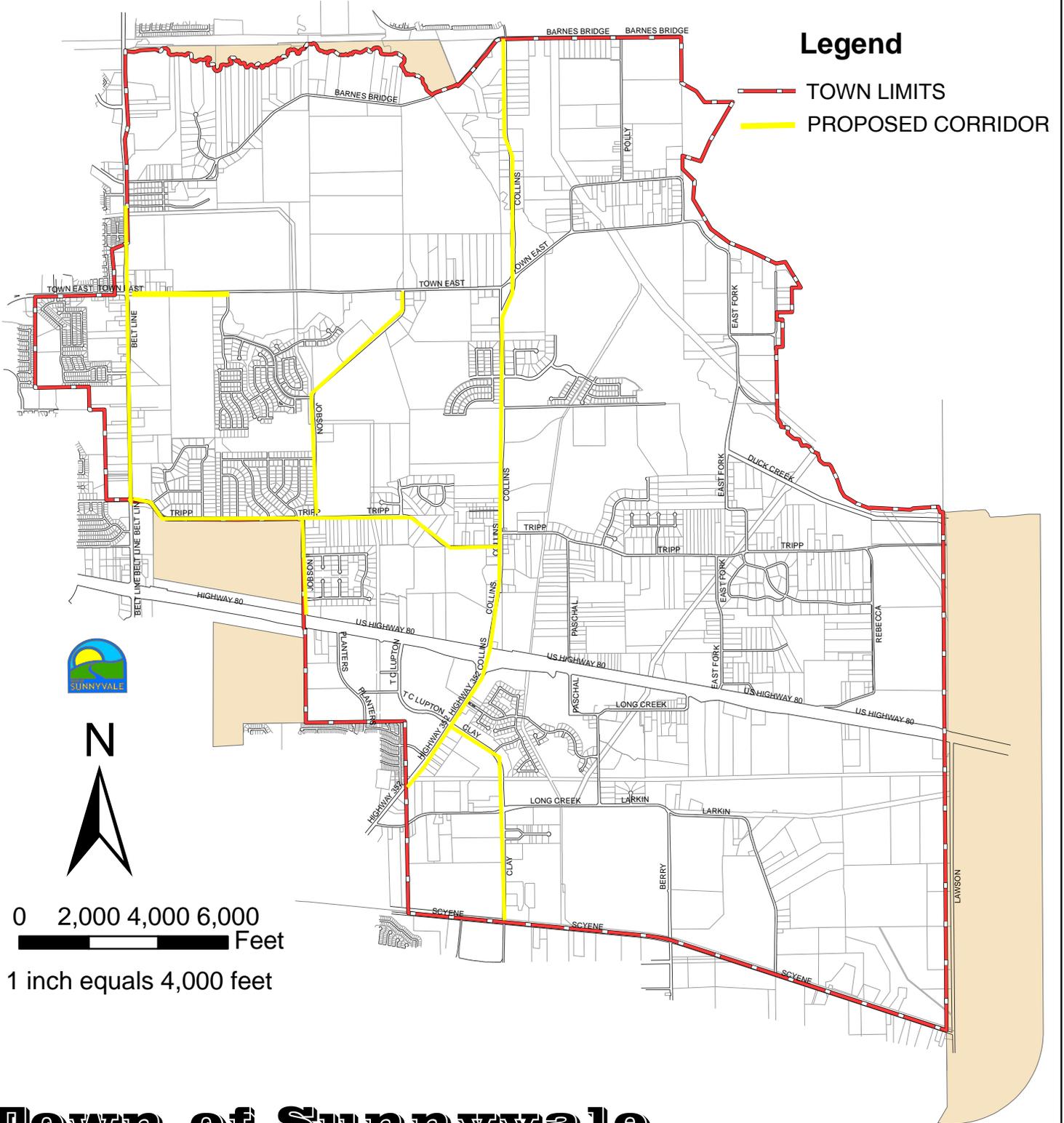
This article shall specifically include but not be limited to, all drainage ditches, drainage easements, water runoff paths, or ways, water ways, and all embankments and sides thereto.

### 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\*

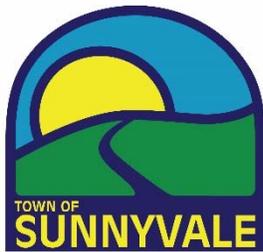
#### **Sec. 6.209 Reward for reporting dumping**

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: Justin Brown, P.E.

## **Summary:**

**HEAR A STAFF PRESENTATION, HOLD A DISCUSSION AND PROVIDE STAFF DIRECTION REGARDING THE LOGOS AND LIGHTING ON THE NEW 1.25 MG ELEVATED STORAGE TANK.**

## **Background & Analysis:**

The design of the new 1.25 million gallon water tower along Town East Boulevard is nearing the final design stages and decisions regarding tank logos and lighting need to be made prior to advertising for bids. As was presented at the December 14, 2015 Town Council meeting there are multiple options that can be chosen for logos on the water tower. The Town can choose to install a Town of Sunnyvale logo on multiple sides of the tank or they can install a single logo. In addition, the Town could choose to have a Sunnyvale ISD logo installed. The cost of the logos is approximately \$20,000.

Tank bowl light is an option that can be installed at the new water tower and there are two choices; bowl mounted or pole mounted lighting. Bowl mounted lighting can be installed around the entire bowl or it can be installed only where the logo is painted. The estimated cost to install bowl mounted lighting on the two sides of the tank is \$60,000 and the estimated cost to install bowl mounted lighting on only one side of the tank is \$30,000. The pole mounted lighting has an estimated cost of \$50,000 but it can only be installed on the west side of the tank due to site constraints. The pole mounted lighting has to be set approximately 70' from the tank base to properly illuminate the tank bowl. Since the proposed water tower is very close to the eastern boundary of the site there is no room to install pole mounted lighting on the east side of the tower.

As can be seen there are multiple combinations of logos and lighting that can be chosen for the new water tower. The decision of what to install is simply based on personal preference and cost considerations; the final decision on logos and lighting will have no impact on the engineering design decisions that are made. Freese and Nichols does plan to complete the plans and specifications for the water tower the week of February 29 and advertise for bids in March.