

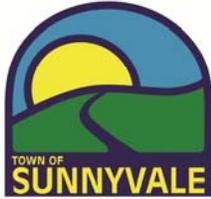


Town of Sunnyvale

Town Council

March 14, 2016

Town Council Regular Meeting 7:00 P.M.



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
CONFERENCE ROOM - 127 N. COLLINS RD
MONDAY, MARCH 14, 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 551.074 – PERSONNEL MATTERS

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee.

LEGAL COUNSEL

B. SECTION 551.071 – CONSULTATION WITH ATTORNEY

To seek the advice of the Town's attorney about pending or contemplated litigation; or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

END OF EXECUTIVE SESSION

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

- 1. SECTION 551.074 – PERSONNEL MATTERS, LEGAL COUNSEL**
- 2. SECTION 551.071 – CONSULTATION WITH ATTORNEY**

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

TCS
03/14/2016

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 MARCH 11, 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
03/14/2016

**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, MARCH 14, 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 8:

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 – AUGUST 24, 2015.**
2. **MINUTES OF REGULAR TOWN COUNCIL MEETING – AUGUST 24, 2015.**
3. **MINUTES OF SPECIAL JOINT MEETING OF THE TOWN COUNCIL AND 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS – AUGUST 31, 2015.**
4. **MINUTES OF SPECIAL TOWN COUNCIL MEETING – SEPTEMBER 14, 2015.**
5. **MINUTES OF REGULAR TOWN COUNCIL MEETING – SEPTEMBER 14, 2015.**
6. **MINUTES OF SPECIAL TOWN COUNCIL MEETING – FEBRUARY 22, 2016.**
7. **MINUTES OF REGULAR TOWN COUNCIL MEETING – FEBRUARY 22, 2016.**
8. **CONSIDER FIRST READING OF ORDINANCE 16-06: AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2016, GENERAL TOWN ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

PUBLIC HEARING

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

ECONOMIC DEVELOPMENT

9. **DISCUSS AND CONSIDER SECOND 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 LEVY OF ASSESSMENT AND LIEN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

DISCUSSION/ACTION ITEMS:**ECONOMIC DEVELOPMENT**

10. **DISCUSS AND CONSIDER RESOLUTION 16-05: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS APPROVING THE SUNNYVALE 4A DEVELOPMENT CORPORATION EXPENDITURE OF \$883,070.40 FOR THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK.**
11. **DISCUSS AND CONSIDER AWARDING A CONTRACT TO EXCEL TRENCHING & UTILITIES IN THE AMOUNT OF \$883,070.40 FOR THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK.**

FINANCE

12. **DISCUSS AND CONSIDER APPOINTING THREE (3) MEMBERS OF THE TOWN COUNCIL TO SERVE AS THE AUDIT SUBCOMMITTEE.**

PUBLIC WORKS

13. **DISCUSS AND CONSIDER RESOLUTION 16-06: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING A PROJECT SPECIFIC AGREEMENT FOR REPAIRS TO TOWN EAST BOULEVARD FROM TOWER PLACE TO POLLY ROAD, TRIPP ROAD FROM THE FALLS TO EAST FORK ROAD, AND EAST FORK ROAD FROM TRIPP ROAD TO HIGHWAY 80.**
14. **STAFF UPDATE ON ROAD REPAIR AND MAINTENANCE.**

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03/14/2016**TOWN MANAGER**

- 15. DISCUSS AND CONSIDER FIRST READING OF ORDINANCE 16-07: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES TO CREATE ARTICLE 8.11 IN CHAPTER 8 OF THE CODE OF ORDINANCES; PROHIBITING A PROPERTY OWNER OR OCCUPANT FROM ALLOWING PROPERTY, RESIDENCES, AND STRUCTURES TO BE USED FOR GATHERINGS WHERE MINORS CONSUME ALCOHOL OR CONTROLLED; PROVIDING FOR A PENALTY NOT TO EXCEED \$1,000.00 ; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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.

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TOWN HALL AT 127 N. COLLINS ROAD

LESLIE BLACK, TOWN SECRETARY



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
CONFERENCE ROOM - 127 N. COLLINS RD
MONDAY, AUGUST 24, 2015
6:00 P.M.**

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

Councilmember Hill called the meeting to order at 6:00 p.m. Mayor Pro-Tem George arrived at 6:07 p.m. Mayor Phaup was absent.

CALL MEETING TO ORDER

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

1. CONDUCT INTERVIEWS FOR POSSIBLE APPOINTMENTS TO THE TOWN'S BOARDS AND COMMISSIONS INCLUDING:

**BOARD OF ADJUSTMENTS
PLANNING & ZONING COMMISSION
4A DEVELOPMENT CORPORATION BOARD OF DIRECTORS
4B DEVELOPMENT CORPORATION BOARD OF DIRECTORS
LIBRARY BOARD**

Councilmembers interviewed Donald Kline, Josh Sandler, and Don Ivey for various positions on the Town's Boards & Commissions.

ADJOURN

Mayor Pro-Tem George adjourned the meeting at 7:00 p.m.

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

Mayor Jim Phaup

TCS
08/24/2015

ATTEST:

Leslie Malone, Town Secretary

RTCM
08/24/2015



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, AUGUST 24, 2015
TOWN HALL - 127 N. COLLINS RD.
7:00 P.M.**

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

INVOCATION

Councilmember Hill led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem George led the Pledge of Allegiance.

CALL MEETING TO ORDER

Mayor Pro-Tem George called the meeting to order at 7:15 p.m. Mayor Phaup arrived at 7:35 p.m.

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.

Bubba Titsworth, 402 Tripp Road, stated that he had received a letter requesting permission for work within the right-of-way and asked to be informed of the purpose of the request.

PRESENTATION

Proclamation – FFA Day
Proclamation – Phoenix Award for Lifesaving Efforts

Mayor Pro-Tem George read and presented the proclamations.

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 REGULAR TOWN COUNCIL MEETING – JULY 27, 2015.

2. **MINUTES OF SPECIAL TOWN COUNCIL MEETING – AUGUST 10, 2015.**
3. **MINUTES OF REGULAR TOWN COUNCIL MEETING – AUGUST 10, 2015.**
4. **ACCEPTANCE OF DEPARTMENT MONTHLY REPORTS – JULY 2015.**

Councilmember Hill made a motion, seconded by Councilmember Ranta, to approve consent agenda items 2, 3, and 4. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.

Mayor Pro-Tem George provided corrections to Item 1. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.

PUBLIC HEARING

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

DEVELOPMENT SERVICES

5. **APPLICANT: BRENT MURPHEE, P.E.
DOWDEY, ANDERSON & ASSOCIATES INC.
AT OR ABOUT: 331 N COLLINS RD
REQUEST: FINAL PLAT – STONEY CREEK PHASE 2C**

Director of Development Services Rashad Jackson introduced the request. The applicant is requesting Final Plat approval for Stoney Creek Phase 2C. As shown on the Phasing Map for the Concept Plan, Phase 2C is to consist of 79 lots and two (2) open space lots on 42.296 acres. The proposed final plat shows a total of 79 single family residential lots ranging in size from 15,000 square feet to 27,000 square feet. The two (2) proposed open space lots will serve as a landscape buffer along the east and south sides of the development. The overall design of phase 2C will mirror the abutting Stoney Creek phase 2A. The development will have an internal alleyway. The right-of-way within the development is 55 feet in width.

Town staff has evaluated the proposed development against the Zoning Ordinance, Subdivision Ordinance, and Engineering Design Standards as well as the more specific requirements for a PRO contained within Ordinance No. 463.

The property is zoned SF-3 PRO, Single Family Residential 3 Planned Residential Overlay. Ordinance No. 463 provides further regulations for how Tract 2 of Stoney Creek is to develop. The total number of dwelling units provided within Tract 2 shall not exceed 472. To date, Tract 2 has a total of 318 lots. Prior correspondence with the developer noted that the overall maximum density per gross usable acre shall not exceed 1.43 dwelling units per acre.

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As per the zoning requirements and the PRO standards, lots within Tract 2 of the Stoney Creek development are required to be a mix of sizes, which include:

Number of Units	Lot Size
187	Greater than or equal to 15,000 square feet
130	Greater than or equal to 18,000 square feet
38	Greater than or equal to 24,000 square feet

Phase 2C will have the following lot sizes.

Number of Units	Lot Size
46	Greater than or equal to 15,000 square feet
32	Greater than or equal to 18,000 square feet
1	Greater than or equal to 24,000 square feet

Lot width, lot depth, and setbacks are determined based upon the size of the lot provided. Setbacks and lot width requirements for lots within these size ranges are as follows:

Lot Size	Width	Front Setback	Side Setback	Rear Setback
14,000 to 19,999	100	50	20	30
20,000 to 34,999	120	60	30	40

It would appear that the lots provided for within this phase do meet the requirements noted above. No amendments or waivers would appear to be necessary.

Perimeter buffering is required for Tract 2 of the Stoney Creek development. Along the south and east sides of the proposed phase, two (2) open space areas are provided. The minimum buffer area is twenty-five (25) feet in width. The southern open space area will be constructed as a berm to serve as a buffer between the current phase and the future Phase 2G. A six (6) foot tall berm with landscaping materials will be provided. Landscaping plans show that a majority of the existing trees in this area will be maintained to serve as a screen between the Stoney Creek development and The Falls development to the south.

Tract 2 requires that 45.64 acres of open space be provided. At this time, 38.561 acres of open space will have been provided for within this area of the development. Town staff will continue to monitor the open space so as to ensure that the correct amount is provided. Town staff has worked with the developer with regard to the landscape installation for Phase 2C. In order to avoid possible installation issues during the summer months, Town staff has agreed that final installation shall be in place by October 2015 for Phase 2C. The developer plans to install the landscaping sooner than the October deadline.

One item that came into question during the preliminary approval of Phase 2C was the construction of an amenity center within Tract 2. The Planning and Zoning Commission would appear to have discussed this item upon approval of Phase 2C at their September 16th, 2013 meeting. The Planning and Zoning Commission as part of their recommendation stated that a plan for the amenity center

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should be submitted and approved prior to approval of the final plat for 2C. The developer has met this request, and construction of the amenity center is currently underway.

Plans were reviewed by staff prior to the submittal of the final plat. Upon on-site inspection, the current construction was done in accordance with the approved landscape and screening plans.

The zoning ordinance requires that entry walls be placed at least one location, preferably the main entrance and are to plank the roadway. Signage has been located at the main entry into Phase 2C along Redstone Drive and North Collins Road.

Section 10.306 Procedure for Final Subdivision Plat Approval, (d) Standards for approval states that "neither the commission nor the council shall recommend approval of, approve, or conditionally approve a final subdivision plat unless the following standards have been met:

- (1) The plat conforms to approved zoning ordinance application for land subject to the final subdivision plat and any conditions attached thereto.
- (2) The plat conforms to the goals and policies of the Sunnyvale Comprehensive Master Plan and thoroughfare plan incorporated therein.
- (3) Easements or rights-of-way for all public water, sanitary sewer, roadway, and drainage facilities have been designated.
- (4) Fire lanes access easements or street rights-of-way have been provided for access to all fire hydrants and fire department connections.
- (5) Easements have been designated for all landscaped buffers, public trails and open space.
- (6) The plat meets all other requirements of these subdivision and property development regulations.
- (7) Provision for public facilities adequate to serve the development of the property in accordance with Article 10.300 of these regulations has been made.
- (8) Construction plans are complete and consistent with approved zoning applications and the final subdivision plat.
- (9) For master plats, each phase of the development is to be supported by timely provision of adequate public facilities.
- (10) Payment of applicable fees and escrows has been made.

Public notice was provided to the Town's Official Newspaper for publication on July 29th, 2015. Letters were also sent to property owners' within 400' on August 6th, 2015. The total number of letters sent was thirty-nine (39). As of the release of the staff memo, 1 response not in favor had been received.

Ordinance No. 463 requires that the developer contribute \$1,000 per lot for traffic mitigation fees. This would equate to \$79,000. The intent of these fees is for two (2) designated roadway projects: Collins Rd (from Town East to Tripp Rd) and Tripp Rd/Collins Rd intersection improvements. To date, \$339,800 (not including +\$79,000 for phase 2C) have been contributed to the fund.

Town staff has the following comments/recommendations for consideration:

1. The engineering comments, as stated within the letter provided by Alan Hendrix dated August 7, 2015 must be satisfactorily addressed.
2. HOA documents are required for the proposed development.

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3. The applicant is subject to the payment of traffic mitigation fees in accordance with Ordinance No. 463 at \$1,000 per lot to be paid at Final Plat approval.

The Planning and Zoning Commission reviewed the item in a public hearing held on August 17th, 2015. Motion by Member Demko to recommend approval with staff recommendations. Member Wilson seconded the motion. Chair Turner called for a vote. All members voted affirmative, motion passed (6-0).

Mayor Pro-Tem George asked about the completion of the amenity center. Town Manager Sean Fox stated that completion was originally scheduled for completion in August, but due to the weather, it has been delayed.

In response to a question from Councilmember Hill, Director of Development Services Rashad Jackson described how berms are measured. Councilmember Hill stated that the intent was that berms would be 6 feet tall in height. Applicant Brett Murphree stated that the plan is for the berm to be 3 feet tall and have an additional 3 feet of plantings. Councilmember Hill stated that was not the intent of the 6 foot requirement. Mayor Phaup stated that the intent was to allow for screening of homes along Collins Road.

Mayor Phaup stated concerns over landscape buffers and open space. Specifically, Mayor Phaup addressed other areas of Stoney Creek that back up to Collins, and how the lack of screening allows views into backyards. Mayor Phaup asked that if additional funds were available for trees, that this area be considered.

In response to a question from Councilmember Hill, the applicant stated that the berm is not within individual lots, but is located outside of lots.

Councilmember Wade stated that his concern is whether or not the builder can ultimately meet the density requirements. Applicant Murphree stated that there are still a healthy amount of lots remaining to be developed and they are confident they can meet the density standards.

Mayor Phaup opened the public hearing. No comments. Mayor Phaup closed the public hearing.

In response to a question from Mayor Phaup, Applicant Murphree stated he was aware and was able to meet the staff recommendations.

Councilmember Wade made a motion, seconded by Mayor Pro-Tem George, to approve the Final Plat of Stoney Creek 2C subject to staff recommendations. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 7/0.

6. **APPLICANT:** **SETH KELLY, P.E.**
 RLK ENGINEERING INC. (FOR S.I.S.D.)
AT OR ABOUT: **216 N COLLINS RD**
REQUEST: **REPLAT– SUNNYVALE SCHOOL ADDITION, LOT 1 BLOCK A &**
 SITE PLAN – SUNNYVALE MIDDLE SCHOOL, LOT 1 BLOCK A

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Director of Development Services Rashad Jackson introduced the request. The applicant is requesting approval for a replat and a site plan in order to construct an expansion to the Sunnyvale Middle School. The subject building is located northeast of the intersection of Collins Road and Tripp Road. The property is currently zoned SF-2 and will maintain this zoning classification. The property is a part of an overall master planned development for the Sunnyvale Independent School District.

The replat was submitted by the applicant to primarily address drainage detention for the middle school and the entire master planned school site. Residents in the general area south of the school site have noted concerns with the current drainage run-off from the site. The applicant has worked with staff in order to address the drainage issues that primarily occur southeast of the site along Tripp Road. Additional detention measures will be put in place that staff believes should help address the concerns raised by the residents. The proposed solution will be designed for final build-out of the entire school site.

On August 10, 2015, the applicant also met with staff to discuss traffic concerns. The school district has completed a new interior traffic flow that proposes to address traffic issues along Collins Road, Tripp Road and Hounsel Road. Raider Lane, currently a two-way road, will be converted into a one-way road in order to minimize the number of vehicles that enter and empty onto Collins Road at one single location. The proposed one-way flow will direct cars north to Hounsel Road and/or south to Tripp Road. Additional traffic flow measures will be implemented for each individual school site as well. Details of the traffic reconfiguration are noted on the attached traffic study exhibit.

Town Staff has evaluated the replat against the Town's subdivision ordinance and thoroughfare plan. The replat appears to comply with Town requirements and more specifically:

1. The plat properly identifies the current zoning for the tract
2. All adjacent property is properly identified
3. Easements or rights-of-way for all public water, sanitary sewer, roadway and drainage facilities have been designated, and the applicant has shown and labeled fire lanes and access and utility easements.

The applicant proposes to construct a one-story 109,480 sq. ft. addition onto the south wing of the existing Sunnyvale Middle School. The addition will be constructed out of masonry (CMU and cast stone). The façade materials will match the existing school materials. Twelve (12) additional class rooms will result from the proposed expansion.

The 2008 S.I.S.D. high school master plan shows this proposed middle school expansion was pre-planned. The overall development plan for the school site, including parking, landscape and lighting, were considered prior to this current submittal. Town Staff finds that the proposed expansion follows the school's master plan and meets the requirements of the Sunnyvale Zoning Ordinance.

Public notice was provided to the Town's Official Newspaper for publication on July 29, 2015. Letters were also sent to property owners within 400' of the subject property on August 6, 2015. The total number of letters sent was twenty-one (21). As of the release of the staff memo, no responses had been received.

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Town Staff recommends approval of the replat. The applicant has sufficiently addressed traffic and drainage detention concerns associated with the site. The proposed plat meets the standards set forth in the Subdivision Ordinance.

Town Staff recommends approval of the site plan. The proposed site plan meets the standards set forth in the Zoning Ordinance.

The Planning and Zoning Commission reviewed the item in a public hearing held on August 17th, 2015. Motion by Member Pease to recommend approval with staff recommendations. Member Demko seconded the motion. Chair Turner called for a vote. All members voted affirmative, motion passed (6-0).

Mayor Phaup opened the public hearing.

Liz Stafford, 112 Sunbird, asked how turning left on Hounsel would impact traffic.

Mayor Phaup closed the public hearing.

In response to a question from Mayor Phaup, Town Manager Sean Fox stated that we do believe that there is a long-term solution to address current and future drainage concerns. The existing concrete flume is shedding water too quickly.

Councilmember McNeill made a motion, seconded by Councilmember Egan, to approve the replat and site plan. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 7/0.

FINANCE

7. DISCUSS PROPOSED FISCAL YEAR 2015 - 2016 ANNUAL BUDGET FOR ALL FUNDS AND CONDUCT PUBLIC HEARING REGARDING PROPOSED BUDGET AND PROPOSED TAX RATE OF \$.407962.

THE SECOND PUBLIC HEARING REGARDING PROPOSED BUDGET AND PROPOSED TAX RATE FOR 2015 - 2016 WILL BE MONDAY, AUGUST 31, 2015, AT 7 P.M. AT TOWN HALL.

THE TOWN COUNCIL WILL CONSIDER A FIRST READING OF THE ORDINANCE ADOPTING A TAX RATE ON MONDAY, AUGUST 31st, 2015, AT 7:00 P.M. IN THE COUNCIL CHAMBERS AT TOWN HALL. THE SECOND READING OF THE ORDINANCE ADOPTING THE TAX RATE WILL BE CONSIDERED ON MONDAY, SEPTEMBER 14TH, 2015, AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF TOWN HALL.

Finance Director Liz Hopkins introduced the proposed 2015 – 2016 Fiscal Year Budget for all funds. Mayor Phaup opened the public hearing. No comments were presented. Mayor Phaup closed the public hearing.

DISCUSSION/ACTION ITEMS:**TOWN SECRETARY****8. DISCUSS AND CONSIDER CANCELLING THE SEPTEMBER 28, 2015, REGULAR TOWN COUNCIL MEETING.**

Mayor Pro-Tem George made a motion, seconded by Councilmember Hill, to cancel the September 28, 2015, Regular Town Council meeting. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 7/0.

TOWN MANAGER**9. DISCUSS AND CONSIDER AUTHORIZING THE INSTALLATION OF ACCESS POINTS AND FRONTAGE ROADS FOR STATE HIGHWAY 190.**

Town Manager Sean Fox introduced the item. In June, the Citizens Advisory Committee recommended and Council approved the western alignment for SH-190. Following that decision, the next step is to determine the number and location of access point(s) and frontage roads that support the Town's vision, maximizing the benefits to the community, while mitigating any adverse impacts.

The Texas Department of Transportation (TXDOT) has requested Sunnyvale, Mesquite & Garland provide their inputs by the end of August. Those inputs will be forwarded to the North Central Texas Council of Governments (NCTCOG), who is responsible for ensuring regional and project-level conformity for environmental clearance of the Metropolitan Transportation Plan (MTP) and Statewide Transportation Improvement Program (STIP) as they update the Mobility 2040 Plan, which ultimately is approved by the Federal Highway Administration (FHWA).

Using the approved version of the western alignment, TXDOT proposed one exit off and one exit on SH-190 in an "expanded diamond" design. Rather than the off/on ramps being co-located at a single location such as Town East Blvd., an "expanded diamond" expands the on and off ramps by placing a set of ramps at Barnes Bridge Road and the second set of ramps at Town East Blvd. The two (2) sets of ramps are connected by the one-way frontage roads on either side of the proposed highway. This design requires through traffic to drive the entire length of the frontage road, viewed as advantageous for promoting/supporting economic development.

Acknowledging there may be concern with traffic exiting/entering at Barnes Bridge Road, TXDOT explained other options of moving the northern pair of off/on ramps farther south, to just south of Barnes Bridge, at East Fork, or at Town East. TXDOT stated moving these access points farther south doesn't necessarily reduce the amount of frontage road on either side of the highway, just the amount of frontage road traffic exiting SH-190 are required to drive along.

The Citizens Advisory Committee met on August 11th and discussed the pros and cons of each option and ultimately recommended the expanded diamond, as proposed, citing that option afforded the most amount of flexibility going forward and maximized the use of TXDOT & federal funds to provide future infrastructure to the Town.

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Town Manager Sean Fox recommended approval of the Citizen Advisory Committee recommendation. After discussion, Mayor Phaup recommended that the Council take no formal action, but allow TXDOT to submit the recommendation of the 190 Committee to NCTCOG.

MAYOR & COUNCIL

10. DISCUSSION REGARDING TRAFFIC CONTROL CONDITIONS AND SHORT TERM STRATEGIES AT THE TRIPP RD. AND COLLINS INTERSECTION.

Mayor Phaup stated he asked for this item to be placed on the agenda. The Town Council and Staff provided observations of the impacts of installing a traffic signal at the south Tripp and Collins Road intersection. This item will be placed on the agenda for discussion on September 14, 2015.

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

Councilmember Wade stated he sees that truck routes have been changed, and the weight limit signs at the bank have been taken down.

Councilmember Hill asked about the status of letters for Barnes Bridge residents regarding tree growth over the roadway, the City of Garland dumping asphalt on the side of Barnes Bridge, Robin Ridge open space, a right turn lane on Collins for those turning right onto Housel, and an update on sewer rates with the City of Garland.

Mayor Phaup asked for staff to draft an ordinance change for resale shops. The business that backs up to the Meadowlake subdivision is not in compliance with their agreement with the Town.

ADJOURN

Mayor Phaup adjourned the meeting at 10:14 p.m.

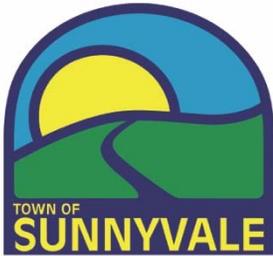
The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

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**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
4B ECONOMIC DEVELOPMENT CORPORATION
SPECIAL JOINT MEETING
TOWN HALL – 127 N. COLLINS RD.
MONDAY, AUGUST 31, 2015
7:00 P.M.**

TOWN COUNCIL

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

ABSENT	PRESIDENT VICE-PRESIDENT SECRETARY TREASURER MEMBER MEMBER MEMBER	MICHAEL GIORDANO JAVIER TORRES DEBI LOCKHART SARAH BRADFORD MARK VAN VESSEM POLLYE HUNTER RAY VANEK
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CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 6:17 p.m. Councilmember Hill arrived at 6:26 p.m., Councilmember Egan arrived at 6:41p.m., and Mayor Pro-Tem George was absent.

President Giordano called the meeting to order at 6:19 p.m. Member Hunter arrived a 6:26 and Vice-President Torres was absent.

1. DISCUSS FUTURE 4B AND TOWN COUNCIL PROJECTS AND INITIATIVES.

President Giordano reviewed past and current projects. He stated they have met with Eisenburg & Associates concerning the branding and amenities of the Town.

Treasurer Bradford stated that the 4B Economic Development Corporation has been working on the following projects: uniform park signs, stone stop signs, repaired the t-ball backstop at Vineyard Park, fertilizer at Jobson and Vineyard Park, repairing the trails at Vineyard Park, currently working on a trail marker and map sign project for Town Center Park, additional soccer field at Vineyard Park, engaged with the Retail Coach for assistance with consulting services for Economic Development professional services, parks master plan, purchased a

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new Kawasaki Mule utility vehicle for the Town Center, and updated surveillance equipment at Town Park.

Economic Development Director Randall Heye stated the future projects are: promote Economic Development, continuing to engage with Retail Coach, technology development marketing and branding strategy initiative.

President Giordano stated Economic Development Director Randall Heye has done an outstanding job communicating Economic Development.

Economic Development Director Randall Heye stated Retail Coach has been beneficial. They represented Sunnyvale and provided feedback from a meeting that he was unable to attend. The plan is to combine their feedback with branding initiative for the Town of Sunnyvale. This will help to develop a strategy to convey the message that Sunnyvale wants to send to outsiders.

In response to a question by Councilmember Wade, Economic Development Director Randall Heye stated the branding effort will include about 12 members consisting of 3 Town Council members, 4A representation, 4B representation, Sunnyvale Chamber of Commerce members, Sunnyvale Independent School District Board of Trustees members, and potentially 2 residents at large.

Councilmember Ranta asked for clarification on the license plate survey service provided. Economic Development Director Randall Heye stated the Retail Coach provided geographic retail trade area of 81,000 plus vehicles that came into Sunnyvale. The license plate survey was critical to identify what the trade area looks like. They spent time on Beltline and Collins and figured out where people are coming from using license plates.

Member Vanek stated this Board has been more progressive on Economic Development than previous boards. We do our due diligence and Council may not always agree. Starting on time, or late, shows the Council does not care about 4B. 4B did their homework on the soccer field, listened to the community, and the Council denied it. 4B wants to make sure they are headed down the right road.

Mayor Phaup stated the Council got off on a tangent and they got back on track and approved the soccer field project. He felt that in the beginning it would be a challenge to find a blend that works, and it has been found.

President Giordano stated 4B has changed their focus back to Economic Development.

Councilmember Ranta stated she is excited about the way 4B is evolving. She remembered talking to former Town Manager Scott Campbell about focusing on Economic Development.

Councilmember McNeill stated a lot of background work is not provided in the packet. The Council hopes moving forward that they will know what is coming forward before it gets to the meeting. He did not want to say no, but he did not have enough information.

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Councilmember Hill stated she was concerned the only t-ball practice field in Sunnyvale would be lost.

Secretary Lockhart stated with all the different sports coming in and requesting more fields and trying to find a balance is difficult.

Councilmember Hill stated the land acquisition will be needed.

Treasurer Bradford stated one item on the project list is conceptual design for a park and clarification of what it will be used for is certainly needed. Treasurer Bradford stated that if they cannot get \$60,000 for a soccer field, it leaves the question of how could they move forward with other items.

Member Hunter agreed.

President Giordano stated 4B assumed Council has read the minutes and knew what projects and discussions we have already had.

Councilmember Hill stated they asked for minutes to be included in the packet and they still do not get them in the packet.

Councilmember Wade stated it is not too much to ask for 4B member(s) to be present at meetings.

Councilmember Egan state he did not have the information he needed to make a decision. All he knew was Sunnyvale Raiders Youth Sports Association wanted \$60,000 for a soccer field.

Mayor Phaup stated he thought everyone understood each other.

Councilmember McNeill made a motion, seconded by Councilmember Hill to recess into executive session at 6:50 p.m. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Pro-Tem George was absent.

President Giordano made a motion, seconded by Member VanVessem to recess into executive session at 6:50 p.m.

EXECUTIVE SESSION

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

EXECUTIVE AGENDA:

A. SECTION 551.072. REAL PROPERTY

To deliberate the purchase, exchange, lease, or value of real property.

PARK ACQUISITION

END OF EXECUTIVE SESSION

SJM
08/31/2015

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

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

A. SECTION 551.072. REAL PROPERTY

To deliberate the purchase, exchange, lease or value of real property.

PARK ACQUISITION

Mayor Phaup reconvened into executive session at 7:37 p.m. and stated no action would be necessary.

ADJOURN

Mayor Phaup adjourned the Town Council, 4B Economic Development Corporation Special Joint meeting at 7:38 p.m.

President Giordano adjourned the Town Council, 4B Economic Development Corporation Special Joint meeting at 7:38 p.m.

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

President Micheal Giordano

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
CONFERENCE ROOM - 127 N. COLLINS RD
MONDAY, SEPTEMBER 14, 2015
6:00 P.M.**

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

CALL MEETING TO ORDER

Councilmember Hill called the meeting to order at 6:06 p.m. Mayor Phaup arrived at 6:07 p.m., Mayor Pro-Tem George arrived at 6:12 p.m., and Councilmember McNeill arrived at 6:28 p.m.

1. CONDUCT INTERVIEWS AND DISCUSS APPOINTMENTS TO THE TOWN'S BOARDS AND COMMISSIONS INCLUDING:

**BOARD OF ADJUSTMENTS
PLANNING & ZONING COMMISSION
4A DEVELOPMENT CORPORATION BOARD OF DIRECTORS
4B DEVELOPMENT CORPORATION BOARD OF DIRECTORS
LIBRARY BOARD**

Shiney Daniel was interviewed as a potential member of the Planning & Zoning Commission.

EXECUTIVE SESSION

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

EXECUTIVE SESSION AGENDA:

A. SECTION 551.074. PERSONNEL MATTERS

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

**FINANCE DIRECTOR
TOWN SECRETARY**

Councilmember Egan made a motion, seconded by Councilmember Hill, to recess into executive session at 6:56 p.m. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 7/0.

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END OF EXECUTIVE SESSION

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

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

A. SECTION 551.074. PERSONNEL MATTERS

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

**FINANCE DIRECTOR
TOWN SECRETARY**

Mayor Phaup reconvened the meeting at 7:11 p.m. and stated no action would be taken.

ADJOURN

Mayor Phaup adjourned the meeting at 7:11 p.m.

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

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

RTCM
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**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, SEPTEMBER 14, 2015
TOWN HALL - 127 N. COLLINS RD.
7:00 P.M.**

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

INVOCATION

Councilmember 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 7:17p.m. All Councilmembers were present.

PUBLIC FORUM

None.

DISCUSSION/ACTION ITEMS:

DEVELOPMENT SERVICES:

1. PRESENTATION OF DRAFT COMPREHENSIVE PLAN UPDATE.

Director of Development Services Rashad Jackson introduced the item stating that la terra studio will be attending the meeting to present the draft copy of the Town of Sunnyvale Comprehensive Plan.

As the single most important document for managing Sunnyvale's physical growth, coordinating our planning needs, goals and policies for development, the plan is comprehensive in scope, general in nature, and long-range in perspective. It will act as Sunnyvale's official statement on policy regarding its desired future, based on a shared vision of the community, and is intended to meet and maintain the town's vision and values.

The planning consultants will briefly describe efforts to date and the projected timeline going forward. Their expectation is for Council to take the opportunity over the next 2-3 weeks, to read the draft plan and provide feedback prior to its next revision.

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Rick Leisner, representative for la terra studios, the firm contracted to complete the Town's Comprehensive Plan, 3302 Buckethorn Ct. Garland, Texas, presented the draft copy of the Town of Sunnyvale Comprehensive Plan to Council.

Councilmember Wade stated the Town has planned for 20 years to have lake estate lots, and now it shows 3-6 dwelling units per acre or smaller. He asked what brought that on. Mr. Leisner stated that usually a Town would not have large estates next to retail. The Town typically would need smaller dwelling units to support the retail.

Councilmember Wade asked why commercial expanded beyond lakefront commercial designation. Mr. Leisner stated that they received comments from the citizens' input meeting that identified this as an area for commercial use so traffic does not have to come back through Town.

Councilmember Wade stated the previous comprehensive plan estimated build out to 17,000, but that numbers has been conscientiously reduced to 14,000. Mr. Leisner stated this plan is still within 14,000 but they include median dwelling units.

Councilmember Ranta stated she feels this is much denser, but overall numbers are lower. She asked to be provided with tables showing lot sizes now versus what is proposed, and for clarification on lot sizes, density of subdivisions and overall. Director of Development Services Rashad Jackson stated they have been working on that over the past month and can prepare general estimates.

Councilmember Ranta stated her observation of the core area that the Town has been trying to preserve are some of the less dense areas, and are not necessarily considered rural.

Mayor Phaup stated that he has seen the concept on Lupton and he has concerns and objections to their plans.

Mayor Phaup stated some subdivisions are adapting and some are not. Variety is wanted and to maintain rural character. Benchmarking will be needed.

ECONOMIC DEVELOPMENT:

2. DISCUSS AND CONSIDER THE UPCOMING ECONOMIC DEVELOPMENT BRANDING AND MARKETING INITIATIVE.

Economic Development Director Randall Heye explained the definition of branding and an overview of the proposed process. As the Dallas-Fort Worth region continues to grow, it is becoming easier for communities to get "lost in the crowd" regarding economic development. To become a more competitive economic development community, the Sunnyvale Development Corporations must further market and differentiate the community to targeted audiences and the retail prospects it desires.

There are seven primary techniques used to reach economic development prospects:

- Advertising (e.g. print brochures, trade publications, online advertising)
- Publicity (e.g. unpaid news stories)
- Promotional materials (e.g. website, small gifts)
- Direct mail (e.g. postcards)
- Personal selling (e.g. ICSC's Deal Making Event, site visits, prospecting)
- Email (e.g. virtual newsletters)

- Web 2.0 (e.g. social media)

Staff has been actively prospecting with the commercial real estate community in North Texas over the last year. Brokers, leasing agents, tenant reps, site location consultants, and developers are all a primary source for new leads and prospects. These individuals have offered intelligence on trends within the region as well as feedback on Sunnyvale's competitive position in the marketplace. They have reaffirmed staff's assessment; the community's previous economic development marketing efforts are insufficient for continued use.

The 4B Development Corporation recently approved engaging Eisenberg and Associates to facilitate efforts leading to an economic development branding and marketing campaign. As a part of this effort, the selected firm will lead an interactive, highly-focused workshop with key stakeholders from the community. The structured workshop will guide the 10-12 stakeholders toward a consensus on the most compelling messaging option specific to economic development.

The 4B Board previously approved the \$9,500 expenditure at its August 2015 meeting following a request for proposals earlier this summer. The funding will come from the economic development corporation's "Professional Services" account.

Staff is recommending Town Council select three councilmembers to participate in the workshop. The workshop will be scheduled at a later date.

Mayor Phaup stated that Councilmember Egan, Councilmember McNeill, and Councilmember Ranta volunteered to participate in the workshop.

3. DISCUSS AND CONSIDER AN EXTERIOR LANDSCAPE MAINTENANCE AGREEMENT WITH PARADISE LAWNS OF TEXAS FOR LOCATIONS AT TOWN HALL, TOWN CENTER PARK, AND THE FOUR CORNERS OF HIGHWAY 80 & COLLINS ROAD IN THE AMOUNT OF \$33,000.

Economic Development Director Randall Heye stated that the 4B Development Corporation previously approved an agreement with Paradise Lawns of Texas in December, 2014, for the landscape maintenance at Town Hall, the entrance to Town Hall, and the four corners at Highway 80 & Collins Road. The scope of work included weeding each location only once a month in addition to other traditional landscaping services. The existing agreement will expire at the end of the current fiscal year with an annualized contract cost of \$25,200.

The 4B Board recently approved a new landscape maintenance agreement with Paradise Lawns of Texas in preparation for the next fiscal year. The scope of work now also includes maintenance at the entrance to Town Center Park, the Highway 80 & Collins Road median tips, and weeding twice a month for all locations. These services are in addition to the existing landscape maintenance agreement and would run through the end of the next fiscal year. The annualized cost of the contract is \$33,000 and comes from the Development Corporation's landscape maintenance account.

Staff recommends Town Council approve 4B's expenditure of \$33,000 for a landscape maintenance agreement with Paradise Lawns of Texas for the next fiscal year.

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Mayor Pro-Tem George asked if it was sent out for bids. Economic Development Director Randall Heye stated it was not sent out for bids as the previous agreement was in January or February and it was following the previous contract with Scapes. The contract with Scapes expired and the projects were then sent out for bids. Out of 4 different bids, 4B approved the contract with Paradise Lawns. They felt that Paradise Lawns was doing a sufficient job at this time and did not see the need to go out for bids. Mayor Pro-Tem George stated that it is his belief that the Town should always go out for bids.

McNeill asked if the increase for payment for services was in the budget. Economic Development Director Randall Heye stated that 4B is aware a budget amendment may be needed.

Councilmember Ranta stated that she noticed Highway 80 and Collins needed more weeding. Economic Development Director Randall Heye stated they are scheduled to be out this week to take care it, and this is why they want to go to two times a month.

Councilmember Hill made a motion, seconded by Councilmember McNeill to approve an exterior landscape maintenance agreement with Paradise Lawns of Texas as presented. Mayor Phaup called for a vote, and with Mayor Pro-Tem George voting opposed, the motion passed 6/1.

FINANCE:

4. DISCUSS AND CONSIDER SECOND READING OF AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS RATIFYING A PROPERTY TAX RATE OF \$0.407962 FOR TAX YEAR 2015.

Local Government Code (LGC) §102.007(c) requires that the adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law. Town Staff recommends approval.

Motion was made by Councilmember Egan, seconded by Mayor Pro-Tem George to approve the Ordinance ratifying the property tax rate. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

5. DISCUSS AND CONSIDER SECOND READING OF AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE TOWN OF SUNNYVALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30,2016; AND ADOPTING THE ANNUAL BUDGET OF THE TOWN OF SUNNYVALE FOR THE 2015-2016 FISCAL YEAR.

The attached ordinance satisfies the requirements of LGC §102.007(a). The budget will be attached as Exhibit A. Staff recommends approval.

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Mayor Phaup commended Liz on an excellent job with the budget.

Councilmember Hill made a motion, seconded by Councilmember Egan to approve the Ordinance adopting the budget for 2015-2016 as presented. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

6. DISCUSS AND CONSIDER SECOND READING OF AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS PROVIDING FOR THE LEVYING OF PROPERTY TAXES FOR TAX YEAR 2015; AND ENACTING PROVISIONS RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE.

Tax Code §26.05 requires that a municipality adopt a tax rate that is set by ordinance, and this vote must be separate from the vote adopting the budget. Each component of the tax rate must be approved separately and the proposed ordinance satisfies the requirements of Tax Code §26.05. Town staff recommends approval.

Councilmember McNeill stated, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.407962 and of that, \$0.339207 is levied for maintenance and operation of the Town and \$0.068755 of the tax rate is specifically levied for debt service, which is effectively an 8% increase in the tax rate." Councilmember Hill seconded. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

TOWN SECRETARY

7. DISCUSS AND CONSIDER APPOINTMENTS TO THE FOLLOWING BOARDS AND COMMISSIONS:

**4A ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS
4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS
BOARD OF ADJUSTMENTS
PLANNING & ZONING COMMISSION
LIBRARY BOARD**

Mayor Phaup recommended reappointing James Golder for a two year term ending in 2017, reappointing Kathy Kane to a two year term ending in 2017, appointing Diane Turner as an alternate to a one year replacement term ending in 2016, and appointing Austin Irrobali to a two year term as an alternate ending in 2017 for Board of Adjustments. Mayor Pro-Tem George made a motion, seconded by Councilmember Hill to approve the recommendation for appointments to the Board of Adjustments as presented. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

Mayor Phaup recommended appointing Shiney Daniel to a two year term as a regular member ending in 2017, reappointing Dr. John Pease to a two year term as a regular member ending in 2017, appointing Josh Sandler to a one year unfinished term ending in 2016, appointing Member Ray Vanek to a two year term as a regular member ending in 2017, appointing King Moss to a two year term as a regular member ending in 2017, appointing Sarah Mitchell to a one year term ending in 2016 as an alternate member, appointing Don Kline to a two year term ending in 2017 as an alternate member for Planning & Zoning. Councilmember McNeill made

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a motion, seconded by Councilmember Ranta to approve the recommendation for appointments to Planning & Zoning as presented. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

Mayor Phaup recommended reappointing Terry Shatter, G. Franklin Weeks, T.J. Trecek to two year terms as regular members ending in 2017 for 4A Economic Development Corporation Board of Directors. Councilmember Hill made a motion, seconded by Councilmember Egan to approve the recommendation for appointments to 4A Economic Development Corporation Board of Directors. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

Mayor Phaup recommended appointing Nikki Anthony to a two year term ending in 2017, reappointing Mark Van Vessem and Sarah Bradford to two year terms as regular members ending in 2017 for 4B Economic Development Corporation Board of Directors. Councilmember Egan made a motion, seconded by Mayor Pro-Tem George to approve the recommendation of appointments to 4B Economic Development Corporation Board of Directors. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

Mayor Phaup recommended appointing Carolyn Trammell to a two year term ending in 2017, appointing Katie Frazier to a two year term ending in 2017, at this time there is no recommendation for an alternate member for the Library Board. Councilmember Hill made a motion, seconded by Councilmember Egan to approve the recommendation for appointments to the library board as presented. Mayor Phaup called for a vote, with all members voting affirmative, motion passed 7/0.

MAYOR & COUNCIL

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

Mayor Phaup stated he has two items to discuss. He asked how things were going with the Animal ordinance subcommittee. Town Manager Sean Fox stated they have met and are planning on meeting again on September 21st, and will come back again on Oct 12th.

Mayor Phaup stated he and Council would like to have a meeting on October 2nd concerning Code Enforcement. He just wants Council to have an opportunity to ask any questions they may have concerning Code Enforcement.

Councilmember McNeill asked where things were concerning truck parking and overnight parking. Town Manager Sean Fox stated that Mike Anderson is working to come up with barricades to prevent the overnight parking but not to hinder access to the property.

Councilmember Hill stated she is still seeing trucks using Collins as a thoroughfare.

Mayor Phaup commended staff on Homecoming from the previous week. Councilmember Egan also wanted to include SISD for the parade.

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ADJOURN

Mayor Phaup adjourned the meeting at 8:25 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

DRAFT



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
CONFERENCE ROOM - 127 N. COLLINS RD
MONDAY, FEBRUARY 22, 2016
6:00 P.M.**

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

CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 6:07 p.m. Councilmember McNeill was absent.

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

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

END OF EXECUTIVE SESSION

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

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

A. SECTION 551.087 ECONOMIC DEVELOPMENT

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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 the meeting at 7:09 p.m. and stated no action would be taken.

ADJOURN

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

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary

RTCM
02/22/2016



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, FEBRUARY 22, 2016
TOWN HALL - 127 N. COLLINS RD.
7:00 P.M.**

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

INVOCATION

Councilmember Hill led the invocation. Councilmember McNeill was absent.

PLEDGE OF ALLEGIANCE

Mayor Phaup led the Pledge of Allegiance.

CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 7:11 p.m. Councilmember McNeill was absent.

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.

Anthony Foster, 623 E. Tripp, stated the house next door to the west of his house is a rent house. The renter does not keep the property mowed. He has several vehicles that are just sitting around the property. He has an advertisement on his trailer that states, "We buy cars".

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.**

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Councilmember Hill made a motion, seconded by Mayor Pro-Tem George to approve consent agenda items 1-3 as presented. Mayor Phaup called for a vote, and with all members voting affirmative, the item passed 6/0. Councilmember McNeill was absent.

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 LEVY OF ASSESSMENT AND LIEN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Economic Development Director Randall Heye introduced the Sunnyvale Center Industrial Park project, which is located on Clay Road between Scyene Road and Aston Drive, and has experienced five to six major breaks to its waterworks system during 2014. The breaks and condition of the waterworks 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 waterworks 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.

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

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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.

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.

Town Attorney David Paschall reviewed the process for assessments. The Town can make municipal water system improvements and then assess a portion of the cost to the benefitted properties. The Town cannot assess more than 9/10 of total cost or more than the enhanced value. The Front-Foot Rule, assessments are usually based on the road frontage of a property, but the layout of the Industrial Park is not conducive to this type of calculation. In this case it is more appropriate to base the assessment on acreage sizes of the individual properties.

Mayor Phaup left meeting at 7:32.

Councilmember Ranta asked if property owners have seen Exhibit D and their portion of the assessment. Economic Development Director Randall Heye explained that property owners have seen a variation of Exhibit D.

In response to a question by Mayor Pro-Tem George, Economic Development Director Randall Heye explained that the property owners will see Exhibit D and their portion of the assessment before the next meeting.

Town Attorney David Paschall addressed Councilmember Ranta and stated that the notices that will go out to the property owners will include specifically what the total assessments are, and how much acreage each property owner owns.

Councilmember Wade asked if the cost be will reduced to meet the bid. Economic Development Director Randall Heye explained that costs will remain the same because of added costs. It is still estimated to come in well below the \$1.1 million.

Councilmember Ranta asked how the 20% enhancement number came to be in Exhibit C. Economic Development Director Economic Development Director Randall Heye stated the consultant can speak to that particular question at the next meeting.

In response to a question by Councilmember Egan, Economic Development Director Randall Heye stated staff feels acreage is the most equitable and appropriate assessment versus considering consumption.

Councilmember Ranta expressed concern and hesitation of the Town only assessing ½ of the cost to the property owners. She feels it is an important project, but \$550,000 is high and she has not seen appropriate analysis to support that amount. Economic Development Director Randall Heye stated that staff feels it is appropriate because it is a partnership to retain businesses. Councilmember Egan stated he understands where Councilmember Ranta is coming from, but this helps retain those businesses at 50%.

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Economic Development Director Randall Heye stated this is a 4A project and in their wheelhouse.

Property owner of 28 acres, David Jackson, Sunnyvale Center, that remains undeveloped. His share of the 50% is \$139,000. When the water line breaks, it is down for days. This leaves 400 workers that cannot flush toilets when the system goes down. He has companies that utilize water for testing and when the system goes it creates a big problem. The property owners agree per square foot seems most fair. He cannot say this will add 20% to the value of his land, but if someone were to do due diligence they would find it could cost a great deal when the water line breaks. That could cause a property owner to drop the deal and go somewhere else. There is potential development on this land.

Property owner Carol Hagan Building 458 employs 125 people. They manufacture concrete construction equipment. Her share is \$80,000 to \$90,000 and they are excited about the project. They plan to build an office building in late 2016 or 2017.

Glen Garner works at Vince Hagan and is one of the 400 employees that cannot flush when the system goes down. They have to purify the water from the system in order to drink it.

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.

Director of Development Services Rashad Jackson stated 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 recommends approval.

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Councilmember Hill asked if this Ordinance will help residents. Director of Development Services Rashad Jackson answered yes, this will provide an avenue.

In response to a question by Councilmember Wade, Director of Development Services Rashad Jackson stated that a racecar does not have a registration sticker or a license plate.

Councilmember Wade asked if perhaps it is a special interest vehicle. Director of Development Services Rashad Jackson clarified that it would still need to be screened or stored properly even if it is classified as a special interested vehicle.

Councilmember Wade asked if there is an Ordinance concerning advertising on a trailer about buying cars. He does not think this person is operating a business out of his home. He believes the Ordinance states you can sell one car at a time on your property but you cannot have multiple cars at a time for sale. Director of Development Services Rashad Jackson stated it should not be a home occupation.

Councilmember Hill made a motion, seconded by Councilmember Egan, to approve Ordinance 16-03 as presented. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the item passed 5/0. Councilmember McNeill was absent. Mayor Phaup left at 7:32 p.m.

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.

Director of Development Services Rashad Jackson introduced the item 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. 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.

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- 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 recommends approval.

Councilmember Ranta asked if it would be appropriate to change the name of Primary Entry Corridors as they are not entry corridors. She thinks that if there are parameters to distinguish these corridors it would be more understandable. Town Manager Sean Fox suggested changing it to “Primary Corridor”.

Councilmember Wade asked how this applies to the stretches of properties that are not residential in nature. Director of Development Services Rashad Jackson answered there is no differentiation.

Councilmember Wade stated historically the farms and ranches were recognized as farm type properties and were not subjected to mowing or weeding. He asked if that is going to be a requirement now. He stated it seems that farms and ranches will have to clean fence rows that create rural character. Town Manager Sean Fox answered yes that is correct and soft implementation will be needed.

Councilmember Ranta stated her concern is if the context of the area is going to be considered, more specifically, what does the term “not cultivated” in 6.2.01 (A) on pg. 86 mean. There are some properties that have wildflowers that are a treasure. Councilmember Hill stated some places on Barnes Bridge have sunflowers and bluebonnets. Director of Development Services Rashad Jackson answered yes, that would be considered cultivated.

In answer to a question by Councilmember Ranta, Director of Development Services Rashad Jackson stated there is an appeals process which would allow for a hearing.

Councilmember Ranta asked for clarification concerning maintenance adjacent to private property in section 6.202. Director of Development Services Rashad Jackson stated it should be maintenance of property adjacent to public property.

Councilmember Wade asked if people on corridors without curbs, do not need to worry about maintaining bar ditches anymore. Director of Development Services Rashad Jackson answered they are the owners of that property.

Town Manager Sean Fox stated it is property owners’ primary responsibility to maintain the property up to the pavement.

Councilmember Wade stated this releases a burden for some property owners that cannot get in bar ditch.

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Councilmember Hill made a motion, seconded by Councilmember Egan to approve Ordinance 16-04, amending Section 6.2.02 to be the maintenance of public property adjacent to private property, Section 6.203 to be Primary Corridors, and the title to be Maintenance along Primary Corridors. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the item passed 5/0. Councilmember McNeill was absent. Mayor Phaup left at 7:32 p.m.

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.

Town Engineer Justin Brown presented Council with the design of the new 1.25 million gallon water tower along Town East Boulevard as it 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 lighting 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 on the provided diagrams, 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.

Councilmember Wade stated it is his preference to have the tower facing west to be visible by the majority of the traffic with lighting on the bowl.

In response to a question asked by Councilmember Ranta, Town Engineer Justin Brown explained to have a banner all the way around the tower, similar to the one, Rockwall has would be expensive.

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Councilmember Egan asked what type of lighting was portrayed in the presentation. Town Engineer Justin Brown answered it is Light-emitting Diode (LED).

Councilmember Egan stated his preference is the Town logo. If the school gets a water tower let them put their logo up. Generally, school logo represents what the Town is about. The Town could add lighting later. He likes it but it is a lot of money. His concern would be about light reflection at the bottom of the tower.

Councilmember Hill stated her preference would be the Town logo on the west side, and if there is lighting, she prefers bowl lighting. It would be nice and might help put the Town on the map.

Mayor Pro-Tem George stated he is open to different options.

Councilmember Ranta stated she is leaning toward unlit, but if it is lit, just the west side with the Town logo.

Town Engineer Justin Brown stated the lighting can be bid as an alternative.

Councilmember Egan stated he would like to know what the expected life span would be of LED lighting.

Councilmember Wade stated lighting the logo only would be much more compact than lighting the entire tower. His direction would be to go with the Town logo on the west side, with bowl lighting as an alternative.

Councilmember Egan stated he would also like to know the expected annual energy cost and the candlepower of lighting.

Councilmember Hill stated one concern about pole lighting is shading that can be created if it is not done properly. She would like one logo on the west side with bowl lighting.

MAYOR & COUNCIL

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

Councilmember Wade suggested the Town consider an internship from Texas A&M. Would like staff to consider a 13 week internship at no cost to the Town.

Councilmember Ranta asked about notifying residents about the joint workshop with 4A and 4B.

Town Manager Sean Fox stated the joint workshop is February 29th, and asked if the council felt the entire Town should be notified about the meeting.

Councilmember Hill stated all of the people serving on the boards will take plenty of time to provide input.

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Town Manager Sean Fox stated the workshop was not planned to be setup for public comment.

Councilmember Egan asked if the data was available from the speed sign at Barnes Bridge. Director of Public Works Johnny Meeks stated there were 1,100 cars over 3 to 3.5 days, 54% were outside the speed limit. Councilmember Egan requested staff to provide data.

ADJOURN

Mayor Pro-Tem George adjourned the meeting at 8:37 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

Prepared By: Leslie Black

Summary:

DISCUSS AND CONSIDER FIRST READING OF AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2016 GENERAL TOWN ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

State law provides that a general or special election may be canceled if each candidate for an office that is to appear on the ballot is unopposed. For the 2016 election, both Places 1 and 2 had only one person file for each Place. As such, the Town Council may cancel the election that was previously ordered to be held in May of this year.

Fiscal Impact:

The funds previously budgeted for the cost of an election, will be reallocated during the mid-year budget review.

Staff Recommendation:

Staff recommends approval.

ORDINANCE 16-06

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2016 GENERAL TOWN ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general town election was called for May 7, 2016, for the purpose of electing members to the Town Council; and

WHEREAS, the Town Secretary has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the Town Council to declare the candidates elected to office and cancel the election; **NOW THEREFORE**,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE:

Section 1. The following candidates, who are unopposed in the May 7, 2016, general town election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Place 1: Kara Ranta
Place 2: Saji George

Section 2. The May 7, 2016 general town election is cancelled, and the Town Secretary is directed to cause a copy of this ordinance to be posted on election day at each polling place used or that would have been used in the election.

Section 3. It is declared to be the intent of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the Town Council would have enacted them without the invalid portion.

Section 4. This ordinance shall take effect upon its final passage, and it is so ordained.

Introduced and read at the Town Council meeting on March 14th, 2016.

PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 28th DAY OF MARCH, 2016.

APPROVED:

By: _____
Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

ORDINANCE 16-06

ORDENANZA DECLARANDO CANDIDATOS SIN OPOSICIÓN EN LOS 7 DE MAYO DE, 2016, CIUDAD GENERAL ELECCIÓN, ELEGIDO PARA UN CARGO; CANCELACIÓN DE LA ELECCIÓN; PROPORCIONAR UNA CLÁUSULA DE SEPARACIÓN; Y PROPORCIONAR UNA FECHA EFECTIVA.

POR CUANTO, la elección de la ciudad en general fue llamado para el 7 de mayo de, 2016, con el propósito de elegir a los miembros del Consejo de Ciudad; y

POR CUANTO, el Secretario Town ha certificado por escrito que ninguna persona ha hecho una declaración de candidatura de escritura-en, y que cada candidato en la papeleta es sin oposición para la elección de cargos; y

POR CUANTO, bajo estas circunstancias, subcapítulo C, Capítulo 2, Código de Elecciones, autoriza al Ayuntamiento para declarar los candidatos electos a la oficina y cancelación de la elección; **AHORA, POR TANTO**,

SEA ORDENADO POR LA CIUDAD COUNIL DE LA CIUDAD DE SUNNYVALE:

Sección 1. Los siguientes candidatos, que son sin oposición en el número de mayo 7, 2016, elección general de la ciudad, se declararán elegidos a la oficina, y se expedirá certificados de elección después de la hora de la elección habría sido sondeado:

Coloca 1: Kara Ranta
Coloque 2: Saji George

Sección 2. Los 7 de mayo de, 2016, la elección de la ciudad en general se cancela, y el Secretario de Ciudad está dirigida a causar una copia de esta ordenanza que se publicó, el día de la elección en cada lugar de votación utilizado o que se habría utilizado en la elección.

Sección 3. Se declara que la intención del Ayuntamiento de que la frases, cláusulas, frases, párrafos y secciones de esta ordenanza son separables y, si cualquier frase, cláusula, oración, párrafo o sección de esta ordenanza se declara invalidados mediante la sentencia o decreto de un tribunal de jurisdicción competente, la invalidez no afectará a ninguna de las frases, cláusulas, oraciones, párrafos o secciones restantes de esta ordenanza ya que el Ayuntamiento les habría promulgado sin la parte inválida.

Sección 4. Esta ordenanza comenzará a regir a partir de su aprobación final, y es tan ordenado.

Introducido y leer en la reunión del Ayuntamiento el 14 de marzo de 2016.

Y APROBADO POR EL CONSEJO DE LA CIUDAD EN ESTE DÍA 28 DE MARZO DE 2016.

APPROVED:

By: _____
Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

**Certification of Unopposed Candidates
By the Town Secretary**

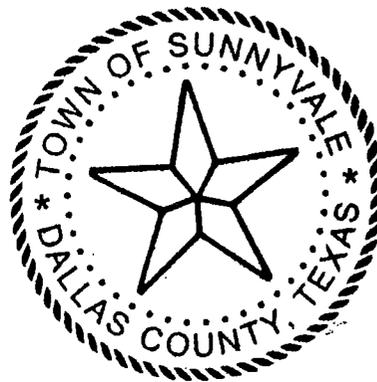
I, Leslie Black, certify that I am the Town Secretary of the Town of Sunnyvale and the authority responsible for preparing the ballot for the May 7, 2016, Town election. I further certify that no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

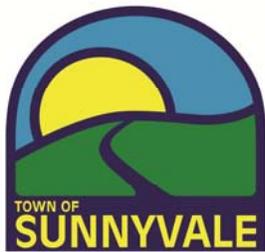
Place 1: Kara Ranta
Place 2: Saji George



Leslie Black, Town Secretary
Town of Sunnyvale

Dated this 23rd day of February, 2016.





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 LEVY 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 final 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:

Staff recommends 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 LEVY 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 700,000 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, 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 \$550,000 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 ____ DAY OF _____ 2016.

APPROVED:

**By: _____
Jim Phaup, Mayor**

ATTEST:

Leslie Black, Town Secretary

EXHIBIT A TO ORDINANCE NO. 16-05

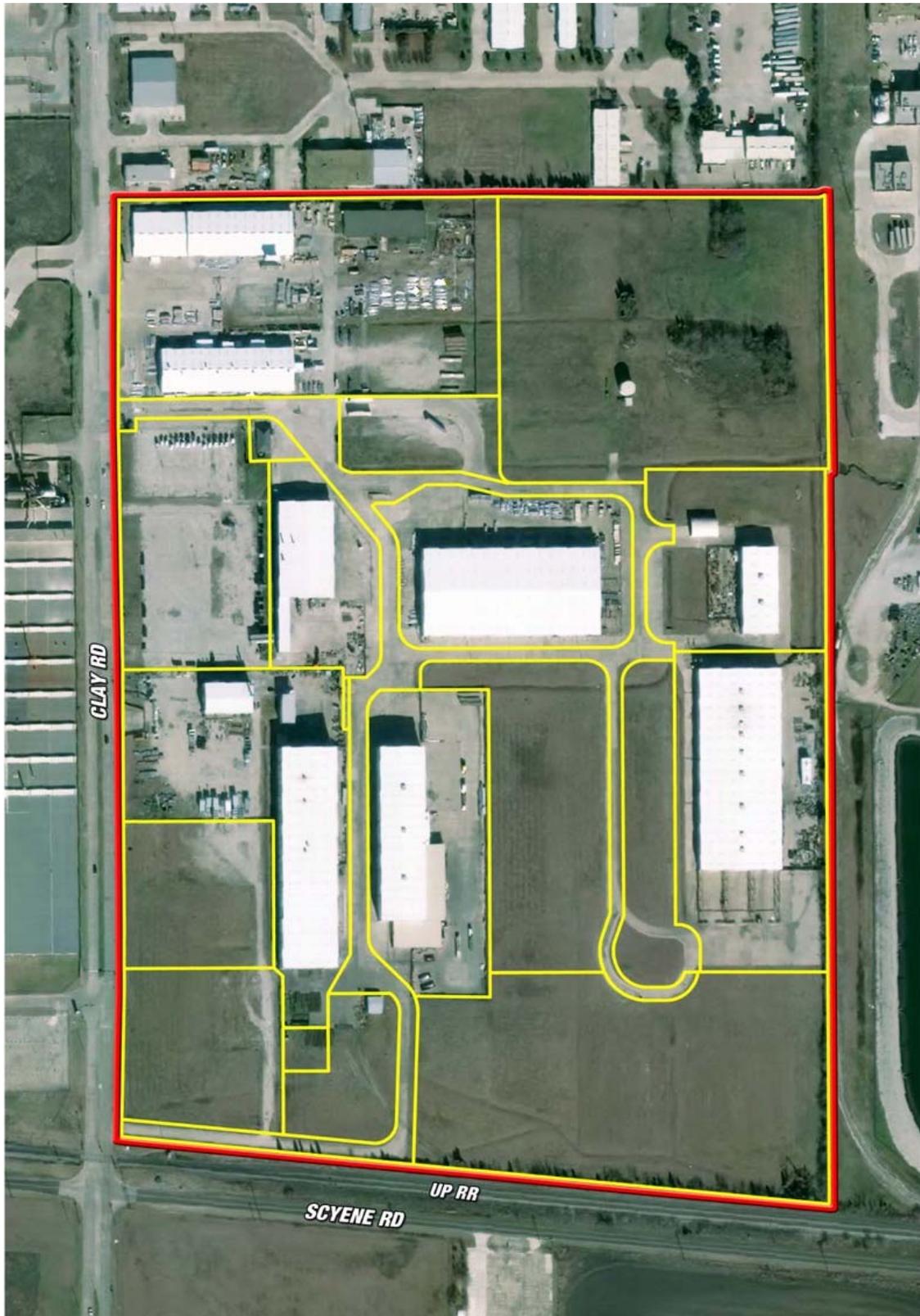


EXHIBIT B TO ORDINANCE NO. 16-05

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

ENHANCEMENT IN VALUE				
OWNER	ADDRESS	ACREAGE	2015 LAND	
			ASSESSMENT	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
		24.4116	\$1,203,390	\$240,678
390 CLAY RD PS LLC				
	390 CLAY RD	3.8048	\$207,130	\$41,426
		3.8048	\$207,130	\$41,426
490 CLAY ROAD LP				
	480 CLAY RD	2.2099	\$72,170	\$15,812
	490 CLAY RD	5.7262	\$311,780	\$62,356
		7.9361	\$383,950	\$78,168
ARTEMIS INC				
	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
		10.2714	\$618,210	\$123,642
JT HOLDINGS LTD				
	340 CLAY RD	0.2235	\$14,570	\$2,914
		0.2235	\$14,570	\$2,914
KAFFENBARGER LARRY E TR				
	360 CLAY RD	4.3452	\$236,310	\$47,262
	370 CLAY RD	2.4489	\$133,400	\$26,680
		6.7941	\$369,710	\$73,942
MCELROY METAL MILL INC				
	460 CLAY RD	4.3100	\$205,200	\$41,040
		4.3100	\$205,200	\$41,040
R W INVESTMENTS LLC				
	328 CLAY RD	1.3743	\$149,630	\$29,926
		1.3743	\$149,630	\$29,926
STEWARDSHIP DEVELOPMENT LLC				
	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	\$71,800
		17.7465	\$493,820	\$146,032
		76.8723	\$3,645,610	\$777,768

EXHIBIT D TO ORDINANCE NO. 16-05

Property Owner	Company	Address	Acreage	Percentage of SCIP	Proportional Share of Assessment
326 CLAY RD LLC	Accura Systems	326 CLAY RD	9.1426	11.89%	\$ 65,412.76
380 CLAY RD LLC	Accura Systems	380 CLAY RD	4.3730	5.69%	\$ 31,287.62
330 CLAY RD LLC	Accura Systems	330 CLAY RD	10.8960	14.17%	\$ 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%	\$ 27,222.29
			3.8048	4.95%	\$ 27,222.29
490 CLAY ROAD LP	Performance Pulsation Control	480 CLAY RD	2.2099	2.87%	\$ 15,811.22
490 CLAY ROAD LP	Performance Pulsation Control	490 CLAY RD	5.7262	7.45%	\$ 40,969.37
			7.9361	10.32%	\$ 56,780.59
ARTEMIS INC	Vince Hagan Company	458 CLAY RD	5.7765	7.51%	\$ 41,329.25
ARTEMIS INC	Vince Hagan Company	510 CLAY RD	2.6374	3.43%	\$ 18,869.86
ARTEMIS INC	Vince Hagan Company	530 CLAY RD	1.5793	2.05%	\$ 11,299.40
ARTEMIS INC	Vince Hagan Company	458 CLAY RD	0.0431	0.06%	\$ 308.37
ARTEMIS INC	Vince Hagan Company	458 CLAY RD	0.2351	0.31%	\$ 1,682.08
			10.2714	13.36%	\$ 73,488.96
JT HOLDINGS LTD	JetPay Corporation	340 CLAY RD	0.2235	0.29%	\$ 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%	\$ 31,088.70
KAFFENBARGER LARRY E TR	Kaffenbarger Truck Equipment Co.	370 CLAY RD	2.4489	3.19%	\$ 17,521.20
			6.7941	8.84%	\$ 48,609.90
MCELROY METAL MILL INC	McElroy Metal	460 CLAY RD	4.3100	5.61%	\$ 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%	\$ 9,832.73
			1.3743	1.79%	\$ 9,832.73
STEWARDSHIP DEVELOPMENT LLC	Stewardship Development LLC	470 CLAY RD	4.6633	6.07%	\$ 33,364.62
STEWARDSHIP DEVELOPMENT LLC	Stewardship Development LLC	520 CLAY RD	3.0480	3.97%	\$ 21,807.61
STEWARDSHIP DEVELOPMENT LLC	Stewardship Development LLC	550 CLAY RD	10.0352	13.05%	\$ 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**

Payee and Place for Payment:	Town Secretary Town of Sunnyvale, Texas 127 N. Collins Road Sunnyvale, Texas 75182
Annual Interest Rate on Unpaid Assessment from Maturation Date:	Three percent (3%) per annum, commencing on the date the assessments mature
Term:	Five (5) years, commencing on the Maturation Date
Maturation Date:	The date the Town accepts the improvements for which the assessment is levied
Terms of Payment:	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
Default:	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
Default Interest Rate:	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. 16-05 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.

Ordinance No. 16-05

Adopted: 03/14/2016

TOWN OF SUNNYVALE, TEXAS

By: _____ **Dated:** _____
Leslie Black, Town Secretary

AFTER RECORDING, PLEASE RETURN TO:

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

Ordinance No. 16-05

Adopted: 03/14/2016

EXHIBIT 1 TO NOTICE OF LEVY OF ASSESSMENT AND LIEN

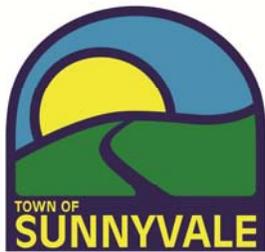
[PROPERTY DESCRIPTION]

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

Prepared By: Randall Heye

Summary:

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS APPROVING THE SUNNYVALE 4A DEVELOPMENT CORPORATION EXPENDITURE OF \$883,070.40 FOR THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK.

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.

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.

Town Council is now being asked to approve the Sunnyvale 4A Development Corporation expenditure of \$883,070.40 for the water system improvements as part of the Sunnyvale Center Industrial Park project.

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 Recommendation:

Staff recommends the Town Council approve the 4A Development Corporation's expenditure.

Attachment:

- Resolution

RESOLUTION NO. 16-05**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS APPROVING THE SUNNYVALE 4A DEVELOPMENT CORPORATION EXPENDITURE OF \$883,070.40 FOR THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK.**

WHEREAS, on February 9, 2015, the Town Council passed and approved Resolution No. 15-01B declaring the need for water system improvements within the Sunnyvale Center Industrial Park (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

WHEREAS, the Sunnyvale 4A Development Corporation (hereinafter referred to as the "Type A Corporation") is a Type A economic development corporation, created pursuant to Chapter 504 of the Texas Local Government Code, as amended; and

WHEREAS, the Town Council and Type A Corporation 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 Council of the Town of Sunnyvale, Texas, finds and determines that the Type A Corporation expenditure will promote new or expanded business development, and otherwise meets the definition of "project," as that term is defined by Section 501.103 of the Texas Local Government Code, as amended, and the definition of "cost," as that term is defined in Section 501.152 of the Texas Local Government Code, as amended; and

WHEREAS, the Town Council of the Town of Sunnyvale, Texas, hereby determines that the project complies with all of the applicable requirements of Chapters 501, 502, and 504 of the Texas Local Government Code, as amended, 551 of the Texas Government Code, as amended, and the ordinances of the Town of Sunnyvale, Texas; and

WHEREAS, the Town Council of the Town of Sunnyvale, Texas, hereby determines it is in the best interest of the Town of Sunnyvale, Texas, to adopt this Resolution approving the Type A Corporation expenditure, and hereby finds that the project benefits the Town of Sunnyvale and Type A Corporation.

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

Section 1. That each and every one of the recitals, findings, and determinations contained in the preamble to this Resolution are hereby found and declared to be true and correct legislative findings and are adopted as part of this Resolution for all purposes.

Section 2. That the Town Council of the Town of Sunnyvale, Texas, finds and determines that the Type A Corporation expenditure will promote new and expanded business development, and is otherwise consistent with Section 501.103 of the Texas Local Government Code, as amended.

Section 3. That it is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of the Resolution 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 Resolution left standing with the validity of any code or Resolution as a whole.

Section 4. That the Town Manager is hereby authorized to execute all other documents necessary to implement and otherwise effectuate this Resolution.

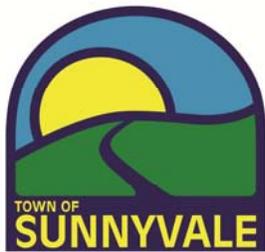
Section 5. That this Resolution shall become effective immediately upon passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, THIS THE 14th DAY OF MARCH, 2016.

Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary



Town of Sunnyvale

Prepared By: Randall Heye

Summary:

DISCUSS AND CONSIDER AWARDING A CONTRACT TO EXCEL TRENCHING & UTILITIES IN THE AMOUNT OF \$883,070.40 FOR THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS TO THE SUNNYVALE CENTER INDUSTRIAL PARK.

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.

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. Last December, Town staff and McManus & Johnson released an invitation to bid regarding this project. On January 28, 2016 the Town opened ten bids with \$883,070.40 representing the lowest bid amount by Excel Trenching & Utilities. Further details regarding the remaining bids can be found in the bid tabulation attachment.

Fiscal Impact:

The 4A Development Corporation previously assigned \$1,100,000 for 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.

Staff Recommendation:

Staff recommends the Town Council award a construction contract to Excel Trenching & Utilities in the amount of \$883,070.40.

Attachment:

- Bid Tabulation
- Award Recommendation

Town of Sunnyvale - Industrial Park Water System Improvements

Bid Tabulation

Bid Opening: 2:00 PM, January 28, 2016, Sunnyvale Town Hall

Project Item Information				Excel Trenching and Utilities		Southern Mechanical Plumbing, Inc.		Saber Development Corporation		McMahon Contracting L.P.		Barson Utilities, Inc.	
No.	Bid Quantity	Unit of Measurement	Description	Unit Price	Bid Value	Unit Price	Bid Value	Unit Price	Bid Value	Unit Price	Bid Value	Unit Price	Bid Value
1	6,491	LF	Install 12" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 31.60	\$ 205,115.60	\$ 42.00	\$ 272,622.00	\$ 58.00	\$ 376,478.00	\$ 51.65	\$ 335,260.15	\$ 55.00	\$ 357,005.00
2	490	LF	Install 12" AWWA C900 DR18 PVC Water Line By Other Than Open Cut in 18" diameter, 5/16" Steel Encasement	\$ 230.00	\$ 112,700.00	\$ 270.30	\$ 132,447.00	\$ 360.00	\$ 176,400.00	\$ 256.28	\$ 125,577.20	\$ 305.00	\$ 149,450.00
3	180	LF	Install 12" AWWA C900 DR18 PVC Water Line with Class "SB" Embedment	\$ 60.00	\$ 10,800.00	\$ 95.30	\$ 17,154.00	\$ 105.00	\$ 18,900.00	\$ 108.39	\$ 19,510.20	\$ 67.00	\$ 12,060.00
4	295	LF	Install 8" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 28.00	\$ 8,260.00	\$ 35.20	\$ 10,384.00	\$ 35.00	\$ 10,325.00	\$ 106.96	\$ 31,553.20	\$ 59.00	\$ 17,405.00
5	390	LF	Install 6" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 25.00	\$ 9,750.00	\$ 30.20	\$ 11,778.00	\$ 30.00	\$ 11,700.00	\$ 46.81	\$ 18,255.90	\$ 49.00	\$ 19,110.00
6	40	LF	Install 4" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 15.00	\$ 600.00	\$ 27.90	\$ 1,116.00	\$ 28.00	\$ 1,120.00	\$ 86.06	\$ 3,442.40	\$ 50.00	\$ 2,000.00
7	695	LF	Install 2" Copper Water Service Line	\$ 49.00	\$ 34,055.00	\$ 31.40	\$ 21,823.00	\$ 35.00	\$ 24,325.00	\$ 25.91	\$ 18,007.45	\$ 37.00	\$ 25,715.00
8	55	LF	Install 1" Copper Water Service Line	\$ 30.00	\$ 1,650.00	\$ 25.60	\$ 1,408.00	\$ 20.00	\$ 1,100.00	\$ 38.32	\$ 2,107.60	\$ 28.00	\$ 1,540.00
9	33.0	Ea	Install 12" Gate Valve	\$ 2,200.00	\$ 72,600.00	\$ 2,148.00	\$ 70,884.00	\$ 1,750.00	\$ 57,750.00	\$ 2,387.81	\$ 78,797.73	\$ 2,210.00	\$ 72,930.00
10	1	Ea	Install 8" Gate Valve	\$ 1,450.00	\$ 1,450.00	\$ 1,275.00	\$ 1,275.00	\$ 1,100.00	\$ 1,100.00	\$ 1,464.07	\$ 1,464.07	\$ 1,628.00	\$ 1,628.00
11	24	Ea	Install 6" Gate Valve	\$ 1,000.00	\$ 24,000.00	\$ 760.00	\$ 18,240.00	\$ 850.00	\$ 20,400.00	\$ 1,131.05	\$ 27,145.20	\$ 1,155.00	\$ 27,720.00
12	1	Ea	Install 4" Gate Valve	\$ 1,000.00	\$ 1,000.00	\$ 700.00	\$ 700.00	\$ 725.00	\$ 725.00	\$ 988.35	\$ 988.35	\$ 1,079.00	\$ 1,079.00
13	25	Ea	Install Fire Hydrant Assembly	\$ 3,000.00	\$ 75,000.00	\$ 2,635.00	\$ 65,875.00	\$ 2,800.00	\$ 70,000.00	\$ 2,558.95	\$ 63,973.75	\$ 3,606.00	\$ 90,150.00
14	2	Ea	Install 12"x12" Tapping Sleeve and Valve	\$ 5,800.00	\$ 11,600.00	\$ 7,170.00	\$ 14,340.00	\$ 5,500.00	\$ 11,000.00	\$ 5,949.87	\$ 11,899.74	\$ 5,374.00	\$ 10,748.00
15	1	Ea	Install 8"x6" Tapping Sleeve and Valve	\$ 2,800.00	\$ 2,800.00	\$ 3,930.00	\$ 3,930.00	\$ 2,200.00	\$ 2,200.00	\$ 2,994.67	\$ 2,994.67	\$ 3,692.00	\$ 3,692.00
16	14	Ton	Ductile Iron Fittings	\$ 7,153.00	\$ 100,857.30	\$ 7,400.00	\$ 104,340.00	\$ 8,500.00	\$ 119,850.00	\$ 7,979.06	\$ 112,504.75	\$ 8,450.00	\$ 119,145.00
17	1	Ea	Install 4" Combined Service Meter with Vault	\$ 14,200.00	\$ 14,200.00	\$ 18,900.00	\$ 18,900.00	\$ 18,000.00	\$ 18,000.00	\$ 17,018.63	\$ 17,018.63	\$ 19,381.00	\$ 19,381.00
18	7	Ea	Install 2" Water Service Tap	\$ 1,250.00	\$ 8,750.00	\$ 870.00	\$ 6,090.00	\$ 1,200.00	\$ 8,400.00	\$ 1,442.17	\$ 10,095.19	\$ 1,433.00	\$ 10,031.00
19	2	Ea	Install 1" Water Service Tap	\$ 600.00	\$ 1,200.00	\$ 650.00	\$ 1,300.00	\$ 500.00	\$ 1,000.00	\$ 1,118.94	\$ 2,237.88	\$ 923.00	\$ 1,846.00
20	7	Ea	Install 2" Water Meter with Meter Box	\$ 1,875.00	\$ 13,125.00	\$ 1,890.00	\$ 13,230.00	\$ 1,500.00	\$ 10,500.00	\$ 1,635.05	\$ 11,445.35	\$ 1,190.00	\$ 8,330.00
21	2	Ea	Install 1" Water Meter with Meter Box	\$ 1,200.00	\$ 2,400.00	\$ 1,140.00	\$ 2,280.00	\$ 840.00	\$ 1,680.00	\$ 1,117.55	\$ 2,235.10	\$ 940.00	\$ 1,880.00
22	3	Ea	Connect to Existing 8" Water Line	\$ 1,250.00	\$ 3,750.00	\$ 930.00	\$ 2,790.00	\$ 2,800.00	\$ 8,400.00	\$ 1,554.78	\$ 4,664.34	\$ 4,892.00	\$ 14,676.00
23	1	Ea	Connect to Existing 6" Water Line	\$ 1,100.00	\$ 1,100.00	\$ 820.00	\$ 820.00	\$ 2,200.00	\$ 2,200.00	\$ 2,011.44	\$ 2,011.44	\$ 4,760.00	\$ 4,760.00
24	1	Ea	Cut and Plug Existing 8" Water Line	\$ 625.00	\$ 625.00	\$ 760.00	\$ 760.00	\$ 200.00	\$ 200.00	\$ 1,211.85	\$ 1,211.85	\$ 136.00	\$ 136.00
25	9	Ea	Locate and Connect to Existing Water Service (4" and smaller services)	\$ 1,025.00	\$ 9,225.00	\$ 820.00	\$ 7,380.00	\$ 2,200.00	\$ 19,800.00	\$ 1,817.96	\$ 16,361.64	\$ 2,000.00	\$ 18,000.00
26	3	Ea	Locate and Connect to Existing Water Service (6" and larger services)	\$ 1,350.00	\$ 4,050.00	\$ 929.00	\$ 2,787.00	\$ 2,800.00	\$ 8,400.00	\$ 2,098.56	\$ 6,295.68	\$ 4,500.00	\$ 13,500.00
27	14	Ea	Remove Existing Fire Hydrant	\$ 500.00	\$ 7,000.00	\$ 294.00	\$ 4,116.00	\$ 150.00	\$ 2,100.00	\$ 847.36	\$ 11,863.04	\$ 500.00	\$ 7,000.00
28	9	Ea	Remove Existing Valve	\$ 500.00	\$ 4,500.00	\$ 192.00	\$ 1,728.00	\$ 25.00	\$ 225.00	\$ 564.90	\$ 5,084.10	\$ 200.00	\$ 1,800.00
29	1,430	SY	Remove and Replace Concrete Pavement including Subgrade Preparation	\$ 50.00	\$ 71,500.00	\$ 87.40	\$ 124,982.00	\$ 95.00	\$ 135,850.00	\$ 93.06	\$ 133,075.80	\$ 95.00	\$ 135,850.00
30	835	SY	Remove and Replace Asphalt Pavement including Subgrade Preparation	\$ 36.00	\$ 30,060.00	\$ 65.20	\$ 54,442.00	\$ 60.00	\$ 50,100.00	\$ 68.50	\$ 57,197.50	\$ 64.00	\$ 53,440.00
31	11	SY	Remove and Replace Concrete Sidewalk including Subgrade Preparation	\$ 45.00	\$ 495.00	\$ 94.00	\$ 1,034.00	\$ 45.00	\$ 495.00	\$ 153.57	\$ 1,689.27	\$ 52.00	\$ 572.00
32	165	LF	Temporarily Relocate Existing Chain Link Fence	\$ 40.00	\$ 6,600.00	\$ 64.00	\$ 10,560.00	\$ 15.00	\$ 2,475.00	\$ 23.00	\$ 3,795.00	\$ 15.00	\$ 2,475.00
33	1	Ea	Temporarily Relocate Existing Chain Link Access Gate as Needed	\$ 550.00	\$ 550.00	\$ 3,840.00	\$ 3,840.00	\$ 500.00	\$ 500.00	\$ 2,185.00	\$ 2,185.00	\$ 200.00	\$ 200.00
34	14	Ea	Install 8" Diameter, 4' Height Bollard	\$ 500.00	\$ 7,000.00	\$ 318.00	\$ 4,452.00	\$ 250.00	\$ 3,500.00	\$ 571.82	\$ 8,005.48	\$ 175.00	\$ 2,450.00
35	1	Ac	Seeding of Disturbed Ground	\$ 2,625.00	\$ 3,412.50	\$ 4,500.00	\$ 5,850.00	\$ 500.00	\$ 650.00	\$ 6,900.00	\$ 8,970.00	\$ 2,250.00	\$ 2,925.00
36	7,396	LF	Trench Safety including Trench Safety Plan Submittal and implementation of Trench Safety Plan	\$ 2.50	\$ 18,490.00	\$ 5.50	\$ 40,678.00	\$ 1.00	\$ 7,396.00	\$ 1.32	\$ 9,762.72	\$ 1.00	\$ 7,396.00
37	1	LS	Traffic Control including Traffic Control Plan Submittal and implementation of Traffic Control Plan	\$ 1,200.00	\$ 1,200.00	\$ 17,325.00	\$ 17,325.00	\$ 2,500.00	\$ 2,500.00	\$ 9,567.53	\$ 9,567.53	\$ 5,500.00	\$ 5,500.00
38	1	LS	Stormwater Pollution Prevention including SWPPP Submittal and implementation of SWPPP	\$ 1,600.00	\$ 1,600.00	\$ 9,600.00	\$ 9,600.00	\$ 950.00	\$ 950.00	\$ 21,562.50	\$ 21,562.50	\$ 3,500.00	\$ 3,500.00
CALCULATED TOTAL				\$883,070.40		\$1,083,260.00		\$1,188,694.00		\$1,199,817.40		\$1,227,025.00	
SUBMITTED TOTAL				Same		Same		\$1,158,396.00		Same		Same	

Note: Highlighted line totals show calculated totals that are different from submitted totals.

Town of Sunnyvale - Industrial Park Water System Improvements

Bid Tabulation

Bid Opening: 2:00 PM, January 28, 2016, Sunnyvale Town Hall

Project Item Information				Canary Construction, Inc.		Dowager Utility Construction, Ltd.		Excel 4 Construction LLC		C-Con Services, Inc.		SYB Construction Co., Inc.	
No.	Bid Quantity	Unit of Measurement	Description	Unit Price	Bid Value	Unit Price	Bid Value	Unit Price	Bid Value	Unit Price	Bid Value	Unit Price	Bid Value
1	6,491	LF	Install 12" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 60.00	\$ 389,460.00	\$ 70.00	\$ 454,370.00	\$ 69.00	\$ 447,879.00	\$ 112.00	\$ 726,992.00	\$ 128.00	\$ 830,848.00
2	490	LF	Install 12" AWWA C900 DR18 PVC Water Line By Other Than Open Cut in 18" diameter, 5/16" Steel Encasement	\$ 350.00	\$ 171,500.00	\$ 360.00	\$ 176,400.00	\$ 375.00	\$ 183,750.00	\$ 265.00	\$ 129,850.00	\$ 650.00	\$ 318,500.00
3	180	LF	Install 12" AWWA C900 DR18 PVC Water Line with Class "SB" Embedment	\$ 125.00	\$ 22,500.00	\$ 120.00	\$ 21,600.00	\$ 130.00	\$ 23,400.00	\$ 143.00	\$ 25,740.00	\$ 261.00	\$ 46,980.00
4	295	LF	Install 8" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 58.00	\$ 17,110.00	\$ 58.00	\$ 17,110.00	\$ 45.00	\$ 13,275.00	\$ 36.00	\$ 10,620.00	\$ 77.50	\$ 22,862.50
5	390	LF	Install 6" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 56.00	\$ 21,840.00	\$ 56.00	\$ 21,840.00	\$ 41.00	\$ 15,990.00	\$ 29.00	\$ 11,310.00	\$ 73.50	\$ 28,665.00
6	40	LF	Install 4" AWWA C900 DR18 PVC Water Line with Class "C" Embedment as shown on Plan Sheet SD-W1	\$ 55.00	\$ 2,200.00	\$ 54.00	\$ 2,160.00	\$ 37.00	\$ 1,480.00	\$ 27.00	\$ 1,080.00	\$ 71.00	\$ 2,840.00
7	695	LF	Install 2" Copper Water Service Line	\$ 30.00	\$ 20,850.00	\$ 32.00	\$ 22,240.00	\$ 30.00	\$ 20,850.00	\$ 35.00	\$ 24,325.00	\$ 61.00	\$ 42,395.00
8	55	LF	Install 1" Copper Water Service Line	\$ 25.00	\$ 1,375.00	\$ 20.00	\$ 1,100.00	\$ 20.00	\$ 1,100.00	\$ 31.00	\$ 1,705.00	\$ 53.00	\$ 2,915.00
9	33.0	Ea	Install 12" Gate Valve	\$ 2,200.00	\$ 72,600.00	\$ 2,400.00	\$ 79,200.00	\$ 3,100.00	\$ 102,300.00	\$ 2,282.00	\$ 75,306.00	\$ 3,125.00	\$ 103,125.00
10	1	Ea	Install 8" Gate Valve	\$ 1,560.00	\$ 1,560.00	\$ 1,400.00	\$ 1,400.00	\$ 2,000.00	\$ 2,000.00	\$ 1,348.00	\$ 1,348.00	\$ 2,000.00	\$ 2,000.00
11	24	Ea	Install 6" Gate Valve	\$ 900.00	\$ 21,600.00	\$ 1,000.00	\$ 24,000.00	\$ 1,500.00	\$ 36,000.00	\$ 1,021.00	\$ 24,504.00	\$ 1,475.00	\$ 35,400.00
12	1	Ea	Install 4" Gate Valve	\$ 600.00	\$ 600.00	\$ 700.00	\$ 700.00	\$ 1,300.00	\$ 1,300.00	\$ 876.00	\$ 876.00	\$ 1,325.00	\$ 1,325.00
13	25	Ea	Install Fire Hydrant Assembly	\$ 3,856.00	\$ 96,400.00	\$ 5,000.00	\$ 125,000.00	\$ 8,000.00	\$ 200,000.00	\$ 2,755.00	\$ 68,875.00	\$ 4,250.00	\$ 106,250.00
14	2	Ea	Install 12"x12" Tapping Sleeve and Valve	\$ 6,500.00	\$ 13,000.00	\$ 7,000.00	\$ 14,000.00	\$ 7,900.00	\$ 15,800.00	\$ 8,913.00	\$ 17,826.00	\$ 8,250.00	\$ 16,500.00
15	1	Ea	Install 8"x6" Tapping Sleeve and Valve	\$ 4,800.00	\$ 4,800.00	\$ 5,000.00	\$ 5,000.00	\$ 4,700.00	\$ 4,700.00	\$ 3,721.00	\$ 3,721.00	\$ 4,650.00	\$ 4,650.00
16	14	Ton	Ductile Iron Fittings	\$ 10,000.00	\$ 141,000.00	\$ 9,000.00	\$ 126,900.00	\$ 7,100.00	\$ 100,110.00	\$ 8,159.00	\$ 115,041.90	\$ 9,350.00	\$ 131,835.00
17	1	Ea	Install 4" Combined Service Meter with Vault	\$ 15,000.00	\$ 15,000.00	\$ 18,000.00	\$ 18,000.00	\$ 16,500.00	\$ 16,500.00	\$ 21,464.00	\$ 21,464.00	\$ 23,150.00	\$ 23,150.00
18	7	Ea	Install 2" Water Service Tap	\$ 1,500.00	\$ 10,500.00	\$ 800.00	\$ 5,600.00	\$ 1,600.00	\$ 11,200.00	\$ 3,211.00	\$ 22,477.00	\$ 1,400.00	\$ 9,800.00
19	2	Ea	Install 1" Water Service Tap	\$ 1,200.00	\$ 2,400.00	\$ 500.00	\$ 1,000.00	\$ 900.00	\$ 1,800.00	\$ 2,688.00	\$ 5,376.00	\$ 825.00	\$ 1,650.00
20	7	Ea	Install 2" Water Meter with Meter Box	\$ 3,600.00	\$ 25,200.00	\$ 1,300.00	\$ 9,100.00	\$ 1,900.00	\$ 13,300.00	\$ 1,764.00	\$ 12,348.00	\$ 825.00	\$ 5,775.00
21	2	Ea	Install 1" Water Meter with Meter Box	\$ 2,300.00	\$ 4,600.00	\$ 800.00	\$ 1,600.00	\$ 950.00	\$ 1,900.00	\$ 1,185.00	\$ 2,370.00	\$ 500.00	\$ 1,000.00
22	3	Ea	Connect to Existing 8" Water Line	\$ 1,500.00	\$ 4,500.00	\$ 4,000.00	\$ 12,000.00	\$ 800.00	\$ 2,400.00	\$ 2,618.00	\$ 7,854.00	\$ 1,850.00	\$ 5,550.00
23	1	Ea	Connect to Existing 6" Water Line	\$ 1,200.00	\$ 1,200.00	\$ 3,000.00	\$ 3,000.00	\$ 700.00	\$ 700.00	\$ 2,514.00	\$ 2,514.00	\$ 1,800.00	\$ 1,800.00
24	1	Ea	Cut and Plug Existing 8" Water Line	\$ 850.00	\$ 850.00	\$ 200.00	\$ 200.00	\$ 500.00	\$ 500.00	\$ 2,410.00	\$ 2,410.00	\$ 1,000.00	\$ 1,000.00
25	9	Ea	Locate and Connect to Existing Water Service (4" and smaller services)	\$ 650.00	\$ 5,850.00	\$ 2,000.00	\$ 18,000.00	\$ 500.00	\$ 4,500.00	\$ 624.00	\$ 5,616.00	\$ 150.00	\$ 1,350.00
26	3	Ea	Locate and Connect to Existing Water Service (6" and larger services)	\$ 850.00	\$ 2,550.00	\$ 3,000.00	\$ 9,000.00	\$ 700.00	\$ 2,100.00	\$ 728.00	\$ 2,184.00	\$ 1,850.00	\$ 5,550.00
27	14	Ea	Remove Existing Fire Hydrant	\$ 650.00	\$ 9,100.00	\$ 800.00	\$ 11,200.00	\$ 200.00	\$ 2,800.00	\$ 464.00	\$ 6,496.00	\$ 350.00	\$ 4,900.00
28	9	Ea	Remove Existing Valve	\$ 500.00	\$ 4,500.00	\$ 500.00	\$ 4,500.00	\$ 150.00	\$ 1,350.00	\$ 406.00	\$ 3,654.00	\$ 300.00	\$ 2,700.00
29	1,430	SY	Remove and Replace Concrete Pavement including Subgrade Preparation	\$ 75.00	\$ 107,250.00	\$ 70.00	\$ 100,100.00	\$ 75.00	\$ 107,250.00	\$ 94.00	\$ 134,420.00	\$ 100.00	\$ 143,000.00
30	835	SY	Remove and Replace Asphalt Pavement including Subgrade Preparation	\$ 75.00	\$ 62,625.00	\$ 60.00	\$ 50,100.00	\$ 70.00	\$ 58,450.00	\$ 63.00	\$ 52,605.00	\$ 84.00	\$ 70,140.00
31	11	SY	Remove and Replace Concrete Sidewalk including Subgrade Preparation	\$ 55.00	\$ 605.00	\$ 50.00	\$ 550.00	\$ 45.00	\$ 495.00	\$ 104.00	\$ 1,144.00	\$ 65.00	\$ 715.00
32	165	LF	Temporarily Relocate Existing Chain Link Fence	\$ 40.00	\$ 6,600.00	\$ 10.00	\$ 1,650.00	\$ 20.00	\$ 3,300.00	\$ 37.00	\$ 6,105.00	\$ 45.00	\$ 7,425.00
33	1	Ea	Temporarily Relocate Existing Chain Link Access Gate as Needed	\$ 2,500.00	\$ 2,500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,457.00	\$ 1,457.00	\$ 1,250.00	\$ 1,250.00
34	14	Ea	Install 8" Diameter, 4' Height Bollard	\$ 250.00	\$ 3,500.00	\$ 500.00	\$ 7,000.00	\$ 350.00	\$ 4,900.00	\$ 633.00	\$ 8,862.00	\$ 630.00	\$ 8,820.00
35	1	Ac	Seeding of Disturbed Ground	\$ 8,000.00	\$ 10,400.00	\$ 500.00	\$ 650.00	\$ 5,000.00	\$ 6,500.00	\$ 2,032.00	\$ 2,641.60	\$ 8,100.00	\$ 10,530.00
36	7,396	LF	Trench Safety including Trench Safety Plan Submittal and implementation of Trench Safety Plan	\$ 2.00	\$ 14,792.00	\$ 1.00	\$ 7,396.00	\$ 2.00	\$ 14,792.00	\$ 1.00	\$ 7,396.00	\$ 1.50	\$ 11,094.00
37	1	LS	Traffic Control including Traffic Control Plan Submittal and implementation of Traffic Control Plan	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 4,000.00	\$ 8,500.00	\$ 8,500.00	\$ 11,500.00	\$ 11,500.00	\$ 10,000.00	\$ 10,000.00
38	1	LS	Stormwater Pollution Prevention including SWPPP Submittal and implementation of SWPPP	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00	\$ 8,700.00	\$ 8,700.00	\$ 8,625.00	\$ 8,625.00	\$ 7,500.00	\$ 7,500.00
CALCULATED TOTAL				\$1,295,917.00		\$1,363,166.00		\$1,442,371.00		\$1,568,638.50		\$2,031,789.50	
SUBMITTED TOTAL				Same		Same		Same		Same		Same	

Note: Highlighted line totals show calculated totals that are different from submitted totals.



400 Chisholm Place | Suite 310 | Plano, Texas 75075
www.mcmanusjohnson.com

February 5, 2016

Mr. Sean Fox
Town Manager
Town of Sunnyvale
127 N. Collins Road
Sunnyvale, TX 75182

Re: Sunnyvale Industrial Park Water System Improvements
Project Award

Dear Mr. Fox,

We received bids for the above referenced project on January 28, 2106 at Sunnyvale Town Hall at 2:00 PM. In all ten bids were received, and totals were verified.

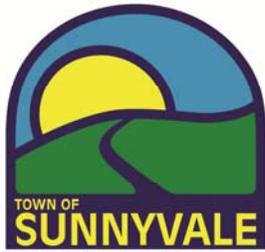
Excel Trenching and Utilities submitted the low bid of \$883,070.40 which was considerably lower than the next highest bidder. After checking company background and financial information we discovered this company does have experienced personnel and appears to be financially stable, but the company is branching out into the municipal utilities market. We have interviewed company personnel and several references provided and received positive replies.

We are recommending the award of this contract to Excel Trenching and Utilities in the amount of \$883,070.40. Please let me know if you need any additional information.

A handwritten signature in blue ink, appearing to read 'T. Crawford'.

Scott Crawford, PE
Project Manager

Cc: Randall Heye, Economic Development Director, Town of Sunnyvale
Johnny Meeks, Director of Public Works, Town of Sunnyvale



Town of Sunnyvale

Prepared By: Liz Hopkins

Summary:

DISCUSS AND CONSIDER APPOINTING THREE (3) MEMBERS OF THE TOWN COUNCIL TO SERVE AS THE AUDIT SUBCOMMITTEE.

Background:

Staff anticipates receiving the audit during the month of April. In years past, two members of the Town Council have served as the audit subcommittee.

Analysis:

None.

Fiscal Impact:

None.

Staff Recommendation:

None.



Town of Sunnyvale

Prepared By: **Johnny W. Meeks**

Summary:

DISCUSS AND CONSIDER A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING A PROJECT SPECIFIC AGREEMENT FOR REPAIRS TO TOWN EAST BOULEVARD FROM TOWER PLACE TO POLLY ROAD, TRIPP ROAD FROM THE FALLS TO EAST FORK ROAD, AND EAST FORK ROAD FROM TRIPP ROAD TO HIGHWAY 80.

Background & Analysis:

Town staff has reached an agreement with Dallas County to rebuild 5 miles of road per year rather than the original concept of 1.5 miles per year. The first year will focus on Town East Blvd. from Tower Place to Polly Road, including the Town East-Collins intersection. Tripp Road from the Falls to East Fork Road. East Fork Road from Tripp to HWY 80. The Town's participation cost is \$805,174.00. The required emulsions for the road replacement is a separate cost of \$198,817.90, bringing the total cost to \$1,003,991.90. The Town's roads are in need of rebuilds as they are very thick from years of patching and overlaying and we still have the same reoccurring issues.

Fiscal Impact:

The approved FY16 year budget includes \$705,000 for road work and repairs, of which \$480,000 was identified for the replacement of the initially proposed 1.5 miles of asphalt roads. Approval of the PSA will dictate a mid-year budget review/increase to the roads budget of \$523,991.90.

Staff Recommendation:

Staff recommends approval.

RESOLUTION 16-06

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, APPROVING THE ENTERING INTO OF A PROJECT SPECIFIC AGREEMENT FOR MAINTENANCE OF "TYPE B" PUBLIC ROADWAYS INCLUDING TOWN EAST, TRIPP, AND EAST FORK ROADS.

WHEREAS, Dallas County and the Town of Sunnyvale entered into an interlocal agreement on or about April 23, 2013, pursuant to the Interlocal Cooperation Act, Tex. Gov't Code Ch.791.001, et. seq. and / or Tex. Transportation Code section 251.012 for the purpose of increasing the efficiency and effectiveness of local governments and construction, improvement, maintenance and repair of streets or alleys that are located in the Town of Sunnyvale; and

WHEREAS, the Town now desires Dallas County to perform reconstruction of Town East, Tripp, and East Fork roads in the Town of Sunnyvale as described within Exhibit A.

WHEREAS, the entering into of such Contract, and the utilization of the features in accordance therewith, will promote the health, safety and general welfare of Town of Sunnyvale citizens.

NOW, THEREFORE, BE IT RESOLVED by the Town Council ("Town Council") of the Town of Sunnyvale, Texas as follows:

Section 1. That the above recitals are found to be true and correct and they are incorporated herein as findings of the Town Council for all purposes

Section 2. That the proposed Agreement is hereby authorized and approved and the Town Manager of the Town of Sunnyvale is hereby authorized, empowered and directed to execute the Agreement for and on behalf of and in the name of the Town of Sunnyvale with such ministerial changes in the terms and provisions thereof as said Town Manager shall in his sole discretion deem necessary and in the best interest of the Town of Sunnyvale, his signature being conclusive evidence that he did so deem any such changes to be necessary or desirable and in the best interest of the Town of Sunnyvale.

Section 3. That Leslie Black, Town Secretary of the Town of Sunnyvale, is hereby authorized, empowered and directed to certify and attest any documents which she may deem necessary or appropriate to consummate the transaction contemplated by the Agreement.

Section 4. Severability. It is hereby declared to be the intention of the Town Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Resolution shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not

affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution, since the same would have been enacted by the Town Council without the incorporation in this Resolution of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

Section 5. Compliance. The Town Council finds that all notices required by law have been given. Notice of this Resolution was posted and this Resolution was passed in accordance with the Open Meetings Act.

Section 6. This Resolution shall take effect immediately upon its passage and approval by the Town Council and it is SO RESOLVED.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Sunnyvale, Texas, on this the 11th day of March, 2016.

Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

**PROJECT SPECIFIC AGREEMENT
RE: TOWN EAST, TRIPP AND EAST FORK ROAD, “TYPE B” PUBLIC
ROADWAY -- MADE PURSUANT TO MASTER ROAD & BRIDGE
INTERLOCAL MAINTENANCE AGREEMENT BETWEEN DALLAS
COUNTY, TEXAS AND TOWN OF SUNNYVALE, TEXAS**

This Project Specific Agreement, (hereinafter “PSA”), supplemental to the Master Interlocal Agreement, is made by and between Dallas County, Texas (hereinafter “County”) and the Town of Sunnyvale, Texas (hereinafter “Town”), acting by and through their duly authorized representatives and officials, for the purpose of transportation-related maintenance, repairs and improvements to be undertaken in certain designated blocks of enumerated public roadway as more fully set forth and described in Attachments “A” and “B”, incorporated herein by reference (“Project”).

WHEREAS, Chapter 791 of the Texas Government Code provides authorization for local governments to contract amongst themselves for the performance of governmental functions and services; and

WHEREAS, on or about April 23, 2013, County and Town entered into a Master Interlocal Agreement (“Agreement”), whereby County agreed to provide partial funding for such duly qualified “Type B: road and bridge maintenance projects, said projects situated within the territorial limits and jurisdiction of Town, and

WHEREAS, Town now desires County to provide partial funding for such a duly qualified project consisting of reconstruction of designated blocks of enumerated public roadway situated in the Town of Sunnyvale, Texas, as more fully described on Attachment “A”.

NOW THEREFORE THIS PSA is made by and entered into by County and Town, for the mutual consideration stated herein.

Witnesseth

Article I

Project Specific Agreement

This PSA is specifically intended to identify a Project authorized under the Master Agreement. This document sets forth the rights and responsibilities pertaining to each party hereto, and is additional and supplemental to the Master Agreement, and all amendments and supplements thereto, which are incorporated herein. All terms of the Master Agreement remain in full force and effect, except as modified herein. In the event of any conflict between the Master Agreement and this PSA, this PSA shall control.

Article II
Incorporated Documents

This PSA incorporates, as if fully reproduced herein word for word and number for number, the following items:

1. Master Interlocal Agreement authorized by County Commissioners Court Order. 2013-0739 dated April 23, 2013, and additions thereto as incorporated herein,
2. The Construction Estimate (Attachment “A”), and
3. Map/Diagram of the Proposed Work Site (Attachment “B”).

Article III
Term of Agreement

This PSA becomes effective when signed by the last party whose signature makes the agreement fully executed and shall terminate upon the completion and acceptance of the Project by Town or upon the terms and conditions in the Master Agreement.

Article IV
Project Description

This PSA is entered into by the parties for purpose of jointly identifying and funding repair, maintenance and improvements on duly qualified “Type B” public roadway within the Town of Sunnyvale, Texas. The Project shall consist of reconstruction of Town East, Tripp and East Fork road in the Town of Sunnyvale, Texas, (hereinafter “Project”), and as more fully described in Attachments “A” and “B”. The Project is authorized by the aforementioned Master Interlocal Agreement, with the parties’ obligations and responsibilities governed thereby, as well as by the terms and provisions of this PSA. The Project will facilitate the safe and orderly movement of public transportation to benefit both the Town and County. The Town has and hereby does give its approval for expenditure of County funds for the construction, improvement, maintenance, or repair or a street located within the municipality.

Article V
Fiscal Funding

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of County funding for each item and obligation contained herein. Town shall have no right of action against the County of Dallas as regards this PSA, specifically including any funding by County of the Project in the event that the County is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of Town funding for each item and obligation contained herein. County shall have no right of action against the Town as regards this PSA, specifically including any funding by Town of the Project in the event that the Town is unable to fulfill its obligations under this PSA as a result of

the lack of sufficient funding for any item or obligation from any source utilized to fund this **PSA** or failure of any funding party to budget or authorize funding for this **PSA** during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the Town, at its sole discretion, may provide funds from a separate source or terminate this **PSA**. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Article VI **Agreements**

I. Town's Responsibilities:

1. Where necessary, Town, at its own expense, shall be responsible for the following: (a) informing the public of the proposed reconstruction of the Project; (b) locating all manholes, water valves, and other utilities within the Project, (c) making or causing to be made all utility relocations or adjustments necessary for execution and completion of the Project; (d) acquiring any right-of-way necessary to complete the Project; (e) remediating any hazardous or regulated material, or other environmental hazard in the Project location, (f) funding the purchase of all materials necessary to perform the Project construction.
2. Town shall further be responsible for all maintenance when the Project is completed.

III. County Responsibilities:

1. County shall provide labor, manpower and equipment necessary to complete the Project.
2. County shall complete all contemplated services in a good and workmanlike manner.

IV. Funding:

County and Town mutually agree that the initial and anticipated Project cost is approximately \$1,189,473.00 as set forth in Attachment "A". The parties hereto further agree that Town shall be responsible to pay \$805,174.00. County shall contribute the remaining amount, in-kind, in the form of labor and equipment. In no event shall County's in-kind contribution exceed Fifty Percent (50%) of the initial and anticipated total Project cost.

Town and County further agree as follows:

1. Should the final cost of the Project exceed the initial and anticipated Project costs, Town agrees to either reduce the scope of the Project, or to seek additional funding to facilitate its completion. In either event, Town shall be solely responsible for all such costs in excess thereof, and County shall bear no additional responsibilities beyond those contemplated herein.
2. Immediately upon the commencement of the Project by County, Town shall deposit with the Dallas County Treasurer \$805,174.00, representing the full amount of material cost.

Article VII
Miscellaneous:

- I. **Indemnification.** County and Town agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or Town or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.
- II. **No Third Party Beneficiaries.** The terms and provisions of this PSA are for the benefit of the parties hereto and not for the benefit of any third party. It is the express intention of County and Town that any entity other than County or Town receiving services or benefits under this PSA shall be deemed an incidental beneficiary only. This PSA is intended only to set forth the contractual right and responsibilities of the parties hereto.
- III. **Applicable Law.** This PSA is and shall be expressly subject to the County's and Town's Sovereign Immunity and/or Governmental Immunity of Town, Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable Federal and State Law. This PSA shall be governed by and construed in accordance with the laws of the State of Texas. Exclusive venue for any legal action regarding this PSA shall lie in Dallas County, Texas.
- IV. **Notice.** All notices, requests, demands, and other communication under this PSA shall be tendered in writing and shall be deemed to have been duly given when either delivered in person, via e-mail, or via certified mail, postage prepaid, return receipt requested to the respective parties as follows:

COUNTY:

Director of Public Works
Dallas County
411 Elm Street, Suite 400
Dallas, Texas 75202

and

Commissioner John Wiley Price
Road & Bridge District #3
411 Elm Street, Second Floor
Dallas, Texas 75202

TOWN:

Sean Fox
Town Manager
127 North Collins Road
Sunnyvale, Texas 75182

- V. **Assignment.** This PSA may not be assigned or transferred by either party without the prior written consent of the other party.

- VI. Binding Agreement; Parties Bound. Upon execution by the parties, this PSA shall constitute a legal, valid and binding obligation of the parties, their successors and permitted assigns.
- VII. Amendment. This PSA may not be amended except in a written instrument specifically referring to this PSA and signed by the parties hereto.
- VIII. Counterparts. This PSA may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- IX. Severability. If one or more of the provisions in this PSA shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this PSA to be invalid, illegal or unenforceable, but this PSA shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this PSA, which shall remain in full force and effect.
- X. Entire Agreement. This PSA embodies the complete agreement of the parties, and except where noted, it shall supersedes previous and/or contemporary agreements, oral or written, between the parties and relating to matters in the PSA.
- XI. Contingent. This PSA is expressly subject to and contingent upon formal approval by the Dallas County Commissioners Court and by resolution of the Town Council of the Town of Sunnyvale.

The Town of Sunnyvale, State of Texas, has executed the Agreement pursuant to duly authorized Town Council Resolution _____, Minutes _____, dated the ___ day of _____, 2016.

The County of Dallas, State of Texas, has executed this agreement pursuant to Commissioners Court Order Number _____ and passed on the _____ day of _____, 2016.

Executed this the _____ day of _____, 2016.

Executed this the _____ day of _____, 2016.

CITY OF SUNNYVALE:

COUNTY OF DALLAS:

 JIM PHAUP
 MAYOR

 CLAY LEWIS JENKINS
 COUNTY JUDGE

ATTEST:

LESLIE BLACK
TOWN SECRETARY

APPROVED AS TO FORM:*
SUSAN HAWK
DISTRICT ATTORNEY



Sherri Turner
Assistant District Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



DALLAS COUNTY COMMISSIONER
John Wiley Price
 District 3

ATTACHMENT A

RECONSTRUCTION ESTIMATE FOR TYPE (B) STREETS IN THE TOWN OF SUNNYVALE. SCOPE OF WORK LISTED ABOVE EACH GROUP OF STREET.

Mill and remove existing pavement as needed to maintain existing elevation and match driveways. Stabilize remaining base adding cement stabilizer 8", Prime coat, Single course chip seal. HMAC type D level up and 2" overlay, average 275 lbs per Sy

STREET	BEGIN	END	Long	Wide	SY	Blocks	County Cost	Proj. Cost	TOWN Cost
East Fork	Tripp	Hwy. 80	3,871	24	10,322	100-200	58,668.00	205,339.00	146,671.00

Mill and remove existing pavement as needed to maintain existing elevation and match driveways. Stabilize remaining base with stabilizer of Town's choice, Prime coat, Single course chip seal. HMAC type D level up and 2" overlay, average 275 lbs per Sy. All cost associated with the purchase and delivery of the Stabilizer to be used for construction will be the Town's responsibility. The trimming of the brush for Equipment clearance will also be the Town's responsibility

Cost associated with the purchase of stabilizer is not included in this estimate.

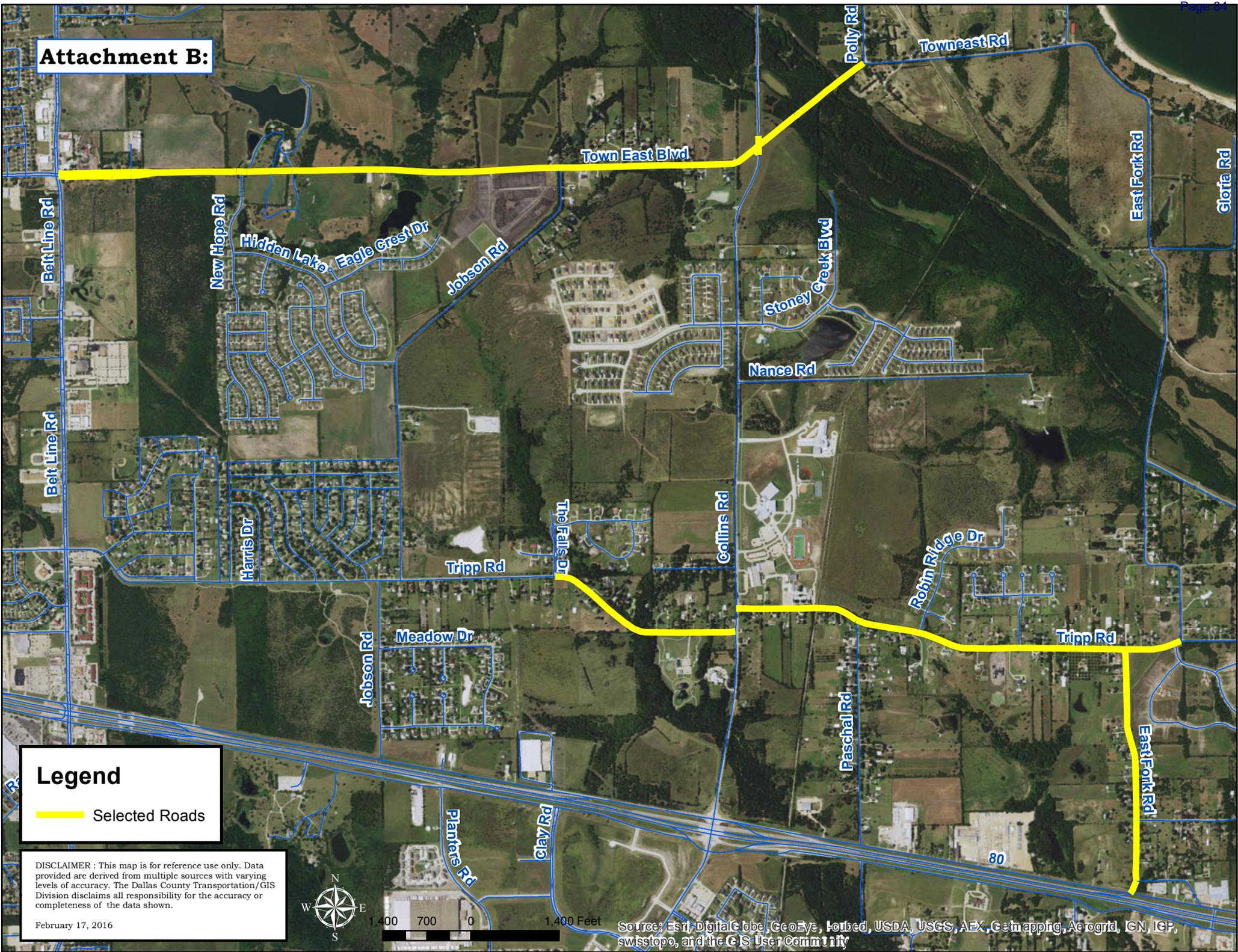
STREET	BEGIN	END	Long	Wide	SY	Blocks	County Cost	Proj. Cost	TOWN Cost
Town East	Beltline	Polly	11,819	24	32,917	130-420	139,042.00	563,811.00	377,222.00
Town East includes Collins intersection 150' each way									
Tripp	Falls	East Fork	9,560	23	24,431	300-600	186,589.00	420,323.00	281,281.00

TOTAL

County Cost	Proj. Cost	TOWN COST
\$384,299.00	\$1,189,473.00	\$805,174.00

TOWN TO FURNISH WATER AND UTILITY LOCATES AS NEEDED FOR PROJECT CONSTRUCTION.

Attachment B:

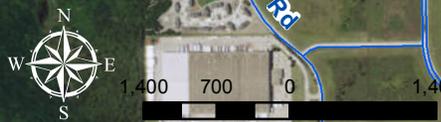


Legend

Selected Roads

DISCLAIMER : This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The Dallas County Transportation/GIS Division disclaims all responsibility for the accuracy or completeness of the data shown.

February 17, 2016



Source: Esri, DigitalGlobe, GeoEye, Forbex, USDA, USGS, AEX, Geomapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Rick W. McGinnis
 516 S. McLennan Loop
 Elm Mott, Texas 76640
 Phone (254) 829-0330 Fax (254) 829-0337
p2emulsions@sbcglobal.net

QUOTE

TO: Town of Sunnyvale
 JOB: Town East Blvd.

Date: 11/9/2015
 Product: P2 stabilizer
 Job Location: Sunnyvale
 County & Pct: Dallas
 Attention: Johnny Meeks (DPW)
 Approximate Gallons: 40,910
 Road Length: 11,800
 Road Width: 24
 P2 Equipment: Transport of stabilizer
 Application Rate: 1.3 per square yard

Material and Application provided by P2 Emulsions detailed as follows:

	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
1	P2 stabilizer	40,910	2.69	\$110,047.90
			TOTAL	\$110,047.90

QUOTE GOOD FOR 30 DAYS FROM DATE SHOWN ABOVE

Contingent Trucking Charges: DEMURRAGE – FIRST 2 HOURS FREE, 80.00 PER HOUR THEREAFTER.
 PUMP CHARGE - \$80.00 IF REQUIRED BY CUSTOMER.

NOTE: Minimum Order 5,000 gallons. / Extra charges apply for tanker delivery and product application if order is less than 5,000 gallons.



Rick W. McGinnis
 516 S. McLennan Loop
 Elm Mott, Texas 76640
 Phone (254) 829-0330 Fax (254) 829-0337
p2emulsions@sbcglobal.net

QUOTE

TO: Town of Sunnyvale
 JOB: Tripp Road (Collins to East Fork)

Date: 11/9/2015
 Product: P2 stabilizer
 Job Location: Sunnyvale
 County & Pct: Dallas
 Attention: Johnny Meeks (DPW)
 Approximate Gallons: 22,000
 Road Length: 6,325
 Road Width: 24
 P2 Equipment: Transport of stabilizer
 Application Rate: 1.3 per square yard

Material and Application provided by P2 Emulsions detailed as follows:

	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
1	P2 stabilizer	22,000	2.69	\$59,180.00
			TOTAL	\$59,180.00

QUOTE GOOD FOR 30 DAYS FROM DATE SHOWN ABOVE

Contingent Trucking Charges: DEMURRAGE – FIRST 2 HOURS FREE, 80.00 PER HOUR THEREAFTER.
 PUMP CHARGE - \$80.00 IF REQUIRED BY CUSTOMER.

NOTE: Minimum Order 5,000 gallons. / Extra charges apply for tanker delivery and product application if order is less than 5,000 gallons.



Rick W. McGinnis
 516 S. McLennan Loop
 Elm Mott, Texas 76640
 Phone (254) 829-0330 Fax (254) 829-0337
p2emulsions@sbcglobal.net

QUOTE

TO: Town of Sunnyvale
 JOB: 300 Tripp Road

Date: 10/7/2015
 Product: P2 stabilizer
 Job Location: Sunnyvale
 County & Pct: Dallas
 Attention: Johnny Meeks (DPW)
 Approximate Gallons: 11000
 Road Length: 3167
 Road Width: 24
 P2 Equipment: Transport of stabilizer
 Application Rate: 1.3 per square yard

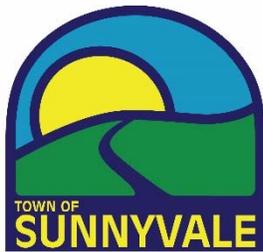
Material and Application provided by P2 Emulsions detailed as follows:

	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
1	P2 stabilizer	11000	2.69	\$29,590.00
			TOTAL	\$29,590.00

QUOTE GOOD FOR 30 DAYS FROM DATE SHOWN ABOVE

Contingent Trucking Charges: DEMURRAGE – FIRST 2 HOURS FREE, \$80.00 PER HOUR THEREAFTER.
 PUMP CHARGE - \$80.00 IF REQUIRED BY CUSTOMER.

NOTE: Minimum Order 5,000 gallons. / Extra charges apply for tanker delivery and product application if order is less than 5,000 gallons.



Town of Sunnyvale

Prepared By: Johnny W. Meeks

Summary:

STAFF UPDATE ON ROAD REPAIR AND MAINTENANCE.

Background & Analysis:

In addition to the roads being replaced by Dallas County, Staff has evaluated other roads within the Town that are in dire need of being leveled up with asphalt as an intermediate fix until those roads can be replaced at a future date. Staff has obtained a bid of \$56,520.00 for 800 tons of asphalt to address various locations on Long Creek Road, N. Collins Road, Tripp Road, Jobson Road, and Barnes Bridge Road. The amount requested falls within the approved road maintenance budget.

Fiscal Impact:

No additional fiscal impact beyond the approved FY 16 budget.

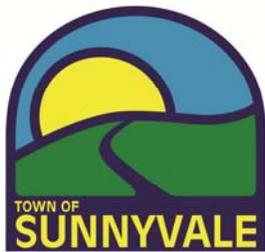
Staff Recommendation:

Staff recommends approval.

FOB Price	\$ 65.65
charge rate	\$ 0.50
Zone	9

Estimated Total Cost: \$ 56,520.00

FOB Price	Mileage Charge	Total Charge Per Ton	Total
\$ 65.65	\$ 2.50	\$ 68.15	\$ 54,520.00
			\$ -
			\$ -
		\$ -	\$ 2,000.00
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -



Town of Sunnyvale

Prepared By: Sean P. Fox

Summary

DISCUSS AND CONSIDER FIRST READING OF AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES TO CREATE ARTICLE 8.11 IN CHAPTER 8 OF THE CODE OF ORDINANCES; PROHIBITING A PROPERTY OWNER OR OCCUPANT FROM ALLOWING PROPERTY, RESIDENCES, AND STRUCTURES TO BE USED FOR GATHERINGS WHERE MINORS CONSUME ALCOHOL OR CONTROLLED; PROVIDING FOR A PENALTY NOT TO EXCEED \$1,000.00 ; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Background

Town Staff was asked to work with the Sunnyvale Independent School District (SISD) and to propose an ordinance to address concerns regarding social hosting and underage drinking within the Town. Staff worked with the Town Attorney, School Superintendent and concerned parents/residents to develop the attached ordinance, taking language and best practices from neighboring communities.

Staff Recommendation

Town Staff recommends approval.

Attachments

Proposed Ordinance

ORDINANCE NO. 16-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCE TO CREATE ARTICLE 8.11 IN CHAPTER 8 OF THE CODE OF ORDINANCES; PROHIBITING A PROPERTY OWNER OR OCCUPANT FROM ALLOWING PROPERTY, RESIDENCES, AND STRUCTURES TO BE USED FOR GATHERINGS WHERE MINORS CONSUME ALCOHOL OR CONTROLLED; PROVIDING FOR A PENALTY NOT TO EXCEED \$1,000.00: 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, the Town has an interest in protecting the minors residing in Sunnyvale; and

WHEREAS, the Town has an interest in protecting the public from the dangers of alcohol consumption by minors and the use of controlled substances;

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. Article 8.11 of the Code of ordinances shall be created to read as follows:

ARTICLE 8.11 - MAINTAINING A PREMISES FOR CONSUMPTION OF ALCOHOL OR DRUGS BY MINORS

8.1101 - Definitions. For the purposes of this article, the following terms, words, phrases and the derivations thereof shall have the meanings given herein.

Alcoholic beverage shall have the meaning ascribed to it by Section 1.04(1), Texas Alcoholic Beverage Code.

Controlled substance shall have the meaning ascribed to it by Section 481.002(5) of the Texas Controlled Substances Act, ch. 481, Texas Health & Safety Code.

Minor shall mean a person younger than 21 years of age.

Residence or premises shall mean: (1) A place where a person abides, lodges, or resides, including but not limited to a house, apartment, condominium, hotel or motel room, or other dwelling unit; or, (2) A hall, meeting room, building, or other place of assembly whether occupied on a temporary or permanent basis or as a dwelling or place for social functions; or (3) real property, a pavilion, barn or other accessory building. The terms residence or premises includes the curtilage of a dwelling unit and, as used in this article, shall have the foregoing meaning

whether owned, leased, rented or used with or without compensation.
Social gathering shall mean a gathering for social or recreational entertainment at a residence or premises at which nonfamily or unrelated persons are present.

8.1102 - Offense. It shall be unlawful for any person owning or having possession or control of a residence or premises to allow a social gathering to take place at such residence or premises, if an alcoholic beverage or a controlled substance was unlawfully possessed, used or consumed by minors, and if such person knew or reasonably should have known that such would take place.

8.1103 - Presumption and defenses.

A. In the prosecution of an offense under this article, it shall be presumed that a person knew or reasonably should have known that a social gathering would take place and that alcoholic beverages or controlled substances would be possessed, used or consumed by minors if that person owned, possessed or was in control of the residence or premises during the preceding year and more than two social gatherings have taken place at that residence or premises in the preceding year, during each of which minors were present and possessed, used or consumed an alcohol beverage or a controlled substance.

B. It is a defense to prosecution of an offense under this article if the possession, use or consumption of alcoholic beverages by a minor was in the visible presence of the minor's adult parent, guardian or spouse, or other adult to whom the minor has been committed by a court, or while in the course and scope of the minor's employment by a licensee or permittee of the Texas Alcoholic Beverage Commission.

C. It is a defense to prosecution of an offense under this article if the person did not know and, through the exercise of reasonable diligence, could not have known that a social gathering would occur.

8.1104- Penalty. An offense under this article shall be deemed to be a misdemeanor and, upon conviction, is punishable by a fine not to exceed \$1,000.00 for each offense.

Introduced and read at the Town Council meeting on March 14, 2016.

PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 28th DAY OF March, 2016.

APPROVED:

By: _____
Jim Phaup, Mayor

ATTEST:

Leslie Black, Town Secretary

