



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
WORKSHOP  
COUNCIL CHAMBERS - 127 N. COLLINS RD  
MONDAY, JULY 25, 2016  
6:00 P.M.**

**CALL MEETING TO ORDER**

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

**1. WORKSHOP WITH FORESTAR DEVELOPMENT FOR REVIEW OF PEDESTRIAN BRIDGE SOLUTIONS IN THE STONEY CREEK DEVELOPMENT.**

**ADJOURN**

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

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

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

**I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON JULY 22, 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**

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**LESLIE BLACK, TOWN SECRETARY**



# Town of Sunnyvale

June 25, 2016

## Summary

### **WORKSHOP WITH FORESTAR DEVELOPMENT FOR REVIEW OF PEDESTRIAN BRIDGE SOLUTIONS (STONEY CREEK).**

In May 2016, Council approved tentative development plans for phases 2E & 2F of the Stoney Creek subdivision. Subsequent to the approval, Council requested that a solution be developed for a pedestrian bridge crossing as required by the Stoney Creek Planned Residential Overlay ordinance.

The applicants (Forestar) have worked with staff and now have returned to present a possible pedestrian bridge solution.

## Attachments

- Bridge/Crossing proposals
- Survey: results and comments from the survey that was conducted among the homeowners for Stoney Creek in regards to the preferred crossing. The survey was conducted via Survey Monkey and was created in with input from the HOA management, DAA and Forestar.



LOT 1, BLOCK X  
OPEN SPACE AND  
DRAINAGE EASEMENT

0' - 18' Wall  
Along Collins Road  
(184 LF)

Native Tree  
Clearing Area  
(0.78 AC)

Aerial  
Crossing

110 LF

8' Walk

0' - 18' Wall  
Along Collins Road  
(130 LF)

**Above Grade Bridge**

**Pros:**

- 1. Separates people from traffic

**Cons:**

- 1. Poor Trail Connectivity
- 2. Accessibility / Long ADA Ramp
- 3. Long Term Maintenance
- 4. Disrupts Natural Views From Amenity Center
- 5. Locks in Future Alignment of Collins Road
- 6. Disturbs Line of Sight for Traffic
- 7. 314 Feet of Native Tree Clearing Along Collins Road

**Special Features:**

- 8. LED Lighting

Above Grade  
Pedestrian Trail Concept Plan

**Stoney Creek**

Sunnyvale, Texas

*Owner:*

Stoney Creek Properties, LLC  
14755 Preston Road, Suite 130  
Dallas, Texas 75254

June 20, 2016



**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694



LOT 1, BLOCK X  
OPEN SPACE AND  
DRAINAGE EASEMENT

**At-Grade Hawk Signal System**

**Pros:**

- 1. Good Trail Connectivity
- 2. Separates people from traffic

**Cons:**

- 1. Requires Action By Pedestrian
- 2. Creates People / Traffic Interaction
- 3. Ongoing Maintenance and Future Replacement
- 4. Interrupts Traffic Flow on Collins Road
- 5. Electrical Components Can Malfunction
- 6. May Require Crossing Guard During School Zones

At-Grade Hawk Signal System  
Pedestrian Trail Concept Plan

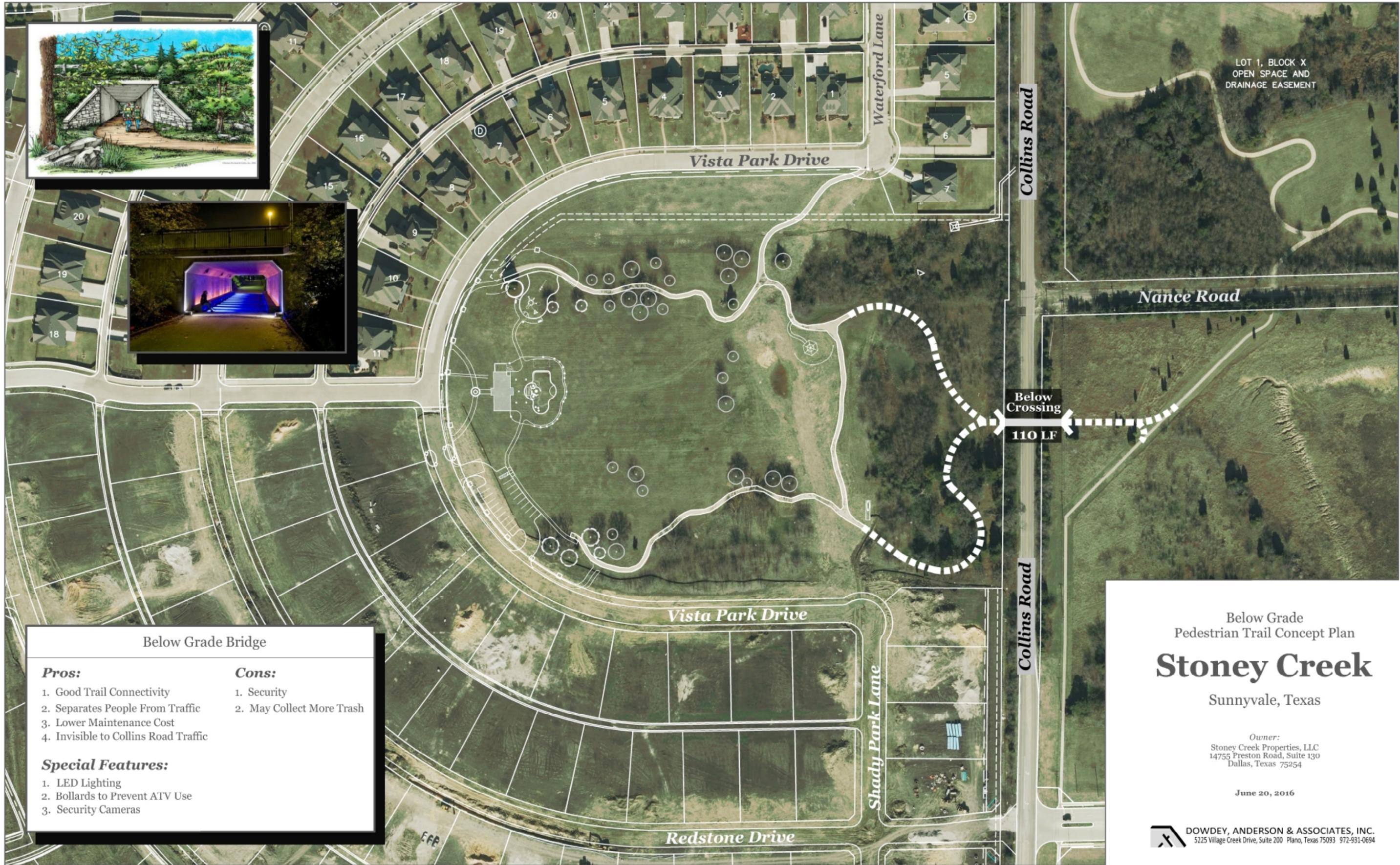
**Stoney Creek**

Sunnyvale, Texas

Owner:  
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14755 Preston Road, Suite 130  
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LOT 1, BLOCK X  
OPEN SPACE AND  
DRAINAGE EASEMENT

Collins Road

Nance Road

Below Crossing  
110 LF

Collins Road

Shady Park Lane

Vista Park Drive

Vista Park Drive

Redstone Drive

**Below Grade Bridge**

**Pros:**

- 1. Good Trail Connectivity
- 2. Separates People From Traffic
- 3. Lower Maintenance Cost
- 4. Invisible to Collins Road Traffic

**Cons:**

- 1. Security
- 2. May Collect More Trash

**Special Features:**

- 1. LED Lighting
- 2. Bollards to Prevent ATV Use
- 3. Security Cameras

Below Grade  
Pedestrian Trail Concept Plan  
**Stoney Creek**  
Sunnyvale, Texas

Owner:  
Stoney Creek Properties, LLC  
14755 Preston Road, Suite 130  
Dallas, Texas 75254

June 20, 2016

**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694



Q2

## Do you prefer the Hawk Crossing System (cross walk)?

- Answered: 51
- Skipped: 1

Answer Choices	Responses
—	9.80%
Yes, I am in favor of the cross walk.	5
—	90.20%
No, I am not in favor of the cross walk.	46
Total	51

[Comments\(21\)](#)

2nd best option, but still disruptive to Collins traffic, which is already bad.

7/19/2016 10:12 PM [View respondent's answers](#)

This is not feasible.

7/19/2016 5:06 PM [View respondent's answers](#)

Too much disruption to Collins Rd.

7/19/2016 4:10 PM [View respondent's answers](#)

We could visualize and support either a cross walk or the bridge. The Tunnel would not be a good option due to the flooding we get when it rains. Also, I personally would be very hesitant to walk through a tunnel for safety reasons. The aerial bridge would be great, but with all of the trucks that utilize Collins, it would have to be very tall and therefore maybe not as practical.

7/18/2016 6:24 PM [View respondent's answers](#)

too dangerous for kiddos, esp the younger kids

7/18/2016 3:21 PM [View respondent's answers](#)

Due to high traffic volumes, we have strong concern about the safety of this option. Are cars really going stop less than a 1/4 of a mile after a four-way stop?

7/17/2016 9:33 PM [View respondent's answers](#)

Traffic too heavy for this. It's dangerous to cross Collins Rd. The cars sometimes do not even stop at the stop signs.

7/16/2016 7:11 PM [View respondent's answers](#)

Crossing at street level can endanger pedestrians.

7/15/2016 1:14 PM [View respondent's answers](#)

I think this is the most cost effective measure. It also does the least damage to our environment around the development.

7/15/2016 10:37 AM [View respondent's answers](#)

This will create additional congestion on Collins during school opening and closing hours. will be the most hazards for those crossing



# FORESTAR

Answer Choices	Responses
7/14/2016 10:07 PM <a href="#">View respondent's answers</a>	
Looks rather cheap and not as safe as the other 2	
7/14/2016 7:34 PM <a href="#">View respondent's answers</a>	
People will press and just walk when free causing traffic to stop for no reason.	
7/14/2016 11:03 AM <a href="#">View respondent's answers</a>	
Safety is an issue for me.	
7/14/2016 10:51 AM <a href="#">View respondent's answers</a>	
While I think this is most likely the least expensive / "cost effective" method, this also relies on drivers being on guard for children not waiting for the light to change or the possibility of children "playing" with the traffic light. I'd prefer to remove the as much interaction between the automobiles and pedestrians as possible.	
7/14/2016 8:32 AM <a href="#">View respondent's answers</a>	
No unnecessary spending	
7/13/2016 9:26 PM <a href="#">View respondent's answers</a>	
Will not effectuate a solution to either the problem of traffic or foot crossing. In fact, it will likely exacerbate both.	
7/13/2016 7:08 PM <a href="#">View respondent's answers</a>	
Don't mix pedestrians with vehicles when possible.	
7/13/2016 6:24 PM <a href="#">View respondent's answers</a>	
More dangerous to pedestrians crossing. Kids will cross even when not going to school and are at mercy of motorists paying attention, even when kids remember to push button for light.	
7/13/2016 6:17 PM <a href="#">View respondent's answers</a>	
Another traffic light creates another point of stop for roadway traffic, in addition to traffic and stop signs which would probably include more congestion especially during AM/PM school closing/opening hours and other times. Plus concern for safety of pedestrian crossing.	
7/13/2016 5:59 PM <a href="#">View respondent's answers</a>	
SAFETY and TRAFFIC	
7/13/2016 5:51 PM <a href="#">View respondent's answers</a>	
Disruption for traffic and pedestrians. Dangerous for kids.	
7/13/2016 3:19 PM <a href="#">View respondent's answers</a>	



## Q3

## Do you prefer the Aerial Crossing (bridge)?

- Answered: 51
- Skipped: 1

Answer Choices	Responses
—	<b>39.22%</b>
Yes, I am in favor of the bridge.	20
—	<b>60.78%</b>
No, I am not in favor of the bridge.	31
Total	51

[Comments](#)(21)

Terrible idea! Nothing good about it. Eye sore and difficult for pedestrians and disturbs too much open land.

7/19/2016 10:12 PM [View respondent's answers](#)

This is not feasible.

7/19/2016 5:06 PM [View respondent's answers](#)

Takes away from the neighborhood view.

7/19/2016 4:10 PM [View respondent's answers](#)

See comments under Crosswalk option section.

7/18/2016 6:24 PM [View respondent's answers](#)

This was what was originally proposed. I certainly do not think a crosswalk is safe enough. If the bridge cannot be done, then the tunnel should be done. There are too many cars on Collins that drive very fast, so a crosswalk is not a good option.

7/18/2016 3:28 PM [View respondent's answers](#)

we love the bridge idea but the placement is poor and the environmental impact is too big

7/18/2016 3:21 PM [View respondent's answers](#)

In our opinion this is the safest option.

7/17/2016 9:33 PM [View respondent's answers](#)

Attractive and safe option.

7/15/2016 1:14 PM [View respondent's answers](#)

disrupt view

7/14/2016 10:08 PM [View respondent's answers](#)

This is ugly. does not fit in with the overall aesthetics of the community

7/14/2016 10:07 PM [View respondent's answers](#)



Answer Choices	Responses
<p>Second option. 7/14/2016 9:35 PM <a href="#">View respondent's answers</a></p>	
<p>Yes, this is what was originally planned for the community and it looks the best while being the safest 7/14/2016 7:34 PM <a href="#">View respondent's answers</a></p>	
<p>I thought this was the plan all along. 7/14/2016 7:08 PM <a href="#">View respondent's answers</a></p>	
<p>By far, this is perceived as the safest of all options for children. 7/14/2016 8:32 AM <a href="#">View respondent's answers</a></p>	
<p>No unnecessary spending. This appears to be the most expensive option. 7/13/2016 9:26 PM <a href="#">View respondent's answers</a></p>	
<p>Aesthetically, I see problems in getting approval, but idea is sound. Particularly as the tunnel (which I prefer) would potentially be more susceptible to crime. 7/13/2016 7:08 PM <a href="#">View respondent's answers</a></p>	
<p>Too complex. 7/13/2016 6:24 PM <a href="#">View respondent's answers</a></p>	
<p>Safer all around. Understand maintenance and motorist view problems. Motorists need to slow down and we will have to pay for the safety. 7/13/2016 6:17 PM <a href="#">View respondent's answers</a></p>	
<p>1) Safe passage way for pedestrians/children etc 2) Open nature of the bridge creates more security 3) No additional interruption to traffic 7/13/2016 5:59 PM <a href="#">View respondent's answers</a></p>	
<p>Takes away from natural landscape. 7/13/2016 5:51 PM <a href="#">View respondent's answers</a></p>	
<p>Disruption for traffic. Big footprint on surroundings. 7/13/2016 3:19 PM <a href="#">View respondent's answers</a></p>	



## Do you prefer the Below Grade Crossing (tunnel)

- Answered: 51
- Skipped: 1

Answer Choices	Responses
–	<b>60.78%</b>
<b>Yes, I am in favor of the tunnel.</b>	31
–	<b>39.22%</b>
<b>No, I am not in favor of the tunnel.</b>	20
Total	51

[Comments\(23\)](#)

Easy for kiddos to cross and ride bikes to school. Less disruptive for both traffic on Collins and pedestrians crossing.  
7/19/2016 10:12 PM [View respondent's answers](#)

This is the best option. It is good for pedestrians, good for those who are driving, and it gives the most flexibility for future changes.

7/19/2016 5:06 PM [View respondent's answers](#)

Like the look of entrances. Nice more upclass view.

7/19/2016 4:10 PM [View respondent's answers](#)

Great compromise. Drainage is a concern, location is ok, connects all trails, as long as it doesn't look scary like the example you gave. We found some we like online.

7/18/2016 3:21 PM [View respondent's answers](#)

Safety concerns of a tunnel.

7/17/2016 9:33 PM [View respondent's answers](#)

Safety features are nice. Will there be adequate drainage due to heavy rains/flooding? Who will maintain for wasps/mosquitos? Will golf carts be able to get through the tunnel? What happens when Collins Rd goes to 4 lanes? How will the tunnel be impacted? Is there any way to provide the crossing closer to the entrance of the Sunnyvale Elementary school? The proposed location is not as convenient for those who walk/bike to school or school functions.

7/17/2016 9:03 AM [View respondent's answers](#)

no brainer

7/15/2016 8:18 PM [View respondent's answers](#)

This would be my second choice.

7/15/2016 1:14 PM [View respondent's answers](#)

Provides cover for people doing things they shouldn't do, even with cameras.

7/15/2016 10:37 AM [View respondent's answers](#)

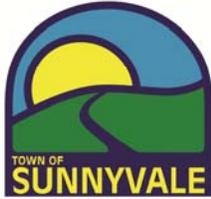
Above or below are safer than at grade and it doesn't become an eyesore

7/15/2016 12:13 AM [View respondent's answers](#)



Answer Choices	Responses
unsafe	7/14/2016 10:08 PM <a href="#">View respondent's answers</a>
simple and hardly noticeable. good location for those wanting to walk the trails on both sides of collins. In my opinion this is the only one worth considering. Agree with the pros and cons of the options as stated on the exhibits.	7/14/2016 10:07 PM <a href="#">View respondent's answers</a>
This one is first. The bridge would be our second option. The hawk crossing seems to be the worst by far.	7/14/2016 9:35 PM <a href="#">View respondent's answers</a>
Opportunity for crime and I am sure nobody would clean it regularly	7/14/2016 7:34 PM <a href="#">View respondent's answers</a>
Safety reason	7/14/2016 11:03 AM <a href="#">View respondent's answers</a>
Safety is a major issue for me with this.	7/14/2016 10:51 AM <a href="#">View respondent's answers</a>
safe and can be expanded when collins is widened	7/14/2016 8:33 AM <a href="#">View respondent's answers</a>
This would be our second choice, but all the kids in the house stated that a tunnel would be "creepy".	7/14/2016 8:32 AM <a href="#">View respondent's answers</a>
No unnecessary spending. Also, the tunnels tend to become untidy and end up with security risk	7/13/2016 9:26 PM <a href="#">View respondent's answers</a>
Doesn't restrict vehicle traffic on Collins Rd.	7/13/2016 6:24 PM <a href="#">View respondent's answers</a>
Not only will it collect trash, especially after our hard spring rains, but we have a good bit of wildlife in this area. What are we going to do if a cottonmouth or more wash down there and are hanging around when the kids are going to school. Other animals? How well will it drain during and after the rains.	7/13/2016 6:17 PM <a href="#">View respondent's answers</a>
1) Security is a concern, eventhough there may be cameras and lighting. 2) Thinking about security before an incident happens is better	7/13/2016 5:59 PM <a href="#">View respondent's answers</a>
Seems to be the best option with the least maintenance.	7/13/2016 5:51 PM <a href="#">View respondent's answers</a>

RTCM  
07/25/2016



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

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER**

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

**PUBLIC FORUM**

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

**CONSENT AGENDA ITEMS 1 THROUGH 3:**

1. **DISCUSS AND CONSIDER SECOND READING OF ORDINANCE 16-10: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE TOWN OF SUNNYVALE BY DELETING SECTIONS 5.101 THROUGH 5.108 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5.101 THROUGH 5.108, THEREBY ADOPTING THE INTERNATIONAL FIRE CODE, 2009 EDITION, BY PROVIDING CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**
2. **DISCUSS AND CONSIDER RESOLUTION 16-10: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF AN AGREEMENT WITH DALLAS COUNTY ON BEHALF OF DALLAS COUNTY HEALTH AND HUMAN SERVICES CONCERNING THE PROVISION OF CERTAIN FOOD ESTABLISHMENT INSPECTION AND ENVIRONMENTAL HEALTH SERVICES TO THE TOWN OF SUNNYVALE.**
3. **DEPARTMENT MONTHLY REPORTS – JUNE 2016.**

**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:

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

RTCM  
07/25/2016

5. **APPLICANT:** SUNNYVALE GALLOWAY OLD HOME PLACE TRUST  
(DEBORAH FRANKLIN)  
**AT OR ABOUT:** 622 & 626 PECAN CREEK DRIVE  
**REQUEST:** REPLAT – EAST FORK ESTATES, LOT13R & LOT 14, BLOCK 2

**DISCUSSION/ACTION ITEMS:**

**DEVELOPMENT SERVICES**

6. **UNIFIED DEVELOPMENT ORDINANCE PRESENTATION, UPDATE BY FREESE AND NICHOLS (FNI) – SUBDIVISION ORDINANCE, AND DISCUSSION.**

**ENGINEERING**

7. **RECEIVE A STAFF PRESENTATION AND HOLD A DISCUSSION ON THE COLLINS ROAD PAVING AND DRAINAGE 60% DESIGN PLANS.**

**FINANCE**

8. **CONSIDER ALL MATTERS INCIDENT AND RELATED TO APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERE TO.**

**TOWN SECRETARY**

9. **DISCUSS AND CONSIDER RESOLUTION 16-12: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS DESIGNATING AN OFFICIAL TOWN FLAG; AND PROVIDING AN EFFECTIVE DATE.**

**TOWN MANAGER**

10. **DISCUSS AND REVIEW THE BACKGROUND AND DECISION PROCESS FOR PLANNING AND ZONING RECONSIDERATION OF SKORBURG APPLICATION FOR GLAZER PROPERTY.**
11. **REVIEW LATEST SCHEDULE AND PLANS FOR ROAD REPAIRS**

**MAYOR & COUNCIL**

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

RTCM  
07/25/2016

## **EXECUTIVE SESSION**

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

### **EXECUTIVE SESSION AGENDA:**

#### **A. SECTION 551.072 REAL PROPERTY**

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

#### **PROPERTY LOCATED AT OR ABOUT U.S. HWY 80 AND COLLINS RD.**

## **END OF EXECUTIVE SESSION**

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

### **13. SECTION 551.072 - REAL PROPERTY LOCATED AT OR ABOUT U.S. HWY 80 AND COLLINS RD.**

## **ADJOURN**

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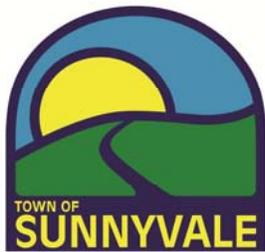
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**TOWN HALL AT 127 N. COLLINS ROAD**

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**LESLIE BLACK, TOWN SECRETARY**



# Town of Sunnyvale

Prepared By: Richard Berkobien – Fire Chief

## **Summary:**

**DISCUSS AND CONSIDER AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, ADOPTING THE 2009 INTERNATIONAL FIRE CODE WITH RECOMMENDED NORTH TEXAS COUNCIL OF GOVERNMENTS AMENDMENTS.**

## **Background & Analysis:**

In 1992 the Town and the Fire Department adopted the 1992 Southern Building Code Congress International Fire Code. This is currently the code that the Fire Department is working under. However, in 2011 the town adopted the 2009 versions of the International Building code, Residential code, Plumbing code, Mechanical code, along with several others that virtually rendered the 1992 SBC Fire Code obsolete. The town has enforced fire code related requirements through the 2009 Building code and through zoning ordinances. By adopting the 2009 International Fire Code, it allows the town to present a consistent set of codes for future and current business to follow. It will bring the town in line with the surrounding jurisdictions and the fire codes they are enforcing. With the current building code and zoning ordinances, the adoption of the 2009 fire code will not diminish the current requirements enforced by the town.

## **Financial Impact:**

The 2009 International Fire Code contains a Permit requirement and Fee Schedule, that when adopted, will require the need for permits to be pulled for certain fire protection systems, inspections, and approvals. There will be a fee associated with each permit that is determined by the size and scope of the work being performed. These would be in addition to any current building permit fees that are being collected. The financial impact to the town will be an increase in revenue that is tied the amount of commercial development in a given year. The current Fine Schedule will remain for violations that are cited by the Fire Prevention personnel. There are no negatives that I can see that will impact the town financially.

## **Staff Recommendation:**

Staff recommends approval.

## **Attachment:**

Proposed ordinance adopting the 2009 International Fire Code with recommended North Texas Council of Governments amendments.

**ORDINANCE 16-10**

**AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE TOWN OF SUNNYVALE BY DELETING SECTIONS 5.101 THROUGH 5.107 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5.101 THROUGH 5.107 THEREBY ADOPTING THE INTERNATIONAL FIRE CODE, 2009 EDITION, BY PROVIDING CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, Ordinance No. 324 contained certain provisions related to residential fire suppression, among others, and it is the intent of the Town Council to retain those same provisions in all subsequent editions, and local amendments thereto, of the International Fire Code; and,

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

**SECTION 1.** That Chapter 5 of the Code of the Town of Sunnyvale, Texas, is hereby amended by deleting Sections 5.101 through 5.107 in their entirety and adding new Sections 5.101 through 5.107 to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

(1) Sec. 5.101. Adoption of the International Fire Code, 2009 Edition.

(a) The International Fire Code, 2009 Edition, including Appendix B, Appendix C and Appendix D attached thereto, as published by the International Code Council (I.C.C.), and as amended as set forth in Section 5.107 below, is hereby adopted and designated as the official fire code of the Town of Sunnyvale, Texas, to the same extent as if such code were copied verbatim in this Chapter 5, subject to the amendments prescribed in Section 5.107 below. A copy of the International Fire Code, 2009 Edition, including Appendix B, Appendix C and Appendix D attached thereto and all amendments thereto adopted pursuant to Section 5.107 below shall be maintained in the office of the Town Secretary as an original document and ordinance of the Town of Sunnyvale, Texas. All italicized terms used in this Chapter 5 and not otherwise defined herein shall have the meanings set forth in the International Fire Code, 2009 Edition.

(2) Sec. 5.102. Duties of Fire Prevention Division.

(a) The International Fire Code shall be enforced by the Fire Prevention Division of the Fire Department of the Town of Sunnyvale, Texas, under the supervision of the Chief of the Fire Department.

(b) The Fire Marshal in charge of the Fire Prevention Division shall be the Fire Chief with the consent and approval of the Town Manager.

(c) The Chief of the Fire Department may detail such members of the Fire Department as Inspectors as shall from time to time be necessary.

(3) Secs. 5.103-5.106. Reserved.

(4) Sec.5.107. Amendments to the International Fire Code, 2009 Edition.

- (a) The following amendments are made to the International Fire Code, 2009 Edition and all references in this Section 5.108 to the term "International Fire Code" shall be deemed to refer to the

(5) International Fire Code, 2009 Edition, as published by the I.C.C. and as adopted by Section 5.101 above and amended by this Section 5.108:

(6) General Terms.

- (a) JURISDICTION. All references to "jurisdiction" shall mean the Town of Sunnyvale, Texas, located in the County of Dallas, and in the State of Texas.
- (b) CITY. All references to "City" shall mean the Town of Sunnyvale, Texas located in the County of Dallas, and in the State of Texas.
- (c) PERSON or PERSONS. All references to "person" or "persons" as used herein shall mean and include every person as defined in Chapter 2, Section 202 of the International Fire Code and shall also include every "person" as defined in Chapter 1, Section 1-2 of the Code of the Town of Sunnyvale, Texas, as amended.

(7) Chapter 1, Scope and Administration.

- (a) Section 101.1. Section 101.1 shall be amended by inserting the name "Town of Sunnyvale, Texas" as the "Name of Jurisdiction" and accordingly, Section 101.1 shall be amended to read as follows:
- (b) 101.1. These regulations shall be known as the Fire Code of the Town of Sunnyvale, Texas, hereinafter referred to as "this code."
- (c) Section 102.1. Section 102.1 shall be amended by deleting #3 in its entirety and adding a new #3 to read as follows:
- (d) 3.Existing structures, facilities and conditions when required in Chapter 46 or in specific sections of this code.
- (e) Section 102.4. Section 102.4 shall be amended by deleting Section 102.4 in its entirety and adding a new Section 102.4 to read as follows:
- (f) 102.4 Application of building and other codes. The design and construction of new structures shall comply with this code, the International Building Code, 2009 Edition, as amended and adopted by the City (hereinafter the "International Building Code"), and all other codes now and hereafter adopted by the City and any alterations, additions, changes in use or changes in structures required by this code which are within the scope of this code, the International Building Code and other codes adopted by the City shall be made in accordance therewith. Section 102.7. Section 102.7 shall be amended by deleting Section 102.7 in its entirety and adding a new Section 102.7 to read as follows:

- (g) 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 47 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.
- (h) Section 105.1.4. Section 105 shall be amended by adding a new Section 105.1.4 to read as follows:
- (i) Permit fee shall be paid prior to conducting activities as follows:
  - (ii) Fire alarm systems. The installation, addition to or alteration of a fire alarm system.
  - (iii) Fire sprinkler systems. The installation, addition to or alteration of a fire sprinkler system.
  - (iv) Fire suppression systems. The installation of, addition to or alteration of a fire suppression system.
  - (v) Underground storage tanks. The installation, removal, addition to or alteration of underground storage tanks and piping for the storage of hazardous materials especially flammable liquids.
  - (vi) Aboveground storage tanks. The installation, removal, addition to or alteration of aboveground storage tanks and piping for the storage of hazardous materials especially flammable liquids.
  - (vii) Fireworks displays. To conduct fireworks and pyrotechnics displays
  - (viii) Access control gates. To install new or alter existing access control gates across access roads and fire lanes
  - (ix) Explosive materials. The storage, use or detonation of explosive materials.
    - 1. Exception: Permit fees shall not be required on work on any building or structure, the title to which is directly vested in the federal government, state, county, city or a public school district.
- (i) Section 105.1.5. Section 105 shall be amended by adding a new Section to read as follows:
- (i) Permit fee schedule.
  - (ii) Permit fee schedule. The following permit fee schedule shall be charged for the installation, addition to or alteration of the following:

## (iii) Fire sprinkler systems:

1. 1 - 19 heads \$100.00
2. 20 - 100 heads \$150.00
3. 100 -200 heads \$200.00
4. Fire Sprinkler Systems exceeding 200 heads will be \$200.00 plus \$0.50 for each additional head. An additional fee of \$50.00 shall be charged for each test exceeding one per permit. The testing fee shall be paid prior to conducting the test.

## (iv) Fire alarm systems:

1. 1- 10 devices \$100.00
2. 11 - 25 devices \$150.00
3. 26 - 100 devices \$200.00
4. Fire Alarm Systems exceeding 100 devices shall be \$200.00 plus \$1.00 for each additional device. An additional fee of \$50.00 shall be charged for each test exceeding one per permit. The testing fee shall be paid prior to conducting the test.

## (v) Fire suppression systems: \$75.00 per system.

- (j) Underground or aboveground storage tanks (does not include temporary tanks or residential propane): \$100.00 per tank for installation of or removal of underground tanks. \$100.00 for the permit and inspection of underground piping
- (k) Access control gates (across a fire lane). The installation of or alteration of an access control gate across a fire lane or access road shall be \$100.00 per gate.
- (l) Open burning.
- (i) Explosive materials. See fee for fireworks and pyrotechnics displays in 105.1.5 below
1. Permit fees. A fee of \$50.00 shall be charged for the following permits:
    - a. Fireworks and pyrotechnics displays.
    - b. Temporary aboveground tanks to include:
    - c. Propane exchange stations.
    - d. Residential propane.
    - e. Temporary tank at a construction site.
- (m) Reinspections. A \$50.00 Reinspection fee shall be charged for each reinspection of a fire alarm system, fire sprinkler system, fire suppression system, underground storage tank and aboveground storage tanks.
- (n) Investigation fee. An investigation shall be made whenever any work for which a permit is required by this code has commenced without first obtaining a permit. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law. The investigation fee shall be equal to the amount of the permit fee required by this code not to exceed \$2,000.00.

- (o) Third party review fee. A third party review fee shall be paid in addition to the permit fee where an impartial third party reviews a permit submittal and makes code-related comments. The third party shall be selected by the fire code official and have extensive experience and knowledge in the field to be reviewed. This review process shall be utilized for permit submittals with fire system technology not normally permitted. The third party review fee shall be the cost of the review plus associated shipping or courier cost.
- (p) Inspection after normal business hours' fee. Inspections may be conducted after hours or on Saturdays at the request of a contractor if inspection personnel are available. The fee for such inspections shall be \$100.00 per hour per inspector with a two-hour minimum per inspector.
- (q) Section 105.3.3. Section 105.3.3 shall be amended by deleting Section 105.3.3 in its entirety and adding a new Section 105.3.3 to read as follows:
  - (i) 105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.
- (r) Section 105.7.15. Section 105 shall be amended by adding a new Section 105.7.15 to read as follows:
  - (i) 105.7.15 Smoke control or exhaust systems. Construction permits are required for smoke control or exhaust systems as specified in Section 909 and Section 910 respectively. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
- (s) Section 105.7.16. Section 105 shall be amended by adding a new Section to read as follows:
  - (i) 105.7.16 Electronic access control systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Section 503 and Section 1008. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
- (t) Section 108. Section 108 shall be amended by deleting Section 108 in its entirety and adding a new Section 108 to read as follows:
  - (i) 108.1 Appeals. Whenever the fire code official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the code official to the Town Council within thirty (30) days from the date of the decision appeals

- (u) Section 109.3. Section 109.3 shall be amended by deleting Section 109.3 in its entirety and adding a new Section 109.3 to read as follows:
- (i) 109.3 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements of this code or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor and upon conviction, shall be subject to a fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense, provided, however, if the maximum penalty provided for by this code for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this code for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this code continues shall constitute a separate offense.
- (v) Section 111.4. Section 111.4 shall be amended by deleting Section 111.4 in its entirety and adding a new Section 111.4 to read as follows:
- (i) 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine upon conviction not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense, provided, however, if the maximum penalty provided for by this code for disobeying a stop work order is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this code for disobeying a stop work order shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this code continues shall constitute a separate offense.
- (8) Chapter 2, Definitions.
- (a) Section 202. Section 202 shall be amended by deleting the definitions of "fire watch", "ambulatory health care facility," and "atrium" in their entirety and replacing them with the definitions set forth below and adding definitions for "addressable fire detection system," "analog addressable fire detection system, " "high-rise building, " "self-service storage facility" and "standby personnel" as new definitions to the existing list of definitions in Section 202 to read as follows:
- (b) ADDRESSABLE FIRE DETECTION SYSTEM. Any system capable of providing identification of each individual alarm-initiating device. The identification shall be in plain English and as descriptive as possible to specifically identify the location of the device in alarm. The system shall have the capability of alarm verification.
- (c) AMBULATORY HEALTH CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation. This group may include but not be limited to the following:

- (i) Dialysis centers
  - (ii) Sedation dentistry
  - (iii) Surgery centers
  - (iv) Colonic centers
  - (v) Psychiatric centers
- (d) ANALOG ADDRESSABLE FIRE DETECTION SYSTEM. Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at the main control panel. The system shall be capable of compensating for long-term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at which a detector maintenance signal shall be transmitted to the control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert.
- (e) ATRUIM. An opening connecting three or more stories other than enclosed stairways, elevators, hoist ways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505 of the International Building Code.
- (f) FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purpose of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
- (g) HIGH-RISE BUILDING. A building having any floors used for human occupancy located more than 55 feet above the lowest level of fire department vehicle access.
- (h) SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.
- (i) STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.
- (9) Chapter 3, General Requirements.
- (a) Section 307.2. Section 307.2 shall be amended by deleting Section 307.2 in its entirety and adding a new Section 307.2 to read as follows:
- (i) Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized agricultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.
- (b) Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

- (i) Texas Commission on Environmental Quality guidelines and/or restrictions.
  - (ii) State, county or local temporary or permanent bans on open burning.
  - (iii) Local written policies as established by the fire code official.
- (c) Section 307.4.3 Section 307.4.3 shall be amended by deleting the Exception in its entirety and adding new Exceptions to Section 307.4.3 to read as follows:
- (d) Exceptions:
- (i) Portable outdoor fireplaces used at one- and two-family dwellings.
  - (ii) Where buildings, balconies and decks are protected by an approved automatic sprinkler system.
- (e) Section 307.5. Section 307.5 shall be amended by deleting Section 307.5 in its entirety and adding a new Section 307.5 to read as follows:
- (i) 307.5 Attendance Open burning, trench burns, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved onsite fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.
- (f) Section 308.1.4. Section 308.1.4 shall be amended by deleting Section 308.1.4. including all Exceptions stated therein in their entirety and adding a new Section 308.1.4 to read as follows:
- (i) Open-flame cooking devices. Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks or within 10 feet of combustible construction.
  - (ii) Exceptions:
    1. One-and-two family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP gas capacity] with an aggregate LP gas capacity not to exceed 100 lbs. (5 containers).
    2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP gas capacity], with an aggregate LP gas capacity not to exceed 40 lbs. (2 containers).
    3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 112 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

(g) Section 308.1.6.2. Section 308.1.6.2 shall be amended by deleting Exception #3 in its entirety and adding a new Exception #3 to Section 308.1.6.2 to read as follows:

(i) Torches or flame-producing devices in accordance with Section 308.1.3.

(h) Section 311.5. Section 311.5 shall be amended by deleting Section 311.5 in its entirety and adding a new Section 311.5 to read as follows:

(i) 311.5 Placards The fire code official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

(i) Sections 311.5.1- through 311.5.5 remain unchanged.

(10) Chapter 4, Emergency Planning and Preparedness.

(a) Section 401.3.4. Section 401 shall be amended by adding a new Section 401.3.4 to read as follows:

(i) 401.3.4 Fire alarms and nuisance alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted, or caused or permitted to be given, signaled or transmitted in any manner.

(11) Chapter 5, Fire Service Features.

(a) Section 501.4. Section 501.4 shall be amended by deleting Section 501.4 in its entirety and adding a new Section 501.4 to read as follows:

(i) 501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

(b) Section 503.1.1. Section 503.1.1 shall be amended by adding two sentences at the end of the first paragraph of Section 503.1.1 to read as follows:

(i) Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure.

(ii) An existing. Fire lane shall not be altered, abandoned or obstructed without the approval of the fire code official and only upon a showing that adequate fire protection will not be compromised.

(c) Section 503.2.1. Section 503.2.1 shall be amended by deleting Section 503.2.1 in its entirety and adding a new Section 503.2.1 to read as follows:

(i) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet.

1. Exception: Vertical clearance may be reduced provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.
- (d) Section 503.2.2. Section 503.2.2 shall be amended by deleting Section 503.2.2. in its entirety and adding a new Section 503.2.2 to read as follows:
- (i) 503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.
  - (ii) Section 503.3. Section 503.3 shall be amended by deleting Section 503.3 in its entirety and adding a new Section 503.3 to read as follows:
    1. Marking. Striping approved by the fire code official shall be provided for fire apparatus access roads as required. In addition to striping, signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof where deemed necessary by the fire code official for clear identification of a fire apparatus access road. Signs or notices and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
    2. Striping. Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four-inch white letters at 25-foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
    3. Signs. Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be 12 inches wide and 18 inches high. Signs shall be painted on a white background with letters and borders in red using not less than two-inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches above finished grade. Signs shall be spaced not more than 50 feet apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief
- (e) Section 503.4. Section 503.4 shall be amended by deleting Section 503.4 in its entirety and adding a new Section 503.4 to read as follows:
- (i) 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner including the parking, stopping, standing, loading or unloading of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times. The installation of speed reducing devices (speed bumps, speed humps, etc.) across. Fire lanes shall require the approval of the Fire Chief

- (f) Section 503.4.1. Section 503 shall be amended by adding a new Section 503.4.1 to read as follows:
- (i) 503.4.1 Loading zone. A loading zone cannot coexist with a fire lane.
  - (ii) A loading zone shall not be established within a fire lane.
- (g) Section 503.6. Section 503.6 shall be amended by adding the following text at the end of Section 503.6 to read as follows:
- (i) Security gates across access roads shall meet the requirements of Sunnyvale Fire/Rescue Department Rules and Regulations, Gates Across Fire Lanes. A Sunnyvale Fire/Rescue Department permit is required prior to the installation of a gate across an access road.
- (h) Section 505.1. Section 505.1 shall be amended by deleting Section 505.1 in its entirety and adding a new Section 505.1 to read as follows:
- (i) 505.1 Address identification. Approved numerals of a minimum six-inch height and of a color contrasting with the background designating the address shall be placed on all new and existing building or structures in a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways/access.
  - (ii) Where buildings do not immediately front a street, approved six-inch in height building numerals or addresses and three-inch height suite/apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum 20-inch by 30-inch background on border.
  - (iii) Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches.
  - (iv) Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.
    - 1. Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 3 inches in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists
- (i) Section 507.4. Section 507.4 shall be amended by deleting Section 507.4 in its entirety and adding a new Section 507.4 to read as follows:

- (i) 507.4 Water supply test date and information. The water supply test used for hydraulic calculation of fire protection system shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the water flow test report, or as approved by the fire code official. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard.
  - (j) Section 507.5.4. Section 507.5.4 shall be amended by deleting Section 507.5.4 in its entirety and adding a new Section 507.5.4 to read as follows:
    - (i) 507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
  - (k) Section 509.1.1. Section 509 shall be amended by adding a new Section 509.1.1 to read as follows:
    - (i) 509.1.1 Sign requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of two (2) inches when located inside a building and four (4) inches when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.
- (12) Chapter 7, Fire-Resistance-Rated Construction.
- (a) Section 704.1. Section 704.1 shall be amended by deleting Section 704.1 in its entirety and adding a new Section 704.1 to read as follows:
    - (i) 704.1 Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoist ways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as required in Chapter 46. New floor openings in existing buildings shall comply with the International Building Code.
- (13) Chapter 8, Interior Finish, Decorative Materials and Furnishings.
- (a) Section 807.4.3.2. Section 807.4.3.2 shall be amended by deleting Section 807.4.3.2 in its entirety and adding a new Section 807.4.3.2 to read as follows:

(i) 807.4.3.2. Artwork. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area and on the walls of classrooms to not more than 50 percent of each wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

1. Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

(b) Section 807.4.4.2. Section 807.4.4.2 shall be amended by deleting Section 807.4.4.2 in its entirety and adding a new Section 807.4.4.2 to read as follows:

(i) 807.4.4.2 Artwork. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area and on the walls of classrooms to not more than 50 percent of each wall area. Such materials shall not be continuous from floor to ceiling or wall to wall.

(ii) Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

1. Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

#### (14) Chapter 9, Fire Protection Systems.

(a) Section 901.6.1.1. Section 901 shall be amended by adding a new Section 901 to read as follows:

(i) Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every five years:

(ii) The piping between the Fire Department Connection (FDC) and the standpipe shall be hydrostatically tested for all FDCs on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems

(iii) For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There are no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.

- (iv) Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
  - (v) If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the fire code official.
  - (vi) Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local authority having jurisdiction (fire code official) shall be followed. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
  - (vii) Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
  - (viii) Contact the fire code official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.
- (b) Section 901.7. Section 901.7 shall be amended by deleting Section 901.7 in its entirety and adding a new Section 901.7 to read as follows:
- (i) Systems out of service. Where a required. Fire protection system is out of service or in the event of an excessive number of activations, the Fire Department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service.
  - (ii) Where utilized, fire watches shall be provided with at least one approved means for notification of the Fire Department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.
- (c) Section 901.10. Section 901 shall be amended by adding a new Section 901.10 to read as follows:
- (i) 901.10 Discontinuation or change of service. Notice shall be made to the fire code official whenever contracted alarm services for monitoring of any fire alarm system is terminated for any reason, or a change in alarm monitoring provider occurs. Notice shall be made in writing to the fire code official by the building owner and alarm service provider prior to the service being terminated.

- (d) Section 903.1.1. Section 903.1.1 shall be amended by deleting Section 903.1.1 in its entirety and adding a new Section 903.1.1 to read as follows:
- (i) Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as approved by the fire code official.
- (e) Section 903.2. Section 903.2 shall be amended by deleting the first paragraph of Section 903.2 in its entirety and adding a new first paragraph in Section 903.2 to read as follows:
- (i) 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Automatic sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoist ways. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY -NO STORAGE ALLOWED."
- (f) Section 903.2. Section 903.2 shall be amended by deleting the Exception in Section 903.2 in its entirety. Sections 903.2.1 through 903.2.1.5 remain unchanged.
- (g) Section 903.2.9.3. Section 903 shall be amended by adding a new Section 903.2.9.3 to read as follows:
- (i) 903.2.9.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.
    1. Exception: One-story self-service storage facilities that have no interior corridors with a one-hour fire barrier separation wall installed between every storage compartment.
- (h) Section 903.2.11.3. Section 903.2.11.3 shall be amended by deleting Section 903.2.11.3, including the Exception set forth in Section 903.2.11.3, in its entirety and adding a new Section 903.2.11.3 to read as follows:
- (i) 903.2.11.3 Buildings 24 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level other than penthouses in compliance with Section 1509 of the International Building Code, that is located 24 feet or more above the lowest level of fire department vehicle access.
    1. Exception: Open parking structures in compliance with Section 406.3 of the International Building Code.
- (i) Section 903.2.11.7. Section 903 shall be amended by adding a new Section 903.2.11.7 to read as follows:
- (i) High-piled combustible storage. For any buildings with a clear height exceeding 12 feet, see Chapter 23 to determine if those provisions apply.

- (j) Section 903.2.11.8. Section 903 shall be amended by adding a new Section 903.2.11.8 to read as follows:
- (i) Spray booths and rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire- extinguishing system.
- (k) Section 903.2.11.9. Section 903 shall be amended by adding a new Section 903.2.11.9 to read as follows:
- (i) Buildings over 6,000 square feet. An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 square feet. For the purpose of this provision, fire walls shall not define separate buildings.
    - 1. Exception: Open parking garages in compliance with Section 406.3 of the International Building Code.
- (l) Section 903.3.1.1.1. Section 903.3.1.1.1 shall be amended by deleting Section 903.3.1.1.1 in its entirety and adding a new Section 903.3.1.1.1 to read as follows:
- (i) Exempt locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.
  - (ii) Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
  - (iii) Any room or space where sprinklers are considered undesirable because of the nature of the contents when approved by the fire code official.
  - (iv) Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.
  - (v) Elevator machine rooms, machinery spaces, and hoist ways.
- (m) Section 903.3.1.2. Section 903.3.1.2 shall be amended by deleting Section 903.3.1.2 in its entirety and adding a new Section 903.3.1.2 to read as follows:
- (i) NFPA 13R sprinkler systems. The installation of NFPA 13R sprinkler systems is prohibited. Where such reference is found in this code, NFPA 13 sprinkler system materials, design and installation shall be installed instead of NFPA 13R. Sprinkler coverage of voids between floors as required by NFPA 13 may be omitted when replacing a NFPA 13R system.
- (n) Section 903.3.1.3. Section 903.3.1.3 shall be amended by deleting Section 903.3.1.3 in its entirety and adding a new Section 903.3.1.3 to read as follows: NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D or in accordance with state law.

- (o) Section 903.3.5. Section 903.3.5 shall be amended by adding the following text at the end of Section 903.3.5 to read as follows:
- (i) The water supply required for automatic sprinkler systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor.
- (p) Section 903.3.7. Section 903.3.7 shall be amended by adding the following text at the end of Section 903.3.7 to read as follows:
- (i) The fire department connection shall be located within 50 feet of a fire apparatus access road
- (q) Section 903.4. Section 903.4 shall be amended by adding a paragraph after the Exceptions in Section 903.4 to read as follows:
- (i) Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to an automatic sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering. Sprinkler systems in multi-story buildings shall be designed to identify a water flow for each floor and attic. A separate and distinct signal shall be transmitted to an approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72 to identify each floor and attic area.
- (r) Section 903.4.2. Section 903.4.2 shall be amended by adding the following text at the end of Section 903.4.2 to read as follows:
- (i) The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.
- (s) Section 903.6.3. Section 903 shall be amended by adding a new Section 903.6.3 to read as follows:
- (i) 903.6.3. Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 1504.
- (t) Section 905.2. Section 905.2 shall be amended by deleting Section 905.2 in its entirety and adding a new Section 905.2 to read as follows:
- (i) 905.2 Installation standards. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.
- (u) Section 905.3.8. Section 905 shall be amended by adding a new Section 905.3.8 to read as follows:

- (i) 905.3.8 Building area. In buildings exceeding 10,000 square feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access.
  - 1. Exception: Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14
- (v) Section 905.4. Section 905.4 shall be amended by deleting Item #5 in its entirety and adding a new Item #5 to Section 905.4 to read as follows:
  - (i) Where the roof has a slope less than four unit's vertical in 12 unit's horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.
- (w) Section 905.4. Section 905.4 shall be amended by adding a new Item #7 to Section 905.4 to read as follows:
  - (i) When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter.
- (x) Section 905.9. Section 905.9 shall be amended by adding the following text after the Exceptions in Section 905.9 to read as follows:
  - (i) Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to an automatic sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering. Sprinkler systems in multi-story buildings shall be designed to identify a water flow for each floor and attic. A separate and distinct signal shall be transmitted to an approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72 to identify each floor and attic area.
- (y) Section 906.1. Section 906.1 shall be amended by deleting Item #1 in its entirety and adding a new Item #1 to Section 906.1 to read as follows:
  - (i) In new and existing Group, A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
    - 1. Exception: In R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C
- (z) Section 907.1.4. Section 907 shall be amended by adding a new Section 907.1.4 to read as follows:

- (i) 907.1.4 Design standards. All alarm systems new or replacement shall be addressable. Alarm systems serving more than 20 smoke detectors shall be analog addressable.
  - 1. Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within 18 months of permit application.
- (aa) Section 907.2.1. Section 907.2.1 shall be amended by deleting Section 907.2.1 including the Exception stated therein in their entirety and adding a new Section 907.2.1 to read as follows:
  - (i) Group A. A manual fire alarm system that activates the occupant notification system in accordance with new Section 907.6 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy. Activation of fire alarm notification appliances shall:
    - 1. Cause illumination of the means of egress with light of not less than one-foot candle (11 lux) at the walking surface level, and stop any conflicting or confusing sounds and visual distractions. (cc) Section 907.2.3. Section 907.2.3 shall be amended by deleting the first paragraph and Exception "1" in Section 907.2.3 in their entirety and adding a new first paragraph and Exceptions "1" and "1.1" to Section to read as follows:
  - (bb) Group E. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100 feet of open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.
    - (i) Exceptions:
      - 1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.
      - 2. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children or less years of age, see Section 907.2.6.)
    - (ii) Exceptions 2 and 3 remain unchanged.

- (cc) Section 907.2.13. Section 907.2.13 shall be amended by deleting the first paragraph and Exception "3" in Section 907.2.13 in their entirety and adding a new first paragraph and Exception "3" in Section 907.2.13 to read as follows:
- (i) 907.2.13 High-rise buildings. Buildings with a floor used for human occupancy located more than 55 feet above the lowest level of fire department vehicle access shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communications system in accordance with Section 907.6.2.2.
    - 1. Exceptions: Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.
- (dd) Section 907.5.2.6. Section 907 shall be amended by adding a new Section 907.5.2.6 to read as follows:
- (i) 907.5.2.6 Type. Manual alarm initiating devices shall be an approved double-action type.
- (ee) Section 907.7.1.1. Section 907 shall be amended by adding a new Section 907.7.1.1 to read as follows:
- (i) 907.7.1.1 Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All initiating circuit conductors shall be Class "A" wired with a minimum of six feet separation between supply and return circuit conductors. IDC - Class "A" Style D; SLC - Class "A" Style 6; NAC - Class "B" Style Y. The IDC from an addressable device used to monitor the status of a suppression system may be wired Class B, Style B provided the distance from the addressable device is within 10 feet of the suppression system device
- (ff) Section 907.7.5.2. Section 907 shall be amended by adding a new Section 907.7.5.2 to read as follows:
- (i) 907.7.5.2 Communication requirements. All alarm systems, new or replacement, shall transmit alarm, supervisory and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the correct device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.
- (gg) Section 907.10. Section 907 shall be amended by adding a new Section 907.10 to read as follows:
- (i) 907.10. Storage Group S occupancies. All Storage Group S occupancies two- or more stories in height that are open to the general public shall have a fire alarm system.

- (hh) Section 910.1. Section 910.1 shall be amended by deleting Exception "2" in its entirety and adding a new Exception "2" .in Section 910.1to read as follows:
- (i) Where areas of buildings are equipped with early suppression fast response (ESFR) sprinklers, only manual smoke and heat vents shall be required within these areas. Automatic smoke and heat vents are prohibited.
- (ii) Section 910.2.3. Section 910 shall be amended by adding a new Section to read as follows:
- (i) Group H. Buildings and. portions thereof used as a Group H occupancy as follows:
  - (ii) In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet in single floor area.
    - 1. Exception: construction materials.
- (jj) Section 912.2.3. Section 912 shall be amended by adding a new Section 912.2.3 to read as follows:
- (i) 912.2.3 Hydrant distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays.
- (kk) Section 913.1. Section 913.1 shall be amended by adding the following text and Exception to Section 913.1 to read as follows:
- (i) When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than three feet in width and six feet eight inches in height, regardless of any interior doors that are provided. A key box shall be provided at this door as required by Section 506.1.
    - 1. Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.
- (15) Chapter 10, Means of Egress.
- (a) Section 1004.1.1. Section 1004.1.1 shall be amended by deleting the Exception in its entirety.
  - (b) Section 1007.1. Section 1007.1 shall be amended by adding a new Exception #4 to read as follows:
    - (i) Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1007.

- (c) Section 1008.1.9.3. Section 1008.1.9.3 shall be amended by deleting Item #3 in Section 1008.1.9.3 in its entirety and adding a new Item #3 to Section 1008.1.9.3 to read as follows:
- (i) Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware.
  - (ii) 3.1 Where egress doors are used in pairs and positive latching is required, approved automatic flush bolts shall be permitted to be used, provided that both leaves achieve positive latching regardless of the closing sequence and the door leaf having the automatic flush bolts has no doorknobs or surface mounted hardware.
- (d) Section 1008.1.9.4. Section 1008.1.9.4 shall be amended by deleting Exception #3 and Exception #4 in Section 1008.1.9.4 in their entirety and adding a new Exception #3 and Exception #4 in Section 1008.1.9.4 to read as follows:
- (i) Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy, manually operated edge- or surface-mount bolts are permitted on the inactive leaf. The inactive leaf shall contain no doorknobs, panic bars or similar operating hardware.
  - (ii) Where a pair of doors serves a Group B, F, M, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress width requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. The inactive leaf shall contain no doorknobs, panic bars or similar operating hardware.
- (e) Section 1008.1.9.8. Section 1008.1.9.8 shall be amended by deleting the first paragraph in Section 1008.1.9.8 in its entirety and adding a new first paragraph in Section 1008.1.9.8 to read as follows:
- (i) 1008.1.9.8 Electromagnetically locked egress doors. Doors in the means of egress that are not otherwise required to have panic hardware in buildings with an occupancy in Group A, B, E, 1-1, 1-2, M, R-1 or R-2 and doors to tenant spaces in Group A, B, E, 1-1, 1-2, M, R-1 or R-2 shall be permitted to be electromagnetically locked if equipped with listed hardware that incorporates a built-in switch and meet the requirements below:
    - 1. The requirements listed as numbers 1, 2, 3 and 4 in Section 1008.1.9.8 remain unchanged.
- (f) Section 1015.7. Section 1015 shall be amended by adding a new Section 1015.7 to read as follows:
- (i) 1015.7 Electrical rooms. For electrical rooms, special existing requirements may apply. Reference the electrical code as adopted.
- (g) Section 1016.3. Section 1016 shall be amended by adding a new Section 1016.3 to read as follows:

- (i) 1016.3. Roof vent increase. In buildings that are one story in height, equipped with automatic heat and smoke roof vents complying with Section 910 and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, the maximum exit access travel distance shall be 400 feet (122 m) for occupancies in Group F-1 or S-1.
- (h) Section 1018.1. Section 1018.1 shall be amended by adding an Exception "5" to Section 1018.1 to read as follows:
  - (i) In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic fire alarm system with corridor smoke detection. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.
- (i) Section 1018.6. Section 1018.6 shall be amended by deleting the first paragraph in Section 1018.6 in its entirety and adding a new first paragraph in Section 1018.6 to read as follows:
  - (i) 1018.6 Corridor continuity. All corridors shall be continuous from the point of entry to an exit, and shall not be interrupted by intervening rooms.
- (j) The Exception set forth in Section 1018.6 remains unchanged.
- (k) Section 1022.1. Section 1022.1 shall be amended by adding an Exception #8 and Exception #9 to Section 1022.1 to read as follows:
  - (i) In other than occupancy Groups H and I, a maximum of 50 percent of egress stairways serving one adjacent floor are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Any two such interconnected floors shall not be open to other floors.
  - (ii) In other than occupancy Groups H and I, interior egress stairways serving only the first and second stories of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Such interconnected stories shall not be open to other stories.
- (l) Section 1022.9. Section 1022.9 shall be amended by deleting the first paragraph in Section 1022.9 in its entirety and adding a new paragraph in 1022.9 to read as follows:
  - (i) 1022.9 Smoke-proof enclosures and pressurized stairways. In buildings required to comply with Section 403 or 405 of the International Building Code, each of the exit enclosures serving a story with a floor surface located more than 55 feet above the lowest level of fire department vehicle access or more than 30 feet below the finished floor of a level of exit discharge serving such stories shall be a smoke proof enclosure or pressurized stairway in accordance with Section 909.20 of the International Building Code.

- (m) Sections 1022.9.1 and 1022.9.2 and their Exceptions remain unchanged.
- (n) Section 1024.1. Section 1024.1 shall be amended by deleting the first paragraph in Section 1024.1 in its entirety and adding a new first paragraph in Section 1024.1 to read as follows:
  - (i) 1024.1 General. Approved luminous egress path markings delineating the exit path shall be provided in buildings of Groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet above the lowest level of fire department vehicle access in accordance with Sections 1024.1 through 1024.5.
    - 1. The Exceptions in Section 1024.1 remain unchanged.
- (o) Section 1026.6. Section 1026.6 shall be amended by deleting Exception #4 in Section 1026.6 in its entirety and adding a new Exception #4 in Section 1026.6 to read as follows:
  - (i) Separation from the open-ended corridors of the building is not required for exterior ramps or stairways connected to open-ended corridors, provided that Items 4.1 through 4.4 are met:
  - (ii) The building, including corridors and ramps and stairs, shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
  - (iii) The open-ended corridors comply with Section 1018.
  - (iv) The open-ended corridors are connected on each end to an exterior exit ramp or stairway complying with Section 1026.
  - (v) At any location in an open-ended corridor where a change of direction exceeding 45 degrees (0.79 rad) occurs, a clear opening of not less than 35 square feet (3.3 m<sup>2</sup>) or an exterior ramp or stairway shall be provided. Where clear openings are provided, they shall be located so as to minimize the accumulation of smoke or toxic gases
- (p) Section 1030.2. Section 1030.2 shall be amended by deleting Section 1030.2 in its entirety and adding a new Section 1030.2 to read as follows:
  - (i) 1030.2 Reliability. Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. Security devices affecting means of egress shall be subject to approval of the fire code official.
- (16) Chapter 15, Flammable Finishes.
  - (a) Section 1501.2. Section 1501.2 shall be amended by deleting Section 1501.2 in its entirety.
  - (b) Section 1504.4. Section 1504.4 shall be amended by deleting Section 1504.4 in its entirety and adding a new Section 1504.4 to read as follows:

- (i) 1504.4 Fire protection. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall also extend to exhaust plenums, exhaust ducts and both sides of dry filters when such filters are used.
  - (c) Section 1504.4.1 remains unchanged.
- (17) Chapter 22, Motor Fuel-Dispensing Facilities and Repair Garages.
- (a) Section 2202.1. Section 2202.1 shall be amended by deleting the definition of "Repair Garage" in Section 2202.1 in its entirety and adding a new definition of "Repair Garage" to read as follows:
    - (i) 2202.1 Repair garage. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.
  - (b) Section 2204.1. Section 2204.1 shall be amended by deleting Section 2204.1 in its entirety and adding a new Section 2204.1 to read as follows:
    - (i) Supervision of dispensing. The dispensing of fuel at motor fuel- dispensing facilities shall be in accordance with the following:
      1. Conducted by a qualified attendant; and/or
      2. Shall be under the supervision of a qualified attendant; and/or shall be an unattended self-service facility in accordance with Section 2204.3.
    - (ii) At any time, the qualified attendant of Item #1 or #2 above is not present, such operations shall be considered as an unattended, self-- service facility and shall also comply with Section 2204.3.
  - (c) Section 2206.2.1.2. Section 2206 shall be amended by adding a new Section 2206.2.1.2 to read as follows:
    - (i) Aboveground tanks. The following provisions shall apply to the dispensing of Class I, Class II and Class IIIA liquids from an aboveground tank:
      1. There shall be no dispensing to the general public.
      2. Tanks shall not be located within 100 feet of the property line of any occupancy Group A, E, I or R.
    - (ii) For the purposes of this provision, used motor oil that has not been contaminated by other flammable or combustible substances shall be classified as a Class IIIB liquid.

(18) Chapter 23, High-Piled Combustible Storage.

(a) Section 2302.1. Section 2302.1 shall be amended by adding the following text to the definition of "High-Pile D Combustible Storage" to read as follows:

(i) Any building classified as a Group S Occupancy or Speculative Building exceeding 6,000 square feet that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities to the maximum pile height.

(ii) Table 2306.2. Table 2306.2 shall be amended by deleting the text of Footnote (j) in its entirety and adding a new Footnote (j) to read as follows:

1. J. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

(19) Chapter 33, Explosives and Fireworks.

(a) Section 3301.1.1. Section 3301.1.1 shall be amended by adding a sentence at the end of Section 3301.1.1 to read as follows:

(i) The manufacture of explosives is prohibited.

(b) Section 3301.1.3. Section 3301.1.3 shall be amended by deleting Section 3301.1.3 including the Exceptions stated in Section 3301.1.3 in their entirety and adding a new Section 3301.1.3 to read as follows:

(i) Fireworks. The possession, manufacturing, storage, sale, handling and use of fireworks are prohibited.

1. Exceptions:

a. Only when approved for fireworks displays, storage and handling of fireworks as allowed in Sections 3304 and 3308

b. The use of fireworks for approved displays as allowed in Section 3308.

(c) Section 3302.1. Section 3302.1 shall be amended by deleting the first paragraph of the definition of "Fireworks" in Section 3302.1 in its entirety and adding a new first paragraph of the definition for "Fireworks" to Section 3302.1 to read as follows:

(i) 3302.1 Fireworks. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation and/or activated by ignition with a match or other heat-producing device that meets the definition of 1.40 fireworks or 1.30 fireworks as set forth herein.

(d) The remainder of the definition of "Fireworks" in Section 3302.1 titled "Fireworks, 14.G" and "Fireworks, 130" remain unchanged.

(20) Chapter 34, Flammable and Combustible Liquids.

- (a) Section 3403.6. Section 3403.6 shall be amended by adding a sentence at the end of Section 3403.6 to read as follows:
- (i) An approved method of secondary containment shall be provided for underground tank and piping systems.
- (b) Section 3404.2.9.5.1. Section 3404 shall be amended by adding a new Section 3404.2.9.5.1 to read as follows:
- (i) 3404.2.9.5.1 Combustible liquid storage tanks inside of buildings. The maximum aggregate allowable quantity limit shall be 3,000 gallons (11356 L) of Class II or III combustible liquid for storage in protected aboveground tanks complying with Section 3404.2.9.7 when all of the following conditions are met:
1. The entire 3,000 gallons (11 356 L) quantity shall be stored in protected above-ground tanks;
  2. The 3,000 gallon (11 356 L) capacity shall be permitted to be stored in a single tank or multiple smaller tanks;
  3. The tanks shall be located in a room protected by an automatic sprinkler system complying with Section 903.3.1.1; and
  4. Tanks shall be connected to fuel-burning equipment, including generators, utilizing an approved closed piping system.
  5. The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 2703.1.1(1), and such tanks shall not be required to be located in a control area. Such tanks shall not be located more than two stories below grade.
- (c) Section 3404.2.11.5. Section 3404.2.11.5 shall be amended by adding a sentence at the end of Section. 3404.2.11.5 to read as follows:
- (i) An approved method of secondary containment shall be provided for underground tank and piping systems.
- (d) Section 3404.2.11.5.2. Section 3404.2.11.5.2 shall be amended by deleting Section 3404.2. 11.5.2 in its entirety and adding a new Section 3404.2.11.5.2 to read as follows:
- (i) Leak detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 3404.2.11.5.3.
- (e) Section 3404.2.11.5.3. Section 3404 shall be amended by adding a new Section 3404.2.11.5.3 to read as follows:

- (i) Observation wells. Approved sampling tubes of a minimum six inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling sump at the corners of the excavation with a minimum of four sumps. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.
- (f) Section 3404.2.13.1.4. Section 3404.2. 13.1.4 shall be amended by deleting Section 3404.2.13. 1.4 in its entirety and adding a new Section 3404.2.13. 1.4 to read as follows:
- (i) Tanks abandoned in place. Tanks shall not be permitted to be abandoned in place.
    - 1. Exception: Removal is not possible due to the proximity to a building foundation or another tank, or other practical constraints. In such case, the tanks shall be abandoned as follows:
      - a. Flammable and combustible liquids shall be removed from the tank and connected piping.
      - b. The suction, inlet, gauge, vapor return and vapor lines shall be disconnected.
      - c. The tank shall be filled completely with an approved inert solid material.
      - d. Remaining underground piping shall be capped or plugged.
      - e. A record of tank size, location and date of abandonment shall be retained.
      - f. All exterior above-grade fill piping shall be permanently removed when tanks are abandoned or removed.
- (g) Section 3406.5.4.5. Section 3406.5.4.5 shall be amended by deleting Section 3406.5.4.5 in its entirety and adding a new Section 3406.5.4.5 to read as follows:
- 1. 3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted provided such dispensing operations are conducted in accordance with Sections 3406.5.4.5.1 through 3406.5.4.5.3.
- (h) Section 3406.5.4.5.1. Section 3406 shall be amended by adding a new Section 3406.5.4.5.1 to read as follows:
- (i) Site requirements. Dispensing may occur at sites that have been permitted to conduct mobile fueling.

- (ii) A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
1. All buildings, structures and appurtenances on site and their use or function;
  2. All uses adjacent to the property lines of the site;
  3. The locations of all storm drain openings, adjacent waterways or wetlands;
  4. Information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and
  5. The scale of the site plan.
  6. The fire code official is authorized to impose limits upon the times and/or days during which mobile fueling operations are allowed to take place and specific locations on a site where fueling is permitted. Mobile fueling operations shall be conducted in areas not generally accessible to the public. Mobile fueling shall not take place within 15 feet of buildings, property lines or combustible storage.
- (i) Section 3406.5.4.5.2. Section 3406 shall be amended by adding a new Section 3406.5.4.5.2 to read as follows:
- (i) Refueling operator requirements. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.
  - (ii) The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.
  - (iii) Signs prohibiting smoking or open flames within 25 feet of the tank vehicle or the point of fueling shall be prominently posted on three sides of the vehicle including the back and both sides.
  - (iv) A fire extinguisher with a minimum rating of 40: BC shall be provided on the vehicle with signage clearly indicating its location.
  - (v) The dispensing nozzles and hoses shall be of an approved and listed type.
  - (vi) The dispensing hose shall not be extended from the reel more than 100 feet in length.
  - (vii) Absorbent materials, non-water absorbent pads, a 10-foot- long containment boom, an approved container with lid and a non-metallic shovel shall be provided to mitigate a minimum five-gallon fuel spill.

- (viii) Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1893 L) between resetting of the limit switch.
  - 1. Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.
- (ix) Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of a fire, leak or spill. Training records shall be maintained by the dispensing company and shall be made available to the fire code official upon request.
- (x) Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.
- (j) Section 3406.5.4.5.3. Section 3406 shall be amended by adding a new Section 3406.5.4.5.3 to read as follows:
  - (i) Operational requirements. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
  - (ii) Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
  - (iii) The engines of vehicles being fueled shall be shut off during dispensing operations.
  - (iv) Night time fueling operations shall only take place in adequately lighted areas.
  - (v) The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
  - (vi) During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
  - (vii) Motor vehicle fuel tanks shall not be topped off.
  - (viii) The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
  - (ix) The fire code official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

(21) Chapter 38, Liquefied Petroleum Gases.

- (a) Section 3803.2.1.8. Section 3803 shall be amended by adding a new Section 3803.2. 1.8 to read as follows:
- (i) 3803.2.1.8 Jewelry repair, dental labs and similar occupancies. Where natural gas service is not available, portable LP-gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound water capacity. Aggregate capacity shall not exceed 60-pound water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.
    1. Exception: Propane shall not be used for this purpose within a covered mall.
- (b) Section 3804.2. Section 3804.2 shall be amended by renumbering the Exception stated in Section 3804.2 as Exception "1" and adding a new Exception "2" to Section 3804.2 to read as follows:
- (i) Exceptions:
    1. In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.
    2. Except as permitted in Sections 308 and 3804.3.2, LP-gas containers are not permitted in residential areas.
- (c) Section 3804.3.2. Section 3804 shall be amended by adding a new Section 3804.3.2 to read as follows:
- (i) 3804.3.2 Spas and pool heaters and other listed devices. Where natural gas service is not available, a LP-gas container is allowed to be used to supply spa and pool heaters and other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 3804.3 for location of containers. A Sunnyvale Fire/ Rescue permit is required prior to installation.
    1. Exception: Lots where LP can be off loaded wholly on the property where the tank is located; may install 500 gallons above ground or 1,000 gallon underground approved containers.
- (d) Section 3805.3. Section 3805 shall be amended by adding a new Section 3805.3 to read as follows:
- (i) 3805.3 Restricted uses of LP gas. New installations of LP gas shall not be allowed for building services to include heating, water heater, cooking, etc., in areas other than zoned Agricultural. LP-gas is allowed in Agricultural zoning if natural gas service is not available.

(22) Chapter 46, Construction Requirements for Existing Buildings.

(a) Section 4603.7.3. Section 4603.7.3 shall be amended by deleting Section 4603.7.3 including the Exceptions stated in Section 4603.7.3 in their entirety and adding a new Section 4603.7.3 to read as follows:

(i) Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Locations where smoke alarms are permitted to be solely battery operated shall utilize a lithium type battery or equivalent with a functional life expectancy of ten (10) years or more. All lithium battery or equivalent smoke alarms shall be one in which the battery is sealed within the smoke alarm and cannot be removed from the smoke alarm without damage to the smoke alarm. No damaged or inoperative smoke alarm shall meet the requirements of this section. Mass-market battery powered smoke alarms including those powered by 9 volt batteries or lithium batteries (or equivalent) not sealed within the smoke alarm do not comply with the requirements of this section for required smoke alarms. Smoke alarms must be equipped with a hush feature. A permit for each smoke alarm permitted by this Section shall be required pursuant to Section 4601.3 of this code.

1. Exceptions:

- a. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
- b. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
- c. Smoke alarms are permitted to be solely battery operated in existing area of buildings undergoing alterations or repairs. that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

(b) Section 4603.7.4. Section 4603 shall be amended by adding a new Section 4603.7.4 to read as follows:

(i) Maintenance. The fire code official shall have the right to conduct regular inspections of all smoke alarms including, without limitation, all smoke alarms in dwelling units and all smoke alarms shall be operational at the time of inspection.

(c) Table 4604.7. Table 4604.7 shall be amended by deleting Footnote "a" in its entirety and adding a new Footnote "a" to read as follows:

(i) Buildings constructed under the 2003 or 2006 International Building Code and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

- (d) Section 4604.23. Section 4606.23 shall be amended by deleting Section 4604.23 including the Exception stated therein in their entirety and adding a new Section 4604.23 to read as follows:
- (i) 4604.23 Egress path markings. Existing buildings of Groups A, B, E, I, M, and R-1 having occupied floors located more than 55 feet above the lowest level of fire department vehicle access shall be provided with luminous egress path markings in accordance with Section 1024.
1. Exception: Open, unenclosed stairwells in historic buildings designated as historic under a state or local historic preservation program.
- (e) Appendices. Amend by adding Appendix B, Appendix C and Appendix D attached to the International Fire Code, 2009 Edition, to the same extent as if Appendix B, Appendix C and Appendix D were copied verbatim and set forth herein. Appendix A, Appendix E, Appendix F, Appendix G, Appendix H, Appendix I and Appendix J shall be deleted in their entirety.

**SECTION 2.** That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

**SECTION 3.** That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

**SECTION 4.** That any person as defined in Chapter 2, Section 202 of the International Fire Code, 2009 Edition and any person as defined in Chapter 1, Section 1-2 of the Code of the Town of Sunnyvale, Texas, as amended, violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

**SECTION 5.** This ordinance shall become effective August 1, 2016

Introduced and read at the Town Council meeting on July 11, 2016.

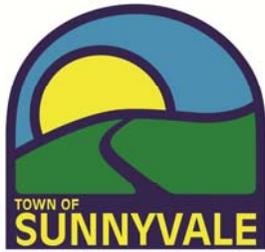
**PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS 25th DAY OF JULY, 2016.**

**APPROVED:**

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

**ATTEST:**

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



# Town of Sunnyvale

Prepared By: Leslie Black

**Summary:**

**DISCUSS AND CONSIDER A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF AN AGREEMENT WITH DALLAS COUNTY ON BEHALF OF DALLAS COUNTY HEALTH AND HUMAN SERVICES CONCERNING THE PROVISION OF CERTAIN FOOD ESTABLISHMENT INSPECTION AND ENVIRONMENTAL HEALTH SERVICES TO THE TOWN OF SUNNYVALE.**

**Background:**

The annual agreement provides the Town with health inspections related to food service facilities as well as vector and or mosquito control.

**Analysis:**

This is an item in which is annually approved and has been a long standing successful agreement with DCHHS. The Services have continued without interruption.

**Fiscal Impact:**

None.

**Staff Recommendation:**

Approval.

## RESOLUTION 16-10

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF AN AGREEMENT WITH DALLAS COUNTY ON BEHALF OF DALLAS COUNTY HEALTH AND HUMAN SERVICES CONCERNING THE PROVISION OF CERTAIN FOOD ESTABLISHMENT INSPECTION AND ENVIRONMENTAL HEALTH SERVICES TO THE TOWN OF SUNNYVALE.**

**WHEREAS**, Dallas County on behalf of the Dallas County Health and Human Services has offered to provide certain food establishment inspections and environmental health services to the Town of Sunnyvale for fiscal year 2016 - 2017 in accordance with the agreement attached to this resolution and which has been reviewed by the Sunnyvale Town Council, (the "Agreement").

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

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

**RESOLVED** that the Agreement and all assurances and obligations contained therein are hereby approved in all respects;

**RESOLVED** further that the proposed Agreement is hereby authorized and approved and the Mayor 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 Mayor 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.

**RESOLVED** further that the 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; and

**RESOLVED** further that this Resolution shall be effective when adopted;  
And it is so resolved;

Passed and approved this the 25th day of July, 2016.

**TOWN OF SUNNYVALE**

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

ATTEST:

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



**DALLAS COUNTY**  
**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**Environmental Health Division**

ZACHARY S. THOMPSON, M.A.  
 DIRECTOR

July 11, 2016

Sean Fox, Town Manager  
 Town of Sunnyvale  
 Attn: Leslie Black, Town Secretary  
 127 N. Collins Road  
 Sunnyvale, Texas 75182

**RE: FOOD ESTABLISHMENT AGREEMENT (FY'17)**

Dear Mr. Fox:

Enclosed are three (3) original copies of the above referenced contract between the Town of Sunnyvale and Dallas County Health and Human Services. The term of the contract will begin October 1, 2016 through September 30, 2017. Please have all three (3) contracts executed and returned to our office for transmittal to Commissioners Court. Following approval by Dallas County, one fully executed copy will be returned to you.

As always, it has been a pleasure serving the Town and the citizens of Sunnyvale. It is our desire to continue providing excellent services in order to prevent any disease outbreaks in your Town. We certainly appreciate your business, and therefore, look forward to the contract being resigned.

Should you have any questions, please feel free to contact me at 214-819-2115.

Sincerely,

Rudolph Phillips, R. S.  
 Assistant Director, Environmental Health Division

RP:ch

Enclosures

c: Zachary Thompson, Director

2377 Stemmons Freeway Dallas, Texas 75207-2710  
 Suite 609 LB-12

(214) 819-2115 Office  
 (214) 819-2868 Fax

STATE OF TEXAS	§	INTERLOCAL AGREEMENT FOR FOOD
	§	ESTABLISHMENT INSPECTION AND
	§	ENVIRONMENTAL HEALTH SERVICES BETWEEN
	§	DALLAS COUNTY, ON BEHALF OF DALLAS
COUNTY OF DALLAS	§	COUNTY HEALTH AND HUMAN SERVICES, AND
	§	TOWN OF SUNNYVALE

## 1. PARTIES

This Interlocal Agreement ("Agreement") is made by and between the Town of Sunnyvale, Texas ("Town"), a Texas municipal corporation, and Dallas County, Texas ("County"), on behalf of Dallas County Health and Human Services ("DCHHS"), a governmental entity, pursuant to the authorities granted by Texas Local Government Code Chapter 791, Interlocal Cooperation Act, Texas Health and Safety Code Chapters 437, Food and Drug Health Regulations, and 121, Local Regulation of Public Health, along with 25 Texas Administrative Code, Chapter 229, and any other applicable laws, as well as the Town ordinance for inspection services of food establishments within Town's jurisdiction and other environmental health services to Town.

## 2. TERM

This Agreement is effective from October 1, 2016 through September 30, 2017 unless otherwise stated in this Agreement.

## 3. INSPECTION SERVICES AND REQUIREMENTS

- A. County will perform a minimum of two (2) inspections per Agreement Term of each food establishment for which the Town has submitted an inspection request and for which a fee has been collected from the said food establishment;
- B. Additional follow-up inspections will be performed as deemed necessary by County;
- C. Any additional request for follow-up inspections by Town of food establishments, including food establishments that are closed due to non-compliance with the State and other applicable rules and regulations will be charged additional fees;
- D. Each food establishment inspection will be made by a Registered Professional Sanitarian employed by DCHHS, in compliance with all state laws and regulations;
- E. An examination of the following will be made during each inspection: food and food protection; personnel; food equipment and utensils; water source; sewage; plumbing; toilet and hand-washing facilities; garbage and refuse disposal; insect, rodent, and animal control; floors, walls, and ceiling; light; ventilation; and other operations.

## 4. BUDGET AND PAYMENT TO COUNTY

- A. Town will collect and submit to the County a minimum of One Hundred Fifty and 00/100 Dollars (\$150.00) per Agreement Term.
- B. Beginning with the third food establishment inspection, Town will pay a Seventy Five

and 00/100 Dollars (\$75.00) fee for each additional inspection requested by Town.

- C. Town will collect Seventy Five and 00/100 Dollars (\$75.00) to be paid to the County for a re-opening or inspection fee of a food establishment that has been closed due to non-compliance of Chapter 437 of the Texas Health and Safety Code, or any other state rules and regulations.
- D. The fees are subject to change, upon prior written notice to Town, if additional cost is associated with the services under this Agreement
- E. Town shall pay County the stipulated fees within thirty (30) days of the monthly request for payment, or if County fails to make the payment request, then Town shall pay the stipulated fees no later than the last date of this Agreement Term. Any payment not made within thirty (30) days of its due date shall bear interest in accordance with Chapter 2251 of the Texas Government Code.

## **5. OTHER ENVIRONMENTAL HEALTH SERVICES**

- A. Upon written request from Town, County will respond to Vector and/or Mosquito Control complaints. Ground application services will include spraying for adult mosquitoes ("adulticiding"), and treating standing water ("larvaciding") services.
- B. In the event aerial spraying is needed to control St. Louis Encephalitis or West Nile virus throughout the County, Town will have the option to participate in the County's emergency aerial mosquito spraying plan. Should Town agree to participate in the plan, Town must provide written notice to County and agree to the following:
  - 1) Indicate the areas and amount of acres to be sprayed; and
  - 2) Pay Town's proportioned share of the cost based upon the number of acres to be sprayed multiplied by the per-acre spraying cost.

## **6. RECORDS**

Town shall have the sole responsibility of responding to requests for records of food inspection results produced under this Agreement. County will make its best effort to forward any requests for such records that it received to Town within three business days after County's receipt of such requests.

## **7. TERMINATION**

- A. Without Cause: This Agreement may be terminated in writing, without cause, by either party upon thirty (30) days prior written notice to the other party;
- B. With Cause: The County reserves the right to terminate the Agreement immediately, in whole or in part, at its sole discretion, for the following reasons:
  - 1) Lack of, or reduction in, funding or resources;
  - 2) Non-performance;

- 3) Town's improper, misuse or inept use of funds or resources; and/or
- 4) Town's submission of data, statements and/or reports that are incorrect, incomplete and/or false in any way.

## 8. TOWN ORDINANCE

In order for this Agreement to be valid, the Town must have or adopt a Town ordinance that provides for the inspection of food establishments by a Registered Professional Sanitarian. Town must require the payment of a fee(s) by each food establishment. Ordinance enforcement shall be the responsibility of the Town.

## 9. INDEMNIFICATION

**County and Town, including their respective employees and elected officials, 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 under Texas and other applicable laws, and without waiving any available defenses under Texas and other applicable laws. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.**

## 10. INSURANCE

Town agrees that it will at all times during the term of this Agreement maintain in full force and effect insurance, or self-insurance, to the extent permitted by applicable law under a plan of self-insurance, that is also maintained in accordance with sound accounting practices. It is expressly agreed that Town will be solely responsible for all cost of such insurance; any and all deductible amounts in any policy; and in the event that the insurance company should deny coverage.

## 11. NOTICE

Any notice or certification required or permitted to be delivered under this Agreement shall be deemed to have been given when personally delivered, or if mailed, seventy-two (72) hours after deposit of the same in the United States Mail, postage prepaid, certified, or registered, return receipt requested, properly addressed to the contact person shown at the respective addresses set forth below, or at such other addresses as shall be specified by written notice delivered in accordance herewith:

### COUNTY

Zachary Thompson, Director  
Dallas County Health & Human Svcs.  
2377 N. Stemmons Frwy., Suite 600  
Dallas, Texas 75207-2710

### TOWN OF SUNNYVALE

Sean Fox, Town Manager  
Town of Sunnyvale  
Attn: Leslie Black  
127 N. Collins Road  
Sunnyvale, TX 75182

## 12. ENTIRE AGREEMENT AND AMENDMENT

This Agreement, including any Exhibits and Attachments, constitutes the entire agreement between

the parties and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, novation, renewal or other alteration of this Agreement shall be effective unless mutually agreed upon in writing and executed by the parties.

### **13. COUNTERPARTS, NUMBER/GENDER AND HEADINGS**

This Agreement 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. Words of any gender used in this Agreement shall be held and construed to include any other gender. Any words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise. Headings are for the convenience of reference only and shall not be considered in any interpretation of this Agreement.

### **14. SEVERABILITY**

If any provision of this Agreement is construed to be illegal, invalid, void or unenforceable, this construction will not affect the legality or validity or any of the remaining provisions. The unenforceable or illegal provision will be deemed stricken and deleted, but the remaining provisions shall not be affected or impaired, and such remaining provisions shall remain in full force and effect.

### **15. FISCAL FUNDING CLAUSE**

Notwithstanding any provisions contained in this Agreement, the obligations of the County under this Agreement are expressly contingent upon the availability of funding for each item and obligation for the term of the Agreement and any pertinent extensions. Town shall not have a right of action against County in the event County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding for any item or obligation from any source utilized to fund this Agreement or failure to budget or authorize funding for this Agreement during the current or future fiscal years. In the event that County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding, or if funds become unavailable, County, at its sole discretion, may provide funds from a separate source or may terminate this Agreement by written notice to Town at the earliest possible time prior to the end of its fiscal year.

### **16. DEFAULT/CUMULATIVE RIGHTS/MITIGATION**

It is not a waiver of default if the non-defaulting party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Agreement are cumulative, and either party's use of any right or remedy will not preclude or waive its right to use any other remedy. These rights and remedies are in addition to any other rights the parties may have by law, statute, ordinance or otherwise. Both parties have a duty to mitigate damages.

### **17. IMMUNITY**

This Agreement is expressly made subject to Town's and County's Governmental Immunity, including, without limitation, Title 5 of the Texas Civil Practice and Remedies Code and all applicable State and federal laws. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or from liability, or a waiver of any tort limitation, that Town or County has by operation of law, or otherwise. Nothing in this Agreement is intended to benefit any third party beneficiary.

**18. COMPLIANCE OF LAWS AND VENUE**

In providing services required by this Agreement, Town and County must observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials, and all applicable federal, State, and local statutes, ordinances, rules, and regulations. Texas law shall govern this Agreement and venue shall lie exclusively in Dallas County, Texas.

**19. RELATIONSHIP OF PARTIES**

Town is an independent contractor and not an agent, servant, joint enterpriser, joint venturer or employee of County. Town and County agree and acknowledge that each entity shall be responsible for its own acts, forbearance, negligence and deeds, and for those of its agents or employees in conjunction with the performance of work covered under this Agreement.

**20. SIGNATORY WARRANTY**

Town and County represent that each has the full right, power and authority to enter and perform this Agreement in accordance with all of the terms and conditions, and that the execution and delivery of Agreement have been made by authorized representatives of the parties to validly and legally bind the respective parties to all terms, performances and provisions set forth in this Agreement.

<signatures appear on following page>

**COUNTY:**

**TOWN:**

\_\_\_\_\_  
BY: Clay Lewis Jenkins  
County Judge

\_\_\_\_\_  
BY: \_\_\_\_\_  
Town Manager

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Recommended:**

\_\_\_\_\_  
BY: Zachary Thompson  
Director, DCHHS

\_\_\_\_\_  
BY: \_\_\_\_\_  
Title: \_\_\_\_\_

**Approved as to Form\*:**

**Approved as to Form:**

SUSAN HAWK  
DISTRICT ATTORNEY

\_\_\_\_\_  
BY: Melanie Barton  
Assistant District Attorney

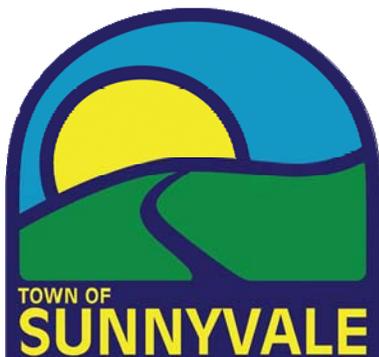
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BY: \_\_\_\_\_  
Title: \_\_\_\_\_

\*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).



# Department Monthly Report

## Measuring Performance, Targeting Results



Town of Sunnyvale

127 N. COLLINS ROAD  
SUNNYVALE, TEXAS 75182

Inside This Issue



The Town staff is pleased to present the June 2016 Monthly Reports. Monthly Reports are intended to provide metric-based performance data on our municipal services and programs

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

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

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

Regards,

Sean P. Fox  
Town Manager





**Town Secretary**  
**Leslie Malone**

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.
Public Info Req.	10	4	6	12	8	7	9	7	14			
Agenda Items	24	11	16	17	15	29	17	17	16			
Positions Posted	2	0	0	1	3	1	0	0	0			
Apps Processed	45	2	4	25					0			
Positions Filled	2	4	0	1	0	0	3	1	0			

**Municipal Court:**

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Total
Citations Filed	333	439	219	562	973	425	673	493	677			4,794
Paid Fine	143	146	139	139	316	234	211	228	185			1,741
Dismissed	191	163	193	156	297	279	229	294	215			2,017
Warrants Issued	76	168	306	223	213	279	152	200	202			1,819
Warrants Cleared	153	112	226	210	167	651	442	201	133			2,295





Finance Director  
Elizabeth  
Hopkins

## MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2016

### OVERVIEW

As of June 30, 2016, General and Utility Fund combined revenues are \$8,375,313. This is 79% of the annual projected amounts.

Combined expenses of \$6,896,525 are 59% of the annual budget. June 30, 2016 marks the end of the eighth month of the FY 2016 Budget Year. Therefore, the year-to-date budget percentage for comparison is 75%.

- Property Taxes are 101% of the YTD projection.
  - Sales Taxes are 81% of the YTD projection.
  - Permits and Licenses are 94% of the YTD projection.
  - Franchise Fees are 73% of the YTD projection.
  - Water Sales are 57% of the YTD projection.
-

# Budget Update - June 30, 2016

75% of  
Year  
Lapsed

## General Fund

	Current Year - 2016			Previous Year - 2015		
	Budget	Year to Date Actual	Percent of Budget	Budget	Year to Date Actual	Percent of Budget
<b>Revenue Summary</b>						
Property Taxes	3,073,844	3,097,574	101%	2,860,129	2,790,954	98%
Permits/Licenses	214,325	202,288	94%	211,100	80,445	38%
Franchise Fees	1,004,752	732,080	73%	1,105,643	797,144	72%
Sales Tax	1,200,000	966,659	81%	1,140,000	899,986	79%
Sales Tax - Roads	300,000	241,665	81%	0	22,450	0%
Developer Fees	38,976	90,874	233%	38,196	38,196	100%
Court Fines	428,700	326,366	76%	419,000	260,762	62%
Warrant Fees	0	0	0%	0	0	0%
Interest	300	0	0%	500	156	31%
Ambulance Service Fees	44,200	34,651	78%	46,000	27,220	59%
Operating Transfer In	117,000	0	0%	111,000	0	0%
Transfer from Assigned/Misc.	418,539	54,440	13%	36,615	27,382	75%
Grant Revenue	447	6,697	0%	1,000	6,275	0%
Gain on Sale of Assets	81,607	81,607	100%	0	0	0%
<b>Total Revenue</b>	<b>6,922,690</b>	<b>5,834,901</b>	<b>84%</b>	<b>5,969,183</b>	<b>4,950,971</b>	<b>83%</b>
<b>Expenditure Summary</b>						
Town Manager	309,592	178,356	58%	466,478	205,065	44%
Town Secretary	150,945	115,977	77%	171,392	137,361	80%
Finance	263,021	184,146	70%	236,765	161,360	68%
Court	210,450	107,102	51%	174,458	114,142	65%
Parks	507,652	357,230	70%	991,623	535,236	54%
Development Services	765,324	454,367	59%	922,590	478,592	52%
Contract Police	1,610,553	1,179,314	73%	1,506,801	1,121,154	74%
Fire & EMS	895,250	637,271	71%	818,062	519,537	64%
Library	195,000	136,304	70%	150,474	101,629	68%
Non-Departmental	417,261	341,505	82%	695,268	321,951	46%
Road Maintenance	1,618,491	373,927	23%	0	0	0%
Transfer Out	500,000	66,671	13%	0	0	0%
<b>Total Expenditures</b>	<b>7,443,539</b>	<b>4,132,169</b>	<b>56%</b>	<b>6,133,911</b>	<b>3,696,027</b>	<b>60%</b>
Revenues Over/(Under) Expenditures	-520,849	1,702,732		-164,728	1,254,944	
Transfers To Vehicle/Street Light		0			0	
Net Increase to Unassigned Fund Balance		<u>1,702,732</u>			<u>1,254,944</u>	

# Budget Update - June 30, 2016

75% of  
Year  
Lapsed

## General Fund Balance Summary

	History	Budget	Year To	
	2015 Actual	2016 Budget	Date 2016 Actual	% Change
<b>Beginning Fund Balance</b>	<b>4,484,644</b>	<b>5,175,184</b>	<b>5,175,184</b>	<b>0%</b>
<b>Revenues</b>				
Operating Revenue	5,958,557	6,805,690	5,834,901	-14%
Water Transfer In	25,000	25,000	0	-100%
4A Transfer In *	12,000	12,000	0	-100%
4B Transfer In	80,000	80,000	0	-100%
<b>Total Revenues</b>	<b>6,075,557</b>	<b>6,922,690</b>	<b>5,834,901</b>	<b>-16%</b>
<b>Expenditures</b>				
Operating Expenditures	6,123,166	6,943,539	4,065,499	-41%
Transfer Out	0	500,000	66,671	
<b>Total Expenditures</b>	<b>6,123,166</b>	<b>7,443,539</b>	<b>4,132,169</b>	<b>-44%</b>
<b>Ending Fund Balance - Assigned</b>	<b>927,269</b>	<b>759,349</b>	<b>902,185</b>	<b>19%</b>
<b>Ending Fund Balance - Unassigned</b>	<b>3,509,766</b>	<b>3,894,986</b>	<b>5,975,731</b>	<b>53%</b>

<b>Equivalent Operating Days (Total)</b>	<b>209</b>	<b>191</b>	<b>528</b>
<b>Percent of Operating Expenses</b>	<b>57%</b>	<b>52%</b>	<b>145%</b>

**Revenue Over/ (Under) Expenditures                    (47,609)    (520,849)    1,702,732**

Actual YTD Balances	09.30.15	06.30.16
Vehicle Replacement	371,787	371,225
Road Maintenance	151,331	151,331
Promissory Note	40,603	40,603
Stoney Creek Insurance	63,473	38,951
Sunnyvale Property Sidewalks	25,000	25,000
Traffic Light	250,000	250,000
Parks	25,075	25,075
	927,269	902,185

## GENERAL FUND REVENUES

### PROPERTY TAXES

Tax collections of \$3,097,574 year-to-date are 101% of the annual budget and 11% higher than this time last year.

### SALES TAXES

Total revenues of \$1,208,324 represent the budgeted accrual for the first two months and seven months' actual of the current year and are projected to be higher than the previous year by \$60,000.

### FRANCHISE FEES

Franchise fees consist of fees assessed on the consumption of electricity, natural gas, cable TV, and telecom services. These fees are received monthly, quarterly or annually. Solid waste collections are monthly, in arrears, and are impacted by the number of service addresses. Total revenues of \$732,080 represent two quarterly payment by Oncor for electricity, EIGHT months of solid waste collections the 3 quarters of payments by various telecommunication companies. The Atmos franchise fee was 22% less than the previous year.

### PERMITS AND LICENSES

Revenues of \$202,288 year-to-date are higher than projections at 94% and higher than this time last year. Developer Fees of \$90,874 are related to Stoney Creek 2G and Homestead Phase 6. This revenue is impacted by the expected building activity and is difficult to project due to the nature and timing of projects.

### COURT FINES AND FEES

Total revenues of \$326,366 are in line with projections at 76% and higher than this time last year.

### AMBULANCE SERVICE FEES

Total revenues of \$34,651 are in line with projections at 78% and higher than this time last year. These fees are collected and paid via a third party provider with a 60 day lag time due to processing and collection efforts.

### TRANSFERS

Transfers projected to total \$117,000 consist of a reimbursement from the Utility Fund, 4A Economic Development Corporation and 4B Economic Corporation for the funds' share of G&A expenses and made annually. Transfers from Assigned Fund Balance include Road Maintenance, Stoney Creek Insurance, Vehicle Replacement and the Traffic Light at Beltline and Creekside.

### MISCELLANEOUS REVENUES

Miscellaneous revenues include library fines, Town Hall rental, animal control donations, impound fees, code mowing, interest earned and other non-major revenues. Total revenues year to date total \$11,424 and includes the TCAP refund.

### GRANT REVENUE

Historically these revenues were derived from the Texas A&M Forest Service for cost assistance for Fire Department training and extended catastrophic insurance for volunteers. Year-to-date \$249 has been received from the Inter-Local Library Program and \$6,448 from Texas A&M.

### GAIN ON SALE OF ASSETS

Total revenues year-to-date total \$81,607 and includes the sale of 537 Long Creek, insurance settlement on ambulance that was struck last year.

## GENERAL FUND EXPENDITURES

### TOWN MANAGER

The Town Manager expenses through June 30, 2016 are \$178,356 or 58% of the department budget.

### TOWN SECRETARY

The Town Secretary expenses through June 30, 2016 are \$115,977 or 77% of the department budget.

### FINANCE

Finance expenses through June 30, 2016 are \$184,146 or 70% of the department budget.

### COURT

Court related expenses through June 30, 2016 are \$107,102 or 51% of the department budget.

### PARKS

Park related expenses through June 30, 2016 are \$357,230 or 70% of the department budget.

### DEVELOPMENT SERVICES

Development Services expenses through June 30, 2016 are \$454,367 or 59% of the department budget.

### CONTRACT POLICE

Contract Police expenses through June 30, 2016 are \$1,179,314 or 64% of the department budget.

### FIRE & EMS

Fire & EMS expenses through June 30, 2016 are \$637,271 or 71% of the department budget.

### LIBRARY

Library expenses through June 30, 2016 are \$136,304 or 82% of the department budget.

### NON-DEPARTMENTAL

Non-Departmental expenses through June 30, 2016 are \$341,505 or 82% of the department budget and include the annual property and liability insurance payment, encumbered expense from the Stoney Creek Insurance settlement for road repair, and annual payments on contract maintenance and support contracts. The contingency account also absorbed non-payroll Tornado related expenses of \$28,319, the majority was for the delivery and pick up of dumpsters to aid in debris removal.

### ROAD MAINTENANCE

Road Maintenance expenses through June 30, 2016 are \$373,927 or 22% of the department budget. This total includes engineering costs for the Collins Road expansion, the purchase of a sander, road inspections and maintenance.

### TRANSFERS

Transfers include vehicle replacement funding budgeted at \$500,000 and the expenses associated with the Belt Line/Creekside traffic signal. The year-to-date expenses are \$66,671 with \$25,731 being engineering costs on the traffic light.

# Budget Update - June 2016

75% of  
Year  
Lapsed

## Water Revenue Fund Revenue & Expense Report

	Current Year - 2016			Previous Year - 2015		
	Budget	Year to Date Actual	Percent of Budget	Budget	Year to Date Actual	Percent of Budget
<b>Revenue Summary</b>						
Water Revenue	2,250,000	1,283,616	57%	1,980,000	1,295,324	65%
Sewer Revenue	1,100,000	953,745	87%	1,045,000	923,700	88%
Water Meters	32,000	40,256	126%	32,000	10,794	34%
Disconnects	12,000	4,200	35%	15,000	8,250	55%
Penalties	46,000	50,391	110%	50,000	31,653	63%
Trash Service	265,000	199,856	75%	262,904	197,303	75%
Miscellaneous Revenue	6,000	8,348	139%	5,500	15,558	
<b>Total Revenue</b>	<b>3,711,000</b>	<b>2,540,412</b>	<b>68%</b>	<b>3,390,404</b>	<b>2,482,583</b>	<b>73%</b>
<b>Expenditure Summary</b>						
Public Works Administration	482,704	352,537	73%	414,766	303,932	73%
Maintenance, Supplies & Training	347,020	261,927	75%	276,600	131,170	47%
Contractual & Professional Services	2,744,059	1,863,743	68%	2,393,357	1,512,264	63%
Debt Service & Transfers	334,183	275,766	83%	338,099	274,155	81%
Depreciation & Bad Debt	373,000	1,129	0%	298,000	0	0%
Capital Equipment & Improvements	40,400	9,255	23%	63,000	58,940	94%
<b>Total Expenditures</b>	<b>4,321,366</b>	<b>2,764,356</b>	<b>64%</b>	<b>3,783,822</b>	<b>2,280,461</b>	<b>60%</b>
<b>Revenues Over/(Under) Expenditures</b>	<b>-610,366</b>	<b>-223,944</b>		<b>-393,418</b>	<b>202,121</b>	

## UTILITY FUND REVENUES

### WATER SALES

The volume of water sold year to date totals 273,313,823 gallons compared to 250,382,530 gallons the previous year, a 10% increase. Water revenue is budgeted to be 12% higher than the previous year.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	Year
2016	1.04	2.20	2.67	4.60	6.25	3.60								2016
2015	3.62	2.96	2.53	5.56	16.96	3.95	0.92	0.46	2.14	9.82	9.86	3.83	62.61	2015
2014	0.33	0.41	1.45	1.74	3.40	3.26	0.98	4.34	0.06	2.09	2.13	1.13	21.32	2014

Source: Nation Weather Service Weather Forecast Office

### SANITARY SEWER CHARGES

Sanitary sewer charges are driven by water consumption and therefore were also higher compared to May 2015.

### TRASH SERVICES

Revenues of \$199,856 year-to-date are in line with projections at 75%.

### FINES AND FEES

Revenues (Penalty Charges for Late Payments) of \$50,391 are more than projected at 115% of the projection. Disconnect fees total \$4,200 or 35% of protections.

### OTHER CHARGES FOR SERVICES

Year-to-date revenues of \$48,604 or 128% is primarily driven by charges for water meter and installation.

## UTILITY FUND EXPENDITURES

### PUBLIC WORKS ADMINISTRATION

Administration expenses through June 30, 2016 are \$352,537 and consist of salaries and benefits at 73% of budget.

### MAINTENANCE, SUPPLIES & TRAINING

Maintenance, supplies & training expenses through June 30, 2016 of \$261,927 are higher than projections at 75%. Year-to-date expenses reflect the budgeted purchase of smart meters for upgrades throughout Town. This category includes water and sewer system maintenance, vehicle and building maintenance, uniforms and continuing education.

### CONTRACTUAL & PROFESSIONAL SERVICES

Contractual and professional services expenses through June 30, 2016 of \$1,863,743 or 75% include water purchases, sewer costs through May and trash collections through May.

### DEBT SERVICE & TRANSFERS

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

### DEPRECIATION & BAD DEBT

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

## CAPITAL EQUIPMENT & IMPROVEMENTS

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



## Town of Sunnyvale 4A Monthly Finance Report

June 30, 2016 (Audited)

**Budget:** Net Revenues/Expenses: Budget = (\$ 1,699,590) Actual = (\$ 742,345)

**Highlights:**

Revenues:	MTD = \$ 27,611.40	YTD = \$ 243,379.81
Expenses:	MTD = \$135,944.03	YTD = \$ 985,724.99
Net:	MTD = (\$108,332.63)	YTD = (\$ 742,345.18)

Revenues: Sales tax recorded YTD is \$241,664.87 (actual – 7 months, accrual – 2 months). Interest earned YTD is \$1,714.94.

Expenses: The YTD expenses total \$985,724.99. The MTD expenses include routine payroll, CoStar payment, Marketing Alliance (website redesign & reconstruction), McManus & Johnson (Sunnyvale Industrial Park Utility Design), Excel Trenching (Sunnyvale Industrial Park), EDC Luncheon expenses (food, floral centerpieces, door prizes), and misc office supplies.

**Fund Balance (Audited):**

09/30/15 Unassigned Fund Balance	\$1,089,056.18
09/30/15 Assigned Industrial Park Fund Balance	\$1,018,164.63 \$2,107,220.81
06/30/16 Net Revenues/Expenses	(\$ 742,345.18)
06/30/16 Unassigned Fund Balance	\$ 543,365.58
06/30/16 Assigned Industrial Park Fund Balance	\$ 821,510.05 \$1,364,875.63



## Town of Sunnyvale 4B Monthly Finance Report

### June 30, 2016 (Audited)

**Budget:** Net Revenues/Expenses: Budget = (\$ 752,755) Actual = (\$ 452,506)

**Highlights:**

Revenues:	MTD = \$ 54,742.95	YTD = \$1,167,392.93
Expenses:	<u>MTD = \$ 28,050.98</u>	YTD = <u>\$1,619,899.35</u>
Net:	MTD = \$ 26,691.97	YTD = (\$ 452,506.42)

Revenues: Sales tax recorded YTD is \$483,329.79 (actual - 7 months, accrual – 2 months). Interest income recorded YTD is \$193.89. Transfers recorded YTD is \$ 683,869.25 (transfer in from 4A for land purchase @ US 80 and Collins Road).

Expenses: The YTD expenses total \$1,619,899.35 and include 50% of the EDC Director position, 33% of the EDC Assistant position, 1.5 Park Maintenance Technician positions, and the land purchase (13.92 acres at Hwy 80 & Collins Road). MTD expenses include routine payroll, Landscape Maintenance, Eisenberg Inc. (balance due-preliminary phase-brand & message development), Town of Sunnyvale General Fund (Sunnyfest contribution), Marketing Alliance (photography for website), American Planning Association (APA training/membership), Earthvision (Sunnyvale aerial map), GSO Architects (site planning services, Collins and Hwy 80), and misc office supplies.

**Fund Balance:**

**Working Capital:**

09/30/15	Total Fund Balance	\$1,814,149.75 Audited
06/30/16	Net Revenues/Expenses	(\$ 452,506.42)
06/30/16	Total Fund Balance	\$1,361,643.33

INVESTMENT TYPE	DESCRIPTION	MATURITY		RATE	RATE CHANGE	INVESTMENT	INVESTMENT	NET	
		DATE				VALUE	VALUE		CHANGE
General Fund	Checking Account	N/A	0.00%			5,632,143	5,942,697	-310,555	
11 Ledger	Money Market	N/A	0.03%	0.00%		392,672	392,662	10	
General Fund - Road Maint/Sales Tax	Checking Account	N/A	0.00%			342,936	315,576	27,361	
General Fund Bond - Bridge	TexSTAR -MM	N/A	0.39%	0.03%		874,031	873,749	282	
72 Ledger									
						<b>Fund Total</b>	<b>7,241,782</b>	<b>7,524,684</b>	<b>-282,902</b>
Road Impact Fees	Money Market	N/A	0.03%	0.00%		914,527	879,181	35,346	
25 Ledger									
						<b>Fund Total</b>	<b>914,527</b>	<b>879,181</b>	<b>35,346</b>
Debt Service	Money Market	N/A	0.03%	0.00%		245,670	242,757	2,913	
24 Ledger									
						<b>Fund Total</b>	<b>245,670</b>	<b>242,757</b>	<b>2,913</b>
						<b>8,401,979</b>	<b>8,646,622</b>	<b>-244,644</b>	
Debt Service - General Fund	2013 Refi				2011 @ 38%		2014		
24 Ledger	Town Hall, Bridge, SC, WL				Water Tower		Public Safety Ctr		
	02/15/2016	460,675			02/15/2016	65,209	02/15/16	125,954	
	08/15/2016	41,375			08/15/2016	18,658	08/15/16	4,982	
		502,050				83,867		130,935	
Water Revenue Fund	Checking Account	N/A	0.00%			1,969,902	1,939,116	30,786	
21 Ledger	Money Market	N/A	0.03%	0.00%		120,153	120,150	3	
Water Fund Bond - Water Lines	TexSTAR -MM	N/A	0.39%	0.03%		0	0	0	
Water Fund Bond - Water Tower	TexSTAR -MM	N/A	0.39%	0.03%		2,827,952	2,827,040	913	
73 Ledger						<b>4,918,007</b>	<b>4,886,305</b>	<b>31,701</b>	
Debt Service - Water Revenue Fund	2010				2011 @ 62%				
21 Ledger	Long Creek Water Line				Water Tower				
	02/15/2016	170,100			02/15/2016	105,666			
	08/15/2016	2,625			08/15/2016	30,292			
		172,725				135,958			
Water Impact Fees:	Money Market	N/A	0.03%	0.00%		1,180,354	1,127,516	52,838	
28 Ledger						<b>1,180,354</b>	<b>1,127,516</b>	<b>52,838</b>	
Debt Service - Water Impact Fund	2013 Refi								
28 Ledger	Water Line Improvements								
	02/15/2016	168,963							
	08/15/2016	27,563							
		196,525							
Sewer Impact Fees:	Money Market	N/A	0.03%	0.00%		377,615	363,501	14,114	
28 Ledger									
						<b>Sewer Impact Fund Total</b>	<b>377,615</b>	<b>363,501</b>	<b>14,114</b>
						<b>6,475,975</b>	<b>6,377,322</b>	<b>98,653</b>	
<b>OTHER FUNDS:</b>									
Homestead Amenities:	Money Market	N/A	0.02%	0.00%		142,682	142,678	4	
93 Ledger									
						<b>Fund Total</b>	<b>142,682</b>	<b>142,678</b>	<b>4</b>
4A - Development:	Checking Acct	N/A	0.00%			122,695	224,621	-101,926	
91 Ledger	Money Market	N/A	0.03%	0.00%		387,759	387,749	10	
	TexSTAR -MM	N/A	0.39%	0.03%		746,975	746,733	241	
	Certificate of Deposit	90 Day	0.10%	0.00%		106,605	106,605	0	
						<b>Fund Total</b>	<b>1,364,033</b>	<b>1,465,708</b>	<b>-101,675</b>
4B - Development:	Checking Acct	N/A	0.00%			504,946	467,016	37,931	
92 Ledger	Money Market	N/A	0.03%	0.00%		862,369	862,347	22	
						<b>Fund Total</b>	<b>1,367,316</b>	<b>1,329,363</b>	<b>37,953</b>

Elizabeth Hopkins  
Elizabeth Hopkins  
Finance Director



**Development**  
**Services**  
**Rashad Jackson**  
**AICP**



## Monthly Highlight

### Planning & Zoning Commission

The Planning & Zoning Commission discussed the following items:

**APPLICANT:** JOHN ARNOLD - SKORBURG DEVELOPMENT  
**AT OR ABOUT:** NE QUADRANT OF THE INTERSECTION OF TRIPP RD AND JOBSON RD (83.06 ACRES)  
**REQUEST:** TO CHANGE THE TOWN'S COMPREHENSIVE PLAN AND LAND USE DIAGRAM FROM ESTATE RESIDENTIAL (ER) TO LOW DENSITY RESIDENTIAL (LDR) AND THE ZONING MAP FROM SINGLE FAMILY 3 (SF-3) & SINGLE FAMILY 2 (SF-2) TO SINGLE FAMILY 3 – PLANNED RESIDENTIAL OVERLAY (SF-3-PRO)

Commissioner Moss made a motion to table the request to the next meeting, seconded by Commissioner Vanek. Co-chair Okafor called for a vote, the motion passed 4-2.

**APPLICANT:** BILL DOUGLASS  
**AT OR ABOUT:** 224 S. COLLINS ROAD – TOWER CONVENIENCE STORE  
**REQUEST:** CONDITINAL USE PERMIT FOR TRUCK LEASING –EXCLUDING SEMI - TRUCK AND HEAVY LOAD

Commissioner Sandler made a motion to table the request until a revised site plan is submitted, seconded by Commissioner Pease. Chairman Demko called for a vote, the motion passed unanimously.

**APPLICANT:** BILL FOOSE  
**AT OR ABOUT:** 2718 BELT LINE ROAD APPROX. 11.53 ACRES  
**REQUEST:** SITE PLAN

Commissioner Pease made a motion to approve, seconded by Commissioner Okafor. Chairman Demko called for a vote, the motion passed unanimously.

**APPLICANT:** BILL FOOSE  
**AT OR ABOUT:** 2718 BELT LINE ROAD APPROX. 11.53 ACRES  
**REQUEST:** PRELIMINARY PLAT – BELT LINE VENTURE  
 ADDITION, LOTS 1 & 2, BLOCK A

Commissioner Daniel made a motion to approve, seconded by Commissioner Pease. Chairman Demko called for a vote, the motion passed unanimously.

**APPLICANT:** BILLY DUCKWORTH  
**AT OR ABOUT:** 323 BARNES BRIDGE ROAD  
**REQUEST:** PRELIMINARY PLAT – SNEED ADDITION,  
 LOT 1, BLOCK A

Commissioner Pease made a motion to approve, seconded by Commissioner Daniel. Chairman Demko called for a vote, the motion passed unanimously.

**APPLICANT:** DALE HOELTING – DEH CONSULTING, LTD.  
**AT OR ABOUT:** 182 S. COLLINS ROAD APPROX 4.11 ACRES  
**REQUEST:** REPLAT – SUNNYVALE COLLINS RETAIL, LOTS 1R, 2R & 3R,  
 BLOCK A

Commissioner Okafor made a motion to approve, seconded by Commissioner Pease. Chairman Demko called for a vote, the motion passed unanimously.

### Board of Adjustments

Due to lack of applications, no meeting was held in June.

### BUILDING PERMIT ACTIVITY

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.
New Residential Permits	17	5	3	4	13	6	8	7	9			
Commercial Permits	1	0	0	0	2	1	3	2	1			
General Permits	3	2	5	42	36	15	6	7	2			
Trade Specific	4	3	7	8	7	7	13	11	11			
CO's	2	0	1	0	1	1	0	0	2			
Miscellaneous	4	5	4	1	6	3	6	7	9			
Accessory Bldg.	1	3	1	1	0	0	0	0	0			
Health Permits	2	0	0	0	0	2	0	7	4			
Garage Sales	5	4	2	1	2	4	3	4	7			
Signs	2	1	0	3	0	4	6	1	2			
Swimming Pools	1	0	1	0	1	4	2	3	4			
Solicitors Permits	0	0	0	3	1	0	2	1	1			
Demolitions	0	1	0	0	1	3	1	0	0			
<b>Total Permits</b>	<b>42</b>	<b>24</b>	<b>24</b>	<b>63</b>	<b>70</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>52</b>			
Rental Inspections	2	0	2	1	1	2	2	3	1			
<b>Total Inspections</b>	<b>84</b>	<b>68</b>	<b>96</b>	<b>115</b>	<b>97</b>	<b>110</b>	<b>122</b>	<b>122</b>	<b>160</b>			

## Code Enforcement Activity

High Grass	3	1	0	0	0	3	7	15	13			
Parking	0	0	0	0	0	0	4	0	2			
Trash/Junk	2	1	3	0	0	4	1	1	3			
In-Operable Veh.	0	0	0	0	1	0	0	2	0			
Limb Overhang	1	29	1	0	0	0	0	1	5			
Signs	24	19	17	22	35	61	27	20	17			
Other	3	1	2	2	4	4	6	1	2			
Building W/O Permit	1	2	0	5	7	3	2	4	0			
Total Issues Resolved	34	53	23	29	47	75	47	44	42			

## Animal Control Activity

Incoming Strays	9	7	17	20	11	12	12	17	24			
Owner Surrender	0	1	0	2	3	2	1	1	2			
Owner Redeemed	2	2	13	7	4	8	4	9	3			
Adopted	1	0	0	1	2	5	4	2	4			
Rescued	2	2	9	3	2	0	3	4	5			
Died at Shelter	0	0	0	0	1	0	0	0	0			
Quarantined	0	0	0	2	4	0	1	1	0			
Euthanized	5	1	4	4	4	2	3	5	5			
Current Shelter Animals	7	10	1	6	7	7	7	5	13			
Calls for Service	44	30	57	62	53	63	40	67	68			
Warnings Issued	1	0	1	0	1	0	0	0	2			
Citations Issued	0	0	1	1	0	1	0	3	1			

Other animals: Skunks (0), Opossum (8), Armadillo (0)

Facebook likes went from 2180 to 2223, viewed 4227 times per week.

Adopt-A-Pet.com viewed 1401 times per week.



## Patrol Services

### SSgt. Jennings

#### Monthly Activity Report:

June 3	3100 Blk. Sage Tree	Burglary Attempt – Window Was Broken
June 6	200 Blk. SH 352	Arrest For Possession Of Methamphetamine
June 7	300 Blk. Barnes Bridge	Vehicle Damaged Fence And Landscaping
June 7	300 Blk. Larkin	Theft Of Truck Tailgate
June 8	200 Blk. Planters	Theft Of Vehicle
June 10	3600 Blk. Beltline	Arrest For Aggravated Robbery Of A Business
June 12	400 Blk. US 80	Theft Of Tractor
June 13	400 Blk. US 80	Theft Of Abandoned Vehicle
June 25	300 Blk. Barnes Bridge	Arrest For Occupied Stolen Vehicle
June 25	600 Blk. US 80	Arrest For Resisting Arrest
June 29	400 Blk. Town East	Attempted Burglary – Glass Door Broken
June 29	200 Blk. Mansfield	Theft Of A Trailer

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.
Violator Contacts	527	549	296	800	812	515	599	576	688			
Verbal Warnings	269	300	160	321	250	206	235	205	217			
Calls for Service	629	566	639	569	516	567	608	648	716			
Routine Checks	2296	2738	2616	2459	2074	2165	1953	2249	2264			
Major Crashes	7	5	3	2	7	11	9	7	7			
Minor Crashes	14	13	7	12	5	14	18	11	9			
Fatality Crashes	0	0	0	1	0	0	0	0	0			
Persons Arrested	8	10	7	11	7	9	10	8	16			
On-Site Felony Cases	0	0	1	2	0	0	1	4	8			
On-Site Misd. Cases	0	1	2	3	4	7	0	4	1			
Occ'd Stolen Vehicles Rec'd	0	0	0	0	0	0	0	0	1			
DWI Arrests	1	0	0	0	1	0	0	0	0			
Misd. Wrnts. Cleared	8	9	4	5	2	1	6	3	8			
Felony Warrants Cleared	1	4	2	2	0	1	1	0	5			

**DALLAS COUNTY SHERIFF'S DEPARTMENT**  
**June 2016 monthly report**  
**for the**  
**TOWN OF SUNNYVALE**

**OFFENSES BY FELONY / MISDEMEANOR**

P.C. SECT.	FELONY OFFENSES	2016	2015
19	HOMICIDE		
20	KIDNAPPING		
21	INDECENCY WITH A CHILD		
22	SEXUAL ASSAULTS		1
22	AGGRAVATED ASSAULTS		
	DRUGS		
25	FAMILY OFFENSES		
28	PROPERTY OFFENSES		
29	ROBBERY	1	
30	BURGLARY	2	3
31	THEFT	3	2
31B	AUTO THEFT(UUMV)		
32	FRAUD	1	
33	COMPUTER CRIMES		
34	MONEY LAUNDERING		
35	INSURANCE FRAUD		
36	BRIBERY		
37	PERJURY		
38	OBST. GOVT. OPER.		
39	ABUSE OF OFFICE		
43	INDECENCY		
46	WEAPONS OFFENSES		
49	INTOXICATION OFFENSES		
71	ORGANIZED CRIME OFFENSES		
	<b>TOTAL</b>	<b>7</b>	<b>6</b>

P.C. SECT.	MISDEMEANOR OFFENSES	2016	2015
20	FALSE IMPRISONMENT		
21	SEXUAL OFFENSES		
22	SEXUAL ASSAULT		
22	ASSAULTS		2
	DRUGS		
25	FAMILY OFFENSES		
28	PROPERTY OFFENSES	1	1
30	TRESPASS / BCOM / BMV		1
31	THEFT	2	2
32	FRAUD	1	
33	COMPUTER CRIMES		
35	INSURANCE FRAUD		
36	BRIBERY		
37	PERJURY		
38	OBST. GOVT. OPER.	1	
39	ABUSE OF OFFICE		
42	DISORDERLY CONDUCT		1
43	INDECENCY		
46	WEAPON OFFENSES		
47	GAMBLING		
48	PUBLIC HEALTH VIOLATION		
49	PUBLIC INTOXICATION		
71	ORGANIZED CRIME OFFENSES		
	<b>TOTAL</b>	<b>5</b>	<b>7</b>

**COMMON INCIDENTS / CALLS FOR SERVICE**

	DISTURBANCES	7	2
	INJURED PERSON	0	2
	SICK CALL	15	11
	<b>TOTAL</b>	<b>22</b>	<b>15</b>

	ALARMS	59	63
	LOOSE LIVESTOCK	0	7
	ROUTINE CHECKS	2,264	2,897
	<b>TOTAL</b>	<b>2,323</b>	<b>2,967</b>

**TRAFFIC**

TRAFFIC STOPS		688	678
	SCHOOL ZONE CITATIONS		
	ALL OTHER CITATIONS	617	383

ACCIDENTS		16	21
	Minor	9	10
	Major	7	11
	Fatality	0	0

**ARRESTS**

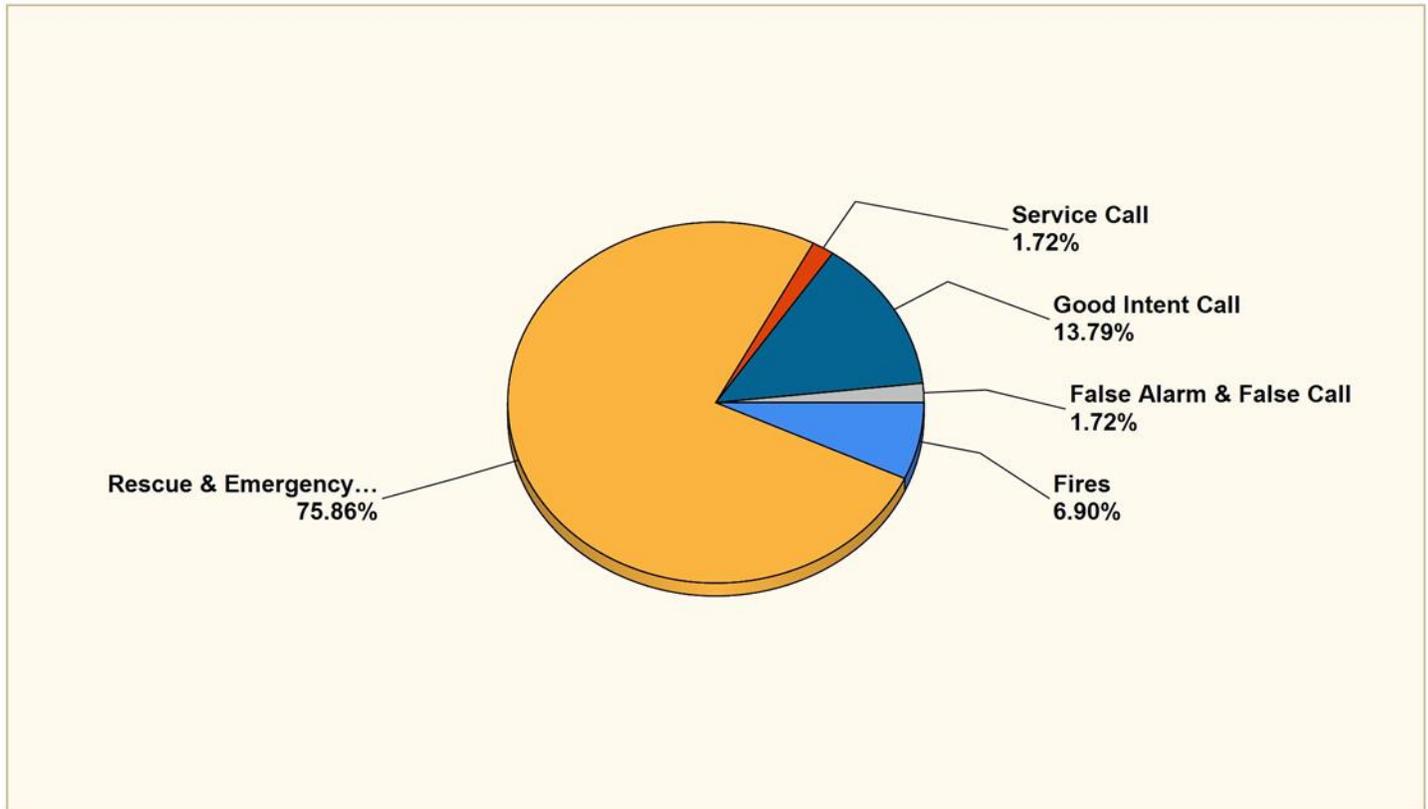
<b>ON-SITE</b>		<b>9</b>	<b>3</b>
	FELONY	1	1
	MISDEMEANOR	8	2
<b>WARRANTS CLEARED</b>		<b>13</b>	<b>4</b>
	FELONY	5	1
	MISDEMEANOR	8	3

<b>DWI</b>		<b>0</b>	<b>1</b>
	FELONY	0	
	MISDEMEANOR	0	1
<b>TOTAL PERSONS ARRESTED</b>		<b>16</b>	<b>6</b>
	(each may have multiple charges)		



# Sunnyvale Fire/Rescue Department

## Monthly Report – June 2016



INCIDENT TYPE	# INCIDENTS
<b>Station: 1 - SUNNYVALE STATION 1</b>	
142 - Brush or brush-and-grass mixture fire	4
311 - Medical assist, assist EMS crew	2
320 - Emergency medical service, other	2
321 - EMS call, excluding vehicle accident with injury	26
322 - Motor vehicle accident with injuries	5
324 - Motor vehicle accident with no injuries.	7
342 - Search for person in water	1
353 - Removal of victim(s) from stalled elevator	1
510 - Person in distress, other	1
611 - Dispatched & cancelled en route	5
622 - No incident found on arrival at dispatch address	2
651 - Smoke scare, odor of smoke	1
745 - Alarm system activation, no fire - unintentional	1

INCIDENT COUNT	
INCIDENT TYPE	# INCIDENTS
EMS	44
FIRE	14
<b>TOTAL</b>	<b>58</b>

TOTAL TRANSPORTS			
APPARATUS	# of APPARATUS TRANSPORTS	# of PATIENT TRANSPORTS	TOTAL # of PATIENT
<b>TOTAL</b>	23	23	23
MUTUAL AID			
Aid Type		Total	
Aid Received		4	
OVERLAPPING CALLS			
# OVERLAPPING		%	
10		17.24	
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)			
Station	EMS	FIRE	
Sunnyvale Station 1	0:05.21	0:08:09	
<b>AVERAGE FOR ALL CALLS</b>		<b>0:07.05</b>	
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)			
Station	EMS	FIRE	
Sunnyvale Station 1	0:02:19	0:03:02	
<b>AVERAGE FOR ALL CALLS</b>		<b>0:02:55</b>	
AGENCY		AVERAGE TIME ON SCENE (MM:SS)	
Sunnyvale Fire Department		21:03	

Fire Prevention / Public Education Activities	June	YTD
<b>FIRE INSPECTIONS</b>		
Fire Inspections – Initial	16	62
Fire Inspections – Re-inspections	24	134
<b>PERMITS</b>		
Burn Permit Issued/Inspected	9	35
<b>PUBLIC EDUCATION ACTIVITIES</b>		
Public Education Activities	0 Hours	21 Hours
Public Safety Standby	0 Hours	15 Hours

## Update on EMS Billing and Collections

Transport Month	Number of transports billed	Charges billed	Medicare/Medicaid Adjustments	Actual Billable charges	Medicare/Medicaid Payments	Insurance Payments	Private Payments	Total Amount Collected	Unresolved Balance	Collection Rate	Change From Previous Report
Jan-15	16	\$6,353.73	(\$286.75)	\$6,066.98	\$1,972.84	\$737.53	0	\$2,710.37	(\$3,356.61)	44.70%	NO
Feb-15	16	\$11,613.07	(\$2,727.72)	\$8,885.35	\$2,694.18	\$1,336.27	\$3.15	\$4,033.60	(\$4,851.75)	45%	NO
Mar-15	19	\$12,343.39	(\$2,106.11)	\$10,237.28	\$1,899.31	\$1,768.28	\$20.00	\$3,687.59	(\$6,546.69)	36%	NO
Apr-15	15	\$10,506.51	(\$2,566.02)	\$7,940.49	\$2,232.31	\$865.60	\$0.00	\$3,097.91	(\$4,842.58)	39%	NO
May - 15	18	\$12,908.31	(\$2,033.76)	\$10,874.55	\$2,466.91	\$2,474.94	\$0.00	\$4,947.85	(\$5,932.70)	45%	NO
Jun-16	19	\$15,051.15	(\$2,431.47)	\$12,619.68	\$2,278.40	\$3,678.80	\$1,408.81	\$7,583.77	(\$5,035.91)	60.10%	NEW



## Public Works Johnny Meeks

	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.
NEW METERS				149				6	7			
TOTAL CONECTIONS				2,316				2,342	2,390			
WATER LEAKS				4				7	5			
WATER GALLONS SOLD				15,682,770				24,307,030	39,798,180			
SEWER GALLONS - MESQUITE				7,811,650				10,470,270	13,500,490			
SEWER GALLONS - GARLAND				4,959,250				8,363,160	12,005,710			
SEWER REPAIRS				4				2	-			
STORM DRAINS CLEANED				6				-	3			
ROAD REPAIRS				2 tons UPM				4 PALLET SACKCRETE 41 TONS	630 tons asphalt 9 tons upm			
STREET SIGNS REPAIRED/REPLACED				26 poles				15	8			



#### **4A Development Corporation**

The 4A Development Corporation held its regular meeting on June 8<sup>th</sup>. The primary agenda item of interest was regarding deliberations in Executive Session about real property and incentive negotiations.

#### **4B Development Corporation**

The 4B Development Corporation held its regular meeting on June 14<sup>th</sup>. The primary agenda item of interest was regarding deliberations in Executive Session about real property and incentive negotiations.

#### **Economic Development**

Staff has accepted the invitation to serve as a member of the Sunnyvale Chamber of Commerce board for 2016 and contributed to the ongoing coordination of these efforts during the month of June. On June 14<sup>th</sup> the Chamber hosted its annual luncheon sponsored by the economic development corporations. More than 50 guests heard from the Mayor, Superintendent, Town Manger, Director of Economic Development, and Dallas County Sherriff's Office.

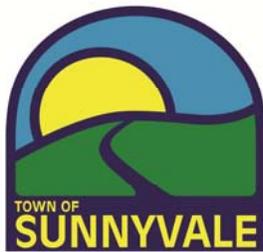
Work efforts continued regarding the Sunnyvale Center Industrial Park project. This ongoing project is in accordance with a resolution approved by Town Council declaring the need for improvements at the industrial park exist, stating the general nature of the improvements, and directing staff to obtain more detailed plans, specifications, and cost estimates for the improvements. At its first meeting in March, Town Council approved the 4A Development Corporation's expenditure on the final project, awarded the construction contract, and levied an assessment upon the benefited property owners.

The economic development corporations and staff are continuing to follow the direction received during a February 29<sup>th</sup> joint session with Town Council regarding the 14 acres at the southeast corner of US Hwy 80 and Collins Rd.

Following the vision outlined in the last adopted comprehensive plan, staff continued to explore opportunities and scenarios to facilitate a future town center. Staff anticipates visiting with Town Council to further seek direction.

In addition to the above ongoing work efforts and active economic development prospect, staff attended the State's Economic Development Sales Tax Workshop, Bisnow commercial real estate networking events, and met with interested parties and associated stakeholders (e.g. brokers) regarding Sunnyvale. Due to the nature of all discussions, limited information should be shared publicly. If members of Town Council have specific questions, staff is willing to discuss individually or in Executive Session with the entire Town Council.

MONTHLY METRICS							Jun-16
Number of commercial properties listed for sale on CoStar Property®							23
Average property size (acres)							9.37
Average sale price per square foot							\$ 66.54
Average days on the market							1,366
Number of commercial properties listed for lease on CoStar Property®							13
Total area available (sf)							143,862
Average asking rent per square foot per year							\$ 12.05
Number of general economic development projects, inquiry, or prospects evaluated or managed							11
Number of outbound contacts made (retail/restaurant/consumer oriented only)							11
Number of returned contacts received							6
Number of activities for department outreach and/or outside participation							25



# Town of Sunnyvale

July 25, 2016

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

## **Summary:**

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

## **Background:**

The applicant is the representative for a residential property located at 612 U.S. Highway 80. The parcel of land is approximately 16.5 acres in size. The Sunnyvale Zoning Ordinance requires lots of this size to have a minimum lot width (at the right of way) of 250'. The subject property will be platted with a lot width of 124' at the right of way. The applicant received a lot width variance for the subject property on December 12, 2015 from the Board of Adjustment. Preliminary plat approval was received in January 2016.

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

## **Board of Adjustment – 12/12/15**

**Request from Tommy Satterfield for a Variance from Section 3.7 Area Standards for Detached Single Family Dwellings; Chart 3.2 Area Standards for Residential Lots to reduce the lot width requirement from 250' to 124.48'**

Member Golder made a motion, seconded by Member Turner, to approve the variance as requested, and with all members voting affirmative, the motion passed unanimously.

## **Planning & Zoning Commission Recommendation – 7/18/16**

Commissioner Daniel made a motion to approve the request, seconded by Commissioner Okafor. Chairman Demko called for a vote, and with all members voting to approve, the motion passed unanimously.

## **Public Notice**

Notice was published within the Town's Official Newspaper on Wednesday, June 29<sup>th</sup>, 2016. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Town Ordinance. Ten (10) letters were sent out. As of the writing of this staff memo, no letters had been returned either in favor or in opposition of the request.

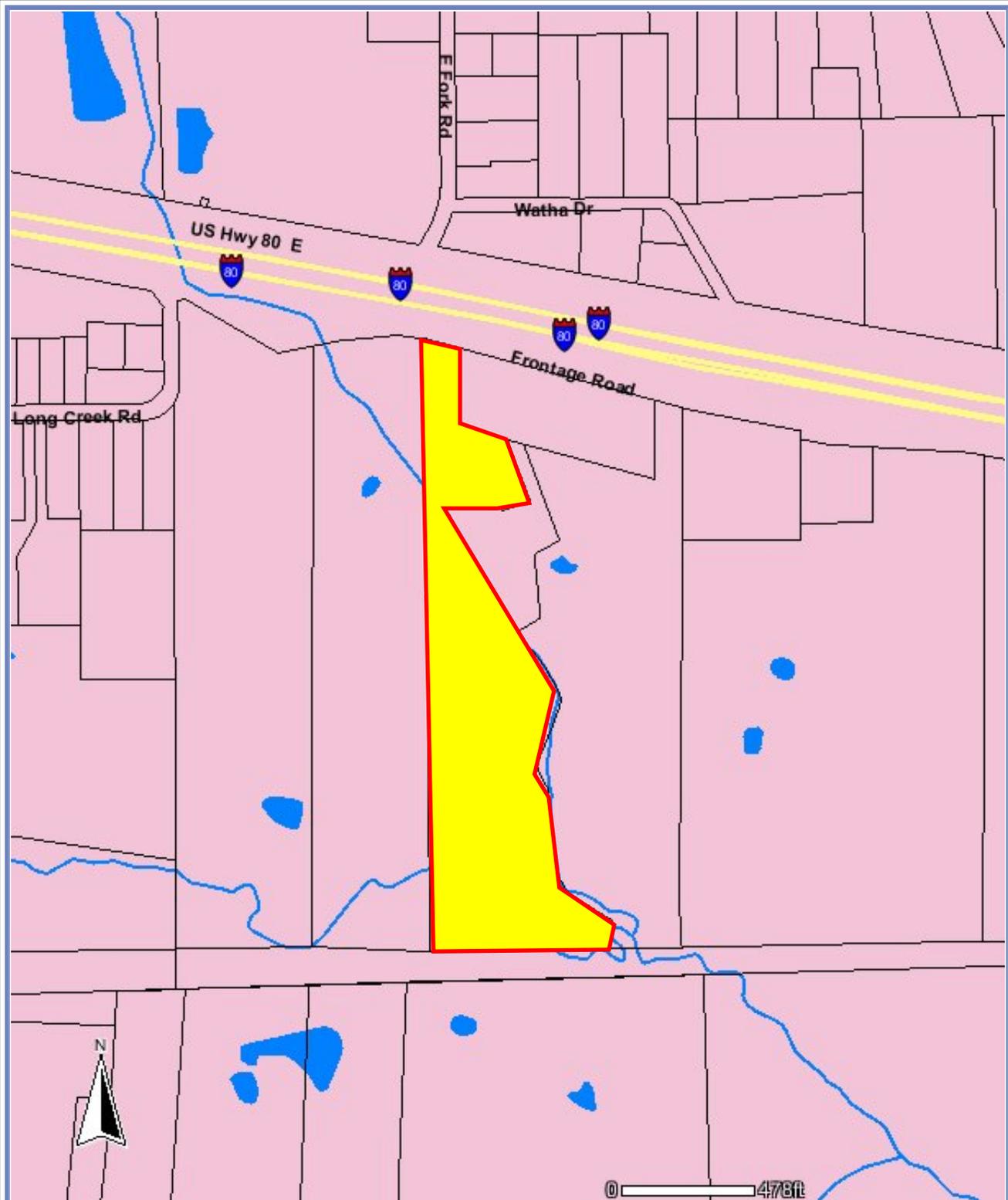
**Staff Recommendation**

Town staff has the following comments/recommendation for consideration:

1. Town staff recommends approval. Staff comments must be satisfactorily addressed prior to construction.
2. Note 3 says that lot-to-lot drainage is not allowed unless it is within a drainage easement. This is incorrect; lot-to-lot drainage is not allowed at all. The statement needs to be corrected.
3. There is an 8" and 18" sanitary sewer on the southern portion of the property; the utility easement for the sanitary sewer needs to be shown on the plat.

**Attachments**

- Location Map
- Chart 3.2 Area Standards for Residential Lots from the Zoning Ordinance
- Proposed final plat



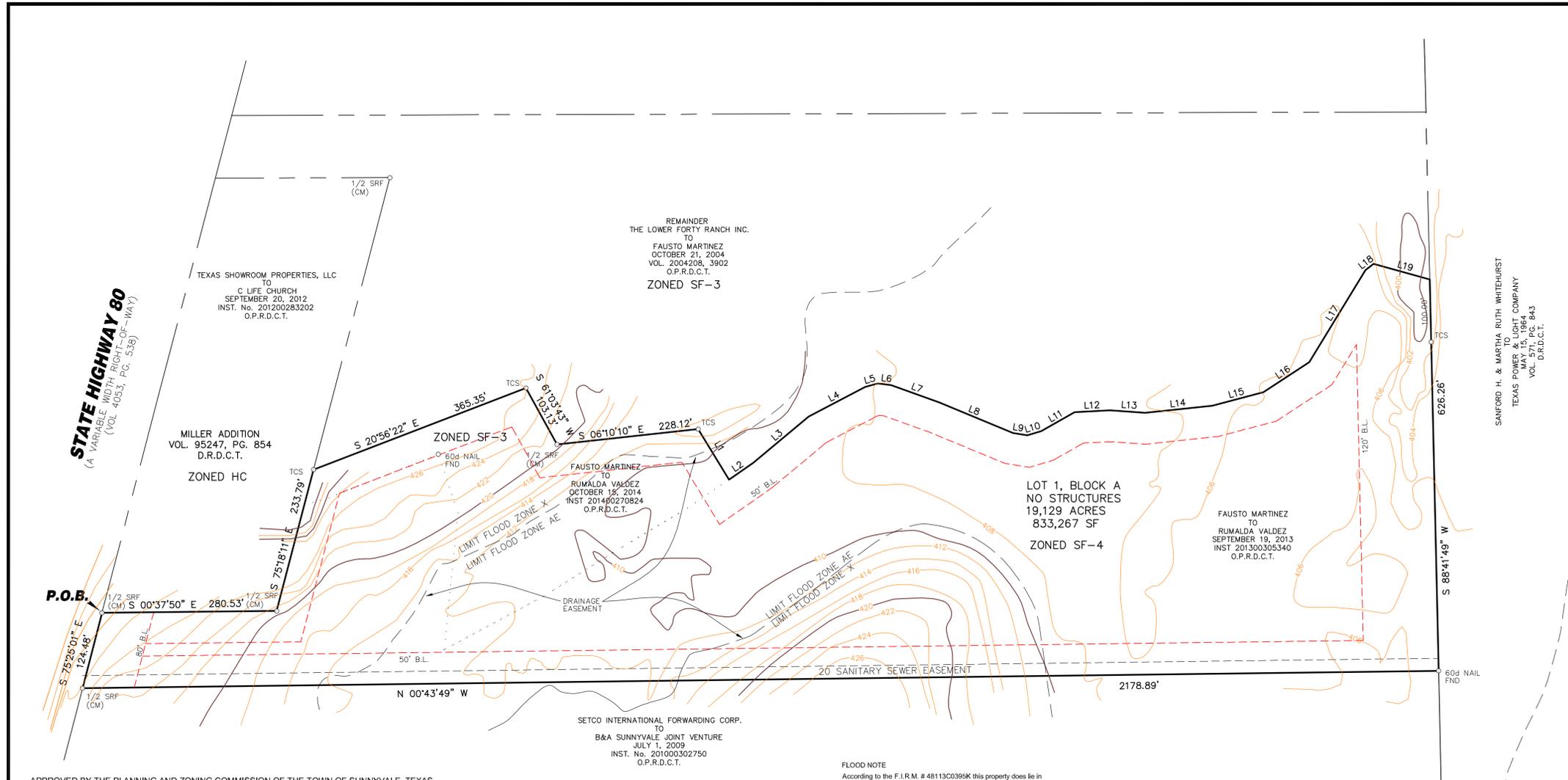
**Dallas Central  
Appraisal District**  
[www.dallascad.org](http://www.dallascad.org)

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

**Chart 3.2**  
**Area Standards for Residential Lots**

Lot Size	Width <sup>1</sup>	Front Yard Setback	Side Yard Setback <sup>2</sup>	Rear Yard Setback
2 acres and over	250 feet	80 Feet	50 feet	120 feet
1.5 to 1.99 acres	200 feet	80 feet	40 feet	100 feet
1 acre-1.49 acres	170 feet	70 feet	30 feet	80 feet
35,000-43,559 square feet	150 feet	60 feet	30 feet	60 feet
20,000-34,999 square feet	120 feet	60 feet	20 feet	40 feet
14,000-19,999 square feet	100 feet	50 feet	20 feet	30 feet
12,000-13,999 square feet	100 feet	40 feet	15 feet	30 feet
10,000-11,999 square feet	100 feet	30 feet	15 feet	20 feet
7,000-9,999 square feet	70 feet	25 feet	10 feet	20 feet
4,500-6,999 square feet	50 feet	25 feet	5 feet	20 feet

1. For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line.
2. When adjacent to a side street, the side yard setback of a corner lot shall not be less than the following, whichever is greater: (a) 150 % of the side yard setback shown; or (b) the front yard set back of any adjacent lot located within 20 feet of the rear lot line of the corner lot, where the front yard of the adjacent lot faces in the same general direction as the side yard of the corner lot.



STATE OF TEXAS §  
 COUNTY OF DALLAS §

OWNER'S CERTIFICATE

WHEREAS, Rumalda Valdez is the owner of a 19,129 acre parcel of land situated in the Thomas Coats, Survey, Abstract No. 330, Town of Sunnyvale, Dallas County, Texas, said tract being comprised of a called 2.58 acre tract of land conveyed in Deed without Warranty, dated October 15, 2014 by Fausto Martinez to Rumalda Valdez, recorded in Instrument No. 201400270824 in the Official Public Records of Dallas County, Texas, and a called 16.588 acre tract of land conveyed in Deed without Warranty, dated September 19, 2013 by Fausto Martinez to Rumalda Valdez, recorded in Instrument No. 201300305340 in the Official Public Records of Dallas County, Texas, said parcel being more particularly described as follows:

BEGINNING at 1/2-inch steel rod found in the South right-of-way line of State Highway 80 (a variable width right-of-way) as dedicated in instrument recorded in Volume 4053, Page 538 of the Deed Records of Dallas County, Texas, and being the Northwest corner of the Miller Addition, an addition to the Town of Sunnyvale, Dallas County, Texas according to the plat thereof recorded in Volume 95247, Page 854 of the Deed Records of Dallas County, Texas;

THENCE South 00°37'50" East, departing said South right-of-way and with the West line of said Miller Addition for a distance of 280.53 feet to a 1/2-inch steel rod found at the Southwest corner of said Miller Addition;

THENCE South 75°18'11" East, With the south line of said Miller Addition for a distance of 233.79 feet to a 5/8-inch steel rod with "TERRACORP" cap set, said point being the most westerly corner of the remainder of a tract land conveyed in Warranty Deed dated October 21, 2004 by The Lower Forty Ranch Inc. to Fausto Martinez, recorded in Volume 2004208, Page 3902 of the Official Public Records of Dallas County, Texas;

THENCE Southerly, departing said South line and with the West line of said remainder of the Martinez tract the following four calls:

1. South 20°56'22" East for a distance of 365.35 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
  2. South 61°03'43" West for a distance of 103.13 feet 1/2-inch steel rod found;
  3. South 06°10'10" East for a distance of 228.12 feet to a 5/8-inch steel rod with "TERRACORP" cap set;
  4. South 58°39'46" West for a distance of 94.95 feet to a point in a creek;
- THENCE Southerly, continuing with said West line and centerline of said creek for the following seventeen calls:
1. South 34°47'03" East for a distance of 47.62 feet;
  2. South 39°46'11" East for a distance of 115.68 feet;
  3. South 27°30'59" East for a distance of 102.42 feet;
  4. South 15°44'01" East for a distance of 21.24 feet;
  5. South 07°49'55" West for a distance of 21.24 feet;
  6. South 19°36'53" West for a distance of 82.06 feet;
  7. South 22°21'19" West for a distance of 128.47 feet;
  8. South 09°22'50" West for a distance of 23.35 feet;
  9. South 16°34'07" East for a distance of 23.35 feet;
  10. South 29°32'36" East for a distance of 61.74 feet;
  11. South 02°51'14" East for a distance of 56.84 feet;
  12. South 04°02'04" West for a distance of 56.67 feet;
  13. South 06°04'53" East for a distance of 108.34 feet;
  14. South 14°41'54" East for a distance of 84.92 feet;
  15. South 33°05'51" East for a distance of 87.92 feet;
  16. South 58°31'18" East for a distance of 172.92 feet;
  17. South 36°28'11" East for a distance of 16.37 feet;
1. South 15°25'45" West for a distance of 93.50 feet to a point in the South line of said Thomas Coats Survey and being in the North line of a called 14.25a acre tract of land conveyed in Deed, dated May 15, 1964 by Sanford H. and Martha Ruth Whitehurst to Texas Power & Light Company, recorded in Volume 571, Page 843 of the Deed Records of Dallas County, Texas;
- THENCE South 88°41'49" West, with South line of said Thomas Coats Survey and the North line of said Texas Power & Light Company tract, passing at a distance of 100.00 feet a 5/8-inch steel rod with "TERRACORP" cap set for reference, then continuing on the same course for a total distance of 626.26 feet to a 60d nail found, said point being the Southeast corner of a called 20 acre tract of land conveyed in Special Warranty Deed, dated July 1, 2009 by Setco International Forwarding Corporation to B&A Sunnyvale Joint Venture, recorded in Instrument No. 201000302750 Official Public Records of Dallas County, Texas;
- THENCE North 00°43'49" West, departing said North line of the Texas Power & Light tract and South line of said Thomas Coats Survey and with the East line of said B&A Sunnyvale tract, for a distance of 2,178.89 feet to a 1/2-inch steel rod found at the Northeast corner of said B&A Sunnyvale tract and being in the said South right-of-way of State Highway 80;
- THENCE South 75°25'01" East, with said South right-of-way line for a distance of 124.48 feet to the POINT OF BEGINNING and containing 833,267 square feet or 19,129 acres of land, more or less.

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE, TEXAS  
 on this the \_\_\_ day of \_\_\_\_\_, 2016.

Chairman, Planning and Zoning Commission

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS  
 on this the \_\_\_ day of \_\_\_\_\_, 2016.

Mayor

ATTEST:

Town Secretary

**SURVEYORS CERTIFICATE**

I, Neil D. Culver, Registered Professional Land Surveyor for TerraCorp LLC., do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made in October, 2015, under my direction and supervision, and further certify that all corners are as shown thereon, and that said plat has been prepared in accordance with the platting rules and regulations of the Town of Sunnyvale, Texas.

This the \_\_\_ day of \_\_\_\_\_, 2016

Registered Professional Land Surveyor No. 5211

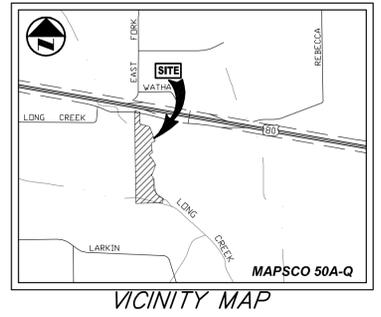


THE STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said TerraCorp LLC, a Texas corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, this the \_\_\_ day of \_\_\_\_\_, 2016

Notary Public in and for the State of Texas



**LINE TABLE**

LINE	LENGTH	BEARING
L1	94.95'	S 58°39'46" W
L2	47.62'	S 34°47'03" E
L3	115.68'	S 39°46'11" E
L4	102.42'	S 27°30'59" E
L5	21.24'	S 15°44'01" E
L6	21.24'	S 07°49'55" W
L7	82.06'	S 19°36'53" W
L8	128.47'	S 22°21'19" W
L9	23.35'	S 09°22'50" W
L10	23.35'	S 16°34'07" E
L11	61.74'	S 29°32'36" E
L12	56.84'	S 02°51'14" E
L13	56.67'	S 04°02'04" W
L14	108.34'	S 06°04'53" E
L15	84.92'	S 14°41'54" E
L16	87.92'	S 33°05'51" E
L17	172.92'	S 58°31'18" E
L18	16.37'	S 36°28'11" E
L19	93.50'	S 15°25'45" W

**LEGEND**

D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS  
 CSRF CAPPED STEEL ROD FOUND  
 CM CONTROL MARK  
 P.O.B. POINT OF BEGINNING  
 SRF STEEL ROD FOUND  
 TCS 5/8-INCH STEEL ROD  
 W/TERRACORP CAP SET  
 INST. No. INSTRUMENT NUMBER  
 ( ) DEED CALL  
 X OUT FOUND

Scale 1" = 10'

CONTOUR INFORMATION SHOWN FROM NTCOG WEB SITE

- NOTES**
1. Coordinates and bearings shown hereon are based on NAD83(CORS96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202) using the Geoshack "GeoNet" RTK GPS Network.
  2. Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
  3. No lot to lot drainage unless it is within a drainage easement. Lot grading plans required prior to building permit issuance.
  4. No structures on property.
  5. Lot frontage width approved by board of adjustment, December 7, 2015
  6. Minimum Finished Floor Elevation = 414.00'

**FLOOD NOTE**

According to the F.I.R.M. # 481130395K this property does lie in part of "Zone X" and part of "Zone AE" - Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood. Base flood elevations determined. Dated 07/07/2014

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Rumalda Valdez, does hereby adopt this plat, designating the herein above described property as VALDEZ-HWY 80 ADDITION, BLOCK A, LOT 1 an addition to the Town of Sunnyvale, Dallas County, Texas, and does hereby dedicate and convey, in fee simple, to public use forever, the streets and alleys as shown hereon. The easements shown thereon are hereby reserved for the purposes indicated. The easements and fire lanes shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility easements and fire lanes is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements, obstructions, or growths shall be constructed, reconstructed or placed upon, over or across the easements and fire lanes as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. The Town of Sunnyvale shall have the right to remove and keep removed from fire lanes, all or parts of any building, fences, trees, shrubs, or other improvements, obstructions, or growths which in any way may endanger or interfere with access of fire units to fire protection facilities or equipment. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

The easement rights and privileges granted by this conveyance are exclusive, and Owner covenants not to convey any other easement or conflicting rights in the area covered by this grant. The easements shown hereon shall be perpetual Owner's heirs, personal representatives, successors, and assigns are and shall be bound to warrant and forever defend the easement and rights conveyed in this instrument against every person lawfully claiming or to claim all or any part of the interest in the Property.

This plat approved Subject to all platting ordinances rules, regulations, and resolutions of the Town of Sunnyvale, Texas.

Rumalda Valdez  
 Owner

THE STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Rumalda Valdez whose name is subscribed to the foregoing instrument and acknowledged to me that the same and that she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

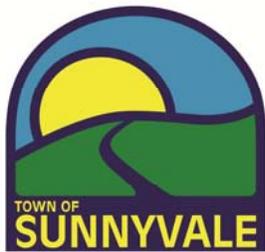
GIVEN UNDER MY HAND SEAL OF OFFICE, this This the \_\_\_ day of \_\_\_\_\_, 2016

Notary Public in and for the State of Texas

FINAL PLAT  
 OF  
**VALDEZ-HWY 80 ADDITION  
 BLOCK A, LOT 1**  
 AND BEING SITUATED IN THE  
 THOMAS COATS SURVEY, ABSTRACT No. 330  
 TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS  
 1 LOT, 833,267 SQUARE FEET

TerraCorp Associates LLC  
 3860 Broadway Blvd. Ste 236  
 Garland, TX 75043  
 ph. 972-805-4528, fax 972-805-4527  
 www.terraCorpsurvey.com

Owners  
 Rumalda Valdez  
 8002 Huttig Ave  
 Dallas, TX 75217  
 ph. 972-285-0141,



# Town of Sunnyvale

July 25, 2016

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

## Summary:

**APPLICANT:** SUNNYVALE GALLOWAY OLD HOME PLACE  
 TRUST (DEBORAH FRANKLIN)  
**AT OR ABOUT:** 622 & 626 PECAN CREEK DRIVE  
**REQUEST:** REPLAT – EAST FORK ESTATES, LOT13R & LOT 14, BLOCK  
 2

## Background:

The applicant is the representative for residential property located at 622 & 626 Pecan Creek Drive. The subject area comprises approximately 14 acres. The applicant proposes to plat 2 lots each of which received a lot width variance from the 250' lot width requirement. The proposed subdivision will create one lot of 5 acres and one lot of 9 acres.

Both lots will have right of way access via an existing cul-de-sac at the end of Pecan Creek Drive. Upon review, it was discovered that the existing cul-de-sac was initially constructed by the property owner to provide access to the home located at the end of Pecan Creek Drive (the Franklin Estates Property). As it exists, a portion of cul-de-sac is currently part of private property. With approval of the subject plat, the private portions of the existing cul-de-sac will be dedicated as public right of way. The cul-de-sac will provide access to both proposed lots.

The subject property was originally platted as a master planned subdivision called East Fork Estates. The property located at 626 Pecan Creek Drive (Franklin Estates) was proposed as phase 3 of the East Fork Estates. The current property owner plans to subdivide the property for the development of a single family residence on Lot 14 of the proposed plat. Lot 13R is currently a heavily wooded lot and is not planned for development at this time. For the proposed lots, the lot width would be measured from the front yard setback line for each lot. The zoning ordinance stipulates...*"for lots on cul-de-sacs or similar circumstances, the minimum lot width shall apply at the front yard setback line."* The front yard setback is measured 80 feet back from the front property line.

## Board of Adjustment – 5/24/16

**Request from Deborah Franklin for a variance from Section 3.7 Area Standards for Detached Single Family Dwellings; Chart 3.2 Area Standards for Residential Lots to reduce the lot width requirement from 250' for two lots.**

Member Turner made a motion, seconded by Member Noster, to approve the variance request. Chairperson Hoffman called for a vote, the motion passed 4-1.

### **Planning & Zoning Commission Recommendation – 7/18/16**

Commissioner Moss made a motion to approve the request, seconded by Commissioner Daniel. Chairman Demko called for a vote, and with all members voting to approve, the motion passed unanimously.

### **Public Notice**

Notice was published within the Town's Official Newspaper on Wednesday, June 29, 2016. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Ten (10) letters were sent out. As of the writing of this staff memo, one (1) letter had been returned in favor of the request.

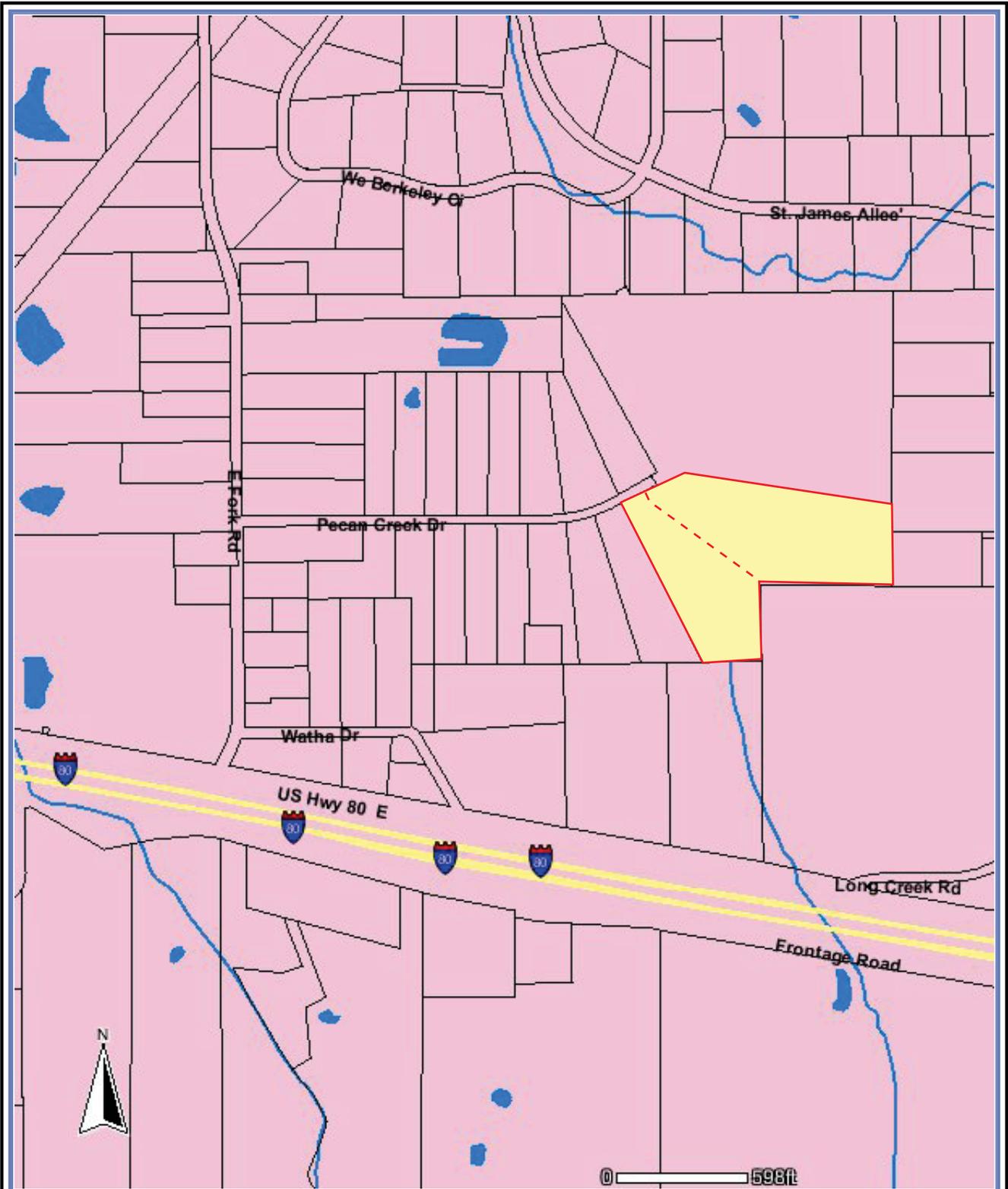
### **Staff Recommendation**

Town staff has the following comments/recommendation for consideration:

1. Town staff recommends approval. Staff comments must be satisfactorily addressed prior to any construction.
2. Revise plat to note an 80' front yard setback for both lots. It currently states 60'

### **Attachments**

- Location Map
- Chart 3.2 Area Standards for Residential Lots from the Zoning Ordinance
- Proposed replat



**Dallas Central  
Appraisal District**  
www.dallascad.org

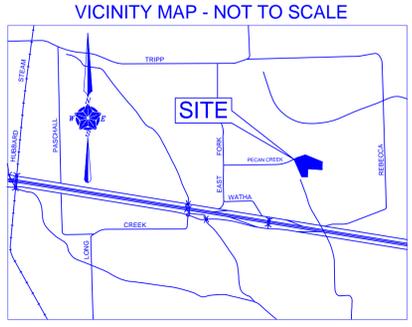
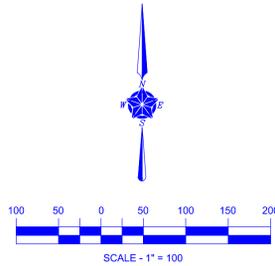
**DISCLAIMER**

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

**Chart 3.2**  
**Area Standards for Residential Lots**

Lot Size	Width <sup>1</sup>	Front Yard Setback	Side Yard Setback <sup>2</sup>	Rear Yard Setback
2 acres and over	250 feet	80 Feet	50 feet	120 feet
1.5 to 1.99 acres	200 feet	80 feet	40 feet	100 feet
1 acre-1.49 acres	170 feet	70 feet	30 feet	80 feet
35,000-43,559 square feet	150 feet	60 feet	30 feet	60 feet
20,000-34,999 square feet	120 feet	60 feet	20 feet	40 feet
14,000-19,999 square feet	100 feet	50 feet	20 feet	30 feet
12,000-13,999 square feet	100 feet	40 feet	15 feet	30 feet
10,000-11,999 square feet	100 feet	30 feet	15 feet	20 feet
7,000-9,999 square feet	70 feet	25 feet	10 feet	20 feet
4,500-6,999 square feet	50 feet	25 feet	5 feet	20 feet

1. For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line.
2. When adjacent to a side street, the side yard setback of a corner lot shall not be less than the following, whichever is greater: (a) 150 % of the side yard setback shown; or (b) the front yard set back of any adjacent lot located within 20 feet of the rear lot line of the corner lot, where the front yard of the adjacent lot faces in the same general direction as the side yard of the corner lot.



LINE #	LENGTH	DIRECTION
L1	2.97'	S67°06'36E

CURVE #	LENGTH	RADIUS	DELTA	CHORD
C1	38.82'	55.00'	55°36'19"	N83°53'28"E 37.31'
C2	33.19	55.00'	47°32'47"	N47°32'47"E 32.25'

OWNER'S CERTIFICATE  
STATE OF TEXAS  
COUNTY OF DALLAS

BEING a tract of land out of the Thomas D. Coats Survey, Abstract No. 330, in the Town of Sunnyvale, Dallas County, Texas, and being all of Lot 13, Block 2 of East Fork Estates No. 2 an addition to the Town of Sunnyvale as recorded in Volume 78230, Page 951, of the Map Records of Dallas County, Texas and being a tract of land conveyed to Sunnyvale-Galloway Old Home Place Trust by General Warranty Deed recorded in Instrument No. 201300304417, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the most northerly southeast corner of said Sunny-Galloway Tract, and lying on the North line of a tract of land conveyed to SETCO Enterprise Corporation by Warranty Deed recorded in Volume 2003163, Page 9435, Deed Records, Dallas County, Texas, and being the southwest corner of Lot 1, Richardson Addition, an addition to the Town of Sunnyvale, Dallas County, Texas, according to the Plat thereof recorded in Volume 98016, Page 60, Plat Records, Dallas County, Texas;

THENCE North 89 degrees 58 minutes 29 seconds West, along the most northerly South line of said Sunny-Galloway tract and along the North line of said SETCO Tract, a distance of 594.11 feet to a 1/2 inch iron rod found for an inner ell;

THENCE South 00 degrees 14 minutes 50 minutes East, along the most westerly East line of said Sunnyvale-Galloway tract and being the West line of said SETCO tract, a distance of 334.66 feet to a 1/2 inch rod found on the northeast corner of a tract of land conveyed to Annebeth Waldrip Boyd by Special Warranty Deed recorded in Instrument No. 20070031549, Official Public Records, Dallas County, Texas;

THENCE South 89 degrees 10 minutes 32 seconds West, along the South line of said Sunnyvale-Galloway tract passing at 27.53 feet the southeast corner of Lot 13 and continuing along the North line of said Boyd Tract, a total distance of 248.51 feet to a 1/2 inch iron rod found for the southwest corner of Lot 13, Block 2 of said East Fork Estates No. 2;

THENCE North 26 degrees 45 minutes 59 seconds West along the West line of said Lot 13, and along the East line of said Lot 12, a distance of 798.19 feet to a 1/2 inch iron rod with cap stamped "TXHS" set lying on the East right-of-way line of Pecan Creek Drive (50 foot right-of-way);

THENCE North 60 degrees 07 minutes 05 seconds East, along the North line of said Lot 13 and the South right-of-way line of said Pecan Creek Drive, a distance of 147.87 feet to a 1/2 inch iron rod with cap stamped "TXHS" set for corner;

THENCE South 67 degrees 06 minutes 36 seconds East, over and across Lot 13, a distance of 6.13 feet to a 1/2 inch iron rod with cap stamped "CBG" found for corner;

THENCE over and across said Sunny-Galloway tract the following bearing and distances:

North 59 degrees 24 minutes 50 seconds East, a distance of 47.33 feet to a 1/2 inch iron rod with cap stamped "CBG" found for corner;

North 67 degrees 50 minutes 21 seconds East, a distance of 306.21 feet to a 1/2 inch iron rod with cap stamped "CBG" found for corner;

South 71 degrees 06 minutes 29 minutes East, a distance of 779.13 feet to a 1/2 inch iron rod with cap stamped "CBG" found for the West line of a tract of land conveyed to Tambuli N.G. Panginoon, by Warranty Deed With Vendor's Lien, recorded in Volume 92165, Page 3801, Deed Records, Dallas County, Texas;

THENCE South 00 degrees 54 minutes 23 seconds East, along the East line of said Sunnyvale-Galloway Tract passing at the southwest corner of said Panginoon tract and continuing along the West line of said Richardson Addition, a total distance of 333.35 feet to the POINT OF BEGINNING and containing 639,809 square feet or 14.688 acres of land.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, Sunnyvale-Galloway Old Home Place Trust, acting by and through its duly authorized agents Deborah Parson Franklin and Eunice Wheat Futrell, Co-Trustees, does hereby adopt this plat, designating the herein described property as **EAST FORK ESTATES NO. 2 LOT 13R AND 14, BLOCK 2**, an addition to the Town of Sunnyvale, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility).

Witness, my hand at Town of Sunnyvale. This the \_\_\_\_ day of \_\_\_\_\_, 2016.

Deborah Parson Franklin, Co-Trustee

Eunice Wheat Futrell, Co-Trustee

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Deborah Parson Franklin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Signature

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Eunice Wheat Futrell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Signature

SURVEYOR'S STATEMENT

I, Gary E. Johnson, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the \_\_\_\_ day of \_\_\_\_\_, 2016.

**PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. (6/21/2016)**

Gary E. Johnson  
Texas Registered Professional Land Surveyor No. 5299

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Signature

- GENERAL NOTES:
- 1) BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983, (2011)
  - 2) THE PURPOSE OF THIS PLAT IS TO REPLAT INTO TWO LOTS.
  - 3) ACCORDING TO THE F.I.R.M. PANEL NO. 48113C0395K THE SUBJECT PROPERTY LIES IN ZONE X AND DOES NOT LIE WITHIN A FLOOD PRONE HAZARDS AREA AS SHOWN.
  - 4) COORDINATES SHOWN ARE STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES. NO SCALE AND NO PROJECTION.
  - 5) SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF TOWN SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.
  - 6) THERE ARE NO STRUCTURES ON THE SUBJECT TRACT.
  - 7) BOARD OF ADJUSTMENT LOT WIDTH VARIANCE APPROVED ON MAY 24, 2016.

- LEGEND
- D.R.D.C.T.
  - M.R.D.C.T.
  - O.P.R.D.C.T.
  - INST. NO.
  - VOL., PG.
  - SQ.FT.
  - IRON ROD FOUND
  - "X" CUT FOUND
  - IRON ROD SET
  - CONTROL MONUMENT
  - DEED RECORDS, DALLAS COUNTY, TEXAS
  - MAP RECORDS, DALLAS COUNTY, TEXAS
  - OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
  - INSTRUMENT NUMBER
  - VOLUME, PAGE
  - SQUARE FEET
  - "X" CUT FOUND
  - IRON ROD SET
  - CONTROL MONUMENT

RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING COMMISSION OF SUNNYVALE, TEXAS, on the \_\_\_\_ day of \_\_\_\_\_, 2016

ATTEST:  
\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Town Secretary

APPROVED BY TOWN COUNCIL OF SUNNYVALE, TEXAS, on the \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Town Secretary

OWNER  
SUNNYVALE-GALLOWAY  
OLD HOME PLACE TRUST  
DEBORAH PARSON FRANKLIN  
629 PECAN CREEK DRIVE  
SUNNYVALE, TX. 75182  
(972) 754-4990

EUNICE WHEAT FUTRELL  
2433 PINEHURST LANE  
MESQUITE, TX. 75150  
(972) 279-3730

SURVEYOR  
**TEXAS HERITAGE**  
SURVEYING, LLC

10610 Metric Drive, Suite 124, Dallas, TX 75243  
Office 214-340-9700 Fax 214-340-9710  
txheritage.com  
Firm #10169300



**FINAL PLAT  
REPLAT  
EAST FORK ESTATES NO. 2**  
LOT 13R AND 14, BLOCK 2  
14,688 ACRES  
BEING REPLAT OF LOT 13, BLOCK 2  
VOLUME 78230, PAGE 591 P.R.D.C.T.  
AND BEING A PORTION OF TRACT 1 OF  
SUNNYVALE-GALLOWAY OLD HOME PLACE TRUST  
THOMAS D. COATS SURVEY, ABSTRACT NO. 330  
TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS



**Notice of Application for replat  
Town of Sunnyvale  
Planning & Zoning Commission**

The Town of Sunnyvale has received a request from Sunnyvale Galloway Old Home Place Trust (Deborah Franklin) for a replat approval of the East Fork Estates No.2 Addition. The location of the property is shown on the attached exhibit. The replat is for 2 residential lots.

The Planning and Zoning Commission will hear this application on Monday, July 18, 2016 and the Town Council will consider the application on either Monday, July 25, 2016 or Monday, August 8, 2016. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The replat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact Rashad Jackson, Director of Development Services at (972) 203-4103 or [rashad.jackson@townofsunnyvale.org](mailto:rashad.jackson@townofsunnyvale.org).

- I am in favor of the replat
- I am opposed to the replat

Explanation:

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Signature:

*Mike Sage*

Printed Name:

MIKE SAGE

Address:

137 REBECCA

Date:

7/9/16



# Town of Sunnyvale

June 25, 2016

## Summary

### **UNIFIED DEVELOPMENT ORDINANCE UPDATE BY FREESE AND NICHOLS (FNI) – SUBDIVISION ORDINANCE**

In July 2015, Town Council approved the development of a Unified Development Ordinance (UDO) with the purpose of modernizing the Town's land development regulations and addressing major issues within the ordinances.

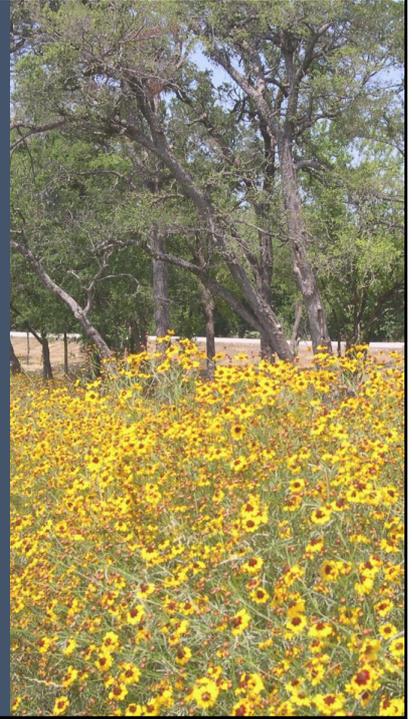
At a workshop held on January 18<sup>th</sup>, 2016, Town Council provided direction to proceed with the drafting of the subdivision procedures for the UDO. Freese and Nichols addressed Council comments and returned to provide an orientation and presentation of the proposed development process on April 25<sup>th</sup>, 2016. Upon review, direction was provided to FNI to proceed with the drafting of the subdivision section of the UDO. Freese and Nichols have returned to provide an update on the subdivision section of the proposed ordinance.

## Attachments

- UDO Update Handout

# SUNNYVALE UNIFIED DEVELOPMENT ORDINANCE (UDO)

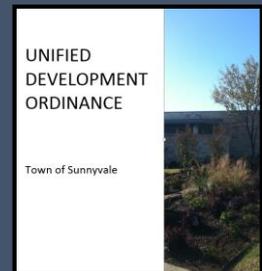
Monday, July 25, 2016  
Status Update  
Town Council Meeting



## WHAT IS A UDO?

- UDO = Unified Development Ordinance
- Combines land use and development ordinances
  - Zoning ordinance
  - Subdivision regulations
  - Urban design
  - Signage
  - Landscaping
  - Architectural standards

Consolidated, easy-to-understand document



# WHY UPDATE REGULATIONS?

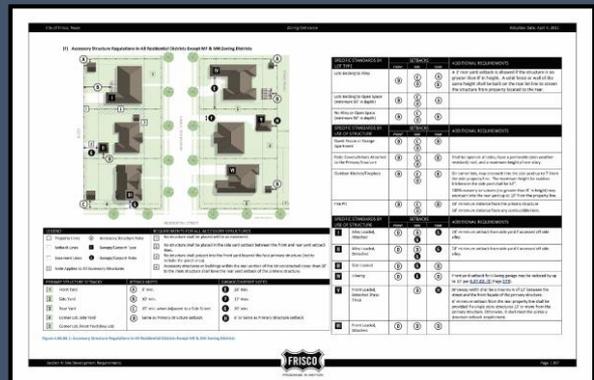
- Compliance with State law (vesting, timelines, etc.)
- Coordination with Comprehensive Plan Update
- Continue to promote quality development
- Current plans are cumbersome, confusing, and outdated
- Lack of graphics and illustrations



Over 450 pages of current ordinances!

# UDO KEY CONCEPTS

- User-friendly format
- Simplified development process
- Innovative planning principles
- Legally sound and fair document



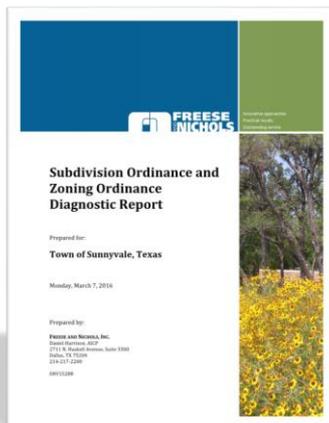
# UDO BENEFITS

- Everything is in one place
  - Easy to understand the big picture
  - Hard to “miss” what regulations apply
- Zoning and subdivision can be coordinated to work together
- One set of terms and definitions

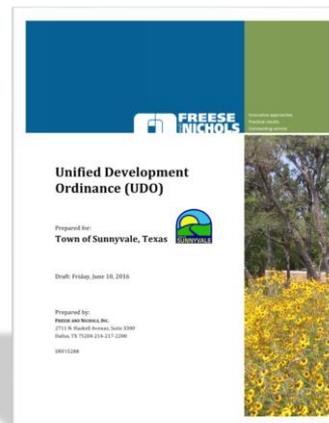


# STATUS

## Diagnostic Report



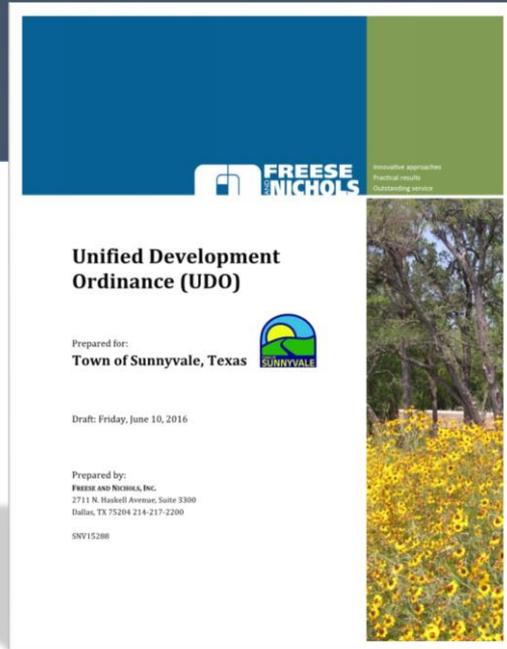
## UDO



# UDO

## Four Main Sections

- Section 1: UDO Provisions and Procedures
- Section 2: Subdivision Regulations
- Section 3: Zoning Regulations
- Section 4: Definitions



# UDO – SECTION 1

## Four Main Sections

- Section 1: UDO Provisions and Procedures
- Section 2: Subdivision Regulations
- Section 3: Zoning Regulations
- Section 4: Definitions

<b>Section 1. UDO Provisions and Procedures</b> .....	<b>3</b>
<b>1.01. General Provisions</b> .....	<b>3</b>
1.01.01. Title .....	3
1.01.02. Authority .....	3
1.01.03. Purpose .....	3
1.01.04. Violations and Fines .....	3
<b>1.02. Development Review Bodies</b> .....	<b>4</b>
1.02.01. Town Council .....	4
1.02.02. Planning & Zoning Commission .....	4
1.02.03. Zoning Board of Adjustment .....	6
1.02.04. Town Manager .....	9
1.02.05. Director of Development Services .....	9
1.02.06. Director of Engineering Services .....	10
1.02.07. Director of Public Works .....	10
1.02.08. Summary of Approval Authority of Fundamental Applications .....	11
<b>1.03. Universal Submittal and Processing Procedures</b> .....	<b>12</b>
1.03.01. General Application Processing .....	12
1.03.02. Pre-Application Meeting .....	14

# UDO – SECTION 1

## Four Main Sections

- Section 1: UDO Provisions and Procedures
- Section 2: Subdivision Regulations
- Section 3: Zoning Regulations
- Section 4: Definitions

**1.02.08. Summary of Approval Authority of Fundamental Applications**

Table 8: Summary of Approval Authority of Fundamental Applications

Application Type	Town Council	Planning & Zoning Commission	Zoning Board of Adjustment	Town Manager	Director of Development Services	Director of Engineering Services	Director of Public Works
<i>Subdivision-Related Applications</i>							
<a href="#">Preliminary Plat</a>	Approve	Approve			Review		
<a href="#">Final Plat</a>		Approve			Review		
<a href="#">Minor Plat</a>	Approve	Approve			Review		
<a href="#">Error! Reference source not found.</a>	Approve	Approve			Review		
<a href="#">Amending Plat</a>					Approve or Defeat		
<a href="#">Referral to the Commission of an Amending Plat Decision</a>		Approve					
<a href="#">Plat Violation</a>	Approve				Review and Recommendation		
<a href="#">Construction Plans</a>						Approve	
<a href="#">Extension of Construction Plans beyond Expiration Date</a>						Approve	
<a href="#">Site Construction Meeting</a>							Approve
<a href="#">Construction Release</a>						Approve	
<a href="#">Alternative Security</a>						Approve	
<a href="#">Construction Cost Estimate for Required Security</a>						Approve	
<a href="#">Inspection of Public Improvements</a>							Approve
<a href="#">Acceptance or Release of Improvements</a>							Approve
<a href="#">Administrative Waiver</a>					Approve		
<a href="#">Council Waiver</a>	Approve	Recommend					
<a href="#">Subdivision Corrective Action Report</a>	Approve				Recommend		
<i>Zoning-Related Applications</i>							

# UDO – SECTION 2

## Four Main Sections

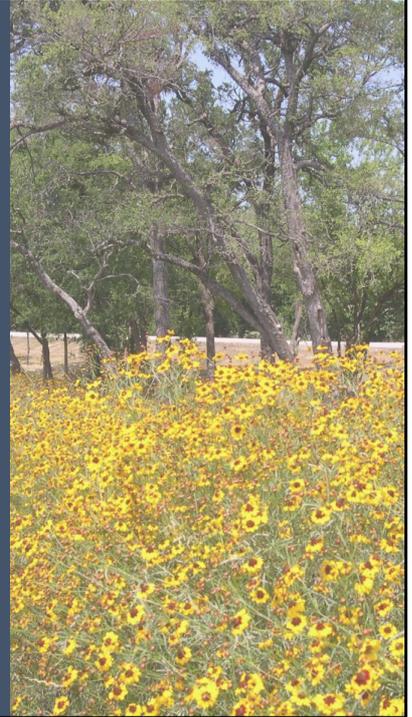
- Section 1: UDO Provisions and Procedures
- Section 2: Subdivision Regulations
- Section 3: Zoning Regulations
- Section 4: Definitions

## Subdivision Highlights

- Processes
  - Clarified and improved platting procedures
  - New development flow chart
  - Approvals (Acceptance Process)
- Standards
  - Reviewed and improved
  - Notice for 400'
  - Streets, sidewalks, lots, blocks, easements, and dedications.

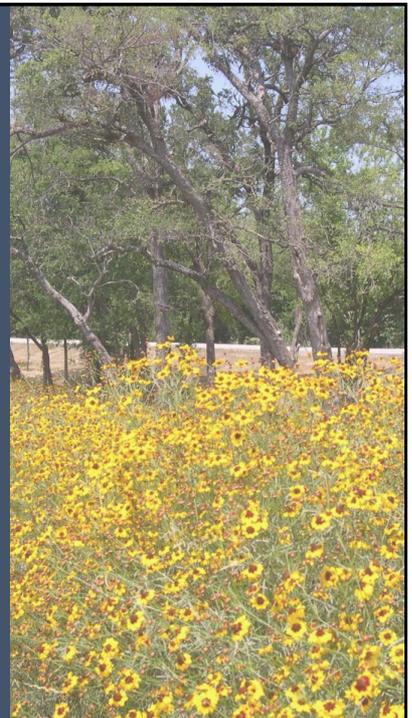
## WHAT'S NEXT?

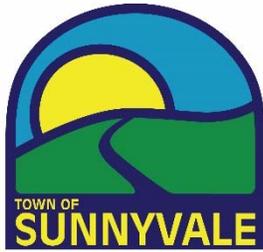
- Zoning Regulations (Three Part Approach)
  - Zoning Districts and Uses
  - Zoning Development Regulations
  - Zoning Procedures
- Consensuses on Entire Draft
- Adoption Process



## QUESTIONS?

Daniel Harrison, AICP  
*Project Manager*  
deh@freese.com





# Town of Sunnyvale

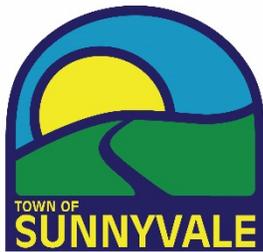
Prepared By: Justin Brown, P.E.

**Summary:**

**HEAR A STAFF PRESENTATION AND HOLD A DISCUSSION ON THE COLLINS ROAD PAVING AND DRAINAGE 60% DESIGN PLANS.**

**Background & Analysis:**

The Town's consulting engineer for the Collins Road reconstruction project, from SH 80 to Tripp Road, has recently submitted the 60% design plans for the Town's review and comment. Staff will present the 60% design plans to the Town Council and discuss the overall design of the roadway.



# Town of Sunnyvale

## FINANCE

Prepared By: Liz Hopkins

### Summary:

**CONSIDER ALL MATTERS INCIDENT AND RELATED TO APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERE TO.**

### Background & Analysis:

At the July 11, 2016 the Council directed staff to move forward with the financing option for the improvement of Collins Road from U.S. Highway 80 through the intersection of Tripp Road.

A representative from First Southwest will provide a presentation outlining the proposed issuance of Certificates of Obligations to finance the project.

Below is suggested timing in order to issue prior to setting the tax rate:

- 7/25: council consider and approve notice of intent to issue certificates
- 7/29: first newspaper publication (will need to confirm exact date with newspaper)
- 8/5: second newspaper publication (same day one week later)
- Week of 8/15: rating agency conference call
- 9/12: pricing overseen by FirstSouthwest
- 9/12: council approval and sale of certificates
- 9/12: adopt tax rate (after approval of certificates)
- 10/13: closing; receipt of funds

### Fiscal Impact:

Current Opinion of Probable Construction Costs	\$6,230,000
ROW Acquisition	<u>\$ 780,000</u>
Total Project	\$7,010,000
Dallas County Participation	\$2,900,000
Estimated Costs Expended since project inception	- 300,000
½ of Engineering Costs currently underway	<u>- 266,000</u>
Remaining Contribution	\$2,334,000
Remaining Construction Costs to be financed	\$4,676,000

The I&S rate would remain at current year levels and the Road Impact Fund would provide the first two years of debt service.

**Staff Recommendation:**

Accept the presentation.

**Attachments:**

Impact Report prepared by First Southwest

Resolution approving and authorizing publication of notice of intention to issue the Certificates of Obligation.

## RESOLUTION NO. 16-11

A RESOLUTION approving and authorizing publication of notice of intention to issue certificates of obligation.

WHEREAS, the Town Council of the Town of Sunnyvale, Texas, has determined that certificates of obligation should be issued under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271, for the purpose of paying contractual obligations to be incurred for (1) the construction of public works, to wit: street improvements, including drainage, curbs, gutters, utility line relocations, street lighting, traffic signalization and the acquisition of land and rights-of-way therefor, and (2) professional services rendered in connection with such projects and the financing thereof; and

WHEREAS, prior to the issuance of such certificates, the Town Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the Town, said notice stating (i) the time and place the Town Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the Town Council proposes to pay the certificates; now, therefore,

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

SECTION 1: The Town Secretary is hereby authorized and directed to cause notice to be published of the Town Council's intention to issue certificates of obligation in a principal amount not to exceed the amount set forth in **Exhibit A** attached hereto for the purpose of paying contractual obligations to be incurred for (1) the construction of public works, to wit: street improvements, including drainage, curbs, gutters, utility line relocations, street lighting, traffic signalization and the acquisition of land and rights-of-way therefor, and (2) professional services rendered in connection with such projects and the financing thereof, and such certificates shall be payable from ad valorem taxes and a limited pledge of the net revenues of the Town's combined Waterworks and Sewer System. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The Town Secretary shall cause the aforesaid notice to be published in a newspaper of general circulation in the Town, once a week for two consecutive weeks, the date of the first publication to be at least thirty-one (31) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall be in force and effect from and after its passage on the date shown below.

PASSED AND ADOPTED, this July 25, 2016.

TOWN OF SUNNYVALE, TEXAS

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Secretary

(Town Seal)

**EXHIBIT A****NOTICE OF INTENTION TO ISSUE TOWN OF  
SUNNYVALE, TEXAS, CERTIFICATES OF OBLIGATION**

TAKE NOTICE that the Town Council of the Town of Sunnyvale, Texas, shall convene at 7:00 o'clock P.M. on the 12<sup>th</sup> day of September, 2016, at the Sunnyvale Town Hall, 127 North Collins Road, Sunnyvale, Texas, and, during such meeting, the Town Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation, in one or more series, in a principal amount not to exceed \$4,765,000 for the purpose of paying contractual obligations to be incurred for (1) the construction of public works, to wit: street improvements, including drainage, curbs, gutters, utility line relocations, street lighting, traffic signalization and the acquisition of land and rights-of-way therefor, and (2) professional services rendered in connection with such projects and the financing thereof, and such certificates shall be payable from ad valorem taxes and a limited pledge of the net revenues of the Town's combined Waterworks and Sewer System. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271.

Leslie Black  
Town Secretary  
Town of Sunnyvale, Texas

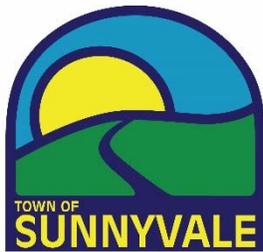
Schedule 1 - 7.25.2016  
**Town of Sunnyvale, Texas**  
**Tax Rate Impact Analysis**

**\$4,676,000 Proceeds - Series 2016 Certificates of Obligation - 20 year Repayment**

A	B	C	D	E	F	G	H	I	J	K	L	M	N
FYE	Taxable Assessed Valuation	Growth	Existing Debt Service	less: Utility Fund and 4A/4B Supported Debt Service	Existing Net Tax Supported Debt Service	Calculated I&S Tax Rate <sup>(1)</sup>	\$4,765,000 - Series 2016 10/13/2016 - 3.47%			less: Impact Fee Contribution	Aggregate Tax Supported Debt Service	Calculated I&S Tax Rate <sup>(1)</sup>	FYE
							Principal	Interest	Debt Service				
2016	\$ 924,290,514		\$ 1,221,785	\$ 551,117	\$ 670,668	0.0688	\$ -	\$ -	\$ -	\$ -	\$ 670,668	0.0688	2016
2017	974,562,499	5.44%	1,249,616	558,055	691,561	0.0732	-	135,908	135,908	177,085	650,384	0.0688	2017
2018	1,028,163,436	5.50%	1,084,172	386,290	697,882	0.0700	-	162,010	162,010	173,737	686,155	0.0688	2018
2019	1,074,430,791	4.50%	781,588	364,970	416,618	0.0400	140,000	159,630	299,630	-	716,248	0.0687	2019
2020	1,122,780,177	4.50%	774,388	365,401	408,986	0.0376	150,000	154,700	304,700	-	713,686	0.0655	2020
2021	1,167,691,384	4.00%	786,538	366,467	420,071	0.0371	145,000	149,685	294,685	-	714,756	0.0631	2021
2022	1,214,399,039	4.00%	658,975	367,201	291,774	0.0248	215,000	143,565	358,565	-	650,339	0.0552	2022
2023	1,256,903,005	3.50%	662,788	367,160	295,627	0.0242	220,000	136,170	356,170	-	651,797	0.0535	2023
2024	1,300,894,611	3.50%	670,850	370,785	300,065	0.0238	220,000	128,690	348,690	-	648,755	0.0514	2024
2025	1,333,416,976	2.50%	677,150	371,368	305,782	0.0236	225,000	121,125	346,125	-	651,907	0.0504	2025
2026	1,366,752,400	2.50%	682,650	370,655	311,995	0.0235	225,000	113,475	338,475	-	650,470	0.0491	2026
2027	1,387,253,686	1.50%	682,400	371,709	310,691	0.0231	235,000	105,655	340,655	-	651,346	0.0484	2027
2028	1,408,062,492	1.50%	681,475	370,240	311,235	0.0228	240,000	97,580	337,580	-	648,815	0.0475	2028
2029	1,415,102,804	0.50%	221,850	137,288	84,562	0.0062	305,000	88,315	393,315	-	477,877	0.0348	2029
2030	1,422,178,318	0.50%	218,494	135,211	83,282	0.0060	315,000	77,775	392,775	-	476,057	0.0345	2030
2031	1,429,289,210	0.50%	219,569	135,877	83,692	0.0060	325,000	66,895	391,895	-	475,587	0.0343	2031
2032	1,436,435,656	0.50%					335,000	55,675	390,675	-	390,675	0.0280	2032
2033	1,443,617,834	0.50%					350,000	44,030	394,030	-	394,030	0.0281	2033
2034	1,450,835,923	0.50%					360,000	31,960	391,960	-	391,960	0.0279	2034
2035	1,458,090,103	0.50%					375,000	19,465	394,465	-	394,465	0.0279	2035
2036	1,465,380,553	0.50%					385,000	6,545	391,545	-	391,545	0.0275	2036
			<u>\$ 11,274,286</u>	<u>\$ 5,589,793</u>	<u>\$ 5,684,492</u>		<u>\$ 4,765,000</u>	<u>\$ 1,998,853</u>	<u>\$ 6,763,853</u>	<u>\$ 350,822</u>	<u>\$ 12,097,524</u>		

(1) Tax collection percentage: 97.0%. Actual FY 2016 tax rate.

Maximum project I&S rate: 0.0688  
 Increase above FY 2016 I&S rate: 0.0000



# Town of Sunnyvale

Prepared By: Leslie Black, Town Secretary

**Summary:**

**DISCUSS AND CONSIDER A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS DESIGNATING AN OFFICIAL TOWN FLAG; AND PROVIDING AN EFFECTIVE DATE.**

**Background & Analysis:**

Sunnyvale resident, Ross Miracle, submitted a proposed design and draft resolution for a new official Town Flag in March 2015 but the resolution failed by a vote of 3/3.

In December 2015, Mr. Miracle submitted a petition requesting Council reconsider the proposal of adopting a new official Town Flag. Council directed Staff to devise a rough plan to accommodate Mr. Miracle's proposal for consideration.

In January of 2016, Staff presented a recommendation that included presenting the submissions to an ad-hoc committee to narrow down the selections to two designs plus the current Town flag for citizen feedback. The Council asked for citizens to provide submissions to be considered and solicit feedback from the community. Three designs were submitted by Sunnyvale residents. In the June utility bills, the three submitted designs along with the current Town flag were presented for feedback.

During the month of June, the Town received a total of 249 returned newsletters. 157 people recommended keeping the current flag design. 74 people recommended the flag designed by Ross Miracle, 1 person recommended the flag designed by Christine Tadlock, and 17 people recommended the design by Ilde Lopez.

At the July 11, 2016, Town Council Meeting the Council directed staff to prepare a resolution formally adopting the design currently used for the Town flag.

**Staff Recommendation:**

None.

**Attachment:**

Resolution

## RESOLUTION 16-12

### RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS DESIGNATING AN OFFICIAL TOWN FLAG; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Sunnyvale has determined that adopting an official Town Flag will increase pride in the Town of Sunnyvale, encourage citizens participation, and the use of such flag will be useful in promoting the Town of Sunnyvale in economic development activities; and

WHEREAS, the Town of Sunnyvale has used an unofficial flag for many years, which has been recognized by the citizens as designating official Town activities; and

WHEREAS, the Town Council desires to continue the use of an official Town flag and to insure that it is used properly for designating Town activities, the advancement of the interests of the Town, and for the benefit of the citizens of Sunnyvale; NOW THEREFORE

SECTION 1: The Town Council of the Town of Sunnyvale hereby adopts as the official flag of the Town of Sunnyvale a flag of the following general description:

The Sunnyvale flag is a rectangle that has a width to length ratio of two to three. It contains a field of white, and the Town Logo is in the center of the flag.

SECTION 2: Attached as an exhibit to this resolution is a picture of the official flag of the Town of Sunnyvale.

SECTION 3: That this resolution shall become effective immediately from and after the date of its passage.

PASSED, APPROVED, and ADOPTED on this the 25<sup>th</sup> day of July, 2016.

TOWN OF SUNNYVALE, TEXAS

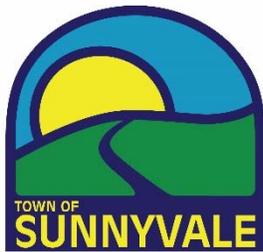
\_\_\_\_\_  
Jim Phaup, Mayor

ATTEST:

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

EXHIBIT





# Town of Sunnyvale

Prepared By: Sean Fox, Town Manager

**Summary:**

**DISCUSS AND REVIEW THE BACKGROUND AND DECISION PROCESS FOR PLANNING AND ZONING RECONSIDERATION OF SKORBURG APPLICATION FOR GLAZER PROPERTY.**

**Background:**

Skorburg submitted their original application and was initially heard by the Planning and Zoning Commission on March 21, 2016. The Planning and Zoning Commission recommended denial of the proposed zone change. The applicant appealed the Commission's decision to Town Council, was heard on April 11<sup>th</sup> and was denied.

Skorburg submitted an updated application on April 20<sup>th</sup>. The Zoning Ordinance states under Chapter 21, Section 21.7, paragraph 1, "whenever any development application is denied... an application for development permit for all or a part of the same property shall not be considered for a period of one (1) year from the date of denial unless the subsequent application involves a proposal that is materially different from the previously denied proposal." It was determined by the Town attorney that this updated application qualified as materially different due to its adherence with the base zoning districts 1 acre requirement. The updated application was heard by the Planning and Zoning Commission on May 16<sup>th</sup>, was tabled and then heard again on June 20<sup>th</sup>. P&Z once again recommended denial by a vote of 4 to 2.

Skorburg submitted appeal letter on June 29<sup>th</sup>, requesting their application be remanded by to Planning and Zoning for reconsideration. On July 7<sup>th</sup>, I officially notified Skorburg that according to our Zoning Ordinance, Chapter 21, Section 21.7, "The appeal shall contain a written statement of the reasons why the final decision is erroneous," and that no fact, statement or reason was provided in their appeal letter as to why the final decision made was erroneous. Additionally, I informed them there is no process or alternative method within our ordinances to allow a request to be remanded back to P&Z and doing such without good cause, sets the wrong precedence and displays a lack of respect for our Commission and their decision. For these reasons, and with concurrence of the Town Attorney, I informed them their appeal letter did not constitute a valid request and would not be considered by Council.

Upon receiving notification, Skorburg's attorney contacted David Dodd contending that the Town had failed to send Skorburg "a written statement setting forth the basis for this decision to deny the application," and therefore was not compliant with Section 21.2.B. That was not the case. Their attorney also questioned the legality of preventing any applicant from proceeding to Council, post P&Z, when the applicant requests it. Skorburg's attorney further went on to say they had been in touch with member(s) of the P&Z and at least one was under the impression Skorburg would have another opportunity to modify their application and present to P&Z.

After consultation with David, it was determined that only possible option, per parliamentarian procedures, was if one of the majority or in this case, dissenting votes were willing to make a

motion to reconsider and it was approved, Skorburg's application could be brought back before P&Z and would not have to meet the materially different standard outlined in Section 21.7.

This information was shared with the Chairman of the Planning and Zoning Commission and Staff was directed to put it on the next agenda. P&Z met on July 18, 2016 and a motion to reconsider was made and approved by a vote of 5 to 2.

**Fiscal Impact**

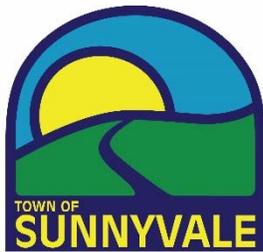
None.

**Staff Recommendation:**

None.

**Attachments:**

None.



# Town of Sunnyvale

Prepared By: Sean Fox, Town Manager

**Summary:**

**REVIEW LATEST SCHEDULE AND PLANS FOR ROAD REPAIR**

**Background & Analysis:**

As a result of an agreement with Dallas County to rebuild/reconstruct five miles of road per year for the next three years, Council approved a Project Specific Agreement (PSA) with Dallas County to jointly identify and fund repairs, maintenance and improvements on duly qualified "Type B" public roadway within the Town on March 14, 2016. The PSA outlined the project would consist of the reconstruction of Town East, Tripp and East Fork Roads.

Reliant on Dallas County's availability, slated reconstruction was originally scheduled for late May or June. Due to weather delays and previous obligations, Dallas County has shifted the anticipated start date 3-4 times. As of the date of this memo, the anticipated starting date remains August 1<sup>st</sup> if not the week prior. Due to the recent damage and deterioration of Jobson Road, the PSA is being revised to reduce the eastern limit on Tripp Road, removed East Fork Road and in place of, reconstruct Jobson Road between Tripp & Town East Roads. These changes are being made without any fiscal impact to the PSA and Dallas County has assured Staff the approval of the updated PSA will not impact the start time of the project.

Dallas County has projected reconstruction will take approximately five weeks to complete, but Staff feels eight weeks is more likely. Notification of the road repairs is being passed along to our residents via the Town's website, FB page and is included in the next water bill insert.

**Fiscal Impact:**

None.

**Staff Recommendation:**

None.

**Attachment:**

Update Attachment B to Dallas County PSA



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
<b>\$384,299.00</b>	<b>\$1,189,473.00</b>	<b>\$805,174.00</b>

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

