



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
CONFERENCE ROOM - 127 N. COLLINS RD  
MONDAY, JANUARY 23, 2017  
6:00 P.M.**

**ABSENT**

**MAYOR  
MAYOR PRO-TEM, & PLACE 2  
COUNCILMEMBER, PLACE 1  
COUNCILMEMBER, PLACE 3  
COUNCILMEMBER, PLACE 4  
COUNCILMEMBER, PLACE 5  
COUNCILMEMBER, PLACE 6**

**JIM PHAUP  
SAJI GEORGE  
KARA RANTA  
MARK EGAN  
JIM WADE  
KAREN HILL  
CHRIS MCNEILL**

**CALL MEETING TO ORDER**

Mayor Pro-Tem George called the meeting to order at 6:10 p.m. Mayor Phaup was absent.

**1. DISCUSS AND CONSIDER EXPANDING THE OPENGOV PLATFORM.**

Finance Director Liz Hopkins and Steve Zelezny, with OpenGov, provided an overview of the capabilities of OpenGov and the budget builder program.

**ADJOURN**

Mayor Pro-Tem George adjourned the meeting at 7:12 p.m.

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

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

ATTEST:

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



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, JANUARY 23, 2017  
TOWN HALL - 127 N. COLLINS RD.  
7:00 P.M.**

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

**INVOCATION**

Councilmember McNeill led the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem George led the Pledge of Allegiance.

**CALL MEETING TO ORDER**

Mayor Pro-Tem George called the meeting to order at 7:12 p.m. Mayor Phaup was absent.

**PUBLIC FORUM**

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

**NEW EMPLOYEE INTRODUCTION**

Town Manager Sean Fox introduced new Water/Wastewater Maintenance Technician Jonathan Garza.

**CONSENT AGENDA ITEMS 1 THROUGH 9:**

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

- 1. MINUTES OF SPECIAL TOWN COUNCIL MEETING – OCTOBER 26, 2015.**
- 2. MINUTES OF REGULAR TOWN COUNCIL MEETING – OCTOBER 26, 2015.**
- 3. MINUTES OF SPECIAL TOWN COUNCIL MEETING – NOVEMBER 9, 2015.**
- 4. MINUTES OF REGULAR TOWN COUNCIL MEETING – NOVEMBER 9, 2015**
- 5. MINUTES OF REGULAR TOWN COUNCIL MEETING – DECEMBER 12, 2016.**

6. **MINUTES OF JOINT MEETING WITH TOWN COUNCIL AND THE PLANNING & ZONING COMMISSION – JANUARY 7, 2017.**
7. **MINUTES OF SPECIAL TOWN COUNCIL MEETING – JANUARY 9, 2017.**
8. **MINUTES OF REGULAR TOWN COUNCIL MEETING – JANUARY 9, 2017.**
9. **DISCUSS AND CONSIDER ORDINANCE 17-01: AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD IN SAID TOWN AT THE NEXT UNIFORM ELECTION DATE ON THE 6TH DAY OF MAY, 2017, FOR THE PURPOSE OF ELECTING A MAYOR AND TOWN COUNCIL PLACES 3 AND 4; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD, MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATING TO THE PURPOSE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Items 2 and 8 were removed from the Consent Agenda.

Councilmember Egan made a motion, seconded by Councilmember McNeill, to approve Items 1, 3, 4, 5, 6, 7, and 9 of the Consent Agenda. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.

Members of the Council directed Staff to make changes to Items 2 and 8 and place them on a future agenda for approval.

### **PUBLIC HEARING**

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

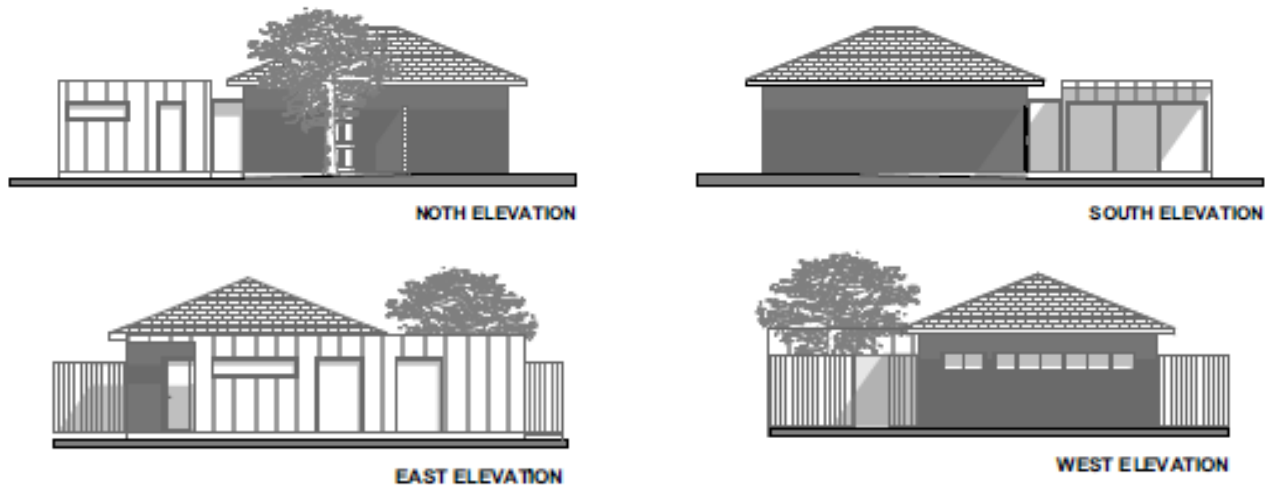
### **DEVELOPMENT SERVICES**

10. **APPLICANT: FRED ANGEL RODRIGUEZ**  
**AT OR ABOUT: 204 SUNRAY LANE**  
**REQUEST: CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT**

Director of Development Services Rashad Jackson introduced the request. The applicant owns the property located at 204 Sunray Lane. The property is currently zoned SF-2 and is approximately 1.5 acres in size. The applicant is requesting a conditional use permit to construct an accessory dwelling at the rear of the subject property. The purpose of the conditional use permit is to allow for the construction of a mother-in-law suite. The applicant proposes to convert the existing garage into an accessory dwelling. When complete, the accessory dwelling would be approximately 1,000 square feet in size.

The applicant states the dwelling will have a masonry facade with large pane glass windows. Plans show only the garage portion of the dwelling will be visible from the right of way. A portion of the dwelling will be located behind an existing fence.

In Chapter 7 of the zoning ordinance, Section 7.3.G. establishes that accessory dwelling units are allowed by conditional use permit (CUP) pursuant to Section 19.1. Section 19.1.B establishes minimum development standards for accessory dwelling units (maximum number of stories, minimum lot size, masonry requirements and maximum wall height). Upon review, staff notes that the applicant fails to meet the following requirements of Section 19.1.B. The applicant requests approval of variations from the standard. All other details of the proposed request meet the accessory dwelling requirements.



- a. **Minimum Lot Size:** No accessory dwelling unit may be constructed on a lot less than 2 acres in size. The applicant's lot is approximately 1.5 acres in size.

#### Standards for Accessory Dwelling Units – Section 19.1.B

A dwelling unit to be occupied by family members or caretakers may be allowed as an accessory use to the principal dwelling unit under the following conditions and when approved as a conditional use pursuant to Chapter 24

- The accessory dwelling unit must be constructed to the rear of and separate from the principal dwelling unit.
- No accessory dwelling unit may be constructed on a lot less than 2 acres in size.
- The accessory dwelling unit may be constructed only with the issuance of a building permit and shall be constructed out of the same material as the principal structure.

*The main home is constructed with a masonry facade. It is approximately 5,000 square feet in size.*

- The accessory dwelling unit may not be sold separately from sale of the entire property, including the principal dwelling unit, and shall not be leased or sublet.
- The accessory dwelling shall not have a setback less than the primary structure from the front lot line, nor less than ten (10) feet from either side line, nor may it occupy more than ten (10) percent of the minimum required rear yard (i.e., building foot print).

*The rear yard area for the principal building is approximately 15,000 square feet. The proposed accessory dwelling is approx. 1,000 square feet in size.*

- When the accessory dwelling is directly attached to the principal dwelling, it shall be considered an integral part of the principal building and shall meet all requirements for the principal building.

Public notice was provided to the Town's Official Newspaper for publication on December 28, 2016. Letters were also sent to property owners within 400' on January 5, 2017. The total number of letters sent was twenty (20). As of the release of the staff memo, three (3) responses had been received in favor.

At the Planning and Zoning Commission Meeting held on January 17, 2017, Commissioner Sandler made a motion to approve, seconded by Commissioner Moss. Chairman Demko called for a vote, the motion passed unanimously.

In the Planning and Zoning Commission's and Town Council's consideration of the application, changes or variations to district standards can be considered. Section 24.2 of the zoning ordinance reads as follows:

24.2.A: Whenever an applicant for a conditional use permit seeks to vary or waive any of the regulations or standards applicable within the zoning district, he shall clearly identify such variation or waiver on the site plan required by this chapter.

24.2.B: In order to implement the purposes of this chapter, the Town Council may grant variations or waivers to zoning district standards that have been requested by an applicant and specifically identified in the application, only if it determines that the proposed use is appropriate for the site and that such variations or waivers are necessary to render the use compatible with adjoining land uses and consistent with the purpose of the district in which the use is proposed.

Final approval of the variation requests made by the applicant would be left up to Planning & Zoning and Town Councils' discretion. The subject property lot size does not meet the minimum size required for an accessory dwelling. All other details of the proposed request meet the accessory dwelling requirements. Staff is open to considering the applicant's variation request so as long as all other details (final building plans) of the proposed building meets the standards set forth by the Sunnyvale zoning ordinance, building code and fire code.

Staff recommended approval with the submittal of a revised set of plans noting all materials proposed. The proposed location and size of the accessory dwelling would not adversely affect the surrounding neighborhood.

In response to a question by Councilmember Wade, Director of Development Services Rashad Jackson stated that is accessory dwelling will convert an existing garage to a dwelling.

Councilmember Hill stated that moving forward there will need to be assurances that garage foundations are poured to the same design standards as homes if they are to be converted to living quarters.

In response to a question by Councilmember McNeill, Director of Development Services Rashad Jackson stated that this request does not meet the requirement for the property to be a minimum of two acres in size; however, there is a provision within the Zoning Ordinance that allows the Council to grant a variance to that requirement.

Applicant Fred Rodriguez, 204 Sunray, stated that the home has an additional 3-car garage for parking and storage.

In response to a question by Councilmember Hill, Director of Development Services Rashad Jackson stated that future requests to subdivide the property would not meet zoning regulations.

Mayor Pro-Tem George opened the Public Hearing. No comments were provided. Mayor Pro-Tem George closed the Public Hearing.

In response to a question by Councilmember Wade, Director of Development Services Rashad Jackson stated the building materials would be brick and similar to the existing home.

In response to a question by Councilmember Hill, Director of Development Services Rashad Jackson stated that Conditional Use Permits are unique to a property and do not set a precedence.

Councilmember Egan made a motion, seconded by Councilmember McNeill, to approve a Conditional Use Permit for an accessory dwelling subject to the staff recommendations based on the facts that the accessory dwelling is a modification of an existing structure on a property utilizing existing setbacks, and waiving the 2-acre minimum requirement for lot size. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.

## **DISCUSSION/ACTION ITEMS:**

### **DEVELOPMENT SERVICES**

- 11. APPLICANT: MICAH & RYAN HARGRAVE**  
**AT OR ABOUT: 232 BARNES BRIDGE**  
**REQUEST: RESIDENTIAL CONSTRUCTION STANDARD EXCEPTION**

Director of Development Services Rashad Jackson introduced the request. The applicant has made a request to Town Council to allow for an exterior material exception for a proposed residential home located at 232 Barnes Bridge Road. The subject property is located within a SF-2 residential zoning district.

Chapter 20 of the zoning ordinance stipulates all residential buildings located in a SF-2 zoning district are required to be constructed with at least ninety percent (90%) masonry (excluding doors and windows) or with material of equal characteristics in accordance with the Town's building code. Masonry is defined as and limited to the following materials: brick, stone, tilt-up concrete with aggregate exposed, poured or cast in place concrete with an approved designed exterior, decorative haydite or concrete blocks or tile, glass curtain walls or glass blocks and stucco.

The use of stucco may not exceed forty (40) percent of the total exterior. The remaining ten percent (10%), except for chimneys, may be constructed of Hardiboard or its equivalent. All chimneys are to be 100% masonry.

The applicant has submitted an exception request to build a home that exceeds the maximum percentage allowed for Hardiboard.

Section 20.8.A.2.e of the zoning ordinance establishes that residential homes are allowed the right to request an exception to the Town exterior construction standards. An excerpt of the exception language is noted below.

- 20.8.A.2.e

*Exceptions:*

*These rules (construction standards) are not intended to prevent architectural creativity. Consideration of exceptions shall be based only on the following criteria and shall be presented to the Town Council for final determination:*

- (1) Architectural design and creativity. For single-family residential uses, architectural variances may be considered for, but not limited to, Gingerbread, Victorian, English Tudor, or Log designs.*
- (2) Compatibility with surrounding developed properties*
- (3) Accessory buildings two hundred (200) square feet or less are excluded from these provisions. Barns on property of two (2) acres or more if such barns are used solely for agricultural as distinguished from commercial or industrial purposes shall be exempt from provisions of this section.*

The proposed dwelling would be constructed with a Hardiboard and stone accented façade and a standing seam metal roof. All other details of the proposed home (setbacks, height and acreage) appear to meet the required development standards for the zoning district.

Staff recommends approval. Final approval of the variation requests made by the applicant would be left up to Town Councils' discretion. Staff finds the proposed request will not be detrimental to the character of the surrounding neighborhood. The proposed home will meet all other standards set forth by the Sunnysvale zoning ordinance, building code and fire code.

In response to a question by Councilmember Hill, Director of Development Services Rashad Jackson stated that Town ordinances specify that this request requires Town Council approval.

The applicant, Micah Hargrave, 232 Barnes Bridge Road, stated that they are seeking a modern farmhouse look for the home. In response to questions from the Council regarding durability of

hardiboard materials, the applicant stated that hardiboard is a cement product and has a manufacturer warranty of 50 years.

After additional discussion, Mayor Pro-Tem George opened the Public Hearing. No comments were provided. Mayor Pro-Tem George closed the Public Hearing.

Town Engineer Justin Brown stated that the concern with hardiboard is maintenance and the need to paint every ten years.

Councilmember Egan stated that the idea was growing on him. There will be some adjacent property owners that will have concerns, that were not noticed as this type of request is handled differently.

Councilmember Wade made a motion, seconded by Councilmember Ranta, to approve a residential construction standard exception to allow 80% hardiboard, and 20% masonry, for a home at or about 232 Barnes Bridge, as presented. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 4/2. Mayor Pro-Tem George and Councilmember Hill voted in opposition. Mayor Phaup was absent.

## **FINANCE**

### **12. CONSIDER THE AWARD OF A CONTRACT TO REPLACE THE TILE AT THE DALLAS SHERRIFF'S OFFICE SUBSTATION AS A RESULT OF THE FOUNDATION WORK PERFORMED.**

Finance Director Liz Hopkins introduced the item. The foundation repairs to the Dallas Sheriff's Office substation were completed in mid-September 2016 and the next step is to replace the tile floors. Town staff has received three bids that range from \$ 3.98 per square foot to \$13.24 per square foot with Dal Tile donating the tile for the project. Due to the three bids reflecting different square footage, staff standardized the square footage at 3,345 and calculated the total on a per square foot cost.

|              |                            |
|--------------|----------------------------|
| Watson Tile: | \$ 3.98 x 3,345 = \$13,311 |
| Mario Garza: | \$ 7.50 x 3,345 = \$25,084 |
| ServPro      | \$13.24 x 3,345 = \$44,288 |

The estimated cost associated with the foundation repair was included in the mid-year budget review in 2015-2016 at \$69,800 with a total cost of \$53,615 for the actual foundation work and cable repair. The remaining \$16,185 lapsed due to the completion date of the foundation repair and the new amount, if approved, will be included in the 2016-2017 mid-year budget review process.

Staff recommended awarding a contract to Watson Tile in an amount not to exceed \$14,800.00 for the replacement of approximately 3,345 square feet of tile at the Dallas Sherriff's Office substation.

After discussion regarding the quality of work, and knowledge of the different vendors, Councilmember Hill made a motion, seconded by Councilmember Egan, to approve a contract to replace the tile at the Dallas Sherriff's Office substation in an amount not to exceed \$15,000 for approximately 3,345 square feet. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.



## **TOWN SECRETARY**

### **13. DISCUSS PROPOSED MEETING SCHEDULE FOR 2017.**

Town Manager Sean Fox provided an overview of the proposed meeting schedule for 2017.

## **TOWN MANAGER**

### **14. DISCUSS COSTS AND FUNDING OPTIONS FOR THE EXPANSION OF COLLINS ROAD.**

Town Manager Sean Fox stated last September, Council was presented a chronological listing of the engineering, ROW acquisition and construction cost estimates for Collins Road from the Traffic Impact Analysis in October 2015, through design approval and then through the 30%, 60% and 90% design phases. Council directed Staff to work with Dallas County and the engineers to identify where savings could be realized without sacrificing quality and performance. Additionally, Council wanted to give Dallas County time to consider the Town's request to increase their funding participation based on the updated cost estimates.

Through value engineering, construction costs were able to be reduced \$227,551. Some costs/items that were originally shown in the ROW estimates were also already included in the engineering costs, so by further refining each estimate, another \$21,463 in savings was identified for a total savings or reduction in costs of \$249,014.38. Additionally, Dallas County District 3 Commissioner agreed to commit an additional \$1M to the project reducing the overall Town Obligation from approximately ~\$5.6M to ~\$4.4M

The Finance Department provided exhibits for Council's review and consideration. Town Manager Sean Fox stated that Staff is seeking direction from Council on how to proceed with the long-term planning for all phases of the Collins Road expansion which, once started, will require a continued commitment to provide funding through reserves and/or increased debt with resulting tax impacts to residents. Inconvenience to residents and the general public will be unavoidable, as with any major street construction, and increased traffic concerns in the corridor and possible mitigation steps will need to be considered.

Councilmembers provided feedback regarding the project. Mayor Pro-Tem George stated that it seemed the general consensus was to ask the Town's Financial Advisors, First Southwest, to provide tax impact analysis, payment information, and a financial plan for the Collins Road expansion project.

### **15. DISCUSS AND CONSIDER APPROVAL OF THE FIRST AMENDMENT TO THE PROJECT SPECIFIC AGREEMENT WITH DALLAS COUNTY FOR PAVING AND DRAINAGE IMPROVEMENTS ON COLLINS ROAD FROM TRIPP TO US 80.**

Town Manager Sean Fox stated on January 25, 2016, Dallas County and the Town approved a Project Specific Agreement (PSA) to the Master Agreement governing Transportation Major Capital

Improvement Projects (MCIP), for the purpose of paving and drainage improvements on Collins Road from Tripp to US 80, MCIP Project 22602\_3 (Res. 16-03).

Project Specific Agreements (PSA) specifically identify the project and outlines the rights and responsibilities of each of the parties. Staff previously reported there would be a total of three separate PSAs related to this project; Design, Right of Way (ROW) Acquisition and Construction. Upon clarification from the County, Staff was informed there will be one PSA for design and engineering with an amendment to include ROW Acquisition with the Town identified as the lead agency and a second/separate PSA to cover construction with Dallas County identified as the lead agency. The original PSA was specific to the design and had a cost estimate of \$600,000. This First Amendment extends the agreement to include Design and Right of Way Acquisition and increases the cost estimate to \$1,400,000. The Town and the County's obligation are not to exceed \$700,000 each.

Councilmember McNeill made a motion, seconded by Councilmember Hill to approve the first amendment to the Project Specific Agreement with Dallas County for paving and drainage improvements on Collins Road from Tripp to US 80 in an amount not to exceed a total of \$1,400,000 with the Town of Sunnyvale and Dallas County each responsible for a 50/50 share of total expenditures. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.

## **MAYOR & COUNCIL**

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

Councilmember Egan asked that Staff review options for the following:

- An ordinance addressing volume of music/advertisements at gas stations so that such music/advertisements are not audible at the property line regardless of wind directions.
- Regulations regarding the placement and aesthetics of antennae placed on top of water towers and other towers.
- Requirements for dumpster screening walls to be tall enough to completely screen the enclosed dumpster.
- Truck route signs at the intersection of East Fork and Polly Roads.
- Abandoned and boarded up structure on Barnes Bridge between Polly and the park as it could be used for illicit activities.
- Contacting TCEQ or Kaufman County regarding dust from the concrete pulverizing operation along Lawson Road.

Councilmember Ranta stated that it would be useful to revisit the 2014 Traffic Impact Analysis and associated recommendations.

**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.

**REAL ESTATE AT OR ABOUT THE NORTHEAST CORNER OF TRIPP AND JOBSON**

Councilmember Hill made a motion, seconded by Councilmember Ranta, to recess into Executive Session at 9:33 p.m. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.

**END OF EXECUTIVE SESSION**

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

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

**A. SECTION 551.072 REAL PROPERTY**

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

**REAL ESTATE AT OR ABOUT THE NORTHEAST CORNER OF TRIPP AND JOBSON**

Mayor Pro-Tem George reconvened the Town Council Meeting in open session at 10:04 p.m. Councilmember Egan made a motion, seconded by Councilmember Hill, to authorize the Town Manager to enter into a contract to purchase property at or about the northeast corner of Tripp and Jobson Roads for an amount not to exceed \$400,000. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the motion passed 6/0. Mayor Phaup was absent.

**ADJOURN**

Mayor Pro-Tem George adjourned the meeting at 10:05 p.m.

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

---

Mayor Jim Phaup

ATTEST:

---

Leslie Black, Town Secretary