

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

**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
RONNIE HENDERSON, JR.
JIM WADE
KAREN HILL
JOHN BAILEY**

CALL MEETING TO ORDER

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

EXECUTIVE SESSION

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

EXECUTIVE SESSION AGENDA:

A. SECTION 551.087 ECONOMIC DEVELOPMENT

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

PROSPECT AT SUNNYVALE CENTRE

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

END OF EXECUTIVE SESSION

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

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

A. SECTION 551.087 ECONOMIC DEVELOPMENT

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

PROSPECT AT SUNNYVALE CENTRE

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

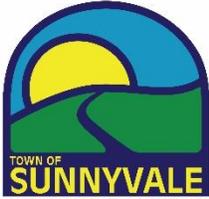
ADJOURN

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

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary



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

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

INVOCATION

Councilmember Hill led the invocation. Councilmember McNeill was absent.

PLEDGE OF ALLEGIANCE

Mayor Phaup led the Pledge of Allegiance.

CALL MEETING TO ORDER

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

PUBLIC FORUM

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

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

CONSENT AGENDA ITEMS 1 THROUGH 3:

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

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

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

DISCUSSION/ACTION ITEMS:

ECONOMIC DEVELOPMENT

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

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

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

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

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

The 4A Development Corporation previously assigned \$1,100,000 for the design and construction of the project with the expectation that half of the total project costs will be

reimbursed to the Corporation via an assessment placed on the benefitted property owners by the Town. On January 28, 2016 the Town received ten bids with \$883,070.40 representing the lowest bid amount by Excel Trenching & Utilities. Staff estimates the total project cost will be approximately \$1,100,000.

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

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

Mayor Phaup left meeting at 7:32.

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT SERVICES

6. DISCUSS AND CONSIDER SECOND READING OF ORDINANCE 16-03: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, AMENDING CHAPTER 8, *OFFENSES AND NUISANCES*, BY REPLACING ARTICLE 8.200, *JUNKED VEHICLES* AS SHOWN IN EXHIBIT A PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Director of Development Services Rashad Jackson stated in November 2015, Town staff held a code enforcement workshop for Council. At the workshop, staff provided an update for the current status of code enforcement within the Town and also noted some future updates to the Town Code.

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

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

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

Staff recommends approval.

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

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

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

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

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

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

Director of Development Services Rashad Jackson introduced the item stating that in 2015, Town staff held a code enforcement workshop for Council. At the workshop, staff provided an update for the current status of code enforcement within the Town and also noted some future updates to the Town Code.

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

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

- Maintenance on private property – required mow distance changed from 150 from a right of way to 100 feet from a right of way. Proposed change will make enforcement less complicated and more consistent with typical mow distance requirements.
- Primary Entry Corridors – designated high visibility areas that the Town will insure the first ten (10) feet away from the paved road surface will be maintained.

- Minimum administrative charge of \$50.00 – in the event of abatement, a bill for the actual cost incurred plus an administrative charge of 15% of the cost incurred or \$50.00, whichever is greater, has been required.
- Reward removed – the current ordinance allows for a reward of twenty-five dollars (\$25.00) to be paid to a person who reports anyone “dumping” along any public right of way upon prosecution and conviction of said offense. Staff believes that the removal of the reward would not deter a person from reporting an offense.

Staff recommends approval.

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

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

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

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

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

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

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

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

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

Councilmember Hill made a motion, seconded by Councilmember Egan to approve Ordinance 16-04, amending Section 6.2.02 to be the maintenance of public property adjacent to private property, Section 6.2.03 to be Primary Corridors, and the title to be Maintenance along Primary Corridors. Mayor Pro-Tem George called for a vote, and with all members voting affirmative, the item passed 5/0. Councilmember McNeill was absent. Mayor Phaup left at 7:32 p.m.

TOWN MANAGER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAYOR & COUNCIL

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

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

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

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

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

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

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

ADJOURN

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

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

Mayor Jim Phaup

ATTEST:

Leslie Black, Town Secretary