

MINUTES
Town of Sunnyvale
Town Council
Regular Meeting
127 N. Collins Rd.
Monday, Aug. 26, 2019
7 p.m.

Mayor
Mayor Pro-Tem, & Place 1
Councilmember, Place 2
Councilmember, Place 3
Councilmember, Place 4
Councilmember, Place 5
Councilmember, Place 6

Saji George
Ryan Finch
Kevin Clark
Mark Egan
Jim Wade
Larry Allen
Jonathan Freeman

Invocation:

Councilmember Wade led the Invocation.

Pledge of Allegiance:

Mayor George led the Pledge of Allegiance.

Call Meeting to Order:

Mayor George called the meeting to order at 7:10 p.m., stated all members were present.

Introductions:

1. Introduce new Public Works employee David Fields.

Public Works Director Bryan Creed introduced David Fields as the Town's newest Public Works employee.

Announcements:

Councilmember Wade discussed the Library fundraiser and asked that it be added to the project matrix.

Councilmember Clark reminded citizens about the traffic laws around the school.

Town Manager Susan Guthrie announced that the Town is still accepting Boards and Commission applications and reminder that National Night Out will be Oct. 1, 2019 at Town Centre Park.

Public Forum:

No public comments.

Recognitions:

2. Recognition of individuals for their volunteer hours at the Town's animal shelter.

Animal Control Frank Locke recognized Cindy Bornowski, Deborah Franklin, Pam Locke, Diane Shreer, Michelle Weed, Traci Clark and Briana Woods for their commitment, dedication and efforts as shelter helper volunteers.

Consent Agenda Items:

3. Department Monthly Reports - July 2019.
4. Consider approval of minutes for the regular meeting of the Town Council for Aug. 12, 2019.
5. Consider approval of minutes for the special meeting of the Town Council for Aug. 19, 2019.

Councilmember Freeman made a motion to approve consent agenda items as presented, seconded by Councilmember Clark. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

Presentations:

6. Legislative Legal Review Presentation by Messer, Fort & McDonald Law Firm.

Town Land Use Attorney, Brenda McDonald gave a presentation related to legislation including House Bill 2439, House Bill 2497 and House Bill 3167.

Public Hearing:

7. Discuss, consider and act upon the second reading of ordinance 19-24, an amendment for the Unified Development Ordinance (Zoning and Subdivision Ordinance) and Building Code ordinances to cause said ordinances to be in compliance with House Bill 2439 & House Bill 2497 that take effect on Sept. 1, 2019: An ordinance of the Town of Sunnyvale, enacting amendments to the Town Unified Development Ordinance (Zoning Ordinance) and Building Code regulations; providing for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings, rules and proceeding before the Zoning Board of Adjustment; providing for appeals; providing related directives to the Town Manager; providing a conflict clause; providing a savings/repealing, penalty and severance clause; providing for publication and setting an effective date.

Director of Development Services Rashad Jackson introduced the item.

Mayor George opened the public hearing and with no one coming forward, he closed the public hearing.

Councilmember Allen made a motion to adjourn into executive session at 8:33 p.m. pursuant to Section 551.071 Consultation with Attorney, seconded by Councilmember Clark. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

Mayor George reconvened the meeting into open session at 8:57 p.m.

Mayor Pro-Tem Finch made a motion to approve Resolution 19-24 as presented, seconded by Councilmember Clark. Mayor George called for a vote and with all members except Councilmember Allen voting affirmative, motion passed 6/1.

8. Discuss, consider and act upon the second reading of ordinance 19-25, an amendment for the Unified Development Ordinance (Zoning and Subdivision Ordinance) and Building Code ordinances to cause said ordinances to be in compliance with House Bill 3167 that take effect on Sept. 1, 2019: An ordinance of the Town of Sunnyvale, Texas, enacting amendments to the Town Unified Development Ordinance (Subdivision Ordinance); providing for compliance with new state legislation affecting procedures for approving plats, re-plats and related site plans; providing a conflict clause; providing a severance clause; and setting an effective date.

Mayor George opened the public hearing and with no one coming forward, he closed the public hearing.

Mayor Pro-Tem Finch made a motion to approve Resolution 19-25 as presented, seconded by Councilmember Clark. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

9. Hold a public hearing and discussion on the 2019-2020 proposed budget and tax rate.

Mayor George opened the public hearing and with no one coming forward, he closed the public hearing.

Discussion/Action Items:

10. Discuss, consider and act upon the second reading of Ordinance 19-13; an ordinance of the Town of Sunnyvale, Texas, amending the code of ordinances of the Town of Sunnyvale, as amended from time to time, by adopting Appendix 'A,' entitled Master Fee Schedule, by amending pertinent sections; providing for a penalty; providing a severability clause; providing a repealer clause; providing an effective date; and providing for the publication of the caption.

Councilmember Allen made a motion to approve Ordinance 19-13 with an increase to the residential permit fees for \$.96, seconded by Mayor Pro-Tem Finch. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

11. Discuss, consider and act upon Resolution 19-26; a resolution of the Town Council of the Town of Sunnyvale, Texas, establishing a Traffic Calming Policy for residential street safety.

Councilmember Clark made a motion to approve Resolution 19-26 with the addition that Staff has the ability to amend, seconded by Mayor Pro-Tem Finch. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

12. Discuss, consider and act upon the first reading of Ordinance 19-21 of the Town Council of the Town of Sunnyvale, Texas ratifying a tax rate of \$0.456700.

This item was considered following item number 13.

Mayor Pro-Tem Finch made a motion to approve Ordinance 19-21 as presented, seconded by Councilmember Clark. Mayor George conducted a roll call vote.

Councilmember Wade – yes
Councilmember Egan – yes
Councilmember Freeman – yes
Mayor Pro-Tem Finch – yes
Councilmember Allen – yes
Councilmember Clark – yes
Mayor George - yes

13. Discuss, consider, and act upon the first reading of Ordinance 19-22 of the Town Council of the Town of Sunnyvale, Texas making appropriations for the support of the Town of Sunnyvale for the fiscal year beginning Oct. 1, 2019, and ending Sept. 30, 2020; and adopting the annual budget of the Town of Sunnyvale for the 2019-2020 fiscal year.

This item was considered prior to item 12.

Mayor Pro-Tem Finch made a motion to approve Ordinance 19-22 as presented, seconded by Councilmember Freeman. Mayor George conducted a roll call vote.

Councilmember Wade – yes
Councilmember Egan – yes
Councilmember Freeman – yes
Mayor Pro-Tem Finch – yes
Councilmember Allen – yes

Councilmember Clark – yes
Mayor George - yes

14. Discuss, consider, and act upon the first reading of Ordinance 19-23 by the Town Council of the Town of Sunnyvale, Texas providing for the levying of property taxes for tax year 2019; and enacting provisions relating to the subject and purpose of this ordinance.

Mayor Pro-Tem Finch made a motion to approve Ordinance 19-23 as presented, seconded by Councilmember Clark. Mayor George conducted a roll call vote.

Councilmember Wade – yes
Councilmember Egan – yes
Councilmember Freeman – yes
Mayor Pro-Tem Finch – yes
Councilmember Allen – yes
Councilmember Clark – yes
Mayor George - yes

15. Follow up on items requested from the Town Council during the Aug. 19 meeting regarding building fee comparisons and enforcement of construction hours.

Town Manager Susan Guthrie advised that the building fee comparisons were being addressed.

Building Official Doug Key updated Council regarding the process for enforcing after hours construction.

16. Mayor and Council requests for future staff updates and agenda items.

Mayor and Council did not have any request.

Executive Session:

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

Councilmember Allen made a motion to adjourn into executive session at 9:45 p.m., seconded by Councilmember Clark. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

17. Section 551.087 - Economic Development
To deliberate the offer of a financial or other incentive to a business prospect.

Project Italian

18. Section 551.074 - Personnel Matters

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

Town Attorney

End of Executive Session:

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

Mayor George reconvened the meeting into open session at 10:09 p.m.

19. Consider any official action on the executive session closed meeting items

Discuss, consider and act upon the Performance Agreement by and between Etalia Cucina, LLC and the Sunnyvale 4B Development Corporation as presented.

Councilmember Freeman made a motion to approve Resolution 19-28 as presented, seconded by Councilmember Clark. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

Discuss, consider and act upon the Performance Agreement by and between Etalia Cucina, LLC and the Sunnyvale 4A Development Corporation as presented.

Councilmember Freeman made a motion to approve Resolution 19-27 as presented, seconded by Councilmember Clark. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

Discuss, consider and act upon an agreement for legal services and appointment of a Town Attorney.

Councilmember Freeman made a motion to appoint Messer, Fort and McDonald as the Town's Attorney effective immediately and to authorize Town Manager Susan Guthrie to execute the contract, seconded by Councilmember Clark. Mayor George called for a vote and with all members voting affirmative, motion passed 7/0.

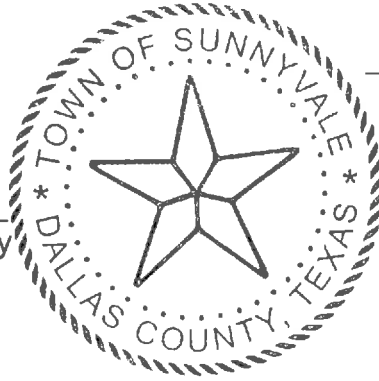
Adjourn

Mayor George adjourned the meeting at 10:12 p.m.

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

ATTEST:

Rachel Ramsey
Rachel Ramsey, Town Secretary



[Signature]

Mayor Saji George