

**TOWN OF SUNNYVALE
TOWN COUNCIL MEETING**

**AUGUST 11, 2011
7:00 PM**

**Specially Called Meeting
6:00 PM**



**AGENDA
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIALLY CALLED MEETING
AUGUST 11, 2011
6:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS WILL CONDUCT A SPECIALLY CALLED MEETING ON AUGUST 11, 2011 AT 6:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTION 551.041 AND GOVERNMENT CODE SECTION 551.071. ITEMS TO BE DISCUSSED:

- **CALL MEETING TO ORDER**

- **CONVENE INTO EXECUTIVE SESSION PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071 - LITIGATION**
EXECUTIVE SESSION AGENDA:
 1. **LITIGATION - DEWS VS TOWN OF SUNNYVALE**
 2. **LITIGATION - VULCAN LANDS LLC VS TOWN OF SUNNYVALE**

- **RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE EXECUTIVE SESSION**

- **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 SECTIONS 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 551.086 (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 THIS THE 8TH DAY OF AUGUST 2011 IN THE FOLLOWING LOCATIONS

**TOWN HALL AT 127 N. COLLINS ROAD SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE**

KATHRYN DEWEY, TOWN SECRETARY



**AGENDA
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
AUGUST 11, 2011
7:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS WILL CONDUCT A REGULAR MEETING ON AUGUST 11, 2011 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTIONS 551.0411. ITEMS TO BE DISCUSSED:

- **CALL TOWN COUNCIL MEETING TO ORDER**
- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**

1. CONSENT AGENDA

(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)

- A. APPROVAL OF MINUTES - REGULAR MEETING 07-11-11**
- B. APPROVAL OF MINUTES - REGULAR MEETING 07-25-11**
- C. APPROVAL OF MINUTES - SPECIAL MEETING 07-25-11**
- D. APPROVAL OF MINUTES - BUDGET WORKSHOP 08-02-11**

• **PUBLIC FORUM**

(CITIZENS MAY SPEAK ON ANY MATTER OTHER THAN PERSONNEL MATTER 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.)

• **DISCUSSION/ACTION ITEM**

2. CONSIDER ORDINANCE NO. 540: WATER RATIONING AND DROUGHT CONTINGENCY PLAN

3. CONSIDER COUNCIL APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION, HWY 190 AND HOME RULE COMMITTEES

4. TAKE RECORD VOTE TO SET PUBLIC HEARING DATES OF AUG. 22, 2011 AND SEPT. 12, 2011 TO CONSIDER A PROPOSED TAX RATE FOR FINAL ADOPTION ON SEPT. 26, 2011

5. DISCUSSION PROPOSED 2011-2012 BUDGET - ALL FUNDS

- **COUNCIL REPORTS AND REQUESTS**
- **MAYOR REPORTS AND REQUESTS**
- **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 551.086 (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 THIS THE 8TH DAY OF AUGUST 2011 IN THE FOLLOWING LOCATIONS:

**TOWN HALL AT 127 N. COLLINS ROAD SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE**

KATHRYN DEWEY, TOWN SECRETARY



AGENDA ITEM SUMMARY

TO: Town Council
FROM: Scott Campbell, Town Manager *SC*
RE: **ITEM 1:** Consent
DATE: August 5, 2011

Minutes from July and August meetings attached.



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL WORKSHOP
AUGUST 2, 2011
7:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A SPECIALLY CALLED MEETING ON TUESDAY, AUGUST 2 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTION 551.041. THOSE PRESENT WERE:

MAYOR	JIM PHAUP
MAYOR PRO-TEM	KAREN HILL
COUNCILMEMBER	PAULA YATES
COUNCILMEMBER	SAJI GEORGE
COUNCILMEMBER	RONNIE HENDERSON, JR
COUNCILMEMBER	PAT WILEY

• **CALL SPECIAL TOWN COUNCIL MEETING TO ORDER**

Mayor Pro-Tem Hill called the meeting to order at 7:00 p.m.

• **WORKSHOP TO DISCUSS PROPOSED FISCAL YEAR 2011-2012 BUDGET – ALL FUNDS**

Discussion was held between the Town Council Members and Town Staff Directors regarding the General Fund Budget proposals for fiscal year 2011-2012. Supplemental requests presented for consideration included personnel issues, vehicle replacement program, software upgrades, staff training, road maintenance, tools, uniforms and equipment.

The continued budget discussion was scheduled for Monday, August 8, 2011 at the regularly scheduled council meeting.

• **ADJOURN**

Mayor Phaup adjourned the meeting at 8:50 p.m.

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

Mayor Jim Phaup

ATTEST:

Kathryn Dewey, Town Secretary



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIALLY CALLED MEETING
JULY 25, 2011
6:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A SPECIALLY CALLED MEETING ON JULY 25, 2011 AT 6:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTION 551.041, 551.071 AND GOVERNMENT CODE SECTION 551.074. THOSE PRESENT WERE:

MAYOR	JIM PHAUP
MAYOR PRO-TEM	KAREN HILL
COUNCILMEMBER	PAULA YATES
COUNCILMEMBER	SAJI GEORGE
COUNCILMEMBER	RONNIE HENDERSON, JR
COUNCILMEMBER	PAT WILEY

- **CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 6:10 p.m.

- **CONVENE INTO EXECUTIVE SESSION PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071 - LITIGATION AND 551.074 PERSONNEL**

EXECUTIVE SESSION AGENDA:

1. **LITIGATION - DEWS VS TOWN OF SUNNYVALE**
2. **LITIGATION - VULCAN LANDS LLC VS TOWN OF SUNNYVALE**
3. **PERSONNEL - TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE**

Motion was made by Councilmember Hill to adjourn into executive session. Motion seconded by Councilmember Yates. Motion carried unanimously.

Mayor Phaup adjourned into executive session at 6:11 p.m.

Mayor Phaup reconvened into regular session at 7:19 p.m.

- **RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE EXECUTIVE SESSION**

No action taken.

- **ADJOURN**

Mayor Phaup adjourned the meeting at 7:19 p.m.

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

Mayor Jim Phaup

ATTEST:

Kathryn Dewey, Town Secretary

A TAPE RECORDING OF THIS MEETING IS ON FILE AT TOWN HALL. THESE MINUTES ARE CONDENSED THEREFROM



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
JULY 25, 2011
7:00 P.M.**

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MAYOR
MAYOR PRO-TEM
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER

JIM PHAUP
KAREN HILL
PAULA YATES
SAJI GEORGE
RONNIE HENDERSON, JR
PAT WILEY

• **CALL TOWN COUNCIL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:19 p.m.

• **INVOCATION**

The invocation was given by Mayor Phaup

• **PLEDGE OF ALLEGIANCE**

Mayor led the pledge of allegiance.

1. CONSENT AGENDA

(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)

A. APPROVAL OF MINUTES - REGULAR MEETING 07-11-11

B. APPROVAL OF MINUTES - SPECIAL MEETING 07-11-11

Motion was made by Councilmember Hill table the minutes from July 11, 2011. Motion seconded by Councilmember Wiley. Motion carried unanimously.

Motion was made by Councilmember Hill to approve the special meeting of 07-11-11. Motion seconded by Councilmember Wiley. Motion carried unanimously.

• **PUBLIC FORUM**

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There were no public comments.

• **DISCUSSION/ACTION ITEM**

2. CONSIDER ORDINANCE NO. 538: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, PROVIDING FOR SUSPENSION OF THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR PERMITS FOR DEVELOPMENT OR CONSTRUCTION OF HEAVY INDUSTRIAL USES IN THE GENERAL BUSINESS, HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICTS IN THE TOWN OF SUNNYVALE, TEXAS, AND OF REZONING APPLICATIONS FOR SUCH USES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A TERM; PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Phaup read Item #2 into the record. He explained the ordinance would suspend acceptance and processing of applications of permits for development or construction of heavy industrial uses for 120 days.

Terry Morgan, Town Attorney, stated the Sunnyvale zoning ordinance was very aged and industrial uses needed to be clearly defined.

Mayor Phaup opened the floor for public comments. There were no public comments.

Motion was made by Councilmember Henderson to approve Ordinance 538 as presented. Motion seconded by Councilmember Yates. Motion carried 5/0.

• **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:

3. APPLICATION FOR PRELIMINARY AND FINAL PLAT

APPLICANT: TROY NELSON

AT OR ABOUT: 350 MICHAEL LANE

REQUEST: NELSON ADDITION

Steve Gilbert, Building Official, explained that a preliminary and final plat had been requested by Troy Nelson at 350 Michael Lane to allow him to build a new home. He asked for consideration of the lot size for SF3 zoning.

Troy Nelson was present to answer any questions. He stated an aerobic system would be constructed.

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Mayor Phaup opened the public hearing. There were no public comments. Mayor Phaup closed the public hearing.

Motion was made by Councilmember Hill to approve the preliminary and final plat for Troy Nelson at or about 350 Michael Lane for the Nelson Addition subject to:

- 1) Variance approving SF3 zoning for 0.73 acre lot;
- 2) Verification that the required Town monuments have been set as indicated on the final plat;
- 3) Applicant must be successful in obtaining a septic system permit from Dallas County.

Motion seconded by Councilmember George. Motion carried unanimously.

• **DISCUSSION/ACTION ITEMS**

4. FY 2010 AUDIT REPORT/PRESENTATION

Danny Strunce with Yeldell, Wilson & Co Certified Public Accountants presented Audit Report 2009-2010. The Audit Report showed General Fund Balance at \$1,617,652, Utility \$176,761, Water and Sewer Impact Fees \$1,406,252 and Road Impact Fees \$550,960.

Motion was made by Councilmember Yates to approve fiscal year 2009-2010 Audit Report as presented. Motion seconded by Councilmember Wiley. Motion carried unanimously.

5. ORDINANCE NO. 539: AN ORDINANCE AMENDING ORDINANCE NUMBER 534 WHICH MADE APPROPRIATIONS FOR THE SUPPORT OF THE TOWN OF SUNNYVALE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; AND AMENDING THE ANNUAL GENERAL FUND BUDGET OF THE TOWN OF SUNNYVALE FOR THE 2010-2011 FISCAL YEAR.

Scott Campbell stated Ordinance 539 represented a budget amendment regarding B-Road expenditures to maximize Dallas County's original commitment for a 50% match.

Motion was made by Councilmember Henderson to approve Ordinance 539 as presented. Motion seconded by Councilmember Wiley. Motion carried unanimously.

6. RESOLUTION 11-17- A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY CONCERNING COST SHARING OF ROADWAY REPAIR EXPENSES.

Scott Campbell stated Resolution 11-17 amended the current agreement with Dallas County to add the B-Roads as discussed in Item #5.

Motion was made by Councilmember George to approve Resolution 11-17 as presented. Motion seconded by Councilmember Hill. Motion carried unanimously.

7. CONSIDER COUNCIL APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION, HWY 190 AND HOME RULE COMMITTEES

Motion was made by Councilmember Hill to table the council appointments until the next regularly scheduled Town Council Meeting, August 8, 2011. Motion seconded by Councilmember Wiley. Motion to table carried unanimously.

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8. SB 100 - ELECTION DISCUSSION/UPDATE

Scott Campbell and Kathryn Dewey updated the Town Council on future May elections.

• **COUNCIL REPORTS AND REQUESTS**

No reports given.

• **MAYOR REPORTS AND REQUESTS**

Mayor Phaup reminded a strategic planning session was planned for Tuesday, July 26, 2011.

• **ADJOURN**

Mayor Phaup adjourned the meeting at 8:13 p.m.

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

Mayor Jim Phaup

ATTEST:

Kathryn Dewey, Town Secretary

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**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
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MAYOR
MAYOR PRO-TEM
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER

JIM PHAUP
KAREN HILL
PAULA YATES
SAJI GEORGE
RONNIE HENDERSON, JR
PAT WILEY

• **CALL TOWN COUNCIL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:13 p.m.

• **INVOCATION**

Councilmember George gave the invocation.

• **PLEDGE OF ALLEGIANCE**

Mayor Phaup led the pledge of allegiance.

1. CONSENT AGENDA

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A. APPROVAL OF MINUTES - REGULAR MEETING 06-27-11

B. APPROVAL OF MINUTES - SPECIAL MEETING 06-27-11

C. APPROVAL OF MINUTES - SPECIAL MEETING 07-05-11

Motion was made by Councilmember Hill to approve the consent agenda as presented. Motion seconded by Councilmember Wiley. Motion carried unanimously.

• **PUBLIC FORUM**

(CITIZENS MAY SPEAK ON ANY MATTER OTHER THAN PERSONNEL MATTER 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.)

Public Comments:

1) Steve Pettit, 360 S. Larkin Rd. spoke to the council regarding the issues surrounding the possible road closure of Berry Rd.

2. PUBLIC INPUT ON UPCOMING BUDGET

There were no public comments.

• **DISCUSSION/ACTION ITEMS**

3. RESOLUTION 11-16, A RESOLUTION OF THE TOWN OF SUNNYVALE TOWN COUNCIL APPROVING AN AGREEMENT WITH THE UNION PACIFIC RAILROAD FOR A REIMBURSEMENT OF COSTS ASSOCIATED WITH THE TOWN'S CLOSURE OF THE BERRY ROAD PUBLIC RAILROAD CROSSING USDOT NO. 794810U AND EASEMENT ACROSS THE RAILROAD'S PROPERTY

Mayor Phaup read Item #3 into the record. Scott Campbell, Town Manager, advised this resolution represented an agreement with the Union Pacific Railroad to reimburse the Town's costs for the permanent road closure of the Berry Road railroad crossing. Mr. Campbell gave a brief history of the request from the railroad.

Motion was made by Councilmember Wiley to approve Resolution 11-16 as presented. Motion seconded by Councilmember Henderson. Motion carried 5/0.

4. CONSIDER COUNCIL APPOINTMENTS TO 4A DEVELOPMENT CORPORATION, 4B DEVELOPMENT CORPORATION, LIBRARY BOARD, AND BOARD OF ADJUSTMENT, HOME RULE CHARTER COMMITTEE, AND THE HWY 190 ADVISORY COMMITTEE

Sunnyvale 4A Development Corporation:

Motion was made by Councilmember Hill to appoint:

David Carlile for a 2-year term expiring in 2013

Terrie Shatter for a 2-year term expiring in 2013

Bill Metzger for a 2-year term expiring in 2013

Motion seconded by Councilmember Henderson. Motion carried 4/1 with Councilmember Wiley opposed.

Sunnyvale 4B Development Corporation:

Motion was made by Councilmember Henderson to appoint:

John Bailey for a 2-year term expiring in 2013

Motion seconded by Councilmember Wiley. Motion carried 3/2 with Councilmembers Hill and Yates opposed.

Motion was made by Councilmember Hill to appoint:

Warren Kampmeier for a 2-year term expiring in 2013

Motion seconded by Councilmember Yates. Motion carried 3/2 with Councilmembers Henderson and Wiley opposed.

Motion was made by Councilmember Yates to appoint:

Cindy Bornowski for a 2-year term expiring in 2013

Motion seconded by Councilmember Hill. Motion failed 2/3 with Councilmembers Henderson, Wiley and George opposed.

Motion was made by Councilmember Henderson to appoint:

Kara Ranta for a 2-year term expiring in 2013

Motion seconded by Councilmember Hill. Motion carried 5/0.

Motion was made by Councilmember Henderson to appoint:

Michael Giordano for a 1-year term expiring in 2012

Motion seconded by Councilmember Wiley. Motion carried 4/1 with Councilmember Yates opposed.

Sunnyvale Library Board:

Motion was made by Councilmember Hill to appoint:

Mary Hughes for a 2-year term expiring in 2013

Carolyn Trammell for a 2-year term expiring in 2013

Katie Frazier for a 2-year term expiring in 2013

Rajan Philip for a 2-year alternate term expiring in 2013

Motion seconded by Councilmember Yates. Motion carried 5/0.

Board of Adjustment:

Motion was made by Councilmember Hill to appoint:

Fred Miller for a 2-year term expiring in 2013

Dale Graves for a 2-year term expiring in 2013

Laela Naghela EL for a 2-year term expiring in 2013

Diane De La Garza for a 2-year term expiring in 2013

Motion seconded by Councilmember George. Motion carried 5/0.

5. DISCUSSION AND STAFF PRESENTATION REGARDING PROPOSED REVISIONS TO CURRENT HUNTING REGULATIONS

Scott Campbell explained the staff request for review of current hunting regulations. Sgt. Jacks spoke to the council regarding resident complaint calls. Several mapping options were discussed.

Public Comments:

1. **Bragg Smith**, E-S Ranch, spoke concerned about revisions restricting protection of cattle on significant tracts of land.
2. **Diane Turner**, 228 Barnes Bridge, asked the council to involve landowners in recreational hunting regulations.
3. **Connie Pullen**, 252 Barnes Bridge Rd, explained that when he had a problem with predators he would carry a gun as he saw fit. He advised he thought the council was overstepping their authority.
4. **Mike Sage**, 137 Rebecca Rd, discussed issues with controlling predators at his orchards.

No action taken.

• **CONVENE INTO EXECUTIVE SESSION PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071 - LITIGATION**

EXECUTIVE SESSION AGENDA:

1. LITIGATION - DEWS VS TOWN OF SUNNYVALE

2. LITIGATION - VULCAN LANDS, LLC VS TOWN OF SUNNYVALE

Motion was made by Councilmember Hill to adjourn into executive session. Motion seconded by Councilmember Wiley. Motion carried 5/0.

Mayor Phaup adjourned into executive session at 8:20 p.m.

Mayor Phaup reconvened into regular session at 9:00 p.m.

• **RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE EXECUTIVE SESSION**

No action.

• **COUNCIL REPORTS AND REQUESTS**

Councilmember George invited those present to attend a Medical Camp hosted by St. Paul's Mar Thoma Church on July 22, 2011 located at 1002 Barnes Bridge Rd, Mesquite, TX 75150.

• **MAYOR REPORTS AND REQUESTS**

Mayor Phaup thanked everyone who donated at the Lexi Johnson carwash. He reminded everyone a planning meeting would be held on Thursday, July 14, 2011.

• **ADJOURN**

Mayor Phaup adjourned the meeting at 9:05 p.m.

Minutes
Town Council Meeting
July 11, 2011
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The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Mayor Jim Phaup

ATTEST:

Kathryn Dewey, Town Secretary

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ARE CONDENSED THEREFROM



AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *SC*

RE: **ITEM # 2: Consideration of Ordinance No. 540: Revising the Water Conservation and Drought Contingency Plan**

DATE: July 21, 2011

The North Texas Municipal Water District (NTMWD) has asked that its member and customer cities amend their respective Water Conservation and Drought Contingency Plans to coincide and better reflect amendments to the NTMWD plan. The most significant change involves restrictions associated with Stage 2 rationing. Currently, our plan does not limit residential, automated irrigation to twice per week until Stage 3. Amendments to the NTMWD plan include the 'twice per week watering' limitation for Stage 2, and this ordinance incorporates that change.

In addition to the request to amend our plans for consistency, NTMWD is requiring all cities to implement Stage 2 rationing by August 19 (please see the attached press release and notification from NTMWD). Upon approval of this ordinance, it is our plan to immediately distribute a town wide notification of the watering rationing schedule to include the map of watering zones found on exhibit A of the ordinance.

TOWN OF SUNNYVALE, TEXAS

ORDINANCE NO 540

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 11, ARTICLE 11.900 BY PROVIDING FOR A REVISED ARTICLE 11.900, ET. SEQ., WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; ESTABLISHING VOLUNTARY AND MANDATORY RESTRICTIONS ON WATER USAGES, ESTABLISHING EMERGENCIES; PROVIDING FOR DISCONTINUANCE OF WATER SERVICE AND FINES OF UP TO TWO THOUSAND DOLLARS FOR EACH DAY OF VIOLATION; REQUIRING THAT CULPABLE MENTAL STATE NEED NOT BE PROVED FOR A CONVICTION OF AN OFFENSE UNDER THIS ORDINANCE; PROVIDING FOR CERTAIN EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in order to assure that the health, safety and general welfare of the citizens are adequately preserved, it is believed that the changes set forth herein will be in the interest of the public health, safety and general welfare and will help to obtain the foregoing objectives;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sunnyvale, Texas:

Section 1. That the above recitals are found to be true and correct and are incorporated herein for all purposes.

Section 2. That Chapter 11, Article 11.900 of the Code of Ordinances, Town of Sunnyvale, Texas, is hereby amended to read as follows:

**ARTICLE 11.900 WATER CONSERVATION AND DROUGHT
CONTINGENCY PLAN**

§ 11.901 Scope

There is hereby established the Town of Sunnyvale Emergency Water Conservation and Drought Contingency Plan.

§ 11.902 Declaration of Policy

It is hereby declared that, because of the conditions prevailing in the Town of Sunnyvale, the general welfare requires that the water resources available to the Town of Sunnyvale be put to the maximum beneficial use to the extent to which they are capable, and that the waste or

unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interest of the people of the Town of Sunnyvale and for the public welfare. The Sunnyvale Water Conservation and Drought Contingency Plan (the “Water Contingency Plan”) existing on this date, and more particularly approved by Ordinance 415, is official Town policy for the conservation of water.

§ 11.903 Authorization

The Town Administrator or his/her designate is hereby authorized and directed to implement the applicable provisions of this article upon their determination that such implementation is necessary to protect the public welfare and safety.

§ 11.904 Application

The provisions of this article shall apply to all persons, customers, and property served by the Town of Sunnyvale water system wherever situated.

§ 11.905 Water Conservation Stages

No customer of the Town of Sunnyvale Water Department shall knowingly make, cause, use, or permit the use of water received from the Town for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary in excess of that use permitted by the conservation state in effect pursuant to action taken by the Town Administrator or his/her designate, in accordance with the provision of this article.

The Water Contingency Plan set forth the criteria for determining when a particular conservation stage is to be implemented and terminated. Such guidelines shall be updated when in the opinion of the Town Administrator or his designee, the conditions of the water system have changed so as to necessitate such update.

The Town Administrator or official designee may order the implementation of any of the following actions as deemed necessary:

Stage 1 - Voluntary Conservation – Customers of the Town of Sunnyvale are requested to voluntarily limit the amount of water to that amount necessary for health, business and irrigation.

- Request voluntary reductions in water use by the public and by wholesale customers.
- Notify wholesale customers of actions being taken and request implementation of similar procedures.
- Increase public education efforts on ways to reduce water use.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Notify major water users and work with them to achieve voluntary water use reductions.

- Reduce city government water use for landscape irrigation.
- Ask the public to follow voluntary landscape watering schedules and to wait until the current drought or emergency situation has passed before establishing new landscaping.

Stage 2 – Mandatory Compliance – Moderate Conditions -- Upon implementation by the Town Administrator or official designee, posting of notice, posting on the Town website at www.townofsunnyvale.org, or by publication in local newsletter, the following restrictions shall apply to all persons:

- Continue or initiate any actions available under Stage 1.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems to no more than two days per week in accordance with the Water Zone Map attached hereto in Exhibit “A”. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy. An exemption is also allowed for registered and properly functioning drip irrigation systems, which do not have restrictions to the number of days per week of operation.
- **Requires Notification to TCEQ** – Restrict landscape and lawn irrigation from 10 AM to 6 PM beginning April 1 through October 31 of each year. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- **Requires Notification to TCEQ** – Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements.
- Use of water for the irrigation of open space, golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 10:00p.m. and 5:00 a.m. However, if the open space or golf course utilizes a water source other than that provided by the Town of Sunnyvale, the facility shall not be subject to these regulations.
- Allowing treated water to run off property to a gutter or ditch shall be prohibited.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 6:00 a.m. and between 3:00 p.m. and 6:00 p.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is

contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Town of Sunnyvale.

Stage 3 – Mandatory Compliance – Severe Conditions –Upon implementation by the Town Administrator or official designee, posting of notice, posting on the Town website at www.townofsunnyvale.org, or by publication in local newsletter, the following restrictions shall apply to all persons:

- Continue or initiate any actions available under Stages 1 and 2.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.
- No new landscaping shall be installed until such time that all drought contingency stage restrictions have been discontinued.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Prohibit hosing of paved areas, buildings, or windows. (Pressure washing of impervious surfaces is allowed.)
 - Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff nozzle.
 - Prohibit using water in such a manner as to allow runoff or other waste.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days in accordance with Exhibit “A” Water Zone Map. Allowed watering day per zone shall be as designated as follows: Zone 1 – Monday; Zone 2 – Thursday; Zone 3 – Tuesday; Zone 4 – Friday; Zone 5 - Wednesday. Watering times shall be between 6pm to 10am ONLY. Exceptions are as follows:
 - Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
 - Public athletic fields used for competition may be watered on Tuesday and Friday of each week between 6pm and 10am.
 - Locations using other sources of water supply for irrigation may irrigate without restrictions.
 - Properly functioning drip irrigation systems may irrigate without restrictions.

- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. In accordance with the Water Zone Map, the allowed watering days each month are as follows – Zones 1 & 5 - first and third Friday; Zone 2 - first and third Monday; Zone 3 – second and fourth Tuesday; Zone 4 – second and fourth Thursday.
- **Requires Notification to TCEQ** – Prohibit hydroseeding, hydromulching, and sprigging.
- **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss). Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 6:00 a.m. and between 3:00 p.m. and 6:00 p.m.
- **Requires Notification to TCEQ** - Initiate a rate surcharge as imposed by NTMWD.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water available to Member Cities and Customers, impose the same percent reduction on wholesale customers.
- **Requires Notification to TCEQ** – The watering of open space and golf course fairways is prohibited unless the golf course utilizes a water source other than that provided by the Town of Sunnyvale
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall be limited to those stations that reclaim and recycle their water.
- No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect

Stage 4 – Mandatory Compliance – Critical Conditions –Upon implementation by the Town Administrator and publication or posting of notice or posting on the Town website at www.townofsunnyvale.org, or notices to each water customer through the Municipal Newsletter, the following restrictions shall apply to all persons.

- Continue or initiate any actions available under Stages 1, 2, and 3.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.

- **Requires Notification to TCEQ** – Prohibit commercial and residential landscape watering, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
- **Requires Notification to TCEQ** – Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the Town Manager or official designee.
- **Requires Notification to TCEQ** – The Town will require all commercial water users and users with special needs, such as livestock and aquatic life to reduce water use by a percentage established by the Town Manager. The Town Manager shall notify TCEQ within five (5) business days when this requirement is implemented.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over normal rates for all water use.

In addition to the foregoing, the Mayor of the Town of Sunnyvale may declare an emergency in accordance with Stage 5 of the Water Contingency Plan, and may order the implementation of other actions conserving water where it is necessary to preserve the public health and safety.

§ 11.906 Mandatory Conservation Stage Implementation

The Water Superintendent shall monitor the projected supply and demand for water by the customers on a daily basis during the year and shall recommend to the Town Administrator the extent of the conservation required through the implementation or termination of particular conservation stages in order for the water department to prudently plan for and supply water to its customers. Such recommendations shall, at minimum, include implementation of actions set forth in the Water Contingency Plan. Thereafter, the Town Administrator may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this article. Said orders may be made by public announcement and may be posted in the regular places within the Town and may be published on the Town’s website at www.townofsunnyvale.org and may be published a minimum of one (1) time in a newspaper in general circulation or by mail to each water customer and shall become effective immediately upon such posting or publication and be in effect until official notification of termination of restrictions by public announcement, posting at the regular places within the Town, publication on the Town’s website at www.townofsunnyvale.org, or publication one (1) time in a newspaper in general circulation or by mail to each water customer.

§ 11.907 Procedures For Granting Variances To The Plan

The Town Administrator or official designee may grant temporary variances for existing water uses otherwise prohibited hereunder if one or more of the following conditions are met:

- (1) Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- (2) Compliance with this plan cannot be accomplished due to technical or other limitations.
- (3) Alternative methods that achieve the same level of reduction in water use can be implemented.

Variations shall be granted or denied at the discretion of the Town Administrator or official designee. All petitions for variations should be in writing and should include the following information:

- (1) Name and address of the petitioners;
- (2) Purpose of water use;
- (3) Specific provisions from which relief is requested;
- (4) Detailed statement of the adverse effect of the provision from which relief is requested;
- (5) Description of relief requested;
- (6) Period of time for which the variance is sought;
- (7) Alternative measures that will be taken to reduce water use; and
- (8) Other pertinent information.

§ 11.908 Procedures For Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stages 2, 3, and 4 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- (1) On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- (2) On the second and subsequent violations, citations may be issued to customers with minimum and maximum fines established by ordinance.
- (3) After two violations have occurred, the Town may install a flow restrictor in the line to limit the amount of water that may pass through a meter in a 24-hour period.
- (4) After three violations have occurred, the Town may cut off water service to the customer in accordance with state law.

The proposed amendment as set forth above is hereby adopted and the Code of Ordinances is revised accordingly.

Section 3. Severability. It is hereby declared to be the intention of the Town Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance

shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same would have been enacted by the Town Council without the incorporation of this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

Section 4. Compliance. The Town Council finds that all notice required by law has been given and notice of this Ordinance was posted and the Ordinance passed in accordance with the Open Meeting Act.

Section 5. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of this Ordinance shall be subject to a fine of up to Two Thousand Dollars (\$2,000.00) and/or discontinuance of water service by the Town. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with this Ordinance is a separate violation. The Town's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 6. The Town Secretary or his/her designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 7. The Town Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

PASSED AND APPROVED ON THIS THE _____ DAY OF _____, 2011.

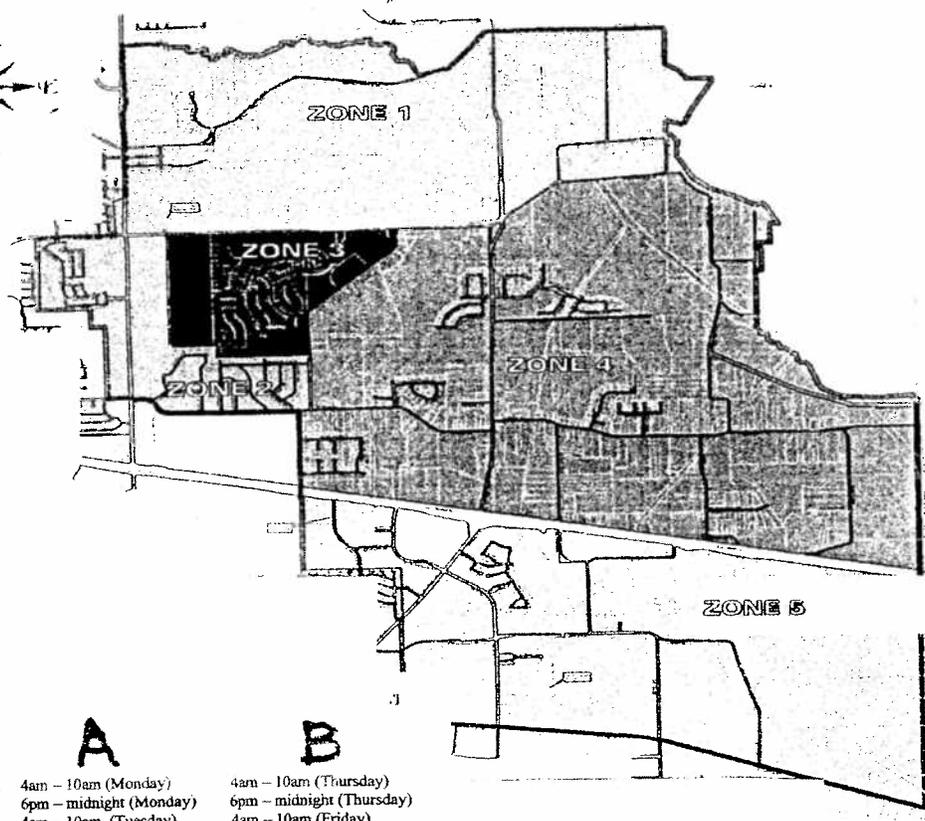
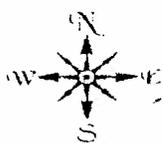
TOWN OF SUNNYVALE, TEXAS

By: _____
Jim Phaup, Mayor

ATTEST:

Kathryn Dewey, Town Secretary

Water Zone Map Exhibit "A"



ZONE	A	B
1	4am - 10am (Monday)	4am - 10am (Thursday)
2	6pm - midnight (Monday)	6pm - midnight (Thursday)
3	4am - 10am (Tuesday)	4am - 10am (Friday)
4	6pm - midnight (Tuesday)	6pm - midnight (Friday)
5	4am - 10am (Wednesday)	4am - 10am (Saturday)

WATERING BY STREET

ZONE 1: Additions: Creekside, Glenwick, Tanner Creek, Dal-View (Green)

BELTLINE	SWEET GUM	SUNVIEW	CHAPARRAL DR	
MELSHIRE	POLLY RD	CREEKSIDE DR	WINDRIDGE	
GREENWAY	CYPRESS WAY	FALLBROOK DR	BARNES BRIDGE	
RAINTREE DR	CHAPELWOOD DR	YOUNGBLOOD	SAGE TREE LN	WILLOWCREEK
RED OAK DR	TUPELO LN	CHATHAM	FORD AVE	CADDO LN
COLLINS NORTH OF TOWN EAST		EASTFORK (NORTH OF TOWN EAST)		
TOWN EAST WEST OF BEL TLINE AND ALL HOUSES ON THE NORTH SIDE OF TOWN EAST				

ZONE 2: ADDITIONS: Sunnyvale Estates(Harris), Town East Park (Sun)

SUNRAY	SUNTIDE	SUNBIRD	MANHATTAN
MANSFIELD	HARRIS	MAGIC	MANOR WAY
MOLINA	MESA	100 - 200 BLK TRIPP RD	WEST SIDE OF JOBSON

ZONE 3: ADDITIONS: Homestead

NEW HOPE RD.	STONE GATE	FOXDALE	OLD GATE	CROSSBOW
HEARTHSTONE	ASHWOOD	BROOKWOOD FOREST	LOST CREEK	
OLD MILL	ORCHARD	CREEKWOOD	BEAVER	
HIDDEN LAKE	WOODED GLEN	STONE RIDGE	ROCKY POINT	
OVERDALE	MORNING FOG	SHADY COVE	STONE MT.	
OAK HOLLOW	LAKESIDE	EAGLES CREST	WILD FLOWER	

ZONE 4: ADDITIONS: Meadow Lake, Deer Creek, The Falls, Stoney Creek

THE FALLS DR	SEDONA FALLS	YOSEMITE FALLS	ISLAND FALLS
MICHAEL LN	N. PASCHALL	PARKVIEW	BIG BEND
TEXAS CIR.	LAKEVIEW	MEADOW LAKE	BLUEBONNET
LONGHORN	ROBIN RIDGE	MALLARD	BUFFLEHEAD
DEER CREEK	LLANO	MEDINA	BRAZOS
BLANCO	PECAN CREEK	WATHA	GLORIA
DUCK CREEK WAY	REBECCA	ELEANOR	EAST SIDE OF JOBSON
STONEY CREEK	BAYHILL	REDSTONE	MIDSTREAM
DUXBURY	FENWICK	WATERFORD	HIGHPOINT
VISTA PARK	ROCKSHIRE	TALBOT	CRESTFIELD
300 - 600 BLK TRIPP RD		EAST FORK FROM HWY 80 TO TOWN EAST	
COLLINS RD SOUTH OF TOWN EAST NORTH OF HWY 80			

ZONE 5: ADDITIONS: Stone Canyon, Long Creek Estates

S.PASCHALL	LONG CREEK	LARKIN	PLANTERS	CLAY
ASTON	HWY 352	STONE CANYON	MUSTANG	HUNTERS CREEK
SAN GABRIEL	OVERLOOK	BANDERA	RANCHERO	BERRY
CAPROCK	BOULDER	SENDERO	ARROYO	



NORTH TEXAS MUNICIPAL WATER DISTRICT

Regional Service Through Unity

August 1, 2011

Mr. Scott Campbell
Town Manager
Town of Sunnyvale
127 Collins Road
Sunnyvale, TX 75182

Re: NTMWD Water Conservation and Drought Contingency and Water Emergency Response Plan – Stage 2

Dear Mr. Campbell:

The North Texas Municipal Water District (NTMWD) is initiating Stage 2 of the *NTMWD Water Conservation and Drought Contingency and Water Emergency Response Plan, March 2008, (Plan)* effective August 1, 2011.

Stage 2 of the *NTMWD Water Conservation and Drought Contingency and Water Emergency Response Plan (March 2008)* is being implemented effective today, with concurrence of the NTMWD Board of Directors, as a result of several conditions that warrant the reduction of treated water use. These conditions are:

- Loss of the Lake Texoma raw water supply by NTMWD due to presence of invasive zebra mussels
- NTMWD's remaining share of the Jim Chapman raw water supply is at 47%
- Water demand is approaching the treatment capacity of approximately 690 million gallons per day (MGD). The treatment plant capacity has been reduced from 770 MGD as a result of the ongoing ozonation construction project at the water treatment plant.

Initiation of Stage 2 is intended to raise public awareness of potential drought contingency and water emergency problems. The goal for water use reduction under Stage 2 is a 5% reduction in the use that would have occurred in the absence of drought contingency and water emergency response measures.

Mr. Scott Campbell
Page 2
August 1, 2011

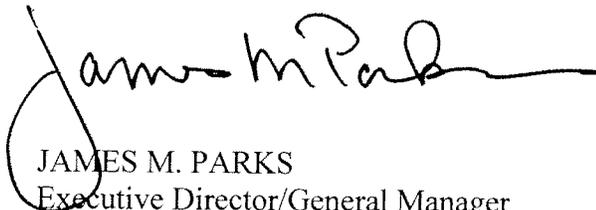
The NTMWD Executive Director is requesting that Member Cities and Customers implement the following water conservation strategies:

- Continue or initiate any actions available under Stage 1
- Initiate Stage 2 of drought contingency and water emergency response plans no later than August 19, 2011
- Initiate engineering studies to evaluate alternative actions if conditions worsen
- Further accelerate public education efforts on ways to reduce water use
- Halt non-essential water use not supplied from treated wastewater effluent
- Encourage the public to wait until the current drought or water emergency situation has passed before establishing new landscaping
- Limit landscape watering with sprinklers or irrigation systems to no more than two days per week
 - An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy
 - An exemption is also allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems, which do not have restrictions to the number of days per week of operation
- Restrict landscape and lawn irrigation from 10:00 a.m. to 6:00 p.m. beginning April 1 and ending October 31 of each year
- Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements

Extending the water supply during this water emergency period through the efficient use of our existing water resources is crucial to meeting the long-term water needs of the Member Cities and Customers.

Should you need additional information or have questions, please do not hesitate to contact Mike Rickman or my office directly at 972.442.5405 or by e-mail at mrickman@ntmwd.com or jparks@ntmwd.com.

Sincerely,



JAMES M. PARKS
Executive Director/General Manager



AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *SC*

RE: **ITEM # 3: Consider Appointments to Planning and Zoning Commission, Home Rule Charter Committee, and Hwy 190 Advisory Committee**

DATE: August 5, 2011

There are no further interviews scheduled. Appointments made to date include:

Sunnyvale 4A Development Corporation:

David Carlile for a 2-year term expiring in 2013
Terrie Shatter for a 2-year term expiring in 2013
Bill Metzger for a 2-year term expiring in 2013

Sunnyvale 4B Development Corporation:

John Bailey for a 2-year term expiring in 2013
Warren Kampmeier for a 2-year term expiring in 2013
Kara Ranta for a 2-year term expiring in 2013
Michael Giordano for a 1-year term expiring in 2012

Sunnyvale Library Board:

Mary Hughes for a 2-year term expiring in 2013
Carolyn Trammell for a 2-year term expiring in 2013
Katie Frazier for a 2-year term expiring in 2013
Rajan Philip for a 2-year alternate term expiring in 2013

Board of Adjustment:

Fred Miller for a 2-year term expiring in 2013

Dale Graves for a 2-year term expiring in 2013

Laela Naghela EL for a 2-year term expiring in 2013

Diane De La Garza for a 2-year term expiring in 2013



AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *SC*

RE: **ITEM 4: Consider Record Vote to Schedule Dates for Public Hearings on FY 2011-2012 Budget**

DATE: August 5, 2011

Truth in Taxation procedure requires a vote to schedule the public hearings for the budget. The public hearing dates are scheduled for August 22, and September 12. Final action on the tax rate and budget will occur on September 26.



AGENDA ITEM SUMMARY

TO: Town Council

FROM: Scott Campbell, Town Manager *SC*

RE: **ITEM 5: Discuss Proposed FY 2011-2012 Budget**

DATE: July 21, 2011

This item is to accommodate continued discussions of the proposed FY 2011-2012 budget. Attached are three replacement pages for your budget (we will provide these with three-hole punched pages on Monday night so you can incorporate them into your budget binder).

Pursuant to our last discussion, we will also provide additional information on roads, and public safety response times Monday night.

GENERAL FUND

PROGRAM AND SERVICE ENHANCEMENTS

General Fund Sources and Uses of Funds:

Property Taxes:

Property Taxes	\$2,391,808
Other (Sales tax etc.)	2,287,522
Total From All Sources	4,679,330

Projected Base Operating Expenditures:	4,159,667
Revenues greater (less than) base bu	<u>\$519,663</u>

DEPT

DESCRIPTION

**Tax Rate
Increase
Cent(s)**

**DEPT.
SUPPLEMNL
REQUESTS**

**TOWN
MGR
RANK**

**COUNCIL
RANK**

BASE BUDGET EXCESS

7.12 519,663

SUPPLEMENTAL REQUESTS 2011-12

PAGE #

1	CommDev	Personnel - Staff Planner/EDC (shared with 4A)	24.5	-0.71	51,596
2	Parks/Str	Personnel - Park Maintenance Tech	17	-0.28	20,625
3	Parks/Str	Personnel - Service Center Receptonist	18	-0.38	27,661
4	Patrol	Personnel - Additional Sheriff Deputy	27	-1.03	75,230
5	Fire & EMS	Personnel - Two P/T EMT to cover weekends	30	-0.48	34,687
6	NonDept	Merit and CL - 2.5%	38	-0.36	26,000
7	NonDept	Vehicle replacement program	37	-0.10	7,000
8	Town Mgr	Consulting Fees - Comp Plan, 190 Comm, & Zoning	8	-1.30	95,000
9	Town Mgr	Software upgade -AutoCad	7	-0.10	7,000
10	Town Mgr	Training - Grant identification and writing	8.5	-0.02	1,650
11	Parks/Str	Road/Street Maintenance - (Non B)	19	-4.15	302,800
12	Fire & EMS	Uniforms/Accessories for increased # of volunteers	31	-0.11	8,035
13	Fire & EMS	Protective Gear for increased # of Volunteers	32	-0.05	3,665
14	Fire & EMS	Small Tools& Equip (scba, brackets, racks, markings)	33	-0.05	3,532
15	Fire & EMS	Pierce Fire Engine Financed 10 years	34	-0.71	52,000
16	Library	Small Tools& Equip - Soft ware to Monitor Computer Time	22	-0.03	2,314

CATEGORY TOTAL

(9.85) 718,795

BASE BUDGET EXCESS LESS SUPPLELMENTALS

(2.73) (199,132)

**ANNUAL BUDGET
CAPITAL AND / OR SUPPLEMENTAL REQUEST
FISCAL YEAR 2011-12**

FUND:	DEPARTMENT: DIVISION:	TOWN MGR	OBJ CODE	DESCRIPTION OF EQUIPMENT / MATERIAL	AMOUNT
	PURPOSE / OBJECTIVE OF THIS REQUEST: Additional training needed to comply with objective to increase the number of grants awarded.		601-6501	Employee Training	1,650
	CHANGES / IMPROVEMENTS FROM CURRENT OPERATIONS:				
	IMPACT OR CONSEQUENCES OF NOT FUNDING THIS REQUEST:				
	LIST ANY EQUIPMENT TO BE REPLACED BY THE ABOVE REQUESTED ITEM:				
	RECOMMENDATION FOR DISPOSITION. REASON FOR RECOMMENDATION.			RECAP	
	REPLACEMENT			SALARIES	
	TRADE-IN			OPERATIONS	1,650
	SALVAGE			CAPITAL	
	USE BY OTHER DEPARTMENT			TOTAL:	1,650
	OTHER				

