



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
MONDAY, FEBRUARY 27, 2012
6:00 P.M.**

CALL TOWN COUNCIL MEETING TO ORDER

EXECUTIVE SESSION

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

EXECUTIVE SESSION AGENDA:

A. SECTIONS 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY

- 1. DEWS VS. TOWN OF SUNNYVALE**
- 2. ICP VS. TOWN OF SUNNYVALE**
- 3. VULCAN VS. TOWN OF SUNNYVALE**

B. SECTIONS 551.072 – DELIBERATION REGARDING REAL PROPERTY

- 1. PROPERTY AT OR ABOUT THE 600 BLOCK OF E. US HWY 80**

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. SECTIONS 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY

- 1. DEWS VS. TOWN OF SUNNYVALE**
- 2. ICP VS. TOWN OF SUNNYVALE**
- 3. VULCAN VS. TOWN OF SUNNYVALE**

B. SECTIONS 551.072 – DELIBERATION REGARDING REAL PROPERTY

- 1. PROPERTY AT OR ABOUT THE 600 BLOCK OF E. US HWY 80**

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.

THE FOREGOING NOTICE WAS POSTED IN THE FOLLOWING LOCATIONS:

SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON FEBRUARY 24, 2012, IN THE FOLLOWING LOCATIONS AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:

TOWN HALL AT 127 N. COLLINS ROAD

LESLIE MALONE, TOWN SECRETARY



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, FEBRUARY 27, 2012
7:00 P.M.**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

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

PUBLIC FORUM

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

CONSENT AGENDA ITEM #1 THROUGH #5

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.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:

- 1. SPECIAL MEETING OF 10/20/2011**
- 2. REGULAR MEETING OF 10/24/2011**
- 3. JOINT PLANNING & ZONING COMMISSION MEETING OF 10/24/2011**
- 4. JOINT PLANNING & ZONING COMMISSION MEETING OF 10/25/2011**
- 5. SPECIAL MEETING OF 11/14/2011**

END OF CONSENT AGENDA

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:

- 6. APPLICATION FOR PRELIMINARY PLAT AND SITE PLAN**
APPLICANT: KYLE BENNETT
AT OR ABOUT: 2862 N. BELTLINE
REQUEST: THE VILLAGES OF SUNNYVALE

7. APPLICATION FOR CONDITIONAL USE PERMIT

APPLICANT: BEN LAMONTE
AT OR ABOUT: 536 LONG CREEK
REQUEST: INDOOR BATTING CAGES

DISCUSSION/ACTION ITEMS

8. DISCUSS AND CONSIDER RESOLUTION 12 - 08: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY, AND AUTHORIZING THE TOWN TO INITIATE CONDEMNATION PROCEEDINGS TO CONDEMN FOR PUBLIC USE A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ACROSS OR THROUGH A PORTION OF A 20.0714 ACRE TRACT DESCRIBED IN VOLUME 93044, PAGE 1583 OF THE DALLAS COUNTY PUBLIC RECORDS (LOCALLY KNOWN AS 529 U. S. HIGHWAY 80).

9. DISCUSS AND CONSIDER RESOLUTION 12 - 09: A RESOLUTION SUSPENDING THE PROPOSED EFFECTIVE DATE OF THE PROPOSED RATE SCHEDULES OF THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION ("COMPANY"), PROVIDING THAT THE RATE SCHEDULES OF SAID COMPANY SHALL REMAIN UNCHANGED DURING THE PERIOD OF SUSPENSION, PROVIDING FOR NOTICE HEREOF TO SAID COMPANY, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

10. DISCUSSION AND STAFF PRESENTATION ON PAPERLESS AGENDA SYSTEM

COUNCIL REPORTS AND REQUESTS.

MAYOR REPORTS AND REQUESTS.

EXECUTIVE SESSION

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

Sec. 551.074. PERSONNEL MATTERS

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

Town Manager Position

END OF EXECUTIVE SESSION

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

Sec. 551.074. PERSONNEL MATTERS

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

Town Manager Position

ADJOURN.

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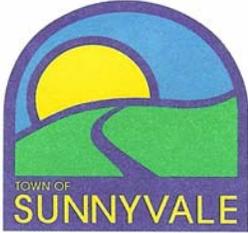
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TOWN HALL AT 127 N. COLLINS ROAD

LESLIE MALONE, TOWN SECRETARY



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
OCTOBER 20, 2011
6:30 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A SPECIAL MEETING ON OCTOBER 20, 2011 AT 6:30 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. 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 TOWN COUNCIL MEETING TO ORDER**

Mayor Pro-Tem Hill called the meeting to order at 6:30 p.m.

• **INVOCATION**

• **PLEDGE OF ALLEGIANCE**

• **DISCUSSION/ACTION ITEM**

1. CONSIDER ORDINANCE NO. 546: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, CALLING A JOINT PUBLIC HEARING OF THE TOWN PLANNING AND ZONING COMMISSION AND TOWN COUNCIL TO CONSIDER RECOMMENDATIONS TO THE TOWN COUNCIL FOR AMENDING THE TEXT OF THE TOWN'S ZONING ORDINANCE REGARDING PROVISIONS DEFINING AND REGULATING CERTAIN RETAIL USES INCLUDING THE SALE OF PRE-PACKAGED AND SEALED BEVERAGES FOR DRIVE-THROUGH ESTABLISHMENTS, AND CLASSIFYING ALL RETAIL USES AUTHORIZED UNDER THE ZONING ORDINANCE AS CONDITIONAL USES; AND TO CONSIDER ANY AND ALL AMENDMENTS REGARDING THE SALE OF ALCOHOLIC BEVERAGES

Scott Campbell, Town Manager, explained Ordinance #546.

Motion was made by Councilmember Wiley to approve Ordinance #546. Motion seconded by Councilmember George. Motion carried 3/0.

• **ADJOURN**

Mayor Pro-Tem Hill adjourned the meeting at 6:33 p.m.

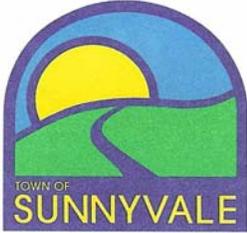
The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Mayor Jim Phaup

ATTEST:

Scott Campbell
Town Manager/ Assistant 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
OCTOBER 24, 2011
7:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A REGULAR MEETING ON OCTOBER 24, 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. THOSE PRESENT WERE:

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

• **CALL TOWN COUNCIL MEETING TO ORDER**

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

• **INVOCATION**

Mayor Pro-Tem Hill gave the invocation.

• **PLEDGE OF ALLEGIANCE**

Mayor Phaup 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 10-10-11

Motion was made by Councilmember Yates to approve the minutes from October 10, 2011. Motion seconded by Councilmember Henderson. Motion carried 4/0.

• **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.)

Public Comments:

1) Margaret Jacobs, 370 S. Larking Rd, advised that 115 library surveys had been returned so far and thanked everyone present. She asked for continued support in receiving surveys.

• **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:

2. APPLICATION FOR REPLAT

APPLICANT: DEAN ZIMMERMAN

AT OR ABOUT: 286 AND 284 N. COLLINS RD

REQUEST: TUCKER ESTATES

Steve Gilbert, Building Official, advised that the subject property address was actually 586 and 584 N. Collins Road. He explained Mr. Zimmerman's request for replat.

Dean Zimmerman was present to answer question from the town council.

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

Motion was made by Councilmember Henderson to approve the replat for Dean Zimmerman at or about 586 and 584 N. Collins Road for the Tucker Estates as presented subject to successful completion of items 1, 2 and 3 on the resolution list on the Oct. 20, 2011 memo from the Community Development Department to the Town Council. Motion seconded by Councilmember Yates. Motion carried 4/0.

3. APPLICATION FOR PRELIMINARY AND FINAL PLAT

APPLICANT: WILLIAM SHEAHAN

AT OR ABOUT: 321 S. LARKIN

REQUEST: LOMAD ADDITION, LOTS 1 AND 2

Steve Gilbert explained the preliminary and final plat application received from William Sheahan. He stated that after review of the Code of Ordinances and the Engineering Design Manual, the staff conclusion was the structure on Lot 2 met the requirement for hose lay measurement and no fire hydrant was required.

William Sheahan was present to answer any questions.

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

Motion was made by Councilmember Henderson to approve both the application for preliminary and final plats for William Sheahan at or about 321 S. Larkin for the Lomad Addition, Lots 1 and 2 granting a variance for rear setback on lot 1 from 60 ft to 40 ft and successful completion on all open items listed on current platting issues from the staff report dated October 20, 2011 from Community Development Department to the Town Council. Motion seconded by Councilmember Yates. Motion carried 4/0.

• **ACTION/DISCUSSION**

4. CONSIDERATION OF ORDINANCE NO. 547: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, EXTENDING THE 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 FOR A PERIOD OF 60 DAYS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A TERM; PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Phaup read item #4 into the record. Scott Campbell explained the need for the ordinance which updated previous Ordinance #538. He advised he was concerned about the time frames with the upcoming holiday season.

Motion was made by Councilmember Yates to approve Ordinance #547 changing the period in the headers and the document itself from 60 days to 120 days. Motion seconded by Councilmember Henderson. Motion carried 4/0.

5. MAYOR/TOWN MANAGER UPDATE - FACILITATION OF SH190 ADVISORY COMMITTEE AND HOME RULE CHARTER COMMITTEE

Mayor Phaup stated he had advised Mr. Campbell to engage the services of David Paschall as facilitator for the Home Rule Charter Committee. The first meeting for the committee was scheduled for Thursday Nov. 10, 2011 at 7:00 p.m.

Scott Campbell advised that Mark Bowers had agreed to be the facilitator for the SH190 Advisory Committee. The first meeting for this committee was scheduled for Wed. Nov. 2, 2011 at 7:00 p.m.

• **COUNCIL REPORTS AND REQUESTS**

Councilmember George asked for an update on the Dallas Central Appraisal District Board of Directors election. Mr. Campbell advised that the council would vote at an upcoming meeting once the list of nominees was received.

Discussion concerning recycling program, beer/wine ordinance update meeting and upcoming water restrictions and planning a joint meeting with the school board.

Announcements were made regarding Sunnyvale ISD events, Rachel's Challenge, Nov. 8, 2011 at 6:30 p.m.; Fall Carnival Nov. 12, 2011 from 4-7 p.m. and Veteran's Day program planned for the morning of Nov. 11, 2011 at the Sunnyvale High School.

• **MAYOR REPORTS AND REQUESTS**

Mayor reminded everyone to attend meeting planned for Oct. 25, 2011 regarding Sunnyvale Centre. He said the Sunnyvale Volleyball Team had won their district. Mayor Phaup apologized to everyone present on cancelling the joint workshop earlier in the evening.

• **ADJOURN**

Mayor Phaup adjourned the meeting at 7:52 p.m.

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

Mayor Jim Phaup

ATTEST:

Scott Campbell
Town Manager/ Assistant Town Secretary

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



**MINUTES
TOWN OF SUNNYVALE TOWN COUNCIL
PLANNING AND ZONING COMMISSION
JOINT WORKSHOP SESSION
OCTOBER 24, 2011
6:00 P.M.**

THE TOWN COUNCIL AND PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE MET IN JOINT WORKSHOP SESSION ON OCTOBER 24, 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. THOSE PRESENT WERE:

TOWN COUNCIL MEMBERS:

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

PLANNING AND ZONING COMMISSION MEMBERS:

CHAIRPERSON	MARK EGAN
CO-CHAIRPERSON	RICKEY HOFFMAN
MEMBER	KEN WILSON
MEMBER	JOS JOSEPH
MEMBER	CHRIS MCNEILL
MEMBER	DIANE TURNER
MEMBER	JACK KIRKLAND
ALTERNATE MEMBER	KEN DEMKO
ALTERNATE MEMBER	ANTHONY OKAFOR

• CALL MEETING TO ORDER

Mayor Phaup called the Town Council to order at 6:04 p.m.

Chairperson Egan called the Planning and Zoning Commission to order at 6:05 p.m.

• WORKSHOP DISCUSSION:

DISCUSS AND RECEIVE INFORMATION REGARDING THE APPLICATION OF DOUGLAS PROPERTIES/DEVELOPMENT INC. FOR REZONING OF CERTAIN PORTIONS OF TRACT FIVE OF THE PLANNED RESIDENTIAL OVERLAY DISTRICT KNOWN AS STONEY CREEK AS DEFINED IN ORDINANCE NO. 463 FROM SINGLE FAMILY RESIDENTIAL (SF-2) TO ATTACHED HOUSING (AH)

THE ABOVE ITEM IS FOR DISCUSSION AND DELIBERATION ONLY, AND NO FORMAL ACTION WILL BE TAKEN AT THIS WORKSHOP. THERE WILL BE OPPORTUNITY FOR PUBLIC COMMENT.

Minutes
Town Council/Planning and Zoning Commission
October 24, 2011
Page 2

Mayor Phaup announced the workshop had been cancelled due to an outstanding legal question on the project. He advised on Monday, November 14, 2011 a joint public hearing was planned for the project and a notice of meeting would be sent to the entire town.

- **ADJOURN**

Chairperson Egan adjourned the Planning and Zoning Commission at 6:27 p.m.
Mayor Phaup adjourned the Town Council at 6:27 p.m.

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

Mayor Jim Phaup

Chairperson Mark Egan

ATTEST:

Scott Campbell
Town Manager/Assistant Town Secretary

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**MINUTES
TOWN OF SUNNYVALE TOWN COUNCIL
PLANNING AND ZONING COMMISSION
JOINT WORKSHOP SESSION
OCTOBER 25, 2011
6:00 P.M.**

THE TOWN COUNCIL AND PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE MET IN JOINT WORKSHOP SESSION ON OCTOBER 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 AND GOVERNMENT CODE SECTION 551.071. THOSE PRESENT WERE:

TOWN COUNCIL MEMBERS:

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

PLANNING AND ZONING COMMISSION MEMBERS:

	CHAIRPERSON	MARK EGAN
ABSENT	CO-CHAIRPERSON	RICKEY HOFFMAN
	MEMBER	KEN WILSON
ABSENT	MEMBER	JOS JOSEPH
	MEMBER	CHRIS MCNEILL
ABSENT	MEMBER	DIANE TURNER
ABSENT	MEMBER	JACK KIRKLAND
	ALTERNATE MEMBER	KEN DEMKO
	ALTERNATE MEMBER	ANTHONY OKAFOR

• CALL MEETING TO ORDER

Mayor Phaup called the Town Council meeting to order at 6:06 p.m.
Chairperson Egan called the Planning and Zoning Commission meeting to order at 6:06 p.m.

• WORKSHOP DISCUSSION:

A REQUEST FROM RKS INVESTMENT LP TO PRESENT INFORMATION AND DISCUSS A PROPOSED MASTER PLANNED DEVELOPMENT (SUNNYVALE CENTRE) ON APPROXIMATELY 123.5 ACRES AT THE SOUTHWEST CORNER OF U.S. 80 AND COLLINS ROAD IN SUNNYVALE.

THIS ITEM IS FOR PRESENTATION AND DISCUSSION ONLY AND NO FORMAL ACTION WILL BE TAKEN AT THIS WORKSHOP.

Gerald Ludke from Hodges & Associates and Mike Anderson, representing Sunnyvale Centre, gave a presentation for a Master Planned Development option for creating Sunnyvale Centre located on the southwest corner of US Hwy 80 and S. Collins Road. Mr. Anderson asked for direction from the members present on what they would like to have incorporated in the project. Discussion on signage and stucco followed.

Mr. Anderson introduced John Baldwin, an urban developer from Catalyst Commercial. Mr. Baldwin said that his business was to determine appropriate retailers for various locations. He explained proposed tax values and estimated property taxes. He said retailers had to locate where they would make the most money and the attraction of the customer was very important. Discussion followed regarding the feasibility of a grocery store at Sunnyvale Centre and sales tax projections with/without beer and wine.

Former Mayor Paul Cash said he had been watching the Sunnyvale Centre project for 36 years. He spoke in favor of the project. He said Sunnyvale Centre would be the focal point of Sunnyvale.

• **ADJOURN**

Chairperson Egan adjourned the Planning and Zoning Commission at 7:47 p.m.
Mayor Phaup adjourned the Town Council at 7:47 p.m.

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

Mayor Jim Phaup

Chairperson Mark Egan

ATTEST:

Scott Campbell
Town Manager/AssistantTown Secretary

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**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIALLY CALLED MEETING
NOVEMBER 14, 2011
6:00 P.M.**

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS CONDUCTED A SPECIALLY CALLED MEETING ON NOVEMBER 14, 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. THOSE PRESENT WERE:

MAYOR	JIM PHAUP
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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 6:02 p.m.

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

- 1. LITIGATION – VULCAN LANDS LLC VS TOWN OF SUNNYVALE –
PROPERTY AT OR ABOUT THE 600 BLK OF U. S. HIGHWAY 80**

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

Mayor Phaup adjourned into executive session at 6:02 p.m.

Mayor Phaup reconvened into regular session at 7:00 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 7:00 p.m.

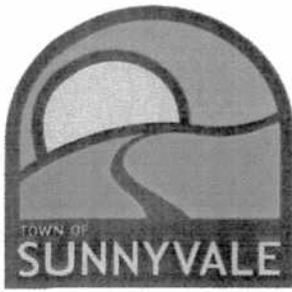
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Mayor Jim Phaup

ATTEST:

Scott Campbell
Town Manager/ Assistant Town Secretary

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STAFF REPORT

DATE: February 23, 2012
TO: Town Council
FROM: Community Development Department
SUBJECT: The Villages of Sunnyvale, Block 1, Lot 3
Medical Office Complex
File No: 1305
PAGES: 1

First Baptist Church of Sunnyvale has made application for preliminary plat and site plan for the subject project. The proposed 0.86 acre project has a total of 6,000 square feet of office space. The current zoning of the property is LR - Local Retail. This project is located on the east side of Belt Line Road north of the Sweeney Eye Clinic office.

There were seven (7) notices mailed and none returned as of February 16, 2012.

Staff has worked with the applicant to arrive at plats and plans that conform to Town regulations. The following variances were approved by BOA on January 10, 2012:

- Ten (10) foot required landscape buffer along east property line.
- Fifteen (15) foot required landscape buffer on north property line reduced to ten (10) feet.
- Platted Lot with no street frontage
- Reduced lot width.

Additional information regarding this project. The applicant is granting a parking easement along the east property line for thirteen (13) parking spaces to satisfy the parking requirement for the building. This easement is being granted to the purchaser of the lot with the understanding by the applicant that the thirteen (13) parking cannot be counted towards any future development within the balance of the tract. The thirteen (13) spaces are solely dedicated for use by Lot 3.

Staff is recommending approval of the preliminary plat and site plan subject to final approval of engineering plans.

Preliminary and Site plans were approved by Planning and Zoning Commission on February 20, 2012.



TOWN OF SUNNYVALE
 127 N Collins Road
 Sunnyvale, Texas 75182
 (972) 203-4188

DEVELOPMENT APPLICATION

- | | |
|---|---|
| <input checked="" type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Amending Plat |
| <input type="checkbox"/> Preliminary Site Plan | <input checked="" type="checkbox"/> Landscape |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Tree survey |
| <input checked="" type="checkbox"/> Building Elevations | |

FILE NO: 1305

PROPERTY INFORMATION

Addition Name: <u>THE VILLAGES OF SUNNYVALE</u>		Address/Location: <u>2820 N. Beltline Rd.</u>	
Lot(s): <u>3</u>	Block: <u>1</u>	Current Zoning: <u>COMMERCIAL</u>	
# of Acres: <u>0.86</u>	# of Lots: <u>1</u>	# of Units: <u>1</u>	

APPLICANT INFORMATION

Name: <u>Kyle Bennett</u>	Company: <u>BILL D. BENNETT CONST. INC.</u>
Mailing Address: <u>701 S. BRYAN-BELT LINE RD.</u>	
City: <u>MESQUITE</u>	State: <u>TX</u> Zip: <u>75149</u>
Phone: <u>(972) 226-1064</u>	Fax: <u>(972) 288-8702</u> Email: <u>kyle@billbennettconstruction.com</u>

OWNER INFORMATION

Name:	Company: <u>FBC Sunnyvale</u>
Mailing Address: <u>3018 BELTLINE RD</u>	
City: <u>Sunnyvale</u>	State: <u>TX</u> Zip: <u>75149</u>
Phone: <u>(972) 226 7105</u>	Fax: Email:

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

(Check those that apply)

(See Fee Schedule for all Amounts)

<input checked="" type="checkbox"/>	Preliminary Plat & Checklist	24"x36", 4 copies (folded)	Fee: <u>\$ 510</u>
<input type="checkbox"/>	Final Plat & Checklist	24"x36", 4 copies (folded)	Fee: _____
<input type="checkbox"/>	Amended Plat & Checklist*	24"x36", 4 copies (folded)	Fee: _____
<input type="checkbox"/>	Minor Plat & Checklist*	24"x36", 4 copies (folded)	Fee: _____
<input type="checkbox"/>	Replat & Checklist*	24"x36", 4 copies (folded)	Fee: _____
<input type="checkbox"/>	Preliminary Site Plan & Checklist	24"x36", 4 copies (folded)	Fee: _____
<input checked="" type="checkbox"/>	Site Plan & Checklist	24"x36", 4 copies (folded)	Fee: <u>\$ 505</u>
<input checked="" type="checkbox"/>	Landscape Plan & Checklist	24"x36", 4 copies (folded)	Fee: <u>\$ 200</u>
<input checked="" type="checkbox"/>	Building Elevations	24"x36", 4 copies (folded)	
<input type="checkbox"/>	Photometric/Lighting	24"x36", 2 copies (folded)	
<input type="checkbox"/>	Tree Survey & Checklist	24"x36", 4 copies (folded)	Fee: _____
<input checked="" type="checkbox"/>	Civil Engineering Plans	2 Sets (rolled)	Fee: <u>\$ 250</u>

*Use final plat checklist

OWNER AUTHORIZATION

Check one of the following:

I will represent the application myself; or

I authorize Kyle Bennett (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

I waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.

Owner's Signature: R. Scott Dobb Date: 1-25-12

STATE OF TEXAS

COUNTY OF: DALLAS

BEFORE ME, a Notary Public, on this day personally appeared R. Scott Dobb the above signed, who, under oath, stated the following: "I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate."

Subscribed and sworn to before me this 25th day of January, 2012.

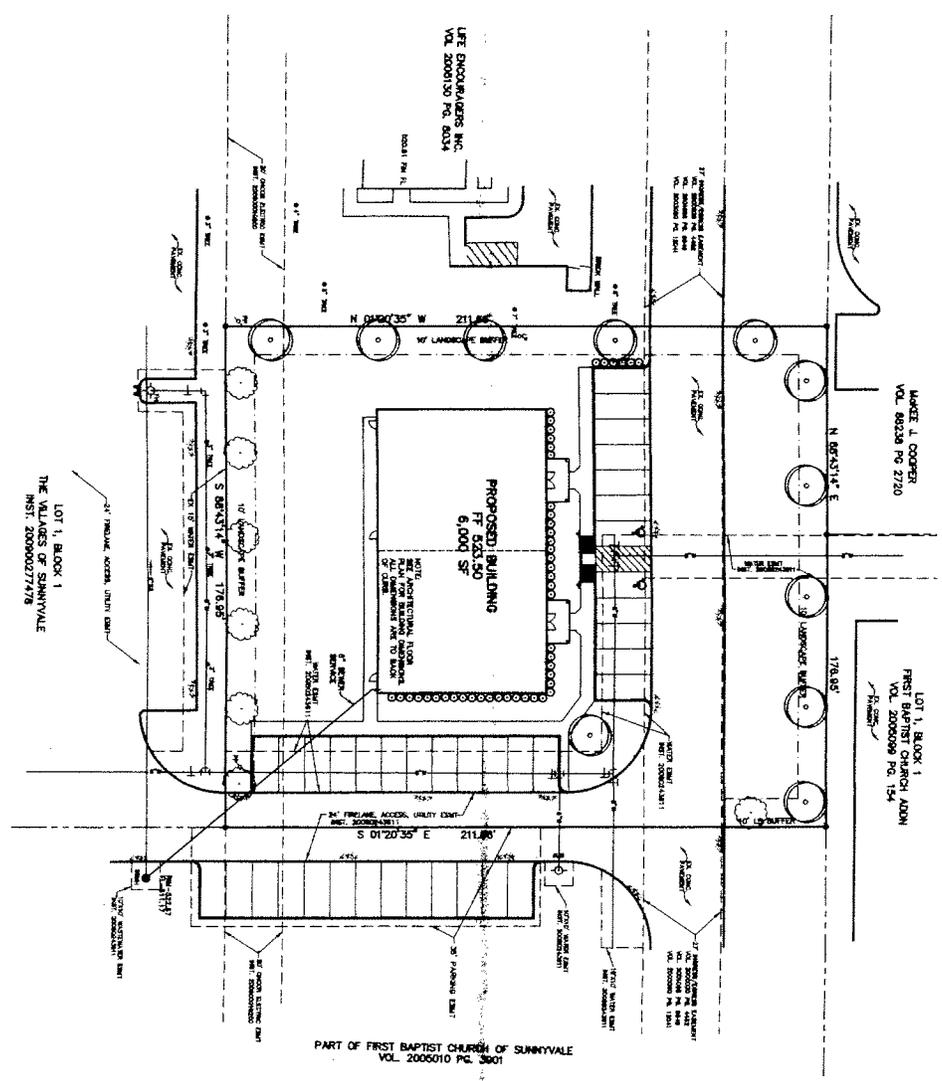
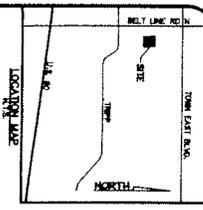


[Signature]
Notary Public in and for the State of Texas

This application is not considered accepted by the Town until the Town Engineer or Chief Building Official has signed below.

[Signature]
Town Engineer

Chief Building Official



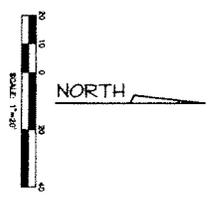
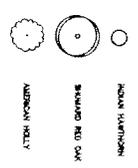
PART OF FIRST BAPTIST CHURCH OF SUNNYVALE
VOL. 2005010 PCL 3001

LOT 1, BLOCK 1
FIRST BAPTIST CHURCH ADDN
VOL. 2005009 PCL 154

LOT 1, BLOCK 1
THE VILLAGES OF SUNNYVALE
INST. 200900277478

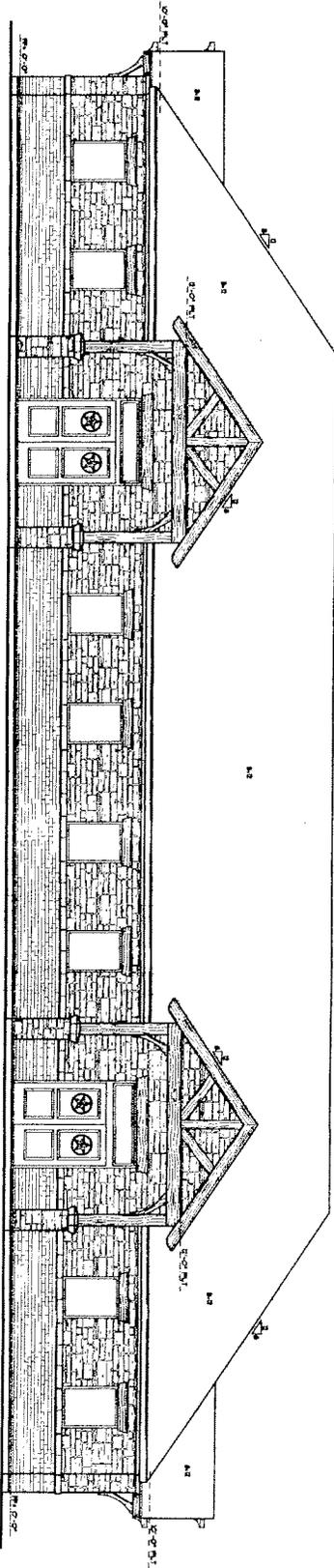
LANDSCAPE NOTES:

- 1. Outstanding on this plan: construction set on for this site's use only.
 - 2. Landscape components are responsible for shall see quality materials.
 - 3. All plant materials shall be installed by the owner, on/for Landscape use.
 - 4. All large and ornamental trees are to be installed within 180 days of final construction.
 - 5. All other plant materials shall be installed within 180 days of final construction.
- SOIL PREPARATION FOR PLANTING BEDS:**
- 1. Excavate an area of 12" depth in areas of 10' x 10' or larger.
 - 2. The excavated area shall be filled with a 50/50 mix of topsoil and compost.
 - 3. The excavated area shall be watered and covered with a 1/2" layer of mulch.
 - 4. The excavated area shall be watered and covered with a 1/2" layer of mulch.
 - 5. The excavated area shall be watered and covered with a 1/2" layer of mulch.

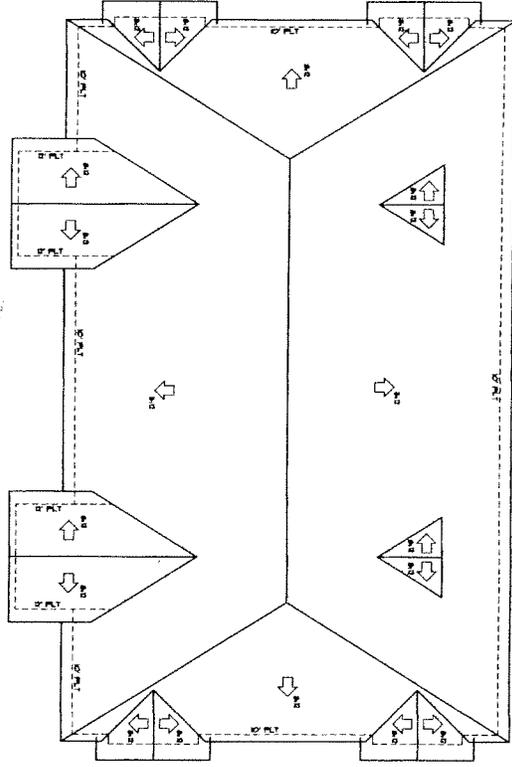


LANDSCAPE PLAN
VILLAGES OF SUNNYVALE, BLK 1, LOT 3
TOWN OF SUNNYVALE, TEXAS

Project: Villages of Sunnyvale, Blk 1, Lot 3
 Title: Landscape Plan
 Date: 08/11/2009
 Author: [Name]
 No. Date Revision



NORTH ELEVATION
SCALE 1/4" = 1'-0"

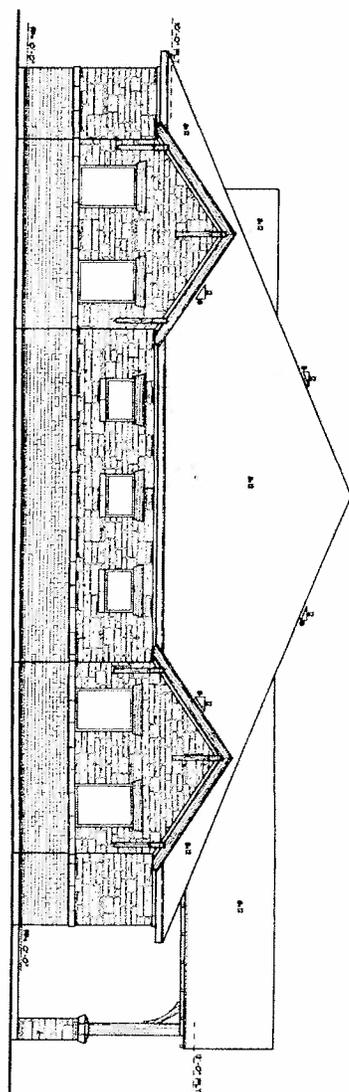


ROOF PLAN
SCALE 1/8" = 1'-0"

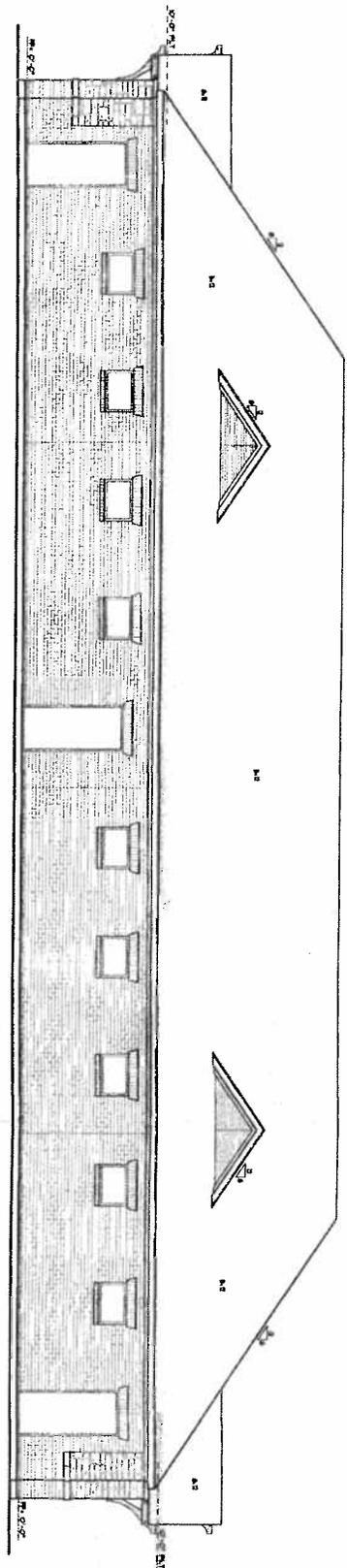
FAMILY EYE CARE

HERMONAT ESTIMATING AND DESIGN CO
2340 THIRTY MILLS, SUITE 300
CARROLLTON, TEXAS 75006
OFF 972-478-4368 FAX 972-478-4456

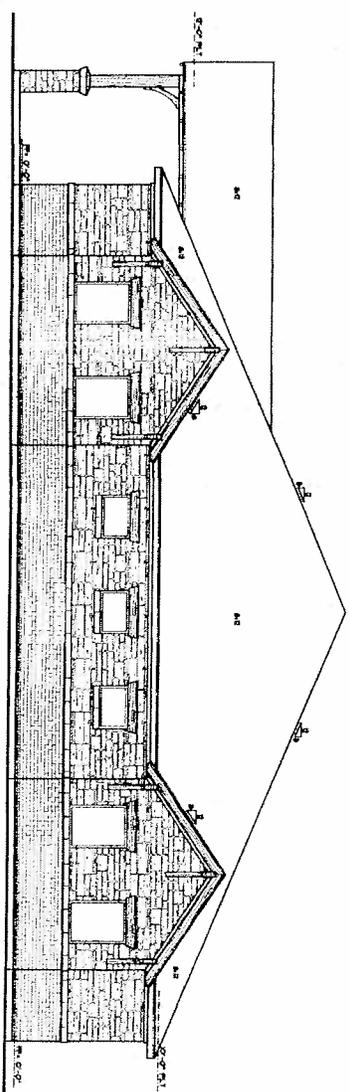
DATE REVISION
DATE REVISION
JOB NO. (COO)
SHEET



EAST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"

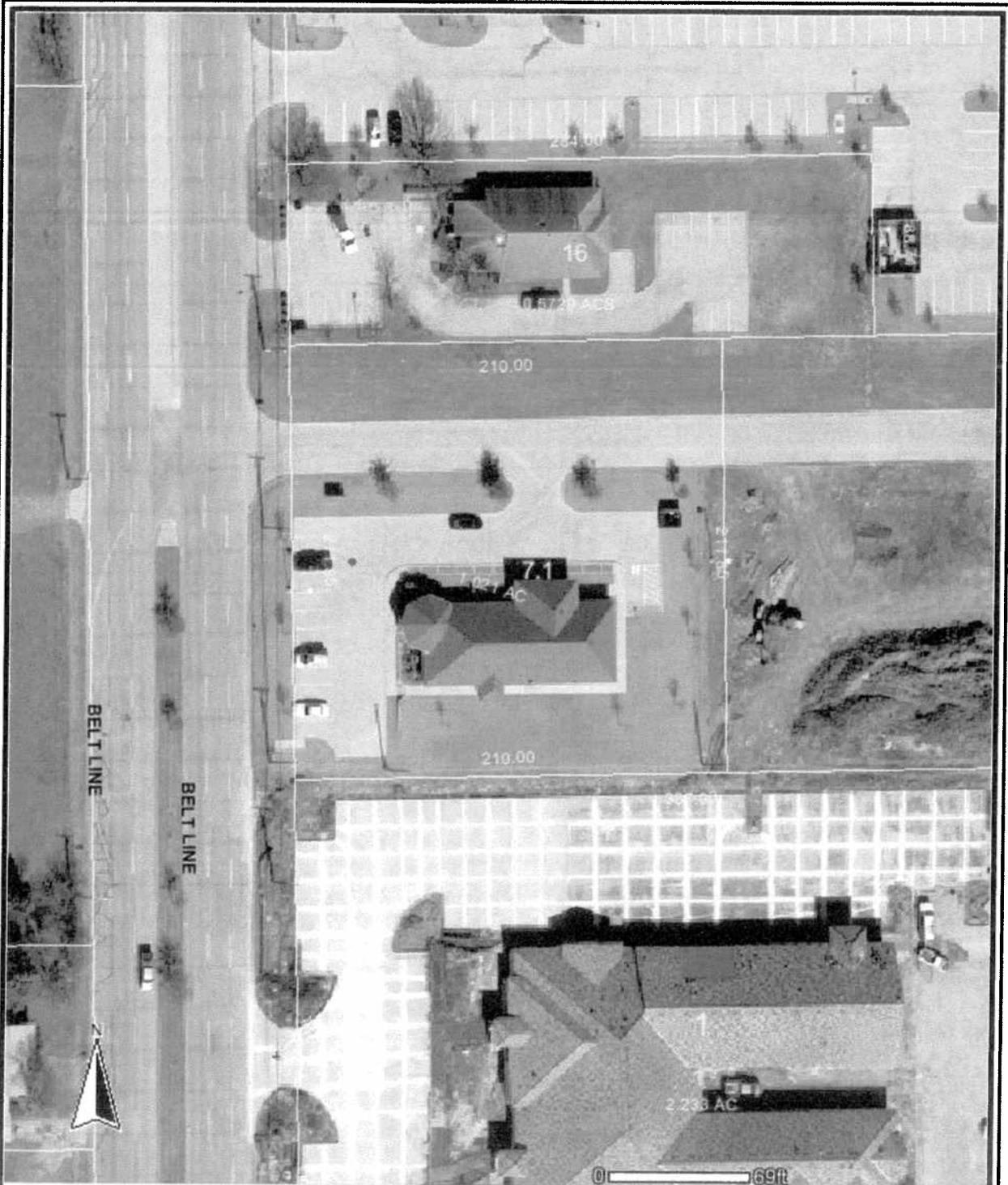


WEST ELEVATION
SCALE 1/4" = 1'-0"

FAMILY EYE CARE

HERMONAT ESTIMATING AND DESIGN CO
 2340 TRINITY MILLS, SUITE 300
 CARROLLTON, TEXAS 75006
 OFF 972-478-4368 FAX 972-478-4488

DATE ISSUED
 DATE REVISION
 JOB NO. 0001
 SHEET
 3 OF 5
A1



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

2862 N. Beltline Rd.

DISCLAIMER

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



**Notice of Application for Preliminary Plat and site plan
Town of Sunnyvale**

The Town of Sunnyvale has received a request by Bill Bennett Construction/ Kyle Bennett for approval of a Preliminary Plat and site plan for the villages of Sunnyvale lot 3 block 1. The property being platted is located at 2862 N. Beltline Rd and is shown on the attached exhibit.

Plat Description- VILLAGES OF SUNNYVALE, BLOCK 1, LOT 3, PART OF TRACT 1, FIRST BAPTIST CHURCH OF SUNNYVALE OUT OF HENRY J. WEBB SURVEY, ABSTRACT 1588 TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS

The Planning and Zoning Commission will hear this application on February 20, 2012 and the Town Council will consider the application on either February 27 or March 12, 2012. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Preliminary Plat application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department at 972-203-4188.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

- I am in favor of the Preliminary Plat
- I am opposed to the Preliminary Plat

Explanation:

I would like to know what water detention plan is for the plat. My understanding is that the access roads are unchanged, and still available during construction. - is this correct?

Signature:

Patrick Sweeney M.D.

Printed Name:

Patrick Sweeney MD.

Address:

2858 N. BELTLINE RD SUITE 200, Sunnyvale Tx

Date:

2/20/2012



**Notice of Application for Preliminary Plat and site plan
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If you wish to submit a written response, please fill out and return this notice as soon as possible.

- I am in favor of the Preliminary Plat
- I am opposed to the Preliminary Plat

Explanation:

Signature:

Printed Name:

Address:

Date:



Town of Sunnyvale Council Agenda Item

Meeting Date: 02/27/2012

Item #: 7

Department: Comm. Dev.

Applicant/Property:

Ben Lamonte/536 Long Creek Bldg #4

Request::

- The applicants request is to expand a Conditional Use Permit granted in 2009 for the same address.
The applicant currently operates this permit from building #6 and their intention is to also use building #4 for the same use. The occupants will be a specific group by invitation only and will not be open to the public.
Hours of operation are from 4:00pm-9:00pm Monday thru Friday and 10:00am-2:00pm Saturday and Sunday.

Ordinance Requirements:

1. Conditional uses are uses which are generally compatible with permitted land uses in a given zoning district
2. Any conditionally permitted use that is enlarged, expanded, increased in intensity or relocated must submit a new application
3. Commercial Amusement is allowed in highway commercial zoning only with a conditional use permit.

Staff Comment::

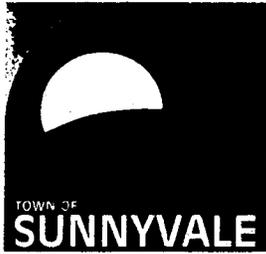
The existing business has operated in this location since 2009 as a result the town has not received any complaints or concerns.

The proposed use appears to be an acceptable use and is compatible with adjacent uses. Therefore we recommend that this conditional use permit be approved.

This request was presented to the Planning and Zoning Commission February 20, 2012 and received a recommendation for approval.

There were eleven (11) notices mailed and none returned as of February 23, 2012

Steve Gilbert,
Director of Community Development
Building Official



Submit by 1-18²⁵-12
p42 Meeting 2-20²⁰-12 @ 7:00 PM.
Council 2-27-12 @ 7:00 PM.

APPLICATION FOR
CONDITIONAL USE PERMIT

DATE: 1/17/2012 FILE NO: 1206

Request: To allow for private batting cage for
baseball specific instruction.

APPLICANT INFORMATION

APPLICANT: Ben Lemonte
Inside The Box Athletics Club LLC
PHONE: (214) 507-6360 214-670-4650 FAX #
ADDRESS: 1017 Garden Trl.
CITY: Mesquite STATE: TX ZIP: 75149

Applicant's Status: (check one) Owner Representative Tenant

*If applicant is not owner, complete Agent Authorization Form.

PROPERTY INFORMATION

ADDRESS: 536 Long Creek Rd #4

LEGAL DESCRIPTION:
Property is subdivided as described below:
 Addition: _____ Lot: _____ Block: _____
 Property is platted:
Survey: _____ Abstract #: _____ Tract (s): _____

EXISTING ZONING: _____ EXISTING PROPERTY USE: _____

STATUS OF PROJECT: Proposed Under Construction Existing

REQUIRED SUBMITTAL DOCUMENTS:

The applicant shall indicate whether the following documents have been included with the application:

- | <u>YES</u> | <u>NO</u> | <u>DESCRIPTION</u> |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 15 copies prints of a site plan for Town Council |
| <input type="checkbox"/> | <input type="checkbox"/> | 15 copies prints of a site plan for the Planning and Zoning Commission that shows the following: <ol style="list-style-type: none"> 1. Site dimensions including lot setback lines. 2. Existing features including buildings. 3. Proposed buildings and parking areas 4. Additional information that may pertain to your request listed in the site plan contents |

1 set of electronic versions of the above documents on a CD in Adobe Acrobat format in 11"x 17" format and 600 dpi resolution.

Failure to submit the applicable documents described above with the application will result in an automatic staff recommendation for denial of application to the Planning and Zoning Commission and Town Council.

REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary

1. Completely describe the CUP you are requesting: *To allow for private batting cages for instructional purposes. Baseball specific instruction & training*

2. Describe any unique conditions or circumstances that may apply to your request for a Conditional Use Permit :

COMPATIBILITY

When considering applications for a conditionally permitted use, the Planning and Zoning Commission and Town Council evaluate the impact of the conditional use on and its

compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The applicant shall indicate the following:

YES NO ELEMENT

- The proposed variance at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.
- The proposed variance is consistent with the general purpose and intent of the applicable zoning district regulations.
- The proposed variance is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
- The proposed variance does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood
- The proposed variance is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- The proposed variance is in substantial to standards previously established in the zoning district.

FEES

Filing Fee \$250.00 Flat Fee = \$ 250.00 *Per 1-25-12*

Notices - \$3.00 Per Property Owner Within 400 ft. Notices = \$ _____

TOTAL CONDITIONAL USE PERMIT FILING FEE \$ _____

The above fees are non-refundable and are charged for the processing of the application. Filing of Final Plats, and/or the issuance of Building Permits and Certificates of Occupancy may be withheld until all fees are paid.

APPROVAL OF PLANS, PLATS OR CONSTRUCTION DOES NOT RELIEVE APPLICANT OF HIS OBLICATIONS UNDER THE TOWN CODES TO CONSTRUCT AND MAINTAIN THE IMPROVEMENTS IN ACCORDANCE WITH SUCH TOWN CODES.

I acknowledge that I have read and understand the application and fees.

Applicant: (if tenant or purchaser, Owner's signature also is required.)

x Tony Fische owner

x B.Z. Monte tenant

Ben LaMonte
Applicant's Printed Name

Ben LaMonte
Applicant's Signature

Owner:

Tony Fischer
Owner's Printed Name

Tony Fischer
Owner's Signature

Town of Sunnyvale:

Acknowledge By: Melinda Diney Date: 1-25-12

RESIDENCE

TOTAL HWY/STREET FRONTAGE 873
MAPS 20 PAGE 50A-P
THOMAS D. COATS SURVEY
ABST. #330, TR 26 P. 500

ZONED
RESIDENTIAL

ZONED
H.C.

ZONED
H.C.

BILLBOARD

WHITE
HOUSE

LONG CREEK RD

U.S. HWY. 80 EAST SERVICE RD.

100 80

150 50

70 60
100 40

120 80

100 80

100 80

117'

47'

320'

48'



**Notice of Application for Conditional Use Permit
Town of Sunnyvale**

The Town of Sunnyvale has received a request by the Inside the box athletic club/ Ben Lamonte for a Conditional Use Permit to allow a private batting cage and baseball instruction facility located at 536 Long Creek Rd Bldg # 4. The location of the applicant's property is shown on the attached exhibit.

The Planning and Zoning Commission will hear this application on February 20, 2012 and the Town Council will consider the application on either February 27 or March 12 2012. The hearings will be conducted in open session at Town Hall, 127 Collins Road at 7:00 P.M. If you have comments on this application, you may present them in person at these meetings or may submit written comments at any time on or before date of the hearings.

The Conditional Use Permit application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact the development department 972-203-4188.

If you wish to submit a written response, please fill out and return this notice as soon as possible.

I am in favor of the issuance of the Conditional Use Permit

I am opposed to the issuance of the Conditional Use Permit

Explanation:

Signature:

Printed Name:

Address:

Date:



Town of Sunnyvale Council Agenda Item

Meeting Date: 02/27/2012

Item #: 8

Department: Town Manager

Subject:

RES. 12 - 08 : A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY, AND AUTHORIZING THE TOWN TO INITIATE CONDEMNATION PROCEEDINGS TO CONDEMN FOR PUBLIC USE A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ACROSS OR THROUGH A PORTION OF A 20.0714 ACRE TRACT DESCRIBED IN VOLUME 93044, PAGE 1583 OF THE DALLAS COUNTY PUBLIC RECORDS (LOCALLY KNOWN AS 529 U. S. HIGHWAY 80).

Background:

This item will be discussed during the 6:00 p.m. Special Meeting Executive Session.

According to our attorney, should a Councilmember make a motion to approve this Resolution, the motion should be stated as follows:

"I move that the Council adopt Resolution 12 - 08, authorizing the Town to initiate condemnation proceedings to condemn for public use a permanent sanitary sewer easement, and a temporary construction easement, on a portion of a 20.0714 acre tract, as described in Exhibits A and B to the Resolution, locally known as 529 U. S. Highway 80."

The vote of each Councilmember needs to be recorded. If the motion receives a second, the Mayor should then call on each Councilmember individually to vote YEA or NAY on the motion.

Attachments:

Resolution 12-08
Exhibits A & B

**TOWN OF SUNNYVALE
RESOLUTION NO. 12 - 08**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY, AND AUTHORIZING THE TOWN TO INITIATE CONDEMNATION PROCEEDINGS TO CONDEMN FOR PUBLIC USE A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ACROSS OR THROUGH A PORTION OF A 20.0714 ACRE TRACT DESCRIBED IN VOLUME 93044, PAGE 1583 OF THE DALLAS COUNTY PUBLIC RECORDS (LOCALLY KNOWN AS 529 U. S. HIGHWAY 80).

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

Section 1. The Town Council finds that public necessity requires that the Town acquire a permanent public easement for sanitary sewer improvements, and a temporary construction easement, on property described in exhibits A and B.

Section 2. The Town Council finds that the use of the easements for sanitary sewer improvements is a public use.

Section 3. The Town Council finds that the Town made a *bona fide* offer to purchase the easements, in accordance with section 21.0113 of the Texas Property Code, and provided the property owner with: (1) an appraisal report prepared for the Town by an independent appraiser; (2) a copy of the Landowner's Bill of Rights; and (3) a copy of the proposed easements.

Section 4. The Town Council finds that the property owner rejected the Town's offer to purchase the easements.

Section 5. The Town Council authorizes the Town Administrator to initiate condemnation proceedings to condemn the easements as described in exhibits A and B, and to engage an attorney and other experts or consultants needed to prosecute the condemnation proceedings; and the Town Council authorizes the Town's attorney file any necessary suit and to take any other necessary action for the prompt acquisition of the easements by condemnation or in any manner provided by law.

Section 6. The Town Council finds that, to the extent the easements are purchased wholly or partly with bond proceeds, the Town has obtained an independent appraisal of the easements' market value.

Section 7. This resolution will take effect immediately upon its passage.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Sunnyvale, Texas, on this the 27th day of February, 2012.

Jim Phaup, Mayor

ATTEST:

Leslie Malone, Town Secretary

**EXHIBIT A
LEGAL DESCRIPTION
PERMANENT SANITARY SEWER LINE EASEMENT**

Being a 0.603 (26,280 Square Feet) acre tract of land, situated in the A.W. Webb Survey, Abstract No. 1595, Town of Sunnyvale, Dallas County, Texas, and being a portion of a 20.0714 acre tract of land conveyed by deed to Shelby Dale Berry and Ida Myrle Berry, Trustees for the Berry Inervics Family Trust U/A, as recorded in Volume 93044, Page 1583, Deed Records Dallas County, Texas shown on Exhibit "B" and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod as described in said Berry deed at the southeast corner of said tract, also being the intersection of the west line on East Fork Road, a 60-foot right-of-way and the north line of U.S. Highway 80, a variable width right-of-way;

THENCE FROM THE POINT OF BEGINNING North 79°54'53" West along said north line, a distance of 916.69 feet to a point for corner;

THENCE North 02°05'31" West five east of and parallel to the west line of said Berry tract, a distance of 362.16 feet to a point for corner;

THENCE North 20°53'38" West a distance of 15.18 feet to a point for corner in the west line said Berry tract, also being the east line of Lot 1 of Oakhaven Commercial Park, an addition to the town of Sunnyvale, Texas as recorded in Volume 93213, Page 6989, Map Records, Dallas County, Texas, conveyed by deed to Sampaguita Inc., as recorded in Volume 2000022, Page 1225, Deed Records, Dallas County, Texas, also being the east line;

THENCE North 02°05'31" West along the common line of said Berry and the east line of said Lot 1, a distance of 62.05 feet to a point for corner;

THENCE South 20°53'28" East departing said common line, a distance of 77.25 feet to a point for corner;

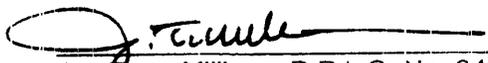
THENCE South 02°05'31" East a distance of 349.31 feet to a point for corner;

THENCE South 79°54'53" East a distance of 907.65 feet to a point for corner in the west right-of-way line of East Fork Road;

THENCE South 29°38'20" West along said west line, a distance of 21.22 feet to a point for corner; to the **POINT OF BEGINNING**.

BASIS OF BEARINGS: Texas State Plane Coordinates NAD 83, North Central Zone 4202 Grid North.

Field Notes prepared under my personal supervision:

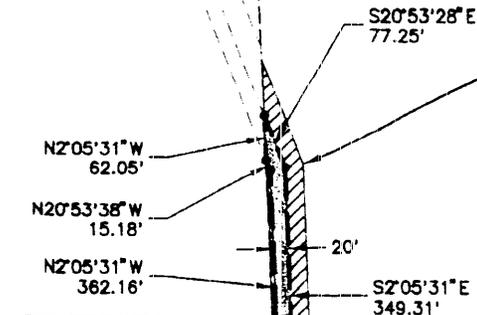

Joe Terry Millican, R.P.L.S. No. 3426
Date: 7 Sept 10



TERRIE ZITO
9.8514 ACRES
VOL. 98127, PG. 772
D.R.D.C.T.

LOT 1
OAKHAVEN COMMERCIAL
PARK
VOL. 93213, PG. 6989
M.R.D.C.T.

A.W. WEBB SURVEY ABST. NO. 1595



SHELBY DALE BERRY AND
IDA MYRLE BERRY,
TRUSTEES FOR THE
BERRY INERVIVOS
FAMILY TRUST U/A
20.0714 ACRES
VOL. 93044, PG. 1583
D.R.D.C.T.

TEMPORARY
5' CONSTRUCTION
EASEMENT

TEMPORARY
25' CONSTRUCTION
EASEMENT

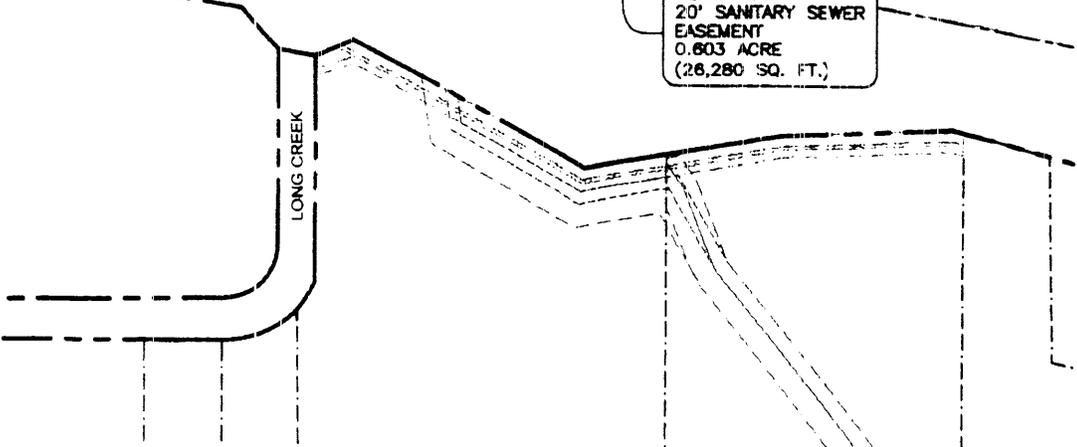
TEMPORARY
30' CONSTRUCTION
EASEMENT

SOUTHWESTERN BILL
EASEMENT FOR
EQUIPMENT STATION
VOL. 86071, PG. 138

U.S. HWY. 80
(VARIABLE WIDTH R.O.W.)
CENTERLINE

PERMANENT
20' SANITARY SEWER
EASEMENT
0.603 ACRE
(26,280 SQ. FT.)

POINT OF
BEGINNING



PREPARED UNDER MY PERSONAL SUPERVISION

Joe T. Millican
JOE T. MILLICAN, R.P.L.S. No. 3428
DATE: 7 Sep 10



BASIS OF BEARINGS:
TEXAS STATE PLANE COORDINATE
NAD 83, NORTH CENTRAL ZONE
4202 GRID NORTH

SCALE: 1"=200'

JOB#: 09143

DATE: AUGUST 2010

SHEET: 1/1

TOWN OF SUNNYVALE
EAST FORK SANITARY SEWER
EXHIBIT "B"
PARCEL 3

 **FREEMAN-MILICAN, INC.**
ENGINEERS - ARCHITECTS - PLANNERS

1228 GREENVILLE AVE., SUITE 121 DALLAS, TEXAS 75204 PH: 214-903-0008 TX REG. FIRM NO. 2827



Town of Sunnyvale Council Agenda Item

Meeting Date: 02/27/2012

Item #: 9

Department: Town Mgr.

Subject:

A RESOLUTION SUSPENDING THE PROPOSED EFFECTIVE DATE OF THE PROPOSED RATE SCHEDULES OF THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION ("COMPANY"), PROVIDING THAT THE RATE SCHEDULES OF SAID COMPANY SHALL REMAIN UNCHANGED DURING THE PERIOD OF SUSPENSION, PROVIDING FOR NOTICE HEREOF TO SAID COMPANY, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Background:

Background on this item will be emailed to Council on Monday, February 27, 2012.

**TOWN OF SUNNYVALE
RESOLUTION NO. 12-09**

A RESOLUTION SUSPENDING THE PROPOSED EFFECTIVE DATE OF THE PROPOSED RATE SCHEDULES OF THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION ("COMPANY"), PROVIDING THAT THE RATE SCHEDULES OF SAID COMPANY SHALL REMAIN UNCHANGED DURING THE PERIOD OF SUSPENSION, PROVIDING FOR NOTICE HEREOF TO SAID COMPANY, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Company heretofore, on January 31, 2012, filed with the Governing Body of this municipality its Statement of Intent, together with its rate filing package, proposing to change its rate schedules within the corporate limits of this municipality, effective on March 6, 2012 (the "proposed effective date"); and

WHEREAS, in order to allow sufficient time for the consideration of the data filed by said Company, it is the desire of the Governing Body of this municipality to suspend, pursuant to Section 104.107(a)(1) of the Gas Utility Regulatory Act, the proposed effective date of said proposed changed rate schedules;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

SECTION 1. That the effective date of the proposed changed rate schedules of Company is hereby suspended for a period of 90 days from the proposed effective date;

SECTION 2. That the rate schedules of Company in effect within this municipality on the date on which Company filed its said Statement of Intent shall continue in force during the period of suspension provided in Section 1 hereof.

SECTION 3. That the Secretary of this municipality is hereby directed to deliver a copy of this Resolution to Company promptly after the passage hereof to Atmos Energy Mid-Tex, care of David Park, Vice President Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240.

SECTION 4. It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public and that public notice of the time, place and purpose of said meeting was given, all as required by law.

PASSED AND APPROVED at a Regular Meeting of the City Council of the Town of Sunnyvale, Texas on this the 27th day of February, 2012.

Jim Phaup, Mayor

ATTEST:

Leslie Malone, Town Secretary



Town of Sunnyvale Council Agenda Item

Meeting Date: 02/27/2012

Item #: 10

Department: Town Sec.

Subject:

Staff Presentation on Paperless Agendas

Background:

Council has expressed an interest in looking into paperless agendas. Staff will present a demonstration on how the system could work.

Council may be asked to consider the paperless system at the mid-year Budget Review in March.