



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, APRIL 9, 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 #6

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 02/27/2012.**
2. **REGULAR MEETING OF 02/27/2012.**
3. **JOINT TOWN COUNCIL & PLANNING AND ZONING COMMISSION MEETING OF 03/05/2012.**
4. **SPECIAL MEETING OF 03/05/2012.**
5. **REGULAR MEETING OF 03/26/2012.**
6. **SPECIAL MEETING OF 04/02/2012.**

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:

7. **APPLICATION FOR SITE PLAN**
APPLICANT: ECI ACADEMY
AT OR ABOUT: 302 TOWN EAST BLVD
REQUEST: CHANGE OF USE

DISCUSSION/ACTION ITEMS

8. LIBRARY BOARD PRESENTATION OF SURVEY RESULTS.

9. DISCUSSION/STAFF PRESENTATION AND UPDATE:

- **Road Reconstruction & Maintenance Projects**
- **Board & Commission Attendance**

MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS

EXECUTIVE SESSION

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

EXECUTIVE SESSION AGENDA:

SECTIONS 551.072 – DELIBERATION REGARDING REAL PROPERTY

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

10. PROPERTY AT OR ABOUT THE 600 BLOCK OF E. US HWY 80

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).

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 APRIL 5, 2012, IN THE FOLLOWING LOCATION 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 Council Agenda Item

Meeting Date: 04/09/2012

Item #: 1 - 6

Department: Town Sec.

Subject:

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:

1. SPECIAL MEETING OF 02/27/2012.
2. REGULAR MEETING OF 02/27/2012.
3. JOINT TOWN COUNCIL & PLANNING AND ZONING COMMISSION MEETING OF 03/05/2012.
4. SPECIAL MEETING OF 03/05/2012.
5. REGULAR MEETING OF 03/26/2012.
6. SPECIAL MEETING OF 04/02/2012.

Background:

Over the last several months, Council has considered several sets of Minutes in order to get caught up. This should be the last large batch of minutes needing approval, as this will bring us up to date.

Recommendation:

Approval

Attachments:

1. SPECIAL MEETING OF 02/27/2012.
2. REGULAR MEETING OF 02/27/2012.
3. JOINT TOWN COUNCIL & PLANNING AND ZONING COMMISSION MEETING OF 03/05/2012.
4. SPECIAL MEETING OF 03/05/2012.
5. REGULAR MEETING OF 03/26/2012.
6. SPECIAL MEETING OF 04/02/2012.



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

	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 6:00 p.m.

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**

Mayor Pro-Tem Hill made a motion to recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code to discuss pending litigation with the Town Attorney concerning Dews vs. Town of Sunnyvale, ICP vs. Town of Sunnyvale, and Vulcan vs. Town of Sunnyvale, under Section 551.071, and to hold deliberations regarding real property at or about the 600 Block of E. US Hwy 80 under Section 551.072. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

END OF EXECUTIVE SESSION

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

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

A. 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

Mayor Phaup reconvened the Town Council meeting at 6:30 p.m. and stated no action would be taken as a result of the Executive Session.

ADJOURN

Mayor Phaup adjourned the meeting at 6:30 p.m.

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

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



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

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

INVOCATION

Mayor Pro-Tem Hill led the invocation.

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

Mayor Phaup called the Regular Town Council Meeting of Monday, February 27, 2012, to order at 7:02 p.m. and declared a quorum present. Councilmember Wiley was absent.

PUBLIC FORUM

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

Bruce Kosab, 225 Robin Ridge Drive, stated the recent article in *D Magazine* was deeply concerning to him and other local pastors. He asked the Council to respond to the article and verify the content of the article.

Mayor Phaup stated a response would be forthcoming in the coming days.

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

Councilmember Henderson asked that Item 1, Special Meeting Minutes of 10/20/2011 be removed from the consent agenda.

Mayor Pro-Tem Hill made a motion to approve the Consent Agenda Items #2 Through #5. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

END OF CONSENT AGENDA

1. SPECIAL MEETING OF 10/20/2011

Councilmember Henderson stated the draft of the 10/20/2011 Minutes stated all Councilmembers were present, yet the vote was recorded as 3/0. Councilmember Henderson made a motion to table the Minutes of the Town Council Special Meeting of 10/20/2011 until the next Regular Meeting of the Town Council. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

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

Director of Community Development Steve Gilbert informed the Council the preliminary plat and site plan for 2862 N. Beltline Road had been recommended for approval by the Planning and Zoning Commission and had also been approved for several variances from the Board of Adjustments. 7 notices were sent to surrounding property owners and one was returned from Dr. Sweeney. Dr. Sweeney was present at the Planning and Zoning Commission Meeting and his concerns were addressed.

Mayor Pro-Tem Hill asked about drainage for the property.

Director of Community Development Steve Gilbert stated the lot was less than one acre in size and there would only be minimum water shed due to the landscape buffers.

Councilmember Henderson asked if access to the property would still be available during the construction of the new building.

Director of Community Development Steve Gilbert stated it would be.

Applicant Kyle Bennett of Bill Bennett Construction, located at 701 S. Bryan-Belt Line Road, Mesquite, introduced himself to the Council and stated that the roof drains would be on the north side of the property and would have no impact on the surrounding properties.

Mayor Phaup opened the Public Hearing. No comments were made. Mayor Phaup closed the Public Hearing.

Councilmember Yates asked how many doctors or practices would be utilizing the building.

Applicant Kyle Bennett stated currently there is one physician leasing the space with the option for an additional 3,000 square feet for professional services. The space could be used by a total of two or three professionals depending on how the space was divided.

Councilmember Henderson made a motion to approve the application for preliminary plat and site plan accounting for the variances granted by the Board of Adjustments for property located at or about 2862 N. Beltline Road. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

7. APPLICATION FOR CONDITIONAL USE PERMIT

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

Director of Community Development Steve Gilbert informed the Council this application was to expand an existing Conditional Use Permit. The Zoning Ordinance requires the application of a new Conditional Use Permit for any expansion of an existing permit. The applicant has operated the existing business in the location since 2009 and no complaints have been received in that time. The applicant is wanting to expand the indoor batting cages into an adjacent building.

Applicant Ben Lamonte, 1017 Garden Trail, Mesquite, introduced himself to the Council.

Mayor Phaup opened the Public Hearing. No comments were made. Mayor Phaup closed the Public Hearing.

Councilmember Yates verified the operating hours on weekends as 10 a.m. to 2 p.m.

Applicant Lamonte stated that was the case.

Director of Community Development Steve Gilbert stated the facility is not open to the public and is an invitation-only facility.

Mayor Pro-Tem Hill made a motion to approve the application for a Conditional Use Permit for Indoor Batting Cages for property located at or about 536 Long Creek. Councilmember Henderson seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

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).

Mayor Phaup stated that after the Executive Session held earlier this evening, he requested the item be tabled until the next Regular Town Council Meeting.

Mayor Pro-Tem Hill made a motion to table the discussion and consideration of Resolution 12-08 until the next Regular Town Council Meeting. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

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.

Town Manager Scott Campbell stated Resolution 12-09 would support suspending the proposed effective date of proposed rate schedules of Atmos Energy for ninety days.

Susan Harris, Atmos Energy, 4748 Bell Run Road, stated approval of the Resolution would allow Atmos Energy time to negotiate with the coalition of cities.

Mayor Pro-Tem Hill made a motion to approve Resolution 12-09, a resolution suspending the proposed effective date of the proposed rate schedules of the Mid-Tex Division of Atmos Energy Corporation 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. Councilmember Henderson seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

10. **DISCUSSION AND STAFF PRESENTATION ON PAPERLESS AGENDA SYSTEM**

Town Secretary Leslie Malone gave a brief presentation on how the Council could receive the Town Council meetings using iPads in the future.

Council directed Staff to pursue purchasing iPads.

COUNCIL REPORTS AND REQUESTS.

Mayor Pro-Tem Hill stated she had asked Staff to look into the work Atmos was performing East of Collins Road.

Town Manager Scott Campbell stated Atmos was performing routine maintenance in the area.

Councilmember George asked when the contract amendment for Solid Waste and Recycling Services would be brought before the Council for consideration.

Town Manager Scott Campbell stated Staff received the contract this past Friday, but there was not enough time to prepare the item for Council consideration. The Council will discuss and consider the item at the next Council meeting.

Mayor Pro-Tem Hill asked if the recycling bins would be free to residents, and asked about the fee for garbage bins. Hill stated she had received an invoice for a garbage bin fee.

Town Manager Scott Campbell stated the contract amendment has not been executed. Trash service remains as it has been. Once the contract amendment has been executed, the recycling bin will be free of charge, however the fee for the garbage bin will remain the same.

MAYOR REPORTS AND REQUESTS.

Mayor Phaup reported there is a Town Hall Meeting scheduled for Thursday, March 1st at 7:00 p.m. at Town Hall. The update portion of the meeting is expected to take about one hour.

Filing for Town Council election closes on March 5th.

The Friends of the Library Gala will take place on March 3rd at 6:30 p.m. The Sunnyvale Education Foundation Gala will take place on March 23rd at Double D Ranch.

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

Mayor Pro-Tem Hill made a motion to recess into executive session at 7:40 p.m. pursuant to Chapter 551, Subchapter D of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Town Manager in accordance with Section 551.074 of the Texas Local Government Code. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Wiley was absent.

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

Mayor Phaup reconvened the meeting at 8:20 p.m. and stated no action was necessary as a result of the executive session.

ADJOURN.

Mayor Phaup adjourned the meeting at 8:20 p.m.

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

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE TOWN COUNCIL
PLANNING AND ZONING COMMISSION
JOINT WORKSHOP SESSION
MARCH 5, 2012
7:00 P.M.**

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
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 7:00 p.m. Councilmember Wiley was absent.

Chairperson Egan called the Planning and Zoning Commission meeting to order at 7:00 p.m. Commission members Turner and Kirkland were absent. Commission member Okafor arrived at 7:04 p.m.

• **WORKSHOP DISCUSSION:**

PRESENTATION AND DISCUSSION REGARDING TOWN PLANNER/STAFF RECOMMENDATIONS RELATED TO CURRENT AND PROPOSED INDUSTRIAL (I) USES ALLOWED BY RIGHT AND AS CONDITIONAL USE IN GENERAL BUSINESS (GB), HIGHWAY COMMERCIAL (H C), AND INDUSTRIAL (I) ZONED DISTRICTS; AND PROPOSED AMENDMENTS TO CURRENT DEFINITIONS FOR SUCH USES.

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

Town Planner Sherry Sefko led the Council and Commission through changes made as a result of the last Joint Workshop.

The Commission and Council suggested changes to the document.

Town Planner Sefko stated the process was far enough along to begin the publication of Public Notices and she would prepare the changes in Ordinance form for consideration by the Council and the Planning and Zoning Commission.

- **ADJOURN**

Chairperson Egan adjourned the Planning and Zoning Commission at 7:48 p.m.
Mayor Phaup adjourned the Town Council at 7:48 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:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
MONDAY, MARCH 5, 2012
6:00 P.M.**

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

CALL MEETING TO ORDER

Mayor Phaup called the Special Town Council Meeting of Monday, March 5, 2012, to order at 6:01 p.m. and declared a quorum present. Councilmember Yates arrived at 6:08 p.m. Councilmember Wiley was absent.

DISCUSSION/ACTION ITEMS

- 1. DISCUSS AND CONSIDER RESOLUTION 12-10:** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AUTHORIZING THE TOWN MANAGER TO EXECUTE A JOINT ELECTION CONTRACT FOR ELECTION SERVICES WITH DALLAS COUNTY ELECTIONS DEPARTMENT.

Spanish Translation

Considere la posibilidad de aprobación de la Resolucion 12-10 del Ayuntamiento de la ciudad de Sunnyvale, Texas, se autoriza al Administrador de la Ciudad para la ejecucion de un contrato mixto Eleccion de Servicios del Departamento de Elecciones del Condado de Dallas.

Mayor Phaup stated this was a standard Election Contract from Dallas County.

Councilmember George made a motion to approve Resolution 12-10: A Resolution of the Town Council of the Town of Sunnyvale, Texas, authorizing the Town Manager to execute a joint election contract for election services with Dallas County Elections Department. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 3/0. Councilmember Yates and Wiley were absent.

- 2. DISCUSS AND CONSIDER RESOLUTION 12-11:** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF AN AMENDMENT TO THE TOWN'S AGREEMENT WITH REPUBLIC SERVICES OF TEXAS, LTD. D/B/A REPUBLIC SERVICES OF DALLAS TO ADD THE COLLECTION

OF RECYCLABLE AND RECOVERED MATERIALS TO RESIDENTIAL UNITS TO THE SERVICES PROVIDED BY CONTRACTOR AND ESTABLISH RATES.

Mayor Phaup informed the Council Resolution 12-11 is to amend the Town's current Solid Waste Contract with Republic Services to include curb-side recycling services with a monthly cost of \$11.34 to residents.

Brenda Lallond, 1450 E. Cleveland Road, Hutchins, Texas, and speaking on behalf of Republic Services passed out information showing the type of publications Republic Services will be providing to residents. Ms. Lallond stated the residents will be mailed information regarding the new services some time during the week of March 19, 2012, and that the recycling carts will be delivered to residents beginning the week of March 26, 2012. If residents do not want a recycling cart, they will have to contact Republic after the carts are delivered to schedule cart pick-up. Republic will also provide a brochure showing the areas of the Town that will be picked-up on certain dates and information referencing what materials can be recycled. The Town will be divided into two areas with Collins Road as the dividing line. Residents usually need about 45-60 days to become acclimated to the new service.

Councilmember Yates arrived at 6:08 p.m.

The Council asked Republic Services to track usage over the next 60-90 days and report back to the Council.

Councilmember Yates asked about the process to replace missing or damaged carts.

Ms. Lallond stated the more common problem occurs when a resident moves away from the Town and takes the cart with them.

Councilmember Henderson made a motion to approve Resolution 12-11: A Resolution of the Town Council of the Town of Sunnyvale approving the entering into of an amendment to the Town's agreement with Republic Services of Texas, Ltd. D/b/a Republic Services of Dallas to add the collection of recyclable and recovered materials to residential units to the services provided by contractor and establish rates. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 4/0. Councilmember Wiley was absent.

3. DISCUSS AND CONSIDER ORDINANCE 12-03: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES APPENDICES ARTICLE 8.000, UTILITY RELATED FEES, TO AMEND SECTION 8.1900, GARBAGE COLLECTION FEE, TO INCREASE GARBAGE COLLECTION FEE AND PROVIDING AN EFFECTIVE DATE.

After discussion, Mayor Pro-Tem Hill made a motion to approve Ordinance 12-03: An Ordinance of the Town of Sunnyvale, Texas, amending the Code of Ordinances Appendices Article 8.000, Utility Related Fees, to amend Section 8.1900, Residential Garbage Collection Fee, to increase Residential Garbage Collection Fee and providing an effective date. Councilmember Yates seconded the motion. Mayor Phaup called for a

vote will all Councilmembers voting affirmative, the motion passed 4/0. Councilmember Wiley was absent.

4. DISCUSS AND CONSIDER CANCELLING THE REGULAR TOWN COUNCIL MEETING SCHEDULED FOR MARCH 12, 2012.

Councilmember Hill made a motion to cancel the Regular Town Council Meeting scheduled for March 12, 2012. Councilmember George seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 4/0. Councilmember Wiley was absent.

EXECUTIVE SESSION

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

SECTIONS 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY

1. ICP VS. TOWN OF SUNNYVALE

Mayor Phaup informed the Council the Town's attorney was not present at the meeting and the Executive Session would not be held.

END OF EXECUTIVE SESSION

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

SECTIONS 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY

1. ICP VS. TOWN OF SUNNYVALE

No action was taken as no Executive Session was held due to the absence of the Town's attorney.

ADJOURN

Mayor Phaup adjourned the meeting at 6:26 p.m.

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

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
MONDAY, MARCH 26, 2012
7:00 P.M.**

**MAYOR
MAYOR PRO-TEM
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER**

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

INVOCATION

Mayor Pro-Tem Hill led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Phaup led the Pledge of Allegiance.

CALL MEETING TO ORDER

Mayor Phaup called the Regular Town Council Meeting of Monday, March 26, 2012, to order at 7:04 p.m. and declared a quorum present. All Councilmembers were 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.

No Citizen comments were made.

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. JOINT TOWN COUNCIL & 4A DEVELOPMENT CORPORATION MEETING OF 01/05/2012.**
- 3. JOINT TOWN COUNCIL & PLANNING AND ZONING COMMISSION MEETING OF 01/30/2012.**

4. SPECIAL MEETING OF 02/13/2012.

5. REGULAR MEETING OF 02/13/2012.

Mayor Pro-Tem Hill moved and seconded by Councilmember Henderson to approve the Consent Agenda Items 1 through 5. Mayor Phaup called for a vote, with all Councilmembers voting affirmative, the motion passed 5/0.

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 FINAL PLAT

APPLICANT: RICHARD HOVAS
AT OR ABOUT: STONEY CREEK BLVD.
REQUEST: STONEY CREEK PHASE 2-D

Director of Community Development Steve Gilbert informed the Council this application for a Final Plat of Stoney Creek Phase 2-D has completed all requirements excluding six provisions stated in the Staff letter to the applicant.

Applicant Richard Hovas stated he hopes to have all six provisions completed by the end of the week.

Mayor Pro-Tem Hill asked if soil compaction tests had been completed to ensure the integrity of any new roadways.

Town Manager Scott Campbell stated that the Town has updated the requirements, and this will be the first time the increased interval testing will be required.

Councilmember Henderson made a motion to approve the final plat at or about Stoney Creek Blvd. subject to the completion of items noted in the Staff Report dated March 22, 2012. Councilmember Wiley seconded the motion. Mayor Phaup called for a vote, with all Councilmembers voting affirmative, the motion passed 5/0.

7. APPLICATION FOR SITE PLAN

APPLICANT: ECI ACADEMY
AT OR ABOUT: 302 TOWN EAST BLVD
REQUEST: CHANGE OF USE

Director of Community Development Steve Gilbert informed the Council this application for a Site Plan Review is brought to Council as the Applicant is seeking a Change of Use. The change in use will result in no changes to the exterior. The change is from A2 - Church to E-Education. The main objective of a Site Plan Review is to verify the current code requirements are met. Most of the concerns from the Planning & Zoning Commission were to verify parking and Americans with Disabilities Act requirements would be met. All current codes will have to be met by the applicant.

Mayor Phaup asked if the school intended to use the entire campus.

Director of Community Development Steve Gilbert stated the school did intend to use the entire campus, and the Church may continue to use the sanctuary on Sunday.

Jackie Whitaker, of ECI Academy, stated the church and school may share the facility temporarily, but ECI Academy hopes to purchase the entire property in the future.

Mayor Phaup asked the applicant to describe the operations of the school.

Ms. Whitaker stated ECI Academy has been in operation since 2001. They are publicly funded and currently have about 200 students that attend Kindergarten through eighth grade with 30 - 35 employees. They currently occupy the Family Cathedral of Praise in Mesquite but have outgrown the facility. The current charter allows for up to 500 students. ECI Academy has open enrollment and focuses on a safe environment for all students. Staff hours are set at 7:30 a.m. to 4:30 p.m., and students attend 8:30 a.m. to 3:30 p.m. In the future, the times students attend may be staggered.

Councilmember Henderson asked how any traffic issues were being addressed.

Director of Community Development Steve Gilbert stated that Town East Blvd. is a high traffic road, but there was room to designate in and out drives within the property. Also, plenty of stacking room was available within the campus.

Ms. Whitaker answered questions from the Council by stating that the school did intend to purchase the property located behind the church. They do not intend to start a High School in the next five years. The Charter is through the Texas Education Agency. The playground would be located at the rear of the property. The school does not offer sports or bus service. Therapists were not included in the staff count. Once students complete eighth grade, they can choose to attend a school in their local district, another charter school, home school, or private school. The goal of ECI Academy is not to compete with local school districts, but provide another choice for students that may not excel in that environment. ECI Academy does hire qualified and certified teachers. The school is not a school set-up for only students with disciplinary problems.

Mayor Phaup opened the Public Hearing.

Jim Wade, 299 Tripp Road, voiced concerns over what type of student would choose a Charter School. What is offered at a Charter School that isn't available at a public school?

Ms. Whitaker stated that smaller classes enable teachers to better assist students that are falling through the cracks at public schools. Affordability is another factor as Charter Schools provide a free and public education.

Councilmember Yates stated that Charter Schools receive about \$6,000 per student, while Public Schools receive about \$8,500 per student from the state. Councilmember Yates asked what the applicant was doing to improve their ratings.

Eula Davis, also of ECI Academy, stated that she was hired as the Director of Curriculum and Instruction in order to bring about innovative approaches. The Academy is always looking to improve and bring out the best in students.

Mayor Phaup closed the Public Hearing.

Councilmember Yates stated that residents in the area currently complain about traffic. If the Academy does not provide buses, 200 to 500 students for this facility adds a considerable amount of traffic to an already congested area.

Mayor Pro-Tem Hill pointed out that Glenwick residents complain that they cannot go West out of their neighborhood.

Town Manager Scott Campbell stated signalization in that area had been brought up with the Planning and Zoning Commission. As traffic increases, Mesquite will contact the Town. To put in a traffic signal would cost approximately \$200,000.

Councilmember Henderson asked if the area would be designated a School Zone.

Director of Community Development Steve Gilbert stated Mesquite controls the road and would have to designate a school zone.

Mayor Phaup called on David Geiss, resident of 112 Sunview, to speak. Mr. Geiss stated that as a retired teacher he was concerned about safety as students may try to make their way to a nearby CVS Pharmacy and Convenience Store.

Mayor Phaup recommended the Council table the item to allow time for staff to meet with City of Mesquite to get feedback regarding a school zone in the area. If a school zone is created, the Town may have to pay for the signs.

Councilmember Yates made a motion to table the Application for Site Plan at or about 302 Town East Blvd. until the Council's next Regular Meeting scheduled for Monday, April 9, 2012. Councilmember Henderson seconded the motion. Mayor Phaup called for a vote, with all Councilmembers voting affirmative, the motion passed 5/0.

DISCUSSION/ACTION ITEMS

- 8. DISCUSS AND CONSIDER ORDINANCE 12-04: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING THE CODE OF ORDINANCES APPENDICES ARTICLE 8.000, UTILITY RELATED FEES, TO AMEND SECTION 8.1900, COMMERCIAL GARBAGE COLLECTION FEES, TO INCREASE COMMERCIAL GARBAGE COLLECTION FEES AND PROVIDING AN EFFECTIVE DATE.**

Town Manager Scott Campbell stated the Council had requested at the March 26, 2012, meeting for staff to develop an Ordinance updating the commercial garbage collection fees. The Ordinance is effective April 1, 2012, and residents will receive the new fees on the bills they receive in May. Staff used a rate 3.9% in administrative costs to arrive at a fee of \$18.06 per month.

Councilmember Henderson made a motion to approve Ordinance 12-04, An Ordinance of the Town of Sunnyvale, Texas, amending the Code of Ordinances Appendices Article 8.000, Utility Related Fees, to amend Section 8.1900, Commercial Garbage Collection Fees, to increase Commercial Garbage Collection Fees and providing an effective date. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote, with all Councilmembers voting affirmative, the motion passed 5/0.

- 9. PRESENTATION AND DISCUSSION REGARDING TAX INCREMENT REINVESTMENT ZONE #1 PARTICIPATION RATES AND PROCESS.**

Elizabeth Morris from Insight Research gave a presentation on Tax Increment Reinvestment Zone #1 Participation Rates and Process.

After discussion, the Council stated another meeting with the 4A Development Corporation is needed to clarify the process, parameters, and any anticipated additional non-TIRZ revenue.

- 10. DISCUSS AND CONSIDER AWARDDING BID FOR MOWING OF WEEDS AND GRASS ON GROUNDS WITHIN THE CORPORATE LIMITS OF THE TOWN OF SUNNYVALE TO WELDON'S LAWN & TREE.**

Town Manager Campbell stated three bids were returned. The lack of interest is most likely due to smaller needs of the Town than in the past. The smaller needs will result in a savings of approximately \$20,000. The 4B Development Corporation purchased a mower that has helped reduce the mowing needs included in this Bid. Tru-Green, the company the Town currently uses, did not bid on the contract. The Town did check references of the recommended Company, and there is a provision in the contract that allows the Town to get out of the contract if necessary.

Councilmember Henderson stated he heard from several local companies that the Town did reach out to them, but other factors kept them from bidding.

After discussion, Councilmember Yates made a motion to approve awarding a bid for mowing of weeds and grass on grounds within the corporate limits of the Town of Sunnyvale to

Weldon's Lawn and Tree. Councilmember Wiley seconded the motion. Mayor Phaup called for a vote, with all Councilmembers voting affirmative, the motion passed 5/0.

11. DISCUSSION/STAFF PRESENTATION AND UPDATE:

- **FY 2012 Road Reconstruction and Maintenance Projects**
- **Water and Sewer Capital Improvement Projects**
- **Street Lights**
- **Comprehensive Plan Update**

Town Manager Campbell updated the Council on these projects.

MAYOR AND COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Henderson asked staff to provide a report on Board and Commission attendance at the next meeting.

Councilmember Yates asked for an update on the Garland Water Contract, specifically the odor problem.

EXECUTIVE SESSION

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

SECTIONS 551.072 – DELIBERATION REGARDING REAL PROPERTY

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

Councilmember Henderson made a motion to recess into Executive Session at 8:47 p.m. pursuant to Chapter 551, Subchapter D of the Texas Government Code to deliberate real property located at or about the 600 Block of E. US Hwy 80 in accordance with Section 551.072 of the Texas Local Government Code. Councilmember Yates seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 5/0.

END OF EXECUTIVE SESSION

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

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

SECTIONS 551.072 – DELIBERATION REGARDING REAL PROPERTY

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

Mayor Phaup reconvened the Town Council Meeting into open session at 9:05 p.m. and stated no action would be taken as a result of the Executive Session.

ADJOURN.

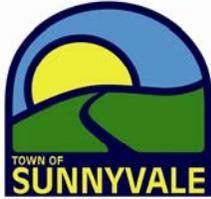
Mayor Phaup adjourned the meeting at 9:05 p.m.

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

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
MONDAY, APRIL 2, 2012
6:30 P.M.**

**MAYOR
MAYOR PRO-TEM
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER
COUNCILMEMBER**

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

CALL MEETING TO ORDER

Mayor Phaup called the meeting to order at 6:30 p.m.

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. ICP VS. TOWN OF SUNNYVALE

Councilmember Yates made a motion to recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code to discuss pending litigation with the Town Attorney concerning ICP vs. Town of Sunnyvale, under Section 551.071, Councilmember Wiley seconded the motion. Mayor Phaup called for a vote, with all councilmembers voting affirmative, the motion carried 4/0. Councilmember Henderson arrived at 6:35 p.m.

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. ICP VS. TOWN OF SUNNYVALE

Mayor Phaup reconvened the Town Council meeting at 7:35 p.m. and stated no action would be taken as a result of the Executive Session.

ADJOURN

Mayor Phaup adjourned the meeting at 7:35 p.m.

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

Mayor Jim Phaup

ATTEST:

Leslie Malone, Town Secretary



TOWN OF SUNNYVALE

To: Town Council

From: Steve Gilbert

Date: 4-4-12

Re: Site plan request / 302 Town East Blvd

As requested the Staff met with City of Mesquite to discuss possible impact of traffic for the site. They have asked that the applicant submit a traffic impact analysis for the current enrollment as well as the maximum enrollment allowed by the charter.

To allow adequate time to complete this study and review, staff recommends this item and public hearing be continued until the May 14, 2012 Council meeting.

Staff will re notice the application for the change of the public hearing date to inform adjacent property owners and allow ample opportunity to comment .

A handwritten signature in black ink, appearing to read "Steve Gilbert", is written over a horizontal line.

Steve Gilbert

Building Official

pt 2 = 3-19-12
 Council = 3-26-12 @ 7:00 pm.



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

DEVELOPMENT APPLICATION

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

FILE NO: 1307

PROPERTY INFORMATION

Addition Name: Berean Baptist Church Address/Location: 302 Town East
 Lot(s): 1 Block: 1 Current Zoning: Commercial
 # of Acres: 15.682 # of Lots: 1 # of Units: 0

APPLICANT INFORMATION

Name: Jackie Whitaker Company: A.R.I.S.E., Inc./dba Education Center Int'l Academy
 Mailing Address: P.O. Box 852337
 City: Mesquite State: Texas Zip: 75185-2337
 Phone: 214-703-9008 Fax: 214-628-9124 Email: Jackiedwhitaker@yahoo.com

OWNER INFORMATION

Name: Berean Baptist Church Company: _____
 Mailing Address: 302 Town East
 City: Sunnyvale State: TX Zip: 75182
 Phone: _____ Fax: _____ Email: _____

SITE PLAN APPLICATION SUBMITTAL REQUIREMENTS

- (Check those that apply)
- | | |
|--|----------------------------|
| <input type="checkbox"/> Preliminary Plat & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Final Plat & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Amended Plat & Checklist* | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Minor Plat & Checklist* | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Replat & Checklist* | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Preliminary Site/Concept Plan & Checklist | 24"x36", 4 copies (folded) |
| <input checked="" type="checkbox"/> Site Plan & Checklist | 24"x36", 4 copies (folded) |
| <input type="checkbox"/> Landscape Plan & Checklist | 24"x36", 4 copies (folded) |
| <input 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) |
| <input type="checkbox"/> Civil Engineering Plans | 2 Sets (rolled) |
- *Use final plat checklist

(See Fee Schedule for all Amounts)

- Fee: _____
 Fee: _____
 Fee: _____
 Fee: _____
 Fee: _____
 Fee: _____
 Fee: \$250.00 3/2-22-12
 Fee: _____
 Fee: _____



"They received the word with all readiness of mind, and searched the scriptures daily..." Acts 17:11

February 6, 2012

*David Mills
Pastor*

*Mike Harper
Pastor*

*Ken Case
Pastor*

*Rusty Ferguson
Children's Minister*

*Cindy Gregory
Administrative Assistant*

*302 N. Town East Blvd.
Sunnyvale, TX 75182*

*Mailing:
P.O. Box 850921
Mesquite, TX 75185*

*972.226.7803
Fax: 972.203.2901*

*Email:
cindy@iamberean.com*

*Website:
iamberean.com*

To whom it may concern:

Berean Baptist Church, 302 N. Town East Blvd., Sunnyvale TX 75182, authorizes Education Center International Academy, their administration and consultants, to research our property with the potential for purchase, including information provided by the Town of Sunnyvale.

Education Center International Academy will:

- (1) Employ only trained and qualified inspectors and assessors;
- (2) Notify Don Tillery, Service Realty, in advance, who will make appointments with Berean Baptist Church for inspectors or assessors to be on the property;
- (3) Abide by any reasonable entry rules or requirements of Berean Baptist Church;
- (4) Not interfere with existing operations or occupants of the property;
- (5) Request approval from Berean Baptist Church prior to engaging in any alterations or modifications to the property, and
- (6) Restore the Property to the original condition if altered due to inspections, studies, or assessments that Education Center International Academy completes or causes to be completed.

Warren F. Lynch

Trustee - Berean Baptist Church



Town of Sunnyvale Council Agenda Item

Meeting Date: 04/09/2012

Item #: 8

Department: Library

Subject:

LIBRARY BOARD PRESENTATION OF SURVEY RESULTS.

Background:

The Library Board conducted a survey and would like to present the results to the Council.

Recommendation:

None

Attachments:

1. Public Library Media Survey Results.



SUNNYVALE PUBLIC LIBRARY MEDIA SURVEY

The Sunnyvale Public Library Board would appreciate your assistance in helping us identify some of the current and future needs of the library. Please complete this survey by filling in the blanks and circling the appropriate answers.

1. Do you reside in Sunnyvale? Yes 139 No 16 If No, what city? Mesquite 10 Poetry 3

2. Your gender? Male 49 Female 105 Ft. Worth Bristol Ennis

3. What is your age?
 7 or younger 1 8-11 3 12-18 5 19-25 2 26-40 30 41-60 70 over 60 1

4. How often do you visit the Library? (Circle only one)
 Daily 5 Weekly 49 Monthly 32 Quarterly 19 Twice A Year 8 Never 1

5. If Never, then why not? on separate page

6. Which of the following reason(s) do you visit the library? (Circle all that apply)
 Books 116 Videos 55 Audio Books 15 Music 7 Research 2
 Computer/Internet 19 WiFi 7 Magazines 30 Newspapers 8
 Children's Section 34 Tween/Juvenile Section 11 Teen/Young Adult Section 16 Adult Section 3
 Summer Reading Program 12 Story Time 10 Test Proctoring 0 Interlibrary Loan 1
 Other Puzzles

7. Do you own any eBook readers? (Check all that apply)
 Smart Phone 31 Tablet (Sony iPad, Samsung Galaxy, Motorola Zoom, HP Touchpad, etc...) 19
 Amazon Kindle 27 Barnes & Noble Nook 10 Borders Kobo 4 Sony Reader 4
 Sony iPod Touch 6 Other Apple iPad 10

8. If Yes, please indicate how many of each? _____

9. If No, do you plan to purchase an eBook Reader in the future? Yes 41 No 50 Maybe 2

10. Would you like to have eBooks available for checkout? Yes 94 No 37

11. If Yes, what type of genre/content do you prefer? (Circle all that apply)
 Fiction 84 Nonfiction 40 Science Fiction/Fantasy 30 History 38 Biography 2
 Romance 27 Westerns 6 Mystery/Detective 55 Christian Fiction 25 Self Help 1
 Current Affairs 21 Business 11 Other True Crimes Animal Stories
Religious & Christian Resource Materials
Devotionals

12. Do you listen to audio books? Yes 60 No 86
13. If Yes, what format do you prefer? Cassettes 7 CDs 46 Playaways 4 Download 18
14. What type of genre/content do you prefer? (Circle all that apply)
- | | | | | |
|--------------------|---------------|---|----------------------|--------------|
| Fiction 57 | Nonfiction 29 | Science Fiction/Fantasy 19 | History 27 | Biography 23 |
| Romance 16 | Westerns 7 | Mystery/Detective 41 | Christian Fiction 16 | Self Help 17 |
| Current Affairs 15 | Business 8 | Other <u>Bible on CD - Children's Chapter Books Classics</u>
<u>Realistic fiction, Animal Stories</u>
<u>Action</u> | | |
15. Do you own a Blu-ray player? Yes 58 No 86
16. If No, do you plan to purchase a Blu-ray player in the future? Yes 21 No 57
17. Do you own a gaming system? Yes 81 No 64
18. If Yes, do you watch Blu-ray discs on your gaming system? Yes 28 No 59
19. Would you like to have Games available for checkout? Yes 65 No 51
20. What type of gaming system do you prefer? (Circle only one)
- | | | |
|---------------------|-------------------|-----------------|
| Sony PlayStation 27 | Microsoft Xbox 18 | Nintendo Wii 49 |
| Other _____ | | |
21. Do you own any educational handheld devices? Yes 41 No 82
22. If Yes, which device do you prefer? (Circle only one)
- | | | | |
|----------------------|------------------|-----------------------|----------------|
| LeapFrog Leapster 17 | Leapster L-Max 0 | V.Smile Interactive 2 | Nintendo DS 28 |
| Playaway View 0 | Other _____ | | |
23. Would you like to have Music CDs available for checkout? Yes 83 No 55
24. If Yes, what type of music do you prefer? (Circle all that apply)
- | | | | | |
|-------------------|--------------------|-----------------------------------|----------------|------------|
| Pop/Rock 43 | Country/Western 42 | Jazz 12 | Blues 12 | Hip Hop 13 |
| Easy Listening 32 | Classical 25 | Religious/Inspirational/Gospel 25 | Soundtracks 20 | |
| Children's 11 | Other _____ | | | |
25. Do you have any other suggestions for improving The Sunnyvale Public Library? _____
- _____
- _____

THANKS SO MUCH FOR YOUR FEEDBACK...SEE YOU AT THE LIBRARY!

Please return or mail your survey as soon as possible, no later than November 1, 2011, to the following locations:

Sunnyvale Public Library
402 Tower Place
Sunnyvale, TX 75182

Sunnyvale Town Hall
127 Collins Road
Sunnyvale, TX 75182

Additional Questions

5. Reasons Why They Don't Use Sunnyvale Library.

1. New residents
2. Don't know the location of the library
3. Didn't know the town had a library
4. Unsure of the hours of operation
5. Use the internet
6. Use ebooks
7. Have not made the time
8. Children grown
9. Previously part of the Dallas system--lack of space & limited collection at Sunnyvale library
10. Purchase books
11. Use Mesquite/ hours coincide with their work hours & books organized in a system conducive to research
12. Difficult to locate new & current titles, so purchase or download
13. Only recently moved here, anxious to use soon=

25. Any Suggestions For Improving the Library?

A. Need A New Library (many responses)

1. A new facility with more space & updated to a state of the art
2. Need room to move around
3. Hopefully we can enlarge soon or build an expansion to the existing library
4. A more attractive building/shame to neglect the library when there is a new town hall
5. Need a permanent building with the following:

- area where it is comfortable to sit and read
- larger children's area
- meeting rooms
- more & newer books. audio books, DVDs, educational materials,
computers, research materials
- glad there is an interest in promoting & building a new library

B. Library Materials

1. Animes
2. Offer Kindle books for checkout
3. Computers for children only and the elderly
4. Wider selection of nonfiction books
5. More family friendly & children's DVDs or Blu-ray discs
6. Movies arranged by genre
7. Online catalog & renew online
8. More current best sellers/order books more often/ newer DVDs

C. Library Staff

1. Well run facility with friendly helpful staff
2. Keep up the good work
3. Think the library staff is doing a great job particularly with the current space restrictions.
4. Staff is creative & innovative despite space & budgetary concerns
5. Staff does a great job---Doris, Renee, & Pat are fantastic
6. Love the librarians---so sweet to the children & play area is fun

D. Other

1. Open on Monday (Sun & Mon. is the staff's weekend)
2. Need a mission statement (We have one -- it is in our policy book)
3. Remove the dilapidated building--detracts from the library
4. Better parking area---separate fire department & the library's parking



Town of Sunnyvale Council Agenda Item

Meeting Date: 04/09/2012

Item #: 9

Department:

Subject:

DISCUSSION/STAFF PRESENTATION AND UPDATE:

- Road Reconstruction & Maintenance Projects
- Board & Commission Attendance

Background:

Road Reconstruction & Maintenance Projects:

Town Engineer Marc Bentley will discuss road reconstruction and maintenance Projects. This item was briefly discussed at the last Council meeting, but warrants further discussion at this meeting.

Board & Commission Attendance:

Councilmember Henderson requested an update on Board and Commission Attendance at the last Council Meeting. Attendance for each Board/Commission is attached.

Recommendation:

None

Attachments:

1. Board/Commission Attendance

**TOWN OF SUNNYVALE
BOARD OF ADJUSTMENTS**

MEMBER LIST

<u>TITLE</u>	<u>MEMBER</u>	<u>ORIG. APPOINTED</u>	<u>TERM EXP.</u>	<u>TERM LIMITS</u>
CHAIRPERSON	Jean Holt	2006	2012	2012
MEMBER	Ryan Finch	2010	2012	2016
MEMBER	Fred Miller	2008	2013	2014
MEMBER	Dale Graves	2010	2013	2016
MEMBER	Laela Naghela-EI	2009	2013	2015
ALTERNATE	Mathew Koshy	2010	2012	2016
ALTERNATE	Diane (DeLaGarza) Spruill	2010	2013	2016

ATTENDANCE												
REGULAR MEETING	5-Jul	1-Aug	6-Sep	3-Oct	7-Nov	5-Dec	10-Jan	6-Feb	5-Mar	2-Apr	7-May	4-Jun
Jean Holt	x	x	x		x		x	x		x		
Ryan Finch	x	x	A		x		A	x		x		
Fred Miller	x	x	x		x		x	x		x		
Dale Graves	x	x	x		x		x	x		x		
Laela Naghela-EI	x	x	x		A		A	x		A		
Mathew Koshy	x	A	x		x		x	A		x		
Diane (DeLaGarza) Spruill	x	x	x		A		A	x		x		

ATTENDANCE	
SPECIAL MEETINGS	None
Jean Holt	
Ryan Finch	
Fred Miller	
Dale Graves	
Laela Naghela-EI	
Mathew Koshy	
Diane (DeLaGarza) Spruill	

**TOWN OF SUNNYVALE
4A DEVELOPMENT CORPORATION**

MEMBER LIST

<u>TITLE</u>	<u>MEMBER</u>	<u>ORIG. APPOINTED</u>	<u>TERM EXP.</u>	<u>TERM LIMITS</u>
PRESIDENT	TERRI SHATTER	2011	2013	2019
VICE PRESIDENT	RACHEL DOYLE	2008	2012	2016
SECRETARY	HARI PILLAI	2010	2012	2018
TREASURER	DAVID CARLILE	2010	2013	2018
MEMBER	BILL METZGER	2011	2013	2019

ATTENDANCE												
REGULAR MEETING	7-Jul	4-Aug	1-Sep	6-Oct	3-Nov	1-Dec	5-Jan	2-Feb	1-Mar	5-Apr	3-May	7-Jun
TERRI SHATTER	Former Corp. Members	x	x			x	x	x				
RACHEL DOYLE		x	x			x	x	x				
HARI PILLAI		x	x			x	x	A				
DAVID CARLILE		x	x			x	x	x				
BILL METZGER		x	x			A	x	x				

ATTENDANCE												
SPECIAL MEETINGS	30-Aug	10-Nov	20-Dec	5-Jan	6-Feb							
TERRI SHATTER	x	x	x	x	x							
RACHEL DOYLE	x	x	x	x	x							
HARI PILLAI	x	x	A	A	A							
DAVID CARLILE	x	A	x	x	x							
BILL METZGER	x	x	x	A	x							

**TOWN OF SUNNYVALE
LIBRARY BOARD**

MEMBER LIST

<u>TITLE</u>	<u>MEMBER</u>	<u>ORIG. APPOINTED</u>	<u>TERM EXP.</u>	<u>TERM LIMITS</u>
CHAIRPERSON	MARGARET JACOBS		2012	
MEMBER	CAROLYN TRAMMELL		2013	
MEMBER	ALICE CHARALES		2012	
MEMBER	MARY HUGHES		2013	
MEMBER	RANDY FERGUSON	2008	2012	
MEMBER	GEORGEANN MOSS	2010	2012	
MEMBER	KATIE FRAZIER	2010	2013	
ALTERNATE	MIRIAN NEMER	2010	2012	
ALTERNATE	RAJAN PHILIP	2011	2013	

ATTENDANCE												
REGULAR MEETING	19-Jul	16-Aug	20-Sep	18-Oct	15-Nov	20-Dec	17-Jan	21-Feb	20-Mar	17-Apr	15-May	19-Jun
MARGARET JACOBS	x	x	x	x			x		x			
CAROLYN TRAMMELL	x	x	x	A			x		x			
ALICE CHARALES	x	x	x	x			x		x			
MARY HUGHES	A	A	x	x			A		x			
RANDY FERGUSON	x	x	x	x			x		x			
GEORGEANN MOSS	x	x	x	x			x		x			
KATIE FRAZIER	A	x	x	x			x		x			
MIRIAN NEMER	A	x	x	x			x		x			
RAJAN PHILIP	x	x	x	x			x		x			

ATTENDANCE	
SPECIAL MEETINGS	None
MARGARET JACOBS	
CAROLYN TRAMMELL	
ALICE CHARALES	
MARY HUGHES	
RANDY FERGUSON	
GEORGEANN MOSS	
KATIE FRAZIER	
MIRIAN NEMER	
RAJAN PHILIP	



Town of Sunnyvale Council Agenda Item

Meeting Date: 04/09/2012

Item #: 10

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 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 9th day of April, 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;

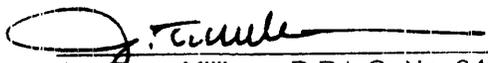
THENCE South 02°05'31" East a distance of 349.31 feet to a point for corner;

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:

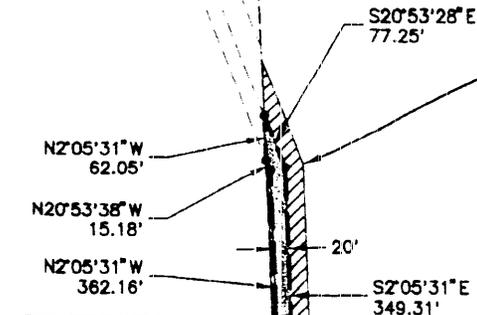

Joe Terry Millican, R.P.L.S. No. 3426
Date: 7 Sept 10



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



TEMPORARY
 25' CONSTRUCTION
 EASEMENT

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
 30' CONSTRUCTION
 EASEMENT

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

S79°54'53\"/>

S29°34'20\"/>

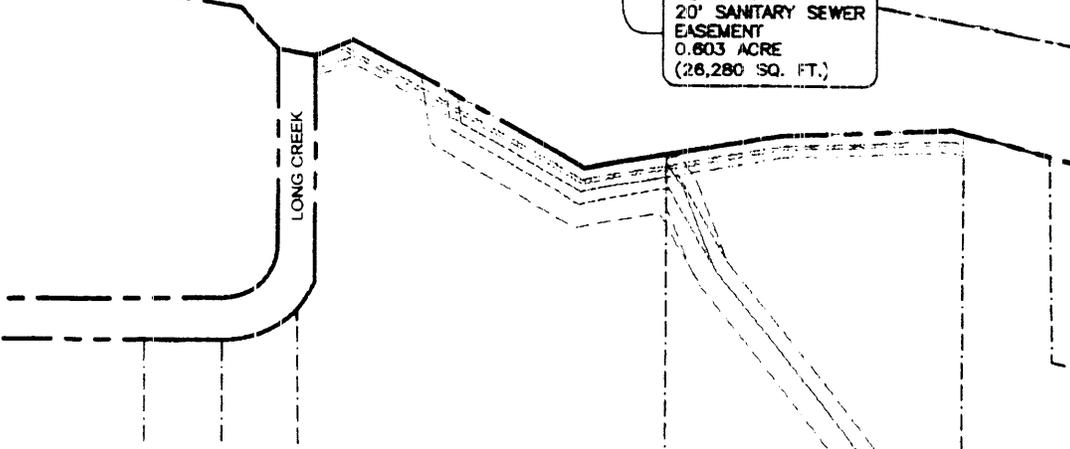
N79°54'53\"/>

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

NORTH R.O.W. LINE

POINT OF
 BEGINNING

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



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 75243 PH: 214-903-0008 TX REG. PROFESSIONAL ENGINEER NO. 2827