



**MINUTES
TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
REGULAR MEETING
FEBRUARY 13, 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

THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, CONDUCTED A REGULAR MEETING ON FEBRUARY 13, 2012, AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTIONS 551.0411. ITEMS TO BE DISCUSSED:

CALL TOWN COUNCIL MEETING TO ORDER

Mayor Phaup called the meeting to order at 7:12 p.m. Mayor Phaup, Mayor Pro-Tem Hill, Councilmembers Yates, Henderson, George, and Wiley were present. Also present were Town Manager Scott Campbell, Director of Community Development Steve Gilbert, Director of Public Works Mark Bland, Finance Administrator Elizabeth Hopkins, Interim Fire Chief Trent Mackey, and Town Secretary Leslie Malone.

INVOCATION

Mayor Pro-Tem Hill led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Phaup led the Pledge of Allegiance. Mayor Phaup then introduced new Town Secretary Leslie Malone.

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

SPECIAL MEETING OF 12/22/12

Councilmember George made a motion to approve Consent Agenda. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote and with all Councilmembers voting affirmative, the motion carried 5/0.

END OF CONSENT AGENDA

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 public comments were made.

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 PRELIMINARY PLAT AND SITE PLAN

APPLICANT: VASQUEZ ENGINEERING
AT OR ABOUT: 2800 BLK OF N BELTLINE
REQUEST: MEDICAL OFFICE BUILDING

Director of Community Development Steve Gilbert informed the Mayor and Council this was the second phase of the Villages of Sunnyvale development. The Planning and Zoning Commission recommended approval of the preliminary plat and site plan, and the Board of Adjustments has approved two variances including deleting the required ten foot landscape buffer along the east and north property lines and reducing the parking lot buffer on the east side of the building to five feet. All responses received from neighboring property owners were in support of the preliminary plat and site plan.

Applicant Juan Vasquez, of Vasquez Engineering, located at 705 W. Avenue B, Suite 316, Garland, Texas, introduced himself and stated he was available to answer any questions the Council may have.

Mayor Pro-Tem Hill suggested some added elements such as an arch might improve the facade facing Belt Line Road. She stated Belt Line Road is a showplace drive and any improvements to the side of the building facing the Road would be appreciated.

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

Mayor Pro-Tem Hill verified the second variance request was to reduce the parking lot buffer on the east side of the property. Hill also asked if the drainage on site would be underground.

Director of Community Development Gilbert confirmed the reduction of the parking lot buffer and stated the five feet would still meet the Americans with Disabilities Act requirements. The drainage on the property will be underground. It will not be a pond.

Councilmember Yates asked if the ratio of handicapped parking spaces needed to be adjusted as

medical offices would typically see more handicapped patrons than other types of businesses.

Director of Community Development Gilbert stated the standards are set by the Texas Accessibility Code. The ratio can be changed to include additional handicapped spaces, but the applicant met requirements set by the Texas Accessibility Code.

Mayor Phaup asked how many physicians or practices would be located in the building.

The applicant, Juan Vasquez, stated there would be three physicians in the office.

Mayor Pro-Tem Hill made a motion to approve the preliminary plat and site plan for a medical office building located at or about the 2800 Block of North Beltline. Councilmember Wiley seconded the motion. Mayor Phaup called for a vote. With all Councilmembers voting affirmative, the motion carried 5/0.

DISCUSSION/ACTION

- 3. CONSIDER ORDINANCE NO. 12-01** AN ORDINANCE OF THE TOWN OF SUNNYVALE ORDERING AN ELECTION TO BE HELD IN SAID TOWN AT THE NEXT REGULAR MUNICIPAL ELECTION DATE ON THE 12TH DAY OF MAY 2012, FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD, MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATING TO THE PURPOSE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Phaup informed the Council this Ordinance is required by state statutes to order the May General Election.

Councilmember Yates made a motion to approve Ordinance 12-01: An Ordinance of the Town of Sunnyvale ordering an election to be held in said town at the next regular municipal election date on the 12th day of May 2012, for the purpose of electing Three Councilmembers; designating the place at which said election is to be held, making provisions for the conduct of that election and other provisions incident and relating to the purpose of this Ordinance; providing a severability clause; and providing an effective date. Councilmember George seconded the motion. Mayor Phaup called for a vote. With all Councilmembers voting affirmative, the motion carried 5/0.

- 4. CONSIDER ORDINANCE NO. 12-02:** 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 reminded the Council that some questions and issues remained unresolved after the Town Council met in a joint workshop with the Planning and Zoning Commission on January 30, 2012.

Mayor Phaup suggested changing the term "60 days" to state April 30, 2012 in the caption of the Ordinance, under the second "Whereas" in the Ordinance, and under Section 2.

Councilmember Henderson made a motion to approve Ordinance 12-02: 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 until April 30, 2012; providing for a severability clause; providing for a term; providing for exemptions; and providing for an effective date, and including changing the term "60 days" to April 30, 2012. Councilmember Wiley seconded the motion. Mayor Phaup called for a vote. With all Councilmembers voting affirmative, the motion carried 5/0.

5. CONSIDER RESOLUTION NO. 12-07: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, APPOINTING THE TOWN SECRETARY.

Councilmember Henderson made a motion to approve Resolution 12-07: A Resolution of the Town Council of the Town of Sunnyvale, Texas, appointing the Town Secretary. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote. With all Councilmembers voting affirmative, the motion carried 5/0.

6. DISCUSSION AND STAFF PRESENTATION REGARDING SOLID WASTE AND RECYCLING CITIZEN'S SURVEY.

Town Manager Scott Campbell informed the Council the Citizen's Survey regarding solid waste and recycling had been available for around thirty days. As you can see in the final tabulation, we received 202 responses with 51 submissions for Option 1; 144 for Option 2; and 7 not indicating a preference (but including a comment). Staff is requesting a recommendation from Council to bring forward at the next Council meeting. Option 1 would keep the same services residents currently use and the price would be \$10.36 per month. Option 2 would reflect the same services excluding recycling. Instead of residents using the recycling bin behind Town Hall, curbside recycling would be provided to the residents. The cost to the residents for Option 2 is \$11.34 per month.

Mayor Pro-Tem Hill recommended staff move forward with amending the contract to reflect Option 2. Hill also stated an education process would be helpful for the residents. Hill also verified that the current location residents place their trash to be picked up will be the same location they are to use for their recycling.

Councilmember Yates stated that participation in the recycling program is not mandatory. To hear from citizens that people were bringing in refuse from outside of town was surprising.

Councilmember Henderson stated he was concerned the size of the recycling containers were too large.

Councilmember George stated this was a good first step.

Councilmember Wiley recommended Option 2.

Mayor Phaup pointed out two common comments from citizens that included the large size of the recycling containers, and asked staff to see if any smaller sizes were available, and to make clear that residents who currently have their garbage picked up from the alley will also have their recycling

picked up from the same location.

Town Manager Campbell stated he would place information regarding recycling pick-up in the education materials produced.

7. STAFF UPDATE – FIRE DEPARTMENT REPORT ON YEAR TO DATE ACTIVITY

Interim Fire Chief Mackey gave a report on year to date activity. Several items that will need to be further discussed in the future include converting to narrow band radios, SCBA (Breathing Apparatus) upgrades, and other equipment purchases.

Discussion was made concerning ambulance fees for citizens and noncitizens of Sunnyvale. The current rate for citizens is \$300, while the rate for noncitizens is \$450. Both are flat fees that are subject to additional material fees. Interim Chief Mackey stated this is well below the average fees of around \$600 in surrounding cities and may need to be reviewed in the future.

Mayor Pro-Tem Hill stated the Council did not want to damage the citizens. A flat fee for material costs could be considered but Hill would like to see average material costs for calls before making that type of decision.

Councilmember Yates pointed out that citizens are already paying their share through taxes.

Councilmember George stated that the previous Chief pointed out that a 5 minute response time was the "magic number" and if Interim Chief Mackey knew of any way the Council could act to help reduce response times to please pass on that information.

Town Manager Campbell asked about Automated External Defibrillator training for Town Hall employees, and asked Interim Chief Mackey to address frequency issues with the Sheriff's Department.

Interim Chief Mackey stated he was currently working to set up another training class. Last week, the Fire Department responded to call that required a mutual aid request. Mackey tried to radio Dallas County Sheriff's Department Dispatch, but received no answer. The Sheriff's Department is still unsure why the communication was not received. Another issue with the Sheriff's Department is that Mackey is unable to monitor their channels when an accident occurs. Even with these issues, the Sheriff's Office is doing a much better job than the system that was previously used.

Mayor Phaup asked Interim Chief Mackey to stay on top of the issues and not let them lapse.

COUNCIL REPORTS AND REQUESTS.

Councilmember Yates stated the Friends of the Library Gala would take place on March 3rd at 7 p.m. The Sunnyvale Education Foundation Gala would take place on March 23rd at Double D Ranch.

MAYOR REPORTS AND REQUESTS.

Mayor Phaup stated that he and the Town Manager were currently looking into water quality complaints at Deer Creek. Three different agencies have tested samples of the water with mixed results. He will

keep everyone informed as the process continues.

Mayor Phaup also stated there would be Town Hall Meeting on Thursday, March 1, at 7 p.m. Representatives from Sunnyvale I.S.D. will be in attendance as well.

RECESS INTO EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D OF THE TEXAS GOVERNMENT CODE:

Sec. 551.074. PERSONNEL MATTERS

(1) TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE:

TOWN MANAGER POSITION

Councilmember Yates made a motion to convene into Executive session pursuant to Section 551.074 of the Texas Government Code to discuss personnel matters at 7:20 p.m. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote. With all Councilmembers voting affirmative, the motion carried 5/0.

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

Mayor Phaup reconvened into Open Session at 8:56 and stated there would be no action as a result of the Executive Session.

ADJOURN.

Mayor Phaup adjourned the meeting at 8:58 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