



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, JANUARY 8, 2018  
TOWN HALL - 127 N. COLLINS RD.  
7:00 P.M.**

<b>MAYOR</b>	<b>JIM PHAUP</b>
<b>MAYOR PRO-TEM, &amp; PLACE 2</b>	<b>SAJI GEORGE</b>
<b>COUNCILMEMBER, PLACE 1</b>	<b>KARA RANTA</b>
<b>COUNCILMEMBER, PLACE 3</b>	<b>MARK EGAN</b>
<b>COUNCILMEMBER, PLACE 4</b>	<b>JIM WADE</b>
<b>COUNCILMEMBER, PLACE 5</b>	<b>KAREN HILL</b>
<b>COUNCILMEMBER, PLACE 6</b>	<b>CHRIS MCNEILL</b>

**INVOCATION**

Councilmember Hill led the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Phaup led the Pledge of Allegiance.

**CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:05 p.m. and states all members are 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.

James Eastman, 369 Marble Creek Court, Sunnyvale, stated he wanted to talk about codes, regulations, and enforcement or the lack thereof. Brought his building permit file and wanted to talk about some of the issues he discovered while going over his documents. Stated Standard Pacific Homes inputs are false, he stated that as we all know windows are the biggest source of energy loss, the certificate shows a u-value for window to be a .27 but if you go look at the stickers on the windows that actually got put in it shows to be a .33 and that is almost a 20% difference. Mr. Eastman says how did this get by in the city for seven years? How does our inspector miss all this, how do we allow them to certify this? States it is the Towns employees' responsibility to make sure they are complying with IECC and they are not. States he is here today because he sees us writing this whole other code and why write another code when we cannot enforce the easiest most simple basic code. For 7 years Standard Pacific has been allowed to get away with putting all wrong inputs for the houses in Stoney Creek. Mayor Phaup asked if he has met with Town Staff in anyway about this problem, Mr. Eastman replied saying he has met with them on the fire sprinklers but this is the first time he has brought up the energy star. Mayor Phaup asked that Town Manager Sean Fox set up a meeting with Eastman, Director of Development Rashad Jackson and Town Attorney.



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
TOWN HALL - 127 N. COLLINS RD  
MONDAY, JANUARY 8, 2018  
6:00 P.M.**

<b>ABSENT</b>	<b>MAYOR</b>	<b>JIM PHAUP</b>
	<b>MAYOR PRO-TEM, &amp; PLACE 2</b>	<b>SAJI GEORGE</b>
<b>ABSENT</b>	<b>COUNCILMEMBER, PLACE 1</b>	<b>KARA RANTA</b>
	<b>COUNCILMEMBER, PLACE 3</b>	<b>MARK EGAN</b>
	<b>COUNCILMEMBER, PLACE 4</b>	<b>JIM WADE</b>
	<b>COUNCILMEMBER, PLACE 5</b>	<b>KAREN HILL</b>
	<b>COUNCILMEMBER, PLACE 6</b>	<b>CHRIS MCNEILL</b>

**CALL MEETING TO ORDER**

Mayor Pro-Tem George called the meeting to order at 6:30 p.m. Mayor Phaup and Councilmember Ranta were absent.

**APPOINTMENT WITH COUNCIL**

- 1. DISCUSS CONCERNS REGARDING ODOR FROM GARLAND WASTEWATER TREATMENT FACILITIES AND RECEIVE INFORMATION FROM DUCK CREEK WASTEWATER TREATMENT FACILITY STAFF.**

Mayor Pro-Tem George stated that as we all heard from Town Manager Sean Fox, Garland Wastewater has stated they will not be able to attend tonight's meeting, however we all have a letter in front of us that they sent with their responses to the Town's issues

Town Manager Sean Fox stated that he got an email late Friday from Bill Gase, stating that Garland representatives will not be available to attend tonight's meeting. Town Manager Sean Fox stated there was no explanation why they wouldn't be able to attend just said he would be receiving a letter. Town Manager Sean Fox stated that the letter basically gives our concerns and Garland response. Mayor Pro-Tem George asked Town Manager Sean Fox to go over each bullet point so that the citizens could be aware as well.

First noted was, sewer odor near Barnes Bridge Road and Duck Creek, in which Garland stated they went out on December 13, 2017 did not detect any odors. Next, some have mentioned hearing various alarms going off. Garland responded these are monthly siren test, they will do them on the last Wednesday of every month between 12 noon and 1 p.m. Town Manager Sean Fox stated we will put that out on the Town's website, Facebook, and maybe the water bill. Next, why not have a number citizens can call 24 hours a day and is always answered, Garland responded by saying that citizens can always call the Utilities Dispatch Center and this number is monitored 24/7. Next, how is Garland going to address the odor, Garland indicated they are in the process of developing a scope to conduct an odor abatement evaluation and master plan. Does the Garland have means to monitor Hydrogen Sulfide at the plant, Garland stated staff has access to portable air monitoring meters.

Mayor Pro-Tem George asked Town Manager Sean Fox if he had any indication from Garland about the time frame about their engineering consultants and master plan. Town Manager Sean Fox stated he did not and in return Mayor Pro-Tem George asked him to seek this information out.

Councilmember Wade stated that it surprises him that all they went away from that meeting with was the sewer odor at Barnes Bridge Road and Duck Creek. Councilmember Wade stated that his notes indicated the only concern raised from this area was from a councilmember, why didn't they address what the citizens raised as concerns. Councilmember Wade stated that it aggravates him that Garland didn't even address the concerns from the citizens that live in the neighboring area of the plant. Councilmember Wade also wants to know why we as a Town cannot do our own investigations and when we get conflicting results with Garland, call TCEQ and say here is the issue and you need to come do your own investigation.

Mayor Pro-Tem George says should we capture the questions and send them ourselves to Mr. Kucera who was not present at the meeting in December. Councilmember Wade agrees that is an excellent suggestion, and he feels sending him a recording of that part of the meeting and asking him to address those questions is a good way to proceed.

Councilmember Hill asked Councilmember Wade if he does not think that the second page is their attempt to address the plant. Councilmember Wade stated it is confusing to him. Councilmember Hill stated that she was also shocked that Barnes Bridge Road and Duck Creek was the first thing they addressed, because that came way after a lot of other discussion. Councilmember Hill also wanted to note that the number given in the letter is different than the number given at the previous meeting.

Councilmember Egan stated that he believes that the reason that they are not here is due to legal reasons. Councilmember Egan stated they are not going to expose themselves anymore to possible litigation by private citizens by getting up in front of us and telling us what they are going to do when and how.

Mayor Pro-Tem George asked Council if there was any additional discussions on this topic. Councilmember Hill stated we need to ask them for a timeline on how quickly they will issue the results of the test they stated they will be doing. Councilmember Egan stated that he thinks we need to keep a fire underneath them because this is something that has to get done.

Town Manager Sean Fox repeated the Council's questions, why was Barnes Bridge Road and Duck Creek the only one mentioned versus the other part of Town, can we do independent testing, response from Wes Kucera asking him for the answers to the questions from the previous meeting, and get a timeline for the study.

Mayor Pro-Tem George stated that if there were any citizens that would like to come forward and talk to the council about this issue, they may do so at this time.

Chris Stancheck, 635 E. Tripp Road, stated it is terrible on that side of Town. Anyone that lives over there can tell you it is absolutely horrid, it is basically like breathing feces. He stated that the odor gets in your vehicles and in your house and you get in your vehicle the next day and you can still smell it. He states again that the smell is terrible and the smell stays in your house because it gets in your HVAC system. He ended by saying anyone who down plays it doesn't live on that sound of town.

Gary Pustejovsky, 654 Eleanor Lane, agrees with Councilmember Egan, that it was a legal thing they are covering their butt right now. He believes we need to respond with a little heat ourselves. The smell was bad two times last week and comes in between 6 p.m and 8 p.m. He states as far as the alarms, about a year ago he heard loud explosions then alarms going off and they kept going off, his concern is they have a lot of chemicals that they store and what if they did have an explosion how would they know if they need to evacuate. He states there has to be some kind of warning to let the citizens know to get out. He stated he wouldn't waste his time with a phone call because the answer is always the same. Councilmember Egan stated we need people to stay involved to make sure regular documentation is made. Councilmember Egan stated he doesn't want citizens to have to leave voicemails because they can be erased he wants documentation. Councilmember Egan stated preventative maintenance is better than no maintenance. Gary stated northeast wind and no wind is when they smell it the worst.

Mayor Pro-Tem George asked for any other comments from citizens and none came forward.

Councilmember McNeill stated he is an attorney but he is not anyone in this room's attorney and I am certainly not an expert in nuisance law. He stated he has had a few moments worth of research online. It does not appear that municipal wastewater facilities enjoy government immunity for nuisance such as odors. He stated they can in fact be held liable for that. He stated that maybe staff and the Town Attorney should look into an ordinance that makes odor a nuisance and be able to fine them for that. And if we issue them citations we might get their attention.

Councilmember Egan asked Town Manager Sean Fox to ask Garland for a list of obnoxious chemicals that they have on site. Stated we need to make the Fire Chief aware of this list because just like the water treatment plant our guys would be the first responders to the wastewater plant.

Mayor Pro-Tem George advised Town Manager Sean Fox to make sure that question for emergency response got added to the list.

Mayor Phaup arrived at 6:54 p.m.

**ADJOURN**

Mayor Pro-Tem George adjourned the meeting at 6:56 p.m.

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

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Mayor Jim Phaup

ATTEST:

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Rachel Ramsey, Town Secretary

Johynet Hill, 217 Manhattan, Sunnyvale, states that they aren't sure if the Councilmembers have the citizen's best interest at heart. She states that information given to citizens seems to be generalized. She states that we do not have a good source of the way to get news out to our citizens. Are we just going to pave over every inch of land, why do we need over 300 pages of regulations? Believes Town as a whole is already functioning well. She wants to support our Council and Mayor and Staff but wants to know what the real vision is. HOA's are building hundreds of homes and they are using the HOA money to put up amenities for those homes, she ask are we getting any money from the HOA or putting any requirements on them to put some of that money to roads or Town amenities. Address what is happening with the end in mind and an end that benefits everyone in Town not just the HOA's, developers or a small group of people.

Councilmember Wade wanted to take a minute to thank Town Finance Director Liz Hopkins for putting the budget document online with detailed information about strategic goal, priorities, plans and future plans in regards to financial information. He encourages citizens to go out and take a look at that document.

### **CONSENT AGENDA ITEMS 1 THROUGH 2**

- 1. MINUTES OF SPECIAL TOWN COUNCIL MEETING – DECEMBER 11, 2017.**
- 2. MINUTES OF REGULAR TOWN COUNCIL MEETING – DECEMBER 11, 2017.**

Councilmember Hill made a motion, seconded by Mayor Pro-Tem George to approve Consent Agenda Items 1 and 2 as presented. Mayor Phaup called for a vote and with all members voting affirmative, the motion passed 7/0.

### **PUBLIC HEARING**

Open or continue public hearing, consider testimony and other information provided, close public hearing, and take necessary action with respect to the following:

- 3. APPLICANT: MIKE POTTER  
AT OR ABOUT: SOUTHWEST CORNER OF HWY 352 (S. COLLINS ROAD) AND  
US HWY 80 – SUNNYVALE CENTRE  
REQUEST: SITE PLAN – QUIK TRIP**

Director of Development Services Rashad Jackson introduced the request. Rashad states that staff recommends removing the suspension for the proposal and P & Z has also approved the proposal. Rashad goes on to point out important details in reference to QT, while also noting that QT has stated they are willing to add stone to appeal to Sunnyvale in which this is something that they typically do not do. Director of Development Services Rashad Jackson states staff and P & Z recommend approval, while also noting that staff has requested that a sidewalk be added on the US 80 Frontage Road.

Mayor Pro-Tem George asked questions in reference to the 40 foot sign. Director of Development Services Rashad Jackson clarified the signage standards.

Councilmember Wade stated he did not have a problem with the ten pumps he just wanted to clarify, are those capable of having two dispensing units on each side.

Mayor Phaup called for the applicant to come forward.

Jake Petras, 1120 N. Industrial Blvd., Euless, thanks the council for having them and that this is an exciting night for them, as they have been trying to be a part of the Town of Sunnyvale for eight years. Petras states to answer Councilmember Wade's question each pump is a multi-product dispensing unit therefore the ten pumps will contain a hose on each side. Petras goes on to state that there are rebates and test out for the E15 gas program in Texas, and they have been testing that in their Texas market to see if that is something that is profitable for the company and that there is a high enough demand for it. He stated that it is still up in the air but he would assume for this location considering the build time that they would have an E15 offer. Councilmember Wade asked if there would be diesel, Petras stated that there would be auto diesel but there would not what so ever be a commercial diesel offer.

Councilmember Egan followed by saying that he understands that there is ten pumps so that would be twenty car locations, Petras confirmed that Councilmember Egan is correct.

Mayor Phaup opened the public hearing. No citizens came forward; Mayor Phaup closed the public hearing.

Councilmember Hill stated that the packet showed that TxDot would need to do approvals on entrances, Director of Development Services Rashad Jackson stated that we have received preliminary approval from TxDot.

Mayor Pro-Tem George asked the applicant to come back up and talk more about the signage. Petras stated with the original development plan that there was a 60 foot tower sign that was supposed to be placed on the corner that is still the intent for today but since this is a larger acreage tract the intent is to capture interior parcels through the development. Petras states that signs are crucial to their business to be able to capture some of the HWY 80 traffic.

Councilmember Hill ask if it will be an electronic sign with it being that high, Petras stated that it is a classy sign with internal scroll.

Councilmember Wade made a motion, seconded by Councilmember Hill, Mayor Phaup called for a vote and with all members voting affirmative, motion passes 7/0.

- 4. APPLICANT: LEON GOODHART REVOCABLE TRUST**  
**AT OR ABOUT: SOUTH OF STONE CANYON EAST DRIVE AND SENDERO DRIVE**

**REQUEST: PRELIMINARY PLAT – STONE CANYON EAST – PHASE 5B & 5C**

Director of Development Services Rashad Jackson introduced the request and gave a brief overview. Director of Development Services Rashad Jackson states that P & Z recommends approval and staff recommends approval.

Councilmember Hill asked Director of Development Services Rashad Jackson to clarify on rather P & Z gave the variance for the 25ft set back that Rashad is saying is required. Director of Development Services Rashad Jackson stated it was discussed but what is unique about Stone Canyon East was it was approved with variations to the standard set back.

David Goodhart, 416 Mustang Drive, Sunnyvale, did not wish to add a lot, just stated this would have come a long time ago if they had gotten 5A up and running but it has just taken awhile so this is just a continuation of that. Goodhart stated that the hope is that the West side of Stone Canyon can merge with the East side of Stone Canyon.

Mayor Phaup opened the public hearing. No citizens came forward; Mayor Phaup closed the public hearing.

Councilmember McNeill made motion, seconded by Councilmember Hill, Mayor Phaup called for a vote and with all members voting affirmative, motion passes 7/0.

5. **APPLICANT: SETH KELLY – RLK ENGINEERING**  
**AT OR ABOUT: 222 N. COLLINS ROAD – SOUTH OF HOUNSEL LANE AND EAST OF N. COLLINS ROAD**  
**REQUEST: AMENDED SITE PLAN – SUNNYVALE HIGH SCHOOL ADDITION**

Director of Development Services Rashad Jackson introduced the request and gave a brief overview. Rashad stated that a building permit will be required prior to construction.

Seth Kelly, RLK Engineering, 111 W. Main, Allen, here on behalf of the School district to respectfully request approval of their site plan.

Mayor Phaup opened the public hearing. No citizens came forward; Mayor Phaup closed the public hearing.

Councilmember Hill stated that there is a drawing in the packet that includes a cul-de-sac drive located just North of the addition of classrooms, but it is not on any other plans. Director of Development Services Rashad Jackson stated that it was added as a response from our Fire Department, that there was an issue with hose lane requirements in that area, so in order to resolve that issue the turn-around was installed by the school. Councilmember Hill clarified that it would not be used for public or traffic in and out, it was for Fire Department use and Director of Development Services Rashad Jackson stated that was correct.

Councilmember Hill made a motion, seconded by Councilmember Ranta, Mayor Phaup called for a vote and with all members voting affirmative, motion passes 7/0.

6. **CONSIDER THE SECOND READING OF ORDINANCE 17-09, TO ADOPT A UNIFIED DEVELOPMENT ORDINANCE (UDO), REPLACING ZONING ORDINANCE NO. 324, DULY PASSED BY THE TOWN COUNCIL ON JANUARY 31, 2000; AND AS AMENDED FROM TIME TO TIME; REPLACING SUBDIVISION ORDINANCE 340, DULY PASSED BY TOWN COUNCIL ON MAY 29, 2001; SO AS TO ADOPT REVISED DEVELOPMENT STANDARDS, UPDATED DEVELOPMENT PROCEDURES AND NEW LAND USE TABLE CLASSIFICATIONS, AMENDING RELATED REGULATIONS AS NECESSARY. PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR CONFLICTS, AND PROVIDING FOR A SEVERABILITY CLAUSE.**

Director of Development Rashad Jackson introduced the item and stated that Freese and Nichols was here to go over and answer question and reply to comments from the previous public hearing in reference to this item.

Freese and Nichols representative gave a detailed presentation covering all the comments received by citizens and council from the meeting back in October 2017.

Councilmember Ranta asked what the current ordinance states for driveways and Director of Development Rashad Jackson stated that all driveways must be concrete as of now.

Mayor Phaup thanked them for their detailed response.

Councilmember McNeill thanked everyone for coming and said he appreciates every ones involvement and values every ones input. He also goes on to state that there are plans to be able to get information out to our citizens in a more efficient manner, he states that the Town website is in need of updating and we are working on live streaming of the council meetings. Councilmember McNeill stated that he is concerned with the comments directed about the intentions as a council regarding the UDO, he states that he is not doing this for the pay and he takes time away from his family because he cares about Sunnyvale and wants to uphold the vision of Sunnyvale. He touches base on his history with the Town, while stating the he thinks there is a lot of misunderstanding out in the Town of what the UDO is, and he hopes that the presentation tonight from Freese and Nichols tonight will help clarify some of the issues. Councilmember McNeill speaks about the ordinances and how they are outdated and in need of improving, and how we have ordinances that contradict each other. Councilmember McNeill clarified that if you are an existing homeowner or business owner you are grandfathered, what you have on your land today is not affected by this UDO. Councilmember McNeill stated that the reason he asked to speak is because he and his wife live in an HOA today and they are tired of living in an HOA, therefore, he is putting his money where is vote is because he will be the first council member to build a house under the new UDO. He states so I have paid attention and the intent is not to make Sunnyvale and HOA, the intent is to try to provide clarity for the staff and stakes holders as to what the Town expects. Councilmember

McNeill states no one on the council is encouraging or seeking more development but it is coming and we want to make sure that what comes is consistent with the vision that we have and that it is clear to developers what is expected of them.

Councilmember Hill addressed that citizens have made the comment that they wish there was a separation in the ordinance for those that currently have structures standing versus those that are getting ready to develop. Councilmember Hill also express her appreciation to the citizens for their comments regarding this matter.

Mayor Phaup opened public hearing.

James Eastman, 369 Marble Creek Court, Sunnyvale, stated he couldn't agree more with Councilmember McNeill that we need to find a way to get these things out to the public more. Stated he has a degree in constructional engineering and has a lot of experience in this regard, he now does high industrial construction. Eastman states we are wasting time if we are developing new ordinances and can't even keep to our current one. Eastman states that we have three different size stop signs at one intersection, was this in the plans? He proceeds to state that we have drainage issues now and we can't even comply with codes that we have now so why are we worried about a new one. He shows pictures of a right hand lane in Stoney Creek that is full of water the day after it rains, states why we as a Town are allowing these things to pass inspection and not telling the developer that it is unacceptable. He proceeds to state that the Town has replaced roads on their own dime, which is his money and all taxpayers money. Eastman showed multiple pictures of drainage issue areas, where we have mosquitos nesting and he was sick last summer with a muscle condition and he has no doubt that it is from mosquitos caused by bad drainage places. Half of Stoney Creek still have original fences which is because the fence was put up correctly with steel fence post, but then you have the other half that have already had to replace their fences because they did not get steel fence post. Eastman states that we should require steel fence post to be put in by all developers. Eastman brings up why do we release bonds before things are finished correctly. Plans state that sidewalks should be straight and we have fire hydrants where the sidewalks should be. We as taxpayers are paying for it; Town is paying for it because we allow these developers to do work that is not completed correctly. Why is our inspector approving these things and not requiring the developer to fix these issues.

Virginia Curry, 601 E. Tripp Road, Sunnyvale, came for one specific idea wants to be reassured that she is grandfathered in, explains she built her house in 1985 and wants and assurance that she is ok. She was reassured that she was fine.

Emery Powell, 109 Sunbird Lane, Sunnyvale, extends his appreciation to his neighbors that are on council and planning and zoning board. He states that there are good and bad elements in the UDO, but the bad far exceeds the good. He spent most of his week off reading the 300 and some odd pages of the ordinance, and the word grandfather is nowhere in the UDO, and how can the council sit and look at someone with a straight face and tell them that they are ok. He states in his opinion the primary fault with the UDO is its socialistic approach to government by assuming that property rights belong to the Town rather than to private property owners. He states while adopting this ordinance

would indeed provide administrative gains, we must also consider the cost, both to our freedom and the pocket book of our citizens. Mr. Powell addresses section 1.01.04 in reference to fines for not complying with these provisions, Mr. Powell ask the Mayor and Council, is this really who we are as a Town? Does this represent our small town conservative values? Where's the compassion and humanity in this ordinance? He states we need to understand the root cause of the problem before making a major corrective plan. Because of the difficulties people are having with our current ordinances, the problem was perceived as poorly written and conflicting documentation. We need a solution to clarify and unify the documentation. This is a strategic issue, not a tactical problem. It requires a strategic solution, a return to our conservative small town values, and an honest assessment of whether our current approach for governing this town, and how we write its ordinances, is in keeping with our values. Powell goes on the state that we need to simplify our ordinances, cut the volume and detail down by half, and restore private property rights to the people to whom they belong. He states there is good in the UDO and perhaps there is means to preserve the good and also fix the bad.

Michael Gullah, representing the Motley family, 121 N. Paschall Road, Sunnyvale, states that he is a business owner and owns multiple pieces of property here in Sunnyvale, that his family is one of the oldest land owners here in Sunnyvale. He states that we do have ordinances that are so outdated and need to be addressed. He proceeds to state that Freese and Nichols representative notes some of their issues but does not address them. He ask who signed the current petition, he states that the UDO will not allow for that along the highway. He ends by thanking council and staff for all the work they do.

Johynet Hill, 217 Manhattan, Sunnyvale, had a question in reference to the definition of accessory buildings, does that mean detached garages, mother-in-law apartments, but not sheds? Hill voiced multiple questions of concern that she wants answered before this is passed. Hill goes on to state that one of the things that troubles her a little bit, is that it says standards apply Town wide, and she thinks that it is difficult to do that when our Town is unique considering we have one acre lots, houses on ten acres, or even a horse ranch. She states that we need to keep our rural roots; it is ok that we aren't Garland or North Dallas. Hill states, what if we just keep land that the Town owns undeveloped so that we can keep that rural feel. Mayor Phaup stated that we would get her connected with staff to try and get some of the questions she had answered.

Allen Webb, 222 Molina Drive, Sunnyvale, states that he just moved here in June because it was a good place and had good schooling, we have a three generation family here, so the term grandfather concerns him. From what he hears tonight the concern seems to be from current residents, he agrees with Mr. Eastman are our codes too complex already, is this UDO really going to help? He states council needs to get it right and the citizens are going to have to live with it. Some lawyer down the road isn't going to care about intent, he is going to state the law says and your intent isn't going to mean anything.

Chris Stanchek, 635 E. Tripp Road, Sunnyvale, states he feels like the UDO is an attack on the rural aspects of our Town. He feels like Councilmember Hill's recommendation to have separation from the existing non-conforming residents versus the new construction

is what we need so they can easily see what will apply to them. He believes this needs to be pushed down the road a little bit because it is nowhere close to being passed.

Mayor Phaup closed the public hearing.

Freese and Nichols representatives came back up to clarify some questions.

Mayor Phaup interrupted to state that he believes we have heard a lot of good information from Freese and Nichols and a lot of passionate input from the citizens, but he recommends a motion to table this agenda item regarding Ordinance 17-09 until March 26, 2018 Regular Town Council Meeting. Councilmember Hill made a motion, seconded by Councilmember McNeill, Mayor Phaup called for a vote and with Councilmember Wade out of the room and all present Councilmembers voting affirmative, motion passes 6/0.

Mayor Phaup advised we would be taking a five minute break.

Mayor Phaup reconvened the meeting at 10:01 p.m.

## **DISCUSSION/ACTION ITEMS:**

### **FIRE DEPARTMENT**

#### **7. DISCUSS RECREATIONAL FIRE REGULATIONS.**

Chief Kendrick spoke about recreational fire pits; he stated that they are allowed by both the Town's Code and the International Fire Code 2009 which defines a recreational fire as one that is no more than three foot wide and two foot tall. He also touched on when a permit would need to be obtained.

Councilmember McNeill thanked the Chief for the information provided, while also taking a moment to thank the Chief and his employees for their service to the Town of Sunnyvale.

Councilmember Hill asked a question in reference to the 25 foot rule, and Councilmember McNeill stated that does not apply to fires in an actual fire pit, it applies to fires in unimproved areas.

Councilmember Egan asked if there was a fire page link on the Town Website and is there links to certain information (i.e. permits) within the fire page. Chief Kendrick stated that this information is on the website.

### **TOWN SECRETARY**

#### **8. DISCUSS AND CONSIDER FIRST READING OF AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN SAID TOWN AT THE NEXT UNIFORM ELECTION DATE ON THE 6TH DAY OF MAY, 2018, FOR THE PURPOSE OF**

**ELECTING A MAYOR; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; 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.**

Town Secretary Rachel Ramsey presented the ordinance and stated on record the correction date for the election was May 5<sup>th</sup>, 2018. Town Secretary also asked council if they were available for a special meeting on Tuesday, January 16<sup>th</sup>, 2018 for the second reading of the ordinance so that the filing dates could coincide with the general election filing dates.

Councilmember Hill wanted to confirm that the Special Election was in conjunction with the Regular Election which is for Place 5 and 6. Town Secretary Rachel Ramsey confirmed that was correct.

Mayor Phaup stated that we will have four Council seats and a Mayor up in a very unique situation.

Assistant Town Manager Leslie Black explained that we would have a separate ordinance ordering the General Election and the rush on the Special Election specifically states that you cannot accept filing for places on the ballot until the Special Election has been ordered. She stated that the General Election filing dates are already set regardless of when you order that election.

**MAYOR & COUNCIL**

**9. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS.**

Councilmember Wade asked for an update on the lighting for the new water tower. Director of Public Works, Johnny Meeks came forward and stated that they have a little more electrical work to do and he is hoping that is completed by next Monday or Tuesday. Meeks also stated that there has been water in the tower since right before Thanksgiving.

Mayor Pro-Tem George stated he had a few comments from citizens and that since the UDO is such a delicate subject that he would like to make sure that the UDO meeting be advertised town wide.

Councilmember Hill wanted to know if we are at a point that we can get an update from Garland sewer about where we are on the metering for sewage.

**EXECUTIVE SESSION**

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

**EXECUTIVE SESSION AGENDA:**

**A. SECTION 551.072 REAL PROPERTY**

To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

## **COLLINS ROAD**

### **B. SECTION 551.074. PERSONNEL MATTERS**

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

## **TOWN MANAGER**

Councilmember Egan made a motion, seconded by Councilmember McNeill to recess into Executive Session at 10:19 p.m. Mayor Phaup called for a vote, and with all members voting affirmative, the motion passed 7/0.

### **END OF EXECUTIVE SESSION**

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

## **10. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:**

### **A. SECTION 551.072 REAL PROPERTY**

To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

## **COLLINS ROAD**

### **B. SECTION 551.074. PERSONNEL MATTERS**

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

## **TOWN MANAGER**

Mayor Phaup reconvened the meeting at 12:22 a.m. on Tuesday, January 9, 2018, stating as a result from our meeting in executive session is there a motion, Councilmember McNeill stated that Town Manager Sean Fox tendered his resignation to the council effective immediately, subject to the execution of appropriate customary separation agreement. Councilmember McNeil made the motion, seconded by Councilmember Hill, and with all members voting affirmative, motion passed 7/0.

### **ADJOURN**

Mayor Phaup adjourned the meeting at 12:23 a.m. on January 9, 2018.

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

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Mayor Jim Phaup

ATTEST:

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Rachel Ramsey, Town Secretary