



AGENDA

Town Council

Tuesday, November 12, 2024

6:00 pm Work Session and 7:00 p.m. Special Meeting

Sunnyvale Town Hall

Council Chambers

127 N Collins Rd.

Sunnyvale, TX. 75182

A. Work Session - 6 p.m.

1. Hold a discussion and provide direction to Staff regarding a Tree Mitigation Plan at the Dallas Water Utilities (DWU) treatment plant on Larkin Road.
2. Hold a discussion and provide direction to Staff related to broadband feasibility study.

B. Special Meeting - 7 p.m.

C. Invocation

D. Pledge of Allegiance

E. Call Meeting to Order

F. Announcements and Acknowledgements

Pursuant to Texas Government Code Section 551.0415 the Mayor, Council and Staff may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; (6) announcements involving imminent threat to public health and safety.

G. Public Comment

The Town Council invites citizens to address the Town Council on any matter, except items on the agenda and public hearings that are included on the agenda. Comments related to items on the agenda and public hearings will be heard when the specific item/hearing starts. Citizen comments are limited to three (3) minutes, unless otherwise required by law. To address the Council, please fill out a Public Comment Card and submit it to a staff member prior to the Public Comment section on the agenda. The Council is not permitted to take any action or discuss any item not listed on the agenda. Council may choose to place the item on a future agenda.

H. Introductions

1. Introduction of New Employees:
 - Keven Hughes - Police Officer
 - Shane Blount - Police Officer
 - Chad Krajca - Parks and Facilities Superintendent
 - Kari Pacheco - Interim Director of Parks and Facilities

I. Consent Agenda Items

1. Consider and act upon the minutes from the Oct. 28, 2024, Town Council meeting.
[Oct. 28, 2024 Minutes.pdf](#)
2. Consider and act upon the minutes from the Nov. 4, 2024, Town Council meeting.
[Nov. 4, 2024 Special Meeting Minutes.pdf](#)
3. Consider and act upon approval of a Minor Plat for Lot 1, Block A, Omar Addition, consisting of a 19.16-acre tract of land, within Single Family Residential - 1 (SF-1) zoning district, located at 645 E Tripp Road. **Case 1823-PLT/Omar Addition Minor Plat.**

[Map](#)
[Lot 1, Block A, Omar Addition - Minor Plat](#)
4. Consider and act upon Resolution 2024-20 Amendment No. 2 to the Household Hazardous Waste Interlocal Agreement Between Dallas County and the Town of Sunnyvale
[Resolution 2024-20 Household Hazardous Waste.doc](#)
[2025 HHW ILA Renew - Sunnyvale.pdf](#)
[HHW COURT ORDER 2024-0761.pdf](#)
5. Consider and act upon Resolution 2024-21 to adopt a covered applications and prohibited technology policy as required by Chapter 620 of the Texas Government Code.
[Resolution 2024-21](#)

J. Discussion and Action Items

1. Discuss, consider and act upon the first reading of Ord. 2024-18 lowering the speed limit on Barnes Bridge Road (from Belt Line Road to eastern Town Limits) from the currently posted 35 miles-per-hour to 25 miles-per-hour.
[ORD 2024-18 Barnes Bridge Road Speed Limit.docx](#)
[2024-10-18 Barnes Bridge Speed Study Report.pdf](#)
[History of Sterling Barnes and Barnes Bridge Road](#)
2. Provide an update related to the Capital Improvement Plan (CIP).
3. Discuss, consider and act upon an amendment to the 380 agreement with Tom Thumb.
[Res No. 2024-23 Amendment to Tom Thumb Incentive Agreement](#)
[First Amendment Econ Incentive Agreement Tom Thumb](#)

4. Mayor and Council requests for future Staff updates and agenda items.

K. Executive Session

1. Section 551.071 - Consultation with Attorney

To seek the advice of the Town's attorney about pending or contemplated litigation; or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

- Sunnyvale US 80, et al. v. Town of Sunnyvale, et al., Cause No. DC-24-00252
- Paul VanMeter v. Sunnyvale SC Lot Venture, Ltd., et al., Cause No. DC-24-00690
- Falls Trails Erosion
- Stone Canyon Trails Erosion
- Brief Council regarding UDO text amendment
- Brief Council regarding request S10022PH or documents related to

Section 551.087 - Economic Development

To deliberate the offer of a financial or other incentive to a business prospect.

- Gateway Park

Section 551.074 - Personnel Matters

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

- Town Manager Annual Review
- Town Attorney Contract

Section 551.072 – Deliberations about 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.

- 371 Long Creek Rd., Sunnyvale, TX 75182

L. End Executive Session

1. Consider official action, if any, on matters discussed in executive session.

Section 551.071 - Consultation with Attorney

- Sunnyvale US 80, et al. v. Town of Sunnyvale, et al., Cause No. DC-24-00252
- Paul VanMeter v. Sunnyvale SC Lot Venture, Ltd., et al., Cause No. DC-24-00690
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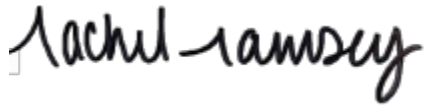
M. Adjourn

NOTE: The Town Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the Town); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

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 Town Secretary at 972-226-7177 at least 48 hours prior to the meeting.

Notice is hereby given that the Sunnyvale Town Council will conduct a Special Meeting on Tuesday, Nov. 12, 2024 at the Sunnyvale Town Hall. The public is encouraged to attend the meeting. Email comments may also be submitted to rachel.ramsey@townofsunnyvale.org by 3 p.m. the day of the meeting. The link to the live stream of the meeting will be posted on Sunnyvale's Facebook page Town of Sunnyvale – Government.

I hereby certify that the foregoing notice was posted at Town Hall, 127 N. Collins Rd., Sunnyvale, Texas and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting:



Rachel Ramsey, Director of Administration/Town Secretary

Date Posted: Nov. 8, 2024

Time Posted: 3:15 p.m.

Date Removed from Bulletin Board: _____

Removed By: _____



MINUTES

Town Council

Monday, October 28, 2024

6:00 pm Work Session and 7:00 pm Regular Meeting

Sunnyvale Town Hall

Council Chambers

127 N Collins Rd.

Sunnyvale, TX. 75182

A. Work Session - 6 p.m.

Mayor George began the work session at 6 p.m. with the following Council and Staff present: Mayor George, Mayor Pro-Tem Finch, Council Member Allen, Council Member Clark, Council Member Eldridge, Council Member Danny, Council Member Dr. Woodrow Jr., Town Manager Jeff Jones, Assistant Town Manager Mark Rauscher, Director of Administration/Town Secretary Rachel Ramsey, Director of Finance Miykael Reeve, Assistant Director of Finance Rachel Kulhavy, Town Engineer Matthew Holzapfel, Assistant Town Engineer Elmer Benitez, Director of Planning and Development Surupa Sen, Fire Chief Tami Kayea, Chief of Police Bill Vegas and Town Attorney Heather Shankle.

1. Hold a discussion and provide direction to Staff related to the Parks Master Planning process.
Town Manager Jeff Jones presented and Town Council provided feedback on available dates to have a joint Town Council and 4B Economic Development Board meeting.
2. Hold a discussion and provide direction to Staff related to DMAIC projects.
Town Manager Jeff Jones introduced and Town Engineer Matthew Holzapfel presented, both were available to answer questions from Council.
3. Hold a discussion and provide direction to Staff related to the five-year Capital Improvement Plan (CIP).
Town Manager Jeff Jones presented the item and was available to answer questions from Council.
4. Hold a discussion and provide direction to Staff regarding amendment to the Unified Development Ordinance (UDO) Section 3.06.03 - Tree Protection Standards.
Town Manager Jeff Jones introduced and Director of Planning and Development Surupa Sen presented, both were available to answer questions from Council.
5. Hold a discussion and provide direction to Staff related to broadband feasibility study.
Town Manager Jeff Jones presented and was available to answer questions from Council.
6. Hold a discussion and provide direction for Staff related to an annual update on the Sunnyvale Police Department's traffic unit.
This was not presented in work session, however it was presented during the regular meeting.

7. Hold a discussion and provide direction to Staff related to the Town's Emergency Management Plan.

Town Manager Jeff Jones introduced and Fire Chief Tami Kayea presented, both were available to answer questions.

B. Regular Meeting - 7 p.m.

C. Invocation

Mayor Pro-Tem Finch led the Invocation.

D. Pledge of Allegiance

Mayor George led the Pledge of Allegiance.

E. Call Meeting to Order

Mayor George began called the meeting to order at 7:08 p.m. with the following Council and Staff present: Mayor George, Mayor Pro-Tem Finch, Council Member Allen, Council Member Clark, Council Member Eldridge, Council Member Danny, Council Member Dr. Woodrow Jr., Town Manager Jeff Jones, Assistant Town Manager Mark Rauscher, Director of Administration/Town Secretary Rachel Ramsey, Director of Finance Miykael Reeve, Assistant Director of Finance Rachel Kulhavy, Town Engineer Matthew Holzapfel, Assistant Town Engineer Elmer Benitez, Director of Planning and Development Surupa Sen, Chief Building Official CJ Jarecki, Fire Chief Tami Kayea, Chief of Police Bill Vegas and Town Attorney Heather Shankle.

F. Announcements and Acknowledgements

Director of Administration/Town Secretary Rachel Ramsey made the following announcements:

- The Police Department is participating in the Chamber's Annual Trunk or Treat on Oct. 29 at 5:30 p.m. so go out and see them.
- Town Hall will be hosting trick or treating at Town Hall from 3 p.m. to 5 p.m. on Oct. 31, 2024.
- The Towns annual Veterans Day event will be on Saturday, Nov. 9, 2024 from 9 a.m. to 11 a.m.
- The Towns annual Turkey Trot will be on Thanksgiving Day, registration begins at 6:30 a.m. and the race begins at 7:30 a.m.
- The Towns annual Christmas Tree Lighting event will be on Friday, Dec. 6, 2024 from 5:30 p.m. to 7:30 p.m. and we will be partnering with the PD for their annual toy drive event that night as well.

G. Public Comment

Mayor George opened the floor for public comments.

Helen Bennett, 213 E. Tripp Rd., Sunnyvale, Texas, spoke in reference to her driveway approach being damaged and would like to speak to Town Staff about it.

Shaina Stigler, 531 Larkin Rd., Sunnyvale, Texas, spoke in reference to the water treatment plant.

With no one else coming forward, Mayor George closed the floor to public comments.

H. Introductions

1. Introduction of New Employees:
 - Andrew Espinoza, Senior Building InspectorChief Building Official CJ Jarecki introduced Andrew and welcomed him to the team.

I. Recognitions

1. Recognition of Rachel Kulhavy for achieving the Association of Public Treasurers United States and Canada Advanced Certified Public Funds Investment Manager (ACPFIM) Certification.
Director of Finance Miykael Reeve recognized and congratulated Assistant Director of Finance Rachel Kulhavy for achieving the ACPFIM certification.
2. Recognition of Sunnyvale Police Department Employees:
 - Lt. BJ Brumit for graduating from the Bill Blackwood LEMIT Leadership Command College (LCC).
 - Sgt. Jeremiah Shepard for graduating from the Institute for Law Enforcement Sergeant Academy.
 - Sgt. Miguel Portillo for graduating from the Institute for Law Enforcement Sergeant Academy.Chief of Police Bill Vegas recognized and congratulated Lt. Brumit, Sgt. Shepard, and Sgt. Portillo for their accomplishments.
3. [Town of Sunnyvale receives the 2024 Richard R. Lillie, FAICP Planning Excellence Award.](#)
Director of Planning and Development Surupa Sen presented the item and recognized her department for their hard work.

J. Consent Agenda Items

1. Consider and act upon the minutes from the Oct. 14, 2024, Town Council meeting.

Member Dr George Woodrow Jr. made a motion to approve as presented , Member Mark Eldridge seconded the motion.

Ayes: None

Motion Passed Unanimously 0- 0 on a recorded vote

2. [Consider and act upon the second reading of Ordinance 2024-17 regarding a Special Use Permit \(SUP\) for a proposed accessory dwelling unit located at 586 N. Collins Road on an approximate 2.7-acre property within Single Family - 2 \(SF-2\) zoning district in accordance with the Town of Sunnyvale Unified Development Ordinance \(UDO\). **Case 1822-SUP/586 N Collins Road – Accessory Dwelling Unit \(ADU\) SUP.**](#)

Member Dr George Woodrow Jr. made a motion to approve as presented, Member Mark Eldridge seconded the motion.

Ayes: None

Motion Passed Unanimously 0- 0 on a recorded vote

K. Presentations and Updates

Mayor George stepped out of the room at 8:18 p.m. during this portion of the agenda and returned at 8:25 p.m.

1. [Presentation and discussion for recommendations related to the Draft Mobility Plan.](#)
Assistant Town Manager Mark Rauscher introduced the item and Doug Arnold a representative with Kimley Horn presented the item, both were available to answer questions from Council.
2. Provide an annual update related to the Sunnyvale Police Department's traffic unit.
Chief of Police Bill Vegas presented the item and was available to answer questions from Council.

L. Public Hearing Items

1. [Hold a public hearing, discuss, consider and act upon the second reading of Ordinance 2024-15 of the Town of Sunnyvale, Texas effectively updating the commercial building permit and engineering fee sections of the Master Fee Schedule; providing for an increase in fees collected to appropriately reflect and recover services provided.](#)
Chief Building Official CJ Jarecki presented the item and was available to answer questions.

Mayor George opened the public hearing at 8:43 p.m. and with no one coming forward, he closed the public hearing at 8:43 p.m.

Council Member Eldridge had stepped out of the room and was not present during this item to vote.

Member Larry Allen made a motion to approve as presented, Member Manu Danny seconded the motion.

Ayes: None

Absent: Member Mark Eldridge

Motion Passed Unanimously 0- 0 on a recorded vote

M. Discussion and Action Items

1. [Discuss, consider and act upon Resolution 2024-19 repealing the existing fire pay cycle policy and adopting a new pay cycle for firefighters.](#)
Director of Finance Miykael Reeve presented the item and was available to answer questions from Council.

Mayor George opened the floor to public comments and with no one coming forward, he closed the floor to public comments.

Mayor Pro Tem Ryan Finch made a motion to approve as presented, Member Kevin Clark seconded the motion.

Ayes: None

Motion Passed Unanimously 0- 0 on a recorded vote

2. Mayor and Council requests for future Staff updates and agenda items.
Mayor Pro-Tem Finch asked for an update related to the DMAIC regarding the m-streets and the sun-streets.

N. Executive Session

1. Section 551.071 - Consultation with Attorney
To seek the advice of the Town's attorney about pending or contemplated litigation; or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.
 - Sunnyvale US 80, et al. v. Town of Sunnyvale, et al., Cause No. DC-24-00252
 - Paul VanMeter v. Sunnyvale SC Lot Venture, Ltd., et al., Cause No. DC-24-00690
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Section 551.087 - Economic Development

To deliberate the offer of a financial or other incentive to a business prospect.

- Gateway Park

Section 551.074 - Personnel Matters

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

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- 371 Long Creek Rd., Sunnyvale, TX 75182

Member Kevin Clark made a motion to adjourn into executive session at 8:54 p.m., Mayor Pro Tem Ryan Finch seconded the motion.

Ayes: None

Motion Passed Unanimously 0- 0 on a recorded vote

O. End Executive Session

1. Consider official action, if any, on matters discussed in executive session.

Section 551.071 - Consultation with Attorney

- Sunnyvale US 80, et al. v. Town of Sunnyvale, et al., Cause No. DC-24-00252
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Section 551.072 – Deliberations about Real Property

- 371 Long Creek Rd., Sunnyvale, TX 75182

Mayor George reconvened the meeting into open session at 11:14 p.m. and stated that as a result of executive session, no action was necessary.

P. Adjourn

Member Mark Eldridge made a motion to adjourn the meeting at 11:14 p.m., Mayor Pro Tem Ryan Finch seconded the motion.

Ayes: None

Motion Passed Unanimously 0- 0 on a recorded vote

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

Attest:

Saji George, Mayor

Rachel Ramsey, Town Secretary



MINUTES

Town Council

Monday, November 4, 2024

7:00 pm Special Meeting

Sunnyvale Town Hall

Council Chambers

127 N Collins Rd.

Sunnyvale, TX. 75182

A. Special Meeting

B. Call Meeting to Order

Mayor George called the meeting to order at 7:28 p.m. with the following Council and Staff present: Mayor George, Mayor Pro-Tem Finch, Council Member Allen, Council Member Eldridge, Council Member Clark, Council Member Danny, Town Manager Jeff Jones, Assistant Town Manager Mark Rauscher, Director of Administration Rachel Ramsey, Chief of Police Bill Vegas, and Town Attorney Andy Messer.

Council Member Dr. George Woodrow Jr. was absent.

C. Executive Session

1. Section 551.074 - Personnel Matters

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

- Town Manager Annual Review
- Town Attorney Contract

Member Kevin Clark made a motion to adjourn into executive session at 7:29 p.m., Member Manu Danny seconded the motion.

Ayes: Mayor Saji George, Mayor Pro Tem Ryan Finch, Member Kevin Clark, Member Manu Danny, Member Mark Eldridge, and Member Larry Allen

Motion Passed Unanimously 6- 0 on a recorded vote

D. End Executive Session

1. Consider official action, if any, on matters discussed in executive session.

Section 551.074 - Personnel Matters

- Town Manager Annual Review
- Town Attorney Contract

Mayor George reconvened the meeting into open session at 8:49 p.m. and stated that as a result of executive session, no action was necessary.

E. Adjourn

Mayor Pro Tem Ryan Finch made a motion to adjourn the meeting at 8:50 p.m., Member

Mark Eldridge seconded the motion.

Ayes: Mayor Saji George, Mayor Pro Tem Ryan Finch, Member Kevin Clark,
Member Manu Danny, Member Mark Eldridge, and Member Larry Allen

Absent: Member Dr George Woodrow Jr.

Motion Passed Unanimously 6- 0 on a recorded vote

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

Attest:

Saji George, Mayor

Rachel Ramsey, Town Secretary

AGENDA ITEM REPORT

I.3



To: Town Council

Subject: Consider and act upon approval of a Minor Plat for Lot 1, Block A, Omar Addition, consisting of a 19.16-acre tract of land, within Single Family Residential - 1 (SF-1) zoning district, located at 645 E Tripp Road. **Case 1823-PLT/Omar Addition Minor Plat.**

Meeting: Town Council - November 12, 2024

Department: Development Services

Staff Contact: Surupa Sen

SUGGESTED ACTION:

Staff recommends approval.

BACKGROUND INFORMATION:

The subject property is a 19.16-acre unplatted tract of land located at 645 E Tripp Road, described as Lot 1, Block A, Omar Addition, situated within the Samuel Coats Survey, Abstract No. 254, within Single Family Residential - 1 (SF-1) zoning district. The lot has dual frontage on E Tripp Road and Duck Creek Way.

Currently, the property is vacant, with a gravel access drive from Tripp Road. There is a metal barn and spring fed pond on the property. The subject tract is partially within FEMA 100-year flood plain, Zone AE. The applicant is proposing to build a single-family dwelling unit outside of the FEMA flood plain. The proposed residence will be accessed from Duck Creek Way via a new concrete driveway. The new residence will front Duck Creek way.

Existing and proposed utility and other easements are shown on the plat. All details of the plat adhere with the Texas Local Government Code, Town's Unified Development Ordinance (UDO) and engineering design standards.

This is a ministerial function of the Town. Plats that meet all Town requirements must be approved.

Planning and Zoning Commission considered this minor plat at their October 23, 2024, meeting and approved it unanimously.

ATTACHMENTS:

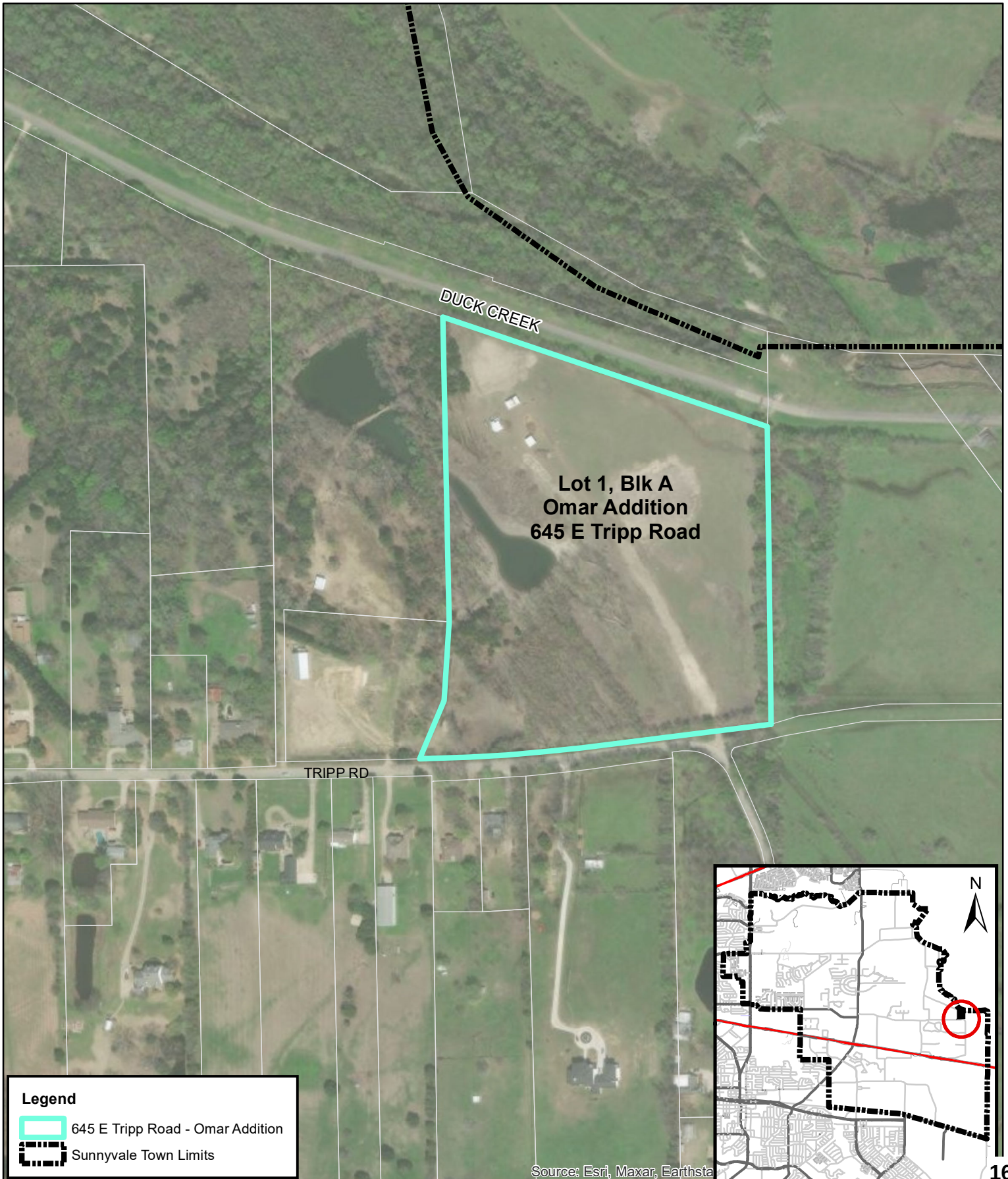
[Map](#)

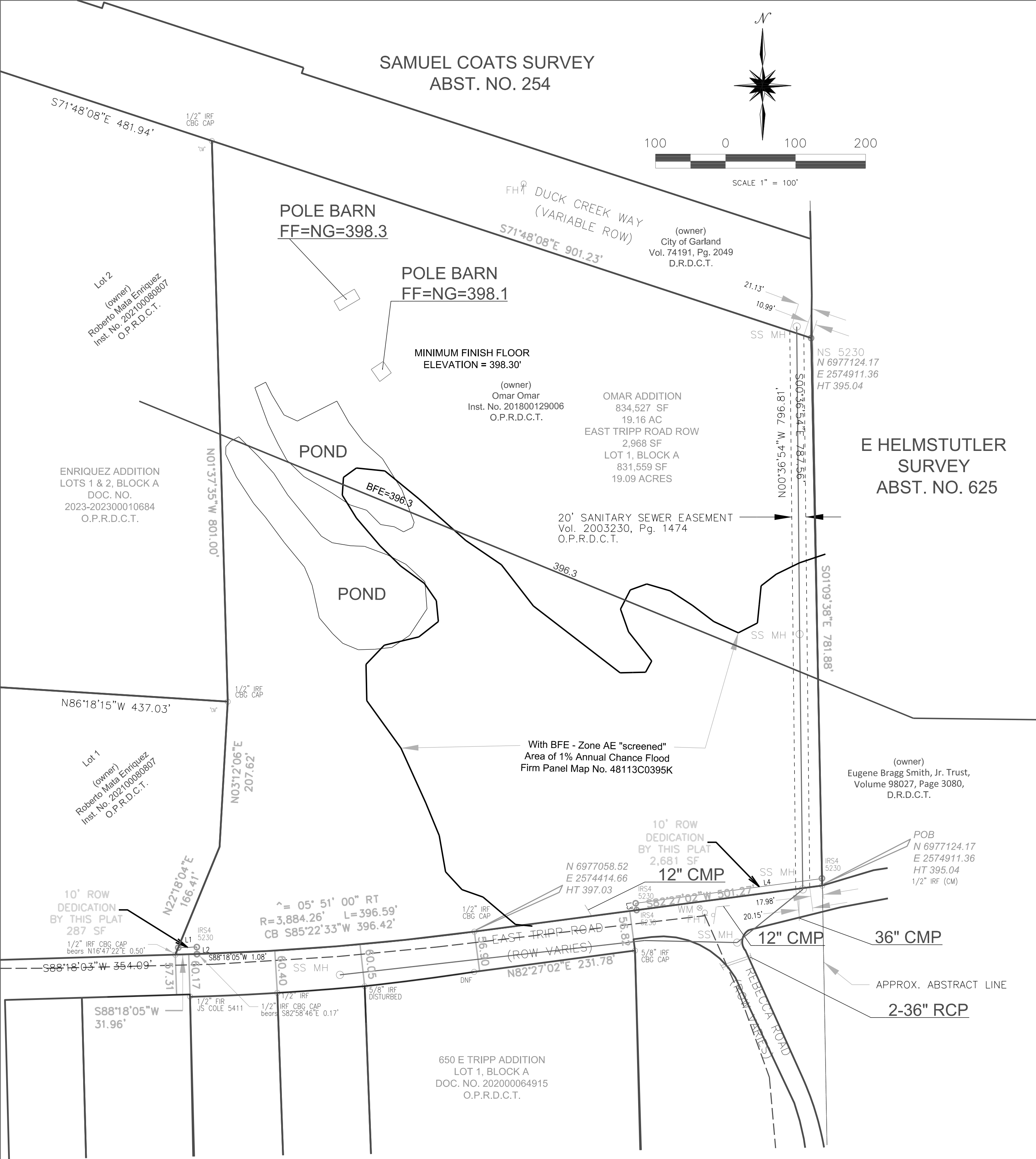
[Lot 1, Block A, Omar Addition - Minor Plat](#)



TOWN OF SUNNYVALE

Case 1823- PLT Omar Addition Minor Plat





LINE TABLE			
L1	26.44'	S	88°18'05" W
L2	10.00'	N	01°41'55" W
L3	10.00'	S	07°32'58" E
L4	268.66'	S	82°27'02" W

NOTES:

BASIS OF BEARING IS NAD_83 (2011) (EPOCH 2010.0000) TEXAS NORTH CENTRAL ZONE 4202. CONTROLLING MONUMENTS ARE NOTED HEREON AS (C.M.).

NOTICE: Selling a portion of this addition by metes and bounds is a violation of Town ordinance and state law and is subject to fines and withholding off utilities and building certificates.

Development standards for this plat shall comply with platting requirements of the Unified Development Ordinance.

According to FEMA Firm Panel Map No. 48113C0395K, for Incorporated areas of Dallas County Texas, Effective Date: July 7th, 2014, by graphical plotting a portion of this property is situated within Zone X – Area of Minimal Flood Hazard, and a portion of this property is situated within Zone AE – Special Flood Hazard Areas With Base Flood Elevation (BFE) or adjacent to Regulatory Floodway as shown.

This survey has been prepared without benefit of a Title Commitment.

OWNER'S DEDICATION

STATE OF TEXAS:
COUNTY OF DALLAS:

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

THAT I, Omar Omar do hereby adopt this plat, designating the herein above described property as OMAR ADDITION, an addition to the Town of Sunnyvale, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever the streets and alleys shown hereon. The easements shown hereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility.)

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, clean outs, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Sunnyvale, Texas.

Witness my hand this the __ day of _____, 2024.

Omar Omar

STATE OF TEXAS:

BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared Omar Omar, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this the __ day of _____, 2024.

Notary Public in and for the State of Texas.

SURVEYOR'S CERTIFICATION

I, COLIN J. HENRY, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown hereon were found and/or placed under my personal supervision in accordance with the platting rules and regulations of the Planning and Zoning Commission of the Town of Sunnyvale, Texas.

"PRELIMINARY - THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE."

Colin J. Henry
Registered Professional Land Surveyor, No. 5230

STATE OF TEXAS:

BEFORE ME, the undersigend, a Notary Public in and for said State, on this day personally appeared Colin J. Henry, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this the _____ day of _____, 2024.

Notary Public in and for the State of Texas



OWNER'S CERTIFICATE

STATE OF TEXAS:
COUNTY OF DALLAS:

WHEREAS Omar Omar is the owner of a tract of land situated in the Samuel Coats Survey, Abstract Number 254, and further being all of a called 19.16 acre tract described to Omar Omar by instrument recorded in County Clerk's Instrument Number 201800129006, Official Public Records Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found (controlling monument) for the southeast corner of the herein described tract of land, said point being at the intersection of the north right-of-way line of East Tripp Road (variable width) with the east right-of-way line of Rebecca Road (variable width), said point having Texas North Central Zone 4202 coordinates North 6977124.17, East 2574911.36, US Survey Foot, based on NAD_83 (2011) (Epoch 2010.0000) using Leica Smartnet North America;

THENCE South 82°27'02" West, along said north right-of-way line and the south line of the herein described tract of land, a distance of 501.27 feet to a 1/2-inch iron rod found with yellow CBG Surveying cap (controlling monument) for the point of curvature of a tangent circular curve to the right having a radius of 3,884.26 feet and whose chord bears South 85°22'33" West, a distance of 396.42 feet;

THENCE in a Westerly direction, continuing along said north right-of-way line, and along said curve through a central angle of 05°51'00", for an arc distance of 396.59 feet to the point of tangency, from which point a 1/2-inch iron rod found with yellow cap stamped CBG Surveying for witness bears South 82°58'46" East, 0.17 feet;

THENCE South 88°18'05" West, continuing along said north right-of-way line, a distance of 31.96 feet to a point for corner, from which a 1/2 inch iron rod found with yellow CBG Surveying cap for witness bears North 16°47'22" East, 0.50 feet, said point being the southwest corner of the herein described tract of land and the southeast corner of Lot 1, Block A, ENRIQUEZ ADDITION, an addition to the Town of Sunnyvale, Texas, as recorded in County Clerk's Instrument Number 2023-202300010684, O.P.R.D.C.T.;

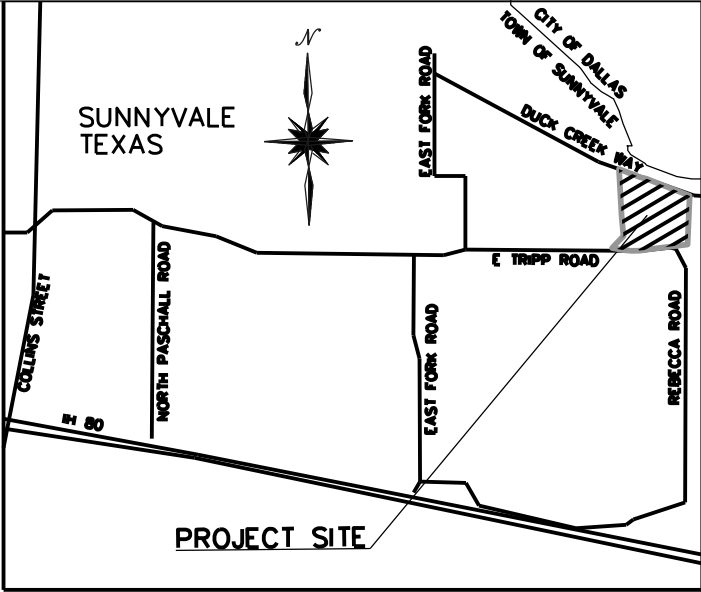
THENCE North 22°18'04" East, departing said north right-of-way line and along the common east line of said addition and the west line of the herein described tract of land, a distance of 166.41 feet to a point for corner;

THENCE North 03°12'06" East, continuing along said common line, a distance of 207.62 feet to a 1/2 inch iron rod found with yellow CBG Surveying cap (controlling monument) for an angle point and being the northeast corner of Lot 1 and the easterly southeast corner of Lot 2 of said addition;

THENCE North 01°37'35" West, continuing along said common line, a distance of 801.00 feet to a 1/2-inch iron rod found with yellow CBG Surveying cap (controlling monument) for the northeast corner of said Lot 2 and the northwest corner of the herein described tract of land, and being on the south right-of-way line of Duck Creek Way (variable width);

THENCE South 71°48'08" East, along the north line of the herein described tract of land and said south right-of-way line, a distance of 901.23 feet to a MAG nail set with washer stamped 5230 for corner, and being on the common east line of the herein described tract of land and the west line of a tract of land described to Eugene Bragg Smith, Jr. Trust, as recorded in Volume 98027, Page 3080, Deed Records Dallas County, Texas;

THENCE South 01°09'38" East, along said common line, a distance of 781.88 feet to the POINT OF BEGINNING and CONTAINING 834,527 square feet or 19.16 acres of land, more or less.



VICINITY MAP
N.T.S.

LEGEND OF SYMBOLS AND ABBREVIATIONS	
IRF	IRON ROD FOUND
NS	MAG NAIL SET
5230	WASHER 5230
IRS4	1/2-INCH IRON ROD SET YELLOW CAP
5230	TXRPLS 5230
SS MH	SAN. SEW. MANHOLE
WM	WATER METER
WV	WATER VALVE
FH	FIRE HYDRANT
PP	POWER POLE
GUY	GUY WIRE
	SIGNS
	STREET, TEL. CAS. (AS INDICATED)

RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE, TEXAS, ON THE _____ DAY OF _____, 2024.

BY: _____ DATE _____

CHAIRMAN

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, ON THE _____ DAY OF _____, 2024.

BY: _____ DATE _____

MAYOR

ATTEST: _____ DATE _____

TOWN SECRETARY

MINOR PLAT of
OMAR ADDITION

LOT 1, BLOCK A
A SUBDIVISION OF A TRACT OF LAND
SITUATED IN THE SAMUEL COATS SURVEY,
ABSTRACT NUMBER 254,
19.16 ACRES
TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS.

SCALE: 1" = 100'

DATE: JULY 02, 2024

Project No.: 20231024

PAGE 1 OF 1

OWNER/DEVELOPER:

OMAR OMAR
3838 STONE CANYON ROAD
SUNNYVALE, TEXAS 75182

PREPARED BY:

DMC HENRY LLC
Colin J Henry, PE, RPLS
7073 Arboreal Drive
Dallas, Texas 75231-7315
214-243-3246
txrpls5230@yahoo.com
Texas Engineering Firm Number F-21874
Texas Surveying Firm Number 10194594

AGENDA ITEM REPORT

I.4



To: Town Council

Subject: Consider and act upon Resolution 2024-20 Amendment No. 2 to the Household Hazardous Waste Interlocal Agreement Between Dallas County and the Town of Sunnyvale

Meeting: Town Council - November 12, 2024

Department: Parks

Staff Contact: Mark Rauscher

SUGGESTED ACTION:

Staff recommends approval.

BACKGROUND INFORMATION:

On August 6, 2024, the Dallas County Commissioners Court was briefed on a request from the cities of the Dallas Area Household Hazardous Waste Network to renew and revise the effective term and specify new fiscal year budgets for the Household Hazardous Waste (HHW) Program Interlocal Agreement (ILA). The HHW Program allows for the disposal, setup, operational, capital, and transportation costs for HHW collection for residents of the Town. This ILA contains one-year renewals for a five-year total contract term that was originally authorized by Court Order 2022-0661. Amendment No. 2 continues the HHW program through FY2025 at a cost of \$5,706. There are no other changes to the basic terms and conditions of this agreement.

FINANCIAL IMPACT:

The cost of this program is \$5,706 and is funded by the Town's FY25 General Fund Budget for the Parks Department.

ATTACHMENTS:

[Resolution 2024-20 Household Hazardous Waste.doc](#)
[2025 HHW ILA Renew - Sunnyvale.pdf](#)
[HHW COURT ORDER 2024-0761.pdf](#)

RESOLUTION 2024-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING AND CONTINUING THE TERMS AND AGREEMENT OF THE HOUSEHOLD HAZARDOUS WASTE NETWORK (HHW NETWORK) TO PROVIDE TO THE CITIZENS OF THE TOWN OF SUNNYVALE A HAZARDOUS WASTE COLLECTION PROGRAM THROUGH THE FISCAL YEAR 2024 FROM OCT. 1, 2024 TO SEPT. 30, 2025.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, provides authorization for local governments to enter into contracts with other local governments and state agencies; and

WHEREAS, the Dallas County Commissioners Court adopted Court Order Number 2024-0761 establishing the HHW Network to coordinate the planning and of a HHW collection program; and

WHEREAS, the HHW Network has successfully served the residents of the participating cities since its inception in 1994 and is prepared to continue its services;

WHEREAS, On Aug. 6, 2024, the Dallas County Commissioners was briefed on a request from the cities of the Dallas area Household Hazardous Waste Network to renew and revise the effective term and specify new fiscal year budgets for the Household Hazardous Waste Program Interlocal Agreement (agreement); and

WHEREAS, the Town of Sunnyvale, Texas (the "Town") and the County of Dallas, Texas (the "County") wish to renew the agreement (the "Agreement") to continue participation in the Household Hazardous Waste Network (the "HHW Network") to coordinate the planning and implementation of a hazardous waste collection program from Oct. 1, 2024, through Sept. 30, 2025; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Sunnyvale, Texas as follows:

RESOLVED that the agreement as attached and all assurances and obligations contained therein is hereby approved in all respects;

RESOLVED further that the Agreement is hereby authorized and approved and the Mayor of Sunnyvale is hereby authorized, empowered and directed to execute the Agreement for and on behalf of and in the name of the Town of Sunnyvale with such ministerial changes in the terms and provisions thereof as said Mayor shall in his sole discretion deem necessary and in the best interest of the Town of Sunnyvale, his signature being conclusive evidence that he did so deem any such changes to be necessary or desirable and in the best interest of the Town of Sunnyvale.

RESOLVED further that Rachel Ramsey, the Town Secretary of the Town of Sunnyvale, is hereby authorized, empowered and directed to certify and attest any documents which she may deem necessary or appropriate to consummate the transaction contemplated by the Agreement; and

RESOLVED further that this Resolution shall be effective when adopted;

Passed and approved this the 12th day of November 2024.

TOWN OF SUNNYVALE

Saji George, Mayor

ATTEST:

Rachel Ramsey, Town Secretary

STATE OF TEXAS §
 §
 COUNTY OF DALLAS §

**AMENDMENT NO. 2
 TO THE HOUSEHOLD HAZARDOUS WASTE INTERLOCAL AGREEMENT
 (The "Agreement")
 BETWEEN
 DALLAS COUNTY
 AND
 TOWN OF SUNNYVALE
 (The "Town")
 A MEMBER CITY OF
 THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK**

WHEREAS, on, August 6, 2024, the Dallas County Commissioners Court was briefed on a request from the cities of the Dallas Area Household Hazardous Waste Network to renew and revise the effective term and specify new fiscal year budgets for the Household Hazardous Waste Program Interlocal Agreement ("Agreement") that permits four additional one-year renewals for a five-year total contract term and was authorized by Court Order 2022-0661; and

WHEREAS, the proposed Amendment No.2, along with the attachment C2025, will serve to continue the Household Hazardous Waste Program through fiscal year 2025, while updating overall program budget amounts and individual town budget limits for the new fiscal year; and

WHEREAS, proposed Amendment No. 2 contains no other changes in the basic terms and conditions of the Agreement and incurs no cost to Dallas County.

NOW THEREFORE, by execution of this Amendment No. 2, the Agreement is amended hereby with respect to the items and features described in the Articles below.

**I.
 PURPOSE**

The purpose of this Amendment is to amend the effective term and fiscal year budget of the Agreement without change to the basic terms and provisions. No other sections, provisions, clauses or conditions of the Agreement are waived, deleted or changed hereby, and they shall remain in full force and effect throughout the term of the Agreement and any duly authorized amendments.

**II.
 AMENDED PROVISIONS**

A. The new term of the Agreement shall be October 1, 2024, through September 30, 2025.

B. The language contained in Paragraph 1, *Section IV. City Responsibilities* shall be deleted in its

entirety and replaced with the following language:

1. "A sum not to exceed _____ for disposal, setup, operational, capital, and transportation costs for HHW collection for residents of the Town during the period from October 1, 2024 through September 30, 2025. This figure is based on the program's annual budget contained in **Exhibit C2025** which is incorporated herein for all purposes.
 - a. Collection, setup, and disposal costs will be paid after-the-fact, based on actual usage by the Town at events and at the collection center.
 - b. Operational and capital costs shall be paid quarterly in advance.
 - c. In the event of early withdrawal, the operational and capital costs will not be pro-rated for partial quarter participation, but will become immediately due and payable in full."

C. Exhibit C2024 of the Agreement entitled *FY2024 HHW Program Budget Summary* shall be deleted and replaced with the attached Exhibit C2025 entitled *FY2025 HHW Program Budget Summary*.

IN WITNESS WHEREOF, by their signatures below, the duly authorized representatives of Dallas County and Town of Sunnyvale, a member city of the Dallas Area Household Hazardous Waste Network, do hereby agree and append this Amendment No. 2 to the Agreement.

EXECUTED THIS the _____ day of _____, 2024.

DALLAS COUNTY:

TOWN OF SUNNYVALE:

BY: Clay Lewis Jenkins
 County Judge

BY:

APPROVED AS TO FORM:*
 John Creuzot
 District Attorney

ATTESTED TO:

BY: _____

APPROVED AS TO FORM:

BY: _____

BY: Lacey B. Lucas

* By law, the Dallas County District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

Exhibit C2025

FY2025 HHW PROGRAM BUDGET SUMMARY

This exhibit summarizes the total program funding for FY2025 as approved by the Dallas Area Household Hazardous Waste Network at its regular meeting on May 8, 2024, and replaces the language contained in Exhibit C2024 of the Household Hazardous Waste Program Interlocal Agreement that was authorized by Court Order 2022-0661.

- Fixed Costs include personnel expense, operating costs, and capital budget, which are shared by the Network cities based on single-family household projections published by North Central Texas Council of Governments.
- Personnel Expense includes all HHW staff salaries and fringe.
- Operating Expense includes supplies, equipment, advertising, public education, volunteer support, staff development, printing, postage, facility maintenance, utilities, and all other direct programming costs.
- Capital Expense includes building repairs, equipment repair or replacement, mechanical upgrades, and expansion projects.
- Variable costs include estimated direct costs for collection and disposal of hazardous household wastes, which vary according to actual usage and are indicated in the budget summary for planning purposes only. ***Funding for actual collection, contract labor, and disposal costs will be collected from the cities after the fact, on an as-used basis.***
- Collection/Mobilization/Disposal Budget includes estimated costs for staging of events, recycling services, waste containers, waste transportation, and disposal.
- Contract Labor Expense is for part-time, seasonal labor provided by the disposal vendor.

Budget adjustments made to the Operational Budget during the term of the Agreement shall not result in a City Funding amount that exceeds the approved budget total shown herein. The County may make line item transfers within the operating budget when these transfers do not exceed \$5,000. Budget adjustments in excess of \$5,000 must be approved by the HHW Network.

BUDGET SECTION	CITY FUNDING
FIXED COSTS (OPERATIONAL BUDGET)	
Personnel Costs	\$ 758,878
Operating Costs	\$ 269,075
Capital Expense	\$ 100,000
Sub-Total	\$ 1,112,953
ESTIMATED VARIABLE COSTS (COLLECTION / LABOR / DISPOSAL BUDGET)	\$ 1,474,000
TOTAL PROGRAM BUDGET	\$2,601,953



COURT ORDER 2024-0761

Proposed FY2025 Budget/Continuation of Household Hazardous Waste Program

On a motion made by Commissioner Dr. Theresa Daniel, and seconded by Commissioner Dr. Elba Garcia, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: August 6, 2024
FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby
On a motion made by TBD, and seconded by TBD, the following order will be voted on
by the Commissioners Court of Dallas County, State of Texas:

Be it resolved and ordered that the Dallas County Commissioners Court does hereby approve the continuation of the Household Hazardous Waste program, its FY2025 interlocal agreement with participating cities, and its proposed FY2025 budget of \$2,601,953 (of which \$80,000 consists of carryover from prior years for contract labor, capital expenses, and other operational expenses).

It is further resolved and ordered that the County Judge is authorized to sign the aforementioned FY2025 Interlocal agreements on behalf of the County.

Done in open Court August 6, 2024 by the following vote:

IN FAVOR:	County Judge Clay Jenkins, Commissioner Dr. Theresa Daniel, Commissioner John Wiley Price, Commissioner Dr. Elba Garcia, and Commissioner Andrew Sommerman
OPPOSED:	None
ABSTAINED:	None
ABSENT:	None

Recommended by: Christopher Hooper

Originating Department: Consolidated Services

AGENDA ITEM REPORT

I.5



To: Town Council

Subject: Consider and act upon Resolution 2024-21 to adopt a covered applications and prohibited technology policy as required by Chapter 620 of the Texas Government Code.

Meeting: Town Council - November 12, 2024

Department: Admin

Staff Contact: Rachel Ramsey

SUGGESTED ACTION:

Staff recommends approval.

BACKGROUND INFORMATION:

Last session, the Texas legislature passed S.B. 1893, which prohibits the use of TikTok and certain other social media applications and services on governmental devices. The bill specifically requires cities and other political subdivisions to adopt a policy: (1) prohibiting the installation of TikTok or another covered application on any device owned or leased by the governmental entity; and (2) requiring the removal of covered applications from those devices. Cities are required to adopt a local policy relating to TikTok and other covered social media applications by the November 20, 2024, deadline to be in compliance.

The Texas DIR/DPS Model policy was created to assist government entities with compliance of Chapter 620 of the Texas Local Government Code. We have used the Model policy to create the Town of Sunnyvale's Technology Security policy for compliance. Further, the Town Attorney's office has reviewed the contract.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

[Resolution 2024-21](#)

**TOWN OF SUNNYVALE, TEXAS
RESOLUTION NO. 2024-21**

**A RESOLUTION OF THE TOWN OF SUNNYVALE, TEXAS, TO ADOPT
A COVERED APPLICATIONS AND PROHIBITED TECHNOLOGY
POLICY AS REQUIRED BY CHAPTER 620 OF THE TEXAS
GOVERNMENT CODE; PROVIDING FOR SEVERABILITY, SAVINGS
AND REPEALING CLAUSES; DETERMINING OPEN MEETINGS LAWS
WERE COMPLIED WITH; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the 88th Texas Legislative passed Senate Bill 1983 to create Chapter 620 of the Texas Government Code, which requires all Texas municipalities to adopt a policy prohibiting the installation and use of certain applications on government-owned or leased devices; and

WHEREAS, to comply with the applicable provisions of Chapter 620, Texas Government Code, the Town Council of the Town of Sunnyvale (“Town Council”) has determined that it is necessary and appropriate to adopt the policy set forth herein; and

WHEREAS, per Chapter 620 of the Texas Government Code, a covered application may be installed and used to the extent necessary for providing law enforcement or the development or implementing of information security measures, and used in compliance with documented measures to mitigate risks to the security of governmental entity information; and

WHEREAS, the Town Council wishes to create the Covered Applications and Prohibited Technology Policy, and authorize the Town Manager, or designee, to implement said policy.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council of the Town of Sunnyvale, Texas, that:

SECTION 1. Findings Incorporated. The findings in the whereas clauses set forth above are declared to be true and are incorporated into the body of this resolution by reference.

SECTION 2. Adopting Covered Applications and Prohibited Technology Policy. The Town hereby adopts the Covered Applications and Prohibited Technology Policy, attached here to as **Exhibit “A”** and incorporated herein by reference for all intents and purposes, which shall hereafter be incorporated into the Town’s employment and personnel files.

SECTION 3. Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The Town hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 4. Savings/Repealing Clause. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict and any remaining portions of said resolutions shall remain in full force and effect.

Section 5. Open Meetings. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 6. Effective Date. This Resolution is in full force and effect upon its adoption.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS on this the 12th day of November 2024.

Saji George, Mayor

ATTEST:

Rachel Ramsey, Town Secretary

Exhibit “A”
Covered Applications and Prohibited Technology Policy

[TO BE INSERTED]

AGENDA ITEM REPORT

J.1



To: Town Council

Subject: Discuss, consider and act upon the first reading of Ord. 2024-18 lowering the speed limit on Barnes Bridge Road (from Belt Line Road to eastern Town Limits) from the currently posted 35 miles-per-hour to 25 miles-per-hour.

Meeting: Town Council - November 12, 2024

Department: Engineering

Staff Contact: Matt Holzapfel

SUGGESTED ACTION:

Staff recommends approval.

BACKGROUND INFORMATION:

Barnes Bridge Road is one of the oldest roads in the Town of Sunnyvale and has been in operation since at least 1840 (see attachment). The Duck Creek bridge on Barnes Bridge Road was closed in 2019 due to severe creek erosion undermining segments of the bridge approach slabs. Later the bridge collapsed due to continued erosion.

During the bridge closure, citizens living on Barnes Bridge Road became concerned with the future reconstruction of the Duck Creek bridge and its impact on traffic volumes and speed on Barnes Bridge Road. The citizens were concerned that the current 35-mph speed limit is excessive for the roadway and asked Town Council and staff to study the roadway to determine if a speed reduction is appropriate. The current 35-mph speed limit on Barnes Bridge Road was established by ordinance 16-11, passed by the Town Council on August 8, 2016.

Due to this concern the Town Manager requested that a speed zone study be conducted by the Town Police Department and Engineering Department staff.

The results of the engineering study support changing the speed limit on Barnes Bridge road at all locations within the Town Limits to 25 mile-per-hour. Attached to this agenda item are the speed zone study and ordinance reducing the speed limit on Barnes Bridge Road to 25-mph.

FINANCIAL IMPACT:

The financial impact to changing out the speed limit signs from the present 35-mph to the new 25-mph speed limit is approximately \$50/sign (assuming the existing poles will be reused). The total cost of the speed sign change is estimated to be less than \$1,000.

ATTACHMENTS:

[ORD 2024-18 Barnes Bridge Road Speed Limit.docx](#)

[2024-10-18 Barnes Bridge Speed Study Report.pdf](#)

[History of Sterling Barnes and Barnes Bridge Road](#)

ORDINANCE 2024-18

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, REPEALING THE EXISTING 35 MILE PER HOUR SPEED LIMIT ESTABLISHED BY ORDINANCE 16-11 FOR BARNES BRIDGE ROAD WITHIN THE TOWN AND REPLACING WITH A NEW 25 MILE PER HOUR SPEED LIMIT ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING SPEED ZONE STUDY UNNYVALE, AS SET WITHIN THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; A CONFLICTS CLAUSE; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, §545.356, Texas Transportation Code, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the municipality, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit whereat or thereon by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE:

Section 11.02.007: SPEED LIMITS ESTABLISHED

- (a) It shall be unlawful for any person to drive or operate a motor vehicle on the following designated streets at a speed greater than the speed shown herein for that street or portion of that street as set forth below, and said speed is hereby established as the maximum lawful prima facie speed limit thereon, and any speed in excess of the limits set forth hereby shall be prima facie evidence that such speed is neither reasonable nor prudent and is unlawful, to-wit:

Street	Extent	Speed (mph)
Barnes Bridge Road	All Points in Town Limits	25

- (b) Designated employees of the town are hereby directed to erect appropriate signs giving notice to motorists that the above-named street has been zoned by the town for the maximum speed limits set out herein.
- (c) Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty provision in of this code.

Section 2: SEVERABILITY

The terms and provisions of this ordinance shall be deemed to be severable and if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

Section 3: CONFLICTS

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the Town of Sunnyvale, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and Code hereby are superseded.

Read and introduced on October 28, 2024.

PASSED AND APPROVED by the Town Council, the Town of Sunnyvale, on this the 12th day of November, 2024.

Saji George, Mayor
Town of Sunnyvale, Texas

ATTEST:

Rachel Ramsey, Town Secretary

Engineering Department

MEMORANDUM

October 18, 2024

To: Jeff Jones – Town Manager
Thru: Mark Rauscher – Assistant Town Manager
From: Matthew Holzapfel, P.E. – Town Engineer

**Subject: Barnes Bridge Road (Belt Line Road to Eastern Town Limits)
Speed Zone Study Report and Speed Limit Recommendations**

Background:

Barnes Bridge Road is one of the oldest roads in the Town of Sunnyvale and has been in operation since at least 1840 (see attachment).

The Duck Creek bridge on Barnes Bridge Road was closed in 2019 due to severe creek erosion undermining segments of the bridge approach slabs. Later the bridge collapsed due to continued erosion. On April 27, 2020, the Town Council approved an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TXDOT) for the design and construction of a replacement bridge as part of the Off System Bridge Replacement program. TXDOT let bids the replacement bridge project on September 5, 2024, and the contract was awarded to Ashlar Contracting Company by TXDOT on October 1, 2024. The project is a 122-working day contract with an additional 60-day delay to start procurement of long lead time items such as bridge girders. Assuming 15-WD per month gives an 8-month contract time. Construction mobilization on the project will likely be the first weeks of January 2025 and be completed in the fourth quarter of 2025. TXDOT is managing the construction of the project and Town staff will monitor the progress of the work and provide liaison between TXDOT staff and concerned citizens.

During the bridge closure, citizens living on Barnes Bridge Road east of the bridge became concerned with the future reconstruction of the Duck Creek bridge and its impact on traffic volumes and speed on Barnes Bridge Road. The citizens were concerned that the current 35-mph speed limit may be excessive for the roadway and asked Town Council and staff to study the roadway to determine if a speed reduction is advisable.

Speed Zone Study Procedures *(excerpts from TXDOT Manual “Procedures for Establishing Speed Zones”):*

Prima Facie Concept

In Texas, all speed limits are considered prima facie limits. Prima facie limits are those limits that, “on the face of it,” are reasonable and prudent under normal conditions. To exceed a prima facie speed limit does not automatically constitute an infraction of the law, as reasonable and prudent driving behavior is, at times, possible at speeds in excess of the posted limit. However, the burden of proof of reasonable and prudent conduct under the existing conditions rests with the driver. To afford a driver this opportunity to exceed a prima facie speed limit recognizes the fact that any posted speed limit cannot adequately reflect the many different road conditions confronting the driver on the same highways at different times.

Roadways in Texas that have not had a formal speed study conducted have their speed limits set by state statute per the **Texas Transportation Code, Section 545.352**. This section of the code sets **the prima facie speed limit for urban streets at 30-miles-per-hour** (mph).

Value of Speed Zoning

Although comparative “before-and-after” studies indicate that speed limit signs actually have very little influence on the driver’s choice of speed, speed zoning is necessary and does serve a worth-while purpose. Realistic speed zoning will serve to protect the public and to regulate the unreasonable behavior of an individual. Having recognized that normally careful and competent actions of a reasonable person should be considered legal, the Texas Legislature has passed legislation concerning speed zoning in order to assure this protection. If a speed zone is determined by the actions of the majority of drivers on a highway, then it is hoped that speed zoning will facilitate the orderly movement of traffic by increasing driver awareness of a reasonable and prudent speed.

Properly applied speed zoning can:

- help drivers adjust their speed to the conditions
- make enforcement easier by furnishing police officers with a reasonable indication of what is excessive speed
- result in more motorists driving within the same speed range at each of the locations along the highway
- reduce the frequency and severity of crashes when accompanied by enforcement.

A city may lower the state-mandated speed limit by performing an engineering and traffic investigation and determining that the prima facie speed limit is unreasonable or unsafe for that road.

To alter a speed limit the Town must conduct a speed study and roadway inspection that follows the procedures outlined in the TXDOT's publication, ***Procedures for Establishing Speed Zones*** and the ***Texas Manual of Uniform Traffic Control Devices (TMUTCD)***

Determining the 85th Percentile Speed:

General Concepts

Speed limits on Texas roads are set by the 85th percentile method, which represents the speed the majority of drivers are traveling at or below. This is a sound engineering principle used to set speed limits on highways and streets nationwide for the past 60-years.

Theory

Use of the 85th percentile speed concept is based on the theory that the large majority of drivers:

- are reasonable and prudent
- do not want to have a crash
- desire to reach their destination in the shortest possible time
- a speed at or below which 85 percent of people drive at any given location under good weather and visibility conditions may be considered as the maximum safe speed for that location.

Statistical Rationale

The results of numerous and extensive “before-and-after” studies substantiates the general propriety and value of the 85th percentile criterion.

When establishing a speed zone, the speed limit may be reduced by up to 12 miles per hour below the 85th percentile speed if the crash rate in the section of the roadway is greater than the statewide average crash rate for similar roadways.

Additional roadway factors. The posted speed limit may be reduced by as much as 10 miles per hour (12 miles per hour for locations with crash rates higher than the statewide average) below the 85th percentile speed based on sound and generally accepted engineering judgment that includes consideration of the following factors:

- narrow roadway pavement widths - 20 feet or less, for example;
- horizontal and vertical curves - possible limited sight distance;
- hidden driveways and other developments - possible limited sight distance;
- high driveway density - the higher the number of driveways, the higher the potential for encountering entering and turning vehicles;
- crash history along the roadway;
- rural residential or developed areas - higher potential for pedestrian and bicycle traffic; and
- lack of striped, improved shoulders - constricted lateral movement.

Speed limits should not be posted more than 10 miles per hour (12 miles per hour for locations with crash rates higher than the statewide average) below the 85th percentile or trial-run speed since unreasonably low speed limits have not been shown to be an effective way to control speeding.

Allowing too great a variation would risk losing motorist respect for speed limits and traffic control devices.

The final decision on the amount of variation from the 85th percentile speed for a specific roadway should be based on the engineering judgment of the supervising engineer.

Legal Impact:

Adopting an speed zone ordinance in accordance with findings and recommendations of an engineering speed zone study that is conducted in compliance with state law and TXDOT's publication, ***Procedures for Establishing Speed Zones*** and the ***Texas Manual of Uniform Traffic Control Devices (TMUTCD)*** ensures the validity of the speed zone if challenged by a motorist who has received a citation for violation of the set limit.

Data Collection:

To ensure a true reflection of a normal traffic situation, speed zone studies are made on average weekdays during off-peak hours, under favorable weather conditions. The speed limit is normally set to the nearest 85th percentile speed, rounding the speed to the nearest 5-MPH increment.

When conducting a speed study, additional data besides simple traffic speed information is gathered and analyzed such as curves, pavement width and type, right-of-way width, crash history, cross streets, school crossings and sites that generate traffic.

Speed Zone Study Results:

At the direction of the Town Manager, the Sunnyvale Police Department installed speed trailers that are able to collect bi-directional speed data on the 400 block of Barnes Bridge Road. Speed data was collected and tabulated for 1-hour increments from Tuesday August 27th, 2024, to Thursday September 5, 2024. During this time period, traffic volume was very low with a total of only 762 cars counted. The speed volume table indicated the maximum speed observed was less than 40-mph with a bi-directional 85th percentile speed of 24-mph.

Addition Roadway Observations Affecting Speed Zone Posting:

Barnes Bridge Road was observed to be:

- A narrow roadway with significant vertical and horizontal curvature that affects sight distance.
- In numerous locations lack of vegetation control by adjacent landowners has caused vegetation to encroach close to the roadway that adds additional sight distance challenges.
- Virtually the entire length of the roadway there is no paved shoulder and for long stretches of the road the adjacent bar-ditch slope starts at the edge of the paved HMA surface.
- The side slopes/ditches on either side of the roadway are often steep and deep.
- Pavement markings are generally non-existent.
- Mailboxes are directly adjacent to the narrow roadway resulting in the need for residents to enter the roadway to gather their mail and the mailboxes themselves presenting a significant roadside hazard for motorists.

Speed Zone Posting Recommendations:

The speed zone study 85th percentile speed supports the lowering of the current 35-mph speed limit to 25-mph. This lower speed limit is additionally supported by the above roadway observations that suggest motorists are driving slower due to perceived concerns and hazards that a higher travel speed would encounter. Based on these results and observations, I recommend the speed limit of Barnes Bridge Road within the Town corporate limits be posted at 25-mph.

I also recommend that an additional speed zone study be conducted on Barnes Bridge Road after the closed bridge is reconstructed to determine the impacts of the additional traffic and anticipated traffic safety improvements that will be implemented in the next few years.

Attachments:

1. Speed Study Statistical Report
2. **TMUTCD** Excerpt - Section 2B.13 - Speed Limit Signs
3. Excerpt from Section 4 of TXDOT's publication, ***Procedures for Establishing Speed Zones***

Sunnyvale Police Department

Survey Description

Survey Details		
Survey Location	400 Barnes Bridge Rd	
Survey GPS Coordinates		
Survey Dates	Start	Stop
	Tuesday, 8/27/2024 1:43 PM	Thursday, 9/5/2024 10:24 AM
Posted Speed Limit	35 mph	
Traffic Zone	Normal	
File Name	STALKER_ROADSIDE_LOG_PMG_SA001716_0x7CF7@2024-09-05_14-55-17.xml	
Device Type	PMG	
Device Serial Number	SNAA000000	
Survey Note		

Total Vehicle Count	762	
Traffic Direction	Undefined (Closing)	Undefined (Away)
Vehicle Count	402	360

Survey Map



Sunnyvale Police Department

Survey Summary

Survey Description

Survey Location	400 Barnes Bridge Rd	
Survey GPS Coordinates		
Survey Dates	Start	Stop
	Tuesday, 8/27/2024 1:43 PM	Thursday, 9/5/2024 10:24 AM
Posted Speed Limit	35 mph	
Traffic Zone	Normal	

Survey Result

Total Vehicle Count		762		
	Traffic Direction	Closing	Away	Combined
		Undefined	Undefined	
	Vehicle Count	402	360	762
Posted Speed Limit		25 mph		
	Vehicles Under the Speed Limit Count	392	315	707
	Vehicles Under the Speed Limit Percentage	97.57%	87.46%	92.37%
	Vehicles Over the Speed Limit Count	10	45	55
	Vehicles Over the Speed Limit Percentage	2.43%	12.54%	7.63%
Excessive Speed Threshold		30 mph		
	Vehicles Over the Excessive Speed Count	2	8	10
	Vehicles Over the Excessive Speed Percentage	0.38%	2.22%	1.33%
	Average Violation Speed	28.24 mph	28.07 mph	28.1 mph
Speed Profile				
	Average Speed	16.6 mph	18.77 mph	17.72 mph
	Minimum Speed	2 mph	2 mph	2 mph
	Maximum Speed	139 mph	77 mph	139 mph
	85th Percentile Speed	21 mph	25 mph	24 mph
	Standard Deviation	5 mph	7 mph	6 mph
	10 mph Pace	12-21 mph	14-23 mph	13-22 mph
	In Pace Count	276	300	576
Data Recording Limits				
	Highest Speed Allowed	30 mph		
	Lowest Speed Allowed	10 mph		
	Minimum Following Time	0 Second(s)		

Sunnyvale Police Department

Survey Description

Survey Location 400 Barnes Bridge

Survey GPS Coordinates

Survey Dates **Start** Tuesday, 8/27/2024 1:43 PM **Stop** Thursday, 9/5/2024 10:24 AM

Posted Speed Limit 35 mph

Traffic Zone Normal

Speed - Volume Matrix

Date Range: 2024-08-27 - 2024-09-05

Direction: Both

Date Span	Total	6-10	11-15	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	86+
00:00 - 00:59	1					1												
01:00 - 01:59	4		1		1	2												
02:00 - 02:59	6		4		2	1												
03:00 - 03:59	4			3	1													
04:00 - 04:59	11			3	2	6	1											
05:00 - 05:59	18		4		6	8												
06:00 - 06:59	24	1		2	3	18												
07:00 - 07:59	74	1	2	20	18	34												
08:00 - 08:59	98		5	9	11	67	6											
09:00 - 09:59	24	4		6	10	4												
10:00 - 10:59	86		6	9	2	69												
11:00 - 11:59	65	2	1	7	9	45	1											
12:00 - 12:59	46	2		8	4	32												
13:00 - 13:59	31			3	10	18												
14:00 - 14:59	23			3		20												
15:00 - 15:59	64	7	5	7	10	45												
16:00 - 16:59	107	1	2	7	1	81	5	1										
17:00 - 17:59	90		6	4	12	63	5											
18:00 - 18:59	49			3	10	36		1										
19:00 - 19:59	22		3	2	5	11	1											
20:00 - 20:59	10	1		1	3	5												
21:00 - 21:59	6					3	2	1										
22:00 - 22:59	2					1		1										
23:00 - 23:59																		

Texas MUTCD

Manual on Uniform Traffic Control Devices

Revision 2, October 2014



Option:

- 13 The In-Street Pedestrian Crossing sign may be used seasonally to prevent damage in winter because of plowing operations, and may be removed at night if the pedestrian activity at night is minimal.
- 14 In-Street Pedestrian Crossing sign, Overhead Pedestrian Crossing sign, and Yield Here To Pedestrians sign may be used together at the same crosswalk.

Section 2B.13 Speed Limit Sign (R2-1)

Standard:

- 01 **Speed zones (other than statutory speed limits) shall only be established on the basis of an engineering study that has been performed in accordance with traffic engineering practices. The engineering study shall include an analysis of the current speed distribution of free-flowing vehicles.**
- 02 **The Speed Limit (R2-1) sign (see Figure 2B-3) shall display the limit established by law, ordinance, regulation, or as adopted by the authorized agency based on the engineering study. The speed limits displayed shall be in multiples of 5 mph.**
- 03 **Speed Limit (R2-1) signs, indicating speed limits for which posting is required by law, shall be located at the points of change from one speed limit to another.**
- 04 **At the downstream end of the section to which a speed limit applies, a Speed Limit sign showing the next speed limit shall be installed. Additional Speed Limit signs shall be installed beyond major intersections and at other locations where it is necessary to remind road users of the speed limit that is applicable.**
- 05 **Speed Limit signs indicating the statutory speed limit shall be installed at entrances to the State and, where appropriate, at jurisdictional boundaries in urban areas.**

Option:

- 06 The Maximum Legal Speeds (R2-4cT) sign (see Figure 2B-3) may be used at the entrances to the State.

Support:

- 07 **In general, the maximum speed limits applicable to rural and urban roads are established:**
 - 08 **A. Statutorily – a maximum speed limit applicable to a particular class of road, such as freeways or city streets, that is established by State law; or**
 - 09 **B. As altered speed zones – based on engineering studies.**
- 10 State statutory limits might restrict the maximum speed limit that can be established on a particular road, notwithstanding what an engineering study might indicate.

Option:

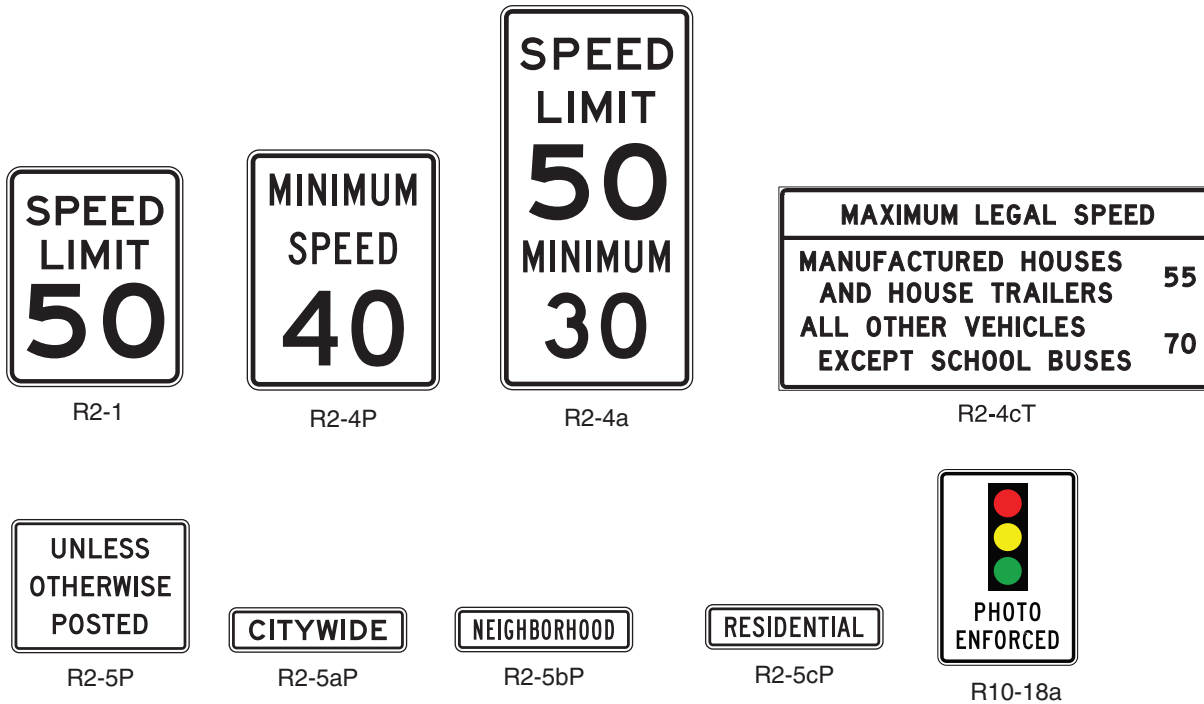
- 09 If a jurisdiction has a policy of installing Speed Limit signs in accordance with statutory requirements only on the streets that enter a city, neighborhood, or residential area to indicate the speed limit that is applicable to the entire city, neighborhood, or residential area unless otherwise posted, a CITYWIDE (R2-5aP), NEIGHBORHOOD (R2-5bP), or RESIDENTIAL (R2-5cP) plaque may be mounted above the Speed Limit sign and an UNLESS OTHERWISE POSTED (R2-5P) plaque may be mounted below the Speed Limit sign (see Figure 2B-3).

Guidance:

- 10 *A Reduced Speed Limit Ahead (W3-5) sign (see Section 2C.38) should be used to inform road users of a reduced speed zone where the speed limit is being reduced by more than 10 mph, or where engineering judgment indicates the need for advance notice to comply with the posted speed limit ahead.*
- 11 **States and local agencies should conduct engineering studies to reevaluate non-statutory speed limits on segments of their roadways that have undergone significant changes since the last review, such as the addition or elimination of parking or driveways, changes in the number of travel lanes, changes in the configuration of bicycle lanes, changes in traffic control signal coordination, or significant changes in traffic volumes.**
- 12 *No more than three speed limits should be displayed on any one Speed Limit sign or assembly.*
- 13 **When a speed limit within a speed zone is posted, it should be within 5 mph of the 85th-percentile speed of free-flowing traffic.**

Support:

- 14 The Traffic Control Devices Handbook contains criteria on the spacing of speed limit signs (see Section 1A.11).

Figure 2B-3. Speed Limit and Photo Enforcement Signs and Plaques**Guidance:**

- 15 *Speed studies for signalized intersection approaches should be taken outside the influence area of the traffic control signal, which is generally considered to be approximately 1/2 mile, to avoid obtaining skewed results for the 85th-percentile speed.*

Support:

- 16 Advance warning signs and other traffic control devices to attract the motorist's attention to a signalized intersection are usually more effective than a reduced speed limit zone.

Guidance:

- 17 *An advisory speed plaque (see Section 2C.08) mounted below a warning sign should be used to warn road users of an advisory speed for a roadway condition. A Speed Limit sign should not be used for this situation.*

Option:

- 18 Other factors that may be considered when establishing or reevaluating speed limits are the following:

- A. Road characteristics, shoulder condition, grade, alignment, and sight distance;
- B. The pace;
- C. Roadside development and environment;
- D. Parking practices and pedestrian activity; and
- E. Reported crash experience for at least a 12-month period.

- 19 Two types of Speed Limit signs may be used: one to designate passenger car speeds, including any nighttime information or minimum speed limit that might apply; and the other to show any special speed limits for trucks and other vehicles.

- 20 A changeable message sign that changes the speed limit for traffic and ambient conditions may be installed provided that the appropriate speed limit is displayed at the proper times.

- 21 A changeable message sign that displays to approaching drivers the speed at which they are traveling may be installed in conjunction with a Speed Limit sign.

Guidance:

- 22 *If a changeable message sign displaying approach speeds is installed, the legend YOUR SPEED XX MPH or such similar legend should be displayed. The color of the changeable message legend should be a yellow legend on a black background or the reverse of these colors.*

Support:

- 23 Advisory Speed signs and plaques are discussed in Sections 2C.08 and 2C.14. Temporary Traffic Control Zone Speed signs are discussed in Part 6. The WORK ZONE (G20-5aP) plaque intended for installation above a Speed Limit sign is discussed in Section 6F.12. School Speed Limit signs are discussed in Section 7B.15.

Section 2B.14 ~~Truck Speed Limit (Plaque (R2-2P)) DELETED~~

Section 2B.15 ~~Night Speed Limit Plaque (R2-3P) DELETED~~

Section 2B.16 Minimum Speed Limit Plaque (R2-4P)

Standard:

- 01 A Minimum Speed Limit (R2-4P) plaque (see Figure 2B-3) shall be displayed only in combination with a Speed Limit sign.

Option:

- 02 Where engineering judgment determines that slow speeds on a highway might impede the normal and reasonable movement of traffic, the Minimum Speed Limit plaque may be installed below a Speed Limit (R2-1) sign to indicate the minimum legal speed. If desired, the Speed Limit sign and the Minimum Speed Limit plaque may be combined on the R2-4a sign (see Figure 2B-3).

Section 2B.17 ~~Higher Fines Signs and Plaque (R2-6P, R2-10, and R2-11) DELETED~~

Section 2B.18 Movement Prohibition Signs (R3-1 through R3-4, R3-18, and R3-27)

Standard:

- 01 Except as provided in Paragraphs 11 and 13, where specific movements are prohibited, Movement Prohibition signs shall be installed.

Guidance:

- 02 Movement Prohibition signs should be placed where they will be most easily seen by road users who might be intending to make the movement.
- 03 If No Right Turn (R3-1) signs (see Figure 2B-4) are used, at least one should be placed either over the roadway or at a right-hand corner of the intersection.
- 04 If No Left Turn (R3-2) signs (see Figure 2B-4) are used, at least one should be placed over the roadway, at the far left-hand corner of the intersection, on a median, or in conjunction with the STOP sign or YIELD sign located on the near right-hand corner.
- 05 Except as provided in Item C of Paragraph 9 for signalized locations, if NO TURNS (R3-3) signs (see Figure 2B-4) are used, two signs should be used, one at a location specified for a No Right Turn sign and one at a location specified for a No Left Turn sign.
- 06 If No U-Turn (R3-4) signs (see Figure 2B-4) or combination No U-Turn/No Left Turn (R3-18) signs (see Figure 2B-4) are used, at least one should be used at a location specified for No Left Turn signs.

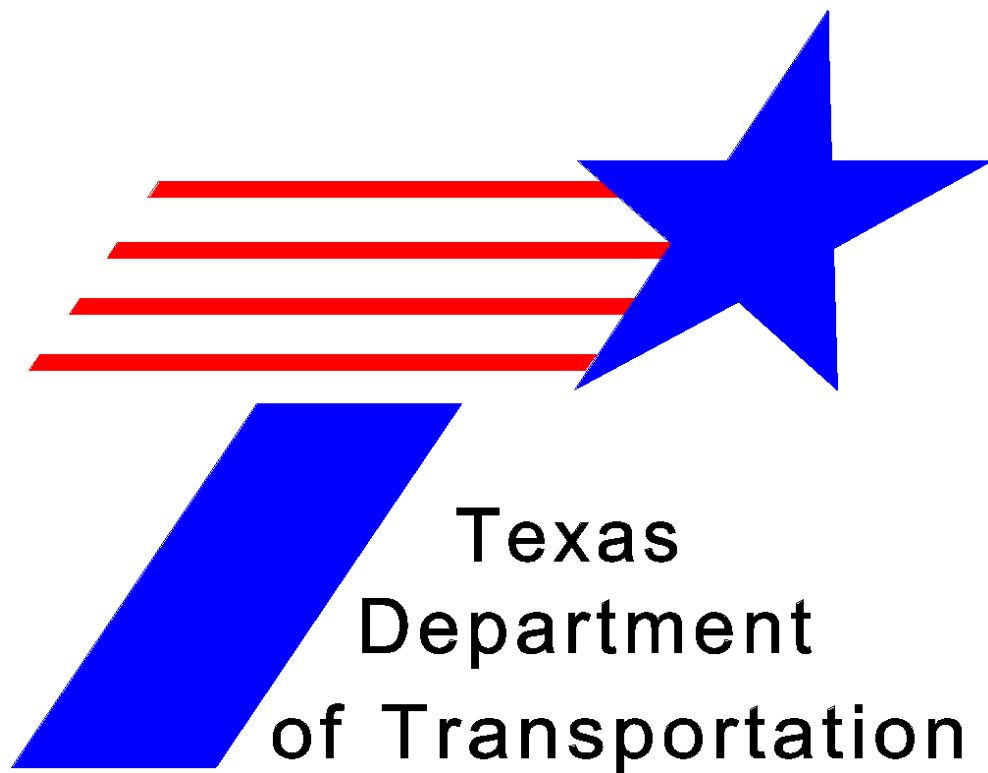
Option:

- 07 If both left turns and U-turns are prohibited, the combination No U-Turn/No Left Turn (R3-18) sign (see Figure 2B-4) may be used instead of separate R3-2 and R3-4 signs.

Guidance:

- 08 If No Straight Through (R3-27) signs (see Figure 2B-4) are used, at least one should be placed either over the roadway or at a location where it can be seen by road users who might be intending to travel straight through the intersection.
- 09 If turn prohibition signs are installed in conjunction with traffic control signals:
- The No Right Turn sign should be installed adjacent to a signal face viewed by road users in the right-hand lane.
 - The No Left Turn (or No U-Turn or combination No U-Turn/No Left Turn) sign should be installed adjacent to a signal face viewed by road users in the left-hand lane.
 - A NO TURNS sign should be placed adjacent to a signal face viewed by all road users on that approach, or two signs should be used.

Procedures for Establishing Speed Zones



Revised August 2015

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Section 4 — Speed Zone Design

Zone Length

The length of any section of zone set for a particular speed should be as long as possible and still be consistent with the 85th percentile speeds. These zone lengths should be shown on the strip map in miles to three decimal places. Where graduated zones on the approach to the city or town are at locations where speeds fluctuate, the speed zone should generally be 0.200 mile or more.

School zones are the exception to this rule and may be as short as reasonable in urban areas, depending on approach speeds. School zones in urban areas where speeds are 30 miles per hour or less may have school zones as short as 200 to 300 feet.

Transitions

The change in speed between two adjacent zones should not normally be greater than 15 miles per hour, because the change in speed would be too abrupt for driver observance. If adjacent 85th percentile speeds show an abrupt change of more than 15 miles per hour, a transition zone of approximately 0.200 mile or more in length should be used.

Urban Areas

Texas law states that the maximum speed limit through an urban district is 30 miles per hour, unless zoned otherwise by proper authority. Therefore, a reasonable and prudent speed limit should be determined and negotiated with the city and set by city ordinance or by Transportation Commission minute order. A section of highway in this category should be speed zoned by commission minute order only if all negotiations with the city have proved unsuccessful.

Directional Differences

The 85th percentile speeds may differ considerably by direction at some locations. Such conditions are usually caused by relatively heavy development on one side of the road. Next to the development, motorists will tend to drive slower because of interference from traffic to and from the development.

On divided highways, the zone speeds should conform to the 85th percentile speed even though this may require zoning for different speeds in opposite directions.

On undivided roadways, the zones in opposite directions should be the same for enforcement purposes.

Variation from 85th Percentile

The posted speed selected is the nearest value ending in 5 or 0. The final speed limit may be lowered or raised by as much as 5 miles per hour from the 85th percentile speed or trial-run speed (if 125 cars cannot be checked during the two- or four-hour speed check) determined by the study, based on the professional judgment of the supervising engineer. Only under special conditions would the zone speed vary further from the 85th percentile. Explanations of such conditions follow.

Different Results at Adjacent Speed Check Stations. If the 85th percentile speeds for adjacent speed check stations are approximately the same, they may be averaged to determine the zone speed. Any 85th percentile speed should **not** be included in such averages if it varies more than 7 miles per hour from the speed derived from the average.

Crash Rate Greater than the Statewide Average Crash Rate for Similar Types of Roadways.

When establishing a speed within an existing zone on the state highway system, the speed limit may be reduced by up to 12 miles per hour below the 85th percentile speed if the crash rate in the section of the roadway is greater than the statewide average crash rate for similar roadways. The latest speed study that has been performed on the roadway should be evaluated to determine if the information is still relevant based on the roadway traffic and characteristics. If so, then this can be used as the basis for lowering the speed limit. If the existing speed study is not valid, the district has three options:

- ◆ perform a full 85th percentile speed study
- ◆ perform an 85th percentile study at one or more locations within the segment
- ◆ perform a trial run speed study within the segment.

After determination of the 85th percentile speed, the following factors should also be considered to determine the total speed reduction up to 12 mph:

- ◆ narrow roadway pavement
- ◆ horizontal and vertical curves
- ◆ high driveway density
- ◆ lack of striped, improved shoulders
- ◆ crash history within the speed zone.

The final decision on the amount of variation should be based on the engineering judgment of the supervising engineer. Under this process, a strip map is not required. All other speed zoning rules within this manual apply for this section.

TRF will routinely provide information to the districts for roadways that meet the criteria for using this process.

Light Traffic Volumes. At locations where traffic volumes are light and 125 cars cannot be checked in the two or four hours that the speed check station is operated, the 85th percentile speed may not be reliable. Trial runs need to be made and documented in the study. (“Trial runs” are defined and explained later in this section.) Trial runs may be documented using the Summary of Trial Run for Speed Zones (TxDOT Form [1929](#)), to supplement a strip map. (The form is available via hyperlink — click on the form number above — or from the Traffic Operations Division.) Figure 3-10, [“Example of completed Summary of Trial Run for Speed Zones.”](#) shows an example of a completed Summary of Trial Run for Speed Zones.

Legislative or Congressional Action. Notwithstanding the volume of traffic, if legislative or congressional action results in the immediate increase in statewide maximum legal speed limits, then reasonable and prudent speed zones may be established by trial runs and engineering judgment in lieu of other speed check procedures provided in this manual. (“Trial runs” are defined and explained later in this section.) Trial runs may be documented using the Summary of Trial Run for Speed Zones (TxDOT Form [1929](#)) instead of a strip map. (The form is available via hyperlink — click on the form number above — or from the Traffic Operations Division.) Figure 3-10, [“Example of completed Summary of Trial Run for Speed Zones.”](#) shows an example of a completed Summary of Trial Run for Speed Zones. Speed zones established through this process should be rechecked in accordance with the procedure in Section 5 of this chapter.

Provisional Traffic and Engineering Investigation Requirements. When increasing the speed limit from 70 to 75 miles per hour as authorized by the legislature, the speed zone study may be limited to the determination of the 85th percentile speed at one or more speed check locations within the established speed zone. Because the boundaries of the speed zone have been established for the 70 mile per hour zone, a strip map is not required for the increase. All other speed zoning rules within this manual apply to the provisional traffic and engineering investigations.

Additional Roadway Factors. The posted speed limit may be reduced by as much as 10 miles per hour (12 miles per hour for locations with crash rates higher than the statewide average) below the 85th percentile speed or trial-run speed (if 125 cars cannot be checked during the two- or four-hour speed check), based on sound and generally accepted engineering judgment that includes consideration of the following factors:

- ◆ narrow roadway pavement widths (20 feet or less, for example)
- ◆ horizontal and vertical curves (possible limited sight distance)

- ◆ hidden driveways and other developments (possible limited sight distance)
- ◆ high driveway density (the higher the number of driveways, the higher the potential for encountering entering and turning vehicles)
- ◆ crash history along the location
- ◆ rural residential or developed areas (higher potential for pedestrian and bicycle traffic)
- ◆ lack of striped, improved shoulders (constricted lateral movement).

Local public opinion may also be considered on farm-to-market and ranch-to-market roads without improved shoulders (Transportation Code, Section 545.3535(b)).

The final decision on the amount of variation from the 85th percentile speed for a specific roadway should be based on the engineering judgment of the supervising engineer. If additional roadway factors are used to reduce the speed limit, include the factor or factors on the speed zone strip map.

Speed limits should not be posted more than 10 miles per hour (12 miles per hour for locations with crash rates higher than the statewide average) below the 85th percentile or trial-run speed (if 125 cars cannot be checked during the two- or four-hour speed check), since unreasonably low speed limits have not been shown to be an effective way to control speeding. Allowing too great a variation would risk losing motorist respect for speed limits and traffic control devices.

Blanket Lowering of Maximum Speed Limits

A blanket lowering of maximum speed limits may be justified:

- ◆ during either state or national emergencies or disasters, such as war or energy crisis, where an authoritative study indicates that a reduction of speeds will result in a significant reduction in the consumption of fuel and energy and will promote fuel and energy conservation
- ◆ to avoid non-compliance with direct requests from the federal government to lower the state-wide maximum speed limit to a speed equal to or below the national speed limit.

Trial Runs

A “trial run” is a drive through the speed zoned section of roadway at the chosen speed(s) to determine if the speeds are appropriate for the area.

After the 85th percentile speeds and zone lengths have been selected, several trial runs should be made through the area in both directions driving at the selected speeds. This should show any irregularities in the zoning which need correction.

Documentation. Trial runs may be documented using the Summary of Trial Run for Speed Zones (TxDOT Form [1929](#)) to supplement a strip map. (The form is available via hyperlink — click on the form number above — or from the Traffic Operations Division.) Figure 3-10 [“Example of com-](#)

[pleted Summary of Trial Run for Speed Zones,”](#) shows an example of a completed Summary of Trial Run for Speed Zones.

Location of Regulatory Speed Limit Signs

Since speed zones are legally described to the nearest thousandth of a mile (5 feet), regulatory speed limit signs should be located within approximately 5 feet of the actual reference marker or milepoint defined in the minute order or city ordinance. Therefore the locations of regulatory speed zones tied to speed changes should be examined carefully to ensure that signs can be erected within the 5 feet variation. If adherence to the 5-foot variation is not possible, the SPEED ZONE sign should be placed as close to the actual location defined in the minute order or city ordinance as practical. For example, if the reference marker or mile point is located at an intersection, the regulatory speed limit signs should be located in accordance with standard procedures for placement of departure signing.

STERLING REX BARNES

Sterling was born in Virginia 29 January 1799, the sixth of eight children of Henry and Rhoda Eastus Barnes. He moved to Alabama as a young man, and on 8 December 1825, he married Martha Ann Mitchell, who was born 20 December 1809. In 1837, they moved with their five young children to Holly Springs, Mississippi, where four more children were born.

It is believed that Sterling Barnes met William Pope King in Holly Springs and that is how he became acquainted with the region being called "Three Forks of the Trinity River" and the tales the areas offered new settlers.

Sterling was a skilled cabinet and furniture maker, and a member of AF&AM Grand Lodges. In 1837, he and a partner bought 18 slaves and 320 acres of land. Barnes paid \$500 down, and four months later he sold his interest for \$2,000. Later he and Martha were among 40 persons who came from Holly Springs to the Three Forks of the Trinity.

He began the trip in 1846 with his wife and nine children ranging from the oldest, Amanda Caroline, and her husband, William Jordan Bowden, and youngest, baby Lucy Ann, two months old. Their slaves Jim and Jane Collier came also. Eight children born in Texas were recorded in the Barnes family Bible.

They arrived in March, 1846, to Henderson County (later Kaufman County, now Rockwall County). They lived at "Picket Garden," named for the high fence surrounding their cabin. In 1848, they moved a few miles to the East Fork of the Trinity. The area was named Black Hill, then Willow Springs, now Heath, Texas.

The East Fork crossing was a part of the 1840 Republic of Texas Military Road, extending from Austin to the mouth of Kiamichi Creek at its intersection with the Red River in North Texas. This crossing was first known as McKenzie's, then as Goodman's Ferry. Barnes bought out Goodman in 1854 and began operation of the toll bridge, known as Barnes Bridge, crossing the East Fork of the Trinity, near the Dallas County line. On 2 August 1852, Sterling Barnes was elected Justice of the Peace in Precinct 1 of Kaufman County and was known as Judge Barnes.

One of the Barnes sons, Wiley Turner, had consumption. In 1859, when he was 25 years of age, Sterling and Martha sent him to Colorado on a wagon train bound for the gold mines hoping the mountain air would heal his lungs. His older brother, Marcus Lafayette, went along to look after him. Thinking he might not survive, they sent along pine planks to build his coffin and a suit of clothes for his burial. As they neared Pike's Peak, Marcus was scalped by Indians. He was buried in the suit and coffin intended for Wiley, who returned in good health after staying there for a year.

Sterling Rex sent all five of his living sons, along with his son-in-law, William V. Sharp, to fight in the Civil War. The oldest, William H., was 32. He served as 2d Lt. in the 1st Texas Partisan Rangers. Wiley Turner had been to New Orleans to "read" medicine; he served as a surgeon and Captain in Stone's 2nd Texas Regiment. Thomas Whitley, age 20, died and was buried at Durant Station, Mississippi. George Mitchell and Robert Edward served in Arkansas and Tennessee.

The oldest son, William Henry Barnes, was county clerk of Kaufman County from 1859 to 1862. He left a wife and two children at home to serve in the war. When he returned, he became Kaufman County surveyor. In 1875, he became the first judge of the 10th District, Rockwall County.

Sterling "Judge" Barnes died 15 March 1866. His son, Wiley Turner, sent the following letter by messenger to Rockwall:

Written from Barnes Bridge 15 March 1866:

"Brother F. Sullivan:

I have to write to you the painful news of the death of my Father. You will please give as many of the brethern (sic) notice as you can through the proper officer or anyone that you can get to go around. It was his last wish to be buried under Masonic honors. I wish you therefore to notify as many of the brethern (sic) as you can he will be buried at the Willow Springs School House tomorrow the 16th Inst. at 11 or 12 o'clock a.m."

In Sterling's will, made 2 February 1866, he makes reference to his wife, Martha Ann, in paragraph 2: "And she shall have entire control of the Toll Bridge across the East Fork of the Trinity River, receiving all profit therefrom to herself during her natural life. And at her death or any time previous to her death if she should think proper, she is fully authorized and empowered to make to her daughter Lucy A. Barnes a good and sufficient deed to one half of the above described

tracts of land, according to quality and quantity. The remainder of the above described tracks (sic) of land, at the death of my beloved wife Martha A. Barnes shall pass totally to the said George Mitchell Barnes, keeping up the bridge and paying the expense of the same equally."

After the death of Martha Ann Barnes 23 June 1871 (seven of her eleven children had preceded her in death), son George Mitchell continued to operate the Toll Bridge, along with the help of his brother-in-law, D. C. Fondren, who had married his sister, Lucy Ann 4 September 1867.

The 1877 bridge toll rates were posted as:

Footman \$.05

Loose Horses .05 each

Horse and rider .10

Loose Cattle .03 each

Horse and Buggy .25

Sheep, Hogs, Goats .02 each

2-Horse Wagon .40

They operated the bridge until Rockwall County took it over circa 1880. Fondren moved to Rockwall, as did Barnes on 20 September 1887. The bridge continued to be called Barnes Bridge, although it was rebuilt and repaired many times, including being washed away in a flood on 20 April 1942. Again it was rebuilt by the county, and continued in limited use until it was finally covered by the waters of Lake Ray Hubbard in 1969. At that time, the City Council of Heath changed the name of the portion of Barnes Bridge Road located in Rockwall County, in continuous use since 1854, to Terry Lane, in honor of a long time family of that area. However, Barnes Bridge Road continues in service in Dallas County, from the west side of Lake Ray Hubbard (near the Dallas Power & Light plant) across interstate highways 30 and 635, past the Dallas Athletic Club to Garland Road (Hwy. 78).

Submitted by: William Vance Barnes

**TOWN OF SUNNYVALE, TEXAS
RESOLUTION NO. 2024-23**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE AND PERFORMANCE AGREEMENT BETWEEN RANDALLS' FOOD & DRUGS LP, SUNNYVALE 4B DEVELOPMENT CORPORATION AND THE TOWN OF SUNNYVALE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN AND THE PRESIDENT ON BEHALF OF THE SUNNYVALE 4B ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; DETERMINING OPEN MEETINGS LAWS WERE COMPLIED WITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 2, 2024, the Town of Sunnyvale (the "Town"), Sunnyvale 4B Development Corporation (the "SDC") and Randall's Food & Drugs LP (the "Company") entered into an Economic Development Incentive and Performance Agreement (the "Agreement"); and

WHEREAS, the Company has requested and the Town and SDC now consider a thirty (30) day extension to building permit application and store opening deadline requirements (the "First Amendment"); and

WHEREAS, on November 12, 2024, the SDC determined granting the extension does not interfere with final deadlines or the original intent of the Agreement; and

WHEREAS, the SDC now seeks approval by the Town Council of the Town (the "Town Council") of the First Amendment; and

WHEREAS, the Town Council has investigated and determined that the amendments provided herein and finds that approval of the First Amendment serves to preserve the quality of life, and promote the health, safety and welfare of the citizens of the Town and the general public.

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

Section 1. Findings Incorporated. The above premises are true and correct and are hereby incorporated into the body of this Resolution as if fully set forth herein.

Section 2. Amendment to the Economic Development Incentive and Performance Agreement. The First Amendment, attached hereto as **Exhibit A** and incorporated for all purposes, between the Town, the SDC and the Company, is hereby approved.

Section 3. Execution of First Amendment. The Town Manager is authorized to execute the First Amendment on behalf of the Town. The SDC Board President is authorized to execute the First Amendment on behalf of the SDC.

Section 4. Severability. Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The Town hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 5. Savings/Repealing Clause. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict and any remaining portions of said resolutions shall remain in full force and effect.

Section 6. Open Meetings. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. Effective Date. This Resolution is in full force and effect upon its adoption.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS on this the 12th day of November 2024.

Saji George, Mayor

ATTEST:

Rachel Ramsey, Town Secretary

EXHIBIT A

**FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE AND
PERFORMANCE AGREEMENT**

**Randall's Food & Drugs LP
d/b/a Tom Thumb**

FIRST AMENDMENT TO
ECONOMIC DEVELOPMENT INCENTIVE AND PERFORMANCE AGREEMENT
Randall's Food & Drugs LP
d/b/a Tom Thumb

This FIRST AMENDMENT TO ECONOMIC DEVELOPMENT INCENTIVE AND PERFORMANCE AGREEMENT (this “**First Amendment**”) is made and entered into by RANDALL’S FOOD & DRUGS LP, a Delaware limited partnership registered to do business in Texas (“Company”), the TOWN OF SUNNYVALE, a Texas home-rule municipality (the “Town”), and the SUNNYVALE 4B DEVELOPMENT CORPORATION, a Texas non-profit development corporation (the “EDC”) (the Town, the EDC, and Company are collectively the “Parties,” and each individually a “Party”).

RECITALS

WHEREAS, the Town, the EDC and the Company entered into that certain Economic Development Incentive and Performance Agreement, with the Effective Date of July 2, 2024 (the “**Agreement**”). Capitalized terms, if not otherwise defined herein, shall have the meaning given such terms in the Agreement; and

WHEREAS, the Parties desire now to amend the Agreement in accordance with the terms of this First Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of the above premises and of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Extension for Building Permit Application. Section 2.02 of the Agreement is hereby amended to allow for a thirty (30) day extension to the date requirement for the building permit application as shown in the following (deletions shown as strikethrough, additions shown as underlined):

“**2.02 Certificate of Occupancy**. Company shall submit a complete building permit application to the Town for the grocery store on or before ~~March 31~~ April 30, 2025. Company must obtain a certificate of occupancy (which may be a temporary certificate of occupancy) from the Town for the Tom Thumb grocery store on or before September 1, 2026.”

2. Extension for Opening. Section 4.00 of the Agreement is hereby amended to allow for a thirty (30) day extension to the date requirement for the store opening as shown in the following (deletions shown as strikethrough, additions shown as underlined):

“**Section 4.00 EDC Grant**.

The EDC will pay to Company a one-time, lump sum economic development incentive grant in an amount equal to the lesser of the amount of, i) design and construction hard and soft costs that have been expended on the Infrastructure and Site Improvements, or ii) One Million Four Hundred Thousand Dollars (\$1,400,000) if the grocery store is open to the public and conducting business by September 1, 2026. If the grocery store is open to the public and conducting business on or before ~~December 31, 2025~~ January 31, 2026, then the EDC will pay to Company a one-time, lump sum economic development incentive grant in an amount equal to the lesser of the amount of, i) design and construction hard and soft costs that have been expended on the Infrastructure and Site Improvements, or ii) One Million Nine Hundred Thousand Dollars (\$1,900,000). Should Company fail to comply with Section 2.02 and open the grocery store to the public and conduct business by September 1, 2026, the EDC has no obligation to pay the grant. Upon determination the Company has complied with Section 2.02, the EDC will pay the economic development incentive grant to Company within one hundred twenty (120) days after receipt of the Request for Grants provided in Section 5.00(D) of this Agreement.

3. Defined Terms. Capitalized terms not defined herein shall have the same meaning as in the Agreement.

4. Effective Date of Applicability of First Amendment. After the Parties execute this First Amendment, this First Amendment shall be deemed immediately effective as to the entire Agreement. Unless further amended, this First Amendment shall expire concurrently with the Agreement.

5. Severability. If any provision of this First Amendment is illegal, invalid, or unenforceable in whole or in part for any reason, under present or future laws, then and in that event, it is the intention of the Parties hereto that the remaining provisions of this First Amendment shall remain in full force and effect and shall not be affected.

6. Binding Obligation. This First Amendment shall bind and inure to the benefit of the Parties, their successors, and their permitted assignees.

7. Authority. Company, the Town and the EDC each represent and warrant that: (1) it has sufficient legal authority to conduct business in the State of Texas; (2) it has full capacity and authority to grant all rights and assume all obligations that it has granted and assumed under this First Amendment; and (3) that the person or persons executing this First Amendment on its behalf has been duly authorized to do so.

8. Effect of Amendment. Except as modified by this First Amendment, all terms, covenants, conditions and provisions of the Agreement are hereby ratified, affirmed and remain in full force and effect. In the event there is any inconsistency between the terms of the Agreement and the terms of this First Amendment, the terms of this First Amendment shall control.

9. Entire Agreement. This First Amendment and the Agreement represent the entire agreement of the Parties hereto as it relates to the contents hereof; all oral and written communications prior to this First Amendment are merged into the Agreement and this First Amendment.

10. Counterparts. This First Amendment may be executed in counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. Faxed or other electronic signatures shall be acceptable as original signatures.

[Signature page follows]

IN WITNESS WHEREOF, the parties hereto have entered into and executed this First Amendment as of the date last set forth below:

TOWN

Town of Sunnyvale, Texas,
a Texas home rule municipality

Saji George, Mayor

Date: _____

Pursuant to Resolution No. _____

ATTEST:

BY: _____
Rachel Ramsey, Town Secretary

STATE OF TEXAS §

§

COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of _____, 2024, by Saji George, Mayor of the Town of Sunnyvale, Texas, on behalf of said entity.

Notary Public in and for the State of Texas

EDC

Sunnyvale 4B Development Corporation,
a Texas nonprofit corporation

_____, President

Date: _____

Pursuant to Reso. No. _____

STATE OF TEXAS §

§

COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of _____, 2024, by
_____, President of the Economic Development Corporation.

Notary Public in and for the State of Texas

Company

Randall's Food & Drugs, LP,
a Delaware limited partnership

_____, _____

Date: _____

STATE OF _____ §

§

COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2024, by _____, _____, of Randall's Food & Drugs LP, a Delaware limited partnership, by and on behalf of such entity.

Notary Public in and for the State of _____