



# City of Farmers Branch

City Hall  
13000 Wm. Dodson Pkwy.  
Farmers Branch, TX 75234

## Meeting Minutes - Final City Council

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Monday, October 6, 2014

6:30 PM

Council Chambers

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### Study Session Meeting held at 5:00 PM in the Study Session Room

#### A. STUDY SESSION

Mayor Phelps called the Study Session Meeting to order at 5:02 pm.

**Presiding:** 1 - Mayor Bob Phelps

**Present:** 5 - Deputy Mayor Pro Tem Kirk Connally, Council Member Ben Robinson, Council Member Harold Froehlich, Council Member Ana Reyes and Mayor Pro Tem Jeff Fuller

**Staff:** 19 - Gary D. Greer City Manager, Peter G. Smith City Attorney, Charles Cox Managing Director - Administration, John Land Managing Director - Operations, Brian Beasley Human Resources Director, Tom Bryson Communications Director, Allison Cook Economic Development Manager, Mitzi Davis, Sidney Fuller Police Chief, Andy Gillies Director of Planning, Rachael Johnson Assistant to the City Manager, Angela Kelly City Secretary, Kevin Muenchow Fleet & Facilities Director, Jim Olk Community Services Director, Steve Parker Fire Chief, Randy Walhood Public Works Director, Stacy Wright Director of Environmental Health, Mark Young Deputy Chief and Tim Dedear Deputy Chief

#### A.1 **Discuss regular City Council meeting agenda items.**

Council Member Froehlich asked for clarification regarding agenda Item I.4. Managing Director John Land reported Michael and Vickie Harrison have exhausted their efforts with TxDOT and have asked for the City's assistance in addressing their concerns.

#### A.2 **Receive a report regarding improvements to Spring Valley Lane.**

Randy Walhood, Public Works Director, reported Spring Valley was included in the the recent pavement assessment. He also reported Spring Valley Lane is not a major thoroughfare; it is an asphalt street with no curb and gutter, and is known more as an alleyway. City Administration recommended a recycle in place type asphalt replacement, which would best fit Spring Valley Lane. The City plans to bid recycle in place type asphalt repairs in the 2016-17 Street Bond Program. At that time Spring Valley Lane could be placed on the list as one of the proposed locations recommended for repairs.

#### A.3 **Receive a presentation on proposed Ordinance No. 3309 as it relates to times of day for the no parking zones around Cabell Elementary and Montgomery Elementary, and parking zones on Valwood Parkway and on Damascus Way.**

Jim Olk, Community Services Director, provided a brief presentation regarding proposed Ordinance No. 3309.

**A.4 Receive an overview of the white paper prepared for the Texas Commission on Environmental Quality relevant to the Farmers Branch Creek water rights permit.**

Mr. Jeff Civins, Partner with Haynes and Boone, LLP, gave an update on this issue.

Mayor Phelps read the Executive Session agenda Items J.1 and J.2.

The Study Session Meeting ended at 5:45 pm.

**J. EXECUTIVE SESSION**

The City Council convened into Executive Session at 5:57 pm.

**J.1 Discuss land acquisitions - Texas Government Code Section 551.072:  
Discuss purchase, exchange, sale, lease, or value of real property in the area generally bounded by Luna Road to the west, Marsh Lane to the east, I-635 to the south, and Valwood Parkway/Brookhaven Club Drive to the north.**

**J.2 Discuss economic development incentives - Texas Government Code Section 551.087:  
Consider economic development incentive for the relocation of a large retailer.**

The City Council concluded Executive Session at 6:25 pm.

**K. THE CITY COUNCIL RECONVENES INTO OPEN SESSION  
Consider necessary action on items discussed in the Executive Session.**

Mayor Phelps called the Regular Session Meeting to order at 6:30 pm.

The following motions were made relating to Agenda Item J.1:  
**Motion by Deputy Mayor Pro Tem Connally, seconded by Council Member Froehlich, that the City Manager be authorized to negotiate and sign contracts and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation for resale to Samuel Custom Homes, LLC, the property described as Lot 6, Block 3, Valley View Estates No. 2, City of Farmers Branch, Texas, more commonly known as 2965 Eric Lane, for a purchase and sales price of not less than \$100,000, with the resale of said property to be subject to a restriction agreement requiring construction of a single family residence of not less than 2800 square feet of air conditioned space with an assessed value of the property upon completion of construction, inclusive of both land and improvements, to be not less than \$450,000. Motion passed with all ayes.**

**Motion by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, having received the report of the Chief Building Official, that the building at 13105 Holbrook Drive be declared a dangerous structure and that**

the City Manager be authorized to take such action on behalf of the City as may be reasonable and necessary to purchase Lot 2, Block A, Farmersdell Addition, an addition to the City of Farmers Branch, Dallas County, Texas, for a purchase price not to exceed \$75,000 plus standard closing and acquisition costs and to sign, or authorize the City's agent to sign, such other agreements, documents, and any amendments thereto, as the City Manager, in consultation with the City Attorney, deems reasonable and necessary with respect to the closing of said transaction. Motion passed with all ayes.

The following motion was made relating to Agenda Item J.2:  
Motion by Deputy Mayor Pro Tem Connally, seconded by Council Member Reyes, that the City Manager be authorized to negotiate and execute an economic development incentive agreement with Project Motown for (1) a rebate of 50% of local sales and uses taxes paid to the City for 20 consecutive years; (2) a rebate of 50% of business personal property taxes paid to the City for 20 consecutive years; subject to (1) the company leasing for 15 years or acquiring a site in Farmers Branch, Texas, and (2) not less than \$150,000,000 in annual sales consummated in Farmers Branch, and (3) such additional terms and conditions the City Manager determines to be reasonable, necessary, and in the best interest of the City. Motion passed with all ayes.

## **B. INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend WW Baker gave the Invocation and Council Member Reyes led the Pledge of Allegiance.

## **C. CEREMONIAL ITEMS**

### **C.1 Proclaim the month of October 2014 as "Fire Prevention Month" in Farmers Branch.**

Mayor Phelps presented a proclamation to Fire Chief Steve Parker.

### **C.2 Presentation of the Manske Library Summer Reading Club Traveling Trophy to Janie Stark Elementary School.**

Mayor Phelps presented a trophy to Janie Stark Elementary School for having the highest participation level, over 102 children, in the Summer Reading Club.

### **C.3 Presentation of a service award to Officer Clinton (Pete) Turner for twenty years (20) of service to the Farmers Branch Police Department.**

Mayor Phelps presented Officer Turner with a service pin for his twenty years of service with the City. Officer Turner's family was also in attendance.

### **C.4 Consider accepting a donation in the amount of \$1,500 from the family of retired Police Major Harold Ward for the Farmers Branch Police Department Law Enforcement Explorer Scout Post and take appropriate action.**

Family members of retired Police Major Harold Ward were in attendance to present the donation to Police Chief Sid Fuller.

**A motion was made by Mayor Pro Tem Fuller, seconded by Deputy Mayor Pro Tem Connally, that this Donation be accepted. The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

**C.5 Consider accepting a donation in the amount of \$25,000 from Waste Management and take appropriate action.**

Mr. Joe Jaynes, Service Manager from Waste Management, presented the donation to Mayor Phelps.

**A motion was made by Deputy Mayor Pro Tem Connally, seconded by Council Member Robinson, that this Donation be accepted. The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

**C.6 Consider Board and Commission appointments and take appropriate action.**

**A motion was made by Council Member Robinson, seconded by Council Member Froehlich, for the following Appointments:  
Farmers Branch Local Government Corporation - Mayor Phelps to replace Bill Glancy**

**Industrial Development Corporation - Jim Barrett, Doug Capener, Bill Binford, Steve Sobkowiak, and Gerald Pendery**

**The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

**D. REPORT ON STUDY SESSION ITEMS**

Council Member Robinson reported on the following:

Spring Valley Lane Improvements - City Administration reported Spring Valley was included in the the recent pavement assessment. He also reported Spring Valley Lane is not a major thoroughfare; it is an asphalt street with no curb and gutter, and is known more as an alleyway. City Administration recommended a recycle in place type asphalt replacement, which would best fit Spring Valley Lane. The City plans to bid recycle in place type asphalt repairs in the 2016-17 Street Bond Program. At that time Spring Valley Lane could be placed on the list as one of the proposed locations recommended for repairs.

Proposed Ordinance No. 3309 - City Administration provided a brief presentation regarding proposed Ordinance No. 3309.

Farmers Branch Creek - Mr. Jeff Civins, Partner from Haynes and Boone, LLP, gave an update on this issue.

**E. ITEMS OF COMMUNITY INTEREST**

Topics for the City Manager's Report included:

National Night Out - to be held on Tuesday, October 7; Mayor and Council, along with City staff will make rounds to visit registered parties throughout the evening

Bloomin' Bluegrass - to be held on October 17 & 18 at the Historical Park; featuring bluegrass music, a chili cookoff (sample a cup for \$3), KidZone, Arts & Crafts Marketplace; admission and parking are free

Celebration of Roses - to be held on Saturday, October 18; enthusiasts from all over Texas will converge on the gardens at Gussie Field Watterworth Park for the Celebration of Roses; Parks Landscape Manager Pam Smith is coordinating the event which will feature tours of the rose gardens, a rose show and lectures from distinguished rosarians

Craft Fair - to be held on October 18 at the Senior Center from 9:00 am until 4:00 pm; dozens of artisans will be onsite, showing and selling their handmade wares - many designed with the upcoming holiday season in mind; admission is free

Halloween in the Park - to be held on Saturday, October 25, from 5:00 pm until 10:00 pm at the Historical Park; admission is free with canned food donations accepted to benefit Metrocrest Services; Halloween themed activities and entertainment will be available in addition to the "Haunted Hedge", which opens at 7:30 pm.

## **F. CITIZEN COMMENTS**

No one wished to speak.

## **G. CONSENT AGENDA**

### **Approval of the Consent Agenda**

**A motion was made by Deputy Mayor Pro Tem Connally, seconded by Mayor Pro Tem Fuller, to approve the Consent Agenda. The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

### **G.1 Consider approval of the minutes of the City Council meeting held on September 16, 2014 and take appropriate action.**

The Minutes were approved.

### **G.2 Consider request for final plat approval of Chamberlin Addition, Lot 1, Block A and take appropriate action.**

This Plat was approved.

### **G.3 Consider request for final plat approval of MBP West, Lot 1, Block A and approving Resolution No. 2014-077 authorizing the City Manager to execute a Developer's Contract and authorizing acceptance of a water line easement for said development donated to the City by Mercer Crossing Land, Ltd. and take appropriate action.**

This Resolution was approved.

**G.4 Consider request for final plat approval of Hard Six Addition, Lots 1 and 2, Block A and take appropriate action.**

This Plat was approved.

**G.5 Consider approving Resolution No. 2014-084 authorizing an interlocal agreement for coordinated public health services with Dallas County and take appropriate action.**

This Resolution was approved.

**G.6 Consider approving Resolution No. 2014-094 authorizing the purchase of a 2015 ambulance from the Houston-Galveston Area Council of Government purchasing contract in the amount of \$185,725 and take appropriate action.**

This Resolution was approved.

**G.7 Consider adopting Ordinance No. 3309 amending the City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 6, Section 82-95, amending No Parking Zones adjacent to Cabell Elementary School and Montgomery Elementary School relative to the times of day; adding a No Parking Zone along a portion of Damascus Way, east of its intersection with Webb Chapel Road; and deleting a No Parking Zone on Valwood Parkway between Dennis Lane and Webb Chapel Road; and take appropriate action.**

This Ordinance was adopted.

**H. PUBLIC HEARINGS**

**H.1 Conduct a public hearing and consider adopting Ordinance No. 3310 amending the Comprehensive Zoning Ordinance, including but not limited to, amending Article 8 by establishing a new zoning overlay district (District 10) to allow for the sale of beer and wine for off-premise consumption located at 2702 Valwood Parkway and take appropriate action.**

Andy Gillies, Planning Director, reported Valero Gas and Convenience Store, was not included in an overlay district and therefore seeks to amend the Comprehensive Zoning Ordinance to allow beer and wine sales at their individual site. The applicant's representative, Don Grissom, presented information on proximity of other stores to schools and churches. Diane McCarty, Douglass Distributing, reported beer & wine sales account for 24% of the company's total sales.

Mayor Phelps opened the public hearing. The following people spoke:

Jerry Hays - 2936 Golfing Green  
Rick Loughry - 2331 Aberdeen Place  
Bevins Raulston - 3330 Longmeade  
Brenda Brodrick - 13531 Rawhide

Mayor Phelps closed the public hearing.

**A motion was made by Council Member Reyes, seconded by Council Member Froehlich, that this Ordinance be denied. The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

## **I. REGULAR AGENDA ITEMS**

- I.1 Consider approving Resolution No. 2014-078 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 14302 Juniper Cove and take appropriate action.**

**A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Fuller, that this Resolution be approved. The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

- I.2 Consider approving Resolution No. 2014-093 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 14304 Olympic Court and take appropriate action.**

**A motion was made by Deputy Mayor Pro Tem Connally, seconded by Council Member Froehlich, that this Resolution be approved. The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

- I.3 Consider approving Resolution No. 2014-092 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 3463 Pine Tree Circle and take appropriate action.**

**A motion was made by Deputy Mayor Pro Tem Connally, seconded by Council Member Reyes, that this Resolution be approved. The motion carried by the following vote:**

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

- I.4 Discuss citizen concerns and potential solutions relating to the LBJ expansion project and take appropriate action.**

Managing Director John Land presented the concerns of Michael and Vickie Harrison. Mr. Jaynes, Service Manager from Waste Management voiced concern regarding alley trash pick up.

**A motion was made by Council Member Robinson, seconded by Mayor Pro**

Tem Fuller, to approve funding necessary to address the specific requests as outlined by the Harrison's, except for alley trash pick up and Marsh Lane median landscaping. The motion carried by the following vote:

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

- I.5 Consider approving Resolution No. 2014-090 adopting a Detailed Site Plan for development of a new commercial building on a 3.35 acre site located at 1891 Valley View Lane, approximately 900 feet west of the Hutton Drive/Valley View intersection, and take appropriate action.**

A motion was made by Mayor Pro Tem Fuller, seconded by Deputy Mayor Pro Tem Connally, that this Resolution be approved. The motion carried by the following vote:

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

- I.6 Consider approving Resolution No. 2014-089 adopting a Detailed Site Plan for an office warehouse development containing approximately 25 acres and located on the west side of Stemmons Freeway approximately 200 feet south of the intersection of Springlake Road and Stemmons Freeway, more commonly known as 12301 and 12401 Stemmons Freeway, and take appropriate action.**

A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Fuller, that this Resolution be approved. The motion carried by the following vote:

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

- I.7 Consider approving Resolution No. 2014-086 awarding the bid and authorizing a contract with Felix Construction Company for the construction of Mercer Crossing Lift Station and take appropriate action.**

A motion was made by Council Member Robinson, seconded by Council Member Froehlich, that this Resolution be approved. The motion carried by the following vote:

**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

## **L. ADJOURNMENT**

A motion was made by Mayor Pro Tem Fuller, seconded by Council Member Reyes, that this Meeting be adjourned. The motion carried by the following vote:



**Aye:** 5 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich, Council Member Reyes and Mayor Pro Tem Fuller

The meeting adjourned at 8:38 pm.

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Bob Phelps, Mayor

ATTEST:

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Angela Kelly, City Secretary