



City of Farmers Branch

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

Meeting Minutes - Final City Council

Tuesday, February 19, 2013

6:00 PM

Council Chambers

Regular Meeting

Study Session Meeting to be held at 4:00 PM in Study Session Room

A. STUDY SESSION

The Study Session Meeting was called to order by Mayor Glancy at 4:02 p.m. with the following members of the City Council and City Administration present:

Presiding: 1 - Mayor William P. Glancy

Present: 5 - Mayor Pro Tem David Koch, Deputy Mayor Pro Tem Tim Scott, Council Member Ben Robinson, Council Member Harold Froehlich and Mayor Pro Tem Jeff Fuller

Staff: 16 - Gary D. Greer, Rachael Johnson, Angela Kelly, Tom Bryson, Charles Cox, Sidney Fuller, Andy Gillies, Jeff Harting, John Land, Kevin Muenchow, Jim Olk, Steve Parker, Randy Walhood, Mark Samuels, Texx Stewart and Derrick Birdsall

A.1 **Discuss regular city council meeting agenda items.**

F.1 - Council Member Fuller asked if the list of streets generated by the evaluation and assessment would be prioritized. Randy Walhood, Public Works Director stated they would be.

A.2 **Presentation of Police Traffic Stop Data for Calendar Year 2012 as required by Texas Code of Criminal Procedure Section 2.132.**

Police Chief Fuller presented findings of the 2012 Racial Profiling Analysis.

This Report was presented.

A.3 **Discussion of items to be placed on a future City Council meeting agenda (discussion is limited to determination of whether to place an item on a future City Council meeting agenda).**

No items were discussed.

During open session Mayor Glancy read the Agenda Items for Executive Session. The Study Session meeting concluded at 4:15 p.m.

I. EXECUTIVE SESSION

The City Council convened into Executive Session at 4:15 p.m.

- I.1** **Discuss pending and contemplated litigation - Texas Government Code Section 551.071:**
Pending litigation relating to Fabela, et. al v. City of Farmers Branch, et. al., Civil Action No. 3:10-CV-1425-D in the US Dist Ct. for the Northern District of Texas (Dallas Division).

The City Council concluded Executive Session at 5:28 p.m.

J. THE CITY COUNCIL RECONVENES INTO OPEN SESSION

No action was taken as a result of Executive Session.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Dr. Baker gave the Invocation and Council Member Fuller led the Pledge of Allegiance.

Present: 6 - Mayor William P. Glancy, Mayor Pro Tem David Koch, Deputy Mayor Pro Tem Tim Scott, Council Member Ben Robinson, Council Member Harold Froehlich and Mayor Pro Tem Jeff Fuller

C. CEREMONIAL ITEMS

C.1 Proclaim Healthy Lives 2020 Initiative.

Mayor Glancy presented a proclamation to Maria del Carmen proclaiming the Vidas Sanas/Healthy Lives 2020 bilingual health initiative.

This Proclamation was presented.

C.2 Presentation of an award from the Miracle League of Frisco as an official sponsor for tourism event planning and implementation.

Mayor Glancy and Staff Administration were present to receive the award.

This award was presented.

C.3 Recognition of Webb Chapel United Methodist Church for its place in Farmers Branch History.

Mayor Glancy, Jeff Harting, Director of Parks and Recreation, and Barbara Sisserson-Honnoll of the Historical Preservation and Restoration Board recognized the Webb Chapel United Methodist Church as the recipient of the "Witness to History" award.

This award was presented.

D. REPORT ON STUDY SESSION ITEMS

Council Member Robinson reported Police Chief Fuller presented the annual report on findings of the 2012 Racial Profiling Analysis, which found the City to be fully in compliance.

E. ITEMS OF COMMUNITY INTEREST

Pursuant to Section 551.0415 of the Texas Government Code the City Council 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 city events, 5) information about community events and 6) announcements involving an imminent threat to public health and safety.

Mayor Glancy asked anyone interested in serving on the Charter Review Committee to contact the City Secretary.

City Manager Gary Greer presented the City Manager report, which included the following:

Traffic Alert - two lanes on Josey Lane, between Heritage and Valwood Parkway, will be closed beginning Monday, February 25 for a water main repair

Basics of Genealogy Class - to be held on Wednesday, February 27 at the Manske Library

Adult Softball Registration is now open through March 15 for the Spring 2013 Adult League

Tax Time Assistance - trained volunteers from AARP are available on Tuesdays at the Senior Center and Manske Library to help residents with their tax questions

Citizen Police Academy - the Spring season will start on March 21; anyone interested should contact the Police Department

Congratulations to Staff - Pam Smith has been named an honorary Dallas County Master Gardener for her years of contribution to the field of landscape management

F. CONSENT AGENDA

A motion was made by Mayor Pro Tem Koch, seconded by Deputy Mayor Pro Tem Scott, to approve Consent Agenda Items F.1 through F.2. The motion carried unanimously.

Aye: 5 - Mayor Pro Tem Koch, Deputy Mayor Pro Tem Scott, Council Member Robinson, Council Member Froehlich and Mayor Pro Tem Fuller

F.1

Consider approving Resolution No. 2013-010 authorizing the City Manager to execute a contract with IMS Infrastructure Management Services for a comprehensive study of the City's concrete paved streets and take appropriate action.

A motion was made by Mayor Pro Tem Koch, seconded by Deputy Mayor Pro Tem Scott, that this Resolution be approved. The motion carried unanimously.

Aye: 5 - Mayor Pro Tem Koch, Deputy Mayor Pro Tem Scott, Council Member Robinson, Council Member Froehlich and Mayor Pro Tem Fuller

F.2

Consider approving Resolution No. 2013-011 awarding the bid for the Mustang Station Hardscape to BBL Builders, L.P. in an amount of \$324,055.02 and take appropriate action.

A motion was made by Mayor Pro Tem Koch, seconded by Deputy Mayor Pro Tem Scott, that this Resolution be approved. The motion carried unanimously.

Aye: 5 - Mayor Pro Tem Koch, Deputy Mayor Pro Tem Scott, Council Member Robinson, Council Member Froehlich and Mayor Pro Tem Fuller

G. PUBLIC HEARINGS

There were no Public Hearing items on the agenda.

H. REGULAR AGENDA ITEMS

H.1 Receive an update from LBJ Express on the reconstruction project.

Due to a scheduling conflict this item was moved to a City Council meeting in March.

This Report was referred to a City Council meeting in March.

H.2 Consider adopting Ordinance No. 3215 calling for a bond election for May 11, 2013 and take appropriate action.

Charles Cox, Director of Finance, reported City Council had directed Staff Administration to prepare an ordinance calling for a bond election for May 11, 2013.

The following citizens spoke on this item:

Ernie Tiller - prefers the issuance of Certificates of Obligation

Melanie Wilhike - in favor of Certificates of Obligation

Maxwell George - agrees with the proposal

Brenda Brodrick - is in favor of the project

Joane Abby-Thompson - the area hospital is also interested in using a portion of the pool for physical therapy; this would be an asset to the city

Katie Roberts - she was involved in the planning of the new aquatic center, which can be used by many residents, from adults to seniors

Vernon Smith - this is a good idea

Andrea Young - this project has needed to happen for a long time; she prefers issuing Certificates of Obligation

Mike Hawkins - we will benefit from a new aquatic center

Pat Thompson - currently swims in Addison; supports a new facility

Rick Johnson - in favor of issuing Certificate of Obligation; other area cities have aquatic facilities, this gives our youth something to do both in the summer & winter, and it will also bring families into our city

Robert Carmichael - this is an opportunity for the city; supports the issuance of Certificates of Obligation

Jim Barrett - the existing pool is an antique; economic value would be a benefit to the residents; prefers issuance of Certificates of Obligation

Clay Russell - in favor of Certificate of Obligation; we need modern amenities to attract new residents; should have increase in tax revenue due to new developments

Jamie Jewell - in favor of a new aquatic center; prefers Certificates of Obligation over a bond election

A motion was made by Council Member Fuller, seconded by Deputy Mayor Pro Tem Scott, that this item be tabled and presented at the next City Council meeting for the issuance of Certificates of Obligation. The motion carried by the following vote:

Nay: 1 - Council Member Robinson

Aye: 4 - Mayor Pro Tem Koch, Deputy Mayor Pro Tem Scott, Council Member Froehlich and Mayor Pro Tem Fuller

H.3

Consider adopting Ordinance No. 3218 issuing the election order for a City Council general election for Place 1 and Place 4 on May 11, 2013 and take appropriate action.

City Attorney Pete Smith reported this ordinance is presented to call for a general election of City Council members for District 1 and District 4 on May 11, 2013.

Mary Myer - wants to challenge the court regarding the single member districts; if we don't challenge it opens us up for more litigation

Jim Brockman - urged the City Council not to appeal

Al Solis - against the single member districts

Bill Phelps - there is a high probability of losing if you appeal

Bob Carmichael - he is opposed to appealing

Tom Nollette - supports appealing single member districts; did a study and found at-large form of government is most used in the US

Catherine Gray - supports appealing single member districts

Luther Bernstein - not in favor of spending more money on appealing

Mike Del Valle - supports appealing the single member districts

Sue Mottinger - not in favor of appealing

Judy Byrd - opposed to appealing; legal fees spent so far would have paid for new aquatic center

Pat Viveros - asked is we can wait to see how things goes with single member districts

Brenda Brodrick - presented a petition to Mayor Glancy asking to appeal the single member districts; the strength of the vote is lessened under the new single member districts; the strength of the City Council and the community is also weakened

Rick Johnson - supports appealing single member districts; ask for a stay on the election

Wanda Ferguson - supports appealing single member districts

Maxwell Brodrick - supports appealing single member districts

Steven Heath - supports appealing single member districts

Clay Russell - supports appealing single member districts

Carol Dingman - time to move forward into the future; don't appeal

Diane Graifemberg - urged City Council not to appeal

A motion was made by Council Member Robinson, seconded by Council Member Fuller, that this Ordinance be adopted. The motion carried unanimously.

Aye: 5 - Mayor Pro Tem Koch, Deputy Mayor Pro Tem Scott, Council Member Robinson, Council Member Froehlich and Mayor Pro Tem Fuller

K. ADJOURNMENT

A motion was made by Council Member Robinson, seconded by Council Member Froehlich, that this meeting be adjourned. The motion carried unanimously.

Aye: 5 - Mayor Pro Tem Koch, Deputy Mayor Pro Tem Scott, Council Member Robinson, Council Member Froehlich and Mayor Pro Tem Fuller

The meeting adjourned at 8:31 p.m.

William P. Glancy, Mayor

ATTEST:

Angela Kelly, City Secretary