



# City of Farmers Branch

City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, TX 75234

## Meeting Minutes - Final City Council

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Tuesday, November 4, 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 5:00 pm.

**Absent:** 1 - Council Member Harold Froehlich

**Presiding:** 1 - Mayor Bob Phelps

**Present:** 4 - Deputy Mayor Pro Tem Kirk Connally, Council Member Ben Robinson, 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, Sidney Fuller Police Chief, Andy Gillies Director of Planning, Mitzi Davis, Rachael Johnson Assistant to the City Manager, Kevin Muenchow Fleet & Facilities Director, Jim Olk Community Services Director, Steve Parker Fire Chief, Randy Walhood Public Works Director, Mark Samuels Information Services Director, Wimberly Phillips Recreation Superintendent, Mark Young Deputy Chief, Stacy Wright Director of Environmental Health and Angela Kelly City Secretary

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

(I.3) Council Member Robinson asked for clarification regarding the Alpha Road repairs and improvements. Randy Walhood, Public Works Director, reported the project is for patch work, and the agreement provides for a fifty percent funding match with Dallas County.

#### A.2 **Discuss changing the start time of the City Council Study Session Meeting and provide direction.**

City Manager Gary D. Greer reported having a start time of 5:00 pm for Study Session does not allow adequate time for presentations and discussions. The general consensus of the City Council is to bring back a resolution changing the start time of Study Session from 5:00 pm to 4:00 pm, and a start time of the Regular Meeting from 6:30 pm to 6:00 pm., which will take effect at the November 18, 2014 City Council meeting.

#### A.3 **Receive a report regarding Community Services activities in Building Inspection and Code Enforcement.**

Jim Olk, Community Services Director, presented the annual report regarding Community Services activities throughout the City. This year's report was expanded to also include metrics from Code Enforcement and Building Inspections.

**A.4 Receive an update on the current status of the Animal Adoption Center by Dr. Gerald Pendery, Chairman of the Animal Shelter Advisory Committee.**

Dr. Gerald Pendery presented a report on the current Animal Adoption Center, which also included an animal population growth report.

**A.5 Discuss the Interlocal Agreement between the Cities of Carrollton, Coppell and Farmers Branch for the construction and operation of a joint fire training facility to be located at the Bob Phelps Fire Administration/Fire Station #3 site.**

Fire Chief Steve Parker reported the our fire department has a need for a fire training facility, as does the Cities of Carrollton and Coppell. An Interlocal Agreement for construction and operation of a joint facility is being proposed; Chief Parker presented details of the agreement. The proposed agreement will be presented for approval at a future City Council meeting. Chief Parker presented highlights of the agreement.

Mayor Phelps read the agenda for Executive Session item J.2; he reported Executive Session item J.1 has be postponed until the next council meeting.

The Study Session meeting adjourned at 6:00 pm.

**J. EXECUTIVE SESSION**

The City Council convened into Executive Session at 6:12 pm.

**J.1 Discuss pending and contemplated litigation - Texas Government Code Section 551.071: Consultation with the City's attorneys regarding contemplated and pending litigation styled City of Lewisville v. City of Farmers Branch, et. Al., Case No. 4:12-cv-00782-RAS-DDB, U.S. Dist Court (E.D. Texas - Sherman Division) and administrative proceedings relating to the City's application for Municipal Solid Waste Permit No. 1312B pending before the Texas Commission on Environmental Quality; and City of Carrollton v. Texas Commission on Environmental Quality et al, Cause No. D-1-GN-14-004356, 353rd Judicial District Court, Travis County, Texas**

**J.2 Discuss land acquisitions - Texas Government Code 551.072: Discuss purchase, exchange, sale, lease, or value of real property in the area generally bounded by Josey Lane, Marsh Lane, I635, and Valley View Lane.**

The City Council concluded Executive Session at 6:14 pm and took a brief recess.

**B. INVOCATION & PLEDGE OF ALLEGIANCE**

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

Council Member Robinson gave the Invocation and Mayor Pro Tem Fuller led the Pledge of Allegiance.

## **C. CEREMONIAL ITEMS**

### **C.1 Presentation of a proclamation recognizing American Diabetes Month.**

Mayor Phelps presented a proclamation to Rick Cline from the American Diabetes Association.

## **D. REPORT ON STUDY SESSION ITEMS**

Deputy Mayor Pro Tem Connally reported on the following:

Changing of start time for Study Session Meeting - City Administration reported having a start time of 5:00 pm for Study Session does not allow adequate time for presentations and discussions. The general consensus of the City Council is to bring back a resolution changing the start time of Study Session from 5:00 pm to 4:00 pm, and a start time of the Regular Meeting from 6:30 pm to 6:00 pm., which will take effect at the November 18, 2014 City Council meeting.

Report regarding Community Services activities - City Administration presented the annual report regarding Community Services activities throughout the City. This year's report was expanded to also include metrics from Code Enforcement and Building Inspections.

Update on current status of the Animal Adoption Center - Dr. Gerald Pendery presented a report on the current Animal Adoption Center, which also included an animal population growth report.

Interlocal Agreement between Cities of Carrollton, Coppell and Farmers Branch for a Joint Fire Training Facility - Fire Chief Steve Parker reported the our fire department has a need for a fire training facility, as does the Cities of Carrollton and Coppell. An Interlocal Agreement for construction and operation of a joint facility is being proposed; Chief Parker presented details of the agreement. The proposed agreement will be presented for approval at a future City Council meeting. Chief Parker presented highlights of the agreement.

## **E. CITY MANAGER'S REPORT AND ITEMS OF COMMUNITY INTEREST**

Topics for the City Manager's Report included:

Citizen Survey in Progress - the bi-annual survey came out on October 15 and will remain available through November 15; if you live in Farmers Branch you may receive a random survey in the mail, but anyone can participate by going to our website at [www.farmersbranchtx.gov/survey](http://www.farmersbranchtx.gov/survey)

Veterans Day Celebration - to be held on Tuesday, November 11, beginning at 10:30 am at the Farmers Branch Senior Center; entertainment this year will be provided by the song & dance troupe, "Manhattan Dolls"; the traditional free hot dog lunch will follow the event

Town Hall Meeting - to be held on Thursday, November 13 at 7 pm at the Farmers Branch Senior Center; everyone is invited to attend

Christmas Tour of Lights - the tour will kick off on Friday, November 28; highlighting the tour this year will be a synchronized light show in the Historical Park portion of the driving tour; watch for more information coming soon

Thanksgiving Closings - City offices and facilities will be closed on Thursday, November 27; most will remain closed on Friday, November 28 with the exception of the Farmers Branch Historical Park and the Community Recreation Center which will both be open from 8:00 am until 5 pm; the Historical Park will reopen at 6:30 pm for the opening night of the Christmas Tour of Lights; there will be no garbage collection on Thursday or Friday of Thanksgiving weekend and the Citizen Collection Center will be closed

## **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 items, as presented. The motion carried by the following vote:**

**Aye:** 4 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Reyes and Mayor Pro Tem Fuller

- G.1 Consider approval of the minutes of the City Council meetings held on October 30, 2014, and November 4, 2014, and take appropriate action.**  
The Minutes were approved.
- G.2 Consider excusing the absences of Mayor Pro Tem Jeff Fuller at the October 21, 2014 City Council meeting, and the October 30, 2014 Joint City Council/Planning and Zoning Commission meeting, and take appropriate action.**  
This Procedural Item was approved.
- G.3 Consider approving Resolution No. 2014-100 appointing George Moninger to serve as the City of Farmers Branch appointee to the Metrocrest Hospital Authority Board of Directors and take appropriate action.**  
This Resolution was approved.
- G.4 Consider approving Resolution No. 2014-102 authorizing the City Manager to execute Change Order No. 2 to the contract with Felix Construction Company for the Hutton Lift Station Rehabilitation project and take appropriate action.**

This Resolution was approved.

## H. PUBLIC HEARINGS

### H.1 **Conduct a public hearing and consider adopting Ordinance No. 3311 relative to the Farmers Branch Youth Program Standards of Care in compliance with the Texas Human Resource Code, Chapter 42.041(b)(14) and take appropriate action.**

Mayor Phelps opened the public hearing. No one wished to speak; Mayor Phelps closed the public hearing.

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

**Aye:** 4 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Reyes and Mayor Pro Tem Fuller

## I. REGULAR AGENDA ITEMS

### I.1 **Consider approving Resolution No. 2014-097 approving a Detailed Site Plan for Mercer Crossing Apartments (Phase 2), located at 11700 Luna Road, and take appropriate action.**

Andy Gillies, Planning Director, reported the applicant has begun construction on Phase I of a large multi-family apartment community. The applicant is now requesting approval of a Detailed Site Plan for the second phase of the development.

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

**Aye:** 4 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Reyes and Mayor Pro Tem Fuller

### I.2 **Consider approving Resolution No. 2014-098 approving a Detailed Site Plan for the development of a multi-family community consisting of 397 dwelling units on approximately 10.75 acres, located within Planned Development No. 88 (PD-88) on the east side of the intersection of Wittington Place and Senlac Drive, and take appropriate action.**

Mr. Gillies reported the Billingsley Company's newly proposed multi-family development to be named "The Brickyard" will be completed in two phases. This proposed 10.75 acre Detailed Site Plan is for the first phase.

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

**Aye:** 4 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Reyes and Mayor Pro Tem Fuller

### I.3 **Consider approving Resolution No. 2014-099 authorizing the City**

**Manager to execute a Project Specific Agreement with Dallas County for roadway repairs and improvements to Alpha Road between Valley View Lane and Midway Road and take appropriate action.**

Public Works Director Randy Walhood reported the City has submitted a request for roadway maintenance funding assistance from Dallas County for Alpha Road repairs and improvements between Valley View Lane and Midway Road, which requires execution of a Project Specific Agreement. The agreement will result in a funding match in an amount not to exceed \$200,000.

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

**Aye:** 4 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Reyes and Mayor Pro Tem Fuller

**I.4**

**Consider adopting Ordinance No. 3312 amending the Code of Ordinances, Chapter 82, titled "Traffic and Vehicles" by adding Article VII, establishing an Automated School Bus Stop Sign Enforcement Program creating a civil offense for a school bus stop arm violation; providing requirements, procedures, and fees relating to the administrative adjudication of such; providing for the imposition, collection, and disposition of civil fines, penalties, and costs; and take appropriate action.**

Deputy Chief Mark Young reported this ordinance will establish an Automated School Bus Stop Sign Enforcement Program. The interlocal agreement allows for the City to enter into an agreement with Dallas County Schools authorizing them to enforce and administer the program. When a violation is revealed by the system, the registered owner of the vehicle will be served with a notice of violation and is subject to a \$300 civil penalty.

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

**Aye:** 4 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Reyes and Mayor Pro Tem Fuller

**K. THE CITY COUNCIL RECONVENES INTO OPEN SESSION**

**Consider necessary action on items discussed in the Executive Session.**

No action was taken on Agenda Item J.1.

The following motion was made relating to Agenda Item J.2:

**Motion by Deputy Mayor Pro Tem Connally, seconded by Council Member Robinson, 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 Todd Bonneau 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 3,000 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.

**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:** 4 - Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Reyes and Mayor Pro Tem Fuller

The meeting adjourned at 7:14 pm.

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Bob Phelps, Mayor

ATTEST:

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Angela Kelly, City Secretary