



City of Farmers Branch

Farmers Branch City Hall
13000 Wm Dodson Pkwy
Farmers Branch, Texas
75234

Meeting Minutes

City Council

Tuesday, May 16, 2017

6:00 PM

Council Chambers

Study Session Meeting to be held at 3:00 PM in the Study Session Room

- Presiding:** 1 - Mayor Bob Phelps
- Present:** 5 - Mayor Pro Tem Harold Froehlich, Council Member Bronson Blackson, Deputy Mayor Pro Tem Ana Reyes, Council Member John Norwood, Council Member Terry Lynne, Council Member Mike Bomgardner
- Staff:** - John Land Deputy City Manager, Amy Piukana City Secretary, Pete Smith City Attorney, Benjamin Williamson Assistant to City Manager, Tom Bryson Communications Director, David Hale Police Chief, Dean Habel Deputy Police Chief, Andy Gillies Community Services Director, John Roach Interim Public Works Director, Steve Parker Fire Chief, Brian Beasley Human Resources Director, Sherelle Evans-Jones Finance Director, Allison Cook Economic Development Director

A. **STUDY SESSION**

Mayor Phelps called the Study Session meeting to order at 3:00 p.m.

A.1 [17-465](#) **Discuss regular City Council meeting agenda items.**

Council Member Lynne asked for discussion regarding Agenda Item J.2, Atmos. He explained this item impacts residential customers with an increase of \$2.04, and the typical commercial customer will see an increase of \$6.27. He requested this item be moved under the regular agenda.

Council Member Bomgardner asked for discussion regarding Agenda Item K.3, Cell Tower Antennas. He asked if the City received funding from these leases. Community Services Director Andy Gillies stated the City would receive approximately \$3,000 a month from this lease with a five-year lease agreement.

A.2 [17-477](#) Receive a first quarter 2017 Economic Development Update.

Economic Development Director Allison Cook provided City Council with a 2017 Economic Development update.

City Council recognized Ms. Cook for being nominated as Chair for the State of Texas Public Sector for International Council of Shopping Centers (ICSC).

A.3 [17-466](#) Discuss agenda items for future City Council meetings.

Council Member Bomgardner asked for updates regarding State Legislature changes, in regards to limiting the 5% revenue caps. He suggested creating a new program that would strategize using these funds to offer incentives to current homeowners for redevelopment. Deputy Mayor Pro Tem Reyes asked for an overview of the Sanctuary Cities and a Legislative Update. She asked for an update regarding the Creek. Council Member Lynne requested an update on Valley View, when it will be cleaned and open, Marsh Lane update, and pump generator update. Council Member Norwood asked that the Public Works update include Phase II projects.

Deputy City Manager John Land stated he would add a Public Works update, monument sign update, and backyard chickens as future agenda items. Mr. Land stated he met with CWD and they are researching costs associated with smaller recycling carts. He further stated this information would be provided at a future City Council meeting.

City Council recessed at 3:40 p.m. for a break.

City Council reconvened into closed executive session at 3:50 p.m.

B. EXECUTIVE SESSION**B.1 [17-479](#) City Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:**

- *Economic Development Incentive for Project Sun.*

City Council recessed from closed executive session at 4:04 p.m.

C. RECEPTION (5 P.M.)**C.1 Reception honoring Mayor Pro Tem Harold Froehlich for his years of serve on the Farmers Branch City Council, and for newly elected City Council Member Elect Bronson Blackson for District**

A Reception honoring Mayor Pro Tem Harold Froehlich for his nine years of service on the Farmers Branch City Council, and new City Council Member Elect Bronson Blackson for District.

D. CALL REGULAR MEETING TO ORDER (6 P.M.)

Mayor Phelps called the regular meeting to order at 6 p.m.

E. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Norwood provided the invocation and led the pledge of allegiance and pledge to the Texas flag.

F. CEREMONIAL ITEMS

- F.1 [R2017-071](#) Consider approving Resolution No. 2017-071 canvassing the election returns of the May 6, 2017 Election for Mayor at large and City Council District 2, including swearing in of duly elected City Council member; and take appropriate action.**

Motion made by Mayor Pro Tem Froehlich to approve Resolution No. 2017-071, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Municipal Judge Shannon Willis provided the Oath of Office to newly elected City Council Member Bronson Blackson.

- F.2 [17-470](#) Presentation honoring Mayor Pro Tem Harold Froehlich for his years of service on the Farmers Branch City Council.**

Mayor Bob Phelps presented Mayor Pro Tem Harold Froehlich a service pin for his nine years of service to the citizens of Farmers Branch.

- F.3 [17-461](#) Presentation of a proclamation recognizing Farmers Branch Resident, Mrs. Sandy McCravy as the 2016 winner of the Mrs. Texas Senior pageant.**

Mayor Phelps presented a proclamation to resident Sandy McCravy in recognition of her win of the 2016 Mrs. Texas Senior pageant.

- F.4 [17-471](#) Presentation of a proclamation declaring May as Motorcycle Safety and Awareness month in Farmers Branch.**

Mayor Phelps presented Dallas Firefighter's Motorcycle Club received a proclamation declaring May as Motorcycle Safety and Awareness month in Farmers Branch.

- F.5 [17-478](#) Presentation on National Law Enforcement Memorial Week 2017 in honor of police officers who made the ultimate sacrifice for the safety of our nation and its people.**

Police Chief David Hale provided a presentation on National Law Enforcement Memorial Week. He read the names of fallen police officers who have given their lives in service to their communities.

G. REPORT ON STUDY SESSION ITEM

Council Member Bomgardner provided a report summary on Study Session items.

H. CITY MANAGER'S REPORT AND ITEMS OF COMMUNITY INTEREST

Deputy City Manager John Land provided the following announcements:

- The 2017 edition of Tastes & Tunes concludes this Thursday, May 18 at The Grove @ Mustang Crossing. Some of DFW's most popular food trucks will be there along with live music from Cuban/Tropical/Salsa group 'Havana NRG.' Hours are 6 to 9 p.m. and admission is free. Go to fbspecialevents.com for more.
- The Eggstand food truck and live entertainment from Tyler John will be featured at the Farmers Branch Market this Saturday from 9 a.m. til 1 p.m. Nearly 40 vendors will be selling everything from produce and meats to eggs, artisan food and crafts. Find out more at farmersbranchmarket.com.
- The Fort Worth Symphony Orchestra will play a concert on Saturday, May 27 as 'Liberty Fest presents Stars & Strings' at the Farmers Branch Historical Park. Gates open at 6:30 p.m. and admission is free. A low-level fireworks show will conclude the show after dark. Find out more details at fbspecialevents.com.
- Early voting for the June 10 Mayoral runoff will begin on Tuesday, May 30 and continue through June 6 at Dallas County Early Voting locations, including Farmers Branch City Hall. Check out dallascountyvotes.org for more details.
- Most City of Farmers Branch offices and facilities will be closed on Monday, May 29 in observance of the Memorial Day holiday. There **WILL BE** garbage collection that day, but the Green Grabber will not operate and the Citizen Collection Center will be closed. However, the Community Recreation Center and Margaret Young Natatorium will both be open from 6 a.m. to 5 p.m.; the Historical Park will be open from 8 until 5; and the Frog Pond will be open from 12 until 6 p.m.
- You can sign up for eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

I. CITIZEN COMMENTS

There were no citizens that wished to speak. Council Member Lynne acknowledged the Parks Department for providing 1) Taste and Tunes; and 2) The Farmers Market events. He noted these two events were very successful along with the Fish n Fun event. Council Member Lynne also recognized Community Services for quick responses with applications and great customer service provided by the Building Official Hugh Pender and Community Services Staff.

J. CONSENT AGENDA

- J.1 [17-467](#) Consider approving minutes of the regular City Council meeting held on May 2, 2017; and take appropriate action.**

Council Member Norwood made a motion to approve Consent Item J.1. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

(Item J.2 moved to Regular Agenda.)

- J.2 [ORD-3445](#) Consider adopting Ordinance No. 3445 approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division that adopts new natural gas rates for the City of Farmers Branch; and take appropriate action.**

K. PUBLIC HEARINGS

- K.1 [ORD-3443](#) Conduct a public hearing and consider adopting Ordinance No. 3443 for a Specific Use Permit for the construction of a detached accessory structure (exceeding 120 square feet in size) located at 3116 Spur Trail; and take appropriate action.**

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained the applicant is requesting a Specific Use Permit to build a detached accessory building, approximately 448 square feet, located in the rear yard on the southwestern portion of the lot. The Comprehensive Zoning Ordinance requires any residential accessory building that is larger than 120 square feet requires a Specific Use Permit. The proposed storage building will replace the old, metal shed that is currently located on the property. Mr. Gillies explained twelve (12) notification letters were mailed to the surrounding property owners on April 13, 2017. The City received (3) written letters in favor of this SUP request. On April 24th, the Planning & Zoning Commission voted to recommend approval of this Specific Use Permit as outlined in Ordinance 3443, by unanimous vote.

Mayor Phelps conducted a public hearing. There being no one present that wished to speak. Motion made by Council Member Lynne to close public hearing. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Motion made by Council Member Lynne to approve Ordinance No. 3443, as presented. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

K.2 [ORD-3442](#) Conduct a public hearing and consider adopting Ordinance No. 3442 for a comprehensive amendment to the Planned Development District No. 80 (PD-80) and an associated Conceptual Site Plan for a 13.994-acre site located at 5000 Alpha Road and 4951 Simonton Road; and take appropriate action.

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained the proposed amendment to PD-80 allows the proposed mixed-use development known as "Bridgeview" to be constructed. Bridgeview is mixed-use community containing 406 multifamily dwelling units, 74,000 sf hotel, 204,970 sf office and 27,650 sf of restaurant and retail area.

Mr. Gillies explained the differences between the existing and proposed PD are regarding the allowable and conditional uses in the intent to keep up with the current trends in retail, entertainment and restaurant type of uses and to widen the possibilities for this particular site. The differences are as follows:

1. Additional new uses that would be allowed by right: food trucks, snack and sandwich shops, pop-up retail, wine bars and pubs, hotels, multifamily residential.
2. Uses that would be allowed with a Specific Use Permit: bars, micro-breweries and indoor theaters.

Mr. Gillies explained the PD contains definitions for all new uses. The multifamily community will be served by approximately 528 parking spaces located in the parking garage and surface parking spaces along the internal driveway. The proposed parking ratio for the multifamily site is 1 parking space / 1 bed. The rest of the site will be served by 1,199 parking spaces located in the shared parking garage (1,068 parking spaces) and in surface parking lots distributed along internal driveways (131 parking spaces).

Mr. Gillies noted the PD's Development Standards were adjusted to better accommodate the new list of allowable uses as follows:

- The building setbacks along all streets are proposed to decrease from 25 and 30 feet to 10 feet
- The allowed site coverage is proposed to increase from 50% to 80%
- The landscaping area is proposed to increase from 5% to 10%
- All public streets shall have sidewalks
- Parking ratios for the new uses are included as well as parking discounts and shared parking agreement standards to encourage a continuous mix of uses
- A requirement for all street furniture to be generally uniform in design throughout the site
- Masonry materials will be allowed to a minimum of 50% of each façade; secondary materials will be allowed for the remainder and may be: stucco, composite wood panels, metal panels or glass. Stucco would be allowed on limited contiguous portions of the façade. EIFS would be allowed to a maximum of 10% of a façade.

Mr. Tommy Mann and Developer Steve May provided City Council with an overview presentation of the project.

Deputy Mayor Pro Tem Reyes thanked the applicant for investing in Farmers Branch, and asked if the project had adequate parking. Mr. May replied the parking is adequate and exceeds what is required, noting the target timeline is the end of the year for multifamily, and late summer for offices.

Council Member Bomgardner asked if the 50% masonry stone requirement is an average for the entire project or required for each building. Mr. Gillies explained the 50% masonry requirement is for each façade which includes the multifamily and hotel.

Mayor Phelps conducted a public hearing. There being no one present that wished to speak. Motion made by Council Member Lynne to close the public hearing. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Motion made by Council Member Lynne to approve Ordinance No. 3442, as presented. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

K.3 [ORD-3444](#) Conduct a public hearing and consider adopting Ordinance No. 3444 to amend a Specific Use Permit (SUP) for the placement of cellular communication antennas on the existing municipal water tower located at 3723 Valley View Lane, and take appropriate action.

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained the applicant; Crafton Communications is requesting a new Specific Use Permit to allow three (3) additional telecommunications antenna panels, and twelve (12) antenna panels, to be placed on the Farmers Branch Justice Center Water Tower. The current Specific Use Permit (Ordinance 2298) passed in 1997. The city renewed the lease contract (Resolution 2016-108) in November 2016, which give AT&T the license to operate on the tower for an initial term of five (5) years with options of renewing for three (3) additional five-year terms.

Mr. Gillies explained an amended specific use permit is required when an existing carrier proposes to increase the size or number of antennas on the water tower support pedestal or increase the number of penetrations through the pedestal for cables or antenna support hardware. Staff has verified the following conditions in order to approve the proposed Specific Use Permit:

- The antennas and associated equipment shall match the color of the water tower.
- AT&T or authorized contractors shall make arrangements with the City of Farmers Branch Public Works Department before obtaining access to the Justice Center Water Tower or associated equipment shelters on City of Farmers Branch Property for any installation, repairs or testing of antennas, equipment or other appurtenances associated with the facility.

- AT&T or subsequent owner of the antenna system and equipment shelter shall remove the wireless communications antenna, associated equipment shelter, and all appurtenances within ninety (90) days subsequent to such time that the antenna and equipment shelter become obsolete and the use is abandoned.

Mr. Gillies explained twenty-one (21) notification letters were mailed to surrounding property owners on April 13, 2017. The City received one (1) written opposition letter. The Planning & Zoning Commission voted to recommend approval of this project by unanimous vote.

Mayor Phelps conducted a public hearing. There being no one present that wished to speak. Motion made by Council Member Bomgardner to close the public hearing and adopt Ordinance No. 3444, as presented. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

K.4 [R2017-066](#) Conduct a public hearing and consider approving Resolution No. 2017-066 for a Detailed Site Plan for a mixed-use development on a 3.73-acres site located along Bee Street, south of Valley View Lane; and take appropriate action.

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained the applicant, FB Land Ltd, is proposing to create a new restaurant and retail area along Bee Street, south of Valley View Lane. This development will include 5 buildings, 1 and 2 stories in height and containing 37,604 square feet.

Building A, is a proposed market store. Building B, is a proposed restaurant containing approximately 7,066 sf. Building C, is a proposed retail/restaurant with outdoor patio areas. Building D, is a proposed retail/restaurant with outdoor patio area. Building E, is a proposed retail/restaurant with outdoor patio area. He noted the estimated investment for this project is \$14.133 million. Mr. Gillies explained 251 parking spaces are provided on-site: 130 spaces in the large parking lot, 51 spaces around Buildings A and B, 65 spaces along Bee Street and 5 on-street spaces along Pike and Pepperwood Streets. The proposed parking is compliant with PD-86 requirements. Approximately 20 % of the site is proposed to be natural or landscaped open space.

Mr. Gillies explained the following Special Exceptions were identified:

Special Exception #1 - According to PD-86 requirements, 85% of the buildings along public streets must be located at the Required Building Line (RBL). Due to the existing utility easements along Valley View Lane, Building A and C had to be shifted back 28 feet. Also a portion of Building E was placed facing Pepperwood Street.

Special Exception #2- PD-86 prohibits blank walls exceeding 15 feet along Valley View Lane and 20 feet on all streets. All building elevations facing public streets are proposed with portions of blank walls exceeding 20 feet.

Special Exception #3 - PD-86 requires the first floor fenestration along all streets to be at least 40% of the façade area situated between 2 and 10 feet above the adjacent public

sidewalk. The Site Plan proposes approximately 30% first floor fenestration along all streets.

Special Exception #4 - PD-86 requires all window openings to have the horizontal dimension smaller than the vertical dimension. All proposed elevations include long and narrow horizontal windows.

Special Exception #5 - PD-86 requires all elevations to comply with the minimum 75% brick or stone masonry requirement. The main façades for Building A, the market store, are proposed to be approximately 60% stone and brick masonry.

Mr. Gillies stated due to the quality and scale of this development and the consistency in theme and style of the proposed architecture, as well as the visible efforts to maintain a continuity through the site, staff feels that these Special Exceptions will not take away from the design vision proposed by PD-86 and supports all five special exceptions. He noted on April 24th, the Planning & Zoning Commission recommend approval of this Detailed Site Plan by unanimous vote.

Mayor Phelps conducted a public hearing. Applicant Alyce Mikas with Realty Advisors provided a presentation and overview of the concept plan.

Council Member Lynne asked what the projected timeline was for this project. Ms. Mikas replied early spring, noting plans are being finalized.

Motion made by Council Member Norwood to approve Resolution 2017-066, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

L. REGULAR AGENDA ITEMS

- J.2 [ORD-3445](#) Consider adopting Ordinance No. 3445 approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division that adopts new natural gas rates for the City of Farmers Branch; and take appropriate action.**

Interim Public Works Director John Roach briefed City Council regarding this item. Mr. Roach explained the settlement tariffs approve rates that increase the monthly bill impact in an average amount of \$2.04 for residential and commercial increases in an average amount of \$6.27. Council Member Lynne explained this item was moved to open session for public awareness.

Council Member Bomgardner made a motion to approve Ordinance No. 3445. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

L.1 [17-473](#) Receive a Mid-Year Update from The Firehouse Theatre.

Executive Director of the Firehouse Theatre David Moore provided a mid-year update from The Firehouse Theatre.

Deputy Mayor Pro Tem Reyes asked what needs are required from the City. Mr. Moore stated he is pleased with the relationship with Staff and the current agreement. He further stated more marketing and exposure of The Firehouse Theatre is his goal.

Deputy Mayor Pro Tem Reyes asked all volunteers to stand and expressed appreciation for serving the community.

Deputy City Manager John Land explained the City has worked with The Firehouse Theatre to add signage to the way finding signs. He further stated many people travel to Farmers Branch and this brings revenue to our City.

Council Member Bomgardner stated he supports The Firehouse Theatre, but encouraged Mr. Moore to explore more donors. Mr. Moore replied stating he will work on donors, noting membership has been his first priority.

L.2 [R2017-031](#) **Consider approving Resolution No. 2017-031 for a Detailed Site Plan for a 16.373 acre tract located west of Luna Road and north of Mercer Parkway (also known as Verwood); and take appropriate action.**

Community Services Director Andy Gillies briefed City Council regarding this item. He stated the applicant, CADG Mercer Crossing Holdings LLC (a subsidiary of Centurion American) has proposed to develop a single family detached residential community containing approximately 61 buildable lots. This development is proposed to be constructed in one phase. Verwood will contain 16.37 total acres. It will be composed of 59 single family residential lots. All of these lots are rear loaded (driveways and garages facing the alleyway). These rear-loaded lots will be a minimum of 50' in width and 105' in depth.

After discussion, Council Member Blackson made a motion to approve Resolution No. 2017-031, as presented. Motion seconded by Council Member Norwood. Motion approved by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

L.3 [R2017-062](#) **Consider approving Resolution No. 2017-062 authorizing a contract agreement with Pavecon Public Works, LP to be funded by the Street Improvement Bond Fund, for Bee Street Reconstruction and Utility Improvements; and take appropriate action.**

City Engineer Marc Bentley briefed City Council regarding this item. He noted City Administration has evaluated references and recommends Pavecon Public Works, LP for Bee Street reconstruction and utility improvements.

Motion made by Deputy Mayor Pro Tem Reyes to approve Resolution No. 2017-062, as presented. Motion seconded by Council Member Lynne. Motion approved by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

K. TAKE ANY ACTION NECESSARY AS A RESULT OF THE CLOSED SESSION

Council Member Lynne move that the City Manager and/or Deputy City Manager be authorized to negotiate and execute on behalf of the City an agreement with Sun Holdings, Inc. or related entity pursuant to Texas Local Government Code Chapter 380 providing for payment of an economic development one of two options to be determined by Sun Holdings, Inc. as follows:

1. incentive of \$57,000.00 to be paid within 30 days after the city issuance of a certificate of occupancy and verification that the company has created, relocated, and maintained at least 100 employment positions for the improvements located at 4515 LBJ Freeway Farmers Branch, Texas, and an economic development grant in an amount not to exceed \$57,000.00 for exterior renovations of the property;
2. incentive of a 50% rebate of the City Taxes for 5 years not to exceed 100,000; provided the company acquires the real property and improvements located at 4515 LBJ Freeway Farmers Branch, Texas (collectively the "Property"), has a capital investment in the Property of at least \$5 Million Dollars as of the date of issuance of a certificate of occupancy for the improvements by Company, and the company has or causes to have at least 250 hotel room nights in the city on an annual basis, and subject to the city standard terms and conditions for economic development agreements.

Motion seconded by Anna Reyes. Motion approved by the following vote:

Aye: 5 - Council Member Blackson, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

L. ADJOURNMENT:

Motion made by Council Member Lynne to adjourn the meeting at 8:02 p.m. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

The meeting adjourned at 8:02 p.m.

SIGNED:

Mayor

ATTEST:

City Secretary