



Meeting Minutes - Final City Council

Tuesday, November 18, 2014

6:00 PM

Council Chambers

Study Session Meeting held at 4:00 PM in the Study Session Room

A. STUDY SESSION

Mayor Phelps called the Study Session meeting to order at 4:01 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: 20 - Gary D. Greer City Manager, John Land Managing Director - Operations, Peter G. Smith City Attorney, Tom Bryson Communications Director, Allison Cook Economic Development Manager, Tim Dedear Deputy Chief, Shawna Eikenberry Management Analyst, Sidney Fuller Police Chief, Andy Gillies Director of Planning, Jeff Harting Parks & Recreation Director, Rachael Johnson Assistant to the City Manager, Kevin Muenchow Fleet & Facilities Director, Jim Olk Community Services Director, Wimberly Phillips Recreation Superintendent, Steve Parker Fire Chief, Randy Walhood Public Works Director, Shane Davis Solid Waste Administrator, Miklos Valdez Aquatics Manager, Angela Kelly City Secretary and LaJeana Thomas Administrative Assistant

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

No items were discussed.

A.2 **Receive an update on the current construction progress of the Farmers Branch Aquatics Center.**

Miklos Valdez, Aquatics Manager, presented an update on the progress of the new Aquatics Center. Membership packages will go on sale December 1. Target opening date for the indoor facility is Spring, 2015, with the outdoor facility targeting May, 2015.

Mayor Phelps read the agenda for Executive Session items J.1 and J.2 and reported the City Council would take a 10 minute break and then convene for Executive Session.

The Study Session Meeting ended at 4:15 pm.

J. EXECUTIVE SESSION

The City Council convened into Executive Session at 4:23 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 economic development incentives - Texas Government Code 551.087:
Discuss amendments to Tax Increment Finance Zone No. 2 Infrastructure Reimbursement Agreement with Mustang Station, Ltd. relating to economic development incentives and related conditions and termination of the Economic Development Agreement with Mustang Station, Ltd.

The City Council concluded Executive Session at 5:26 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 6:00 pm.

No action was taken regarding Agenda Item J.1.

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

Motion by Council Member Robinson, seconded by Council Member Froehlich, to adopt Resolution No. 2014-110 authorizing the City Manager to sign an agreement terminating the Economic Development Agreement with Mustang Station, Ltd., and other documents related to carrying out the terms of said termination agreement, including, but not limited to, an amended and restated TIF Zone No. 2 infrastructure reimbursement agreement; relating to the sale and development of real property located in Tax Increment Financing Reinvestment Number Two (old Farmers Branch). Motion carried unanimously.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Phelps gave the Invocation and Mayor Pro Tem Fuller led the Pledge of Allegiance.

C. CEREMONIAL ITEMS

C.1 Presentation of a proclamation recognizing the Metroplex Senior Citizens Softball Association 2014 Champions, the Farmers Branch Codgers.

Mayor Phelps presented a proclamation to the Farmers Branch Codgers in honor of their championship.

C.2 Presentation of awards for the Fire Prevention Poster Contest winners.

Mayor Phelps, Fire Chief Steve Parker, Deputy Chief Tim Dedear, and Fire Prevention Training Coordinator Wendi Kimpton presented the awards for the winners of the nineteenth annual Fire Prevention Poster Contest.

C.3 Consider Board and Commission appointments and take appropriate action.

Motion by Council Member Robinson, seconded by Council Member Reyes, appointing Michael Rogan as an Alternate to the Zoning Board of Adjustment/Building Code Board of Appeals; and appointing Rick Medinis to the Valwood Improvement Authority. Motion passed unanimously.

Motion by Deputy Mayor Pro Tem Connally, seconded by Council Member Robinson, moving Joe Wallen from his current Alternate position and appointing him to the regular position on the Senior Advisory Board. Motion passed unanimously.

D. REPORT ON STUDY SESSION ITEMS

Deputy Mayor Pro Tem Connally reported on the following:

Aquatics Center Update - City Administration gave an update on the progress of the new Aquatics Center. Membership packages will go on sale December 1. Target opening date for the indoor facility is Spring, 2015, with the outdoor facility targeting May, 2015.

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

Topics for the City Manager's Report included:

Dallas Stars Practice in Farmers Branch - the Dallas Stars will hold their annual open practice session at the Dr. Pepper StarCenter in Farmers Branch on Thanksgiving Eve, Wednesday, November 26 at 10:30 am; Norm Hitzges from Sportsradio 1310, The Ticket, will be broadcasting live; prizes and activities will also be later in the day as well; the event is free and open to the public

Christmas Tour of Lights - starts on Friday, November 28; there is a new route this year, going from Valley View, down Denton drive to Farmers Branch Lane and the Historical Park; highlighting the tour this year will be a synchronized light show in the Historical Park; the tour will be open every night from November 28 through December 30 (closed only on December 6 and December 25); the tour is free with donations accepted by non-profit groups working the tour each night

Thanksgiving Closings - all City offices and facilities will be closed on Thursday, November 27 in observance of Thanksgiving Day; most will remain closed on Friday, November 28 with the exception of the Farmers Branch Historical Park and Community Recreation Center, both open from 8:00 am until 5:00 pm; the Historical Park will then 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

Christmas Tree Lighting - the official lighting of the Farmers Branch tree and a

special fireworks show will be a part of the annual Christmas Tree Lighting event, set for Saturday, December 6 at the Historical Park; gates open at 6:30 pm with the tree lighting at 7:00 pm; the night also features a visit from Santa, a snow hill for tubing and more

F. CITIZEN COMMENTS

The following people spoke:

John Brownlee (3116 Brookhollow) - disappointed to learn Stacy Wright is no longer with the City; asked that an item be placed on the regular agenda at next council meeting to discuss how the Farmers Branch Creek resident's concerns will be handled since Stacy is no longer with the City

Todd Womble (2815 Reedcroft) - on behalf of all creek residents, he asked that an investigation be led by an independent third party to find out how we got into the situation relating to Farmers Branch Creek

Council Member Reyes requested the item be placed on the next agenda for the December 2 City Council meeting.

G. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Deputy Mayor Pro Tem Connally, seconded by Council Member Reyes, to approve items on 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 meetings held on October 30, 2014, and November 4, 2014, and take appropriate action.

The Minutes were approved.

G.2 Consider adopting Ordinance No. 3313 amending the Code of Ordinances, Chapter 56, "Property Maintenance," Article II, "Health and Safety Requirements", Division 3, "Standards," Section 56-82, "Exterior of Structure," by amending Subsection (f) addressing deteriorated roofs and take appropriate action.

This Ordinance was adopted.

G.3 Consider approving Resolution No. 2014-103 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 3463 Pine Tree Circle; repealing Resolution No. 2014-092; and take appropriate action.

This Resolution was approved.

G.4 Consider approving Resolution No. 2014-104 approving an

Interlocal Agreement with the City of Carrollton, the Town of Addison, the City of Coppell, and North Texas Emergency Communications Center, Inc. ("NTECC") regarding the assignment to and assumption by NTECC of the IXP Consulting Services Agreement relating to establishment of the NTECC Communications Center and take appropriate action.

This Resolution was approved.

- G.5 Consider approving Resolution No. 2014-106 establishing the dates and times for City Council regular meetings and study sessions; repealing Resolution No. 2013-042; and take appropriate action.**

This Resolution was approved.

- G.6 Consider approving Resolution No. 2014-107 authorizing the City Manager to execute Change Order No. 3 to the contract with Felix Construction Company for the Hutton Lift Station Rehabilitation project and take appropriate action.**

This Resolution was approved.

- G.7 Consider approving Resolution No. 2014-108 authorizing negotiation and execution of agreements with non-profit organizations to provide services related to business development, counseling, and social services to city residents and businesses for fiscal year 2014-2015, and take appropriate action.**

This Resolution was approved.

H. PUBLIC HEARINGS

There were no Public Hearing items on the agenda.

I. REGULAR AGENDA ITEMS

- I.1 Consider approving Resolution No. 2014-105 authorizing the purchase of the annual supply of residential solid waste refuse sacks from Duro Bag; authorizing the City Manager to exercise option to purchase such sacks in future years, providing an effective date, and take appropriate action.**

A motion was made by Mayor Pro Tem Fuller, 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.2

Consider and take action regarding direction to City Administration to take the necessary action to amend the West Side Plan of the Comprehensive Plan.

Andy Gillies, Planning Director, reported there has been recent interest from several residential master developers regarding the possible creation of new single family residential communities on the West Side, which would require amending the existing long range land use plan.

The following people spoke:

- Phillip Huffines - representing Huffines Communities
- Judy Byrd - 2980 Eric Lane
- Henry Billingsley - representing Billingsley Company
- Pat Canuteson - representing Valwood Improvement Authority
- Dave Blair - 3214 Silent Oak

A motion was made by Council Member Robinson, seconded by Council Member Reyes, to make no amendments to the West Side Plan. The motion carried by the following vote:

Nay: 1 - Council Member Froehlich

Abstain: 1 - Mayor Pro Tem Fuller

Aye: 3 - Deputy Mayor Pro Tem Connally, Council Member Robinson and Council Member Reyes

L. **ADJOURNMENT**

A motion was made by Deputy Mayor Pro Tem Connally, seconded by Mayor Pro Tem Fuller, 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 8:28 pm.

Jeff Fuller, Mayor Pro Tem

ATTEST:

Angela Kelly, City Secretary