



# City of Farmers Branch

City Hall  
13000 Wm Dodson Pkwy  
Farmers Branch, TX 75234

## Meeting Minutes - Final City Council

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Tuesday, September 16, 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.

**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:** 23 - Gary D. Greer City Manager, Peter G. Smith City Attorney, Charles Cox Managing Director - Administration, John Land Managing Director - Operations, Angela Kelly City Secretary, Brian Beasley Human Resources Director, Tom Bryson Communications Director, Allison Cook Economic Development Manager, Shawna Eikenberry Management Analyst, Sidney Fuller Police Chief, Andy Gillies Director of Planning, Jeff Harting Parks & Recreation Director, Belinda Jacks Library, Rachael Johnson Assistant to the City Manager, Jim Olk Community Services Director, Steve Parker Fire Chief, Randy Walhood Public Works Director, Mark Samuels Information Services Director, Derrick Birdsall Historical Park Superintendent, John Roach Special Projects Manager, Mitzi Davis, Tim Dedear Deputy Chief and Stacy Henderson Office Manager

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

Council Members discussed moving Agenda Items G.2, G.3, and G.6 from the Consent Agenda to the Regular Session Agenda.

#### A.2 **Discuss retiree health care insurance.**

Brian Beasley, Human Resources Director, gave a presentation on retiree health care insurance. The presentation included background information, basic facts and comparisons.

Mayor Pro Tem Fuller requested a three year cost analysis.

#### A.3 **Discuss the City Manager's balanced budget and organizational funding requests related to the adoption of the Farmers Branch 2014-15 fiscal year budget.**

Council Member Robinson had questions regarding the organizational funding request submit by Metrocrest Social Services. Tracey Eubanks, Metrocrest Social Services CEO, provided information regarding services provided by the agency.

**A.4                      Receive an update on Sports Tourism in Farmers Branch.**

Managing Director John Land gave a presentation on past successes, current conditions, and future possibilities in the sports tourism realm.

The Study Session Meeting ended at 6:13 pm.

**B.     INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Phelps called the Regular Session Meeting to order at 6:32 pm.

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

**C.     CEREMONIAL ITEMS****C.1                      Presentation of a proclamation honoring the 485th Bombardment Group Association.**

Mayor Phelps presented a proclamation to Mr. Jack Behunin. Mr. Behunin is one of the surviving members of the 485th Bombardment Group Association.

**C.2                      Consider accepting the donation of a sculpture for the Butterfly Garden at the Farmers Branch Historical Park and take appropriate action.**

**A motion was made by Mayor Pro Tem Fuller, seconded by Council Member Reyes, 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

**D.     REPORT ON STUDY SESSION ITEMS**

Council Member Froehlich reported on the following:

Retiree Health Care Insurance - City Administration gave a presentation on retiree health care insurance. The presentation included background information, basic facts and comparisons.

FY 2014-2015 Proposed Budget & Organizational Funding Requests - Tracey Eubanks, Metrocrest Social Services CEO, provided information regarding services provided by Metrocrest Social Services.

Sports Tourism - City Administration gave a presentation on past successes, current conditions, and future possibilities in the sports tourism realm.

**E.     ITEMS OF COMMUNITY INTEREST**

Mayor Phelps reported he had nine citizens that came in last week for "Tell it to the Mayor".

Topics for the City Manager's Report included:

Library "Farmers Branch Reads" Outdoor Movie Series - exploring the 2014 theme of "Other Worlds"; movies in the outdoor amphitheater at Manske Library; admission is

free and blankets & lawn chairs are recommended; concessions will be available for purchase; series concludes September 20

Encounters from the Past - to be held on September 20; tours begin every 15 minutes from 7 - 9 pm; volunteers and students from RL Turner Drama Department will bring 10 of the City's most interesting residents back to life as the actors deliver monologues about the resident's life and interests; tickets are \$5 (ages 6 and under are free)

Movie in the Park - annual event to be held on September 20 in the field at Barney Wood Athletic Complex featuring "Mary Poppins" - celebrating its 50th anniversary this year; blankets and lawn chairs are suggested; admission is free with concessions available for purchase; showtime is dusk

Coming Up:

National Night Out - Tuesday, October 7

First City Council Meeting in October - Monday, October 6

Bloomin' Bluegrass Music Festival & Chili Cookoff - October 17 & 18

Celebration of Roses - October 18

Holiday Craft Fair - October 18

Halloween in the Park - October 25

## **F. CITIZEN COMMENTS**

The following person spoke:

Gale Parker (14037 Albemarle) - concerned about street maintenance and no enforcement regarding noisy vehicles. Council Member Reyes reported other residents have concerns about the condition of Spring Valley also, and although the recent street survey shows it as one of the worst in the City, it is classified as an alley. She is also concerned there isn't enough lighting. Public Works Director, Randy Walhood, will look into the concerns and report back at the next City Council meeting.

## **G. CONSENT AGENDA**

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

**A motion was made by Mayor Pro Tem Fuller, seconded by Deputy Mayor Pro Tem Connally, to move items G.2, G.3, and G.6 to the Regular Meeting Agenda, and to approve the remaining items on the Consent Agenda, as presented. 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 2, 2014 and take appropriate action.**

The Minutes were approved.

### **G.4 Consider approving Resolution No. 2014-065 amending the City's Investment Policy and take appropriate action.**

This Resolution was approved.

### **G.5 Consider approving Resolution No. 2014-075 authorizing the**

**purchase of sanitary sewer lift station pump equipment from Xylem Water Solutions USA, Inc. in the amount of \$69,551.60 relative to the Mercer Crossing Lift Station project and take appropriate action.**

This Resolution was approved.

- G.7 Consider approving Resolution No. 2014-081 authorizing the City Manager to purchase a replacement uninterrupted power source system (U.P.S.) for the Police Department from ARC Services utilizing the State of Texas Department of Information Resources contract DIR-SDD-1934, and take appropriate action.**

This Resolution was approved.

- G.8 Consider approving Resolution No. 2014-082 allowing a “Temporary Carnival” per Ordinance No. 1770 for the Mary Immaculate Catholic Church Annual Parish Fall Festival, located at 2800 Valwood Parkway, to be held on October 3, 2014 and October 4, 2014, and take appropriate action.**

This Resolution was approved.

- G.9 Consider approving Resolution No. 2014-083 casting votes for the election of representatives to Places 1-4 of the Texas Municipal League (TML) Intergovernmental Risk Pool Board of Trustees and take appropriate action.**

This Resolution was approved.

## **H. PUBLIC HEARINGS**

- H.1 Conduct a public hearing on the proposed 2014-2015 Operating and Capital Improvement Program Budget in accordance with Article IV of the City Charter.**

Mayor Phelps opened the public hearing.

The following people spoke:

Jim Shires (retiree) - 5132 Laurel Lane, N. Richland Hills

Ronnie Inman (retiree) - 2214 Belvedere, Carrollton

John Wells - 13521 Heartside Place

Mayor Phelps closed the public hearing.

- H.2 Conduct a public hearing and consider adopting Ordinance No. 3298 amending the Code of Ordinances by Amending Chapter 86 “Utilities”, to add Article VII, “Municipal Drainage Utility System”, Division 1, “Creation and Administration” to establish a Municipal Drainage Utility System and take appropriate action.**

Randy Walhood, Public Works Director, reported this was originally discussed at the

City Council retreat In January, 2014. Trey Shanks, representing Freese and Nichols, gave a presentation regarding the storm water program. Mayor Pro Tem Fuller asked if only businesses could be included in the program. Mr. Shanks reported it had to include commercial and residential.

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

David James - 2909 Eric Lane  
Todd Womble - 2815 Reedcroft Drive  
John Wells - 13521 Heartside Place  
Marty Giehl - 3404 Bevann  
Ruth Alhilali - 2901 North Sunbeck Circle  
Vernon Smith - 2715 Bay Meadows Circle  
Gene Field - 2956 Sunburst Lane  
Debarah Bowe - 3464 Chaparrall  
Ken Welch - 13928 Tanglewood

City Council discussed having a provision for inclusion of a sunset clause. The City Attorney reported that could not be added. However, City Manager Gary Greer reported if the program is created, City Council could choose every year during the fiscal year budget process if they wished to fund or not fund the program.

Mayor Phelps closed the public hearing.

Mayor Pro Tem Fuller voiced concern about the fee and recommended City Council appoint an advisory board to meet with the City Manager to help prioritize the proposed projects. He asked that the prioritized projects be presented to Council in January, along with how the projects could be funded through the General Fund or as Capital Improvement Projects, or if this fund is truly needed.

**A motion was made by Council Member Reyes, seconded by Council Member Froehlich, to modify to meet the needs of the Council by supporting the adoption of the Ordinance, adding a sunset clause, looking at the program annually, and creating an advisory committee to look at upcoming projects. The City Attorney provided clarification by reporting this ordinance only creates the system for the program but does not address fees or the creation of an advisory committee. Fees will be addressed with Agenda Item I.3 and the creation of an advisory committee will be presented at a future council meeting. Council Member Froehlich withdrew his "second" of the motion; Council Member Reyes withdrew her motion.**

**A motion was made by Council Member Reyes, seconded by Council Member Froehlich, adopting Ordinance No. 3298. The motion carried by the following vote:**

**Nay:** 2 - Council Member Robinson and Mayor Pro Tem Fuller

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

### H.3

**Conduct a public hearing and consider adopting Ordinance No. 3308 amending the development regulations of Planned Development No. 79 (PD-79), relating to development standards (Driveway Coverage, Fence Height, Chimneys, New Construction Materials, Garage Doors, and Screening Mechanical Equipment), and take appropriate action.**

Andy Gillies, Director of Planning, reported there are six areas affected by the

proposed amendments: front yard setbacks, driveway coverage, fence height, chimneys, garage doors, and solar panels.

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

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

#### H.4

**Conduct a public hearing and consider adopting Ordinance No. 3301 amending a Specific Use Permit to allow for beer and wine sales for off-premises consumption and a vehicular fuel station for Lot 1, Block 1, Exxon No. 6-2649 Addition, commonly known as 13115 Stemmons Freeway, located within Planned Development No. 24 (PD-24) zoning district and take appropriate action.**

Mr. Gillies reported the applicant is seeking to amend their existing Special Use Permit (SUP) for this site to allow beer and wine sales for off-premise consumption. The Planning & Zoning Commission voted not to recommend approval of the amended SUP as described in the proposed ordinance.

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

**A motion was made by Council Member Reyes, seconded by Council Member Robinson, that this Ordinance be adopted. 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

#### H.5

**Conduct a public hearing and consider adopting Ordinance No. 3302 amending a Specific Use Permit to extend an existing telecommunications tower to 84 feet and to add additional equipment for Lot 5, Block 7, Valwood Park Farmers Branch, Phase 2, commonly known as 13850 Diplomat, located within Planned Development No. 22 (PD-22), and take appropriate action.**

Mr. Gillies reported the applicant is requesting permission to extend the height of an existing telecommunications tower from 70 feet to 84 feet.

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 Deputy Mayor Pro Tem Connally, that this Ordinance be adopted. 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****G.2 Consider adopting Ordinance No. 3294 approving the 2014 tax roll certified by the Dallas Central Appraisal District and take appropriate action.**

Council Member Robinson asked the chart showing the historical perspective of the City's Total Property Values since 1990 be presented.

**A motion was made by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, that this Ordinance be adopted. 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.3 Consider adopting Ordinance No. 3303 abandoning all right, title and interest in a 3.8491 acre portion of street right-of-way dedication located in the Dallas County Community College District (DCCCD) Brookhaven College Addition, City of Farmers Branch, Texas, for the land purchase for the proposed Fire Station #2 site and take appropriate action.**

Mayor Pro Tem Fuller voiced concern that this property has been maintained for 30 years as a park and that a previous legal determination indicated the property belonged to the City.

City Attorney Pete Smith reported a recent title search has revealed the City only owns a dedicated street right-of-way. Council has recently authorized the City Manager to purchase this property from the College. As part of the closing process, in order to purchase the land from the College, abandonment of the right-of-way dedication is needed.

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

**Nay:** 2 - Council Member Reyes and Mayor Pro Tem Fuller

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

**G.6 Consider approving Resolution No. 2014-080 authorizing the City Manager to negotiate and execute a contract for medical stop-loss insurance coverage in an amount not to exceed \$410,000 and take appropriate action.**

Brian Beasley, Human Resources Director, reported employees & retirees pay 31%, and the City picks up 69% of the cost. Council Member Reyes asked if the proposed City clinic would be available for employee and retiree use. Mr. Beasley reported it would be available for both.

**A motion was made by Council Member Robinson, 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.1**

**Consider adopting Ordinance No. 3306 amending the City's Operating and Capital Improvement Program Budget for the 2013-14 fiscal year and take appropriate action.**

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

**I.2**

**Consider adopting Ordinance No. 3297 amending the Farmers Branch Code of Ordinances, Appendix A - Fee Schedule, relative to fees established pursuant to Chapter 50 "Parks and Recreation," Article II "Rules and Regulations," Section 50-41 "Parks and Recreation User Fees"; and, Chapter 86 "Utilities," Article IV "Service Rates and Billing Procedure," Section 86-276 "Water Service Rates," and Section 86-277 "Sewer Rates," and take appropriate action.**

**A motion was made by Council Member Robinson, seconded by Council Member Froehlich, that this Ordinance be adopted. 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 adopting Ordinance No. 3299 amending the City's Code of Ordinances, Chapter 86, "Utilities", Article VII, "Municipal Drainage Utility System", by adding Division 2, "Municipal Drainage Utility System Fee Schedule" establishing a municipal drainage utility system fee, and take appropriate action.**

Charles Cox reported the municipal drainage utility system fee provides for reimbursement to the general fund for the cost of the Storm Water Utility Study and cost of water rights consulting, therefore if the fee is not approved the proposed FY 2014-2015 budget would have to be amended to make up for this.

**A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Fuller, to deny Ordinance No. 3299. Motion failed with the following vote:**

**Aye:** 2 - Mayor Pro Tem Fuller, Council Member Robinson

**Nay:** 3 - Council Member Reyes, Council Member Froehlich, Deputy Mayor Pro Tem Connally

**A motion was made by Council Member Froehlich, seconded by Council Member Reyes, to approve Ordinance No. 3299 for year one, with a provision that a citizen committee be selected to annually review the municipal drainage fee schedule and projects beginning in the second year. The motion carried by the following vote:**

**Nay:** 2 - Council Member Robinson and Mayor Pro Tem Fuller



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

**I.4**

**Consider adopting Ordinance No. 3307 approving and adopting the Operating and Capital Improvement Program Budget for the 2014-15 fiscal year and take appropriate action.**

A motion was made by Council Member Froehlich, seconded by Council Member Reyes, adopting Ordinance No. 3307 as presented, approving and adopting the 2014-15 fiscal year budget. Motion failed with the following vote:

**Aye:** 2 - Council Member Reyes, Council Member Froehlich

**Nay:** 3 - Mayor Pro Tem Fuller, Deputy Mayor Pro Tem Connally, Council Member Robinson

A motion was made by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, adopting Ordinance No. 3307 with modifications to include keeping the tax rate at .602267 and to budget organizational funding requests in the amount of \$277,475. After some discussion regarding organizational funding requests, Council Member Robinson amended his motion, seconded by Council Member Reyes, adopting Ordinance No. 3307 with the modification to include keeping the tax rate at .602267 and to adjust budget documents as required to reflect such. The motion carried by the following vote:

**Nay:** 2 - Council Member Froehlich and Council Member Reyes

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

**I.5**

**Consider approving Resolution No. 2014-076 ratifying the property tax revenue increase reflected in the 2014-15 fiscal year budget and take appropriate action.**

A motion was made by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, that this Resolution be approved with the update showing the adopted budget will raise more revenue from property taxes than last year's budget by an amount of \$3,548,600, which is a 16.69% increase from last year's budget. The motion carried by the following vote:

**Nay:** 1 - Council Member Reyes

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

**I.6**

**Consider adopting Ordinance No. 3304 to levy and adopt the tax rate for Fiscal Year 2014-15 and take appropriate action.**

A motion by Mayor Pro Tem Fuller, seconded by Council Member Froehlich, that the property tax rate be increased by the adoption of a tax rate of \$0.602267, which is effectively a 15.49 percent increase in the tax rate. Motion passed with all ayes.

A motion was made by Deputy Mayor Pro Tem Connally, seconded by Mayor Pro Tem Fuller, that this Ordinance be adopted. 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. 2014-067 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 14616 Southern Pines Drive and take appropriate action.**

A motion was made by Mayor Pro Tem Fuller, 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.8 Consider approving Resolution No. 2014-068 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 14527 Tanglewood Drive 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.9 Consider approving Resolution No. 2014-072 adopting a Detailed Site Plan for a 3.7 acre site described as Lot 2A, Block 7, Valwood Park Farmers Branch, Phase Two, an Addition to the City of Farmers Branch, commonly known as 2170 Diplomat Drive, located within Planned Development No. 22 (PD-22) zoning district 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.10 Consider approving Resolution No. 2014-073 to amend the Site Plan for Lot 1, Block 1, Hutton Valley Distribution Center Addition, commonly known as 2005 Valley View Lane, located within Planned Development No. 77 (PD-77) zoning district and take appropriate action.**

A motion was made by Council Member Reyes, 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

**J. EXECUTIVE SESSION**

There were no Executive Session items on this agenda. No action was taken.

**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 10:25 pm.

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Bob Phelps, Mayor

ATTEST:

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Angela Kelly, City Secretary