



# City of Farmers Branch Meeting Minutes City Council

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

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**Tuesday, October 11, 2022**

**6:00 PM**

**Council Chambers**

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Council Present: Council Member Omar Roman, Council Member Michael Driskill, Council Member Richard Jackson, Mayor Pro Tem David Merritt

Council Absent: Mayor Robert Dye, Deputy Mayor Pro Tem Traci Williams

Staff Present: Interim City Manager John Land, Assistant City Manager Benjamin Williamson, City Secretary Stacy Henderson, Assistant City Secretary Argie Ree Potter, City Attorney Braden Metcalf, Police Chief David Hale, Fire Chief Daniel Latimer, Director of Human Resources Brian Beasley, Director of Public Works Marc Bentley, Director of Sustainability & Health Shane Davis, Director of Planning & Economic Development Allison Cook, Director of Finance Sherrelle Evans-Jones, and Director of Communications Jeff Brady

## **CALL TO ORDER - STUDY SESSION**

Mayor Pro Tem Merritt called the meeting to order at 3:00 p.m.

### **A.1 Discuss regular agenda items.**

Council Member Roman had a question on Agenda Item H.7 (Liaison to Metrocrest Hospital Authority) asking if Deputy Mayor Pro Tem Williams had already been appointed to this Board. City Secretary Stacy Henderson noted that an appointment had not been made.

City Council discussed the vacancy on the Planning and Zoning Commission and determined they would postpone discussion until all Council members were present, and had additional time to review the eligible applicants and their information submitted. The Council agreed to promote Planning and Zoning Alternate 1 to a regular member position, and Alternate 2 to the Alternate 1 position.

### **A.2 Receive Parks and Recreation Board Biannual Update**

Parks and Recreation Board Chair Bob Stewart gave a presentation on the Parks and Recreation mission, events, attendance, and future projects. Council thanked the board for their service and commitment.

Mr. Stewart handed out a survey by the National Parks Association discussing the benefits of parks for a community.

### **A.3 Review Proposed Updates to the Property Maintenance Code and Business Code.**

Deputy Director of Neighborhood Services Leo Bonanno gave a presentation on various code topics beginning with recycling cart storage, noting that recycling carts could not currently be stored in the front yard of a property. Mr. Bonanno asked for clarification identifying the location of front yard storage for properties that have irregular shaped homes.

Council Member Jackson preferred keeping the cart from public view, not having it visible from the street and making the code easier and more uniform for all residents. Council Member Driskill noted he was in favor of the current language. Council Member Roman and Mayor Pro Tem Merritt were in favor of proposed amendments where carts were not allowed between the primary structure and an adjacent street.

Mr. Bonanno explained that rain barrels were currently prohibited under the outside storage regulations. Mr. Bonanno reviewed examples of acceptable types of rain barrels and discussed the best way to determine compliance during inspections would be with a height requirement rather than gallon size. He noted that staff consulted with the Sustainability Committee to create the proposed regulations.

The City Council discussed rain barrels, expressed concerns about maintenance, mosquitoes, and enforcement. Council Member Jackson preferred the rain barrels be stored in the back-yard area and asked that other cities be polled to determine regulations being used.

Mr. Bonanno discussed various property maintenance violations that require permitting, such as roof repairs, driveway and parking lot repairs, window and door replacement, and electrical and plumbing work. The requirements for those repairs were located within the Building Code that were highly technical in nature and he recommended more generic language be placed in the Property Maintenance Code to assist staff and citizens. The City Council was in agreement with this change.

Mr. Bonanno discussed garage sales noting that in addition to creating a registration requirement, he also recommended that regulations be removed from Chapter 62 and 58 and be placed in Chapter 26, the City's Business Code. Council discussed enforcement related to garage sales. Mr. Bonanno noted that Code Enforcement staff would be able to register citizens immediately on site should they not have registered their garage sale, and Animal Services staff would assist with enforcement on the weekends. The City Council was in agreement with staff moving forward with the proposed changes.

Mr. Bonanno explained that currently there were no regulations for home occupation and discussed definitions, regulations, and allowable and prohibited uses to be added as home occupation regulations.

Council Member Jackson discussed traffic/parking and outside storage examples that could be associated with home occupation. Mr. Bonanno and City Attorney Braden Metcalf discussed various situations that could be enforced by Code Enforcement staff and other situations that would be a civil or police related matter.

The City Council was supportive of the regulations proposed, but wanted additional time to review and clarify regarding definitions and enforcement.

#### **A.4 Discuss converting residential addresses in the 75244-zip code to the 75234-zip code.**

Intern in the City Manager's office James McDonald gave a presentation on changing the 75244-zip code for residential properties only in Farmers Branch. Mr. McDonald discussed how the zip code change could potentially affect Farmers Branch residents and residents that conduct business from their homes. Mr. McDonald noted that the post office had the ability to change the zip code for residential properties only for an area, but preferred to make the change as a whole to residential and commercial properties.

Council Member Jackson read a letter received from an impacted resident, Jonathan Smith, located within the 75244-zip code. It was explained that a situation occurred that caused an error in his address related to a security matter because the 75244-zip code was also associated with the City of Dallas.

The Council stated that they would like more input from citizens before discussing the item further and making any changes.

**A.5 Discuss criteria for the Neighborhood Partnership Programs, including the Dallas County Housing Program.**

Director of Economic Development and Planning Allison Cook gave a presentation on the Neighborhood Partnership Program explaining the elements involved with a repair program and the amount of staff needed. Ms. Cook noted that the City of Carrollton had three full-time staff members dedicated to their repair program, and currently the City did not have adequate staff to run a program of this size.

Interim City Manager John Land suggested reaching out to Metrocrest Services to determine if there was interest in supporting this program.

Ms. Cook also discussed the Dallas County Housing Program that has partnered with the City through ARPA funds to continue the County's existing housing replacement program. Ms. Cook introduced James Armstrong with Builders of Hope, who will be working with Dallas County to rebuild 20 homes in the target area that are designated beyond repair. Ms. Cook explained that the City would receive \$5 million in ARPA funding for this project.

Council Member Jackson asked the target location area. Ms. Cook noted the proposed target location was north of Valley View Lane, west of Josey Lane, south of Valwood Parkway, and east of Bee Street.

The City Council thanked Mr. Armstrong and Builders of Hope for their partnership. Ms. Cook explained that she would bring back an Interlocal Agreement for consideration at a future date.

**A.6 Discuss future agenda items.**

Council Member Roman asked that the Viva Farmers Branch event be considered to be a multicultural event.

**B. EXECUTIVE SESSION**

**B.1 Council may convene into closed Executive Session pursuant to Section 551.089(1) of the Texas Government Code to deliberate regarding security devices concerning security assessments or deployments relating to information resources technology.**

**Council may convene into closed Executive Session pursuant to Section 551.087 of the Texas Government Code to discuss economic development incentives for Project Harbor.**

**Council may convene into closed Executive Session pursuant to Section 551.074 of the Texas Government Code to discuss the City Manager recruitment process.**

The City Council convened into Executive Session at 5:22 p.m.

**CALL TO ORDER - REGULAR MEETING**

Mayor Pro Tem Merritt called the meeting to order at 6:00 p.m.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Merritt lead the Invocation and Pledge of Allegiance.

**CEREMONIAL ITEMS**

**E.1 Presentation of a proclamation designating the month of October 2022 as "Fire Prevention Month" in Farmers Branch.**

Mayor Pro Tem David Merritt presented a proclamation designating the month of October 2022 as "Fire Prevention Month." Fire Chief Daniel Latimer introduced Assistant Fire Chief Tim DeDear and the Fire Prevention team. Assistant Chief DeDear read a statement regarding fire prevention.

**E.2 Consider accepting a donation of \$1,985.89 to fund a park bench in memory of Barbara Dale Johnson; and take appropriate action.**

Mayor Pro Tem Merritt read a letter from the family of Barbara Dale Johnson honoring her memory with a donation of a park bench.

**A motion was made by Mayor Pro Tem Merritt, seconded by Council Member Driskill, to accept a donation of \$1,985.89 to fund a park bench in memory of Barbara Dale Johnson. The motion carried by the following vote:**

Aye: 4 Council Member Roman, Council Member Driskill, Council Member Jackson and Mayor Pro Tem Merritt

**F. MAYOR AND CITY MANAGER'S REPORT ON ITEMS OF COMMUNITY INTEREST**

Director of Communications Jeff Brady gave the City Manager's report on behalf of Interim City Manager John Land.

**G. CITIZEN COMMENTS**

Rick Johnson, Harley Drive, expressed a concern that Council Member Traci Williams was no longer living in her district and should be required to step down from her Council seat.

City Council recessed and went into executive session at 6:25 p.m.

City Council returned from executive session at 6:39 p.m. City Attorney Braden Metcalf announced that Council Member Williams had recused herself from the remainder of the meeting pending more information to be obtained.

Dennis Adams, 3521 Pebble Beach Drive, discussed Council comments to citizens, and the Council working together to accomplish their goals.

Candace Adams, 3521 Pebble Beach, discussed Council comments to citizens and Council behavior.

Betty Supinski, 13232 Kerr Trail, read an email into the record received from Mayor Dye.

Rob Bliss, 3809 Wooded Creek, discussed an upcoming Farmers Branch Chamber event.

James Lockridge, 11771 Mira Lago, discussed code compliance and Council behavior.

**H. CONSENT AGENDA**

**H.1 Consider approving the following City Council meeting minutes; and take appropriate action.**

- September 13, 2022 Work Session Meeting
- September 20, 2022 Regular Meeting
- September 27, 2022 Special Meeting

**H.2 Consider approving Resolution No. 2022-124 denying Oncor Electric Delivery Company LLC's application to change rates within the City of Farmers Branch; and take appropriate action.**

**H.3 Consider approving Resolution No. 2022-134 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3165 Golfing Green Drive; and take appropriate action.**

- H.4 Consider approving Resolution No. 2022-137 authorizing an agreement with SHI Government Solutions for Managed Detection and Response Services and Vulnerability Management Services through the State of Texas Department of Information Resources (DIR) contract number DIR-TSO-4288 for a three-year term, subject to annual appropriations; and take appropriate action.**
- H.5 Consider approving Resolution No. 2022-139 affirming the appointment of a shared Board Member with the City of Plano to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors; and take appropriate action.**
- H.6 Consider approving Resolution No. 2022-135 for a Detailed Site Plan for The Station, a One-Family Attached or townhome development, on approximately 1.007 acres tract of land located at 3940 Spring Valley Road, generally east of the intersection of Spring Valley Road and Vitruvian Way and on the south side of Spring Valley Road; and take appropriate action.**
- H.7 Consider appointment to the Planning and Zoning Commission, and a City Council liaison appointment to the Metrocrest Hospital Authority; and take appropriate action.**
- H.8 Consider approving Resolution No. 2022-133 authorizing the Interim City Manager to enter into a Microsoft Enterprise Volume Software License Agreement with SHI Government Solutions, utilizing the Department of Information Resources (DIR) contract number DIR-TSO-4092 for a three-year term subject to annual appropriations; and take appropriate action.**

City Attorney Braden Metcalf noted a change to the Consent Agenda related to Agenda Item H.7 stating that an appointment to the Planning and Zoning Commission would be tabled to the next meeting, but the remaining items on the Consent Agenda would remain as presented.

**A motion was made by Council Member Driskill, seconded by Council Member Jackson, to approve the Consent Agenda. The motion carried by the following vote:**

Aye:4 Council Member Roman, Council Member Driskill, Council Member Jackson, and Mayor Pro Tem Merritt

## **I. PUBLIC HEARINGS**

There were no public hearings scheduled for this meeting.

## **J. REGULAR AGENDA ITEMS**

### **J.1 Receive an Economic Development video update.**

Director of Economic Development and Planning Allison Cook showed a video recognizing the efforts of the Economic Development and Tourism Department, as well as earning an all-time high of \$295,000 in hotel tax revenue.

City Council thanked Ms. Cook and discussed the departments exceptional achievement after such a challenging environment.

### **J.2 Receive an update on the Texas Department of Transportation I-35 Phase 2 Project from TXDOT staff.**

Nolan Del Hierro with TxDOT, provided a construction update and overview of the I-35 phase 2 project. He reviewed the background of project, project timeline and current construction activity, utility relocation, traffic control, and temporary detours. Mr. Del Hierro spoke regarding the stockpile currently located on IH-635 along Josey Lane and Webb Chapel. He explained that watering had been increased and a sprinkler system was also installed watering twice daily to assist in alleviating dust blowing from the stockpile.

The following individuals requested to speak:

Kirk Manly, 2936 Sunbeck, stated the stock pile was an eyesore with trash and debris, created a health hazard by spreading dust to the nearby residential neighborhoods, and was a detriment to Farmers Branch.

Lockett Manly, 2936 Sunbeck, explained that the stockpile was blowing dust into the residential neighborhood in large amounts and brought samples from her yard. She noted that the neighborhood had met with TxDOT regarding the stockpile and in response, they had begun lowering the height. Ms. Manly was concerned about the possible long-term health issues from particulate matter within the stockpile.

Amanda Garza, 2938 Sunbeck Circle, explained the health concerns with her family since the stockpile appeared. She stated that her home was covered in the dust matter and additional measures need to be taken to assist the neighborhood with this problem.

Council Member Roman asked the time frame to remove the stockpile, the length of time that watering was occurring, and how the property was being maintained.

Nolan Del Hierro and Travis Kralicke from Lone Star Construction noted that watering occurred twice a day for approximately 45 minutes each. Trash and debris were removed from inside the fenced area, and the pile would not be completely removed until Summer of 2023. Council Member Roman stated that the amount of watering was not adequate to keep the dust from blowing from this site, and the time frame to move the pile was not acceptable. Mr. Kralicke noted that it would take some time and funding to remove the stockpile from that location. Council Member Roman would like for the City and TxDOT to work together to find a solution, as the current solution provided by TxDOT was not acceptable.

Council Member Driskill discussed a meeting that took place approximately nine months ago with TxDOT where it was stated that watering would begin at that time, but only started a few weeks ago. Council Member Driskill asked what other options were available to prevent the dust created from the stockpile. Director of Sustainability & Public Health Shane Davis suggested a watering truck be used to keep the dust down as well as planting vegetation around the perimeter and slope areas.

Council Member Jackson stated that the location for the stockpile was a convenience for TxDOT but the neighborhood was suffering. Council Member Jackson asked what particle material was in the stockpile and requested TxDOT obtain samples to understand exactly what was in the dust particles. He also noted that TxDOT was responsible for the areas outside the fence along the frontage road and asked that the area be maintained free of trash and debris. Lastly, Council Member Jackson asked that TxDOT be a better partner with the City of Farmers Branch to resolve this problem.

Mayor Pro Tem Merritt explained that TxDOT was responsible for watering of the stockpile and needed to make a better effort at containing the dust from this site. He also asked why the sprinkler system was not installed sooner and urged TxDOT to be a better partner and come up with a solution to satisfy Council and the residents.

Interim City Manager John Land asked TxDOT let City staff know when they will be meeting with residents in the future so the City can be in attendance.

**J.3 Consider approving Resolution No. 2022-112 authorizing a contract with Klutz Construction, LLC for Cooks Creek Channel Improvements; and take appropriate action.**

Director of Public Works Marc Bentley provided background on the Cooks Creek Channel Improvement project and explained that the bids received were over the grant amount awarded, however funds had been allocated in the budget for the remaining amount. Mr. Bentley noted that this project would remove approximately 46 homes from the flood plain area.

**A motion was made by Council Member Jackson, seconded by Council Member Roman, to approve the Resolution as presented. The motion carried by the following vote:**

Aye: 4 Council Member Roman, Council Member Driskill, Council Member Jackson and Mayor Pro Tem Merritt

**J.4 Consider adopting Ordinance No. 3766 amending the Farmers Branch Code of Ordinances, Appendix A - Fee Schedule, relating to fees established pursuant to Chapters 86 “Utilities”, Article IV “Service Rates and Billing Procedure”, Section 86-276(a) “Water Service Rates”, to address a temporary rate and take appropriate action.**

Director of Finance Sherrelle Evans-Jones followed up on the water base rate reduction for town homes that were on a shared meter. Ms. Evans-Jones explained that 296 units that were served by 12 different accounts, would be manually adjusted to obtain the water rate reduction that all residential units will receive.

Colleen Ruileen, 3223 Whispering Oak, stated that she appreciated meeting with City staff and would appreciate Council support for this item.

**A motion was made by Mayor Pro Tem Merritt, seconded by Council Member Driskill, that the Ordinance be approved as presented. The motion carried by the following vote:**

Aye: 4 Council Member Roman, Council Member Driskill, Council Member Jackson and Mayor Pro Tem Merritt

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

A motion was made by Council Member Roman, seconded by Council Member Jackson that the Interim City Manager be authorized to negotiate and execute on behalf of the City an economic development incentive agreement for Project Harbor, including any amendments or instruments relating thereto, which provides a waiver of 50% of the permit fees and ten (10) annual grants equal to 100% of the incremental increase in the property taxes provided the company demolishes the existing multifamily complex at 13314 Goodland Street and constructs thereon a new multifamily complex consisting of approximately 68,000 square feet of space, structured parking and a minimum of 160 dwelling units with commencement of construction to begin September 1, 2023 and completion to occur September 1, 2025. The motion carried by the following vote:

Aye: 4 Council Member Roman, Council Member Driskill, Council Member Jackson and Mayor Pro Tem Merritt

**ADJOURNMENT**

The meeting was adjourned at 8:02 p.m.

Approved by: \_\_\_\_\_  
Mayor Pro Tem David Merritt

Signed by: \_\_\_\_\_  
Stacy Henderson, City Secretary