



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, July 23, 2019

6:00 PM

Council Chambers

Study Session Meeting to be held at 2:00 p.m. in the Study Session Room with a Dinner Break at 5:15 p.m.

Absent: 1 - Mayor Robert Dye

Presiding: 1 - Mayor Pro Tem John Norwood

Present: 4 - Deputy Mayor Pro Tem Terry Lynne, Council Member Mike Bomgardner, Council Member Cristal Retana and Council Member Bronson Blackson

Staff: - City Manager Charles Cox, Deputy City Manager John Land, Director of Economic Development Amy Piukana City Secretary, City Attorney Peter G. Smith, City Attorney Kevin Laughlin, Director of Economic Development Allison Cook, Director of Human Resources Brian Beasley, Director of Library Denise Wallace, Building Official Hugh Pender Building Official, Director of Fleet & Facilities Kevin Muenchow, Director of Public Works Marc Bentley, Director of Information Services Mark Samuels, Director of Economic Development Benjamin Williamson, Director of Sustainability & Health Shane Davis, Fire Chief Steve Parker, Director of Planning & Zoning AICP Tina M. Firgens, Director of Communications Tom Bryson and Police Chief David Hale

A. CALL TO ORDER - STUDY SESSION (2 P.M.)

Mayor Pro Tem Norwood called the meeting to order at 2 p.m., noting he would recuse himself in accordance with the City's Ethics Policy on Agenda items A.3 and K2. He explained Deputy Mayor Pro Tem Lynne would preside over the meeting during those items.

A.1 19-309

Discuss regular City Council meeting agenda items

Council Member Blackson asked to remove Agenda Item I.3 from Consent and place it under Regular Agenda Items. He asked for clarification on Agenda Item J.1, (Curfew Ordinance) if it would be beneficial to change curfew times to match CFBSID daytime curfew 9 a.m. to 4 p.m.

Chief Hale replied stating CFBSID currently utilizes truancy laws for daytime curfew.

Deputy Mayor Pro Tem Lynne and Council Member Bomgardner stated they are opposed to adding a daytime curfew noting it would be too restrictive.

Council Member Bomgardner asked for clarification regarding K.1 (Entrance Signs) on the bid process.

Mayor Pro Tem Norwood asked why the cost was so much higher at the Josey Lane location.

Deputy City Manager John Land explained the cost is higher due to electrical access.

Director of Public Works Marc Bentley explained the only bid the City received was from Groves electric.

Council Member Blackson suggested having the work done in house, by City Staff.

Deputy City Manager John Land explained the City does not employ a licensed electrician and would need to contract this portion out.

Deputy Mayor Pro Tem Lynne asked if the applicant is still in good standing on Agenda Item I.4 (Demo Rebuild).

Deputy City Manager John Land replied to date, the applicant is in good standing.

A.2 19-339

Discuss Nonprofit Organizational Funding Requests

Deputy City Manager John Land briefed City Council regarding this item.

| Organization | FY Approved | 17-18 | FY 18-19 Approved | FY 19-20 Reques |
|------------------------------------|------------------|-------|-------------------|------------------|
| The Family Place | \$5,000 | | \$10,000 | \$10,000 |
| Farmers Branch Chamber of Commerce | \$60,000 | | \$40,000 | \$40,000 |
| Just Because | N/A | | N/A | \$5,000 |
| Keep Farmers Branch Beautiful | \$5,000 | | \$15,000 | \$15,000 |
| Metrocrest Chamber of Commerce | \$7,500 | | \$10,000 | \$10,000 |
| Metrocrest Services | \$195,000 | | \$205,000 | \$205,000 |
| The Woven Clinic | \$15,500 | | \$20,000 | \$20,000 |
| TOTALS: | \$292,000 | | \$300,000 | \$305,000 |

Deputy Mayor Pro Tem Lynne asked for a Farmers Branch Chamber membership list so he can review membership trends.

Council Member Bomgardner and Mayor Pro Tem Norwood had concerns, noting the City needs to have a strategy with guidelines to use when choosing nonprofit funding.

Council Member Retana noted the cities have limited funding and some of the organizations such as (Just Because) targets specific areas, and she stated we need to have guidelines to our selection of nonprofit funding requests.

Council Member Bomgardner and Mayor Pro Tem Norwood suggested having a process to allow requestors compete for the nonprofit funds.

The City Council stated they would discuss nonprofit funding more in depth at the City Council retreat in August.

A.3 19-352**Discuss Farmers Branch Creek improvement options**

Mayor Pro Tem Norwood recused himself from discussion on this item due to a conflict of interest.

Director of Public Works Marc Bentley briefed City Council regarding Farmers Branch Creek. Mr. Bentley noted this is a multi-step approach with a common denominator to restore banks along the creek and evaluate operations. He explained the projected cost would be \$1,086,000 out of the General Fund Balance. He reviewed the following: Engineering Study Peer Review, Slow Change Storm Water Flow, Brookhaven College Detention Pond Review, Drainage Plan Development & Timing, Bag Wall Program 50/50, Bank Vegetation/Stabilization Critical, ongoing Ownership/Maintenance (PID) One year warranty (after construction), and Permanent Easements (Flumes & New Structures). He explained the City is trying to meet a September 1st deadline, noting we need to adopt by September 1st. He stated his goal is to have a drainage plan by the end of this year.

Deputy Mayor Pro Tem Lynne asked who is responsible for the maintenance, after repairs.

Council Member Retana suggested creating an emergency fund for issues like these. She agreed due to financial constraints, residents should not be responsible for repairs.

Mr. Bentley stated we need to protect assets, control erosion and stabilize banks. He explained this is a multi-step approach and the projected cost is \$1,086,000 out of the General Fund.

The City Council discussed storm water fees, dredging, bag wall repair, erosion, dam failure, sand bar materials, vegetation, maintenance, retaining walls, and water flow.

Council Member Lynne asked if the Council approves the project, if we have enough to cover costs.

Mr. Bentley stated he has enough funds to cover this and he will budget in the storm water fund for future projects.

Mr. Cox stated the City Council could use the general fund \$1,086,000, or utilize future storm water funds to pay back the monies within the next 5 years. This concluded the discussion.

Mayor Pro Tem Norwood recessed for a break and reconvened into closed Executive Session at 3:40 p.m. under Texas Government Code Section 551.072 to deliberate regarding: - *Discuss the purchase, exchange, lease, or sale of real property located at 2710 Bay Meadows Circle, Farmers Branch, TX.*

The City Council reconvened into Study Session at 4:00 p.m.

A.4 19-285**Discuss proposed amendments to the Property Maintenance Code**

Community Services Manager Ramon Mendez briefed City Council regarding this item. Mr. Mendez explained staff is proposing to amend Section 56-44 relating to substandard properties to remove references to the Building and Standards Commission and the Housing Advisory and Appeals Board, to change the Municipal Court of Record No. 1 - City of Farmers Branch, to remove Section 56-81 (i) Maintenance standards for animals and pens and relocate to Chapter 18, remove Section 56-81 (n) Maintenance standards for swimming pools and spas and relocate to Chapter 34, amend Section 56-81 (l) Standards for fences to be maintained at (+/-10 degrees of center), amend Section 56-81 (l) Standards for the removal of dead trees to include a requirement that any tree removed shall include removal of the tree stump by grinding the stump to grade level, and Section 56-83 (n) Heating and cooling to add similar provisions as those for apartments (68 degrees for heat and 85 degrees for A/C).

The City Council discussed enforcement, stump location front and backyards, existing stumps, visibility, non enforcement of stumps located along creek, dead trees, stump grinding, incentives, notifications to the public, and public safety.

Mayor Pro Tem Norwood explained tree roots are necessary and should not be removed near the creek.

After discussion, the City Council agreed for staff to move forward drafting an ordinance which allows Code Enforcement to enforce front yard stump removal.

Council Member Retana suggested a new program to rehabilitate homes.

Council Member Lynne suggested staff obtain estimates on the cost to remove tree stumps and this information could be utilized for a rebate program.

A.5 19-319 Discuss the City's fence ordinance as it relates to subdivision fences

Director of Community Services Hugh Pender briefed City Council regarding this item. Mr. Pender explained the current regulations do not allow any deviation of the continuous design on individual private properties for materials, height, screening and/or privacy. He explained the Valley View Park HOA has approached the City regarding several areas that the current subdivision fence does not provide appropriate privacy, protection barrier, noise reduction and glare issues. The HOA has approved a standard design to address these unique situations on a property-by-property basis; however, the City's current fence regulations will not permit these items to be installed. Creating the concept of a secondary subdivision fence definition and associated regulations will be presented for consideration.

The City Council discussed hardships with the (Silver's and the Valley View HOA) and fence material replacement.

Mr. Pender explained the current ordinance does not address secondary fences and requires uniform fence materials and does not allow any deviation.

The City Attorney Braden Metcalf suggested having the Zoning Board of Adjustment (ZBA) review the case.

Mr. Pender suggests creating an option due to the age of the fence, to allow them to come forward with ZBA review. (He notes this will provide guidelines)

Mayor Pro Tem Norwood suggested staff review the wall at the Silver's property and set standards for the aging neighborhoods to allow them a more modern wall and concluded that the existing code ordinance does not need to be changed.

A.6 19-341 Discussion regarding proposed changes to accessory building regulations as provided for in the Comprehensive Zoning Ordinance

Director of Community Services Hugh Pender briefed City Council regarding this item. Mr. Pender explained the proposed amendments have three focus areas: 1) Remove the SUP requirement for accessory buildings; 2) Clarify and remove confusing regulations to assist with staff interpretation and administrative implementation and 3) Update related definitions within the ordinance.

| Regulatory Provisions | Current CZO | Proposed Amendment |
|--|--------------|---|
| Guest/Servants Quarter in R-1 or R-2 | Requires SUP | No Change |
| Bathroom in R-1 through R-6 and D-1 or D-2 | Requires SUP | No SUP required |
| Kitchen, cooking or food prep facility R-1 through R-6 and D-1 or D-2 | Requires SUP | Allowed only in guest/servants quarter with SUP in R-1 or R-2 |
| Accessory Structure (closed), i.e. one or more full wall, more than 120 sf | Requires SUP | Does not require SUP; max 200 sf allowed |
| Accessory Structure (open), i.e. no full wall, more than 200 sf | Requires SUP | Does not require SUP; max 600 sf allowed |
| Accessory Structure (detached) taller than 12' | Requires SUP | Removed SUP; restricted to one story/14' in height |
| Carports, garage or similar vehicle storage uses only - taller than 12' | Requires SUP | Removed SUP; restricted to 20' in height |
| Accessory Structure (detached) with roof pitch more than 12:12 | Requires SUP | Removed provision |

After discussion, the City Council had no issues with the proposed amendments.

A.7 19-310 Discuss agenda items for future City Council meetings

Council Member Bomgardner requested a future agenda item to discuss early registration options for Farmers Branch residents to attend the Branch Connection activities.

Mayor Pro Tem Norwood adjourned from Study Session at 5:10 p.m. and convened into closed Executive Session.

B. EXECUTIVE SESSION

B.1 19-320 Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate regarding:

Discuss the purchase, exchange, lease, or sale of real property located at 2710 Bay Meadows Circle, Farmers Branch, TX

Discuss the purchase, exchange, lease, or sale of real property located at 4337 Rubery Drive, Carrollton, TX

Discuss the purchase, exchange, lease, or sale of real property located north of 635, south of Valley View, west of Webb Chapel and east of I35

C. CALL TO ORDER - REGULAR MEETING (6 P.M.)

Mayor Pro Tem Norwood called the meeting to order at 6 p.m.

D. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Norwood led the invocation, Pledge of Allegiance and Pledge to the Texas Flag.

E. CEREMONIAL ITEMS

E.1 19-323 Consider accepting a donation of a “City in a Dog Park” bench for the Barney Wood Bark Park; and take appropriate action

Mayor Pro Tem Norwood recognized Abby and Alejandro Rojas for donating \$2,000 for a bench to be located at the Barney Wood Bark Park.

Motion made by Deputy Mayor Pro Tem Lynne to accept a donation in the amount of \$2,000 for a bench to be located at the Barney Wood Bark Park. Motion seconded by Council Member Retana. Motion approved unanimously.

E.2 19-324 Consider accepting a donation of a rock bench for the Barney Wood Bark Park; and take appropriate action

Mayor Pro Tem Norwood recognized Bob Stewart who donated \$2,000 for a rock bench for the Barney Wood Bark Park.

A motion was made by Council Member Blackson to accept a donation from Bob Stewart in the amount of \$2,000 for a rock bench for the Barney Wood Bark Park. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

E.3 19-331 Presentation of the Dave Blair Award to a Blair Elementary student

Mayor Pro Tem Norwood recognized Blair Elementary student Haylee Martinez who was the inaugural recipient of the Dave Blair Award.

F. REPORT ON STUDY SESSION ITEMS

Council Member Retana provided a summary on Study Session items.

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

City Manager Charles Cox provided a report on items of Community Interest.

H. CITIZEN COMMENTS

Resident Vicki Hairston expressed concerns regarding traffic at Ridgeoak and apartments and limiting speakers to 5 people noting it may not represent fair representation with all districts. She expressed concerns with time to question issues being reviewed by Council for vote. She also stated she has concerns with the creek, and asked how the City will handle the new legislation, which allows public input on all items.

I. CONSENT AGENDA

Mayor Pro Tem Norwood explained Agenda Item I.3, has been removed from consent and will be considered as a regular agenda item.

I.1 19-300 Consider approving minutes from the June 18, 2019 City Council meeting(s); and take appropriate action

I.2 R2019-82 Consider approving Resolution No. 2019-82 authorizing the City Manager to approve the purchase of six replacement vehicles in the total amount of \$159,698 from Caldwell Country Chevrolet through the Tarrant County Purchasing Cooperative; providing an effective date, and take appropriate action

I.3 R2019-95 Consider approving Resolution No. 2019-95 amending the development agreement between the City of Farmers Branch and CADG Mercer Crossing Holdings LLC; and take appropriate action
Moved to Regular Agenda

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- I.4 R2019-71 Consider approving Resolution No. 2019-71 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3135 Spur Trail; and take appropriate action
- I.5 R2019-83 Consider approving Resolution No. 2019-83 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 13015 Wilmington Dr.; and take appropriate action
- I.6 R2019-85 Consider approving Resolution No. 2019-85 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 14522 Southern Pines Dr.; and take appropriate action
- I.7 R2019-86 Consider approving Resolution No. 2019-86 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3546 Apple Valley Dr.; and take appropriate action
- I.8 R2019-87 Consider approving Resolution No. 2019-87 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 12806 Holbrook Dr.; and take appropriate action
- I.9 R2019-92 Consider approving Resolution No. 2019-92 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 14339 Tanglewood Dr.; and take appropriate action
- I.10 R2019-93 Consider approving Resolution No. 2019-93 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3000 Eric Lane; and take appropriate action

Motion made by Council Member Blackson to approve Consent Items I.1 through I.10, with the amendment to remove Consent Item I.3 to the Regular Agenda. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

J. PUBLIC HEARINGS

- J.1 ORD-3578 Conduct a public hearing to consider the continuance of Ordinance No. 3578, Curfew for Minors, as codified in Article II of Chapter 46 of the Code of Ordinances of the City of Farmers Branch; and take appropriate action

Deputy Police Chief Jay Siegel briefed City Council regarding this item. He explained the Curfew for Minors ordinance will expire on August 16, 2019 and Texas Local Government Code requires a home-rule municipality, before the third anniversary of the date of the adoption of a juvenile curfew and every third year thereafter: review the ordinance's effects on the community and on the problems the ordinance was intended to remedy; conduct public hearings on the need to continue the ordinance; and abolish, continue, or modify the ordinance. He reviewed the curfew hours for any person younger than 17 years old are 11:00 p.m. to 6:00 a.m., Sunday through Thursday, and 12:01 a.m. to 6:00 a.m., Saturdays and Sundays. The purpose of the curfew ordinance is to reduce criminal offenses committed by juveniles and reduce the number of juveniles victimized by perpetrators of criminal offenses.

Mayor Pro Tem Norwood opened the public hearing. There were no citizens that wished to speak.

Motion made by Council Member Bomgardner to close the public hearing and adopt Ordinance No. 3578, as presented. Motion seconded by Council Member Blackson. Motion approved unanimously.

J.2 ORD-3579

Conduct a public hearing and consider adopting Ordinance No. 3579 for a Specific Use Permit and associated Detailed Site Plan with Special Exceptions for two drive-through restaurants, a surface parking lot exceeding 50 cars, and on-premise alcohol sales located on the eastern portion of the property, for an approximately 1.59-acre tract located at 2425 Valley View Lane; and take appropriate action

Lead Planner Jenifer Paz briefed City Council regarding this item. Ms. Paz explained this request is to amend the approved SUP to allow for a drive-through and on premise alcohol sales for the restaurant on the eastern portion of the property. Additionally, the Detailed Site Plan is amended in order to reflect the addition of a drive-through lane for the eastern restaurant and a second point of access from the frontage road. She explained the property is zoned Planned Development District No. 86 (PD-86), also known as the Station Area Code, which requires approval of an SUP for any permitted use providing drive-through service, serving alcoholic beverages and surface parking for more than 50 vehicles.

Mayor Pro Tem Norwood opened the public hearing. There were no citizens that wished to speak.

After discussion, motion made by Deputy Mayor Pro Tem Lynne to close the public hearing. Motion seconded by Council Member Retana. Motion approved unanimously.

Motion made by Deputy Mayor Pro Tem Lynne to approve Ordinance No. 3579. Motion seconded by Council Member Bomgardner. A roll call vote was taken:

Aye: 4 - Mayor Pro Tem Norwood, Council Member Retana, Deputy Mayor Pro Tem Lynne, Council Member Bomgardner

Naye: 1 - Council Member Blackson

Motion passed 4-1.

J.3 ORD-3581 Conduct a public hearing and consider adopting Ordinance No. 3581 amending Planned Development No. 99 (PD-99), approximately 247.4 acres located generally on the south side of Valley View Lane, east and west of Luna Road, and approximately 19.5 acres located on the south side of LBJ Freeway, approximately 1,070 feet east of Luna Road, including amending Article III. Use and Building Envelope Standards, Article VIII. Administration, and Appendices, as it relates to development performance standards and uses; and take appropriate action

Lead Planner Jenifer Paz briefed City Council regarding this item. Ms. Paz explained the proposed amendments have three main focus areas:

1. Remove the SUP requirement for accessory buildings (except for guest/servants quarters) so that these buildings do not require Commission and Council approval;
2. Clarify and remove confusing regulations to assist with staff interpretation and administrative implementation; and
3. Update related definitions within the ordinance.

I.3 R2019-95 Consider approving Resolution No. 2019-95 amending the development agreement between the City of Farmers Branch and CADG Mercer Crossing Holdings LLC; and take appropriate action

Mayor Pro Tem Norwood stated Agenda Item(s) I.3, CADG Developers Agreement and J.4 would be discussed together, since they are related.

Council Member Blackson stated he is opposed, noting the Developer recently withdrew his hotel from the original plan City Council approved, which would have been a destination hotel for the area.

City Council discussed the developer's agreement effects, revenues, boardwalk area, and depth (5ft) of the water area.

Mayor Pro Tem Norwood opened the public hearing.

The following resident(s) wished to speak:

- Vicki Harrison spoke regarding her concerns with the developer not producing what was agreed upon, and had issues with no penalties and asked if the fountain feature was still be considered.
- Stanley Sackeyfio, spoke asking the benefits of the mixed-use hotel verses the use he is building. He asked if the City has reviewed the benefits of each use and what are the economic benefits.

Mr. Cox replied stating the City has reviewed the development and the builder has committed to the project.

Deputy Mayor Pro Tem Lynne noted the City reviews the benchmarks to ensure the Developer is meeting the guidelines, the developer will miss out on the tax incentive if they do not meet the guidelines. Deputy Mayor Pro Tem Lynne made a motion to close the Public Hearing. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

Deputy Mayor Pro Tem Lynne made a motion to adopt Ordinance No. 3581. Motion seconded by Council Member Bomgardner. A roll call vote was taken:

Aye: 4 - Mayor Pro Tem Norwood, Council Member Retana, Deputy Mayor Pro Tem Lynne, Council Member Bomgardner

Naye: 1 - Council Member Blackson

Motion passed 4-1.

- J.4 ORD-3582 Conduct a public hearing and consider adopting Ordinance No. 3582 amending the Comprehensive Zoning Ordinance including amending: Article 2.9. Accessory Uses and Structures as it relates to accessory buildings; and Article 7. Definitions as it relates to modifying existing definitions and/or adding definitions; and take appropriate action**

Director of Community Services Hugh Pender briefed City Council regarding this item.

Motion made by Council Member Blackson to close the public hearing and adopt Ordinance No. 3582, as presented. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

- J.5 R2019-81 Conduct a public hearing and consider approving Resolution No. 2019-081 for a Detailed Site Plan amendment for an amenity building to the existing office development on a 6.8-acre lot located at 14221 Dallas Parkway; and take appropriate action**

Lead Planner Jenifer Paz briefed City Council regarding this item. Ms. Paz explained the proposed improvements include a 1,693 square foot amenity building and landscaping, which will be located within the existing open space. She explained the proposed amenity building is considered an accessory use to the existing office development, International Plaza. The amenity building will provide a meeting room and outdoor patio with a grill that will be available only to the tenants of the office development. The existing development is made up of three lots including three office buildings and structured parking, comprising a total gross floor area of 1,173,100 square feet.

Mayor Pro Tem Norwood opened the public hearing. There were no citizens that wished to speak.

Motion made by Council Member Retana to close the public hearing and approve Resolution No. 2019-81. Motion seconded by Council Member Blackson. Motion approved unanimously.

- J.6 19 PL-05 Conduct a public hearing and consider a request from American Produce and Vegetable Company and Freshpoint Dallas, Inc for final plat approval of the Freshpoint Addition, a replat of all of Lot D, Block 2 White Swan Addition and part of Block B Metropolitan Industrial Park, Section 1, located at 4721 Simonton Road; and take appropriate action**

Senior Planner Jennifer Paz briefed City Council regarding this item. Ms. Paz explained American Produce and Vegetable Company and Freshpoint Dallas, Inc. have submitted a final plat of Freshpoint Addition. She explained this is a replat from Lot D, Block 2, White Swan Addition and part of Block B, Metropolitan Industrial Park Section 1, to Lot 1, Block A and dedicates the easements necessary for the redevelopment of the lot.

Mayor Pro Tem Norwood opened the public hearing. There were no citizens present that wished to speak.

Motion made by Council Member Blackson to close the public hearing and approve the final plat 19 PL-05, as presented. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

J.7 19 PL-02 Conduct a public hearing and consider a request from CADG Mercer Crossing Holdings, LLC. for final plat approval of Coventry Addition, located at the southeast corner of Mercer Parkway and Luna Road; and take appropriate action

Senior Planner Jenifer Paz briefed City Council regarding this item. Ms. Paz explained CADG Mercer Crossing Holdings, LLC. is the sole owner of an 18.66 acre tract of land currently within a portion of the Westside Addition. She explained the purpose of the final plat of Coventry Addition is to replat a portion of Block E, Westside Addition Section 1 in order to subdivide the property into 67 single-family residential lots, six open space lots, and dedicate rights-of-way and easements necessary for the development of the residential subdivision.

Council Member Retana asked if the amenities are open to all residents to west side, and requested a list of amenities are areas that will be open to the general public.

Ms. Paz replied stating amenities are open to residents within PD-99.

Mr. Michael Beaty spoke stating the trails are open to the general public, however; the amenity center would be limited to single family residents. He explained he would provide a list.

Mayor Pro Tem Norwood opened the public hearing. There were no citizens that wished to speak.

Motion made by Council Member Retana to close the public hearing and approve 19 PL-02, as presented. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

K. REGULAR AGENDA ITEMS

K.1 R2019-45 Consider approving Resolution No. 2019-45 authorizing a contract with Groves Electrical Services, Inc. for the installation of entry monument signs at various locations; and take appropriate action

Deputy City Manager John Land briefed City Council regarding this item. Mr. Land explained the City of Farmers Branch installed vertical entry monument signs designed by la terra studio in the median island at Marsh Lane and Ridgeoak Way. There are nine (9) remaining locations where entry monument signs are contemplated. Mr. Land explained after receiving initial bids, construction and installation costs had risen and the amount allocated for this project was insufficient to cover the remaining locations. As a second phase, the Public Works Department requested bids for entry monument signs at four intersections. He explained the proposed entry monument sign project is for the installation of vertical entry monument signs at two base bid locations and at two add-alternate locations. The base bid locations are at the intersections of Josey Lane and Villa Creek Drive, and at Valley View Lane and IH-35E. The add-alternate locations are at the intersections of Mercer Parkway at Valley View Lane, and at Valwood Parkway at Distribution Way.

The City Council discussed intersections, funding options and electrical needs.

Council Member Blackson suggested City Staff work with local fabricators to minimize costs.

Mr. Cox explained the City does not have an electrician on staff, and would have to contract this portion out.

After discussion, Council Member Bomgardner made a motion to approve Resolution No. 2019-45, as presented. Motion seconded by Council Member Retana. A roll call vote was taken:

Aye: 4 - Mayor Pro Tem Norwood, Council Member Retana, Deputy Mayor Pro Tem Lynne, Council Member Bomgardner

Naye: 1 - Council Member Blackson

K.2 19-355 Consider approving Farmers Branch Creek improvement options; and take appropriate action

Mayor Pro Tem Norwood recused himself from this item, due to a conflict of interest.

Director of Public Works Marc Bentley briefed City Council regarding this item. Mr. Bentley reviewed three proposed options by Freese and Nichols: Option A) Large Single Dam, B) Multiple Step Pools, C) Stable Stream. He explained the projected cost is \$1,035,000 out of the General Fund Balance. He stated the following are additional factors: Engineering Study 2nd Opinion, slow/change storm water flow (Brookhaven College/Mallon Park dredging), Drainage Plan Development and Timing, Bag Wall Program 50/50, Bank Vegetation/Stabilization, Ongoing ownership/maintenance (PID), and easement expansions.

Deputy Mayor Pro Tem Lynne asked for citizen comments:

- Ross Bumpus spoke expressing concerns of erosion of his back property, no drainage plan or retention plan. He asked that the water be reduced. He stated a 50% of bag wall payment might be difficult, noting storm runoff has been an issue.
- Todd Womble spoke requesting for education, noting storm water runoff affects the creek owners. He stated this is a citywide problem.
- Arla Rosenpal spoke with concerns of the bagwall, requested help with storm water runoff, she stated she would have issues with the 50/50 program due to the high cost to repair.
- Vicki Harrison expressed concerns of study session discussion and lack of citizen input. She had concerns of ownership of easements being transferred, had issues with public funds on private property. She had concerns with a 15% tax increase, maintenance of the creek, and decrease in property value. She stated Brookhaven property owners had a similar erosion issue; and the City did not assist. She had concerns with Study Session being limited and not enough time to discuss these issues. She asked for clarification on the projects and funds being spent to assist creek owners. She had concerns with Council Member Bomgardner not recusing himself from the discussion. She suggested more outreach to citizens to let them know prior to voting tonight.
- Guss Raymon spoke regarding creek wall failure, erosion, stagnant water, and suggested the City assist with repair funding.
- Anthony Lewis thanked the Council for assisting, noting he does not support the vegetation method and prefers to see the continuance of the rip raff bank. He explained his property could be devalued. He noted his current property has been devalued by \$85,000 and is unsellable at this point. He invited the City Council to tour his property again.
- James Harrison spoke opposed to a vote tonight, he noted not enough time spent with property owners, and need more time to discuss funding. He expressed concerns with easement rights and funding. He requests tabling this item.
- Beth Wood spoke regarding her concerns with flooding, drainage, and erosion.

Council Member Blackson asked audience members to indicate by show of hands if they received an anonymous flyer about the creek. Several audience members raised their hands.

- Micky Schuler spoke stating after the widening of the Marsh Bridge flooding has occurred. He expressed concerns with flooding, water runoff and water retention.

Deputy Mayor Pro Tem Lynne explained the city is in discussion with Addison and Brookhaven College to see what options are available to assist with a retention pond. He further stated the City Council recently took action to protect City infrastructure.

Council Member Bomgardner explained the 15% increase to the storm water fund would result in \$0.67 cents.

Council Member Blackson stated the City has assisted with funding for Cooks Creek in the past. He noted these property owners are experiencing major losses, and suggested the Council take action.

Council Member Retana stated erosion control is top priority and recommended the City obtain a long-range plan.

City Manager Charles Cox stated he has worked with Public Improvement Districts in the past, noting property owners may have issues with a PID assessment. He explained the City would assist with the maintenance of the drop structure. He explained the City needs to review a plan for maintenance and staff is working towards a plan.

Council Member Blackson asked residents if they would support vegetation maintenance of the creek.

Resident Anthony Lewis stated he would and noted he would provide the City with an easement to access his property.

The City Council recessed at 9:06 p.m. and reconvened 9:16 p.m.

Council Member Blackson made a motion to authorize the City Manager to take necessary actions to execute necessary documents to secure funding, contract for repairs, and negotiate with property owners to stabilize the erosion and insure maintenance of the banks of the Farmers Branch Creek on the property reach on or around the impacted area and any others as necessary in the amount not to exceed \$1,086,000 from General Fund reserves to be paid back over no more than 5 years from storm water utility fund reserves. Motion seconded by Council Member Retana. The motion was approved unanimously.

K.3 R2019-91

Consider approving Resolution No. 2019-91 authorizing the City Manager to enter into a contract with XIT Paving and Construction Inc., for the Brookhaven East Trail Project; and take appropriate action

Director of Environmental Health and Sustainability Shane Davis briefed City Council regarding this item. He explained City staff identified the completion of the trail along Brookhaven College from Rosser Road to New Castle Drive as an important short-term project. Brookhaven College has granted easements for the trail segment. He explained the City has contracted with la terra studio to provide design services for the development of construction documents. He explained the project provides a lengthy trail segment along the College's south and east property lines, which will provide a trail connection to the Cambridge Crossing neighborhood, and a trail adjacent to future Fire Station No. 2 and the Blue Lake development.

He further stated connections to the trail would be made to the Fire Station and adjacent parkland as well as new development in the Blue Lake area. The project will be funded by City bond and non-bond capital improvement funds and Dallas County. Mr. Davis explained XIT Paving and Construction Inc., (XIT) bid \$836,633.00, and has performed similar projects in the past and has provided adequate references.

Deputy Mayor Pro Tem Lynne made a motion to approve Resolution No. 2019-91, as presented. Motion seconded by Council Member Bomgardner. The motion was approved unanimously.

K.4 ORD-3575 Consider adopting Ordinance No. 3575 approving short-term rental regulations; and take appropriate action

Director of Community Services Hugh Pender explained agenda items K. 4, K.5, K.6 are all related and he will discuss them together. He stated at Council's direction, Staff prepared Ordinance No. 3575, which provides a pathway for regulating short-term rentals in Farmers Branch. He noted the current version of Ordinance No. 3575 incorporates items such as defining short-term rentals, creating a minimum rental duration and a fee/fine structure; provides a licensing requirement with associated fees and qualifiers for suspension and revocation of that license and linking short term rentals with the hotel occupancy tax. He explained staff sent out letters to all 44 short-term rental operators in Farmers Branch. The letter invited all short-term rental operators to provide feedback on the proposed ordinance and/or attend the July 23 City Council meeting. He noted Ordinance No. 3583 amends the Code of Ordinances allowing Taxation for Hotel Motel Tax, and Ordinance No. 3584 amends Appendix A adopting a fee schedule.

Council Member Bomgardner asked why the age was reduced to 21 years of age instead of 25 years of age requirement.

The City Attorney replied explaining after legal review, 21 years of age was more enforceable and that is the reason for the change.

Council Member Retana cautioned noting lawsuits could result similar to what the City of Austin has experienced.

Attorney Braden Metcalf replied stating he cannot guarantee the City will not face a lawsuit, however; he believes we are fully complying with all current laws.

The following citizens wished to speak:

- Richard Jackson spoke in support of the Ordinance. He expressed concerns with rental properties on his street, safety and trash.
- Judy McCullough spoke thanking the Council for considering the Ordinance. She expressed her concerns with a residence who is running a business out of their home.
- Barbara Wester spoke expressing concerns of vehicles parked in the street, and the use at the house, parties, noise, trash, and volumes of people.
- Sema Purukosa spoke stating this is an investment property; noting she applied for a rental license and her property does not have these issues. She stated many people invest money here in Farmers Branch and she feels the City is penalizing owners.

Council Member Blackson asked how a five-day rental requirement would affect their rentals.

Ms. Purukosa stated listing 5 to 7 days, would not affect her rentals.

- Vince Bradford spoke with concerns on the new ordinance, noting this is a supplemental income. He suggests managing rentals with strict guidelines and noted he rents out rooms but stays onsite during the rentals.

The City Manager suggested on the application to request if the manager would be onsite or offsite to track this type of information.

- Vicki Harrison spoke with concerns noting it would be complicated to manage if homeowner is at home during rentals. She asked that the City pass an ordinance to protect citizens.
- Stephanie and Jarod Robertson spoke noting they operate an AirBNB; she is opposed to the five-day minimum stay requirement.
- Amado Palovicini spoke regarding his concerns with AirBNB; concerning pornography, drug usage, traffic, and has safety concerns.

The City Council recessed at 10:52 p.m. for a break and reconvened at 10:55 p.m.

Mayor Pro Tem Norwood motioned to table Agenda Item K.4 to the next City Council meeting. Motion seconded by Council Member Blackson. The motion to table this item was approved unanimously.

K.5 ORD-3583 Consider adopting Ordinance No. 3583 amending the Code of Ordinances Article 78, Taxation by creating new definitions pertaining to short-term rentals in Section 78-76 Hotel/Motel Occupancy Tax; and take appropriate action

City Manager Charles Cox briefed City Council regarding this item. Mr. Cox explained the proposed Ordinance No. 3583 amends Section 78-76 of the Code of Ordinances (Hotel/Motel Occupancy Tax) to align with the adoption of Ordinance 3575 establishing a short-term rental registration program. The changes to 78-76 of the Code of Ordinances allows the enforcement and subsequent collection of the Hotel/Motel occupancy tax on short-term rental properties.

Motion made by Council Member Blackson to adopt Ordinance No. 3583, as presented. Motion seconded by Council Member Retana. The motion was approved unanimously.

K.6 ORD-3584 Consider adopting Ordinance No. 3584 amending Appendix A, Fee Schedule by amending Chapter 26 Businesses, adding Sections 26-503 and 26-506(c), establishing an annual license fee as well as a reinspection fee for short-term rentals; and take appropriate action

City Manager Charles Cox explained the proposed Ordinance No. 3584 amends Appendix A to include new fees created by the adoption of Ordinance 3575 establishing a short-term rental registration program. He noted the annual registration fee has been established at \$120.00 and a reinspection fee of \$50.00.

Motion made by Council Member Retana to adopt Ordinance No. 3584, as presented. Motion seconded by Council Member Bomgardner. The motion was approved unanimously.

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

Motion made by Deputy Mayor Pro Tem Lynne that the City Manager be authorized to negotiate and sign a contract and such other documents that are reasonable and necessary to sell and convey to Faris and Kiran Meghani for a sales price of not less than \$575,000 for the real property located at 4337 Rubery Drive, Carrollton, Texas. Motion seconded by Council Member Blackson. The motion was approved unanimously.

Motion made by Council Member Bomgardner that the City Manager be authorized to take such action on behalf of the City as may be reasonable and necessary to purchase, or authorize the purchase of Lot 8, Block B of Valley View Estates, 3rd installment, known as 3048 Primrose Lane for a purchase price not to exceed \$200,000 plus all closing and acquisition costs and to sign, or authorize the City's agent to sign, such other agreements, documents, and any amendments thereto, as the City Manager in consultation with the City Attorney deems reasonable and necessary with respect to the closing of said transaction. Motion seconded by Council Member Retana. The motion was approved unanimously.

M. ADJOURNMENT

Motion made by Mayor Pro Tem Norwood to adjourn the meeting. Motion seconded by Council Member Blackson. Motion approved by unanimous vote.

The meeting adjourned at 11 p.m.

