



# City of Farmers Branch

City Hall  
13000 Wm. Dodson Pkwy.  
Farmers Branch, TX 75234

## Meeting Minutes - Final City Council

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Tuesday, August 6, 2013

6:30 PM

Council Chambers

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### Study Session Meeting to be held at 4:00 PM in Study Session Room

#### A. STUDY SESSION

Mayor Glancy called the Study Session Meeting to order at 4:00 p.m.

**Presiding:** 1 - Mayor William P. Glancy

**Present:** 5 - Mayor Pro Tem Jeff Fuller, Deputy Mayor Pro Tem Kirk Connally, Council Member Ben Robinson, Council Member Harold Froehlich and Council Member Ana Reyes

**Staff:** 16 - Gary D. Greer, Peter G. Smith, Angela Kelly, Rachael Johnson, Tom Bryson, Charles Cox, Sidney Fuller, Jeff Harting, Allison Cook, Kevin Muenchow, Jim Olk, Steve Parker, Randy Walhood, Rick Chaffin, Mark Samuels and Brian Beasley

*Council Member Robinson arrived at 4:05 p.m.*

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

*G.4 - Mayor Glancy asked if there were any maintenance issues with the sanitary sewer system tunnel that is shared with the Town of Addison. Charles Cox, Finance Director, reported the costs are shared and there has only been routine maintenance required.*

#### A.2 **Receive an update on repurposing Farmers Branch Park for Senior Housing**

*City Council received a presentation from Blackard Global regarding a proposed mixed-use village development. After some discussion, the City Council directed the City Manager to have this put before the voters. City Administration will bring this to the August 20 City Council meeting.*

*Mayor Glancy read the agenda for Executive Session items J.1, J.2(a) and J.2(b).*

*The Study Session Meeting ended at 4:42 p.m.*

#### J. EXECUTIVE SESSION

*The City Council convened into Executive Session at 4:42 p.m.*

#### J.1 **Discuss land acquisitions - Texas Government Code Section**

**551.072:**

Discuss sale of real property described as Lot 7, Block A, Letha Lea Heights, an Addition to the City of Farmers Branch, Texas (also known as 2631 Leta Mae)

**J.2**

Discuss pending and contemplated litigation - Texas Government Code Section 551.071(2):

(a) Consultation with City Attorney regarding pending litigation styled Villas at Parkside Partners doing business as Villas at Parkside, et. al. v. City of Farmers Branch, Texas, and Valentin Reyes, et. al. v. City of Farmers Branch, Texas, Case No. 10-10751 pending in United States Court of Appeals for the 5th Circuit.

(b) Consultation with City Attorney regarding pending litigation styled Mark Baker v. City of Farmers Branch et. al., Cause No. DC-13-08249 pending in the 134th State District Court of Dallas County, Texas.

*The City Council concluded Executive Session at 5:51 p.m. and took a short recess.*

**K. THE CITY COUNCIL RECONVENES INTO OPEN SESSION**

**Consider necessary action on items discussed in the Executive Session. Take action regarding an appeal of the en banc decision in the case styled Villas at Parkside Partners, doing business as Villas at Parkside, et. al. v. City of Farmers Branch, Texas and Valentin Reyes, et. al. v. City of Farmers Branch, Texas, Case No. 10-10751 pending in United States Court of Appeals for the 5th Circuit.**

*The City Council reconvened into Open Session at 6:33 p.m.*

**B. INVOCATION & PLEDGE OF ALLEGIANCE**

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

**C. CEREMONIAL ITEMS****C.1**

**Presentation of a proclamation honoring Margaret Young for her participation in the National Senior Olympics.**

*Mayor Glancy presented Margaret Young with a proclamation honoring her for her participation in the National Senior Olympics held in July and for bringing home a gold medal in the Volleyball 70's Silver Division.*

**C.2**

**Consider accepting a donation of two scoreboards from the Carrollton-Farmers Branch Baseball Association (CFBBA) and take appropriate action.**

*Mayor Glancy and Jeff Harting, Parks and Recreation Director, accepted the donation from the Carrollton-Farmers Branch Baseball Association.*

A motion was made by Council Member Reyes, seconded by Mayor Pro Tem Fuller, that this Donation be accepted. The motion carried by the following vote:

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

**C.3**

**Consider accepting a donation of a refurbished Star Trac Pro treadmill, including professional installation, product testing and product training from Fit Supply of Arlington, Texas and take appropriate action.**

*Mayor Glancy accepted the donation on behalf of the City.*

A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Fuller, that this Donation be accepted. The motion carried by the following vote:

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

**C.4**

**Consider Board and Commission appointments and take appropriate action.**

A motion was made by Mayor Pro Tem Fuller, seconded by Deputy Mayor Pro Tem Connally, to appoint Jan Woody to serve on the Historical Preservation and Restoration Board. The motion passed unanimously.

A motion was made by Mayor Pro Tem Fuller; seconded by Council Member Froehlich, to appoint the following to serve on the Tax Increment Financing Reinvestment Zone No. 1 and Zone No. 2:

Ben Robinson

Gary Greer

Pam DeHon

Steve Parker

Michelle Holmes

Charles Cox

The motion passed unanimously.

A motion was made by Deputy Mayor Pro Tem Connally, seconded by Council Member Reyes, to appoint Matt Wenthold to serve on the Library Board. The motion passed unanimously.

**D. REPORT ON STUDY SESSION ITEMS**

*Council Member Robinson reported a presentation was made in Study Session regarding the repurposing of Farmers Branch Park. Prior to any repurposing being done at the park, a referendum vote of the citizens would be required.*

**E. ITEMS OF COMMUNITY INTEREST**

*Topics presented for the City Manager's Report included the following:*

*Aquatic Park Groundbreaking*

*Utility Bill Assistance Program*

*Economic Development Update*

*Drop off for batteries, oils, paints, antifreeze (BOPA) Collection Truck*

**F. CITIZEN COMMENTS**

*Rick Johnson thanked the Fire and Police Departments for their hard work and great service they provide.*

**G. CONSENT AGENDA****Approval of the Consent Agenda**

A motion was made by Deputy Mayor Pro Tem Connally , seconded by Council Member Froehlich, to approve the items on the Consent Agenda. The motion carried by the following vote:

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

**G.1 Consider approval of minutes of the City Council meeting held on July 16, 2013 and take appropriate action.**

The Minutes were approved.

**G.2 Consider approving Resolution No. 2013-036 authorizing the City Manager to enter into an agreement with Freese and Nichols for professional engineering services to identify and explore a possible storm water utility fee and take appropriate action.**

This Resolution was approved.

**G.3 Consider approving Resolution No. 2013-048 authorizing the City Manager to execute a contract with Midwest Wrecking Company of Texas, Inc. in the amount of \$53,840 to provide demolition services for the Don Showman Pool and skate park and take appropriate action.**

This Resolution was approved.

**G.4 Consider approving Resolution No. 2013-049 approving the 2013-2014 Operating Budget of the North Dallas County Water Supply Corporation and take appropriate action.**

This Resolution was approved.

**H. PUBLIC HEARINGS**

*There were no public hearings on the agenda.*

**I. REGULAR AGENDA ITEMS****I.1 Receive and discuss report from the Charter Review Committee for proposed amendments to the Home Rule Charter and take**

**action to direct the City Attorney and City Administration relating to the preparation of an ordinance for placement on the next City Council agenda to call an election to be held on November 5, 2013, to consider proposed amendments to the Home Rule Charter.**

*Nancy Hardie presented the Charter Review Committee's Final Report, which included thirteen (13) proposed amendments. The following individuals spoke: Carol Dingman - asked City Council to reinstate the number of signatures required on Initiative, Referendum, & Election petitions back to five percent (5%) respectively Jesse Sprague - stated he was available in case there were any questions regarding a Council Honor Code that was not included in the proposed charter amendments, but was recommended the City Council take further action outside the charter amendment process*

*Tom Bohmier - voiced concern about lowering the numbering of signatures required on petitions from fifteen percent (15%) to five percent (5%)*

**Motion by Council Member Robinson, seconded by Council Member Reyes, to amend Sections 11.02 (Initiative) and 11.05 (Referendum) changing the number of signatures required on initiative and referendum petitions from fifteen percent (15%) to ten percent (10%) respectively. The motion passed unanimously.**

**Motion by Council Member Robinson, seconded by Council Member Froehlich, to approve the recommendations as presented by the Charter Review Committee with the exception of Section 2.20. The motion passed with the following vote:**

**Ayes - Fuller, Robinson, Froehlich**

**Nos - Connally, Reyes**

**I.2                      Receive a presentation by Luther Bernstein to discuss the single family rental license fee.**

*Mr. Bernstein requested this item be moved to the August 20 City Council meeting.*

**I.3                      Consider adopting a motion to place a proposal to adopt a property tax rate of \$0.5731 on the City Council agenda of September 17, 2013; schedule two public hearings on the proposed rate for August 20, 2013 and September 3, 2013; and take appropriate action.**

*Charles Cox presented information regarding the proposed property tax rate and public hearing dates. Mayor Pro Tem Fuller proposed holding a budget workshop on a Saturday. The general consensus of the City Council was to schedule a budget workshop on Saturday, August 24, 2013.*

**Motion by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, to approve placing a proposal to adopt a tax rate of \$0.5731 on the City Council agenda for September 17, 2013 at 6:30 p.m. Motion passed unanimously.**

**Motion by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, to schedule two public hearings on the proposed tax rate of \$0.5731 for August 20, 2013 and September 3, 2013 at 6:30 p.m. at City Hall Council Chambers located at 13000 William Dodson Parkway, Farmers Branch, Texas.**

Motion passed unanimously.

**I.4**

**Receive public input and discuss whether to appeal the en banc decision in the case styled Villas at Parkside Partners, doing business as Villas at Parkside, et. al. v. City of Farmers Branch, Texas and Valentin Reyes, et. al. v. City of Farmers Branch, Texas, Case No. 10-10751 pending in United States Court of Appeals for the 5th Circuit.**

*The following individuals spoke in favor of an appeal:*

*Rick Johnson  
Tom Bohmier  
Mark Baker  
Betty Supinski  
Clay Russell  
Lib Grimmert*

*The following individuals spoke in opposition of an appeal:*

*Elizabeth Villafranca  
Carol Dingman  
Vernon Smith  
Andy Olivo*

*Bill Phelps  
Richard Jones  
Judy Byrd*

*Kris Kobach and Michael Jung, consulting attorneys representing the City, spoke regarding the case. Council Member Reyes clarified she has no relatives involved in this case.*

**I.5**

**Receive public input and discuss pending litigation styled Mark Baker v. City of Farmers Branch et. al., Cause No. DC-13-08249 in the 134th Judicial District Court, Dallas County Texas.**

*The City Attorney, Peter Smith, provided an update on the case. Betty Supinski and Mark Baker spoke stating their frustration over the City Council's action to drop the appeal of the Fabela case.*

The Mayor announces that the items of the agenda for the Regular Session have been concluded. After a short recess, the meeting will convene for items in the Executive Session. The meeting will then reconvene into open Regular Session after the items have been discussed in the Executive Session to consider any necessary action.

*Council Member Reyes requested Agenda Item J.2(a) be discussed in Executive Session.*

**J. EXECUTIVE SESSION**

*The City Council convened into Executive Session at 9:10 p.m.*

- J.2** Discuss pending and contemplated litigation - Texas Government Code Section 551.071(2):  
(a) Consultation with City Attorney regarding pending litigation styled Villas at Parkside Partners doing business as Villas at Parkside, et. al. v. City of Farmers Branch, Texas, and Valentin Reyes, et. al. v. City of Farmers Branch, Texas, Case No. 10-10751 pending in United States Court of Appeals for the 5th Circuit.  
(b) Consultation with City Attorney regarding pending litigation styled Mark Baker v. City of Farmers Branch et. al., Cause No. DC-13-08249 pending in the 134th State District Court of Dallas County, Texas.

*The City Council concluded Executive Session at 9:11 p.m.*

- K. THE CITY COUNCIL RECONVENES INTO OPEN SESSION**  
**Consider necessary action on items discussed in the Executive Session.**  
**Take action regarding an appeal of the en banc decision in the case styled Villas at Parkside Partners, doing business as Villas at Parkside, et. al. v. City of Farmers Branch, Texas and Valentin Reyes, et. al. v. City of Farmers Branch, Texas, Case No. 10-10751 pending in United States Court of Appeals for the 5th Circuit.**

*The City Council reconvened into Open Session at 9:12 p.m.*

*The following motion was made relating to Agenda Item J.1:  
Motion by Mayor Pro Tem Fuller, seconded by Deputy Mayor Pro Tem Connally, to authorize the City Manager to negotiate and execute an agreement to sell to the Farmers Branch Local Government Corporation the surface estate of Lot 7, Block A, Letha Lea Heights, an Addition to the City of Farmers Branch, Texas (also known as 2631 Leta Mae) for the purposes of reselling said property to Robert Stover and wife, Teresa Stover for a sales price of \$75,000 subject to a restriction agreement with the City requiring the construction of a single family residential structure on the property with not less than 3,000 square feet of air conditioned space and an assessed value of not less than \$450,000 inclusive of land, upon completion of construction, and to sign such other documents as he, in consultation with the City Attorney, deems reasonable and necessary with respect to closing these transactions. The motion passed with all ayes.*

*No action was taken relating to Agenda Item J.2(a) or J.2(b).*

- L. ADJOURNMENT**

**A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Fuller, that this meeting be adjourned. The motion carried by the following vote:**

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

*The meeting adjourned at 9:13 p.m.*

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*William P. Glancy, Mayor*

ATTEST:

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*Angela Kelly, City Secretary*