



City of Farmers Branch

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

Meeting Minutes - Final City Council

Tuesday, July 15, 2014

6:30 PM

Council Chambers

Study Session Meeting to be 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 p.m.

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: 19 - 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, Mitzi Davis, Shane Davis Solid Waste Administrator, Shawna Eikenberry Management Analyst, Sidney Fuller Police Chief, Andy Gillies Director of Planning, Jeff Harting Parks & Recreation Director, Rachael Johnson Assistant to the City Manager, Kevin Muenchow Fleet & Facilities Director, Jim Olk Community Services Director, Steve Parker Fire Chief, Mark Samuels Information Services Director and Randy Walhood Public Works Director

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

G.4 - Council Member Reyes asked the life of software before it is outdated. Kevin Muenchow, Fleet and Facilities Director reported approximately seven (7) years.

F.4 - Council Member Robinson asked for clarification regarding the bond items. Managing Director Charles Cox provided details.

A.2 **Receive a report on the Storm Water Utility Feasibility Study.**

Mr. Trey Shanks with Freese and Nichols provided an update of the Storm Water Utility Feasibility Study. The consensus of the City Council was for Mr. Shanks to provide figures based on the service level for Tier 2, along with the impact of various exemptions.

A.3 **Receive a presentation regarding on-street parking where neighborhood surveys were conducted on Heartside and Damascus, and integration of the paved alley/easement as a possible solution to some parking issues.**

Jim Olk, Community Services Director, presented potential solutions to on-street parking issues on Damascus. The consensus of the City Council was for Mr. Olk to meet with the neighborhood and come back with the results.

City Council took a short break at 6:11 p.m. and returned to Study Session at 6:20 p.m.

A.4 Discuss City Council liaison appointments.

The City Council kept the Council liaison appointments as they currently are, with Mayor Phelps taking the local organization previously being held by outgoing Mayor Glancy.

The Study Session Meeting ended at 6:22 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Phelps called the Regular Session Meeting to order at 6:31 p.m.

Reverend WW Baker gave the Invocation and Mayor Phelps led the Pledge of Allegiance.

C. CEREMONIAL ITEMS

C.1 Consider a proclamation recognizing Messina's Shoe Repair for 50 years of operation in the City of Farmers Branch.

Mayor Phelps presented a proclamation to Kenneth Burks, owner of Messina's Shoe Repair.

C.2 Consider Board and Commission appointments and take appropriate action.

A motion was made by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, that this item be tabled until the August 5, 2014 City Council meeting. 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

Mayor Pro Tem Fuller reported the following:

Storm Water Utility Feasibility Study - Mr. Trey Shanks with Freese and Nichols provided an update of the Storm Water Utility Feasibility Study. The consensus of the City Council was for Mr. Shanks to provide figures based on the service level for Tier 2, along with the impact of various exemptions.

On Street Parking Issues - City Administration presented potential solutions to on-street parking issues on Damascus. The consensus of the City Council was for City Administration to meet with the neighborhood and come back with the results.

E. ITEMS OF COMMUNITY INTEREST

Council Member Reyes reported Mr. Johnny Jackson coordinates weekly bicycle rides throughout the City. Riders meet every Thursday at 9:30 a.m. at the Senior Center. She encouraged residents to participate.

Mayor Phelps thanked everyone for the well wishes sent to his wife Dee.

Items presented for the City Manager's Report included:

Town Hall Meeting - to be held on July 24 at 7 p.m. at the Senior Center to report on the voter-approved street bond program; the Mayor and members of the City Council will be present to greet citizens and answer questions

Economic Development - Ironclad Performance Wear, makers of specialized gloves and gear for work and sports, has announced the relocation of the corporate headquarters from El Segundo, California to Farmers Branch; the company will be moving into 13,000 square feet on Hutton Court later this summer and plan to be operational by September 1

West Nile Prevention - Environmental Health officials continue to spray for mosquitoes in residential parts of the City; residents can be notified by text or email when spraying is taking place by going to the City's homepage and clicking on WEST NILE PREVENTION

F. CITIZEN COMMENTS

The following people spoke:

Terry Lynne (13215 George) - Inquired about the status of his agenda item presented on June 17, 2014

Rick Loughry (2331 Aberdeen) - announced the Sizzling Summer Car Show to be held at Valwood Park Baptist Church on July 26, which is a fundraiser for school supplies

David Koch (3243 Brincrest) - Inquired about the status of Terry Lynne's agenda item presented on June 17, 2014

G. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Council Member Reyes, seconded by Council Member Robinson, to approve Consent Agenda Items G.1 through G.7. 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 minutes of the City Council meetings held on June 3, 2014 and June 17, 2014 and take appropriate action.**
The Minutes were approved.
- G.2** **Consider accepting a donation in the amount of \$1,750 from Walmart for the Farmers Branch Police Department and take appropriate action.**
This Donation was accepted.
- G.3** **Consider approval of the final plat of Lincoln Royal Revised, Lots 1 and 2, Block 1 and take appropriate action.**
This Replat was approved.

- G.4** Consider approving Resolution No. 2014-046 authorizing the City Manager to purchase Fleet and Facilities Asset Management Software in the total amount of \$89,899 from AssetWorks, LLC through the Federal GSA, and take appropriate action.

This Resolution was approved.

- G.5** Consider approving Resolution No. 2014-061 authorizing the City Manager to purchase servers, data storage hardware, software, and implementation services for use by Public Safety and Municipal Court in an amount not to exceed \$110,000 from EST Group utilizing the State of Texas Department of Information Resources contract pricing for automated information systems, providing an effective date, and take appropriate action.

This Resolution was approved.

- G.6** Consider approving Resolution No. 2014-062 approving the 2014-2015 operating budget of the North Dallas County Water Supply Corporation, providing an effective date, and take appropriate action.

This Resolution was approved.

- G.7** Consider approving Resolution No. 2014-063 authorizing the City Manager to purchase data networking hardware and software for the Justice Center and City Hall in an amount not to exceed \$120,000 from Vology, Incorporated, utilizing the GSA Contract, Schedule 70, #GS-35F-0345Y pricing, providing an effective date, and take appropriate action.

This Resolution was approved.

H. PUBLIC HEARINGS

- H.1** Conduct a public hearing and consider adopting Ordinance No. 3290 amending Planned Development No. 81 (PD-81) to allow a 10.58 acre "Mixed Use Residential" development including a Conceptual Site Plan, and take appropriate action. The proposed Conceptual Site Plan includes the development of approximately 448 multi-family units with several Special Exceptions. The site is located on the southwest corner of the intersection of the eastbound frontage road of the LBJ Freeway (I- 635) and Mira Lago Boulevard within PD-81, commonly known as 11771 Mira Lago Boulevard.

Andy Gillies, Planning & Zoning Director, reported the applicant asked to continue this public hearing at the August 5, 2014 City Council meeting.

A motion was made by Deputy Mayor Pro Tem Connally, seconded by Mayor Pro Tem Fuller, that this Public Hearing be continued at the August 5, 2014 City Council meeting. 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.2

Conduct a public hearing and consider adopting Ordinance No. 3291 amending Planned Development No. 88 (PD-88) establishing new freestanding monument sign requirements within the “Mid-Density Residential” subdistrict and take appropriate action.

Mr. Gillies reported the applicant (Provident) is asking to expand the use of freestanding monument signs.

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.3

Conduct a public hearing and consider adopting Ordinance No. 3292 to change the zoning on an approximate 25 acre tract from Planned Development No. 88 (PD-88) to Planned Development No. 97 (PD-97) and take appropriate action. This request includes a Conceptual Site Plan and a Special Exception for the development of light industrial and office land uses. This tract is located along the southbound frontage road of Stemmons Freeway (I-35East) approximately 180 feet south of Springlake Road, also known as 12301 and 12401 Stemmons Freeway.

Mr. Gillies reported the applicant (Prologis) is proposing the development of two office/warehouse buildings containing approximately 478,000 total square feet. Mr. Reed Dunbar with Prologis was present for the meeting.

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

A motion was made by Deputy Mayor Pro Tem Connally, 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. REGULAR AGENDA ITEMS

I.1

Consider adopting Ordinance No. 3287 authorizing the issuance of City of Farmers Branch, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014, in an aggregate principal amount of not to exceed \$2,000,000 for joint public safety

dispatch, communications and training facilities; awarding the sale of the Certificates, levying a tax in payment thereof and providing for the security for and payment of said Certificates; approving the official statement and a paying agent/registrar agreement; enacting other provisions relating thereto; declaring an effective date; and take appropriate action.

Charles Cox, Managing Director, presented background information.

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.2

Consider adopting Ordinance No. 3288 providing for the issuance of City of Farmers Branch, Texas, General Obligation Bonds, Series 2014, in an aggregate principal amount not to exceed \$14,500,000 for street projects pursuant to the bond election; awarding the sale of said bonds; levying a tax in payment thereof; approving the official statement and paying agent/registrar agreement; enacting other provisions relating thereto; declaring an effective date; and take appropriate action.

Mr. Cox, Managing Director, presented background and interest rate information.

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.3

Consider approving Resolution 2014-060 amending the Detailed Site Plan for an 8.813 acre tract described as Stanford Corporate Centre, also known as 13701 and 14001 Dallas Parkway, and take appropriate action.

Mr. Gillies reported the applicant is requesting an amendment to the approved Detailed Site Plan to provide additional on site surface parking. This amendment would create thirty (30) new parking spaces.

A motion was made by Council Member Reyes, seconded by Mayor Pro Tem Fuller, 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.4

Receive results of the Traffic Study Report performed at the intersection of Josey Lane and Cooks Creek Place.

Cameron Williams from Binkley & Barfield presented results of the traffic study report performed at the intersection of Josey Lane and Cooks Creek Place. Placement of a

traffic signal would cause a decrease in operations, therefore a traffic signal was not recommended. Some recommended solutions were presented in the report.

The following people spoke:

Sima Cheregosha - 1819 Red Oak Lane (representing Harbor Creek Montessori)

Kaye Leonard - 3535 Whitehall Drive (parent of Harbor Creek Montessori student)

City Administration was directed to contact the City of Carrollton regarding a shared cost solution, research possible solutions, and report back to the City Council.

Mayor Phelps read the agenda for Executive Session Items J.1 through J.3, and Executive Session Item A.1 (see July 15, 2014 Supplement agenda).

The Regular Session Meeting ended at 8:01 p.m.

J. EXECUTIVE SESSION

The City Council convened into Executive Session at 8:13 p.m.

**J.1 Discuss pending and contemplated litigation - Texas Government Code Section 551.071:
Consultation with the City's attorneys regarding pending litigation styled City of Lewisville v. City of Farmers Branch, et. al., Case No. 4:12-cv-00782-RAS-DDB, U.S. Dist. Court (E.D. Texas - Sherman Division) and administrative proceedings relating to the City's application for Municipal Solid Waste Permit No. 1312B pending before the Texas Commission on Environmental Quality.**

**J.2 Discuss personnel matters - Texas Government Code Section 551.074:
 (a) Discussion of a resident's concern related to ethical conduct of a Council representative.
 (b) Deliberate the appointment, employment, reassignment, or duties of the Judge and/or Alternate Judges to the City of Farmers Branch Municipal Court of Record No. 1.**

**J.3 Discuss land acquisitions - Texas Government Code Section 551.072:
Discuss the purchase of an interest in real property from the Dallas County Community College District generally located at the southeast corner of the DCCCD Brookhaven College Addition, an Addition to the City of Farmers Branch, Dallas County, Texas.**

The City Council concluded Executive Session at 10:01 p.m.

K. THE CITY COUNCIL RECONVENES INTO OPEN SESSION Consider necessary action on items discussed in the Executive Session.

Mayor Phelps called the Open Session to order at 10:05 p.m.

No action was taken on Agenda Item J.1.

City Attorney Pete Smith provided a summary of the review of the allegations relating to Agenda Item J.2(a). The following motion was made on this item:

Motion by Deputy Mayor Pro Tem Connally, seconded by Council Member Reyes, that the report on the review of the allegations brought forth by resident Terry Lynne against Mayor Pro Tem Fuller be made available for the public. Motion passed with all ayes.

The following motion was made on Agenda Item J.3:

Motion by Council Member Froehlich, seconded by Council Member Robinson, to authorize the City Manager to negotiate and sign on behalf of the City an agreement with the Dallas County Community College District (DCCCD) to purchase the underlying fee simple interest in the property labeled "Street Right-of-Way Dedication" at the southeast corner of DCCCD Brookhaven College Addition, in the City of Farmers Branch, Texas for the amount of \$400,000 and to negotiate and sign such other documents as may be reasonable and necessary to close on such transaction including, but not limited to, an interlocal agreement relating to the District's use of space in any buildings constructed by the City in the future on the property to be purchased. Motion passed with all ayes.

K.1

Consider adopting Ordinance No. 3289 appointing a Municipal Court Judge and Alternate Municipal Court Judge(s), establishing an annual salary, 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

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

The City Council meeting adjourned at 10:18 p.m.

Bob Phelps, Mayor

ATTEST:

Angela Kelly, City Secretary

