

**City of Farmers Branch**

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

Meeting Minutes**City Council**

Tuesday, February 7, 2017

6:00 PM

Council Chambers

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

- Presiding:** 1 - Mayor Bob Phelps
- Present:** 5 - Mayor Pro Tem Harold Froehlich, Deputy Mayor Pro Tem Ana Reyes, Council Member John Norwood, Council Member Terry Lynne (*arrived 6:29 p.m.*), Council Member Mike Bomgardner
- Staff:** - Charles Cox City Manager, John Land Deputy City Manager, Amy Piukana City Secretary, Braeden Metcalf City Attorney, LaJeana Thomas Executive Assistant, Allison Cook Economic Development Director, Tom Bryson Communications Director, David Hale Police Chief, Andy Gillies Community Services Director, Randy Walhood Public Works Director, Tim Dedear Deputy Fire Chief/Fire Marshal, Brian Beasley Human Resource Director, Shane Davis Environmental Services and Solid Waste Manager, Renee Esses Special Projects Manager

A. STUDY SESSION

Mayor Phelps called the Study Session meeting to order at 4:03 p.m.

A.1. [17-346](#) Discuss regular City Council meeting agenda items.

City Manager Charles Cox asked if more discussion is necessary regarding Agenda Item No. 1.2, TIF Board Appointments. Council discussed the different options of appointing board members to the Tax Increment Reinvestment Zone No. 3. (TIRZ No. 3) After discussion, Council unanimously decided upon Option No. 2, authorizing the City Council and City Manager be appointed to the Tax Increment Reinvestment Zone No. 3.

A.2. [17-369](#) Receive a presentation of the Police Traffic Stop Data Analysis Report for calendar year 2016, as required by the Texas Code of Criminal Procedures, Section 2.132.

Police Chief David Hale briefed City Council regarding this item. Chief Hale explained under State Law 2.02, the City is required to conduct a Racial Profile Analysis. The PDI (Professional Development Institute) with University of North Texas prepared the following executive summary of the 2016 Racial Profiling Analysis:

- A COMPREHENSIVE REVIEW OF THE FARMERS BRANCH POLICE DEPARTMENT REGULATIONS, SPECIFICALLY STANDARD OPERATING PROCEDURE GP-02 AND SECTION 200.08 OUTLINING THE DEPARTMENT'S POLICY CONCERNING RACIAL PROFILING, SHOWS THAT THE FARMERS BRANCH POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.
- A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE FARMERS BRANCH POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.
- A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.
- ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.
- THE ANALYSIS OF STATISTICAL INFORMATION FROM FARMERS BRANCH POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.
- THE FARMERS BRANCH POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.
- THE FARMERS BRANCH POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.

Council Member Norwood asked what cost is incurred by the City, expressing his frustration with the state mandated requirement. Chief Hale replied \$1,500, is the cost.

Council Member Bomgardner asked how many arrests from traffic stops the City has had this past year. Chief Hale replied he will need to research the total number and provide to City Council.

A.3 [17-372](#) Consider and discuss potential Bond Projects including prioritization of the Citizen Bond Committee's findings and recommendations for Quality of Life Bond Proposals.

City Manager Charles Cox briefed City Council asking if more discussion is necessary for the bond item.

After discussion, City Council agreed to move forward with a target date of November 7, 2017 for a Quality of Life Bond Election. Mayor Pro Tem Froehlich advised Staff to bring forward a process timeline and education effort at the next regular City Council meeting.

A.4 [17-330](#) Discuss agenda items for future City Council meetings.

Council Member Lynne asked for an update regarding Recycling and the Landfill.

Council Member Bomgardner asked that future staff reports include the votes with the recommendation from the Planning and Zoning Commission.

City Council recessed for a break at 4:42 p.m.

The City Council recessed into closed Executive Session at 4:48 p.m. to discuss Agenda Item J.1.

J.1 [17-375](#)

Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate regarding:

- (a) *Discuss the purchase, exchange, lease, or sale of real property located west of Webb Chapel, north of 635, east of I-35, south of Valwood, Farmers Branch, Texas.***

Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:

- (b) *Economic Development Incentives for development of projects proposed to be located in City of Farmers Branch Tax Increment Reinvestment Zone No. 3.***
- (c) *Discuss commercial or financial information the city has received from a business prospect, and to deliberate the offer of a financial or other incentive to BSN.***

City Council recessed from Executive Session at 5:52 p.m.

A. Call to Order

Mayor Phelps called the Regular meeting to order at 6:03 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Norwood provided the invocation and led the Pledge of Allegiance.

C. CEREMONIAL ITEMS

C.1 [17-371](#)

Consider accepting a donation for the Fire Department from the Metrocrest Hospital Authority in the amount of \$102,375.78 for the purchase of one Lifepak 15 Monitor/Defibrillator and four Lucas Chest Compression Devices; and take appropriate action.

Mayor Phelps accepted a donation from the Metrocrest Hospital Authority in an amount of \$102,375.78 for the Fire Department to purchase one Lifepak 15 Monitor/Defibrillator and four (4) Lucas Chest Compression Devices. Mr. Charles Heath presented Mayor Phelps with the check. Fire Chief Steve Parker thanked Mr. Heath for the donation.

Council Member Lynne motioned to approve accepting a donation for the Fire Department from the Metrocrest Hospital Authority in the amount of \$102,375.78. Motion seconded by Mayor Pro Tem Froehlich. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Mayor Phelps recognized City Secretary Amy Piukana who received her recertification as a Texas Registered Municipal Clerk.

D. REPORT ON STUDY SESSION ITEMS

Deputy Mayor Pro Tem Froehlich provided an update on Study Session Items.

E. CITY MANAGER'S REPORT AND ITEMS OF COMMUNITY INTEREST

City Manager Charles Cox provided the following announcements:

- Thanks to everyone for coming out to the annual Polar Plunge last Saturday at the Farmers Branch Aquatics Center. Dozens of folks put on creative costumes ranging from dominoes to beauty queens to the "Sinking Elvises" and braved the icy water and raised more than \$14,000 for Special Olympics. Find out more at sotx.org/polarplunge.
- The Cultivators of Farmers Branch will host a Rose Pruning Clinic at the Gussie Rose Gardens on Saturday, February 18. Leather gloves and pruning shears are required. Find out more by calling 972.247.4607.
- The Farmers Branch Market has announced that they will host a Community Garage Sale at the Market location in The Grove @ Mustang Crossing on Saturday, May 6. Booths cost \$20 and can be had by filling out an application at farmersbranchmarket.com.
- We have a great volunteer opportunity for the civic-minded. Anyone wishing to serve on a committee to review the City Charter for possible amendments to be put to the voters at a future date should fill out an online application at farmersbranchtx.gov. The application is listed in the links on the left side of the home page.
- You can sign up for eNews at **[farmersbranch tx dot gov](http://farmersbranch.tx.gov)** to have current City news and information delivered directly to your eMail box.

F. CITIZEN COMMENTS

No citizens wished to speak.

G. CONSENT AGENDA

- G.1 [17-331](#) Consider approving minutes of the Regular City Council meeting held on January 24, 2017; and take appropriate action.
- G.2 [17-365](#) Consider excusing the absence of Deputy Mayor Pro Tem Ana Reyes from the January 24, 2017 City Council meeting; and take appropriate action.
- G.3 [ORD-3417](#) Consider adopting Ordinance No. 3417 ordering a general election to be held on May 6, 2017 for the purpose of electing two (2) members of the City Council for Mayor and City Council District 2; and take appropriate action.
- G.4 [ORD-3426](#) Consider adopting Ordinance No. 3426 amending Chapter 34, Article VIII for Swimming Pools; and take appropriate action.

Motion made by Mayor Pro Tem Froehlich to approve Consent Items G.1 through G.4, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

H. PUBLIC HEARING(S)

- H.1 [ORD-3421](#) Conduct a Public Hearing and consider adopting Ordinance No. 3421 amending the use and development regulations for Lots 1 and Lot 2, Block A, Royal Hospitality Addition, generally located in the 12100 Block of Luna Road, including amendments to the development and use regulations in the Specific Use Permit (SUP) for Hotel Use granted for Lot 2, Block A; and take appropriate action.**

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained the applicant, Z. Makahni, is requesting an amendment to an existing Specific Use Permit (Ordinance 3326) approved by the City Council on June 16, 2015. He noted the Ordinance rezones the property from PD-88, with the subdistrict "Commerce" to the subdistrict "Urban Center" to allow multi-family residential and to grant a SUP for hotel use. He further stated the applicant is requesting a revision to the SUP for the southern portion of the approved associated site plan and elevations. This portion of the property had a proposed five-story, full service hotel with a restaurant (see existing Site Plan). The applicant is now proposing a four-story, limited-service hotel without a restaurant. The proposed uses for the northern portion of the property are not subject to this request and are still being developed as a five-story retail development with multi-family use, although the number of multi-family units is requested to be increased and the associated parking is also proposed to be increased.

Mr. Gillies reviewed the following summary of proposed changes:

Southern Portion of the Site - Hotel

- From a five-story "full service" hotel with a restaurant, to a four-story "extended-stay" hotel without a restaurant
- From 100 hotel rooms to 120 rooms
- Removed full service restaurant from hotel
- Changed hotel façade from stucco to brick/stone
- Changed from Best Western Elite to a Marriott Town Place Suites

Northern Portion of the Site – Retail and Multifamily

- From 150 multi-family units to 161 units
- From 268 parking spaces to 307 parking spaces (242 garage and 65 surface)

Council Member Lynne asked for clarification on the reference of 142 parking spaces in the staff report. Mr. Gillies replied the 172 parking spaces are referencing the southern portion of the development.

Council Member Norwood asked what the final vote results were from the Planning & Zoning Commission on this item. Mr. Gillies replied the Planning & Zoning Commission approved this item unanimously.

Council Member Bomgardner expressed concerns with the 1 ½ year delay of the project start time and asked if language is necessary to help structure future projects. Mr. Gillies replied that the new comprehensive zoning ordinance has language used for Special Use Permits (SUP) which requires the use be within 6 months to keep the SUP. He explained this should help with any future projects.

Attorney Tailim Song, representing the applicant spoke to City Council explaining the Marriot Brand is in his opinion, an above average product, noting the full service hotel has been removed to allow future mixed use restaurants to be successful within the area. He further stated the average room night would be approximately \$130 per night. He further stated the Developer is spending approximately \$11 million dollars on the hotel and \$16 million on the proposed multi-family units.

Area Vice President Ron Stewart with Marriott Hotels provided a powerpoint presentation with highlights of the proposed project.

Mayor Phelps asked what the tentative start date of the project would be. The applicant Mr. Mike Makhani, stated as soon possible, noting it could be up to a year depending on permits.

Mayor Pro Tem Froehlich had questions regarding structured parking for the multi-family units, and rental price of the multi-family units. Mr. Gillies replied the market study was conducted and explained multi-family to the north has its own parking.

Council Member Norwood asked if specific tenants are being pursued for this retail space. The applicant explained once the project is approved, he will pursue tenants. Council Member Norwood explained he preferred to see a development plan, which would include a consultant that recruits tenants for the success of the development.

Council Member Norwood asked who manages the multi-family development. Mr. Stewart explained Marriot has a management company they use.

Council Member Norwood discussed the possibility of reducing some of the retail space to allow more multi-family use.

Council Member Lynne asked what the plan is if the retail space is not successful. Mr. Song explained multi uses are the new trend, and he does not feel that finding tenants for retail and restaurant space will be an issue.

Mayor Phelps opened the public hearing. There being no one to speak, motion was made by Mayor Pro Tem Froehlich to close the public hearing. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Motion made by Deputy Mayor Pro Tem Reyes to approve Ordinance No. 3421, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I. REGULAR AGENDA ITEMS

I.1 [17-370](#) Receive an update regarding the I35 Express Project.

Mr. C.J. Schexnayder with TXDOT provided an update regarding the I35 Express Project.

I.2 [R2017-024](#) Consider approving Resolution No. 2017-024 appointing the Board of Directors for the Tax Increment Reinvestment Zone No. 3 Board; and take appropriate action.

City Manager Charles Cox briefed City Council regarding this item.

Council Member Lynne made a motion to approve Resolution No. 2017-024 to appoint the City Council and City Manager (Option 2), to the Tax Increment Reinvestment Zone No. 3 Board of Directors. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I.3 [R2017-020](#) Consider approving Resolution 2017-020 approving a Detailed Site Plan for a 31.1 acre tract located west of Mercer Parkway and south of Valley View Lane; and take appropriate action.

Community Services Director Andy Gillies briefed City Council regarding the item. Mr. Gillies explained this new master planned community contains approximately 267 acres and extends westward from Mercer Crossing Lake to the Valwood Improvement levee system west of Mercer Parkway. He explained the concept plan indicates six (6) single family neighborhoods to be constructed. He further stated this item is one of those six single family neighborhoods. Mr. Gillies explained this site is located west of the existing Mercer Parkway on approximately 31.1 acres of land.

Mr. Gillies explained the applicant, CADG Mercer Crossing Holdings LLC (a subsidiary of Centurion American) has proposed to develop a single family detached residential community containing approximately 136 buildable lots. This development is proposed to be constructed in one phase. Mr. Gillies explained the site is bordered to the west and south by the existing Valwood Improvement Authority levee system. To the northeast of this site is existing Mercer Parkway and a proposed 16.3 acre undeveloped single family detached neighborhood (to be known as Verwood). To the southeast is the Luna Road and the approved 5 story mixed use and hotel development known as Royal Hospitality.

Council Member Bomgardner asked if each community would have separate Home Owners Associations (HOA). Mr. Gillies replied one single HOA would serve the entire development.

After discussion, Mayor Pro Tem Froehlich made a motion to approve Resolution No. 2017-020, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I.4 [R2017-017](#) Consider approving Resolution No. 2017-017 in support of the on street bicycle network by authorizing the City to submit an

application with the North Central Texas Council of Governments for funding in the 2017 Transportation Alternatives Set-Aside Program and take appropriate action.

Special Projects Manager Mitzi Davis briefed City Council regarding this item. Ms. Davis explained the City continues to implement segments of the Citywide Trail Master Plan, and an opportunity to fund completion of the on street bicycle network has come to the attention of City Administration. The on street portion of the Trail Master Plan is being implemented with sharrows and related signage. Ms. Davis noted the Texas Department of Transportation (TxDOT) has pledged \$23 million as part of the Transportation Alternative Set-Aside Program (Program). The Program provides for 80/20 reimbursement funding for future projects that focus on alternative methods of transportation that make non-motorized transportation safe, convenient, and appealing. To be in compliance with federal guidelines the project must be principally for transportation rather than purely recreation. Ms. Davis explained Projects selected to be part of the Program have to be fully funded and paid for completely. She further stated, after payment, the City is reimbursed 80% of the cost. Ms. Davis noted construction wouldn't begin to January 2018.

Motion made by Mayor Pro Tem Froehlich to approve Resolution No. 2017-017, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I.5 R2017-009 Consider approving Resolution No. 2017-009 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 13767 Littlecrest; and take appropriate action.

Economic Development Director Allison Cook briefed City Council regarding this item. Ms. Cook explained the applicants Hector and Magda Hidalgo are applying for the new Demo Rebuild incentive. This includes an incentive that is based on the increase over the course of five (5) years in the City Property taxes paid on the difference between the original home appraised value (excluding the land value), as determined by the Dallas County Appraisal District. This option also includes a reimbursement of up to \$15,000.00 of the cost of demolition of the original home following completion of demolition.

Motion made by Mayor Pro Tem Froehlich to approve Resolution No. 2017-009, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I.6 ORD-3428 Consider adopting Ordinance No. 3428 calling a Bond Election for May 6, 2017; and take appropriate action.

As a result of Study Session discussion, Council advised Staff to consider calling a Bond Election for November 2017.

Council Member Lynne made a motion to table this item to a future date. Motion seconded by Council Member Reyes. Motion approved by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

J. EXECUTIVE SESSION

J.1 17-375

Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate regarding:

- (a) *Discuss the purchase, exchange, lease, or sale of real property located west of Webb Chapel, north of 635, east of I-35, south of Valwood, Farmers Branch, Texas.***

Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:

- (b) *Economic Development Incentives for development of projects proposed to be located in City of Farmers Branch Tax Increment Reinvestment Zone No. 3.***
- (c) *Discuss commercial or financial information the city has received from a business prospect, and to deliberate the offer of a financial or other incentive to BSN.***

K. RECONVENE INTO REGULAR SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE CLOSED SESSION

Executive Session Item (a)

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 property described as Lot 8, Block 9 of Valwood Park 27th Installment, an addition to the City of Farmers Branch, Texas known as 13640 Littlecrest Drive, for a purchase price not to exceed \$75,000 plus standard closing and acquisition costs and to sign, and 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 Norwood. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

No action was taken on Executive Session Item (b).

Executive Session Item (c)

Motion made by Council Member Norwood to authorize the City Manager to negotiate and execute and economic development agreement on behalf of the City with BSN

Sports and/or its related entities to provide ten annual grants equal to 30% of the city taxes assessed and collected by the city for the business personal property located at 1901 Diplomat Drive and 13700 Benchmark Drive, Farmers Branch, Texas provided BSN leases the building located at 1901 Diplomat Drive for a period of at least 10 years and continuously leases and occupies the building at 13700 Benchmark Drive Farmers Branch, Texas and maintains business personal property at the two locations with a combined value of at least 18 million dollars; provided company maintains a place of business for sales tax purposes in the City of Farmers Branch; and further provided in the event the company does not continuously lease and occupy the Benchmark Drive building the Company will be required to repay the annual grants with respect to the business personal property at that location but not for the Diplomat location provided the company continues to lease and occupy the Diplomat building. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

L. ADJOURNMENT

Mayor Pro Tem Froehlich made a motion to adjourn. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

The meeting adjourned at 7:33 p.m.

Mayor

ATTEST:

City Secretary