

**City of Farmers Branch**

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

Meeting Minutes**City Council**

Tuesday, March 7, 2017

6:00 PM

Council Chambers

Study Session Meeting to be held at 3:00 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, Council Member Mike Bomgardner
- Staff:** - Charles Cox City Manager, John Land Deputy City Manager, Amy Piukana City Secretary, Braeden Metcalf City Attorney, Tom Bryson Communications Director, David Hale Police Chief, Andy Gillies Community Services Director, Randy Walhood Public Works Director, Steve Parker Fire Chief, Brian Beasley Human Resources Director, Sherrelle Evans-Jones Finance Director

A. STUDY SESSION

Mayor Phelps called the Study Session meeting to order at 3:02 p.m.

A.1 17-400 Discuss regular City Council meeting agenda items.

Mayor Phelps asked for discussion regarding Agenda Item F.5, an agreement with Lina T. Ramey and Associates, Inc. for professional services for the design of Westside Trail. Mayor Phelps asked for clarification regarding the 30% and any additional costs. Public Works Director Randy Walhood replied explaining the cost to complete is estimated at \$100,000. He noted the 30% is plan completion.

Council Member Bomgardner asked for clarification on Agenda Item F.7, an interlocal agreement for technical services between the City of Farmers Branch and the Trinity River Authority, asking if fees are paid for monitoring. Ms. Katy Evans replied yes, the City charges annually for cost recovery.

City Manager Charles Cox explained Agenda Item G.2, is a continued public hearing for a Service and Assessment Plan. He explained originally the developer was charging 9.11%, he noted the City negotiated and the developer will charge first five years of assessment at an 8% interest rate, then 6.11% interest rate for 6-30 years.

A.2 [17-394](#) Discuss upcoming City Council meeting dates for 2017.

City Council discussed future City Council meetings for 2017. After discussion, Council agreed to amend the City Council dates to the following:

- July 11, 2017 City Council meeting, (one meeting)
- September 12, 2017 and September 26, 2017
- October 2, 2017
- November 14, 2017 and November 28, 2017
- December 12, 2017 (one meeting)

A.3 [17-384](#) Receive a presentation on the proposed On-Premise Alcohol Overlay Districts in Farmers Branch.

Planning Manager Alexis Jackson briefed City Council regarding this item. Ms. Jackson reviewed the following timeline of events:

- 1986 voters approved a proposition authorizing mixed beverage sales for on-premises consumption in a qualifying restaurant.
- 2014 voters approved the sale of beer and wine for off-premises consumption in certain overlay zones
- 2016 staff and council began exploring the idea of loosening the on-premises consumption restrictions
- 2017 CZO passed, amended qualifying restaurant definitions and allowed breweries/brewpubs

Ms. Jackson explained the on premise alcohol overlays are in progress, noting two pub overlays have been recommended: 1) Station Area and 2) Boardwalk

Ms. Jackson explained these would be known as the City's Entertainment Districts, and would allow anything less than 50% (food) to 50% beverage restaurant ratio.

City Council thanked staff for the presentation and suggested moving forward with the plan.

A.4 [17-396](#) Receive a report from the Sustainability Committee regarding brush and bulky collection and brush diversion opportunities.

Mr. Robert ter Kuile, Chairman of the Sustainability Committee briefed City Council regarding this item. Mr. ter Kuile explained the Sustainability Committee was tasked with reviewing bulk waste challenges and complaints. Mr. ter Kuile explained this is not a City wide systemic issue as most complaints are on other topics. He explained the majority of the bulk waste complaints come from limited areas of town. He noted the committee reviewed Code Enforcement Policies. He stated Code Enforcement could be more effective through the use of an existing tool such as Transitory Fines. Mr. ter Kuile explained the committee reviewed the policy and programs for bulk waste and brush and noted options exist for responding to bulk waste issues. Mr. ter Kuile explained a small ordinance change would position us for realizing a significant benefit to the City.

Mr. ter Kuile explained the committee recommends a "Re" Education Campaign on Bulk Waste pick-up schedule services provided through the Citizen Collection Center and Landfill. The Committee made the following recommendations:

- Some residents may need reminders around their bulks waste pick-up schedule
- CCC and the landfill offer free disposal service to residents
- Explore the cost to increase weekend hours of operation for CCC

Suggest - Code Enforcement to develop a policy for use of Transitory Fines.

- An existing tool that requires no ordinance or service change
- Policy could focus on bulk waste but be applied on other issues as well
- Implement a "Pick-up Request Form"

- Available to both home owners and complainants (with limitations)
- There would be a cost for services (TBD est. \$75-125)
- No change to existing process and services

For Home Owners

- Allowed 3 'free' pick-ups a year, fourth pick-up would incur a fee (\$75-125)
- Complete an on-line or call in form (no offense if self-reported)
- Pick-up is scheduled by Public Works when additional capacity is available (goal within two days)
- If they are a 'repeat offender' they would receive three warnings and then pay on the fourth pick-up
- Reminders about CCC and Landfill services and hours provided with each pick-up or warning

For Concerned Citizens

- Implement a "3 House" radius rule if the caller lives more than 3 houses down and they complete a pick-up request form they have to pay the fee for the first three pick-ups (fourth is paid by the 'repeat offender' homeowner)
- If the house is within 3 house radius then follow the 'repeat offender' process
- For home owners (no fee to anyone until fourth offense)
- Different from a 'complaint' as it is a request for additional services
- Would require name, address, and payment (if necessary)
- Implement a "Re" Education Campaign on bulk waste pick-up schedule and the services provided through the Citizen Collection Center and Landfill
- Ask Code Enforcement to implement the use of the Transitory Fines process
- In 6 Months determine if a "Pick-up Request Form" Program is necessary

Mr. ter Kuile reviewed the following brush recommendations:

- Change the City Ordinance requiring residents to separate bulk waste and brush at the curb.
- Implement an education campaign to ensure all residents are aware of the change and provide a 'grace' period for enforcement (similar to recycle bins).
- Negotiate a contract with a third party to immediately begin taking bulk brush for mulching/composting.
- Create a RFP for third party owned and operated bulk brush mulching/composting at the landfill.

Council Member Bomgardner suggested developing a sticker that educates the public by listing the pickup times and item descriptions, along with an escalating fine that starts out low and goes up each time.

Council Member Norwood thanked the Sustainability Committee for their efforts and recommendations and suggested clear communication to educate the public.

City Manager Charles Cox explained staff would review these recommendations and meet to prepare an action plan.

Council Member Reyes asked that once staff reviews and makes recommendations, to bring forward again before City Council a final plan.

A.5 [17-401](#) Discuss agenda items for future City Council meetings.

Deputy Mayor Pro Tem Froehlich asked that staff provide an update regarding chickens and effects to public health at a future City Council meeting.

Mayor Phelps recessed for a break at 4:18 p.m.

Mayor Phelps reconvened at 4:28 p.m. and skipped to Agenda Item I, into closed Executive Session.

I. EXECUTIVE SESSION

I.1 [17-404](#) 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 north of 635, south of Valwood, east of I35, and west of Webb Chapel.

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

- Discuss an Incentive Package to recruit the North Texas Hall of Fame to the StarCenter.

Council may convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to deliberate regarding:

- Consultation with City Attorney regarding Texas Commission on Environmental Quality (TCEQ) Report No. 119885 relating to TCEQ Permit Nos. 5383 and 5383A to Town of Addison for use of water in Farmers Branch Creek, pending TCEQ Complaint regarding Farmers Branch Creek.

Mayor Phelps recessed from closed Executive Session at 5:54 p.m.

Mayor Phelps called the Regular City Council meeting to order at 6:00 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Froehlich provided the invocation and pledge of allegiance.

C. REPORT ON STUDY SESSION ITEMS

Council Member Bomgardner provided a report on Study Session items.

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

City Manager Charles Cox announced the following reports and items of community interest:

- The BRANCH ALERT system is the newest tool in our toolbox to keep the community informed. Anyone can sign up for email or text alerts that will be specifically tailored for affected areas. Those of you that have signed up already may have received a text early this morning about the 4 a.m. storm. For more information, log on at farmersbranchtx.gov and click on BRANCH ALERT or call 972.919.2640.
- Residents can converse with officers over a hot cup of caffeine at the upcoming edition of "Coffee with a Cop," coming Saturday, March 11 from 10 to 11 a.m. at the McDonald's on the corner of Josey Lane and Valley View. Some of Chief David Hale's finest will be on hand to chat with residents and answer questions during that time. For more information, call 972.919.9135.

- Speaking of Police, the Citizen Police Academy is still seeking applicants for their upcoming 11-week session, set to begin next week. The 33-hour course of instruction is free to Farmers Branch residents. Find out more online at farmersbranchtx.gov/police.
- We also want to announce that the first of two shredding events to be held this year has been scheduled for Saturday, April 8, from 9 a.m. until 12 noon here at City Hall. Residents can shred whatever household documents they wish to bring up to the shredding truck onsite. Call 972.919.2597.
- Don't forget that the Farmers Branch Market opens for the 2017 season on Saturday, April 1, with hours from 9 a.m. til 1 p.m. Find out more at farmersbranchmarket.com.
- In staff updates, congratulations go to two members of the Parks and Recreation team. Senior Center Recreation Programmer Jennifer Stone exemplified the balance of work life, home life and professional development when she recently graduated from Texas Woman's University with her Bachelor's Degree in Business Administration. Then, just last week, Aquatics Center Manager Rachael Arroyo completed the Texas Recreation and Parks Society Academy of Leadership Development. We are fortunate to have both of these women working with us every day. Congratulations to them, both!
- You can sign up for eNews at **[farmersbranch tx dot gov](http://farmersbranch.tx.dot.gov)** to have current City news and information delivered directly to your eMail box.

E. CITIZEN COMMENTS

Council Member Lynne spoke stating the new alert system worked well at 4:52 a.m. He commended the Parks Department on the reconstruction of the gate at Valley View and Marsh noting it looks nice.

F. CONSENT AGENDA

- F.1 [17-402](#) Consider approving minutes of the special called City Council meeting held on February 14, 2017 and the regular City Council meeting held on February 21, 2017; and take appropriate action.**
- F.2 [R2017-034](#) Consider approving Resolution No. 2017-034 dissolving the Citizen Bond Committee; and take appropriate action.**
- F.3 [R2017-030](#) Consider approving Resolution No. 2017-030 authorizing the City Manager to purchase Uninterrupted Power Supply (UPS) systems and implementation services for the City Hall data center and the Emergency Operations Center in an amount totaling \$142,079 from Anixter, Inc.; and take appropriate action.**
- F.4 [R2017-036](#) Consider approving Resolution No. 2017-036 authorizing a unit price contract for the annual concrete supply purchase with Redi-Mix Concrete, Inc; authorizing renewals of said contract; providing for an effective date; and take appropriate action.**
- F.5 [R2017-037](#) Consider approving Resolution No. 2017-037 approving an agreement with Lina T. Ramey and Associates, Inc. for professional services associated with the design of the Westside Trail connection from the DART Station to the west city limit; and take appropriate action.**

- F.6** [R2017-039](#) **Consider approving Resolution No. 2017-039 awarding unit price bids for the annual purchase of chemicals and fertilizers for the Parks and Recreation Department; and take appropriate action.**
- F.7** [R2017-041](#) **Consider approving Resolution No. 2017-041 amending the interlocal agreement for technical services between the City of Farmers Branch and the Trinity River Authority and ratifying the original agreement as amended; and take appropriate action.**

Motion made by Mayor Pro Tem Froehlich to approve Consent Items F.1 through F.7, 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

G. PUBLIC HEARINGS

- G.1** [ORD-3429](#) **Conduct a public hearing and consider approving Ordinance No. 3429 to amend Planned Development District No. 99 (PD-99) revising the Conceptual Site Plan, adding the Mercer Crossing Development Guidelines, allowing the Amenity Center as a permitted use as a required element within the Phasing Plan; and take appropriate action.**

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained the developer of the new Mercer Crossing community, Centurion American, have been working closely together to refine the concept plans and ideas illustrated in this original document into a more comprehensive and detailed master plan. He explained with the creation of PD-99, and the approximate 607 planned single-family homes and 1,750 multi-family dwelling units, Centurion American agreed to designate this potential school site on the Conceptual Site Plan. He noted the CFBISD determined that a new elementary school was not necessary for the Mercer Crossing area, and has declined the opportunity to purchase the proposed school site shown on the PD-99 Conceptual Site Plan. Mr. Gillies explained with the CFBISD decision to not purchase the site, Centurion American proposed a new design for this 8.6 acre parcel and the residential neighborhood surrounding it (to be known as Verwood). Mr. Gillies explained this new proposed design includes 31 additional single family lots, all rear loaded driveways and containing at least 5,250 sf in area (generally 50'wide x105'deep). In addition, a centrally located neighborhood park (containing approximately 1.3 acres) is being proposed. Mr. Gillies explained this is a significant change to the Conceptual Site Plan for PD-99 and requires the following modifications:

- Amend Conceptual Site Plan Verwood Only
- Include Design Guidelines in PD
- Change Amenity Center to a Permitted Use
- Include Amenity Center to Phasing Plan
- Amend Gas Well Exhibit

Mayor Phelps opened the public hearing. There were no citizens that wished to speak in support and/or opposition to the proposed case.

Mayor Pro Tem Froehlich made a motion 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

Council Member Lynne made a motion to approve Ordinance No. 3429, 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

G.2 [ORD-3432](#) Conduct a public hearing and consider adopting Ordinance No. 3432 to consider proposed assessments to be levied against the assessable property in the Mercer Crossing Public Improvement District within the City of Farmers Branch, pursuant to Chapter 372 of the Texas Local Government Code; and take appropriate action. (*This is a continued public hearing from the March 1, 2017 City Council meeting.*)

City Manager Charles Cox briefed City Council regarding this item noting this is a continued public hearing. Mr. Cox explained on January 4, 2017, CADG Mercer Crossing Holdings, LLC submitted a petition to create a public improvement district on the City's west side. In accordance with state law, the petition included the:

- General nature of the proposed improvement
- Estimated cost of the improvement
- Boundaries of the proposed district
- Proposed method of assessment
- Proposed apportionment of cost between the district and the City
- Proposed management of the district

Mr. Cox explained the petition was signed by the owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the Dallas Central Appraisal District. He noted the City Council approved Resolution No. 2017-028, on February 14, 2017, to provide for the establishment of Mercer Crossing Public Improvement District in accordance with a petition request from a property owner representing greater than 50 percent of the property within the requested district.

Mr. Cox introduced Abdi Yassin with Municab, Inc. who provided a presentation on the Service and Assessment Plan to the City Council. Mr. Cox asked Mr. Yassin to clarify if the loan maturity is a 30 year or 35 year loan. Mr. Yassin spoke stating typically a service and assessment plan is set for 35 years, because the first five years funds are accrued funds used for infrastructure during the construction period. The bond would be for a 30-year maturity period. Mr. Yassin reviewed the proposed Service and Assessment Plan. He noted the PID is presently located within the City and contains approximately 397.6 acres of land. At completion, the PID is expected to consist of approximately 736 single family residential units, 111 townhomes, 2,250 mutli-family dwelling units with 25,000 square feet of restaurant space, 90,000 square feet of retail space, two hotels, 65,000 square feet of office space, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the

PID. Mr. Cox explained the City's Public Works Director will review the proposal and dollar amounts will be verified prior to any payments. He further stated the project management guidelines include City inspection to ensure the project meets city requirements.

After discussion, Motion 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

Council Member Bomgardner made a motion to approve Ordinance No. 3432, as presented. 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

H. REGULAR AGENDA ITEMS

H.1 [17-395](#) Discuss upcoming City Council meeting dates for 2017; and take appropriate action.

City Council discussed upcoming City Council meeting dates for 2017.

After discussion, Council Member Norwood made a motion to amend the following meeting dates:

- Meet July 11, 2017, one meeting only.
- Meet September 12th and September 26, 2017
- Meet October 2, 2017
- Meet November 14th & November 28th
- Meet December 12th, one meeting only.

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

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

As a result of executive session, Council Member Lynne made a motion that the City Manager be authorized to negotiate and sign contracts and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation for the purpose of resale to Christian Bray and wife, Tara Bray and/or assigns the property described as Lot 41, Block 12, Valwood Park Addition, 27th Installment, 2nd Section, an Addition to the City of Farmers Branch, Texas, more commonly known as 14055 Rawhide Parkway, for a purchase and sales price of not less than \$105,000 with the resale of said property to be subject to a restriction agreement requiring construction of a single family residence of not less than 2000 square feet of air conditioned space with an assessed value of the property upon completion

of construction, inclusive of both land and improvements, to be not less than \$350,000. 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

Council Member Norwood made a motion to authorize the City Manager after consultation with the City Attorney to negotiate and execute the necessary documents and agreements, on behalf of the city, including any amendments or instruments related thereto, to:

- A.) Amend lease with the Dallas Stars by reducing annual rent to \$610,000 for the next 10 years
- B.) Terminating the agreement when debt service for the facility is paid (approx.. 10 years)
- C.) Agreeing to enter into a fair market lease thereafter
- D.) Reducing the security deposit to \$300,000
- E.) Spend \$983,000 for facility improvements necessary to make the Farmers Branch StarCenter the official home of the Dallas Stars Alumni, the Texas Hockey History & Resource Center, the home rink for Disabled and Sled Hockey in DFW, and the official practice rink for visiting NHL teams.

Motion seconded by Council Member Bomgardner. 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

K. ADJOURNMENT

Mayor Pro Tem Froehlich made a motion to adjourn the meeting at 6:48 p.m. 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 6:48 p.m.

Mayor

ATTEST:

City Secretary