

**City of Farmers Branch**

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

Meeting Minutes**City Council**

Wednesday, June 21, 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/Mayor Robert C. Dye
- Present:** 5 - Deputy Mayor Pro Tem Ana Reyes, Council Member Bronson Blackson, 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; Pete Smith, City Attorney; Benjamin Williamson, Assistant to City Manager; Tom Bryson, Communications Director; David Hale, Police Chief; Dean Habel, Deputy Police Chief; Andy Gillies, Community Services Director; John Roach, Interim Public Works Director; Steve Parker, Fire Chief; Brian Beasley, Human Resources Director; Sherrelle Evans-Jones, Finance Director; Allison Cook, Economic Development Director; Kevin Muenchow Fleet and Facilities Director; Shane Davis, Environmental Services and Solid Waste Manager

A. STUDY SESSION

Mayor Phelps called the Study Session meeting to order at 4:00 p.m.

- A.1 [17-493](#) Discuss regular City Council meeting agenda items.**
City Council had no discussion on this item.

- A.2 [17-510](#) Receive a report from City Staff regarding the cost and potential use of vendor-supplied, 35-gallon recycling carts in select neighborhoods.**

Environmental Services and Solid Waste Manager Shane Davis briefed City Council

regarding this item. Mr. Davis reviewed the potential cart size options, which were 95 gallons, 65 gallons, and 35 gallons. He stated a 35 gallon recycle cart could potentially cost \$42 per cart for an entire rollout or less depending on the number of carts.

Mr. Davis explained there might be potential issues with a large number of cart exchanges. Some issues may include tracking, distribution methods and long-term loss of carts, which may require residents to incur charges for any cart(s) requests. Mr. Davis stated Staff's recommendation is to target select neighborhoods with smaller streets such as Oakbrook Parkway HOA and Courtyard Circle.

Deputy Mayor Pro Tem Bomgardner had discussion regarding truckload shipments and if they could mix different cart sizes in each load to avoid shipping costs. Mr. Robert Medigovich with CWD replied mixed loads would be available in one shipment.

Council Member Lynne had questions regarding cost spent for the 95-gallon recycle bins, amount ordered, number of participants in the program, carts returned and other cities utilizing the landfill. Mr. Davis replied the City ordered approximately 7,000 95-gallon carts, at about \$28 a cart. He stated the City has approximately 1,100 participants in the program and about 200-300 residents chose to opt out of the program. Mr. Davis explained the City of Coppell, Town of Flower Mound and City of The Colony all have similar recycling programs.

Council Member Reyes suggested targeting the two specific neighborhoods with small streets.

After discussion, Deputy Mayor Pro Tem Bomgardner recommended the City make 500 carts available, and asked City Staff to notify senior citizen residents and allow them first priority with a two-week pick up period.

Council Member Blackson asked how the City plans to track these carts. Mr. Davis replied explaining he will work with the Finance Department to create a tracking system. Finance Director Sherrelle Evans-Jones agreed a process could be worked out to create a tracking system.

Deputy Mayor Pro Tem Bomgardner suggested allowing senior citizens priority of receiving the smaller carts.

Mayor Pro Tem Norwood stated he supports allowing senior citizens priority within a two-week period and targeting the smaller neighborhoods.

Mayor Dye stated CWD has an option for elderly residents that may need assistance with carts.

Deputy City Manager John Land thanked CWD for being such a great partner in working with the City.

A.3 [17-505](#) Receive a presentation from Brookhaven College Art Department on placement of Art in the Station area.

Deputy City Manager John Land briefed City Council regarding this item. Mr. Land explained he, David Moore, and Josh from Western Securities all reached out to Brookhaven College Arts Department to see if they would be interested in participating in

a City art project. Assistant Director of Arts Ms. Natalie Macellio led the project with a group of Art students. The Brookhaven Art Students provided a presentation on art concepts and art exhibits for the Farmers Branch Station area. The students each described the symbolic structure.

Council Member Lynne asked if the project was limited to just the Station area. Mr. Land replied stating the Station Area is the only location at this item.

Council Member Blackson suggested incorporating other languages within the art to represent unity within the entire community.

Mayor Pro Tem Norwood asked about costs associated with the project. Mr. Land stated funding is available through the TIF fund and Brookhaven College would manage the project. He explained the students would gain experience by obtaining bids and providing project oversight.

City Council thanked the Brookhaven College Students for their efforts and presentation.

A.4 [17-521](#) Receive an update on Multi-Family Development throughout the City.

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies reviewed the number of existing multi-family units, noting we have about 6,004 units within the City of Farmers Branch.

He stated the following are upcoming construction projects being considered in addition to the existing units: JPI Landmark constructing 324 units; JPI Knightsbridge constructing 424 units; Riverside Park constructing 136 units; Brickyard 2 constructing 424 units; and Mustang Station 2 constructing 186 units. The total existing and upcoming multifamily will be 7,538 units.

Mr. Gillies reviewed the following summary of entitled and approved 2017 Multi Family Summary: Lakeside Lofts 495 units; Dominion 448 units; Royal Hospitality 150 units; JPI Knightsbridge (2) 376 units; Midway Urban Village 586 units; JPI Bridgeview 406 units; DNT 658 units; Mercer Western Rim 1,250; Huffines Boardwalk 500 units; Brickyard (3) 698 units. Mr. Gillies stated the total existing and entitled multi-family units are 13,105 units. Mr. Gillies reviewed Carrollton, Farmers Branch and surrounding area submarkets. He noted the Dallas-Plano-Irving MDA is comprised of 32 separate submarkets. He reviewed maps showing

Mr. Gillies concluded his presentation stating he anticipates Farmers Branch would have between 800-1200 units a year for the next 4 years.

Council Member Lynne asked that Developers be required to provide a quality product when constructing future multifamily development. He asked for a future discussion on multifamily requirements.

Council Member Blackson stated you could have a life cycle cost feasibility presentation by a Developer.

Mr. Gillies replied stating he will bring forward an update to discuss future amenities at the July 2017 Council meeting.

Mayor Phelps recessed at 5:18 p.m.

A.5 [17-527](#) Receive a report regarding stagnant residential permits.

Due to time constraints, this item was skipped and discussed later in the meeting.

A.6 [17-507](#) Discuss agenda items for future City Council meetings.

Mayor Pro Tem Norwood asked for an update regarding the Oncor Steering Committee, Solar Panels, and an update on the TxDOT property.

Council Member Lynne asked for an update regarding LED lighting for new residential developments and streetlights. He asked for discussion regarding creation of a Marketing Committee, update on the current Marketing program, and regulations on Air BNB.

Deputy Mayor Pro Tem Bomgardner asked for clarification on the payroll fund increase for the month of May.

Council Member Reyes asked for an update regarding the Camelot Landfill, Farmers Branch Creek, and on street parking.

B. RECEPTION AT 5:30 P.M. (FRONT LOBBY)**B.1 [17-522](#) Reception honoring Mayor Bob Phelps for his years of service on the Farmers Branch City Council and welcome ceremony for Mayor-Elect Robert Dye.**

Mayor Phelps recessed from Study Session at 5:50 p.m.

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

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

D. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Bruce Gregory with Farmers Branch Church of God provided the invocation. Farmers Branch Students Emily and Addison Derrick led the pledge of allegiance and pledge to the Texas flag.

E. CEREMONIAL ITEMS**E.1 [R2017-075](#) Consider approving Resolution No. 2017-075 canvassing the election returns of the June 10, 2017 Runoff Election for Mayor; and take appropriate action to include swearing in of duly elected City Council member.**

Mayor Phelps read aloud Resolution No. 2017-075, canvassing and declaring the results of the June 10, 2017, runoff election for the office of Mayor.

Motion made by Mayor Pro Tem Norwood to approve Resolution No. 2017-075, as presented. Motion seconded by Council Member Council Member Blackson. Motion prevailed by the following vote:

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

E.2 [17-526](#) Presentation recognizing former Mayor Bob Phelps for his years of service on the Farmers Branch City Council.

Mayor Pro Tem Norwood provided Mayor Bob Phelps with a plaque and 15-year pin for his years of service as Mayor noting he is the longest serving Mayor in the history of Farmers Branch serving five terms.

E.3 [17-509](#) Farewell remarks from former Mayor Bob Phelps and welcome remarks from newly elected Mayor Robert Dye.

Former Mayor Bob Phelps expressed his appreciation and gratitude to the residents of Farmers Branch and to City Administration for all the support.

F. REPORT ON STUDY SESSION ITEMS

Council Member Bomgardner provided a report on Study Session items.

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

The City Manager provided the following report:

- County singer Melissa Ratley will entertain the crowd at the Farmers Branch Market this Saturday from 9 a.m. til 1 p.m. Nearly 40 vendors will be selling everything from produce and meats to eggs, artisan food and crafts. Ms. Ratley is expected to take the stage at 10 a.m. Find out more at **farmersbranchmarket.com**.
- Our community will come together in celebration on Monday, July 3 for the annual Independence Day festivities at the Farmers Branch Historical Park. Gates will open at 6:30 p.m. and admission is free. The popular, high-energy band, "Inside Out" will return to provide music for the event. Additionally, there will be a free KidZone area, concessionaires selling festival favorites and more. The traditional low-level fireworks show will conclude the evening after dark. For more information, visit **fbspecialevents.com**.
- Also, please note that most City of Farmers Branch offices and facilities will be closed on Tuesday, July 4, in observance of the Independence Day Holiday. There will be a few exceptions – the Rec Center and Natatorium will both be open from 6 a.m. to 5 p.m.; Historical Park from 8 a.m. to 5 p.m.; and the Frog Pond from 12 noon to 6 p.m. Additionally, and this is important – GARBAGE AND RECYCLING WILL BE COLLECTED ON REGULARLY SCHEDULED ROUTES THAT DAY. For more information, call us at City Hall at 972.247.3131.
- We do want to remind everyone that the City Council will meet in regular session one time in July, that is on Tuesday, July 11 at 6 p.m., here at City Hall.
- You can sign up for eNews at **farmersbranchtx.gov** to have current City news and information delivered directly to your eMail box.

H. CITIZEN COMMENTS

The following citizens wished to speak under citizen comments:

Resident Vickie Harrison spoke reviewing the current procedures for citizen comments and expressed concerns with elected officials responding to Citizen Comments noting these statements become public record and punitive action should be taken if rules are broken. She urged Council to discuss this at the Friday City Council retreat. She urged Council to

be congenial with citizens, noting her name was spoken last week with statements that in her opinion violated the City Charter rules. She asked Council to follow proper procedures during meetings, pursue sexual harassment training, and follow the code of ethics.

I. CONSENT AGENDA

- I.1 [17-523](#) **Consider approving minutes of the regular City Council meeting held on June 6, 2017; and take appropriate action.**
- I.2 [17-524](#) **Consider accepting a donation from Fars Branch resident, Charlotte Ray, in the amount of \$2,500 to be used for Fire Fighter safety screenings and Police Officer safety equipment; and take appropriate action.**

Motion made by Council Member Lynne to approve Consent item I. 1, and I.2, as presented. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

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

J. PUBLIC HEARINGS

- J.1 [ORD-3449](#) **Conduct a public hearing and consider adopting Ordinance No. 3449 amending the Standards of Care; and take appropriate action.**

Parks and Recreation Director Jeff Harting briefed City Council regarding this item. Mr. Harting explained the Farmers Branch Youth Programs Standards of Care are annually adopted by ordinance and have historically included information pertaining to medication administered by staff. Current Standards of Care prohibit staff administering any injections including EpiPens. An EpiPen is an epinephrine auto injector for people with life threatening allergic reactions.

Mr. Harting explained City Administration has received requests by youth program participant parents/guardians to re-evaluate the prohibition of EpiPen administration by staff. The request is specifically that employees working with youth programs be allowed to administer an EpiPen in a life threatening allergic situation. Staff talked with the Fire Department, Risk Management, and the City Attorney and believes it is prudent to allow properly trained staff to administer an EpiPen in a life threatening allergic situation. He explained the Fire Department believes the risk of not administering an EpiPen in a life threatening situation far outweighs the minimal risk of administering when/if not actually needed. Further, the Fire Department believes training can be adequately provided to allow staff, including part time staff, to safely administer an EpiPen. He explained training would be provided by the Fire Department and a waiver would have to be signed by parents/guardians.

Council Member Blackson asked if insulin injections were included. Chief Parker explained insulin injections falls under a chronic illness, and these injections would not be provided.

Council Member Lynne asked about Staff training and if a certification would be issued. Chief Parker replied that the Fire Department will provide training on how to recognize signs of anaphylactic shock and a training card would be issued and kept on file. Council Member Reyes thanked Staff for updating the policy and recognized the Ms. Hale and her son Jacob who were in attendance. Ms. Hale spoke expressing appreciation to City Council for updating their policy to making it safer for all kids.

Mayor Dye opened the public hearing. The following citizen(s) wished to speak:

Resident Cynthia, who resides on Birch Lawn Street spoke expressing appreciation to their policy and providing this option of extra safety for her child who attends the Summer Funshine program at the Recreation Center.

Motion made by Deputy Mayor Pro Tem Bomgardner to close the public hearing and adopt Ordinance No. 3449, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

K. REGULAR AGENDA ITEMS

- K.1 [R2017-074](#) Consider approving Resolution No. 2017-074 authorizing the Mayor to execute an Agreement of Cooperation for Community Development Block Grant Program with Dallas County for a period of three years; and take appropriate action.**

Interim Public Works Director John Roach briefed City Council regarding this item. Mr. Roach explained CDBG funds have been used for sidewalk, water and sewer replacements and street reconstruction. He introduced Mr. Rick Loessberg, the Director of Planning and Development for Dallas County, who briefed City Council regarding this item.

Council Member Norwood asked what the program differences are, clarification regarding three year term, and why the policy is written with excessive force language.

Mr. Loessberg explained the three year contract terms are by statute. He explained the CDBG Home Consortium is offered to cities with less than 50,000 population and noted the other state funding options are available for smaller cities who wish to participate alone. He explained the CDBG Home Consortium Program received about \$2 million that was split with other cities, noting Farmers Branch received approximately \$200,000 last year. He further stated the wording "excessive force" and "not barring entrances and exits" is a HUD requirement for all contracts to ensure civil rights.

Council Member Lynne asked if the City submits a list of projects and how funding is allocated. Mr. Loessberg explained the City applies and every two years when funding becomes available, the County provides the City by formula a funding amount. He explained these projects are usually infrastructure related.

Council Member Blackson asked what projects in the past have been utilized by these funds. Mr. Cox explained Shoredale water and sewer, Bee Street sidewalks and sewer, Dennis Lane sidewalks and many more have been funded by the CDBG program.

Motion made by Mayor Pro Tem Norwood to approve Resolution No. 2017-074, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

K.2 [17-482](#) Receive a mid-year update from Metrocrest Community Clinic.

Ms. Lisa Rigby Executive Director with Metrocrest Community Clinic briefed City Council regarding this item. She provided the Metrocrest Vision and Mission. She explained her main focus is on preventive disease. She noted Metrocrest provides Dental, Radiology/Imaging, Pharmacy Medical Management, Chronic Disease Management, Women's Health, Primary Care, Mental Health care and Prevention. She stated about 25% of patients come from Farmers Branch. She explained the Clinic has received a 40% increase in visits for healthcare. Ms. Rigby reviewed the cost of benefits, which indicated 556 total number of Farmers Branch residents served. She explained costs have increased, and requested an increase of \$3,000 this year, for a total amount of \$15,000 in nonprofit funding from the City of Farmers Branch.

Council Member Reyes stated thanked Ms. Rigby and noted many individuals have lack of medical access, with significant life changes. She asked how the City can be more helpful.

Ms. Rigsby replied stating the clinic could work staff to provide education to residents and park use.

K.3 [17-525](#) Receive a mid-year update form the Farmers Branch Chamber of Commerce.

Farmers Branch Chamber of Commerce President Nanette Foght provided an update regarding mid-year services. Ms. Foght reviewed the following events the Farmers Branch Chamber has helped host:

- Networking opportunities through lunch and learns
- Ribbon cutting events
- Annual evening of excellence
- Annual Back the Blue & Fireman, too event
- Youth Leadership Programs
- Annual Golf Tournament
- Annual Clay Shoot

Mayor Dye recessed at 7:31 p.m. recessed and reconvened at 7:46 p.m. to discuss Study Session Agenda Item A.5.

A.5 [17-527](#) Receive a report regarding stagnant residential permits.

Building Official Hugh Pender briefed City Council regarding this item. Mr. Pender explained the City currently utilizes the 2015 International Residential Code (IRC). He explained the original 1976 Uniform Building Code (UBC) stated applications for which no permit had been issued should expire 180 days following the application. No local amendments have been made addressing applications or plan review.

Mr. Pender reviewed the 2015 International Residential Code(IRC) which states “every permit shall become invalid unless the work authorized is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.” He noted the City of Farmers Branch has a local amendment to R105.5 of the 2015 IRC which states “every permit issued shall become invalid unless the work authorized by such permit is commenced within 90 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced.” This amendment goes on to establish a final expiration of all residential permits of 365 days. It does allow 30 day extensions of the final expiration with justifiable cause.

Mr. Pender explained Building permits are considered a “ministerial act”. Permit applications cannot be withheld if they meet the minimum criteria to be issued. He noted 252 Residential remodel permits issued last year (June 2016-2017), approximately 5 with lack of activity issues. (2%)

Mr. Pender explained the following proposed solutions could be considered:

- 1) Could charge a re-instatement fee for permits taking longer than 90 days or 180 days. Fee could be weighted or tiered based upon progress or lack thereof.
- 2) Could turn stagnant projects over to Code Enforcement Officers for correction notice. Could result in a court citation, which is typically more expensive than the permit itself.
- 3) Could consider charging an upfront, non-refundable plan review deposit. Currently, there is no upfront charge to start the permit process. He explained by having upfront fees, it may discourage those projects that tend to be less serious.
- 4) Could create a period in which all exterior items need to be completed. Items such as exterior siding and painting (weather protection). He recommended no changes be made to the existing process.

Council discussed scaling permits and basing fees on valuation and types of permits..

Mayor Pro Tem Norwood explained we want to encourage redevelopment and cautioned against adding a blanket fee. He stated the problem is homes that sit for a period with no progress. He urged the City to enforce through liens or citations, instead of adding a blanket fee.

After discussion, Mr. Gillies stated he will work with staff to create a definition for “inactive projects” and draft a Code enforcement policy for Council to review.

City Council recessed into Executive Session at 8:39 p.m.

L. **EXECUTIVE SESSION**

L.1 [17-508](#)

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 Parkway, east of I35, and west of Webb Chapel Road.*

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

- *Economic Development incentives for a prospective development at 12877 Josey Lane.*

City Council reconvened into Regular Session at 9:03 p.m.

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

No action was taken as a result of Executive Session.

N. ADJOURNMENT

Mayor Pro Tem Norwood made a motion to adjourn the meeting. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

The meeting was adjourned at 9:06 p.m.

SIGNED:

Mayor

ATTEST:

City Secretary