



**City of Farmers Branch
City Council Minutes
2 p.m. Study Session
6 p.m. Regular Meeting**

Tuesday, August 15, 2017

Farmers Branch City Hall
13000 William Dodson Pkwy
Farmers Branch, TX 75234

Council Chambers

- Presiding:** 1 - Mayor Robert C. Dye
- Present:** 4 - Mayor Pro Tem John Norwood, Deputy Mayor Pro Tem Mike Bomgardner, Council Member Bronson Blackson, Council Member Terry Lynne
- Absent:** 1 - Council Member Ana Reyes
- Staff:** - Charles Cox, City Manager; John Land, Deputy City Manager; Amy Piukana, City Secretary; Pete Smith, City Attorney; Sara Egan, Records Management Coordinator; Benjamin Williamson, Assistant to the City Manager; Tom Bryson, Communications Director; David Hale, Police Chief; Andy Gillies, Community Services Director; Marc Bentley, 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, Sustainability & Public Health Director

A. STUDY SESSION

Mayor Dye called the Study Session meeting to order at 2:01 p.m.

A.1 [17-533](#) Discuss regular City Council meeting agenda items.

Council Member Lynne asked what proposed amendments to Agenda Item G.3, (Historical Park rental policy). Parks and Recreation Director Jeff Harting explained the proposed policy includes, if utilizing \$1,000 of hotel business, they would receive a reduced rental rate, which would be cancelled should they cancel their event. The revision also includes if cancelled, rental rates would apply, designated on page 9 of the policy. Secondly, the private rental during City events is prohibited, unless approved by the Parks & Recreation Director.

Council Member Lynne recommended notifying the list of regular renters that the new policy has changed, as a courtesy. Mr. Harting agreed to notify everyone on the list.

City Council discussed Police and security presence at events, alcohol, permits, and costs.

Deputy Mayor Pro Tem Bomgardner asked for clarification on Agenda Item I.4, Keep Farmers Branch Beautiful. Sustainability and Public Works Director Shane Davis explained this is a new non-profit organization that is forming out of the Sustainability Committee.

A.2 [TMP-2299](#) Discuss the City Manager's balanced budget and organizational funding requests related to the adoption of the Farmers Branch 2017-18 Fiscal Year budget.

Finance Director Sherrelle Evans-Jones briefed City Council regarding this item. Ms. Evans-Jones reviewed the following:

- Property Taxes - \$25.6M
- 2017-18 Budget presumes no change in the tax rate - \$0.602267
- \$1.3M total revenue increase (\$808K excluding new construction)
- \$492K revenue to be raised from new properties added to tax roll
- 2017-18 Rollback Rate is \$0.634391
- Property tax as a percent of debt service remains at a sustainable level.

The \$1.3M total revenue increase has been spent funding mandatory items.

New Public Safety Personnel for the West Side - \$415,000

Non-Sworn Employee Merit Raises and Sworn Police Structure Adjustments - \$521,000

Lewisville Hosting Fee Increase - \$231,000

Emergency Communication Center (NTECC) Increase - \$111,600

The total being \$1,278,600.

Ms. Evans-Jones reviewed the following:

Building Permits - \$2.5M

- The largest percentage increase of any revenue category; West Side Development
- Adjustment in rate structure proposed

Refuse Services - \$3.6M

- Increase presumes expansion of Camelot Landfill – December 2017

Court Fines - \$2.3M

- Success with Marshal's Program – start-up cost covered in the first year
- 2015-16 Actual, \$2.1M; 2016-17 Projected, \$2.25M

Total Revenues - \$56.8M, 3.4% increase from 2016-17 Amended Budget

Refuse Services - \$3.6M

- Increase presumes expansion of Camelot Landfill – December 2017

Contingency Plan - Options

Agriculture Land Revenue - \$300K

Economic Development Fund - \$300K

Street Maintenance - \$400K

Other Options –

- Defer hiring
- Defer Police Car Replacements

Police Chief David Hale briefed City Council regarding future growth projections for single and multifamily dwelling units. He reviewed a beat map, noting seven (7) beats have been proposed. He summarized, stating (3) new sworn Patrol Officers with one (1) Training Division Officer has been requested in the proposed budget.

Fire Chief Steve Parker provided an overview of the 2017-18 Staffing Requests for the Fire Department. He explained he has requested one (1) part time fire fighter inspector and

three (3) full time firefighter paramedic positions. Chief Parker provided Council with an overview on Fire Inspections, and response times.

The City Council discussed staffing, training, and how applicants are chosen.

Assistant to City Manager Ben Williamson briefed City Council regarding the following non-profit funding requests:

Organization	FY 15-16 Approved	FY 16-17 Approved	FY 17-18 Request	Request as a Percent of Budget
FB Chamber of Commerce	\$80,000	\$80,000	\$80,000	42%
Metrocrest Chamber of Commerce	\$7,500	\$7,500	\$7,500	1.969%
Metrocrest Community Clinic	\$12,000	\$12,000	\$15,000	1%
The Family Place	\$10,000	\$10,000	\$10,000	2%
Metrocrest Services/Senior Adult Services	\$175,000	\$175,000	\$195,000	3.7%
Beas Kids	\$7,500	\$7,500	\$10,000	8.3%
Keep Farmers Branch Beautiful	-	-	\$5,000	100%
The Firehouse Theater	-	-	\$40,000	10%
TOTALS:	\$292,000	\$292,000	\$362,500	

Council Member Lynne suggested waiting on additional Police hires until next year to allow the West Side to develop.

Mayor Pro Tem Norwood asked to see a detailed timeline to allow Council to see when and where the additional tax revenue is coming from.

The City Council discussed Police technology, response times, and comparison with surrounding cities.

Parks Director Jeff Harting briefed City Council regarding the Historical Park needs. He explained two issues require funding: (1) Gilbert House south wall needs stabilization and crack repairs; and (2) the Historical Park Church does not have proper drainage and ventilation. He noted piers might be necessary to raise the building higher and allow better ventilation.

Mayor Pro Tem Norwood asked that any repairs be made properly, with no short cuts. He supports preserving the City's historical buildings.

Deputy Mayor Pro Tem Bomgardner asked about the delta in revenue in regards to the Aquatics Center. He asked that Staff review and provide plans to address any future deficits. He asked Staff to review what other cities are doing with these types of amenities and suggested cutting back on certain non-profit funding.

Council Member Lynne suggested offering a movie and float event at the Aquatics Center.

Deputy Mayor Pro Tem Bomgardner suggested a two-year plan to cut back on the non-profit budgets.

Farmers Branch Chamber of Commerce Nanette Foght, spoke stating the Chamber is growing and needs the City's support.

Mayor Pro Tem Norwood suggested removing the \$1 ticket portion of ticket sales the City receives and allow The Firehouse Theatre to retain full portion of the sales. He noted this would be alternate way to assist The Firehouse Theatre.

Deputy Mayor Pro Tem Bomgardner suggests The Firehouse do more fundraising and suggested matching their fundraising in order to challenge them. Mr. Cox replied stating it must be a contract of service.

Council Member Blackson stated he supports The Firehouse Theatre, noting this is a destination area that needs revitalization.

Deputy City Manager John Land suggested using a portion of hotel motel funds for the Firehouse Theatre and suggested removing the \$40,000 request from the nonprofit funding.

Mr. Cox explained further discussion will occur at the August 29, 2017 Special Called City Council meeting.

Mayor Dye recessed for a break at 4:48 p.m. and reconvened at 5:03 p.m.

A.3 [TMP-2314](#) Receive an update regarding SB1004 relating to the deployment of Wireless Network Node equipment in public right-of-way and authorizing fees.

Planning Manager Alexis Jackson provided City Council with an overview of SB1004. Ms. Jackson noted earlier this summer the Texas Legislature approved Senate Bill 1004 (SB1004). This legislation severely limits the amount of control a municipality can impose on Network Telecommunication Providers requesting permission to install peripheral wireless network node equipment on utility poles located within City right-of-way. The providers insist this additional equipment is essential to provide adequate data service to the next generation of phones and appliances using 5G technology, which we support, however the unsightliness of such equipment is a concern. SB1004 also requires all allowable municipal regulation to be officially approved by the City before September 1, 2017. Ms. Jackson explained City Staff has prepared an Ordinance, which amends Chapter 70, by adopting Article V, "Network Providers" and amending Appendix "A" Fee Schedule. The amendment to the fee schedule provides a new source of revenue for cost for placement of such equipment within City rights-of-way.

City Council discussed the maximum fee the City receives, pole requirements and the process of equipment and installation.

A.4 [TMP-2297](#) Receive a presentation on Code Enforcement Data Analysis.

Assistant to the City Manager Ben Williamson briefed City Council regarding this item. Mr. Williamson explained this presentation would highlight the direction the City of Farmers Branch is taking with “big data” and implementing balanced scorecards.

Mr. Ray Mendez, Code Enforcement Manager, introduced the Code Enforcement Officers to City Council. He reviewed the adjustments in resident communications and feels more compliance has been made through public education.

Mr. Mendez provided an overview of Code Violation cases and noted the City has contracted with Metro Study to provide an updated property condition survey for the City. He stated the results would be provided at a future City Council meeting.

Mayor Dye recessed from Study Session at 5:44 p.m.

Mayor Dye called the regular meeting to order at 6:01 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Lynne provided the invocation. Council Member Blackson led the Pledge of Allegiance and Mayor Dye led the Pledge to the Texas Flag.

C. CEREMONIAL ITEMS

C.1 [17-560](#) Consider accepting an in-kind donation for \$14,260 from the Friends of the Farmers Branch Historical Park to the Farmers Branch Historical Park; and take appropriate action.

Deputy Mayor Pro Tem Bomgardner made a motion to accept an in-kind donation in an amount of \$14,260 from the Friends of the Farmers Branch Historical Park to the Farmers Branch Historical Park. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Blackson, Council Member Lynne

Mayor Dye thanked Ms. Claire Connally who was representing the Friends of the Farmers Branch Historical Park, for their donation.

D. REPORT ON STUDY SESSION ITEMS

Deputy Mayor Pro Tem Bomgardner provided a report on Study Session items.

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

The City Manager provided the following report:

- There is a big event schedule for the fall season that kicks off in September. Be looking for information on:
- The Pickups-n-Panels Car & Truck show on September 9
- Sunset Movies at the Manske Library amphitheater September 2 & 16
- Encounters from the Past cemetery tours September 15 & 16
- Date Night in the Park September 23 and more

- Don't forget that the Farmers Branch Animal Adoption Center is running a 'Dog Days of Summer' special with lower adoption fees in an effort to reduce the population of the shelter. Through the end of the month, dogs and cats can be adopted for \$20 with kittens and puppies for \$45. Find out more and come visit adoptable pets at 3727 Valley View Lane or call the staff at 972.919.8770.
- Don't forget that Information and education on the proposed Quality of Life bond issues can be found online at voteftbx.com.
- Most City of Farmers Branch offices and facilities will be closed on Monday, September 4 in observance of the Labor Day holiday. However, the Community Recreation Center and Margaret Young Natatorium will be open from 6 a.m. until 5 p.m.; Next door, the Frog Pond will celebrate its last day of the summer swim season by opening from 12 noon through 6 p.m., and the Historical Park will be open from 8 a.m. until 5 p.m. Importantly, please note that regular garbage and recycling will be collected on Labor Day.
- You can sign up for eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

F. CITIZEN COMMENTS

Ms. Kim Connally read an excerpt from Dr. Gilbert's Historical diary.

G. CONSENT AGENDA

- G.1 [17-552](#) Consider approving minutes of the regular City Council meeting held on August 1, 2017; and take appropriate action.
- G.2 [R2017-096](#) Consider approving Resolution No. 2017-096 authorizing the City Manager to apply for and accept a grant through the Rifle Resistant Body Armor Grant Program; and take appropriate action.
- G.3 [R2017-097](#) Consider approving Resolution No. 2017-097 adopting a revised Historical Park rental policy; and take appropriate action.
- G.4 [ORD-3459](#) Consider adopting Ordinance No. 3459 amending the Code of Ordinances Chapter 22 Building Regulations Article II, amending the Fee Schedule by amending Permit fees and adding a Technology fee schedule; and take appropriate action.

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

Aye: 4 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Blackson, Council Member Lynne

H. PUBLIC HEARINGS

- H.1 [TMP-2262](#) Conduct a public hearing to consider adopting a maximum property tax rate of \$0.602267 on September 12, 2017; and take appropriate action.

City Manager Charles Cox was present to answer any questions.

Mayor Dye opened the public hearing. There were no residents present that wished to speak.

Motion made by Council Member Lynne to close the public hearing and adopt a maximum property tax rate of \$0.602267. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Blackson, Council Member Lynne

I. REGULAR AGENDA ITEMS

- I.1 [ORD-3455](#) Consider adopting Ordinance No. 3455 calling for a bond election in the amount of \$15,000,000 to be held within the City on November 7, 2017 making provisions for the conduct of the election and other provisions relating thereto, and take appropriate action.**

Mr. Cox explained a Council-appointed Citizen Bond Committee, composed of Farmers Branch residents, studied the needs of the City and made recommendations to City Council. The Committee evaluated 37 quality of life proposals over nine months and donated more than 2,400 hours of their time. The Committee grouped the proposals according to priority and presented their recommendations to City Council in November 2016. City Council further prioritized the proposals on January 31st, 2017 to form three core initiatives which represent the bond items in Ordinance No. 3455:

- Pike Street/Station Area Improvements
- Trails and Sidewalks
- Residential Revitalization

An ordinance, with proposed ballot language, has been prepared by the City's bond counsel, Bracewell LLP, based on the City Council's direction.

Motion made by Deputy Mayor Pro Tem Bomgardner to adopt Ordinance No. 3455, as presented. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Blackson, Council Member Lynne

- I.2 [ORD-3457](#) Consider adopting Ordinance No. 3457 regulating the installation wireless network node equipment within City Right Of Way including proposed fees and take appropriate action.**

Planning Manager Alexis Jackson briefed City Council regarding this item, noting Ordinance No. 3457 and Ordinance No. 3458 could be approved in one motion. Ms. Jackson explained the new Senate Bill 1004 (SB1004), stating it limits the amount of control a municipality can impose on Network Telecommunication Providers requesting permission to install peripheral wireless network node equipment on utility poles located within City right-of-way. She explained SB1004 requires municipal regulation to be officially approved by the City before September 1, 2017. In an effort to meet this deadline, and provide the City with as much control as possible regarding the installation of this new Wireless Network Node equipment, City Administration has prepared the proposed ordinances, which amends Chapter 70, by adopting Article V, "Network Providers" and

amending Appendix "A" Fee Schedule. The amendment to the fee schedule provides a new source of revenue for cost for placement of such equipment within City rights-of-way.

Deputy Mayor Pro Tem Bomgardner made a motion to approve Ordinance No. 3457 and Ordinance No. 3458, as presented. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Blackson, Council Member Lynne

I.3 [ORD-3458](#) Consider adopting Ordinance No. 3458 establishing design standards for such wireless network node equipment in special design districts within the City; and take appropriate action.

This item was combined with Agenda Item I.2, and approved in one motion.

I.4 [17-558](#) Keep Farmers Branch Beautiful update.

Sustainability and Public Health Director Shane Davis briefed City Council regarding this item. Mr. Davis introduced Pat Link who briefed City Council on Keep Farmers Branch Beautiful. She explained Keep Farmers Branch Beautiful Board will be established with bylaws and align with the Sustainability Committee and the City to further assist with sustainability. She explained, they are working towards becoming a non-profit organization and they will present an overview of their goals for the upcoming year.

The City Council recessed from the Regular meeting at 6:44 p.m.

Mayor Dye reconvened to continue the Study Session at 6:53 p.m.

Due to time constraints, City Council reviewed Study Session items after the regular meeting and skipped to Agenda Item A.5.

A.5 [TMP-2318](#) Receive a presentation regarding the new City website.

Communications Director Tom Bryson provided City Council with a tutorial of the new city website.

Council Member Lynne suggested adding a tab under Codes to allow permit searches.

A.6 [TMP-2295](#) Discuss 2017-2018 Parks and Recreation Event Proposals.

Parks and Recreation Manager Meredith Dowdy briefed City Council regarding this item. Ms. Dowdy met with the Park and Recreation Board and reviewed the following recommendations:

- Reverse the tour of lights route to go from Ford Road through the Historical Park, ending on Denton Drive & Valley View.
- Eliminate Stars & Strings and replace with a third Date Night in the Park
- Charge admission fees for Date Night in the Park
- \$5 per couple or \$3 individual – Ages 16 & up
- \$15 per child – Ages 15 and under

Add VIP Experiences

- Date Night in the Park Flights & Bites Tasting - \$25 per person
- Bloomin Bluegrass: Early Entry Fee (Implement in 2017) - \$5

Council Member Blackson suggested charging admission fees to non-residents who attend Farmers Branch events such as Date Night and Independence Day events. He recommended seeking more sponsorship.

Mr. Harting stated in the past, the Parks and Recreation Board has been opposed to charging entrance fees.

The City Council discussed annual fee payment opportunities for residents, package deals with Vendors for events, and revenue from food trucks.

Deputy Mayor Pro Tem Bomgardner suggested an admission rate of \$5's, and asked that the Daddy Daughter Dance ticket price be reviewed and increased to allow the City to recover event costs.

Mr. Cox asked City Council if there were any events listed that Council prefers no alcohol sales. City Council had no restrictions, but did recommend allowing alcohol sales at the Veterans Day event.

A.7 [TMP-2315](#) Presentation on controlling Short Term Rental (STR) Units within the City.

Mr. Gillies reviewed the following options:

City of Austin Option-

- Requires all STR to register with the City and pay Hotel Occupancy Taxes (HOT)
- Establishes a 3 Tier system and limits the number of STR units;
- Allows STRs in residential neighborhoods but establishes a 1,000 ft distance requirement;

City of Fort Worth Option:

- Requires all STRs to register and pay HOT
- Prohibits STRs from locating in Single Family Zoning districts

City of Galveston Option:

- Requires all STRs to register and pay HOT
- Requires all STRs to post the general rules of operation
- Allows in all zoning districts

Do Nothing Option:

- Wait for the State Legislature to take action (HB 2551 or SB 451)

Mr. Gillies reviewed registration requirements if the City pursues the STR option and other general policies and requirements.

Council Member Lynne requested City registration for all short-term rentals and collect the hotel motel tax.

The City Council discussed a possible license fee, enforcement process if registration did occur.

Mayor Pro Tem Norwood was opposed to adding legislation to the entire City with only 10 short term rental units within Farmers Branch.

Mr. Cox stated other cities have created demand letters, which requires the Hotel Occupancy tax be paid during online rentals. He stated he will prepare a demand letter and require all agencies to collect these fees.

A.9 [17-554](#) Discuss agenda items for future City Council meetings.

The City Council had no discussion on this item.

J. EXECUTIVE SESSION –

The City Council convened into closed executive session at 8:19 p.m.

- J.1 [17-568](#) 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.*
 - *Consultation with City Attorney regarding application for Amended Permit to Expand Camelot LF (Texas Commission on Environmental Quality MSW Permit Application No. 1312B)*

Mayor Dye recessed from Executive Session at 8:58 p.m.

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

The City Council took no action, as a result of the closed executive session.

M. 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: 4 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Blackson, Council Member Lynne

The meeting adjourned at 8:56 p.m.

SIGNED:

ATTEST:
