



## City of Farmers Branch City Council Minutes

3 p.m. Study Session  
6 p.m. Regular Meeting

Tuesday, December 12, 2017

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

Council Chambers

- Presiding:** 1 - Mayor Robert C. Dye
- Present:** 5 - Mayor Pro Tem John Norwood, Deputy Mayor Pro Tem Mike Bomgardner, Council Member Ana Reyes, Council Member Bronson Blackson, Council Member Terry Lynne
- Staff:** - Charles Cox, City Manager; John Land, Deputy City Manager; Amy Piukana, City Secretary; Braden Metcalf, City Attorney; David Hale, Police Chief; Jay Siegel, Deputy Police Chief; Sherrelle Evans-Jones, Finance Director; Hugh Pender, Director of Community Services; Marc Bentley, Director of Public Works; Shane Davis, Director of Sustainability and Public Health; Katy Evans, Public Health Manager; Brian Beasley, Director of Human Resources; Andreea Udrea, Planning Manager

### A. **STUDY SESSION**

Mayor Dye called the Study Session meeting to order 3:00 p.m.

#### A.1 **TMP-2446** Discuss regular City Council meeting agenda items.

Mayor Dye asked for discussion on Agenda Item G.7, Code of Ethics. He explained several residents have contacted him regarding the proposed Code of Ethics amendments, questioning if it sets us to the highest standards. He asked Council Member Reyes if she felt the proposed Ordinance provides a high enough standard.

Council Member Reyes replied stating she has worked with the City Manager and Deputy City Managers on drafting the Ordinance, and research was conducted with other cities in preparation of the Ordinance. Council Member Reyes suggested tabling this item to allow additional feedback.

Council Member Lynne stated he felt Agenda Item G.7, (Code of Ethics) should be tabled. He stated, the Ordinance contains discrepancies that need to be discussed with the City Attorney. He explained anyone can make a complaint, and due process should be allowed so the officer can respond and work through the allegation. He suggested instead of the required two year review of the Code of Ethics, just require the Charter Review Committee to review with their items.

Mayor Dye stated recommends tabling Agenda Item G.7, Code of Ethics.

Deputy Mayor Pro Tem Bomgardner asked for clarification on page 14, in regards to “no political activities be allowed at City facilities”, he stated this needs to be specific.

Council Member Lynne asked that Agenda Item G. 2, reappointment of Craig Greenway be removed from Consent, and placed first as a Regular Agenda item to allow Mr. Greenway to speak first.

Council Member Lynne asked for clarification on Agenda Item G.3, in regards to the \$5.5 million dollars cost on Fire Station #2.

Chief Parker stated this allows the city to use funds as a capital project and allow funds to be allocated at a different date. He stated it allows reimbursement and the project to move forward, noting it will be conducted as Phase I and Phase II. He stated tonight’s consent item is merely a technical piece.

Deputy Mayor Pro Tem Bomgardner stated he supports the project, however; he does not recall public hearings, noting discussions in an open public forum to allow citizens to speak and share ideas on the Fire Station is important.

Chief Parker replied explaining the items have been reviewed in a public forum through the Citizen Bond Committee and Sub Committees. He explained there is not a legal requirement for a public hearing at this point.

Council Member Reyes asked when the public hearing would be conducted.

Chief Parker replied stating during Phase I of the project, three public hearings would be conducted. He explained the entire process has been structured to involve the public, and he expects January to February as dates to hold public meetings.

Council Member Lynne explained he has received comments about adding a fourth Fire Station, and the costs. He stated his goal is to allow all residents to feel satisfied and be allowed the opportunity to provide input.

Mayor Pro Tem Norwood stated to pull this item off the agenda would be nonproductive. He stated Council discussed this item a year a half ago, and the City Manager stated the Fire Station could be added without raising debt. He explained this is a public safety item, and Council has already agreed to issue Certificate of Occupancies. He further stated citizens will be allowed to speak, and the Council will review the site plan and feasibility study.

Council Member Reyes asked for clarification on Agenda Item G.6, Mandatory Crime Reduction, in regards to the residential security survey.

Chief Hale explained the survey allows the City to have a list to make sure safety related items in apartment dwellings are working such as dead bolt door locks, window lock, etc.

## **A.2 [TMP-2387](#) Discussion regarding City Marketing.**

Special Projects Manager Rachael Johnson briefed City Council regarding this item. Ms. Johnson presented a marketing video on Farmers Branch. Afterwards, she reviewed 2018

distribution of marketing funds, types of Digital Media used, such as in house publications and video outreach. She noted digital media top points are (1) cost effectiveness, (2) targeting abilities, (3) provide analytics, (4) preferred method to reach our target demographic (ages 24-44).

Ms. Johnson reviewed the following success stories: The City spent \$584 on Date Night in the Park reached 315,000 people, with an estimated attendance of 4,000 people. She stated the Laura Ingalls Wilder event had zero cost, just posted through Facebook, sold out in one day.

Ms. Johnson reviewed the following 2018 marketing opportunities which includes: Historical Park - messaging, branding, promotion; Aquatics - Continue to increase Aquatics attendance and revenue generation; Façade Grant program - Update materials and increase promotion; Expand the Stay & Play program to offer staycation packages; Include retailers and business in the Discover FB Campaign; Continue to optimize the website to increase engagement.

Deputy Mayor Pro Tem Bomgardner suggested measuring the success of these events based on numbers of people that attend events, not on clicks to the website. He stated the demolition rebuild program is very important and asked about weddings.

Ms. Johnson stated she has received mixed feedback on wedding promotions.

Deputy Mayor Pro Tem Bomgardner stated weddings are difficult to promote due to limited parking and access. He suggested targeting other areas.

Council Member Lynne stated digital marketing is the way of the future. He suggested adding coupons, incentives and maybe hotel packages online via the website. He suggested coordinating with the hotels to cross-market as package deals.

Ms. Johnson agreed, and stated we have added online media calendars to show upcoming events via the website. She noted direct mail is very expensive, and her goal is to reach all including apartment dwellings.

Council Member Blackson suggested posting flyers at apartment bulletin board locations or in office areas.

Council Member Lynne asked to see a listing of events over time, with the breakdown of marketing costs and attendance.

Deputy City Manager John Land explained the City has been very creative with marketing. He further stated City Administration currently networks for sponsorships, and agreed to provide Council with a breakdown. He explained the City has a history of amazing events, resulting in gate closures at the Independence Day event.

Council Member Lynne suggested working with hotels to promote weddings.

Mr. Land explained the City has a great relationship with hotels, which includes recruiting sporting events. He stated we have a Tourism Ambassador program, which allows assistance for events, with stay and play packages.

Mayor Pro Tem Norwood stated he recently met with the Historical Park Subcommittee, explaining the top two goals of the Historical Park are to tell the Story of North Texas

History, and review other sites in the area that are credentialed with the goal to attract visitors to high quality entertainment exhibits and events.

**A.3 [TMP-2392](#) Receive an update on proposed Comprehensive Zoning Ordinance revisions.**

Planning Manager Andreea Udrea briefed City Council regarding the proposed amendments. She introduced Brooks Wilson who is a contract Planner for the City. She passed out updated Comprehensive Zoning Ordinance revisions to the Council. Ms. Udrea reviewed proposed setbacks, and definitions and criteria for full service hotels, limited service and residential hotel, boutique hotel, and motel. She stated some cities do not include a motel definition.

Council member Reyes asked what happens if we eliminate the motel definition.

Ms. Udrea replied stating if you exclude the definition, you do not allow it as a use.

Council Member Lynne suggested requiring a higher number of rooms for full service hotels, stating more rooms allow bigger events and generate more hotel motel tax for the City.

Council Member Lynne stated, in regards to residential setbacks, people want larger homes on existing lots. He stated he does not agree to a 15 ft. setback, but would consider adjusting the current setbacks.

Ms. Udrea explained the proposed amendment being considered is a 25 ft. setback.

Building Official Hugh Pender stated the Branch Crossing development is a great example of homes that have 25ft. and 30 ft. setbacks.

Council Member Blackson asked out of the fourteen Zoning Board of Adjustment (ZBA) cases, how many were approved.

Mr. Pender replied stating all fourteen were approved.

Ms. Udrea explained 90% of the case requests were golf course lots.

City Council discussed lot size verses home size, tree placement, backyards, and restrictions.

After discussion, Mayor Pro Tem Norwood suggested moving to a 25 ft. setback and 30 ft. setbacks and allowing ZBA to review any requests that may involve hardships.

Council Member Lynne suggested having a rule for front facing garages that might have swing drive to turn in.

Ms. Udrea replied stating she will review.

The City Council discussed front loaded parking drives, carports, garage conversions, and parking issues.

After discussion, Ms. Udrea continued her review discussing mobile food trucks. Ms. Udrea stated there are three types of mobile food units. (Small, Medium, and Large).

Deputy Mayor Pro Tem Bomgardner asked if taxes are collected on mobile food trucks.

Ms. Sherrelle Evans-Jones replied the City collects a 12% fee.

Ms. Udrea reviewed Accessory Structures, and Landscaping.

Council Member Blackson asked why the accessory structure height cap is at 15 ft.

Ms. Udrea replied it is consistent with garages, which are usually set at 15ft.

Deputy Mayor Pro Tem Bomgardner stated there are challenges with storm water runoff, noting we need a policy for upstream flow on land and parking to allow water to absorb.

Ms. Udrea stated permeable pavers and standards could be researched.

**A.4 [TMP-2452](#)      Receive a report on proposed amendments to the Mandatory Crime Reduction Program for Designated Apartments.**

Police Chief David Hale briefed City Council regarding this item. He reviewed the following proposed 2018 complexes in the Mandatory Crime Reduction Program:

Deputy Mayor Pro Tem Bomgardner stated he feels 24 months is too long and asked if it could be reduced to 12 months.

Chief Hale stated this program is based on a Calendar year program, and the City Attorneys recommended the 24 months.

City Attorney Braden Metcalf explained the 24 month meets the restriction requirements by law, including fair notice, and allows them to modify their behavior.

Chief Hale stated his goal is to work with the Apartment Communities to gain compliance, and maintain a balance. He further stated this is why he is initiating a Beat 7.

The City Council discussed high crime index, program goals, police officer duties and man power to enforce the program.

Deputy Mayor Pro Tem Bomgardner suggested 12 months verses the 24-month time.

Council Member Blackson asked for clarification on the violent crime index.

Chief Hale stated the violent crime index is based on the number of units.

Council Member Reyes suggested setting the crime index at 6.5 index.

City Attorney Braden Metcalf explained the formula needs to be consistent.

The City Council recessed at 5:50 p.m. and reconvened in Regular Session at 6 p.m.

**A.5 [TMP-2453](#)      Discuss City Council meeting dates for Calendar Year 2017-18.**  
*(This item was discussed later in the meeting)*

**A.6 [TMP-2455](#)      Discussion regarding backyard chickens and provide direction.**  
*This item was not discussed.*

**A.7 [TMP-2447](#)      Discuss agenda items for future City Council meetings.**

This item was discussed later in the meeting.

**CALL TO ORDER (6 P.M.)**

Mayor Dye called the City Council meeting to order at 6:05 p.m.

**B. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Norwood provided the invocation and led the Pledge of Allegiance.

**C. CEREMONIAL ITEM**

- C.1 [TMP-2391](#) Consider acceptance of the bequest to the City from the Estate of Glenda Sue Moore for the benefit of the City's Animal Adoption Center; and take appropriate action.**

Mayor Dye accepted a donation on behalf of Ms. Glenda Sue Moore, a Farmers Branch resident passed away in October 2017 who left a generous donation to the City of Farmers Branch for the benefit of the Animal Adoption Center.

Environmental Services Director Shane Davis thanked the family for the generous donation.

Motion made by Mayor Dye to approve acceptance of the bequest from the Estate of Glenda Sue Moore for the City's Animal Adoption Center. Motion seconded by Deputy Mayor Pro Tem Bomgardner. Motion prevailed by the following vote:

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

- C.2 [TMP-2441](#) Recognizing Andreea Udreea, Planning Manager, for receiving her AICP Certification.**

Mayor Dye and Deputy City Manager John Land recognized Planning Manager Andreea Udreea for obtaining her American Institute of Certified Planners (AICP) certification. This certification is the only nationwide, independent verification of planners' qualifications.

Mayor Dye recognized former Council Members: Mayor Bob Phelps, David Koch, Carol Dingman and Nancy Hardie who were in attendance.

**D. REPORT ON STUDY SESSION ITEMS**

Mayor Pro Tem Norwood provided a report on Study Session items.

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

Mayor Dye requested the Farmers Branch marketing video be played to allow residents to view.

Deputy City Manager John Land provided the following announcements on items of community interest:

- The 2017 edition of the Farmers Branch Christmas Tour of Lights is now underway with lights on from 6:30 to 9:30 p.m. each evening, through December 30. Beginning at I-35E

and Valley View, the tour follows Denton Drive to Farmers Branch Lane and through the Historical Park. Admission is free with a \$5 donation recommended to the non-profit agencies working in the park. The Tour will be closed only on Christmas night, December 25. Find out more at [fblights.com](http://fblights.com).

- The annual Christmas Open House at the Farmers Branch Community Recreation Center on Friday, December 1 from 6:30 until 8:30 p.m. Admission is free.
- The second of two special Holiday Markets has been scheduled for Saturday, December 16, from 1 until 5 p.m. at the regular Farmers Market site - The Grove @ Mustang Crossing. Patrons will be able to shop for handmade and vintage gifts and other unique items as they browse the various vendors and artisans at the Holiday Market. Find out more at [farmersbranchmarket.com](http://farmersbranchmarket.com).
- There will be several alterations to normal operating hours in conjunction with the upcoming Christmas and New Year's weekends. In summary, all City offices and facilities are closed on Christmas Day and New Year's Day with no garbage or recycling collection either day. However, for Monday recyclers on New Year's week ONLY, your recycling collection will be made up on Wednesday, January 3. For all facility hours for both holiday weekends, visit [farmersbranchtx.gov](http://farmersbranchtx.gov).  
Fezziwig's Annual Christmas Ball (The Firehouse Theatre provided an announcement and sang a Christmas musical.)
- You can sign up for eNews at [farmersbranchtx.gov](http://farmersbranchtx.gov) to have current City news and information delivered directly to your eMail box.

#### **F. CITIZEN COMMENTS**

The following citizens wished to speak under citizen comments:

Resident Maxwell Little spoke in opposition of chickens.

Beth Tribble Hurtle spoke with concerns about the proposed Code of Ethics Ordinance. She stated she is with the American Association of Women (AAW), and requested women be involved in drafting the amended Code of Ethics Ordinance.

Ruthann Holt spoke providing her suggestions to the proposed Code of Ethics Ordinance.

#### **G. CONSENT AGENDA**

- G.1 [TMP-2448](#) Consider approving City Council minutes of the regular meeting held on November 28, 2017; and take appropriate action.
- G.3 [R2017-133](#) Consider approving Resolution No. 2017-133 for intent to establish a Farmers Branch Property Assessed Clean Energy (PACE).
- G.4 [R2017-137](#) Consider adopting Resolution No. 2017-137 authorizing the City Manager to approve the purchase of five replacement patrol vehicles for Police Department in the total amount of \$166,900 from Reliable Chevrolet through the Tarrant County Contract; providing an effective date; and take appropriate action.
- G.5 [R2017-138](#) Consider approving Resolution No. 2017-138 for a Detailed Site Plan for an office building on a 4.96 acres tract located at the northeast corner of Wittington Place and Chartwell Crest; and take appropriate action.
- G.6 [ORD-3477](#) Consider adopting Ordinance No. 3477 amending the Code of Ordinances, Chapter 26, Article III, Mandatory Crime Reduction

**Program for Designated Apartment Complexes; and take appropriate action.** (*Discussed later in the meeting.*)

- G.7** [ORD-3479](#) **Consider adopting Ordinance No. 3479, amending the City Council Code of Ethics Ordinance; and take appropriate action.**  
*This item was tabled to a future Council meeting.*
- G.8** [18 PL-01](#) **Consider approving a request from Vintage Place Farmers Branch, LLC for final plat approval of Vintage Place; and take appropriate action.**

Motion made by Mayor Pro Tem Norwood to approve Consent Items G.1, G.4, G.5, and G.8., 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 Reyes, Council Member Blackson, Council Member Lynne

- G.2** [R2017-132](#) **Consider approving Resolution No. 2017-132 reappointing Craig Greenway to Place 5 on the Metrocrest Hospital Authority Board; and take appropriate action.**

Mr. Craig Greenway spoke explaining he is currently seeking reappointment to serve on the Metrocrest Hospital Authority Board.

Council Member Lynne thanked Mr. Greenway for attending, explaining he requested his attendance to allow the entire Council to meet him in person.

Motion made by Council Member Lynne to approve Resolution No. 2017-132, reappointing Mr. Greenway to the Metrocrest Hospital Authority Board. Motion seconded by Council Member Reyes. Motion prevailed by the following vote:

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

## **H. PUBLIC HEARINGS**

- H.1** [ORD-3478](#) **Conduct a public hearing and consider adopting Ordinance No. 3478 for a zoning amendment to the Planned Development District No. 95 (PD-95) for a 9.6 acre site located at 14175 and 14031 Dallas North Parkway; and take appropriate action.**

Planning Manager Andreea Udrea briefed City Council regarding this item. Ms. Udrea explained the existing site is 9.6 acres with three undeveloped lots. The property is located within the Planned Development District No. 95 (PD-95). She noted PD-95 was developed as the result of three combined planned development districts (PD-76, PD-42, and PD-41). She explained since none of these PDs allowed for residential development, the new Planned Development district was specially designed for their proposed residential project.



The Provident proposal includes approximately 648 multifamily residential units, to be constructed in two phases.

Ms. Udrea stated JPI Real Estate Acquisitions, LLC has the property under contract and is proposing the current zoning amendment to the Conceptual Site Plan to better accommodate the design of "Jefferson East Branch," a mixed-use community with several retail ready units at the corners of the buildings and multi-family units in the remainder of the building. The intent of this proposed amendment is to adjust the Conceptual Site Plan and PD-95 to accommodate Jefferson East Branch, 740 multi-family dwelling units and approximately 5,000 square feet of first floor retail space. She explained the proposed Conceptual Site Plan shows the reconfiguration of the perimeter private streets.

Ms. Udrea explained the proposed project would be composed of two residential buildings, each with an internal parking structure and two courtyards. Each building will be five (5) stories in height (approximately 78 feet). The northern building will be slightly larger than the southern building, and will be approximately 442,500 square feet in size with 390 dwelling units and space for retail-ready units in the southwest corner, two internal courtyards and 630 parking spaces in the parking garage. The southern building will be approximately 399,350 square feet in size with 350 dwelling units and space for retail-ready units in the northwest corner, two courtyards and 525 parking spaces in the parking garage. All of the dwelling units will be either one or two bedroom floorplans.

Ms. Udrea explained the project will be developed in two phases. The first phase will be the northernmost lot and building. This phase will also include the construction of all the necessary infrastructure (water, sewer, etc.). She explained Phase II will consist of the smaller southern building and lot.

Mr. Tommy Mann of Winstead PC and Miller Sylvan with JPI provided a presentation detailing the site, market study, and evaluation of the east and west side timing.

The City Council discussed rental prices, noise levels, entrance turns, retail and residential uses of the development.

Mayor Dye opened the public hearing. There being no one present that wished to speak, motion made by Council Member Blackson to close the public hearing and approve Ordinance No. 3478, as presented. Motion seconded by Deputy Mayor Pro Tem Bomgardner. Motion prevailed by the following vote:

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

**H.2 [ORD-3480](#) Conduct a public hearing and consider adopting Ordinance No. 3480 for a rezoning of a 54.53 acre site from Planned Development District No. 88 (PD-88) into a new Planned Development District No. 100 (PD-100) located along Wittington Place East between Chartwell Crest and the future extension of Hutton Drive; and take appropriate action.**

Planning Manager Andreea Udrea briefed City Council regarding this item. Ms. Udrea explained the applicant Centurion American, is now proposing to rezone the 54.53-acre site from PD-88 and create a new Planned Development District, PD-100 to allow the

development of a new single family homes neighborhood to be known as Kensington. This new neighborhood is planned as a part of the overall Mercer Crossing master planned community that is currently under development by Centurion American. The subject site is located immediately northeast of the area contained in PD-99.

Ms. Udrea stated the applicant proposes to develop the Kensington neighborhood as a new master planned residential community and townhomes.

Ms. Udrea reviewed the following environmental history on the 54.53-acre site zoned PD-100. She noted currently this site is a brown field, a former industrial or commercial site where future use is affected by real or perceived environmental contamination. The original use of the area was gravel. She explained the site was developed as a commercial building and was used for the manufacturing and packaging of pickled food products. The site was then used for the manufacture of lead automotive batteries from approximately 1971 until 2001. During that time frame, the facility was owned by the following entities: Gould, Inc., GNB, Inc., and Exide Technologies, respectively. The property was vacated by September 2002 with all site structures demolished by 2010.

Ms. Udrea explained the applicant hired an environmental consultant, EnviroPhase, to perform comprehensive soil sampling and water testing. A total of 186 surface soil samples from 93 different locations were collected. A system of monitoring wells was installed on the property. The City participated in the testing by sharing the samples to ensure accuracy and consistency. The results from EnviroPhase matched those of the city's Contractor, Pace Analytical. She explained Phase I Environmental Site Assessment report issued by EnviroPhase in May 2015 identified arsenic, cadmium, and vinyl chloride contamination in groundwater. Results of a subsequent Phase II Limited Subsurface Investigation Report prepared by EnviroPhase in November 2015 confirmed that groundwater was impacted by metals, with arsenic and cadmium being the primary chemicals of concern. In addition, the soils at the site are impacted with arsenic, barium, cadmium, lead, and silver at levels, which exceed Residential Assessment Levels.

Ms. Udrea explained in September 2017, the City approved Ordinance 3456 supporting a Municipal Setting Designation (MSD) by the Texas Commission on Environmental Quality (TCEQ) for a portion of the subject property. A Municipal Setting Designation (MSD) prohibits the use of and contact with designated groundwater in the designated portion of the subject property. MSDs can be used when groundwater at a potential development location within a city has contaminants. An MSD is an official designation given to property within a municipality that certifies that the designated groundwater at the property is not used as a potable water, and is prohibited from future use as potable water because that groundwater is contaminated in excess of the applicable potable water protective concentrations. The applicant submitted an application for enrollment into the Voluntary Cleanup Program (VCP) to the Texas Commission on Environmental Quality (TCEQ) in September 2016. The developer is currently remediating the site according the TCEQ-approved Voluntary Cleanup Plan, with work being performed by RPMx (Excavation Contractor) under the direct supervision of EnviroPhase. Upon completion of the scope of work under the TCEQ-approved Voluntary Cleanup Plan, all contaminated soils will be removed from the site. She stated upon completion of the hauling, EnviroPhase will submit the report to the TCEQ and the City of Farmers Branch indicating that the scope of work as prescribed under the VCP is complete. The Texas Commission on Environmental Quality (TCEQ) will review the submittal and if the developer completes the approved plan, they will send a Certificate of Completion to the applicant.

Ms. Udrea explained Staff recommends approval of the zoning amendment with the following conditions:

Until TCEQ has issued, and the City has received a copy of, a Certificate of Completion pursuant to the TCEQ's Voluntary Cleanup Program ("VCP") relating to the cleanup and remediation of soil and other environmental contamination of the property occurring during the property's prior use and development as a lead battery manufacturing facility:

- a. *No application for any Detailed Site Plan, subdivision plat (including replat), or for any permit related to the subdivision, use, or development of the PROPERTY shall be accepted by the City;*
- b. *No permits or other consents authorizing any development of the PROPERTY of any kind relating to the development and use of the PROPERTY shall be issued by the City; and*
- c. *No activity constituting development of the PROPERTY for the uses permitted under this Ordinance shall be permitted.*

Council Member Blackson stated the configuration looks different, and noted PD-99 had larger lots. He further stated he has issues with the quantity of 40 ft. lot widths, and requested the Developer amend to stay similar to PD-99.

Mayor Pro Tem Norwood stated the new PD-100 falls outside the agreements we made for PD-99, and agreed with Council Member Blackson to amend.

Resident Carol Dingman spoke asking if taxpayers will be reimbursed for 40% of the environmental cleanup.

Mr. Beaty replied stating the developer is privately paying for the environmental cleanup.

The City Council discussed lots dimensions and Concept Plan amendments.

Mayor Dye called for a recess at 8:18 p.m.

Mayor Dye reconvened the meeting at 8:29 p.m., and asked to skip to item H.3 to allow the Developer to work on revisions to his item.

**H.3 [R2017-140](#) Conduct a Public Hearing and consider approving Resolution No. 2017-140 establishing the City of Farmers Branch Property Assessed Clean Energy (PACE) Program; and take appropriate action.**

Ms. Charlene Heydinger with Texas Pace Authority briefed City Council regarding this item at the November 14 and November 28th, City Council meetings. Resolution No. 2017-133 for intent to establish a PACE Program at the November 28, 2017 Council meeting. Tonight, the City Council will hold a public hearing and consider adopting Resolution No. 2017-140 to establish the PACE program.

Mayor Dye opened the public hearing. There being on one present that wished to speak, Council Member Lynne made a motion to close the public hearing and approve Resolution No. 2017-140. Motion seconded by Council Member Reyes. Motion prevailed by the following vote:

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

**I. REGULAR AGENDA ITEMS****I.1 [TMP-2449](#)      Receive a final report from the Charter Review Committee for proposed amendments to the Home Rule Charter.**

The City Attorney Braden Metcalf spoke stating today is a report on the Charter Review recommendations and the Council will be able to amend and discuss further action at the January 16, 2018, Special Called City Council meeting.

The Charter Review Committee Chair Nancy Hardie spoke stating the committee met over five consecutive Thursdays, with the last meeting held on November 16, 2017. She stated each member participated in discussions at every meeting. She asked the Charter Review Committee Members present in the audience to stand and be recognized. She thanked the City Attorney, City Manager and City Secretary for their assistance with the Charter Review Committee meetings.

Vice Chair David Koch provided a final report to the City Council. He reviewed each item in detail providing the Committee's final recommendations.

The City Council thanked the Charter Review Committee for their service.

**G.3 [R2017-136](#)      Consider approving Resolution No. 2017-136 expressing the intent to finance expenditures to be incurred for design, engineering, constructing and equipping the Fire Station No. 2 relocation project; and take appropriate action.**

Fire Chief Steve Parker discussed this item with Agenda Items I.2, and I.3.

Motion made by Council Member Reyes to approve Resolution No. 2017-136, as presented. Motion seconded by Deputy Mayor Pro Tem Bomgardner. Motion approved by the following vote:

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

**I.2 [R2017-124](#)      Consider approving Resolution No. 2017-124 authorizing the City Manager to execute a contract in an amount not to exceed \$543,081, with PGAL Architects to design new Fire Station #2; and take appropriate action.**

Fire Chief Steve Parker briefed City Council regarding this item. Chief Parker provided a review of Fire Station #2, and noted in preparation of the FY 17-18 project funding, the City used Requests for Qualifications (RFQ's, and held interviews with three Architectural firms, visiting area fire stations and reference checks. He noted City Administration<sup>1</sup> is recommending entering into a service agreement with Pierce Goodwin Alexander & Linville Architects (PGAL) to design the new Fire Station No. 2, in an amount not to exceed \$543,081. He stated the projects would be divided into two Phases. Phase I, will be conceptual design and community outreach. Phase II will include programming, schematic and development designs, construction documents, bidding and construction phases.

Chief Parker explained included in the FY 2017-18 General Fund is \$80,000 for Phase I funding to begin the conceptual design/community meeting process for the Fire Station construction project. The General Fund will be reimbursed on issuance of the \$5,580,000 GO project debt. The first \$50,000 is dedicated for three conceptual design development meetings with the architect, Fire Department and the community. The remaining \$30,000 is assigned to complete the needed construction management, geotechnical and topographic testing to determine the actual location of the Station. The two Phase process is designed to insure that the community has ample input into the Fire Stations conceptual design as promised during the property purchase phase of the project. The goal is to have the conceptual design vetted by the community and presented to Council prior to the CO debt being issued in the summer of 2018.

Chief Parker stated Phase II funding is contingent on the City issuing CO debt to build the Fire Station and the Architectural firm receiving a written notice to proceed. Chief Parker explained the Architectural work is planned to begin on CO funding in June/July 2018, and be completed by January 2019. This will allow the project to go out to bid in the first Quarter of 2019, with construction beginning the second Quarter of 2019. He noted the construction should take 12 months, with the Fire Department moving into the new Fire Station No.2 in the 2nd Quarter of 2020.

After discussion, Motion made by Council Member Deputy Mayor Pro Tem Bomgardner to approve Resolution No. 2017-124, as presented. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by the following vote:

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

**I.3 [R2017-118](#) Consider approving Resolution No. 2017-118 authorizing the City Manager to negotiate and enter into an agreement with Gallagher Construction, in an amount not to exceed \$485,240, to serve as Construction Manager for the relocation of Fire Station #2; and take appropriate action.**

Fire Chief Steve Parker explained the contract with the selected architect to design new Fire Station No.2 includes the City utilizing a Construction Manager as Advisor to help guide the City through the construction process. City Administration has selected the Gallagher Construction Company to serve as the Construction Manager as Advisor for the Fire Station No.2 project.

The following resident wished to speak regarding this item:

Resident Pat Edmiston spoke in opposition with concerns of location, traffic and the need for public meetings to allow input.

Council Member Blackson asked if the removal includes cleanup of asbestos, and if the amount requested is enough to stay within budget.

Fire Chief Steve Parker replied stating this is the same process used for Fire Station Nos. 1 and 3.

Mr. Gallagher spoke stating the process construction manager is selected as a professional service, does not require a request for quote. He further stated, he would ensure the job stays within the City's budget constraints.

The City Council discussed staffing levels, disposition of property at Spring Valley, location proximity from Addison, and green space.

After discussion, motion made by Deputy Mayor Pro Tem Bomgardner to approve Resolution No. 2017-118, 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 Reyes, Council Member Blackson, Council Member Lynne

**G.6** [ORD-3477](#)

**Consider adopting Ordinance No. 3477 amending the Code of Ordinances, Chapter 26, Article III, Mandatory Crime Reduction Program for Designated Apartment Complexes; and take appropriate action.**

Chief Hale briefed City Council regarding Ordinance No. 3477, amending the Mandatory Crime Reduction Program.

Deputy Mayor Pro Tem Bomgardner suggested the program require one year in the program, and at the beginning of the next calendar year, if the apartment complex's crime index, residential crime index, and the crime risk/safety threshold are calculated using the outgoing year's crime statistics and finds the index is below the crime risk/safety threshold, the complex is no longer required to be in the program.

Council Member Reyes asked if we need to address penalties and fees.

Chief Hale explained the fees went from \$500 to \$2000, and is considered as an administrative fee. He further stated a penalty, and citation may be issued.

The City Council discussed penalties, rental agreements, and program successes.

Council Member Lynne stated he feels comfortable with the Ordinance and explained it could be reviewed again in a year, if necessary.

Mayor Dye called for a break at 10:25 p.m.

Mayor Dye called the meeting back to order at 10:34 p.m.

After discussion, motion made by Deputy City Manager Bomgardner to approve Ordinance No. 3477, with the following stipulations:

(1) Amend Section 26-453(c) crime threshold be calculated by average of crime indexes of the City and average by two, (2) amend 26-455(d), once designated as a repeat offender must remain a repeat offender for period of up to two years, with conforming to the text changes by the City Attorney. Motion seconded by Council Member Reyes.

Council Member Reyes withdrew her motion to second, to allow Deputy Mayor Pro Tem Bomgardner to add a third stipulation.

Deputy Mayor Pro Tem Bomgardner amended his main motion, to add a third amendment: (3) if you are removed from the program you must remain out of the threshold for a period of one year. Motion seconded by Council Member Reyes. Motion prevailed by the following vote:

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

*Text amendments will read:*

**Sec. 26-453. - Apartment complex crime index and crime risk/safety threshold.**

- (a) *The chief of police will calculate the apartment community crime index on an annual basis. The Apartment complex crime index will be calculated by dividing the total of Part I crimes (violent Part I crimes are weighted double) and Part II crimes in a specific apartment complex by the total number of units in the apartment complex and multiplying that number by 100, giving a ratio of crime per 100 units.*
- (b) *The chief of police will calculate a residential crime index on an annual basis for single family dwellings within the corporate limits of the city. The residential crime index will be calculated by dividing the total of Part I (violent Part I crimes are weighted double) and Part II crimes for all single family residences by the total number of single family residences in the city and multiplying that number by 100, giving a ratio of crime per 100 residences.*
- (c) *The chief of police will calculate the crime risk/safety threshold on an annual basis. The crime risk/safety threshold is calculated by multiplying the residential crime index by 2.0.*
- (d) **Sec. 26-455. - Mandatory crime reduction program; when required.**
  - (a) *An apartment complex must participate in the mandatory crime reduction program whenever the apartment complex's crime index exceeds the crime risk/safety threshold. The Apartment complex crime index, residential crime index, and crime risk/safety threshold are calculated in accordance with formulas provided in section 26-453.*

*Mayor Dye skipped to Item H.2.*

- H.2 [ORD-3480](#) Conduct a public hearing and consider adopting Ordinance No. 3480 for a rezoning of a 54.53 acre site from Planned Development District No. 88 (PD-88) into a new Planned Development District No. 100 (PD-100) located along Wittington Place East between Chartwell Crest and the future extension of Hutton Drive; and take appropriate action.**

The City Council discussed amendments with the Applicant, who agreed to make the following changes, as directed by Council Member Blackson in his motion.

After discussion, motion made by Council Member Blackson to approve Ord 3480, with the following text changes: (1) accept the revised PD concept site plan as amended; (2) maximum 40 ft. Lots at 60, (3) maximum Townhome Lots at 150, (4) remaining Lots not less than 50' wide. Motion seconded by Deputy Mayor Pro Tem Bomgardner. Motion prevailed by the following vote:



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

Motion made by Council Member Blackson to close the Public Hearing. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by the following vote:

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

Mayor Dye recessed into closed Executive Session at 10:45 p.m.

**J. EXECUTIVE SESSION**

- J.1 [18-04](#) City 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 at 12915 Wilmington Drive.***

Mayor Dye recessed from closed Executive Session at 11:32 p.m. and reconvened into Regular Session.

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

Motion made by Mayor Pro Tem Norwood that the City Manager be authorized to negotiate and sign an economic development incentive agreement with Loloi, Inc. Providing a grand in the amount of \$100,000 payable on issuance of a certificate of occupancy for 14060 and 14070 Proton Road and annual grants equal to 100% of Business Personal Property taxes assessed against Loloi's business personal property located at 14060 and 14070 Proton Road and collected by the City for a period of five years beginning not earlier than the first tax year after issuance of said certificate of occupancy subject to Loloi, Inc. (1) purchasing the properties addressed as 14060 and 14070 Proton Road in Farmers Branch, (2) obtaining a certificate of occupancy for use of said properties in Loloi's operations on or before March 30, 2019, (3) retaining at least 320 existing full time employees and adding no fewer than 100 new full time employee positions in Farmers Branch during the term of the agreement; and (4) complying with such other terms and conditions as determined by the City Manager and set forth in the agreement. 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 Reyes, Council Member Blackson, Council Member Lynne

Motion made by Deputy Mayor Pro Tem 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 1, Block H, Brookhaven Hills West,



second section, and addition to the City of Farmers Branch, Texas, known as 3312 Pebble Beach Drive, for a purchase price not to exceed \$245,000 plus standard closing and acquisition costs and to sign and authorized 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 Reyes. Motion prevailed by the following vote:

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

Motion made by Council Member Reyes that the City Manager be authorized to negotiate and sign and economic development incentive agreement with Loloi, Inc. providing a grant in the amount of \$100,000 payable on issuance of a certificate of occupancy for 14060 and 14070 Proton Road and annual grants equal by 100% of Business Personal Property taxes assessed against Loloi's business personal property located at 14060 and 14070 Proton Road and collected by the City for a period of five years beginning not earlier than the first tax year after issuance of said certificate of occupancy subject to Loloi, Inc. 1) purchasing the properties addressed as 14060 and 14070 Proton Road in Farmers Branch, (2) obtaining a certificate of occupancy for use of said properties in Loloi's operations on or before March 30, 2019, (3) retaining at least 320 existing full time employees and adding no fewer than 100 new full time employee positions in Farmers Branch during the term of the agreement; and (4) complying with such other terms and conditions as determined by the City Manager and set forth in the agreement. Motion seconded by Mayor Pro Tem Norwood. Motion approved by the following vote:

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

**A.5 [TMP-2453](#) Discuss City Council meeting dates for Calendar Year 2017-18.**

City Secretary Amy Piukana reviewed upcoming calendar dates for the 2018. After discussion, the Council agreed upon the following meeting dates: January 9th, January 16th, January 23rd, January 30th, February 6th, February 20th, March 6th, March 20th, April 3rd, April 17th, May 1st, May 8th (B&C Meet/Greet), May 15th, May 22nd(B&C Interviews) June 5th, June 19th, July 17th, July 31st, August 7th, August 21st, September 11th , September 25th, October 1st, October 16th, October 30th, November 6th, November 27th, and December 11th. *(These meeting dates are subject to change, a quorum is required.)*

**A.7 [TMP-2447](#) Discuss agenda items for future City Council meetings.**

Council Member Lynne requested to see the future list of Council items. Mayor Pro Tem Norwood asked that it be included in the Council packet. Council Member Reyes requested an update from Lisa Rigby with Metrocrest Community Clinic who recently changed their name to Woven Healthcare Community Clinic.

**L. ADJOURNMENT**

Motion made by Council Member Blackson to adjourn the meeting. Motion seconded by Deputy Mayor Pro Tem Bomgardner. Motion prevailed by the following vote:

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

The meeting adjourned at 11:58 p.m.

SIGNED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Secretary