



City of Farmers Branch City Council Minutes

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

Tuesday, July 17, 2018

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; Council Member Bronson Blackson; Council Member Ana Reyes; Deputy Mayor Pro Tem Mike Bomgardner; 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; Tina Firgens, Director of Planning; Benjamin Williamson, Assistant to City Manager; Allison Cook, Director of Economic Development; Hugh Pender, Building Official; Michael Mashburn, Assistant Director of Parks and Recreation; Brian Beasley, Director of Human Resources; David Hale, Police Chief; Dean Habel, Deputy Police Chief; Steve Parker, Fire Chief; Shane Davis, Director of Sustainability and Environmental Services; Miguel Gauna; Animal Shelter Manager

A. CALL TO ORDER - STUDY SESSION

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

A.1 18-89 Discuss regular City Council meeting agenda items.

Mayor Pro Tem Norwood asked that Agenda Item H.3, with LBL Architects for professional design services for a barn master plan for the Historical Park, be tabled tonight, in order to allow for more research on this item.

Council Member Lynne stated he requested a business plan a year ago, and still hasn't received.

Mayor Pro Tem Norwood explained the business plan is being prepared and the architect is critical to the overall plan.

Mayor Pro Tem Norwood had a question regarding Agenda Item H. 7, for a donation to the Parks and Recreation Department. He asked if there is any conflicts with the proposed parking expansion in regards to housing.

Assistant Director of Parks and Recreation Michael Mashburn answered stating there is no conflict, and the site has an existing memorial bench.

Council Member Lynne asked about Agenda Item, H. 5, ice rink purchase agreement, if it is exclusive with the Dallas Stars, staff costs, and if there are any impacts to charities and the Historical Park.

Mr. Mashburn provided a presentation on the proposed Ice Rink. He stated the location would be adjacent to the Star Center. He explained the rink would be 60' x 100' in size. He further stated the estimated expenses would be \$100,000 to the Dallas Stars. The City covers the Capital expenses estimated at \$150,000. He noted the total revenue is estimated at \$110,125 a year. He explained the proposed agreement indicates the city would be responsible for all capital expenses over the duration of the agreement except for the chiller expense. He noted the Stars would be responsible for all operating expenses, rental/purchase of chiller, staffing, and procurements of materials over the duration of the agreement. He stated the Dallas Stars retain 100% of all skate rental revenue and initial revenue to cover operating expenses.

Mr. Mashburn reviewed estimated expenditures for the Tour of Lights, which includes a Santa's Village, and Holiday lights, which are estimated at \$233,400. He explained over years two and three, expenditures for the new holiday events show a budgeted savings compared to the previous event at \$160,000.

Council Member Lynne asked for a copy of the presentation.

Mr. Mashburn agreed to provide the City Council with the presentation.

Deputy Mayor Pro Tem Bomgardner asked if groups would be allowed to raise money and sell beverages.

Mr. Mashburn replied stating staff is considering options to allow vendors to recoup costs.

Council Member Lynne asked for discussion regarding Item H.6, Knight Security, asking if annual security tests are conducted and if they monitor the cameras.

Director of Information Services Mark Samuels replied explaining Knight Security is responsible for testing operations; however, cameras are not monitored.

City Manager Charles Cox stated we are scheduling an active shooter training this year, noting the City is formalizing processes.

Mayor Dye announced Council Member Reyes would not be able to attend this evening.

A.2 TMP-2798 Receive a report from the Animal Services Advisory Committee regarding recommended changes to the division's operations and Chapter 18 of the Farmers Branch Code of Ordinances..

Director Shane Davis introduced Animal Services Manager Miguel Gauna, who introduced Dr. Kate McManus who serves on the Animal Shelter Advisory Committee. Dr. McManus briefed City Council recognizing the Animal Shelter Staff. She stated recently the Committee provided guidance on backyard chicken regulations, and now the committee is recommending revisions to Chapter 18 of the Code of Ordinances. This revision cleans up the ordinances in terms of formatting and informational grouping.

Dr. McManus reviewed the following recommendations by the Animal Shelter Advisory Committee: **Priority 1** – Revise Chapter 18 Animal Services Ordinance; **Priority 2** – Vehicle Safety and Enforcement Graphics, Emergency Vehicles, Safety Vehicle Lighting. **Additional Considerations** – Interlocal disaster agreement with participating cities: Grand Prairie, Lewisville, Allen, Cleburne, Richland Hills, Balch Springs, Mesquite, Arlington, Richardson, Farmers' Branch, Plano, Desoto, and Duncanville.

Deputy Mayor Pro Tem Bomgardner asked if the city microchips a pet, how do we recoup the cost.

Dr. McManus stated residents pay for the costs through fees, (Adoption fees, etc.)

Mayor Pro Tem Norwood asked what the cost to microchip an animal.

Mr. Gauna replied stating the cost is approximately \$6.

Dr. McManus reviewed the following committee recommendations:

- Make microchipping of all dogs and cats mandatory in Farmers Branch
- Spay/Neuter all impounded dogs and cats
- Create a lower grade animal cruelty charge at the municipal level
- All dangerous animal determinations will be determined by judge, not City Manager's designee
- Add graphics to Animal Services field vehicles to distinguish vehicles similar to Code Enforcement, Police, or Citizens on Patrol
- Add lighting to vehicles for added employee safety
- Sign an interlocal agreement for disaster recovery

Dr. McManus recommended additional staff for the Animal Shelter when looking at future budget requests.

Mayor Pro Tem Norwood had questions in regards to liability if a dog is picked up and automatically spayed without the owner's permission.

Dr. McManus replied explaining the City holds the dog for a period of time, and if the owner fails to pick up the animal, it triggers the mandatory spay and neuter procedure.

Deputy Mayor Pro Tem Bomgardner asked that in the future, staff research and identify

costs associated with requests so the Council has more information to make an informed decision.

A.3 TMP-2800 Receive an update on Manske Library.

Director of Library Services Denise Wallace introduced Library Board Chairman Bonnie Potraza provided City Council with an update. She reviewed provided the Library Board's recommendation, which is to renovate the Library at the current location since it has direct access to an expanding trail system, and is centrally located in Farmers Branch. She explained through research of past minutes, the Library Board has continuously recommended renovations; the Citizen's Bond Committee made this recommendation in 2016.

Ms. Potraza reviewed statistics, and explained the Bond Committee included Manske Library in the Tier 2 recommendation. Ms. Potraza stated consulting firm F. Mason & Associates collected data for the Library Master Plan. All information shows the Library Board has requested to expand and reorganize the current Library.

Council Member Lynne asked if the Library receives any sponsorship or corporate funding.

Ms. Potraza replied stating currently the Library does not have corporate sponsorship, however; staff has researched and found the City of Coppell has utilized sponsorships at Library events, and she feels this would encourage community engagement.

Deputy Mayor Pro Tem Bomgardner stated if the answer is to conduct a full renovation, Council needs to review the projected costs. He explained it might be more efficient to construct a new Library than to renovate the older existing structure.

Ms. Potraza explained prior data showed a new Library would cost approximately \$15 million, however; a consultant would need to be hired to have a current estimate.

Council Member Blackson stated he served on the Bond Subcommittee, and the recommendation was not to move the Library from its existing location.

Mayor Pro Tem Norwood stated renovation is the only option due to the limited space.

Mayor Pro Tem Norwood stated the rule of thumb is if the cost to renovate is 50% more than the cost to build a new structure, it might be wise to invest in new construction. He noted the City recently acquired a technology building that could be utilized by the Library while a new one is being constructed.

Mayor Dye directed staff to research and review renovation numbers and new cost numbers so the Council can review and make a decision.

Mr. Cox noted our next steps would be to hire an architect to produce drawings and renderings of a renovated structure verses a new structure.

The City Council agreed to move forward and discuss again once the numbers are prepared, at a future Council meeting.

A.4 TMP-2768 Discussion regarding nonprofit organizational funding requests.

Assistant to City Manager Ben Williamson provided Council with the following information regarding nonprofit funding requests.

- FB Chamber of Commerce FY 18-19 request \$60,000 *(FY 17-18 approved \$60,000)*
- Metrocrest Chamber of Commerce FY 18-19 request \$10,000 *(FY 17-18 approved \$7,500)*
- The Woven Clinic request \$20,000 *(FY 17-18 approved \$15,500)*
- The Family Place request \$10,000 *(FY 17-18 approved \$5,000)*
- Metrocrest Services request \$205,000 *(FY 17-18 approved \$195,000)*
- Bea's Kids request \$10,000 *(FY 17-18 approved \$5,000)*
- Keep Farmers Branch Beautiful request \$15,000 *(FY 17-18 approved \$5,000)*
- Stand 4 Sisterhood request \$30,500

Mr. Williamson asked how the Council would like to proceed with these requests.

Council Member Lynne stated there are changes with Chamber of Commerce, and we may need to review what they provide and if it's cost effective. He further stated some numbers seem out of proportion.

Mayor Dye replied stating many nonprofit organizations are here tonight to answer questions.

Deputy Mayor Pro Tem Bomgardner suggested reducing the funding to \$50,000 for the Farmers Branch Chamber of Commerce.

Mayor Pro Tem Norwood stated the Evening of Excellence event has been very costly and not generating revenue. He suggested holding an event at the Historical Park to offset costs.

Farmers Branch Chamber of Commerce Chair Laura Braun stated a merger is being considered with Metrocrest Chamber of Commerce, but has not been decided yet. She explained the Chamber would need a consultant to review nonprofit mergers. She further stated funding from the City could be utilized for this.

Council Member Lynne discussed reducing funding to the Farmers Branch Chamber to \$40,000 and increasing sponsorship to the Metrocrest Chamber.

Mr. Cox stated the current total funding amount is \$292,000. He asked the Council to review this number to see if additional funds are necessary.

Mayor Pro Tem Norwood asked what percentage nonprofits are in the budget.

Mayor Dye replied stating it's less than 1%.

Mayor Dye stated certain benchmarks need to be met with the funding. Mayor recommends \$10,000 for Metrocrest Chamber and \$50,000 for the Farmers Branch Chamber. He stated if a merger occurs, funds could be transferred, if not, the funds could remain.

Deputy Mayor Pro Tem Bomgardner stated he supports increasing funding to the Woven Clinic up to \$30,000.

Deputy Mayor Pro Tem Bomgardner stated the Stand 4 Sisterhood nonprofit indicates funds would be used for research and study. He stated in his opinion, the City should not fund research and studies.

Ms. Marguerite Johnson spoke stating research is necessary to assist Farmers Branch residents and identify people with mental issues. She stated her goal is to be proactive.

Deputy Mayor Pro Tem Bomgardner asked Ms. Mawbey, how she defines success.

Ms. Johnson stated success would be to increase mental health awareness. She stated funding is necessary for research and screening to help begin treatment.

Deputy Mayor Pro Tem Bomgardner suggested increasing the Woven Clinic donation to \$30,000 eliminate the Family Place donation, increase Metrocrest to \$210,000, and remove Keep Farmers Branch Beautiful. He noted this would increase the nonprofit budget to \$320,000.

Mayor Pro Tem Norwood recommended moving the \$15,000 Keep Farmers Branch Beautiful funding out of nonprofits and over to the sustainability fund.

Deputy Mayor Pro Tem Bomgardner stated if we go with FB Chamber at \$50,000. If you eliminate Family Place, eliminate Beas Kids, relocate \$15,000 out of this list, you are looking at \$300,000.

Council Member Blackson stated he feels uncomfortable eliminating The Family Place.

Mayor Dye stated he supports \$10,000 to assist kids with schools then review again next year.

Ms. Johnson with Stand 4 Sisterhood stated, this contract is focused on citizens of nonprofit, she notes she is recognized 501C3, noting this is a pilot program that would provide many benefits to the residents of Farmers Branch.

Council Member Lynne stated he will review and share last year, he noted his client spent \$300,000 in marketing for mental illness. He stated there is a need; however, this would take a huge marketing effort to get the word out and suggested seeking a grant through the National Institute of Health.

Mayor Pro Tem Norwood applauded the Stand 4 Sisterhood intentions, however; felt this does not fit within the city's capacity for nonprofits. He suggested researching more grant funding.

In summary the Council considered the following non profit funding amounts: FB Chamber of Commerce at \$50,000, *(noting staff needs to work with both Chambers to identify a pathway moving forward)*; Metrocrest Chamber of Commerce at \$10,000; The Woven Clinic at \$30,000, The Family Place at \$10,000; Metrocrest Services at \$210,000; Bea's Kids \$0; Keep Farmers Branch Beautiful *(Remove from nonprofits to the General Fund in an amount of \$15,000)*; Stand 4 Sisterhood at \$10,000; for a total of \$320,000 to \$325,000 budget placeholder.

Mr. Williamson noted this is a place holder, the Council will have more in depth discussions on these items at the budget retreat.

Mayor Dye recessed for a break at 4:03 p.m.

Mayor Dye reconvened into Study Session at 4:13 p.m.

A.5 TMP-2808 Receive an update regarding the Sustainability Committee's recommendations.

Sustainability and Environmental Services Director Shane Davis briefed City Council regarding this item noting at the June 19, 2018, City Council meeting, the Committee presented several recommendations for Council to consider for solid waste garbage collection. He noted after review, there is little to no savings at this time, and staff's recommendation is to continue the contract and negotiate in the next agreement.

Mr. Robert Medigovich with CWD Waste spoke stating pricing is based on efficiency. He explained the city currently utilizes a rear load truck, and would need to switch to an automatic side loader, which is an additional cost.

Deputy Mayor Pro Tem Bomgardner asked if the carts have a longer life span, would bring money savings.

Mr. Medigovich stated he is working with staff on negotiations.

Mr. Cox stated, tonight's purpose is to determine if the Council wishes to move forward with one cart per week, if so, staff will negotiate the best price.

Deputy Mayor Pro Tem Bomgardner stated he would need to see what the savings are.

Mr. Medigovich stated he is working with Shane to negotiate these contracts.

Mr. Cox stated he wanted to make sure the Council's direction was to move forward with one cart per week, prior to negotiating pricing.

Mayor Pro Tem Norwood stated he supports changing to one day pickup to receive savings.

Council Member Lynne stated he does not want to make a decision without citizen input. He further stated this could be a town hall discussion.

Mayor Pro Tem Norwood stated one day brings efficiencies and benefits the residents. He stated it's very unique that Farmers Branch residents do not pay for trash services.

Mr. Keith Kahn with Simple Recycling provided a presentation regarding textile-recycling services they provide. He noted many residents do not realize they can recycle old clothing and household items. He stated many items can be repurposed.

Mayor Pro Tem Norwood stated he understood the textile-recycling program was going to be combined with Keep Farmers Branch Beautiful. He asked if the programs are aligned.

Mr. Davis explained the programs are different, noting Keep Farmers Branch Beautiful program is filing for grant funding for a specific program, noting textile-recycling program is ongoing. He explained the City is responsible for educating residents about the program.

Council Member Blackson stated this is a pilot program.

Council Member Lynne suggested having the Keep Farmers Branch Beautiful team organize an event to gauge the success of the program.

Deputy Mayor Pro Tem Bomgardner suggested reaching out to other cities to measure the program's success.

A.6 TMP-2771 Receive a report on setting speed limits on roadways within Farmers Branch.

Police Chief David Hale briefed City Council regarding this item. He reviewed the municipality's rights to regulate speed limits and cost estimations. He stated a traffic study would be required for the entire City, with an estimated cost of \$60,000. He noted new speed limit signs are estimated to cost \$60,000, and this does not include staff time to replace.

Chief Hale reviewed accident data, noting of 12,907 reported accidents in the past 18 years, speed was not listed as a contributing factor on any of the interior residential street pedestrian accidents, and no fatalities occurred on interior residential streets.

Council Member Blackson suggested a policy change might be necessary to install speed bumps. He stated the answer could be adding speed humps if the petition indicates 100% support. He suggested a plan, similar to Pebble Beach.

Council Member Lynne noted Castle Hills has 25 mph speed limit signs and digital speed

signs. He recommended digital signage be added instead of road humps. He suggested Public Works present some ideas of what could be done.

Mayor Pro Tem Norwood stated, it appears decreasing speed limits is ineffective, according to the data.

Fire Chief Steve Parker explained it seems to be a policy decision, and he asks that Council consider the impacts response time for Fire and EMS.

The City Council discussed increasing speed enforcement and adding a stationary radar trailer to the site.

A.7 TMP-2804 Receive an update on the Temporary Sign Ordinance.

Building Official Hugh Pender briefed City Council regarding this item. He reviewed a comparative table with other cities on banner signs, noting the duration days and square footage of signs allowed. He suggested amending the sign ordinance to allow a "Grand Opening," banner with a 45-day duration for new business in addition to current sign code requirements, or increase the number of days in a calendar year for all banners from 60 days to 90-120 days.

Mr. Pender stated we used to allow two-week increments with a two week time frame. He states you could have 60 days per year.

Council Member Lynne stated we recruit businesses to the community, then limit marketing. He stated he supports extending temporary signs up to 120 days within the year that allow various sales opportunities throughout the year. Our businesses need to make money and be able to market.

Council Member Blackson stated we cleaned up the Ordinance a couple of years ago, and he does not wish to see large inflated signage for long periods.

Mayor Dye stated he supports a grand opening of 30 days and 60 days total.

Building Official Hugh Pender stated you could extend the days and reduce the size of the signage.

After discussion, Council Member Lynne suggested 30 days grand opening, and 75 total days (not including grand opening) throughout the year.

Mayor Dye recessed for a break at 5:19 p.m.

Mayor Dye convened into closed executive session at 5:29 p.m.

A.8 TMP-2816 Receive an update on Smart Pole Aesthetics.

This item was not discussed.

A.9 18-99 Discuss agenda items for future City Council meetings.

The City Council recessed at 5:31 p.m.

B. EXECUTIVE SESSION

- B.1 18-102** Council may convene into a closed executive session pursuant to Section 551.074 of the Texas Government Code to deliberate regarding: (Personnel Matters)
- *Consider appointment to Quasi-Judicial Board (Planning and Zoning Commission and Zoning Board of Adjustment)*
- Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:
- *Consider an incentive package for Project Cedar.*
- 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 at 13201 Nestle Drive and 500 Huffines Boulevard, Lewisville, TX.*

C. CALL TO ORDER – REGULAR MEETING AT 6 P.M.

Council Member Blackson provided the invocation and led the Pledge of Allegiance and Pledge to the Texas flag.

D. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Dye called the regular meeting to order at 6:00 p.m.

E. REPORT ON STUDY SESSION ITEMS

Council Member Lynne provided an update on Study Session items.

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

- Registration is now underway for the Farmers Branch Power Switch. The voluntary program offers residents the chance to pool their buying power in an effort to lower their electric bill. Everyone is invited to "Bring their Bill" to City Hall on August 9 to find out more specifically how the Farmers Branch Power Switch can affect them. Find out more at farmersbranchtx.gov/fbpowerswitch or call 972.919.2505.
- The summer edition of Date Night in the Park is coming up on Saturday, July 28 at the Farmers Branch Historical Park. Admission is free for everyone over the age of 16. Some of DFW's most popular food trucks will line the meadow while the band 'Prophets & Outlaws' makes a return appearance at Date Night. After dark, the 80s classic 'Top Gun' will be the featured outdoor movie in the meadow. Find out more at fbspecialevents.com.
- There will be a Family Star Party on Friday, July 20 at the Farmers Branch Historical Park. Volunteers from the Texas Astronomical Society will be on hand with high

powered telescopes to assist in celestial viewing of objects near and far. Call the Historical Park for more information at 972.406.0184.

- The good word about our staff is getting out in the world:
 - Economic Development Director Allison Cook was recently featured in D CEO magazine.
 - Aquatics Manager Rachael Arroyo was profiled in World Waterpark magazine.
 - And, Farmers Branch Police Department Firearms Instructors were tapped to teach law enforcement officers from the U.S., Canada and many other countries in a recent conference in Houston.
- Don't forget that the Farmers Branch Market continues its highly successful twilight schedule every Saturday with hours from 5 until 8 p.m. each weekend. Find out what's specifically coming up each week at farmersbranchmarket.com.
- You can sign up for that eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

G. CITIZEN COMMENTS

There were no citizens that wished to speak.

H. CONSENT AGENDA

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|------|----------|---|
| H.1 | 18-97 | Consider approving minutes of the regular City Council meeting held on June 19, 2018; and take appropriate action. |
| H.2 | R2018-59 | Consider approving Resolution No. 2018-59 supporting the United States Census Bureau 2020; and take appropriate action. |
| H. 3 | R2018-61 | Consider approving Resolution No. 2018-61 authorizing the City Manager to negotiate and execute an agreement with LBL Architects in an amount not to exceed \$32,000 to provide professional design services for a barn master plan and related site plan for the Historical Park; and take appropriate action. |
| H.4 | R2018-62 | Consider approving Resolution No. 2018-62 authorizing a Project Specific Agreement with Dallas County for the Brookhaven Trail Project; and take appropriate action. |
| H.5 | R2018-65 | Consider approving Resolution No. 2018-65 authorizing the City Manager to negotiate and execute an agreement with DSE Hockey Centers, LP for the management and operation of an outdoor ice rink; and take appropriate action. |
| H.6 | R2018-70 | Consider approving Resolution No. 2018-70 authorizing the City Manager to negotiate and execute a multi-year agreement with Knight Security Systems, LLC for the maintenance, support and monitoring of the city's physical security systems utilizing State of Texas Department of Information Resources Contract No. DIR-TSO-3430 pricing; and take appropriate action. |

- H.7 18-101 Consider accepting a donation for the Parks and Recreation Department in an amount of \$1,043.27 from the Belt Family to be used for tree plantings; and take appropriate action.**

Motion made by Mayor Pro Tem Norwood to approve Consent Items H.1, H.2, H.4, H.5, H.6, H.7 (*item H.3, was removed with no action*). 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. PUBLIC HEARINGS

- I.1 ORD-3508 Conduct a public hearing and consider adopting Ordinance No. 3508 for the amendment of the Specific Use Permit with an associated Detailed Site Plan for a church located at 2001 Academy Lane; and take appropriate action.**

Planning and Zoning Director Tina Firgens briefed City Council, explaining the applicant, Jesus House Dallas, proposes to relocate Jesus House Dallas from their existing church on 4440 Spring Valley Road to this site on Academy Lane. The applicant proposes to develop a new building for the church with a sanctuary for 540 people, additional rooms such as classrooms, office, kitchen, restrooms, common areas and storage. The proposed building will contain 20,640 square feet in total area.

Ms. Firgens explained the applicant is proposing several changes including one additional driveway access to Hutton Drive, reducing the building size from 26,810 square feet to 20,640 square feet, reducing the auditorium size from 650 seats to 540 seats, and reducing the number of parking spaces from 257 to 180 spaces. She provided a summary of the proposed changes to the Landscape Plan, noting the 2016 SUP included 28% of the site to be landscaped open space. The proposed Landscape Plan proposes 43% of the site to be landscaped open space. She stated the Landscape Plan approved with the 2016 SUP included 83 new trees, and the proposed Landscape Plan included in this SUP request proposes 61 new trees.

Ms. Firgens explained a special exception for off-street parking for site positioning for secondary streets has been requested. She stated PD PD-77 does not allow any parking areas within the building setback line. According to PD-77, the building setback line for secondary streets shall be minimum twice the building height from the street right-of-way line. She further stated the building setback line should be 82 feet for both Senlac Drive and Hutton Drive. The Site Plan indicates a 15.5 feet setback for the parking lot along Senlac Drive instead of the required 82 feet setback. The 2016 SUP was approved with a 17-foot setback for the parking lot along Senlac Drive.

Ms. Firgens stated the Planning and Zoning Commission recommended unanimous approval of this item.

Applicant John Gardner of Kirkman Engineering was present to answer any questions.

Council Member Lynne asked how many people are in the congregation.

Pastor Fleming replied approximately 600 people attend his church, and he has been in Farmers Branch for 9 years.

Mayor Dye opened the public hearing.

There were no citizens that wished to speak regarding this item.

Motion made by Deputy Mayor Pro Tem Bomgardner to close the public hearing and approve Ordinance No. 3508, as presented. 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

I.2 ORD-3510 Conduct a public hearing and consider adopting Ordinance No. 3510 for a Specific Use Permit and an associated Detailed Site Plan for a 1.59-acre property located at 2425 Valley View Lane for a drive-through restaurant (Starbucks), a non drive-through restaurant (Chipotle), and a surface parking lot for more than 50 cars; and take appropriate action.

Planning and Zoning Director Tina Firgens briefed City Council regarding this item. Ms. Firgens explained the applicant, Retail Partners LLC, is proposing to develop the property at 2425 Valley View Lane and construct a drive-through restaurant (Starbucks) on the western portion of the property, and a non-drive-through restaurant (Chipotle) on the eastern portion of the property. The property is located within Planned Development District No. 86 (PD-86). This SUP request includes the following Special Exceptions:

Special Exception #1 - According to PD-86 requirements, buildings are to be located along Valley View Lane at the Required Building Line (RBL) for a distance equivalent to 85% of street frontage. The RBL along Valley View Lane is a maximum 5 feet setback measured from the property line. The purpose of the maximum setback/RBL is to have buildings define the street. Both proposed buildings will be setback minimum 45 feet from the property line along Valley View Lane.

Special Exception #2 - PD-86 requires a street wall 6 to 8 feet high along any RBL that is not occupied by buildings along Valley View Lane. The purpose of the street wall is to continue a defined building façade/edge along the street/RBL. No wall is proposed along Valley View Lane due to the distance of which the buildings are setback.

Special Exception #3 - PD-86 requires a street wall minimum 3 feet high for the screening of the surface parking lot along the eastern side of the lot. The applicant is proposing a dense shrubbery line along the eastern property line to screen the surface parking lot.

Special Exception #4 - PD-86 requires that the ground story finished floor elevation of the buildings to be a maximum 18 inches above the sidewalk. The purpose of this requirement is to keep the building finish floor at a comparable level to the adjacent sidewalk if the building were to be located at the RBL, thus allowing the building to be complementary with the public realm.

Special Exception #5 - PD-86 requires all buildings to have a pitched roof configuration. Both proposed buildings will have a flat roof configuration.

Special Exception #6 - PD-86 requires all window openings to have the horizontal dimension smaller than the vertical dimension, and that windows shall be a minimum of 30 inches away from the building corner. The purpose of this type of window design corresponds with traditional and/or classical architecture design. All proposed building elevations include long horizontal windows, such that the window height is narrower than the window width, and some of the windows encroach the minimum 30-inches from building corner requirement. The proposed window design is consistent with the proposed contemporary building design of clean and simple façade lines.

Special Exception #7 - PD-86 does not allow the drive-through access from Valley View Lane. Due to the irregular configuration of the lot and the limited access opportunities from I-35, the main access into the property is proposed from Valley View Lane.

Special Exception #8 - PD-86 does not allow free-standing pole signs in the Station Area and does not allow monument signs along Valley View Lane. The applicant is proposing a free-standing pole sign on the northwest corner of the lot, oriented perpendicular to I-35 and a monument sign near the southwest corner of the site oriented perpendicular to Valley View Lane. The proposed signage is consistent with the signage standards for the I-35 corridor in Farmers Branch and indicative of this type of site design.

Ms. Firgens stated Eight (8) zoning notification letters were mailed to the surrounding property owners on June 15, 2018. Two (2) zoning notification signs were also placed on the site on the same day. A public notice ad was placed in Dallas Morning News on June 27, 2018. As of July 5, 2018, no written correspondence has been received by the City.

Ms. Firgens summarized, stating on June 25, 2018, the Planning and Zoning Commission voted 7-1 to recommend approval of the Specific Use Permit and associated Detailed Site Plan including the Special Exception as presented in Ordinance No. 3510.

Council Member Lynne asked if there are any restrictions to operational hours.

Ms. Firgens replied stating there are no hours of operation restrictions.

Deputy City Manager John Land stated we were looking at a couple of things prior to the land sale. They had a roastery and a reserve Starbucks that we were seeking, however Starbucks only has one other roaster is located in China, and they are not looking at any additional in our area. He stated reserves sell wine, and they are no longer building these. He noted they added a covered patio, and matched the look of the Station Area.

Deputy Mayor Pro Tem Bomgardner asked if the 5G Internet Connection would cover the new Starbucks site.

Mayor Dye replied stating this would cover the Starbucks site.

Council Member Lynne asked with traffic in the area if a crosswalk light has been considered.

Ms. Firgens stated not at this time, however; we have signalized areas at Valley View and I35. No additional crosswalks are being proposed.

Council Member Blackson asked what price the city paid for the land.

Mr. Land responded, stating he estimates \$10-\$12 a foot, noting we have it under contract for \$16 a foot. He further stated he will research to find how much we paid.

Council Member Blackson had traffic concerns, in regards to an outlet for backup traffic. He stated only one inlet and outlet is an issue.

Ms. Firgens reviewed ingress and egress routes.

Developer Russell Martin spoke stating he looked at an exit only, and it creates stacking issues.

Council Member Blackson stated he cannot support one entrance and one exit; he suggested redeveloping the site to allow an egress to the northern edge of the property.

Mr. Tony Philly with Retail Connection spoke stating he reviewed the access problem, and they did not want any backup on the I35 service road. The current stacking allows sixteen cars to stack. He further stated if traffic patterns are a problem then Starbucks will meet with the City to correct the issue. He further stated they are flexible and want to work with the City.

Mayor Pro Tem Norwood stated the Planning and Zoning Commission recommended approval 7-1, of this item, and Starbucks is willing to accommodate the City if there are any issues. He stated he supports a Starbucks and Chipotle, noting residents have wanted this for our community.

Council Member Blackson stated in his opinion, this is a disservice to our residents and we need to have a larger view. He explained we had a corridor study and we need to look at the future of this intersection.

Mr. Land stated as a follow up to Council Member Blackson's question on land cost, the City acquired the property at \$11.17 a foot and this was \$775,000 and it is currently under contract for \$1,108,166. He stated approximately 19 residents asked for a Starbucks and in his opinion, this is the highest and best use for this property.

Council Member Lynne apologized, stating he is grateful to Starbucks and Chipotle, and

hopes they will be successful in Farmers Branch.

Mayor Dye asks what is the draw to this site specifically, and does not know what the sales projections are for this site.

Mr. Philly replied stating it's a combination of many things, noting freeways are required criteria for Starbucks, he does not know what the projected sales are for this site.

Mayor Dye explained that between 635 and 161, this is the only location for this Starbucks. He explained he supports a Starbucks in the right location; however, this does not match his vision. He explained his vision of the Station Area is our downtown. He explained this is a gateway to the west side and the key front door to our City. He stated to build something unique, we need higher standards. He noted that after reviewing plans for the east side and west side, it seems Starbucks would fit better in those areas. He stated his preference is to see a destination restaurant, which brings visitors to Farmers Branch. He asks that we do not limit ourselves. He stated the DART Station should be unique. He stated many areas have pole signs, strip retail, and do not have destination spots. He sees this area as a destination area. He stated he disagrees with this proposal, and asks that we hold out for something better, and suggested the Havenshurst location.

Council Member Lynne stated younger people are attracted to Starbucks. He further stated this site has issues. He further stated, the Council's job is to move the City forward. He explained the Station Area is moving forward and more opportunities are coming. He stated the message is not being perceived as a positive one, and it should be. This is what the residents want and this will bring tax revenue to our city.

Deputy Mayor Pro Tem Bomgardner stated the Mayor's message was full of wisdom. He further stated his only issue is the single entry in and exit out traffic pattern.

Mayor Dye opened the public hearing. The following resident wished to speak on this item:

Resident Carol Dingman spoke stating she served on the Council in the 80's, noting bond monies were used to buy land in the DART Station. She stated the Council's vision then was to attract businesses and people to the area. She feels to deviate from the vision from Councilman Blackson and Mayor Dye would be a mistake. She had issues with traffic and the location.

Resident Terry Flowers, spoke in favor of this development. She stated she also supports the Mayor's vision.

Mr. Tom Cusack spoke stating he agrees with Council Member Blackson and Mayor Dye. He expressed concerns regarding traffic, and asked that we hold off and strive to be unique.

Mr. Land spoke stating Starbucks was mentioned 42 specific times when citizens were surveyed. He noted this was out of 1,226 resident surveys.

Mayor Pro Tem Norwood stated he agrees with Mayor Dye, however; he feels this project will drive more visitors into Farmers Branch and feels this is a good deal for the City.

Mayor Pro Tem Norwood moved to close the public hearing. 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

Motion made by Mayor Pro Tem Norwood to close the public hearing and approve Ordinance No. 3510, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

Aye: 3 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Lynne

No: 1 - Council Member Blackson

Mayor Dye recessed for a break at 8:30 p.m.

Mayor Dye reconvened the meeting at 8:35 p.m.

I.3 ORD-3511 Conduct a public hearing and consider adopting Ordinance No. 3511 to amend the Planned Development No. 77 (PD-77) zoning district as it relates to restaurants and similar related uses; and take appropriate action.

Director of Planning and Zoning Tina Firgens briefed City Council regarding this item explaining This is a city-initiated zoning amendment to amend Planned Development No. 77 (PD-77) as it relates to restaurants and similar related uses. Staff received a request from a property owner to consider allowing restaurant uses by right within the zoning district, particularly since restaurant uses currently require approval of a specific use permit. She stated after review, PD-77 presently allows the following restaurant and similar related uses either by right or with a specific use permit: bakery or confectionery shop (retail), cafeteria, restaurant with drive-in service (with specific use permit), non drive-in restaurant, with outside sales window (with a specific use permit), non drive-in restaurant, without outside sales window (with a specific use permit), snack and sandwich shops. She explained additionally, PD-77 allows bakery (wholesale) and food processing facilities by right which are more intensive food-related commercial operations, but nonetheless are allowed by right.

Ms. Firgens stated staff's proposed amendment to PD-77, would be to allow "restaurants, non drive-in without outside sales window" by right, and eliminate the SUP requirement. Allowing this restaurant type by right allows for potential adaptive reuse of existing buildings and/or allowing newly constructed buildings to house this use whether as free-standing restaurants and/or accommodating restaurants within a multi-tenant building.

Restaurant uses would still be subject to the remaining development standards within PD-77, as well as the Comprehensive Zoning Ordinance (CZO) should PD-77 not address a particular development provision.

Additionally, the proposed amendment includes addressing “restaurant, qualifying” as provided for in the CZO in order to make it clear within the PD-77 ordinance that “restaurants, non drive-in without outside sales window” wanting to serve alcoholic beverages may do so, provided that the total gross sale of food and non-alcoholic beverages shall constitute at least 50% of the establishment’s combined gross sales of food, non-alcoholic and alcoholic beverages quarterly. As it relates to “cafeteria” and “snack and sandwich shops” uses, staff proposes that these two uses be deleted since these uses are considered restaurant uses, and would continue to be allowed by right as “restaurants, non drive-in without outside sales window.” Staff also recommends that “restaurants with drive-in service” (e.g. Sonic) and “restaurants, non drive-in with outside sales window” (e.g. McDonald’s, Wendy’s, Taco Bell) continue to be subject to approval of a specific use permit. These uses may not be appropriate for all properties within PD-77, particularly given future residential adjacency concerns since these types of restaurant uses may have outdoor speakers and potential site circulation and ingress/egress implications on adjacent area roadways. Lastly, staff proposes minor formatting and rewording of restaurant related uses for consistency with uses defined in the CZO.

Ms. Firgens explained staff mailed 77 public notification letters on June 15, 2018 to the property owners within PD-77, as well as to surrounding property owners. Ten zoning notification signs were posted. The City received one letter of support.

Council Member Lynne asked if a sports bar would be an allowable use in PD-77.

Ms. Firgens replied stating bars are not an allowable use in PD-77.

Mayor Dye opened the public hearing.

Ms. Kim, 13150 Senlac Drive, spoke in concern regarding her difficulties with the SUP process and finding tenants to lease the building. She spoke in favor of having a restaurant.

Mayor Pro Tem Norwood asked Ms. Kim if she agrees with these changes.

Ms. Kim replied stating she supports these changes.

Motion made by Council Member Lynne to close the public hearing and approve Ordinance No. 3511, 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

REGULAR AGENDA ITEMS

- J.1 R2018-63 Consider approving Resolution No. 2018-63 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3441 Golfing Green Dr.; and take appropriate action.**

Economic Development Director Allison Cook briefed City Council regarding this item. She stated the applicant TNT Home Design, LLC is applying for the Demo Rebuild incentive for an existing residence located at 3441 Golfing Green Dr. which has an improved valuation (excluding the land value) of \$220,000. The incentive for this improvement range (\$150,000 and over) includes a seven (7) year rebate of municipal taxes based on the difference between the original home appraised value (excluding the land value), as determined by the Dallas County Appraisal District.

The applicant Tom Cusick was present to answer any questions.

Council Member Blackson asked Mr. Cusick if he is able to save trees on the front lot. He asked if he prefers the new incentive plan.

Mr. Cusick stated his goal is to save as many trees as possible. He stated the incentive is not a benefit to the builder. He prefers the old demo plan with the cash up front.

Council Member Blackson stated the intent was to assist redevelopment in older neighborhoods.

Mr. Cusick stated it is hard to find homes in that price range. He stated it will cost him \$17,000 just to demolish this house.

Council Member Lynne stated there are homes in Brookhaven that are 50-60 years old, that need to be turned (renovated). He stated we do not incentivize this area.

Motion made by Council Member Lynne to approve Resolution No. 2018-63, 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

- J.2 R2018-31 Consider approving Resolution No. 2018-31 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 12242 Ridgefair Pl; and take appropriate action.**

Economic Development Director Allison Cook briefed City Council regarding this item. She stated the applicant Terri Flowers is applying for the Demo Rebuild incentive. Ms. Flowers lost her home to a fire in January of 2017. It was a complete loss. This was the

home her parents had shared since 1985 and the home that she moved into when her mother needed around the clock care. She was in the process of rebuilding the house when she heard about our Demo Rebuild program and inquired if there was any for her to participate. Since the house had already been demolished staff is recommending the tax rebate portion of the program; not the demolition cash grant. This includes an incentive that is based on the increase over the course of five (5) years in the City Property taxes paid on the difference between the original home appraised value (excluding the land value), as determined by the Dallas County Appraisal District. The original Improvement was valued at \$144,840, putting this applicant in the 3rd tier of the program (5 year tax incentive).

Motion made by Mayor Pro Tem Norwood to approve Resolution No. 2018-31, 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

J.3 R2018-67 Consider approving Resolution No. 2018-67 authorizing the City Manager to execute a contract for custodial services with McLemore Building Maintenance, Inc. through City Bid 18-10 in the total amount of \$422,800; and take appropriate action.

Director of Fleet and Facilities Kevin Muenchow briefed City Council regarding this item. He stated March 21, 2017 authorizing the City Manager to execute a contract with GCA Cleaning Specialties, LP to provide custodial services for City Facilities with a May 1, 2017 effective date. GCA Cleaning Specialties requested a \$67,895 increase on the contract claiming increased labor costs due to economy and continual monthly losses in meeting the scope of work agreed upon. The requested amount significantly exceeded the allowable annual increase defined in the contract and was denied. On May 25, 2018, GCA Cleaning Specialties, LP provided a 90 day written notice to terminate the agreement with an effective of 8-24-18, resulting in going out to bid for custodial services. The City of Farmers Branch prepared specifications and requested bids through City Bid 18-10. City Administration evaluated the bids as to meeting specifications and desire to award custodial services contract with McLemore Building Service, Inc. for the total amount of \$422,800.

Motion made by Mayor Pro Tem Norwood to approve Resolution No. 2018-67, as presented. 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

- J.4 ORD-3509 Consider adopting Ordinance No. 3509 amending the Code of Ordinances Section 2-236 regarding the composition of the Planning and Zoning Commission; and take appropriate action.**

City Secretary Amy Piukana briefed City Council regarding this item. Ms. Piukana explained the current composition for the Planning and Zoning Commission is nine (9) regular members, and the proposed Ordinance No. 3509 amends the composition to eight (8) regular members.

Motion made by Mayor Pro Tem Norwood to approve Ordinance No. 3509, 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

- J.5 R2018-58 Consider approving Resolution No. 2018-58 authorizing the City Manager to negotiate and execute a design-build contract with Weaver Consultants Group, LLC and Anchor Construction, LLC for the design, permitting, and construction of a new scalehouse and maintenance facility at Camelot Landfill for the amount of \$4,866,900; and take appropriate action.**

Director of Sustainability and Environmental Health Services Shane Davis briefed City Council regarding this item. He stated On August 28, 2017, the City received a permit amendment to increase the waste disposal capacity of the facility. The disposal facility will provide disposal capacity for the region for next 35-40 years. He explained the operations at Camelot Landfill will benefit from a new scalehouse and maintenance facility. Currently, the facility functions with only one scale. This limits the number of trucks that can be processed for disposal. Recently the landfill has experience queuing issues at the landfill. Relatedly, it is expected that DFW Landfill located adjacent to Camelot Landfill will close in 8-10 years. DFW Landfill takes in 4 to 5 times more volume than Camelot Landfill. When DFW Landfill closes, most of the waste volume should go to Camelot Landfill. Finally, the City of Lewisville plans to extend Corporate Drive from west of the Elm Fork of the Trinity River to Carrollton Parkway at the Carrollton-Lewisville city limit line. The future roadway will cross the landfill and separate the panhandle portion of the property from the active disposal area. Before the road construction is completed, the scale house will need to be constructed in order to continue landfill operations. He noted Anchor Construction has built similar solid waste facilities, including one in Lewisville. The proposal for permitting, design, and construction of the facilities was \$4,866,900.

After discussion, motion made by Deputy Mayor Pro Tem Bomgardner to approve Resolution No. 2018-058 authorizing the City Manager to execute a design build contract with Weaver Consultants Group for the design, permitting, and construction of a new

scalehouse and maintenance facility at Camelot Landfill in an amount not to exceed \$4,866,900. 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

J.6 TMP-2801 Discuss the Power to Switch Program.

Assistant to City Manager Ben Williamson briefed City Council regarding this item. Mr. Williamson reviewed the Farmers Branch Power to Switch Program timeline. He noted registration begins July 9 through September 25, 2018, and bring your bill is open August 9th at City Hall. He stated the switch window is September 4, 2018 through December 31st.

Mayor thanked Mr. Williamson for his hard work on this project.

Council Member Lynne asked if this is the base rate for electricity.

Mr. Williamson stated the average resident uses 12-1400 kw hours per month. He noted many of these are flat fees no matter the usage.

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

Motion made by Deputy Mayor Pro Tem Bomgardner to authorize the City Manager to negotiate and execute and economic development agreement on behalf of the City of Farmers Branch, with Lots O Beer, LLC and/or its affiliates and assigns, to provide an incentive of \$200,000 to be paid in two installments, for tenant finish-out for approximately 8,574 square feet of leased space in a 2 story building to be constructed at 13090 Bee Street Building C for the Company operation of a restaurant provided the Company leases, occupies and operates a restaurant at the leased premises for a period of five years. 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

Motion made by Council Member Lynne 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, Pepper Hill Addition No. 2, known as 13201 Nestle Drive, for a purchase price not to exceed \$120,000 plus standard closing and acquisition costs and to sign, and authorize the City's agent to sign, such other agreements, documents, and necessary with respect to the closing of said transaction. 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

L. ADJOURNMENT

Motion made by Mayor Pro Tem Norwood to adjourn the meeting. 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

The meeting adjourned at 9:39 p.m.

Signed: _____
Mayor

Attest: _____
City Secretary