



City of Farmers Branch City Council Minutes

Tuesday, September 25, 2018Farmers Branch City Hall
13000 William Dodson Pkwy
Farmers Branch, TX 75234Council Chambers

- Presiding:** 1 - Mayor Robert C. Dye
- Present:** 5 - Mayor Pro Tem John Norwood; Council Member Bronson Blackson, Council Member Ana Reyes; Council Member Terry Lynne; Deputy Mayor Pro Tem Mike Bomgardner
- Staff:** - Charles Cox, City Manager; John Land, Deputy City Manager; Amy Piukana, City Secretary; Braden Metcalf, City Attorney; Kevin Laughlin, City Attorney; Tina Figgins, Director of Planning; Benjamin Williamson, Assistant to City Manager; Allison Cook, Director of Economic Development; Hugh Pender, Building Official; David Hale, Police Chief; Dean Habel, Deputy Police Chief; Steve Parker, Fire Chief; Shane Davis, Director of Sustainability and Environmental Services; Director of Public Works Marc Bentley

A. CALL TO ORDER - STUDY SESSION

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

A.1 18-137 Discuss regular City Council meeting agenda items.

Mayor Pro Tem Norwood asked for clarification on Agenda Item I.3, in regards to Council approval, noting he has concerns with approving the plat without approving the project.

Director of Planning Tina Figgins replied explaining the plat aligns with the land and dedicates easements. She further stated the City Council has limited approval authority if the plat meets state law requirements. The City Council will have the opportunity to review the site plan at a future date.

Mayor Dye clarified that the Plat approval allows the developer to separate the lot into two properties.

Mayor Pro Tem Norwood asked for discussion on Agenda Item J.3, in regards to the amendment to the CWD Contract. He stated he has received numerous emails on this item and I.2 noting misinformation has been provided. He explained the Council has considered this for three years, the Sustainability Committee has reviewed the last two years, and the City has published newsletters on this subject.

Mayor Pro Tem Norwood stated he is hearing the public was not provided enough input. He suggested delaying this item to allow the City to provide a comprehensive presentation and let the community review prior to a Council decision.

Council Member Reyes agreed to delay and allow additional resident feedback.

Deputy Mayor Pro Tem Bomgardner stated he was approached by residents aggressively against the recycling program. He stated we have progressed and approved recycling and chickens, noting he supports moving forward with once a week trash and recycling. He stated the program is efficient and fiscally responsible for the City.

Council Member Blackson stated he has heard from residents on both sides of the project. He explained some residents are primarily focused on the money. He stated the proposed plan allows the City to reduce trash, go green and be more sustainable.

Council Member Lynne stated he is very disappointed by the proposed action by Council to reduce the trash service to once a week without holding town hall meetings or allowing public input in advance. He stated in his opinion, eliminating screening within the ordinance is unacceptable and urged the Council to allow citizens to provide feedback. He stated the annual savings is only \$72,000 a year, and requested tabling the item to allow residents to be informed, allow more time to study the issues and respond through Town Hall meetings.

Council Member Reyes replied explaining any Council Member has the authority to call a Town Hall meeting.

Council Member Lynne stated this is a major change to tax payers.

Mayor Dye explained no consent is necessary to host a Town Hall meeting and stated he feels disrespected that Councilman Lynne sent emails out five days prior to the meeting instead of being proactive and speaking with fellow Council Members and constituents.

Council Member Lynne replied stating his intent was not to disrespect anyone, but to inform residents.

City Manager Charles Cox explained we are considering tabling Agenda items J.3 & J.4 (CWD Solid Waste) to allow staff to outline proposed changes. He noted if any Council member wants a Town Hall, staff could help facilitate.

Mayor Pro Tem Norwood stated we need to look at processes and ensure we have a good communication plan. He explained if it's a controversial item, let's take more time to allow everyone to have a voice and feel like they are a part of the process. He stated unless he misunderstood, our trash and recycling is not tax payer funded, and in his opinion, \$72,000 is a lot of money and worth the savings.

Mr. Cox replied stating the landfill revenues offset the cost.

Mayor Pro Tem Norwood stated we are picking up the same amount of trash and brush, noting it would be picked up separately from bulk, and we would continue to recycle. He stated he feels it's misinformation to tell residents it's paid for with tax payer dollars.

Council Member Reyes asked for more discussion on Agenda Item J.4 (CWD Solid Waste), noting alternative screening should be discussed, such as landscaping.

Mayor Dye suggested a Town Hall on October 10, 2018.

Deputy Mayor Pro Tem Bomgardner asked for clarification on Agenda Item H.2 (Atmos Rates).

Project Manager John Roach replied stating the new proposed Resolution adopts rate tariffs that that help recover and offset costs.

Deputy Mayor Pro Tem Bomgardner and Council Member Reyes asked for discussion on Agenda Item I.1 (Hotel PD-22), noting the City Council has had concerns with the number of hotels already approved. Council Member Reyes suggested hearing from the applicant this evening.

Mr. Cox reviewed asked for discussion on Agenda Item I.2, (Senior Family Residential/Senior Living). He explained Deputy City Manager John Land will provide a presentation, on a senior development project. He explained on April 2017 City Council approved a motion to sell property to Mr. Billingsly for 17 homes. The motion authorized the City Manager to sign an agreement. He explained the agreement has not went into affect, and the City Council may legally back out should they desire. He explained the Planning and Zoning Commission and Library Board both unanimously approved this project. He further stated Councilman Blackson's father owns property within the 200 foot radius, so he is unable to vote or discuss the project. He explained the three (3) out of four (4) Council Members must vote as a supermajority, noting the Mayor cannot vote.

Mr. Cox stated the developer could table the item, if there are any future conflicts with the Library. He explained every time the item is reviewed, the community becomes very concerned. He stated to bring this forward a third time would be another issue. He suggested if a decision is made tonight, then add a stipulation with the motion that if it conflicts with the Library renovation, it does not move forward and is considered withdrawn.

Council Member Lynne stated until the future of the Library has been determined; he does not feel comfortable moving forward.

Deputy City Manager John Land briefed City Council regarding the history of this project. He noted the City purchase 4.9 acres in 2008, Fire Station #1 was built in 2011 and 2.69 acres remain undeveloped. He explained at the June 5, 2015 City Council retreat, the Council targeted locations for Senior Housing. He reviewed demographics noting 25% of houses have over 65 exemption. He noted 31% of the residents that live within a mile of the project are ages 55 and older. Mr. Land reviewed the Senior Housing Timeline noting the timeline milestones of City Council's direction in 2015 to target locations for Senior Housing. He noted Option 1 was a 2-4 story development, Option 2 was a Townhome Development, and Option 3 we are reviewing tonight, which has seventeen lots. Mr. Land explained the Planning and Zoning Commission voted 4-2, in favor of the proposed project. The Library Board voted unanimously to support the parking configuration on the Library existing site, Sustainability Committee suggested using permeable paving, and the City Council voted to sell the property in 2017.

Henry S. Miller Representative Bill Bush stated 80% of the homes constructed will need to be occupied by ages over 55 years of age.

Mayor Pro Tem Norwood explained the issue that needs to be resolved tonight, is to decide if we want to build a parking lot or wait. He asked if under the current zoning if the Developer reduced the homes, if he would be able to build homes by right, without requesting Council approval.

Mr. Bush replied stating he could build less homes to meet the current zoning, however; this would drive home prices up since you would have less homes on the lots.

Ms. Firgens explained based on the property size the minimum square feet is 8,700.

Mr. Bush stated under the current zoning he believes approximately eight (8) homes could be constructed on this site. He explained he is willing to work with the Council and stakeholders to build something nice and feels this development will increase property values.

Council Member Reyes suggested discussing this topic at a town hall meeting.

Deputy Mayor Pro Tem Bomgardner stated covering two (2) emotional topics in one single town hall would be too much.

Council Member Blackson asked for clarification on Agenda Item J.2, if the dirt could be used to mediate City creek issues.

Public Works Director Marc Bentley replied stating the existing dirt would be moved to the landfill noting the soil is not acceptable to be used in a floodplain.

A.2 18-158 Receive an update from the Sustainability Committee.

Chairman David Griggs of the Sustainability Committee briefed City Council regarding the switch to cart collection for garbage, and the HVAC upgrades for the Justice Center and the Branch Connection. He reviewed the City of Dallas resiliency plan, and reviewed the rollout of the water kits. He explained he feels the report is too often.

The consensus from the City Council was to move to twice a year updates from the Sustainability Committee.

A.3 TMP-2877 Discuss upcoming City Council meeting dates for 2019.

City Secretary Amy Piukana reviewed a draft calendar of City Council meeting dates for 2019. The City Council provided direction to amend dates to the following:

CITY COUNCIL MEETING DATES

2019

2019

January							April							July							October						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4	5		1	2	3	4	5	6		1	2	3	4	5	6		1	2	3	4	5
6	7	8	9	10	11	12	7	8	9	10	11	12	13	7	8	9	10	11	12	13	6	7	8	9	10	11	12
13	14	15	16	17	18	19	14	15	16	17	18	19	20	14	15	16	17	18	19	20	13	14	15	16	17	18	19
20	21	22	23	24	25	26	21	22	23	24	25	26	27	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	29	30	31			28	29	30					28	29	30	31				27	28	29	30	31		

February							May							August							November						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2				1	2	3	4					1	2	3					1	2	
3	4	5	6	7	8	9	5	6	7	8	9	10	11	4	5	6	7	8	9	10	3	4	5	6	7	8	9
10	11	12	13	14	15	16	12	13	14	15	16	17	18	11	12	13	14	15	16	17	10	11	12	13	14	15	16
17	18	19	20	21	22	23	19	20	21	22	23	24	25	18	19	20	21	22	23	24	17	18	19	20	21	22	23
24	25	26	27	28			26	27	28	29	30	31		25	26	27	28	29	30	31	24	25	26	27	28	29	30

March							June							September							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2							1	1	2	3	4	5	6	7	1	2	3	4	5	6	7
3	4	5	6	7	8	9	2	3	4	5	6	7	8	8	9	10	11	12	13	14	8	9	10	11	12	13	14
10	11	12	13	14	15	16	9	10	11	12	13	14	15	15	16	17	18	19	20	21	15	16	17	18	19	20	21
17	18	19	20	21	22	23	16	17	18	19	20	21	22	22	23	24	25	26	27	28	22	23	24	25	26	27	28
24	25	26	27	28	29	30	23	24	25	26	27	28	29	29	30						29	30	31				
31							30																				

A.4 18-138 Discuss agenda items for future City Council meetings.

Council Member Lynne asked for a future agenda item to discuss a 311 Application.

Council Member Reyes asked for a future Council item to discuss the Everbridge emergency notification system and Sharrow update.

Mayor Pro Tem Norwood asked for an update on Mercer Crossing project to include the number of permits to date, and the commercial plans.

Mayor Dye asked for consideration on a new fee for art funds. Deputy City Manager John Land replied stating the Public Art Committee could review and discuss this option and provide feedback at a future City Council meeting.

The Mayor adjourned the Study Session meeting at 5:25 p.m.

B. CALL TO ORDER- REGULAR MEETING (6 P.M.)

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

C. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Dye provided the invocation and led the Pledge of Allegiance and Pledge to the Texas Flag.

D. CEREMONIAL ITEMS**D.1 18-154 Consider accepting a donation from Eagle Gun Range in the amount of \$1,740 to the Police Department; and take appropriate action.**

Mayor Dye and Council Member Lynne accepted a donation for the Police Department of

\$1,740 from Eagle Gun Range.

Motion made by Council Member Lynne to accept a donation from Eagle Gun Range in the amount of \$1,740 for the Police Department. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

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

D.2 TMP-2950 Presentation of a service award to Randy McKemie for twenty years of service in the Police Department.

Mayor Dye and Police Chief David Hale recognized Randy McKemie for twenty years of service with the Police Department.

E. REPORT ON STUDY SESSION ITEMS

Council Member Reyes provided a report of the Study Session items. She also recognized former Council Member Michelle Holmes, former Mayor John Dodd, and CFBISD Board of Trustee Guillermo Ramos who attended.

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

City Manager Charles Cox provided the following information:

- Time is ticking down on Farmers Branch Power Switch. Farmers Branch residents have until midnight tonight, September 25, to register for the voluntary program that may be able to lower your electric bill. Energy broker iChoosr has negotiated a base rate of 5.5 cents per kilowatt hour. Added to Oncor's state-mandated delivery charge, the average of 9.3 cents can save some Farmers Branch homeowners hundreds of dollars a year in electricity by pooling their buying power as part of this program. There will be additional opportunities for Power Switch in 2019. For now, find out more at farmersbranchtx.gov/fbpowerswitch.
- Hoping that the third time is the charm, the Farmers Branch Manske Library has again rescheduled their outdoor movie, "Jumanji: Welcome to the Jungle" THIS TIME to Saturday, September 29 in the amphitheater directly outside the library building. Showtime is dusk.
- Residents can bring personal documents for destruction at a Shredding Event, planned for Saturday, September 29, from 9 a.m. until 12 noon at City Hall.
- The Farmers Branch Market closes out its regular season schedule this Saturday with hours from 5 until 8 p.m. in The Grove at Mustang Crossing. There will be live music from "Salsa Night," more than 25 vendors, concessionaires and more. Learn more about the market and some upcoming special market dates at farmersbranchmarket.com.
- Registration is open for National Night Out, coming Tuesday, October 2. Neighborhoods holding parties are asked to register at 972.919.9304 in order to have public safety and City officials come by. And, don't forget that in order to facilitate National Night Out on Tuesday, next week's meeting of the City Council will be held on Monday, October 1 at 6 p.m. here at City Hall.
- You can sign up for that eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

Mayor Dye noted the School District will speak about the bond and it's affects, he noted it will not raise the tax rate.

G. CITIZEN COMMENTS

There were no citizens that wished to speak.

H. CONSENT AGENDA

- H.1 18-134** Consider approving minutes of the regular City Council meeting held on September 11, 2018; and take appropriate action.
- H.2 R2018-86** Consider approving Resolution No. 2018-86 approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division that adopts new natural gas rates for the City of Farmers Branch; and take appropriate action.
- H.3 R2018-89** Consider approving Resolution No. 2018-89 allowing a "Temporary Carnival" per Ordinance No. 1770 for the Mary Immaculate Catholic Church Annual Parish Fall Festival, located at 2800 Valwood Parkway, to be held on October 5, 2018 and October 6, 2018; and take appropriate action.
- H.4 R2018-90** Consider approving Resolution No. 2018-90 affirming the terms and conditions of the interlocal agreement between the City of Farmers Branch and the Dallas County Hospital District, d/b/a Parkland Health & Hospital System, for forensic medical examinations and evidence collection services; authorizing the City Manager to execute the agreement on behalf of the City of Farmers Branch; and take appropriate action.

Motion made by Council Member Blackson to approve Consent items H.1 through H.4, 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 Blackson, Council Member Reyes, Council Member Lynne

I. PUBLIC HEARINGS

- I.1 ORD-3529** Conduct a public hearing and consider adopting Ordinance No. 3529 for a zoning amendment to Planned Development District No. 22 (PD-22) to allow hotel uses subject to approval of a Specific Use Permit, and a request for a Specific Use Permit with an associated Detailed Site Plan for a hotel located on an approximately 1.82-acre property being the southern portion of the property located at 13998 Diplomat Drive; and take appropriate action.

City Attorney Braden Metcalf announced Council Member Reyes has filled out a Conflict of Interest Affidavit and will not participate in discussion on this item.

Director of Planning Tina Firgens briefed City Council regarding this item noting the City received a request from Triangle Engineering, to amend the Planned Development District No. 22 (PD-22) to allow hotel uses subject to approval of a Specific Use Permit for a 1.82-acre property located at 13998 Diplomat Drive, for a hotel. Ms. Firgens reviewed the detailed site plan and exhibits. She stated notifications were mailed to property owners within 200 ft. of the site. She explained City Staff received five (5) letters of opposition

from property owners within the notification area, in addition to four (4) letters of opposition received from property owners outside of the notification area. The letters received in opposition from the notification area represent approximately 49% of the notification area, thus requiring a super majority vote of all City Council members in order for this request to be approved. On August 27, 2018, the Planning and Zoning Commission voted unanimously to deny the proposed Zoning amendment. She stated this item will require three Council Members to vote, since Council Member Reyes is not voting.

Council Member Lynne asked since the Planning and Zoning Commission denied the case, has any modifications been made to the plans for City Council to consider.

Ms. Firgens stated no changes have been provided.

Mayor Dye opened the public hearing.

The following citizens wished to speak:

Sheri Tillman, 13850 Diplomat Drive, Dallas, TX – *spoke in opposition*

Dan Cook, 2021 McKinney Avenue Dallas, TX – *spoke in opposition*

Weldon Davis, 8150 North Central Expressway – *spoke in opposition*.

Nick Nicholas – 8150 North Central Expressway – *spoke in opposition*

Council member Lynne stated in his opinion the hotel is not compatible with surrounding businesses; the applicant is not in attendance and no changes were made.

Motion made by Deputy Mayor Pro Tem Bomgardner to close the Public Hearing. Motion seconded by Mayor Pro Tem Norwood.

Deputy Mayor Pro Tem Bomgardner made a motion to deny Ordinance No. 3529. 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

Abstained: 1 - Council Member Reyes (*conflict of interest*)

- I.2 ORD-3516 Conduct a public hearing and consider adopting Ordinance No. 3516 for a zoning change from One-Family Residence District-6 (R-6) to Planned Development District No. 102 (PD-102), including but not limited to allowing one-family detached residences and municipally owned facilities, and establishing development standards for an approximate 3.4-acre site located at the southwest corner of Webb Chapel Road and Golfing Green Drive; and take appropriate action.**

City Attorney Braden Metcalf explained Council Member Blackson has filed a Conflict of Interest affidavit and will not participate in discussion on this item.

Planning Manager Andreea Udrea briefed City Council regarding this item. Ms. Udrea explained the City received a request from Henry S. Miller Development Group, for a zoning change from Residence District-6 (R-6) to Planned Development District No. 102

(PD-102), to allow one-family detached residences and municipal owned facilities, and establishing development standards. She explained the applicant is proposing to divide the 3.4-acre property into two (2) lots as follows:

- The northern lot, Tract A, will be comprised of 2.7 acres and will contain seventeen (17) single-family residential lots. All lots will have the main access from two (2) internal private streets that will connect to Webb Chapel Road and Golfing Green Drive.
- The southern lot, Tract B, will be comprised of 0.7 acres and will be developed as an outdoor amenity area for the newly-created residential neighborhood. This amenity area will be accessible from the interior private streets. Tract B will continue to be a city-owned property and it may be used for municipal owned facilities in the future. Ms. Udreea noted she received 32? Letters of opposition within the notification buffer.

Mr. William Bush Managing Director with Henry S. Miller spoke regarding this item. He reviewed the history of the project noting the City did a RFQ and his company was selected for this project. He introduced Architect Michael Costantino who reviewed the housing project and plans.

Council Member Reyes asked Deputy Fire Chief Gabriel Vargas if the location of the homes and the Fire Station would be a security issue and if the Fire Station plans to expand.

Mr. Vargas replied stating the Fire Station speaker system is turned off at 6 p.m., and he does not feel there are any issues with the Fire Station proximity and noted if a bay was added he does not feel it would affect the proposed development.

Mayor Pro Tem Norwood asked what price point the homes would be sold for.

Mr. Bush stated he plans to price the homes at \$300 to \$400,000. He stated he plans to work with the City to develop the site.

Council Member Reyes asked if traffic would be a concern.

Mr. Bush replied explaining homes will face interior streets, and feels traffic will decrease based on the current use which is a parking lot.

Mayor Pro Tem Norwood noted based on Ms. Udreea's data provided, it appears 1/3 less traffic compared to regular single-family homes.

Mayor Dye opened the public hearing.

The following audience members wished to speak:

Linda Bambina, 3120 Golfing Green Drive – *spoke in favor*

Madeline Luff, 2833 Ermine Way – *spoke in opposition*

Chip Franklen, Longmeade – *spoke in opposition*

Mayor Pro Tem Norwood asked Mr. Franklen a follow up question, and asked if his opposition was due to the parking lot. Mr. Franklen responded stating he is opposed to the parking and site location. Deputy Mayor Pro Tem Bomgardner asked if the Senior Housing or price point was an issue. Mr. Franklen responded stating he opposes the development.

Dru Swanson, 4040 Crestpark – *spoke in opposition*

Council Member Lynne asked if the number of homes were reduced, would this be a more feasible fit to the area. Ms. Swanson agreed. Deputy Mayor Pro Tem Bomgardner asked what would Ms. Swanson recommend on the site. Ms. Swanson stated she understands something needs to be developed, but feels this condensed number is too much and wrong for this location.

Jeffrey Prutz, 14632 Tanglewood Drive – spoke in opposition

Deputy Mayor Pro Tem Bomgardner explained a dog park at this site would increase traffic, noting the City has an abundance of greenspace and park land in the area. Mr. Prutz stated the land might be necessary for future Fire expansion. Council Member Lynne asked how long Mr. Prutz has lived in the City and if his property value has increased or decreased. Mr. Prutz replied stating he has lived in Farmers Branch for 3 years noting his property has increased in value.

Dan Gill, 3111 Rolling Knoll Drive – spoke in opposition

Joe Dingman, Glad Acres – spoke in opposition

Mayor Pro Tem Norwood asked if the zoning wasn't changed, would you still object to the project. Mr. Dingman stated he objects to the principal of this project on a small piece of property that generates a small amount of property taxes on the houses.

Mario Lozano, 13636 Onyx Lane – spoke in opposition

Deputy Mayor Pro Tem Bomgardner stated the City has an obligation to find a place for seniors. Mr. Lozano replied stating when seniors leave, it will change to whoever can fill the properties. Mayor Pro Tem Norwood thanked Mr. Lozano for his service in the Marine Corporations, and asked if the Senior Housing he referenced issues with was owner occupied housing or managed by a Company. Mr. Lozano replied explaining in his experience, when homes couldn't be filled with seniors they fill it with other people. Council Member Lynne asked Mr. Lozano if his home value has increased. Mr. Lozano replied yes, but it doesn't matter.

Becky Fisher, 13935 – spoke in opposition

Jennifer Maddox, 2921 Ermine Way – spoke in opposition

David Frink, 13608 Onyx Lane – spoke in opposition

Mayor Pro Tem Norwood if he felt residents would accept this type of use with a different parking layout. Mr. Frink replied stating he opposes the project.

Pat Edmiston, 14215 Tanglewood – spoke in opposition

Council Member Lynne asked Ms. Edmiston where she obtained the HOA fee amount of \$350 a month. Ms. Edmiston replied stating she received this information from printed materials.

Rick Johnson, 2927 Harlee – spoke in opposition.

Council Member Reyes recognized former Council Member David Koch and Michelle Holmes who spoke undecided on the project.

Mayor Pro Tem Norwood asked Mr. Bush what the projected HOA fees would be.

Mr. Bush replied stating HOA fees are projected to be about \$200 a month.

Council Member Reyes asked the Library Director Denise Wallace to speak about the future of the Library.

Ms. Wallace explained the Library Board wants to keep the Library at its existing location.

After discussion, Council Member Lynne made a motion to continue the public hearing on Ordinance No. 3516 to the November 6, 2018 City Council meeting. Motion seconded by Mayor Pro Tem Norwood. Motion passed by the following vote:

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

Abstained: 2 - Deputy Mayor Pro Tem Bomgardner, Council Member Blackson (*Conflict of Interest*)

Motion passed 3-0.

- I.3 18-PL 13 Conduct a public hearing and consider a request from Josey Lane Crossing, LLC for final plat approval of Josey Lane Crossing, a replat of Lot 4, Block A of The Shops at Branch Crossing; and take appropriate action.**

Director of Planning Tina Firgens briefed City Council regarding this item. Josey Lane Crossing LLC is the sole owner of a 3.38-acre tract of land located east of Josey Lane in the "Four Corners" area of the City just south of Valley View Lane. Lot 1, Block A of proposed plat is the site recently developed with the Farmers Branch Primary Care Clinic and Baylor Scott & White Institute for Rehabilitation. The purpose of the proposed plat, Josey Lane Crossing, is to replat all of Lot 4, Block A, The Shops at Branch Crossing, in order to create 2 new lots and dedicate new easements necessary for the development of these lots.

Council Member Lynne clarified that the zoning will remain the same.

Mrs. Firgens replied stating this item is a final plat, and any future zoning change requests will be reviewed by the City Council once they are submitted.

Mayor Dye opened the public hearing. There being no one present that wished to speak, a motion was made by Mayor Pro Tem Norwood to close the public hearing and approve the final plat, 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 Blackson, Council Member Reyes, Council Member Lynne

REGULAR AGENDA ITEMS

- J.1 R2018-88 Consider approving Resolution No. 2018-88 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 13561 Braemar Dr.; and take appropriate action.**

Economic Development Director Allison Cook briefed City Council regarding this item. Ms. Cook explained the applicant Thomas Cusick Custom Homes, LLC is applying for the Demo Rebuild incentive for an existing residence located at 13561 Braemar Dr. which has

an improved valuation (excluding the land value) of \$215,720. 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.

Motion made by Deputy Mayor Pro Tem Bomgardner to approve Resolution No. 2018-88, as presented. Motion seconded by Council Member Reyes. Motion prevailed by the following vote:

Ayes: 5 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Reyes; Council Member Lynne

J.2 R2018-87 Consider approving Resolution No. 2018-87 awarding a contract for the Rawhide Creek Dredging behind Manske Library to Shirley & Sons Construction Co, Inc.; and take appropriate action.

Director of Public Works Marc Bentley briefed City Council regarding this item. He explained that in September 2014 the Municipal Drainage Utility System, established drainage fees that help support the operations of the City's drainage utility system. The 2017-2018 Budget Fund includes funding for Rawhide Creek Dredging behind Manske Library, located on Golfing Green at Webb Chapel. It has been 25 years since the lake behind the Manske Library along Rawhide Creek was last dredged and had some type of improvements. City staff and Municipal Drainage Utility System committee have established the need of restoration in this project area. On September 11, 2018 the City opened bids for the Rawhide Creek Dredging behind the Manske Library. Three bids were received and Shirley & Sons Construction Co, Inc. submitted the lowest qualified bid. Shirley & Sons Construction Co, Inc. submitted a bid in the amount of \$447,245.00 and have provided adequate references for similar projects.

Council Member Lynne asked when will this start, and how long it will take to start the project.

Mr. Bentley replied stating the contract will be signed in two weeks and should start within 20 days.

Mayor Pro Tem Norwood noted this bid was significantly below the budget.

Mr. Bentley replied stating the bid was lower due to staff sampling of the materials. He further stated since the materials were clean and could be transported we amend the bid to these specifications which adjusted the bid.

Motion made by Council Member Lynne to approve Resolution No. 2018-87, as presented. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by the following vote:

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

Mayor Dye noted Agenda items J.3 and J.4 will be discussed together.

- J.3 R2018-92 Consider approving Resolution No. 2018-92 authorizing the City Manager to negotiate and execute a contract amendment with Community Waste Disposal for the collection of municipal solid waste and recyclable materials; and take appropriate action.**

Director of Environmental Services and Sustainability Shane Davis briefed City Council regarding this item. Mr. Davis explained the City of Farmers Branch executed a contract with Community Waste Disposal (CWD) on November 17, 2015 to provide solid waste and recycling collection services for city facilities and individually owned residential properties in Farmers Branch. CWD began collection services on April 1, 2016. Since that time, the company has provide excellent service to the City and residents of Farmers Branch. The Sustainability Committee reviewed the all solid waste and recycling services provided by the City and its contractor and recommended the change from bags to carts as a means of decreasing cost, decreasing street impacts from garbage trucks, increasing public health, and reducing the incidents of animals tearing open bags of garbage and scattering garbage. In addition the change in service would reduce the number of times garbage is placed at the curb improving the aesthetics of the city. This topic was also discussed by City Council during the August 16, 2018 budget retreat. In addition the developer's agreement for the new homes on the west side of Farmers Branch contains a provision for cart service for both garbage and recycling. As a result, City Council asked City Administration to assess the potential of changing solid waste storage and collection for the residents serviced under the CWD contract from twice per week in bags to once per week in rollout carts. City staff has met with CWD to understand the solid waste and recycling business and to develop a contract amendment to extend the contract an additional five (5) years and change the garbage collection service from bags to rollout carts. The major changes to the contract are as follows: Once per week garbage collection in vendor supplied rollout carts; per unit garbage service cost reduction; the contract term is for 5 years; and there is a 2% increase in cost per year with a potential CPI adjusted increase for fuel. Mr. Davis reviewed a timeline to rollout the once per week garbage collection.

Mayor Pro Tem Norwood asked Mr. Davis what benefits the City would have to moving to a single day trash and recycling pickup.

Mr. Davis replied stating the efficiencies would be through pickup trips and less wear and tear to the roads.

Council Member Reyes asked if the trucks are equipped with GIS capabilities.

Mr. Davis replied stating the trucks are equipped with GIS mapping which aids in efficiency.

Council Member Lynne noted the website that Mr. Jonas Greene has, indicates a \$500,000 savings, and this is incorrect information. He asked Mr. Greene to remove the inaccurate information off the website. He asked Mr. Davis if smaller carts would be available to seniors, and if specials needs are required if the service is still available.

Mr. Greene stated he will try to move the information off the website, noted the site is old and hasn't been updated.

Mr. Davis replied stating we have a provision for special needs to call the Public Works Department. He further stated he is looking into the availability of smaller carts.

Council Member Reyes asked Sustainability Member Vanessa Serrano to explain why this was recommended by Sustainability Committee.

Ms. Serrano replied stating it was recommended to save money, decrease litter, creek debris and to provide better aesthetics to our community.

Council Member Lynne stated his frustration is not with the garbage bins, but the non-communication to residents.

Mayor Dye suggested education and looking forward to future ways to conserve and be sustainable.

Deputy Mayor Pro Tem Bomgardner stated technology is going to be the solution in the future. He further stated this will be a huge benefit to our Code Enforcement and allow them to focus on other issues. He thanked the Sustainability for their work.

J.4 ORD-3534 Consider adopting Ordinance No. 3534 amending it its entirety Chapter 66 "Solid Waste" Relating to Regulation of the Collection and Disposal of Solid Waste and Recyclable Materials Within the City; and take appropriate action.

Director of Environmental Services and Sustainability Shane Davis briefed City Council regarding this item. Mr. Davis explained on March 20, 2018 and on June 19, 2018, the Sustainability Committee made several recommendations to City Council regarding solid waste and recycling collection. Among them was changing from twice per week garbage collection in bags to once per week collection in rollout carts. This topic was also discussed by City Council on August 16, 2018 at their budget retreat. Chapter 66 of the Farmers Branch Code of Ordinances is therefore being amended to provide regulations for residents of Farmers Branch and City staff regarding solid waste and recycling storage and collection. Amending the ordinance provides definitions for various terms related to solid waste and recycling. In addition but not limited to the amended ordinance:

- Requires garbage to be stored in a container and placed at the curb in a rollout cart as defined in the amended ordinance
- Establishes set time limits for garbage carts
- Removes the screening requirement for the garbage and recycling carts
- Establishes storage location requirements for garbage and recycling carts
- Prohibits the accumulation of garbage at a residence
- Restricts where bulk waste can be placed for collection
- Prohibits residents from placing refuse in a rollout cart not on his/her premises

Council Member Lynne stated if we eliminate screen, he finds it unacceptable.

Council Member Blackson explained we are trying to preserve our landfill, and these decisions affect our landfill, do not take away services and affects our future.

Council Member Reyes asked for alternative screening solutions.

Building Official Hugh Pender stated the wood screens will eventually age and require upkeep and maintenance. He stated landscaping is nice but it takes time to grow.

Deputy Mayor Pro Tem Bomgardner suggested selling some screens to neighbors and charging them for the material.

The following citizens spoke:

Mike Harrison, 3706 Ridgeoak Way – *spoke in opposition*

Jonas Greene Sustainability Committee – *spoke in support*

Vanessa Serrano, 13532 Webb Chapel Road – *spoke in support*

Christine Dimon – *spoke in opposition*

Amy Rogers – *spoke in support*

Mayor Dye made a motion to take no action on Agenda Item J3 and J4. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

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

K. ADJOURNMENT

Council Member Blackson made a motion to adjourn the meeting at 11:11 p.m. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by the following vote:

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

The meeting adjourned at 11:11 p.m.

Signed: _____
Mayor

Attest: _____
City Secretary