



## City of Farmers Branch City Council Minutes

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**Monday, October 1, 2018**Farmers Branch City Hall  
13000 William Dodson Pkwy  
Farmers Branch, TX 75234**Council Chambers**

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- 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 Finance Sherrelle Evans-Jones; 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 Discuss regular City Council meeting agenda items.**

Deputy Mayor Pro Tem Bomgardner asked for clarification on Agenda Item I.3 (Service and Assessment Plan) asking if there are any changes.

City Manager Charles Cox replied stating this is an annual assessment plan for infrastructure and the Council will discuss project updates at a future date.

Ms. Evans-Jones explained the total amount \$42 million is unchanged; noting exhibit B.1 shows how items shifted categories. She stated the dollar amount stayed the same.

Mayor Dye asked if Agenda Item I.2, (Bid for painting water tank) is just a repaint, or if the City can add a new design to the Tower since it has key visibility within the City.

Mr. Cox stated the current project is a repaint and repair of tower with the same logo.

Mr. Bentley explained if we change the scope of the project with design, we will need to rebid the project.

Council Member Blackson stated this could be something the Public Art and Culture Committee reviews.

Mayor Dye suggested a new design with a wrapped logo of the Farmers Branch leaves and logo wrap.

Mr. Cox explained City Staff could conduct an in-house design for the Council to review.

Council Member Lynne suggested any necessary maintenance on the water tower be done.

Mr. Bentley reviewed with his staff, and stated the City can make the necessary repairs and hold off on the painting to allow a design to be created for the City Council to review next year.

**A.2 Discuss the current streetscape standards and discuss go-forward options.**

Assistant to the City Manager Ben Williamson briefed City Council regarding this item. Mr. Williamson explained staff researched our streetscape standards and found that Resolution No. 89-011 and 2007-024 guide the streetscape standards for the City. He stated the City is restricted to using a white traffic signal pole color. He explained tonight the Council would review a more comprehensive plan for streetscape standards allowing the poles to match the area.

**A.3 Presentation from the City of Dallas covering their Homeless Solutions Strategy and End Panhandling Now Initiative.**

Managing Director of Homeless Solutions Monica Hardman and Managing Director Jessica Galleshaw presented on Dallas' Homeless Solutions Strategy and explore opportunities for mutual benefit through collaboration.

Ms. Hardman reviewed the Office of Homeless Solutions. She reviewed their mission which is to positively impact the quality of life in the City of Dallas through innovative, collaborative, and comprehensive solutions for homelessness. She reviewed the following key issues: prevent homelessness, protect persons experiencing homelessness, promote affordable housing solutions, partner to maximize resources.

Council Member Lynne stated he recently attended a meeting with City of Dallas Officials to discuss homelessness, noting this affects all surrounding communities. He stated the main issue within Farmers Branch is with panhandling. He further stated if you provide money to a panhandler on the street, you are enabling them to stand longer. He suggested donating to a shelter or charity that serves the masses.

Ms. Hardman agreed with Council Member Lynne. She stated everyone wants to help someone in need, but it enables the person and exacerbates the issue.

Deputy Mayor Pro Tem Bomgardner asked if this is the only program in the City of Dallas.

Ms. Hardman replied stating this program is the primary focus with City of Dallas.

Ms. Jessica Galleshaw Director Office of Community Care with the City of Dallas reviewed the Panhandling Now Campaign. She reviewed the project overview noting

Public Education, Community Services with street outreach and solicitation in the roadway enforcement has begun. She stated the City utilizes strong interdepartmental collaboration.

Council Member Lynne noted the 311-phone application can be downloaded to iPhones offering easier reporting.

City Manager Charles Cox asked if amendments have been considered for median designs. He asked if any design amendments have been made to reduce panhandling access in the medians.

Ms. Galleshaw replied stating she hasn't researched median design, but has seen cities use signage to prohibit panhandling. She cautioned that some cities have experienced litigation with the signage.

Council Member Lynne suggested utilizing portable road signs to help educate the public on the End Panhandling Now Campaign.

#### **A.4 Discuss proposed changes to the Multi-family inspection requirements.**

Building Official Hugh Pender briefed City Council regarding this item. Mr. Pender reviewed the current multi-family inspection program noting Staff has researched other municipal programs and proposed a tiered approach inspection fee program based upon the multifamily complex age. City Staff has also incorporated changes to require operable air-conditioning that is able to maintain a 15 degree temperature differential in relationship to the outside air with a minimum of not more than 85 degrees. Also incorporated, are some other minor changes regarding new complex Certificates of Occupancy. He explained apartments 0-5 years would be inspected based on complaints, 6-10 year old units would have 25% of the units inspected, 11-20 years would have 50% of the units inspected, with 21 years of age or more 100% inspections. He explained the current City Ordinance does not require air conditioning in apartment complexes, and the new proposed Ordinance requires indoor air conditioning of at least 15 degrees cooler than outside and no warmer than 85 degrees. He noted we would clear up language to require the annual multifamily license is required prior to certificate of occupancy. He noted the fee proposed is \$25 per unit per violation and suggested removing the cap.

Council Member Blackson suggested when ownership changes, inspections should be conducted.

Mr. Pender continued his presentation showing the multi-family complaint history from 2015 to present. He explained there were minimal issues in 2018, and 90% of recent complaints are from complexes 21 years of age or older.

Deputy Mayor Pro Tem Bomgardner suggested having a five year tiered increase over the next five years.

Council Member Lynne stated he agrees with the fee structure but does not agree with the percentages, and proposed smaller groups such as 0-3, 4-7, 8-12, and 13 plus year inspections.

Mayor Pro Tem Norwood explained you could have statistical sampling approach and address any systemic issues.

Mr. Pender agreed stating residents usually lets the City know if there is no water, heat/ac, or lighting.

Council Member Blackson restated that when management or ownership changes, it should trigger an inspection.

Mayor Pro Tem Norwood agreed.

Mr. Pender stated he would make these changes to the Ordinance and bring forward at a future Council meeting for action.

**A.5 Discussion regarding residential brush and bulky collection services.**

Director of Sustainability and Public Health Shane Davis briefed City Council regarding brush and bulk collection, current scheduled routes, current route performance, and brush diversion. Mr. Davis reviewed the proposed new schedule, which indicates once per month bulk collection. He provided different metrics for the current service. He explained the City has the potential to divert brush material from Camelot Landfill to a local mulching or composting facility. He stated if bulk and brush are together we cannot divert. He noted we must educate residents.

Mayor Pro Tem Norwood asked if the brush and bulk could be separated, noting we need to be able to tag brush.

Council Member Lynne asked Mr. Davis to be prepared to address trash at the Town Hall on October 10, 2018.

Deputy Mayor Pro Tem Bomgardner stated we need more data to make a better decision.

Mr. Davis stated he would start gathering more data on bulk set out rates.

Mayor Dye adjourned the Study Session meeting at 5:12 p.m. for a dinner break with visiting Garbsen Germany Exchange Students with the Carrollton Farmers Branch Independent School District.

**A.6 Discuss agenda items for future City Council meetings.**

*No discussion.*

**B. EXECUTIVE SESSION**

**B.1 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 south of Valley View, east of I-35, west of Webb Chapel, and north of 635; and Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:
- Discuss an economic development incentive agreement for Project Purple.

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

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

**D. INVOCATION & PLEDGE OF ALLEGIANCE**

Deputy Mayor Pro Tem Bomgardner provided the invocation and led the Pledge of Allegiance and Pledge to the Texas Flag.

**E. CEREMONIAL ITEMS****E.1 Presentation by Mayor Dye to Garbsen Germany exchange students receiving honorary citizenship certificates.**

Mayor Dye presented the following Garbsen Germany students with honorary citizenship certificates: Sophia Brammer, Marit Bucken-Thielmeyer, Jella Denecke, Tyra Drager, Marie Elbner, Antonia Frahmman, Maurice Gerlach, Alexander Gross, Lia-Sophie Hernaz, Lennart Honens, Tom Krause, Joey Luhning, Maximilian Meier, Sina Meyer, Josephine Rose, Aliya Sinmazsoy, Philip Sperlich, Cilia Marie Stuto, Harry Thiele, Stella Wolper, Sandra Muller (Chaperone) Tobias Schreiber (Teacher).

**E.2 Presentation of a proclamation designating the month of October 2018 as “Fire Prevention Month” in Farmers Branch.**

Mayor Dye presented Fire Chief Steve Parker and Deputy Fire Chief Tim Dedear with a proclamation recognizing October 2018 as Fire Prevention Month in the City of Farmers Branch.

**E.3 Presentation of the Star of Texas Award to Officer Thinh Nguyen.**

Mayor Dye introduced State Representative Matt Rinaldi of House District 115 who provided Farmers Branch Police Officer Nguyen with the Star of Texas Award.

**E.4 Presentation of the Certificate of Distinction in Performance Management by the International City/County Management Association (ICMA).**

Mayor Dye presented the Certificate of Distinction in Performance Management Award to City Manager Charles Cox and Assistant to City Manager Ben Williamson.

**F. REPORT ON STUDY SESSION ITEMS**

Council Member Lynne provided a report on Study Session items.

**G. MAYOR AND CITY MANAGER’S REPORT ON ITEMS OF COMMUNITY**

City Manager Charles Cox provided the following information:

- There will be a Town Hall Meeting on proposed changes to residential garbage collection on Wednesday, October 10 from 6:30 until 8:30 p.m. right here at Farmers Branch City Hall. Anyone unable to be here can watch the meeting live on FBTV. It will also be streamed live on the City Hall Facebook page. In order to get to the most questions possible, without repetition, we are asking for questions to be submitted in writing, starting now by dropping an email to:
  - [fbtrashtalk@farmersbranchtx.gov](mailto:fbtrashtalk@farmersbranchtx.gov)
  - There is also a form that can be filled out at [fbtrashtalk.com](http://fbtrashtalk.com)
  - Questions may also be submitted on Facebook and Twitter before, and during the meeting using the hashtag #fbtrashtalk.

Of course, if anyone wants to mail or drop a question by City Hall, we encourage you to do so. No matter the format, please include your name and address, along with your question.

- The third time was the charm, and thanks to the 90 folks that came out to the Farmers Branch Manske Library’s outdoor movie, “Jumanji: Welcome to the Jungle” which was successfully shown Saturday night, after being rescheduled twice earlier due to rain.

- There was rain Saturday morning which caused an early halt to the Shredding Event, at City Hall. As very few residents were accommodated before the weather started, the event will be rescheduled in the next few weeks. Stay tuned for more information.
- Registration remains open for National Night Out, coming tomorrow night in neighborhoods across Farmers Branch. Register at 972.919.9304 in order to have public safety and City officials come by. We hope to see you then.
- You can sign up for that eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

#### **H. CITIZEN COMMENTS**

Mary Kelly - 2966 Windmill, spoke regarding her concerns on Senior Center membership fees.

Madeline Luff - 2833 Ermineway, spoke in opposition of the Senior Center membership fees.

David James - 2909 Eric Lane, spoke in spoke in opposition to the once a week bulk collection.

#### **I. CONSENT AGENDA**

- I.1 Consider approving Resolution No. 2018-85 repealing Resolution Nos. 89-011 and 2007-024 relating to City streetscape standards; and take appropriate action.**
- I.2 Consider approving Resolution No. 2018-093 awarding the bid for painting the elevated water storage tank located at 13333 Davis Lane north of Valley View Lane to J.R. Stelzer Company and take appropriate action.**  
*\*No action was taken on this item.*
- I.3 Consider adopting Ordinance No. 3530 approving an annual update of the service and assessment plan and assessment roll for Mercer Crossing Public Improvement pursuant to Chapter 372 of the Texas Local Government Code; and take appropriate action.**
- I.4 Consider approving the 2019 City Council meeting dates; and take appropriate action.**

Motion made by Mayor Pro Tem Norwood to approve Consent items I.1, I.3 and I.4, to amend the Council retreat date to February 20, 2019. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

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

#### **J. PUBLIC HEARINGS**

- J.1 Conduct a public hearing and consider adopting Ordinance No. 3531 for a Specific Use Permit to allow an institutional use (private university) within an approximate 5,202 square foot portion of the building located at 2711 LBJ Freeway and zoned Planned Development No. 74 (PD-74); and take appropriate action.**

Director of Planning Tina Firgens briefed City Council regarding this item noting the City

received a request from applicant, Maxwell Fisher, who is requesting a Specific Use Permit (SUP) to allow for an institutional use at the southwest side of the existing 10-story office building. The use is proposed to be located on the 4th floor and occupy approximately 5,202 square feet. Strayer University is primarily an online based higher education organization with some in-person classroom instruction and lectures. The site is located within Planned Development District No. 74 (PD-74), which requires approval of an SUP for an institutional use. Ms. Firgens explained on September 10, 2018, the Planning and Zoning Commission voted unanimously to recommend approval of the Specific Use Permit, as presented in Ordinance No. 3531.

Applicant Maxwell Fisher AICP with Masterplan Land Use Consultants briefed City Council regarding the proposed development.

Motion made by Council Member Blackson to close the Public Hearing and approve Ordinance No. 3531, as presented. Motion seconded by Council Member Reyes. Motion prevailed by the following vote:

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

**J.2 Conduct a public hearing and consider adopting Ordinance No. 3532 to include an updated Municipal Drainage Utility System Fee Schedule to set forth in Section 86-521 and Appendix A of the Farmers Branch Code of Ordinances; and take appropriate action.**

Assistant to City Manager Ben Williamson briefed City Council regarding this item. He explained the Municipal Drainage Advisory Committee voted May 2, 2018 to increase drainage utility fees by approximately 5% in the 2018-19 Fiscal Year Budget. This rate increase will result in an annual increase of \$2.40 for Tier 1 properties [<3,100 sf impervious area], \$3.00 for Tier 2 [3,100 to <5,100 sf impervious area] properties, \$4.80 for Tier 3 [> 5,100 sf impervious area] properties, and \$3.00 per ERU [Equivalent Residential Unit = 4,000 sf impervious area] for all other non-exempt property.

Mr. Bentley explained State law requires that any changes in the municipal drainage utility charges be adopted follow a public hearing. Notice of that public hearing was published three times prior to the public hearing, with the first notice being published not later than the 30th day before the date of the public hearing: (1) Friday, August 31, 2018, (2) Friday, September 7, 2018, and final (3) September 14, 2018.

Council Member Lynne asked Mr. Bentley to explain what this fee would be used for.

Mr. Bentley explained monies would be used for the Farmers Branch Creek Study and the dredging of Rawhide Creek.

After discussion, Council Member Blackson moved to close the public hearing and approve Ordinance No. 3532, as presented. Motion seconded by Deputy Mayor Pro Tem Blackson. Motion passed by the following vote:

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

**K. REGULAR AGENDA ITEMS****K.1 Receive a Bond Update 2018 from the Carrollton Farmers Branch Independent School District (CFBISD).**

Carrollton Farmers Branch Independent School District Sally Derrick introduced Dr. Don Chapman the CFBISD School Superintendent. Dr. Chapman explained on November 6, 2018 the Carrollton Farmers Branch Independent School District will hold a bond election for \$350 million to finance the costs of renovations and improvements to all campuses, safety and security, Career and Technical education (CTE) improvements, fine arts improvements, athletic improvements, and technology. Dr. Chapman explained the bond addresses needs at all CFBISD campuses.

Deputy Mayor Pro Tem Bomgardner asked for clarification about the bonds being issued.

Dr. Chapman replied stating the bond election is required by the Texas Education Code.

Council Member Blackson suggested leaving handouts at the front desk in case residents have questions.

Council Member Reyes thanked Dr. Chapman for attending and noted early voting begins October 22, 2018.

Mayor Dye reminded everyone tomorrow is National Night Out.

**K.2 Consider approving Resolution No. 2018-64 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 14311 Tanglewood Dr.; and take appropriate action.**

Director of Economic Development Allison Cook briefed City Council regarding this item. She stated the applicant Thomas Cusick Custom Homes, LLC is applying for the Demo Rebuild incentive for an existing residence located at 14311 Tanglewood Dr. which has an improved valuation (excluding the land value) of \$60,000. The incentive for this improvement range (\$65,000 or less) includes a three (3) 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 and a \$30,000 cash grant.

After discussion, a motion was made by Mayor Pro Tem Norwood to approve Resolution No. 2018-64, as presented. Motion seconded by Deputy Mayor Pro Tem Bomgardner. 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.3 Consider approving Resolution No. 2018-94 authorizing the City Manager to enter into a contract for services with Metrocrest Services for a total amount of \$205,000; and take appropriate action.**

Assistant to the City Manager Ben Williamson briefed City Council regarding this item. He explained all contracts over \$50,000 must be approved by the City Council. He stated the contract amount with Metrocrest Services is \$205,000 which requires this item to be part



of the regular agenda. The supporting materials for this contract are attached which includes information about the work Metrocrest Services conducts in Farmers Branch and a draft copy of the contract for services in FY 2018-19.

Council Member Reyes stated we discussed earlier the impact of homelessness in Farmers Branch, and asked if he has noticed any impacts within our City.

Metrocrest Services Director Tracy Eubanks replied stating he has seen homelessness in our community, which does include seniors. He explained he works closely with CFBISD School District.

Motion made by Council Member Reyes to approve Resolution No. 2018-94, as presented. 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

Mayor Dye recessed from regular session and reconvened into closed executive session at 7:32 p.m.

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

**M. ADJOURNMENT**

Motion made by Mayor Pro Tem Norwood to adjourn the meeting at 8:38 p.m. 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

The meeting adjourned at 8:38 p.m.

Signed: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Secretary