



City of Farmers Branch

Farmers Branch City Hall
13000 Wm Dodson Pkwy
Farmers Branch, Texas
75234

Meeting Minutes

City Council

Tuesday, May 7, 2019

6:00 PM

Council Chambers

Study Session Meeting to be held at 3:00 p.m. in the Study Session Room with a Dinner Break at 5:00 p.m.

A. CALL TO ORDER - STUDY SESSION (3 P.M.)

Presiding: 1 - Mayor Robert Dye

Present: 5 - Mayor Pro Tem John Norwood, Deputy Mayor Pro Tem Mike Bomgardner, Council Member Ana Reyes, Council Member Bronson Blackson and Council Member Terry Lynne

Staff: - City Manager Charles Cox, Deputy City Manager John Land, Director of Economic Development Amy Piukana City Secretary, City Attorney Peter G. Smith, City Attorney Kevin Laughlin, Director of Economic Development Allison Cook, Director of Human Resources Brian Beasley, Director of Library Denise Wallace, Building Official Hugh Pender, Director of Fleet & Facilities Kevin Muenchow, Director of Public Works Marc Bentley, Director of Information Services Mark Samuels, Director of Sustainability & Health Shane Davis, Director of Economic Development Benjamin Williamson, Fire Chief Steve Parker, Director of Planning & Zoning AICP Tina M. Firgens, Director of Communications Tom Bryson and Police Chief David Hale

A.1 19-191

Discuss regular City Council meeting agenda items

Council Member Blackson asked for clarification on Agenda Item I.3, in regards to cost of participation.

Public Works Project Manager John Roach explained the City pays annual fees, but rate cases are paid by Oncor.

Council Member Blackson asked for clarification on Agenda Item I.4, in regards to water runoff.

Director of Planning Tina Firgens explained permeable pavers were not recommended on this site, however; rocks and swales were a better option.

Mayor Pro Tem Norwood asked for clarification on Agenda Item I.5, in regards to our return on investment.

Special Project Manager Rachael Johnson explained the return is increased attendees and marketing for City events. She further stated the City receives monthly and weekly updates with data analysis.

Council Member Blackson asked for clarification on Agenda Item I.7, in regards to prevention of a systematic failure.

Mr. Muenchow noted its rare and a warranty is included.

Council Member Lynne asked if Agenda Item I.4 should be postponed to allow the City time to speak with Town of Addison.

Mr. Cox replied stating the Town of Addison has outsourced.

Deputy Mayor Pro Tem Bomgardner stated money has been allocated, noting a delay would be more costly.

A.2 TMP-3050

Receive the Fiscal Year 2018-19 Second Quarter Financial Report

Director of Finance Sherrelle Evans-Jones provided City Council with a 2018-19 Quarterly Fiscal Year update.

Deputy Mayor Pro Tem Bomgardner discussed enterprise funds, water and sewer fund and fine revenue decreases.

Financial Analyst Mark Woodward reviewed the City's investment portfolio.

A.3 19-207

Discuss shared service and infrastructure opportunities with the Town of Addison

City Manager Charles Cox explained he added this discussion item to the agenda to see if the City Council wishes to discuss service delivery with the Town of Addison.

Council Member Lynne suggested reuniting with the Town of Addison and suggested cost sharing on the Library, Senior Center and Aquatics Centers. He suggested a subcommittee be created and volunteered to serve on it.

Deputy Mayor Pro Tem Bomgardner explained the City provides a service and other cities are not paying their portion. He suggested meeting about water drainage issues and a discussion on Bella Road.

Mayor Pro Tem Norwood agreed with Deputy Mayor Pro Tem Bomgardner to resolve water rights and to meet to discuss various issues. He volunteered to serve on a subcommittee to discuss these topics.

Council Member Blackson agreed that a subcommittee is a good idea, and suggested realignment of Bella Road to allow better flow of traffic.

Mayor Dye stated he would like to meet with both Town of Addison and Brookhaven College. He suggested a meeting with Dr. Chesney prior to his departure this month.

Council Member Lynne asked Mayor Dye to follow up with Town of Addison and setup a meeting with Dr. Chesney at Brookhaven College.

Deputy Mayor Pro Tem Bomgardner suggested Staff research data for the Library, Senior Center, and Recreation Center prior to meeting with the Town of Addison to review costs.

A.4 19-192 Discuss agenda items for future City Council meetings

The City Council requested the following future agenda items:

Council Member Lynne requested:

- Library renovations and suggested a Town Hall to allow citizen participation on renovations.
- Naming Policy of City Buildings
- Subdivision screening wall ordinance
- No truck drive thru signs on Ridgoak on the east side of Marsh
- Board and Commission attendance
- Notification of prior City Officials to attend ribbon cuttings
- Discuss sidewalk at Brookhollow

Deputy Mayor Pro Tem Bomgardner requested:

- Library architect and renovations

Mayor Pro Tem Norwood requested:

- Library renovation timeline and action plan to include funding allocations

A.5 19-190 Break for a reception downstairs at 5:30 p.m. honoring Ana Reyes for six years of service as Council Member for District 1

The City Council recessed for a reception to honor Council Member Reyes for six years of service on the City Council for District 1.

B. EXECUTIVE SESSION**B.1 19-213 Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code:**

Discuss the purchase, exchange, lease, or sale of real property located at 3312 Pebble Beach, Farmers Branch, TX and;

Discuss the purchase, exchange, lease, or sale of real property located north of Valley View, east of I35, south of Valwood Parkway, west of Josey Lane.

Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:

Discuss commercial or financial information the city has received from a business prospect(s), and to deliberate the offer of a financial or other incentive to a business prospect(s). Project Thor and Project Bulldog.

The City Council recessed at 4:15 p.m. for a break and reconvened into closed executive session at 4:28 p.m.

The City Council recessed at 5:02 p.m. and reconvened at 5:09 p.m. into closed executive session. The City Council adjourned from Study Session at 5:30 p.m.

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

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

D. INVOCATION & PLEDGE OF ALLEGIANCE

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

E. CEREMONIAL ITEMS**E.1 19-194 Recognition of Ana Reyes for her years of service as City Council Member District 1**

Mayor Dye recognized Council Member Reyes for serving six (6) years as Council Member for District 1. Police Chief David Hale and Fire Chief Steve Parker provided a plaque to Council Member Reyes for her support to Public Safety.

E.2 19-168 Recognition of Police Chief David Hale for 25 years of service to the City of Farmers Branch

Mayor Dye and City Manager Charles Cox recognized Police Chief David Hale for twenty-five years of service to the Police Department.

E.3 19-158 Proclamation recognizing May as National Bike Month in Farmers Branch

Mayor Dye read a proclamation recognizing May as National Bike Month in the City of Farmers Branch.

E.4 19-197 Consider accepting a donation of \$18,000 from the Metrocrest Hospital Authority to help sponsor a Regional ALERRT train-the-trainer class; and take appropriate action

Motion made by Mayor Dye to approve acceptance of a donation in the amount of \$18,000 from the Metrocrest Hospital Authority. Motion seconded by Council Member Lynne. Motion approved unanimously.

F. REPORT ON STUDY SESSION ITEMS

Council Member Lynne provided a review on Study Session items.

G. MAYOR AND CITY MANAGER'S REPORT ON ITEMS OF COMMUNITY INTEREST**H. CITIZEN COMMENTS**

Resident Glenn Douglas spoke suggesting the City Council seek more feedback from residents on their thoughts to major changes such as the Library.

Resident Kristine Green spoke regarding her concerns on bulk trash pickup recommending better communication and citizen education.

Resident Mary Lugsby spoke regarding her concerns on bulk trash pickup, neighbors understanding the requirements, and pickup times.

Resident Johannes Hylkema read an excerpt from Dr. Gilbert's diary.

Erin West with The Cat Connection spoke regarding her concerns with public education on the new smoking ordinance.

I. CONSENT AGENDA

- I.1 19-193 Consider approving minutes from the April 16, 2019 City Council meeting and April 22, 2019 joint City Council and Planning and Zoning Commission meeting; and take appropriate action**
- I.2 19-215 Consider excusing the absence of Mayor Robert Dye from the April 22, 2019 joint City Council and Planning and Zoning Commission meeting; and take appropriate action**
- I.3 R2019-51 Consider approving Resolution No. 2019-051 denying Oncor Electric Delivery Company LLC's application for approval of a Distribution Cost Recovery Factor to increase distribution rates within the City of Farmers Branch; and take appropriate action**
- I.4 R2019-52 Consider approving Resolution No. 2019-052 for a Detailed Site Plan for a public building, shop or yard, on a 7.46-acre tract located at 13330 Davis Road; and take appropriate action**
- I.5 R2019-56 Consider approving Resolution No. 2019-56 approving a professional services agreement with Ballyhoo Media and Marketing not to exceed \$150,000 for marketing and media services; and take appropriate action**
- I.6 R2019-58 Consider approving Resolution No. 2019-58 authorizing the City Manager to approve the purchase of eight replacement HVAC units for the Justice Center and the Branch Connection in the amount of \$112,998 from Trane U.S. Inc. through the Buy Board Contract; and take appropriate action**
- I.7 R2019-59 Consider adopting Resolution No. 2019-59 authorizing the City Manager to approve payment for emergency repairs for a 2005 Pierce Quantum Fire Truck in the amount of \$74,278 to Siddons-Martin Emergency Group; and take appropriate action**

Council Member Lynne stated he feels citizens should have input on the amount of monies being spend on the construction of the new service center. He asked if any residents wished to speak on this item.

There were no citizens present that wished to speak.

Motion made by Council Member Blackson to approve Consent Items I.1 through I.7. Motion seconded by Deputy Mayor Pro Tem Bomgardner. Motion passed unanimously.

J. PUBLIC HEARINGS

J.1 ORD-3569 Conduct a public hearing and consider adopting Ordinance No. 3569 amending Planned Development No. 70 (PD-70) relating to the allowable uses, development standards, and administration provisions within the district for approximately 163.5 acres generally located south of the northern city limit; east of the centerline of IH-35; north of Havenhurst Street; and west of Bee Street; and take appropriate action

Planning Consultant Kyra McCardle briefed City Council regarding this item. Ms. McCardle explained this is a city-initiated zoning amendment to Planned Development No. 70 (PD-70) as it relates to allowable uses, development standards and administration provisions within the district. Proposed amendments to allowable uses are based on City Council direction to prohibit uses within the Interstate 35 (IH-35) corridor that are not in keeping with the anticipated longer term vision for the corridor. Amendments to the development standards and administration provisions are proposed to reflect changes to PD-70 over time, and to increase ease of implementation and consistency with the Comprehensive Zoning Ordinance (CZO).

Ms. McCardle explained staff is recommending prohibiting motor vehicle related use and updating the development standards of PD-70 to reflect its current boundaries and remaining applicable provisions. Staff is also proposing amendments to the administration provisions related to special exceptions notification procedures.

Phil Gumbert spoke regarding his concerns of limiting automotive use affecting the property owners and suggested tabling the item to allow further discussion with owners.

Council Member Blackson noted the City does not receive tax revenue from automotive uses. He stated he supports moving forward with these changes.

Mayor Dye reminded Mr. Gumbert that the property is existing non-conforming until it is vacated for at least 6 months before the new use begins.

Council Member Lynne recommended tabling this item to allow further discussion. Council Member Reyes moved to close the public hearing and adopt Ordinance No. 3569.

Council Member Reyes moved to withdraw her motion to allow for more discussion. Motion seconded by Council Member Blackson. Motion approved unanimously.

After discussion, Council Member Reyes moved to close the public hearing and approve Ordinance No. 3569, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

Nay: Council Member Lynne

Motion approved by 4-1 vote.

J.2 ORD-3570

Conduct a public hearing and consider adopting Ordinance No. 3570 amending Planned Development No. 86 (PD-86) relating to the allowable uses, street types, and administration provisions within the district for approximately 143.4 acres generally located on the north and south sides of Valley View Lane and east of IH-35; and take appropriate action

Ms. McCardle briefed City Council regarding this item. She noted this is a city-initiated zoning amendment to Planned Development No. 86 (PD-86) as it relates to allowable uses within the district. Staff is also proposing amendments to street types and the administration provisions within the district.

Ms. McCardle explained the proposed amendments to allowable uses are based on City Council direction to amend uses within the Interstate 35 (IH-35) corridor. Staff has reviewed PD-86 along with the other Planned Development Districts within the IH-35 corridor, and staff is proposing to allow breweries by right within a limited area of the zoning district. She explained this application includes a request to amend the street type for Vintage Street, west of Bee Street and east of Goodland Street. Additionally, an amendment to the administration provisions of PD-86 as it relates to notification procedures for special exceptions is also proposed.

Mayor Dye opened the public hearing. There were no citizens present that wished to speak. A motion was made by Mayor Pro Tem Norwood to close public hearing. Motion seconded Deputy Mayor Pro Tem Bomgardner. Motion approved unanimously.

After discussion, a motion was made by Mayor Pro Tem Norwood to approve Ordinance No. 3570, as presented. Motion seconded by Council Member Blackson. Motion prevailed by the following vote:

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

Nay: Council Member Lynne

Motion approved by 4-1 vote.

J.3 19 PL-03

Conduct a public hearing and consider a request from Mustang Station II, Ltd. for final plat approval of Mustang Station, Lot 2R, Block A, located on the north side of Bill Moses Parkway, between the DART rail line and Charlie Bird Parkway; and take appropriate action.

Planning Director Tina Figgins briefed City Council regarding this item. She explained Mustang Station II, Ltd. is the sole owner of a 2.65-acre tract of land located on the north side of Bill Moses Parkway, between the Dart Rail Station and Charlie Bird Parkway.

Ms. Firsens explained the purpose of the final plat of Mustang Station, Lot 2R, Block A, is to replat all of Lot 2, Block A, Mustang Station, abandoning unnecessary easements and dedicating new easements necessary for the development of the lot.

There being no one present that wished to speak, a motion was made by Deputy Mayor Pro Tem Bomgardner to close the public hearing and approve 19 PL-03, as presented. Motion seconded by Council Member Reyes. Motion approved unanimously.

K. REGULAR AGENDA ITEMS

K.1 R2019-53 Consider approving Resolution No. 2019-53 authorizing the City Manager to negotiate and enter into contracts with various trades related to the construction of Phase One of the Service Center Project; and take appropriate action

Director of Fleet and Facilities Kevin Muenchow briefed City Council regarding this item. Mr. Muenchow explained City Administration, with the assistance of the City's Construction Manager, publically advertised and accepted competitive sealed bids for the construction of Phase One of the Service Center Project. He explained the City's Construction Manager assisted the City in evaluation based on the lowest and most qualified bid. He explained the project will not exceed the budget amount of \$7 million factoring in the bids. This project is a "pay as you go" from the Non-Bond Utility.

The City Council discussed the general contractor, history of the service center, and funding.

The City Council took a short recess at 7:49 p.m. and reconvened at 7:55 p.m.

Mayor Pro Tem Norwood made a motion to approve Resolution No. 2019-53, as presented. Motion seconded by Council Member Lynne. Motion passed unanimously.

K.2 R2019-54 Consider approving Resolution No. 2019-054 awarding the bid and authorizing a contract with A&M Construction and Utilities, Inc. for the 2018-2019 Utility Replacement Project and take appropriate action

Director of Public Works Marc Bentley briefed City Council regarding this item. Mr. Bentley explained The 2018-2019 Capital Improvement Program Street Bond Fund provides funding for the rehabilitation of water lines and sanitary sewer lines. The water and sewer mains in Epps Field Road will be replaced from 500 feet west of Tom Field Road to Leta Mae Lane, the water main in Danny Lane from Ford Road to Tom Field Road, and the water main in Leta Mae Lane from Ford Road to Tom Field Road will be replaced. The water and sewer mains scheduled to be replaced are 50-63 years old and in poor condition.

Motion made by Council Member Blackson to approve Resolution No. 2019-54, as presented. Motion seconded by Council Member Lynne. Motion passed unanimously.

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

Motion made by Council Member Lynne to authorize the City Manager to negotiate and execute an economic development agreement and any amendments thereto, on behalf of the City of Farmers Branch for Project Thor to provide 10 annual grants to the company equal to the following percentages of city property taxes assessed against the leasehold improvements and the tangible personal property located thereon: Years 1-5 (100%), Years 6-8 (50%), Years 9-10 (25%), and a cash grant of \$75,000 to be paid to company upon issuance of a certificate of occupancy for the leased premises; provided the company leases and occupies at least 300,000 square feet of space at 14201 Dallas Parkway Farmers Branch, Texas for 15 years; creates and maintains at least 900 full time jobs at the leased premises for at least 10 years; and such agreement contains the standard terms and conditions including repayment of the grants. Motion seconded by Mayor Dye. Motion approved unanimously.

Motion made by Council Member Reyes that the City Manager and Deputy City Manager each be authorized to negotiate and execute on behalf of the City an agreement to purchase 1.9114 acres out of the Thomas Keenan Survey, Abstract No. 733, located at 2335 Jett Avenue, for a purchase price not to exceed \$850,000.00 plus standard closing, acquisition, inspection, and surveying costs and to sign such other agreements, documents, and any amendments thereto, as the City Manager and Deputy City Manager in consultation with the City Attorney, deem reasonable and necessary with respect to the closing of said transaction. Motion seconded by Mayor Dye. Motion approved unanimously.

Motion made by Deputy Mayor Pro Tem Bomgardner that the City Manager be authorized to negotiate and sign contracts and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation for the purpose of resale to Your Source Investments and Construction, LLC and or assigns the property described as Lot 1, Block H of Brookhaven Hills West, Second Section known as 3312 Pebble Beach for a purchase and sales price of not less than \$315,000 with the resale of said property to be subject to a restriction agreement requiring construction of a single family residence of not less than 4,000 square feet of air conditioned space with an assessed value of the property upon completion of construction, inclusive of both land and improvements to be not less than \$750,000. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

M. ADJOURNMENT

Motion made by Council Member Reyes to adjourn the meeting. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

Mayor Robert C. Dye

Amy M. Piukana, City Secretary