



City of Farmers Branch

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

Meeting Minutes

City Council

Monday, August 12, 2019

6:00 PM

Council Chambers

Study Session Meeting to be held at 4:30 p.m. in the Study Session Room with a Dinner Break at 5:15 p.m.

Presiding: 1 - Mayor Robert Dye

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

Staff: 18 - 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 Building Official, Director of Fleet & Facilities Kevin Muenchow, Director of Public Works Marc Bentley, Director of Information Services Mark Samuels, Director of Economic Development Benjamin Williamson, Director of Sustainability & Health Shane Davis, Fire Chief Steve Parker, Director of Planning & Zoning AICP Tina M. Firgens, Director of Communications Tom Bryson and Police Chief David Hale

A. CALL TO ORDER - STUDY SESSION (4:30 P.M.)

A.1 19-354

Discuss regular City Council meeting agenda items

Mayor Dye called the meeting to order at 4:30 p.m.

Mayor Pro Tem Norwood stated he has some questions on Agenda item K.1. The Council agreed to discuss K.1 downstairs in Regular Session.

Mayor Dye asked if 100% participation is necessary to create a Home Owner's Associations (HOA) within a neighborhood.

City Attorney Pete Smith explained an HOA is agreed upon with neighborhoods and recorded and filed with the property deed to allow enforcement.

Council Member Blackson explained he would need to recuse himself and has filed appropriate papers with the City Secretary due to a conflict of interest on Agenda Items K.2 and K.3.

Mayor Dye requested Agenda Items K.2 and K.3 from Regular agenda be moved under Consent.

Deputy Mayor Pro Tem Lynne asked on Agenda Item I.5, who enforces these property maintenance code changes.

Building Official Hugh Pender explained if the violation is on private property, Code Enforcement handles.

A.2 19-368 Receive the Fiscal Year 2018-19 Third Quarter Financial Report

Director of Finance Sherrelle Evans Jones provided a 3rd Quarter Fiscal Year Update.

The City Council discussed tracking industries, tax reports, sales tax credits, revenue and projections, convention center costs for advertisement, cash investments and expenditures.

Council Member Blackson requested Ms. Evans Jones provide a report which shows how

A.3 19-357 Discuss agenda items for future City Council meetings

Deputy Mayor Pro Tem Lynne requested a future discussion on sidewalk repair policy, Council Member Blackson requested a future discussion on Campaign Finance Reform, and Mayor Dye requested discussion of lighting at Rawhide Park.

The City Council recessed at 5:12 p.m.

B. EXECUTIVE SESSION**B.1 19-383**

The City Council reconvened into closed executive session at 5:26 p.m. and recessed from closed executive session at 5:33 p.m.

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 3312 Pebble Beach, Farmers Branch, TX 75234

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

The invocation and Pledge of Allegiance and Pledge to the Texas flag was provided by Council Member Retana.

E. CEREMONIAL ITEMS**E.1 19-361**

Recognition of Charles Cancellare for 25 years of dedicated service to the City of Farmers Branch

Mayor Dye recognized Charles Cancellare for 25 years of dedicated service to the City of Farmers Branch.

F. REPORT ON STUDY SESSION ITEMS

Deputy Mayor Pro Tem Lynne provided a report on Study Session items.

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

Mr. Cox provided the City Manager's report. Mayor Dye noted the tax rate was set just under the roll back to allow flexibility to discuss future needs. He noted this tax rate has not yet been decided.

H. CITIZEN COMMENTS - None**I. CONSENT AGENDA**

I.1 19-353 Consider approving minutes from the July 23, 2019 and August 6, 2019 City Council meeting(s); and take appropriate action

I.2 19-387 Consider excusing the absence of Mayor Dye from the July 23, 2019, City Council meeting; and take appropriate action

- I.3 19-388 Consider excusing the absence(s) of Mayor Pro Tem John Norwood and Council Member Cristal Retana from the August 6, 2019, Special Called City Council meeting; and take appropriate action**
- I.4 R2019-84 Consider approving Resolution No. 2019-84 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 14342 Valley Hi Circle; and take appropriate action**
- I.5 ORD-3589 Consider adopting Ordinance No. 3589 amending Code of Ordinances Chapter 56 Property Maintenance**
- Motion made by Mayor Dye to approve Consent Items I.1 through I.5. Motion seconded by Council Member Lynne. Mayor Dye withdrew his main motion, Council Member Lynne withdrew his second.
- Motion made by Mayor Dye to approve I.1 through I.4. Motion seconded by Council Member Bomgardner. Motion approved unanimously.
- Motion made by Mayor Dye to approve Agenda Item I.5. Motion seconded by Council Member Lynne. The following roll call vote was taken:
- Aye: 3 - Deputy Mayor Pro Tem Lynne, Council Member Bomgardner, Council Member Retana**
- Naye: 2 - Mayor Pro Tem Norwood, Council Member Blackson**
- (I.6) K.2 R2019-98 Consider approving Resolution No. 2019-98 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 13628 Braemar Circle; and take appropriate action**
- (I.7) K.3 R2019-99 Consider approving Resolution No. 2019 99 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 13710 Braemar Drive; and take appropriate action**
- Motion made by Mayor Dye to move Agenda Items K.2 and K.3 to Consent as Items I.6 and I.7, and approve as presented. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by vote of 4-0, Council Member Blackson recused himself from voting.

J. PUBLIC HEARINGS

J.1 R2019-96

Conduct a public hearing and consider approving Resolution No. 2019-096 for a Detailed Site Plan with Special Exceptions for an office/warehouse building on approximate 26.6 acre lot located at 2261 Morgan Parkway; and take appropriate action

Director of Development Tina Firgens briefed City Council regarding this item. Ms. Firgens explained The applicant, Billingsley D&D, Inc., is requesting approval of a Detailed Site Plan for a one-story office/warehouse building on the property located at 2261 Morgan Parkway, generally on the north side of Morgan Parkway at Mustang Road. The subject site is approximately 26.6 acres, and is located in Planned Development District No. 97 (PD-97), which allows for the proposed use. The request also includes two Special Exceptions to the development standards in PD-97.

Council Member Blackson asked if the tenant has been chosen and asked clarification on the hike and bike trail.

Ms. Firgens explained the trail system will continue through Morgan Parkway and work with the consultant to continue the trail connection.

Mr. George Billingsly replied stating this is a spec building and he feels leasing will be successful.

Mayor Dye opened the public hearing. There were no citizens present that wished to speak.

Motion made by Deputy Mayor Pro Tem Lynne to close the public hearing and approve Resolution No. 2019-96, as presented. Motion seconded by Council Member Retana. Motion approved unanimously.

J.2 19 PL-06

Conduct a public hearing and consider a request from TX Manhattan Land, LLC and TCI Manhattan 2, LLC for final plat approval of the Alta Luna Addition as Lot 1, Block A, located at 1851 Knightsbridge Road; and take appropriate action

Director of Planning Tina Firgens briefed City Council regarding this item. She noted the property is being replatted in order to combine as one lot.

Mayor Dye opened the public hearing. There were no citizens present to speak.

Motion made by Council Member Blackson to close the public hearing and approve 19 PL-06 of a final plat. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

K. REGULAR AGENDA ITEMS

K.1 ORD-3575 Consider adopting Ordinance No. 3575 approving short-term rental regulations; and take appropriate action

Assistant City Manager Ben Williamson briefed City Council regarding this item.

The City Council discussed revoked license and minimum time period to obtain a new license, penalties for operating without a license, hotel motel tax, registration requirements, enforcement, numbers of occupants, self-reporting of bookings, rooms for rent, fees, parking plan, and City of Coppell short term rental ordinance language.

After discussion, the City Council had the following amendments.

Section 26-501 (C) (Mayor Dye and Mayor Pro Tem Norwood)

It shall be unlawful for any owner or Short-Term Rental Licensee to fail to include a written prohibition against the use of a Short-Term Rental for having a party in every advertisement, listing, or other publication offering the premises for rent.

Section 26-501 (D) (Mayor Pro Tem Norwood)

It shall be unlawful for any owner or Short-Term Rental Licensee to permit the use of the Short Term Rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code; or operating as a sexually oriented business.

Section 26-502 (i)(1) (Council Member Bomgardner)

as a direct result of the operation of the Short-Term Rental, the Short-Term Rental has been the subject of a violation of any City ordinances at least three times during one calendar year or been the subject of a violation of any other state or federal law;

Section 26-503 (Mayor Pro Tem Norwood)

The annual fee for a Short-Term Rental License in the amount of \$120.00, including renewals, shall be paid at the time of submission of the application.

Section 26-505 (d)(1) (Mayor Pro Tem Norwood)

Names, addresses, e-mail addresses, and telephone numbers of all persons financially responsible for renting the Short-Term Rental.

Mayor Dye opened the item for citizen comments.

The following residents spoke:

- Juliette McCullough spoke in support of the short term rental ordinance. She noted many cities have changed to a 4-night stay. She read names of a petition of supporters who recommend the 4-night stay.
- Kristen Bickham spoke in support of the proposed ordinance.
- Richard Jackson spoke in support of the ordinance and recommended five night minimum rentals. He suggested restrictions to limit the distance of short-term rental locations in neighborhoods.
- Mike Harrison spoke recommending permit fees be raised to offset enforcement costs.
- Amado Palavicini expressed recommended increasing the minimum stay to 4 to 5 nights.
- Paul Even spoke in support of the ordinance.

Council Member Retana suggested revisiting in 6 months to ensure the ordinance is meeting our needs.

- Jarrod Robertson spoke in support of the short-term rental ordinance noting it should be specific to rental violations.

Mayor Dye made a motion to approve Ordinance No. 3557, with the following modifications:

Section 26-501 (C) (Mayor Dye and Mayor Pro Tem Norwood)

It shall be unlawful for any owner or Short-Term Rental Licensee to fail to include a written prohibition against the use of a Short-Term Rental for having a party in every advertisement, listing, or other publication offering the premises for rent.

Section 26-501 (D) (Mayor Pro Tem Norwood)

It shall be unlawful for any owner or Short-Term Rental Licensee to permit the use of the Short Term Rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code; or operating as a sexually oriented business.

Section 26-502 (i)(1) (Council Member Bomgardner)

as a direct result of the operation of the Short-Term Rental, the Short-Term Rental has been the subject of a violation of any City ordinances at least three times during one calendar year or been the subject of a violation of any other state or federal law;

Section 26-503 (Mayor Pro Tem Norwood)

The annual fee for a Short-Term Rental License in the amount of \$120.00, including renewals, shall be paid at the time of submission of the application.

Section 26-505 (d)(1) (Mayor Pro Tem Norwood)

Names, addresses, e-mail addresses, and telephone numbers of all persons financially responsible for renting the Short-Term Rental.

Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

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

No action was taken.

M. ADJOURNMENT

Mayor Dye made a motion to adjourn. Motion seconded by Mayor Pro Tem Norwood.
Motion approved by unanimous vote.

The meeting adjourned at 8:11 p.m.

Approved by: _____
Mayor

Attested by: _____
City Secretary