



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, September 15, 2020

6:00 PM

Council Chambers

Study Session Meeting to be held at 3:00 p.m. with a Dinner Break at 5:15 p.m.

Presiding: 1 - Mayor Robert Dye

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

Staff: 18 - City Manager Charles Cox, Deputy City Manager John Land, Assistant City Manager Benjamin Williamson, City Secretary Amy Piukana, City Attorney Peter G. Smith, , Police Chief David Hale, Fire Chief Gabe Vargas, Director of Human Resources Brian Beasley, Director of Public Works Marc Bentley, Director of Sustainability & Health Shane Davis, Director of Planning & Zoning AICP Tina M. Firgens, Director of Economic Development Allison Cook, Director of Library Denise Wallace, Building Official Hugh Pender, Director of Information Services Mark Samuels, Director of Communications Tom Bryson and Director of Fleet & Facilities Kevin Muenchow

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

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

A.1 20-445 Discuss regular agenda items

Council Member Retana asked for clarification on Agenda Item J.3, Legislative Ad Hoc Committee. She asked if an extension could be considered as an option in 2023. Mr. Cox stated the option to extend would be available.

Council Member Blackson asked for clarification on Agenda Item I.6, in regards to the well. Mr. Cox stated the well is not related to the Corporation, noting it is separate.

A.2 20-454 Discuss the City Manager's Proposed Fiscal Year 2020-21 balanced budget

Director of Finance Sherrelle Evans-Jones was present to answer any questions regarding the budget.

Deputy Mayor Pro Tem Lynne asked for the amount spent to date on the Library certificates of obligations.

Ms. Evans-Jones stated she does not have this information with her tonight; however, she could provide these numbers at a later date.

Deputy Mayor Pro Tem Lynne asked if the \$260,000 proposed for maintenance next year is still available in the budget.

Ms. Evans-Jones confirmed this amount is proposed within the budget for maintenance.

Deputy Mayor Pro Tem Lynne asked if the City has qualified for solar grant funding and how much monies have been spent to date on the solar program.

Director of Environmental Health and Sustainability Shane Davis explained the City isn't eligible to apply. He further stated the Contractor applies for the grants. He further stated the contractor has been approved for the \$300,000 grant. He further stated other than contracts and attorney review no other monies have been spent to date on the solar program.

The City Council discussed the need for a cost breakdown, the option to hold a May Bond election, the possibility of hiring a consultant to identify exact costs, Gensler versus other consulting firms, citizen input, education for constituents, and the possibility to defer programs.

Mayor Pro Tem Norwood suggests using monies out of this budget to hire to create a preliminary design and allow cost estimates to consider a possible May Bond election.

Council Member Retana expressed concerns with the Library being used as a tool, and she strongly supports investing in the Library. She noted some students had to utilize Wi-Fi at the local Mc Donald's due to the lack of resources.

Mr. Cox stated the budget proposed is flat and we are limited to a pay as you go. He stated another option would be to spend \$2.5 million out of the general fund now for: paint, carpet, moving shelving for ADA accessibility, moving the children's desk for safety, moving the fire panel, moving the front drive, and repurpose art gallery and update restrooms for ADA compliance. He noted Gensler has already met with residents to identify needs. He further stated these items do not require an architect and would assist with functionality of the Library. He stated an architect could be hired in the future.

The City Council agreed unanimously to move forward with utilizing \$2.5 million out of the General Fund balance to assist with Library needs.

A.3 20-462

Receive an Economic Development Update on the office market and Demo Rebuild Program

Economic Development Director Allison Cook provided a video update of City projects. Ms. Cook provided a presentation on office, flex and industrial sector overview and demolition rebuild update.

Deputy Mayor Pro Tem asked if occupied buildings are current with rent payment.

Ms. Cook explained the City has a retention plan and is watching for trends.

Council Member Bomgardner stated most large companies in warehouse distributors.

Ms. Cook confirmed warehouse distribution appears to be stable. She further stated retail has suffered.

Deputy Mayor Pro Tem Lynne stated he will submit his changes to the City Manager to include the increase in structure value as we move forward. Council Member Bomgardner stated he would like to see the home value be moved up.

A.4 20-446 Discuss future agenda items

There were no future agenda items.

EXECUTIVE SESSION

Mayor Pro Tem Norwood (Presiding over this portion of the meeting) recessed into Executive Session at 4:37 p.m.

B.1 20-412 Council may convene into a closed executive session pursuant to Section 551.074 (Personnel Matters) of the Texas Government Code to deliberate regarding:

Annual Evaluation of the Municipal Court Judge

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

Discuss an economic development incentive agreement for Project Carry

Council may convene into a closed executive session pursuant to Section 551.072 (Real Property) of the Texas Government Code to deliberate regarding:

Discuss the purchase, exchange, lease, or sale of real property located south of Valwood, north of Farmers Branch Lane, east of IH35 and west of Josey Lane (City owned property)

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

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

CEREMONIAL ITEMS**E.1 20-449 Presentation of a proclamation recognizing September 15 through October 15, 2020 as National Hispanic Heritage Month**

Mayor Dye recognized September 15 through October 15, 2020 as National Hispanic Heritage Month. Council Member Retana recognized two teachers from Vivian Field.

E.2 20-463 Presentation of a proclamation recognizing the month of September as Suicide Awareness and Prevention Month

Mayor Dye read a proclamation declaring the month of September as Suicide Awareness Month.

E.3 20-439 Receive a donation of a “butterfly” bench for the Rose Garden from Keep Farmers Branch Beautiful; and take appropriate action

Mayor Dye recognized Patricia Link who was present representing Keep Farmers Branch Beautiful for their donation of a butterfly bench for the Rose Garden.

Mayor Dye made a motion to accept the bench. Motion seconded by Deputy Mayor Pro Tem Lynne. Motion approved unanimously.

REPORT ON STUDY SESSION ITEMS

Council Member Blackson provided a report on Study Session items.

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

City Manager Charles Cox provided an update on items of community interest.

CITIZEN COMMENTS

The following residents wished to speak under Citizen Comments:

Victoria Harrison, 3706 Ridgeoak Way spoke regarding the Library and the need for more information. She asked that Council be cordial to one another and the public.

Nic Rady, 3202 Brookhaven Club Drive spoke stating people need to be heard and he thanked volunteers who assisted with the distribution of the Library petition.

Rick Johnson, 2930 Harley Drive spoke regarding his concerns with citizens having a voice and suggested the Council identify wants and needs for the Library and let citizens vote on it.

Jan Jones read a letter regarding the Library and expressed support for the Library renovations.

David Prince spoke regarding funding of the FB Chamber of Commerce.

Jessie Cassinera, 2507 Valley View Lane spoke regarding the need to support funding for the Farmers Branch Chamber of Commerce.

Grace Speese President of Farmers Branch Chamber spoke requesting the City Council support the Chamber with \$40,000 in funding, similar to last year.

CONSENT AGENDA

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| I.1 | 20-447 | Consider approving the following City Council meeting minute(s); and take appropriate action
<i>August 24, 2020 City Council meeting</i> |
| I.2 | R2020-121 | Consider approving Resolution 2020-121 authorizing a partial release and quitclaim of a 15' wide sanitary sewer easement located within a portion of Westside Addition, Section 2, Block A and Morgan Business Park, Lot 1, Block A; and take appropriate action |
| I.3 | ORD-3650 | Consider adopting Ordinance No. 3650 reappointing a Municipal Court Judge and Alternate Municipal Court Judge(s) for the City of Farmers Branch Municipal Court of Record No.1; and take appropriate action |
| I.4 | R2020-122 | Consider approving Resolution No. 2020-122 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 12715 Epps Field; and take appropriate action |

- I.5 R2020-125 **Consider approving Resolution No. 2020-125 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**
- I.6 R2020-130 **Consider approving Resolution No. 2020-130 to approve the 2020-21 Operating Fund Budget of the North Dallas County Water Supply Corporation; and take appropriate action**
- I.7 R2020-131 **Consider approval of Resolution No. 2020-131 for a Detailed Site Plan for an independent senior living building and four one-family residence lots on approximately 6.1 acres, generally located on the east side of Medical Parkway North, approximately 115 feet north of LBJ Freeway, and on the south side of Myra Lane; and take appropriate action.**

Motion made by Deputy Mayor Pro Tem Lynne to approve Consent Items I.1 through I.7, as presented. Motion seconded by Council Member Retana. Motion approved unanimously.

REGULAR AGENDA ITEMS

- J.1 ORD-3655 **Consider adopting Ordinance No. 3655 authorizing the issuance and sale of City of Farmers Branch, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2020, for Library Improvements in the maximum aggregate principal amount not to exceed approximately \$10.0 million; levying a tax in payment thereof; prescribing the form of said certificates; approving the Official Statement; and take appropriate action**

Mayor Dye noted due to a petition with appropriate number of names, there will be no action or discussion on this item.

- J.2 R2020-127 **Consider approving Resolution No. 2020-127 authorizing the City Manager to execute a contract with Tri Con Works, LLC for the Phase F expansion of the landfill gas collection system at Camelot Landfill, and take appropriate action.**

Director of Sustainability and Public Health Shane Davis briefed City Council regarding this item. Mr. Davis explained the City owns Camelot Landfill which is a Type I municipal solid waste landfill. The municipal solid waste permit was amended in August 28, 2017 which significantly increased the disposal capacity of the facility. The City and its contractor commenced construction of the new airspace on May 7, 2018.

Mr. Davis explained organic material in garbage is decomposed by microorganisms which results in gas emissions. The two main gasses produced during decomposition are the odorless gasses carbon dioxide and methane (98-99%). The other 1-2% of the landfill gases are odor producing compounds. Mr. Davis explained the most common control method for landfill gas control is a landfill gas collection system, which is a series of pipes and wells connect to a blower or compressor, which sends the gas to a flare or engine(s) where the methane is burned or combusted as fuel to run the engine that are used in the production of electricity. As a result of the increased disposal capacity, the facility is now subjected to additional regulations. The City has 30 months from the submittal of the required non-methane organic compound (NMOC) report to install a landfill gas collection system into any area of the landfill that has waste that was buried over 5 years ago. Mr. Davis explained the northwest portion of the waste disposal area contains waste disposed over 5 years ago. In 2019, some landfill gas collection wells and piping were installed along the west slope of the northwest portion of the landfill. This area of the landfill is the site of the active disposal area. He noted, due to the age of the waste in place at the bottom of two of the cells in this portion of the landfill, the landfill gas collection system must be expanded into this area of the landfill to meet regulatory requirements.

Motion made by Deputy Mayor Pro Tem Lynne to approve Resolution No. 2020-127. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

J.3 R2020-124 Consider approving Resolution No. 2020-124, creating and appointing members to a City Council Legislative Ad Hoc Committee; and take appropriate action

City Manager Charles Cox explained due to Senate and House Bill legislation impacts to Cities, the City Council has determined it would be in the best interest of its citizens to establish a City Council Legislative Ad Hoc Committee. The Committee would consist of two (2) members of the City Council.

Mr. Cox explained the Committee will have the option to form during October 1 prior to each Regular Session of the Texas Legislature through the end of session and the option to form ninety (90) days prior to any Special Called Session of the Texas Legislature through the end of the session with a Sunset provision in year 2023.

The City Council discussed the number of Council members to serve, the length of term, roles of the Committee, updates and summary briefings to Council and the option to rotate Council Members serving.

After discussion, a motion was made by Council Member Retana to approve Resolution No. 2020-124 and appoint Mayor Dye and Council Member Retana to serve on the Legislative Ad Hoc Committee. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

J.4 20-440**Consider Boards & Commissions appointments to the Animal Shelter Advisory Board, Historical Preservation & Restoration Board, Municipal Drainage System Advisory Committee, Senior Advisory Board and Zoning Board of Adjustment; and take appropriate action**

Mayor Dye noted the City has 6 vacancies are several Boards and Commissions.

After discussion, Mayor Dye made a motion to appoint:

1. Animal Shelter Advisory Committee:

- a. Place 7 Jennifer Garcia currently Alternate 1
- b. Alternate 1 Jennifer Robinson currently Alternate 2
- c. Alternate 2 Theresa A Kaualoku expires 6/30/2021

2. Historical Preservation & Restoration Board:

- a. Place 4 Melissa Dours currently Alternate 1
- b. Alternate 1 Carloantonio Oliver expires 6/30/2021
- c. Alternate 2 Teresa Webster expires 6/30/2022

3. Senior Advisory Board:

- a. Place 2 Lynne Dray currently Alternate 1
- b. Alternate 1 Joyce Benoit currently Alternate 2
- c. Alternate 2 Wayne Weirich expires 6/30/2022

4. Municipal Drainage System Advisory Committee:

- a. Place 2 Michael Gardner Representing the Business Community
- 5. Zoning Board of Adjustment:
- a. Alternate 1 Jake Gigl currently Alternate 2
- b. Alternate 2 Elizabeth Aviles expires 6/30/2021

Motion seconded by Council Member Mayor Pro Tem Norwood. Motion prevailed by the following vote:

Ayes - Norwood, Bomgardner, Retana, Blackson,
Naye - Lynne

Motion passed by vote of 4-1, Deputy Mayor Pro Tem Lynne voting against.

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

Mayor Dye made a motion to authorize the City Manager to negotiate and execute and economic development agreement and any amendments thereto on behalf of the City of Farmers Branch for Project Carry to provide an economic development incentive consisting of:

- (1) ten (10) annual grants, each grant equal to one hundred percent (100%) of the incremental increase in property taxes assessed and collected for the real property improvements for each of two phases of development;
- (2) the annual grants for each of the respective phase shall begin the year following completion of the improvements for the respective phase;
- (3) Phase One located at 4050 Valley View Lane consisting of 345 multifamily units and a Structured parking garage; and Phase Two located at 4051 LBJ Freeway consisting of 295 multifamily units and structured parking
- (4) Phase two to commence one year following completion of phase one.
- (5) 50% waiver of building permit fees

Motion seconded by Council Member Retana. Motion approved unanimously.

ADJOURNMENT

Motion made by Mayor Dye to adjourn the meeting. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

The meeting adjourned at 7:12 p.m.

SIGNED BY: _____
Mayor Robert C. Dye

ATTESTED BY: _____
Amy M. Piukana, City Secretary