



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, September 7, 2021

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 Cristal Retana, Council Member Traci Williams, Council Member Terry Lynne, Deputy Mayor Pro Tem Michael Driskill and Council Member David Merritt

Staff: - 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 Economic Development Allison Cook, Director of Library Denise Wallace, Director of Information Services Mark Samuels, Director of Fleet & Facilities Kevin Muenchow

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

Mayor Pro Tem Cristal Retana called the meeting to order at 3 p.m. (*Mayor Dye stepped out of the room briefly.*)

A.1 21-399 Discuss regular agenda items

Council Member Lynne requested clarification on Agenda Item I.4, in regards to the amount of fees collected from businesses and if it covers the cost. Director of Sustainability and Public Health Shane Davis explained it's based on a surcharge provided by the Trinity River Authority.

Council Member Lynne asked for clarification on Agenda Item I.5, in regards to fees paid to Dallas County Hazardous Waste, and if the amount includes covering a City event.

Mr. Davis stated this cost does not include City events, however; he budgets monies to cover these events.

A.2 21-426 Discuss and Provide Direction for Mayor's I35 Betterments Task Force Recommendation

Planning Consultant Kyra McCardle (via zoom) provided an overview of the I35 Enhancements. Ms. McCardle explained that TxDOT has conditionally awarded the design build contract. She explained both intersections will benefit from a modified intersection design and abutment panel graphics, with no cost to the City, and cost enhancements at both intersections have been provided to the City by TxDOT. Ms. McCardle explained TxDOT cost of enhancements total \$2.34M lower than the \$2.5M approved by City Council and included the following additional items: Lighting standards (both intersections), Hardscape enhancements at Valwood Pkwy, and a Pedestrian safety wall at Valwood.

Ms. McCardle explained the Task Force recommendations are: to move forward with the hardscape enhancements, lighting and pedestrian safety wall at the Valley View Lane and I35E intersection; and lighting and pedestrian safety wall at the Valwood Parkway and I35E intersection. The total cost of these enhancements is approximately \$1.7M. Ms. McCardle explained staff is finalizing the advanced funding agreement with TxDOT and will bring forward to the September 21 meeting. Once Council approves, the project will be funded within 30 days.

Deputy Mayor Pro Tem Driskill asked if native grass could be added to hardscape areas and what is included with the hardscape.

Ms. McCardle stated the hardscape includes brick concrete, with stamping and infused with color. She noted the landscaping could be addressed at a future time and the City could pursue the green ribbon landscape funding.

Mayor Pro Tem Retana explained the green ribbon program, noting it is a partnership with TxDOT for funding assistance for landscaping. She cautioned the location of landscaping noting corners may be easier to access. She noted safety needs to be maintained when adding landscaping within high traffic areas.

Council Member Merritt asked what's left on Phase 2. Ms. McCardle explained Phase 2 includes metal cutouts with leafs and a light bar and Phase 3 is primarily focused on art pieces.

Council Member Lynne asked that landscaping be added to entrances (Marsh, Webb Chapel/Josey Lane).

The consensus from City Council was to move forward with the I35 Task Force recommendations.

Deputy City Manager John Land thanked Ms. McCardle for her efforts with this project.

A.3 21-441 Receive biannual update from the Senior Advisory Board

Senior Advisory Board Chair Deborah Hull provided an update. She reviewed board participation, membership, activities, events and thanked City Council for their support.

A.4 21-379 Discuss the City Manager's Proposed Fiscal Year 2021-22 Balanced Budget and Proposed Current Year Amended Budget

Director of Finance Sherrelle Evans Jones briefed City Council regarding this item. She noted the budget retreat was recorded and is available via YouTube for anyone needing more information.

Ms. Evans Jones reviewed the proposed budget revisions noting the existing tax rate is \$0.589. She explained this increases property tax revenue to \$1.4M and allows for two additional street projects, a Parks Master Plan, monuments signs and additional Economic Development Funding.

The City Council discussed School tax rates between Dallas and CFBISD rates, and residential verses business portion of taxes. After discussion, the City Council requested a graphic breakdown of where the dollar amounts go in a digital format to share with their constituents.

A.5 21-400 Discuss future agenda items

Council Member Merritt requested a future discussion on Performance Management and Performance Measures/Metrics.

Council Member Lynne requested a future discussion on screening of air conditioning units on top of the Library and landscaping at the entrances of the City.

Council Member Williams requested an update on the FB TX Connect App. Mr. Cox explained this will be rolled out October 11th.

Mayor Pro Tem Retana requested a discussion on redistricting.

B. EXECUTIVE SESSION

B.1 21-407 Council may convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to deliberate regarding:

- *Pending or contemplated litigation styled City of Coppell, et.al. vs. Glen Hager, Comptroller of Public Accounts*
 - *A matter requiring the provision of legal advice and counsel constituting attorney/client communication regarding property maintenance standards, Section 56-51 of the Code of Ordinances*
- 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 Miracle*

Mayor Dye recessed into closed executive session at 4:06 p.m.

Mayor Dye adjourned from closed executive session at 5:09 p.m.

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

Mayor Pro Tem Retana led the invocation, Pledge of Allegiance and Pledge to the Texas Flag.

E. CEREMONIAL ITEMS

E.1 21-376 Recognition of Frances Dickerson for 45 years of dedicated service to the City of Farmers Branch Police Department

Mayor Dye and Police Chief David Hale recognized Frances Dickerson for 45 years of dedicated service to the City of Farmers Branch Police Department.

E.2 21-401 Presentation of a five (5) year service pin to Sherrelle Evans-Jones for her service to the City of Farmers Branch

Mayor Dye and City Manager Charles Cox presented Sherrelle Evans Jones with a five-year service pin for her dedicated service at the City of Farmers Branch as Finance Director.

E.3 21-408 Consider acceptance of a \$5,000.00 donation from the Atmos Energy Corporation for the Farmers Branch Fire Department; and take appropriate action

Mayor Dye recognized Oncor Representative Jan Rugg, for her donation to the Farmers Branch Fire Department.

Motion was made by Mayor Dye to approve accepting the \$5,000 donation. Motion seconded by Council Member Lynne. Motion approved unanimously.

F. REPORT ON STUDY SESSION ITEMS

Mayor Pro Tem Retana provided a report on Study Session Items.

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

City Manager Charles Cox provided a report on items of Community Interest.

H. CITIZEN COMMENTS

Resident James Lockridge and Luther Bernstein signed up to speak.

Mayor Dye announced both speakers had not met the 30-day requirement to discuss the same topics.

I. CONSENT AGENDA

- I.1 21-398 Consider approving the following City Council meeting minute(s); and take appropriate action**
- *August 10-12, City Council Retreat*
 - *August 17, 2021 City Council Regular*
- I.2 R2021-107 Consider approving Resolution No. 2021-107 approving the City of Farmers Branch Investment Policy; and take appropriate action**
- I.3 R2021-116 Consider approving Resolution No. 2021-116 approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2021 Rate Review Mechanism filings; and take appropriate action**
- I.4 R2021-118 Consider approving Resolution No. 2021-118 authorizing the City Manager to execute a contract with Trinity River Authority for regulatory and laboratory services; and take appropriate action**
- I.5 R2021-124 Consider approving Resolution No. 2021-124 Authorizing the City Manager to execute an interlocal agreement between the City of Farmers Branch and Dallas County for household hazardous waste disposal; and take appropriate action**
- I.6 R2021-125 Consider approving Resolution No. 2021-125 nominating Michael Hurtt as a Candidate to be a member of the Board of Directors of the Dallas Central Appraisal District (DCAD); and take appropriate action**
- I.7 R2021-126 Consider approving Resolution No. 2021-126 authorizing the purchase of desktops, laptops, and associated accessories from Dell Marketing, L.P. through the State of Texas Department of Information Resources contract; and take appropriate action**
- I.8 R2021-127 Consider approving Resolution No. 2021-127 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 14625 Southern Pines Drive; and take appropriate action**

I.9 R2021-128 Consider approving Resolution No. 2021-128 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 12801 Epps Field Road; and take appropriate action

Motion made by Council Member Merritt to approve Consent Items I.1 through I.9, as presented. Motion seconded by Council Member Driskill. Motion approved unanimously.

J. PUBLIC HEARINGS

J.1 ORD-3702 Conduct a public hearing and consider adopting Ordinance No. 3702 Prohibiting the Use of and the Contact with Designated Groundwater Beneath 9+998 acres of land located in the Francis Miller Survey, Abstract No. 926 and the William Pulliam Survey, Abstract No. 1171, Farmers Branch, Texas located at 2019 Valley View Lane to Facilitate Certification of a Municipal Settings Designation (MSD) by the Texas Commission on Environmental Quality; and take appropriate action

Environmental Health Manager Jawaria Tareen briefed the City Council regarding this item. Ms. Tareen introduced Professional Geologist Valerie Honeycutt with Koos & Associates, Inc. Ms. Honeycutt explained the applicant purchased the property, 2019 Valley View Lane and discovered the soil and underlying groundwater in the uppermost aquifer have been contaminated (trichloroethylene and tetrachloroethylene). The applicant has entered the TCEQ Innocent Owner/Operator program to remediate the property. As part of the remediate effort, Cozobel, LLC applied to the City seeking an ordinance from City Council for the MSD application to the Texas Commission on Environmental Quality (TCEQ). This is the third MSD application the City has received since the approval of the MSD Ordinance in 2016.

Ms. Honeycutt explained in accordance with state regulations, public notices were sent out notifying residents and businesses within ½ mile of the MSD property boundary, groundwater supply well owners within 5 miles of the MSD property boundary, private water well owners within 5 miles of the MSD boundary that are registered with the Commission, and any retail public utility that owns or operates a groundwater supply well within 5 miles of the MSD property boundary that they have 60 days after they receive the notice letter to file comments with the TCEQ. 635 notices were mailed. In addition, a public meeting was held on August 24, 2021 in the Mesquite Room at the Farmers Branch Community Recreation Center at 6:30pm regarding MSD application. Both City staff and the applicant's consultant were there to give a presentation and address any questions or concerns. Other than City staff and the consultant, no one attended the public meeting.

The City Council discussed water wells, permanent verses capped, Aquaphor, soil at property level being acceptable with the contamination being 9 feet below.

Mayor Dye opened the Public Hearing. There were no citizens present to speak.

Motion made by Mayor Pro Tem Retana to close the public hearing and approve Ordinance 3702, as presented. Motion seconded by Council Member Williams. Motion approved unanimously.

J.2 R2021-123 Conduct a public hearing and consider approving Resolution No. 2021-123 for submission of a grant application to Texas Parks and Wildlife Local Parks Non-Urban Outdoor Recreation for Oran Good Playground; and take appropriate action

Director of Parks and Recreation Michael Mashburn provided an update regarding this item. Mr. Mashburn explained this Resolution provides the opportunity to apply for the TPWD Local Parks Non-Urban Outdoor Recreation grant which provides funding to local governments and non-profit organizations for development or renovation of parks and playgrounds. All grant assisted sites must be dedicated as parkland in perpetuity, properly maintained and open to the public.

The Parks and Recreation Department would like to apply for the grant to assist in funding for the playground renovation at Oran Good Park.

Council Member Williams asked if a set timeline to utilize funds was required. Mr. Mashburn replied stating 24 months is the requirement.

Mayor Dye opened the Public Hearing. There were no citizens present to speak.

Motion to close the public hearing and approve Resolution No. 2021-123 was made by Deputy Mayor Pro Tem Driskill. Motion seconded by Council Member Merritt. Motion approved unanimously.

J.3 21-382 Conduct a public hearing on the Proposed Fiscal Year 2021-22 Operating and Capital Improvement Program Budget in accordance with Article IV of the City Charter; and take appropriate action

Director of Finance Sherrelle Evans Jones provided an update on the proposed FY 21-22 Budget. She noted today is a public hearing which is required prior to the budget approval.

The City Council discussed debt service funds, commercial verses residential tax base and hotel motel reporting.

After discussion, a motion was made to close the public hearing by Council Member Merritt. Motion seconded by Mayor Pro Tem Retana. Motion approved unanimously.

K. REGULAR AGENDA ITEMS

K.1 21-378 Consider approving a motion to place a proposal to consider adopting a maximum property tax rate of \$0.589 on the City Council agenda of September 21, 2021; schedule a public hearing on the proposed maximum property tax rate for September 21, 2021 at 6:00 p.m. to be held at the City of Farmers Branch, City Hall Council Chambers, located at 13000 William Dodson Parkway, Farmers Branch, Texas 75234; and, take appropriate action

Director of Finance Sherrelle Evans Jones was present to answer any questions.

Motion was made by Council Member Merritt to approve scheduling a proposal to consider adopting a maximum property rate of \$0.589 on the City Council agenda for September 21, 2021 at 6 p.m. Both meetings will be held at the City of Farmers Branch, City Hall Council Chambers, located at 13000 William Dodson Parkway, Farmers Branch, Texas 75234.

Record Vote:

Ayes: Lynne, Merritt, Williams, Retana, Driskill

No: None

K.2 21-423 Consider appointment of the Chairperson of the Sustainability Committee; and take appropriate action

Council Member Lynne made a motion to appoint Joseph Riegel as Chairman of the Sustainability Committee. Motion seconded by Mayor Pro Tem Retana. Motion approved unanimously.

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

Motion made by Council Member Williams 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 Miracle to provide an economic development incentive consisting of an economic development grant of \$75,000, to be paid in two (2) installments with the first installment of \$37,500 paid on lease execution and the second installment of \$37,500 to be paid when certificate of occupancy is issued provided: (1) the company leases and occupies at least 2,500 square feet of space at 13050 Bee Suite 100 for a period of at least 5-years; and (2) operates a restaurant at the leased premises for a period of at least 5-years, subject to the standard terms and conditions. Motion seconded by Mayor Dye. Motion approved unanimously.

M. ADJOURNMENT

Mayor Dye adjourned the meeting at 7:02 p.m.

Signed by: _____
Robert C. Dye, Mayor

Attested by: _____
Amy M. Piukana, TRMC, City Secretary