



City of Farmers Branch

City Hall
13000 Wm. Dodson Pkwy.
Farmers Branch, TX 75234

Meeting Minutes - Final City Council

Tuesday, July 16, 2013

6:30 PM

Council Chambers

Study Session Meeting to be held at 4:00 PM in Study Session Room

A. STUDY SESSION

Presiding: 1 - Mayor William P. Glancy

Present: 5 - Mayor Pro Tem Jeff Fuller, Deputy Mayor Pro Tem Kirk Connally, Council Member Ben Robinson, Council Member Harold Froehlich and Council Member Ana Reyes

Staff: 19 - Gary D. Greer, Peter G. Smith, Angela Kelly, Rachael Johnson, Tom Bryson, Charles Cox, Sidney Fuller, Andy Gillies, Jeff Harting, Belinda Jacks, John Land, Kevin Muenchow, Jim Olk, Steve Parker, Randy Walhood, Mark Samuels, Brian Beasley, Rick Chaffin and Meredith Dowdy

Mayor Glancy called the Study Session Meeting to order at 4:00 p.m.

A.1 Discuss regular City Council meeting agenda items.

B.4 - Council Member Robinson asked for clarification regarding the small water meters. Randy Walhood, Public Works Director reported the Zenner meters malfunctioned therefore City Administration wished to use the second low bid.

A.2 Receive a wrap up presentation on Liberty Fest 2013.

Meredith Dowdy, Special Projects Manager presented a wrap up presentation of the 2013 Liberty Fest.

A.3 Receive a presentation on the operation of the Manske Library and discuss the future of the LSSI contract.

Rachael Johnson, Assistant to the City Manager presented an analysis of the Manske Library operations. City Council directed City Administration to renegotiate a contract with LSSI for the operation of Manske Library.

A.4 Receive an update on the Storm Water Utility Feasibility Study.

Trey Shanks, Project Manager/Associate for Freese and Nichols, Inc. provided a brief overview of the proposed project. City Council directed City Administration to move forward with the study.

A.5 Discuss proposed reopening of the Citizens' Collection Station.

Randy Walhood, Public Works Director gave a presentation on the Citizen's Collection Station. City Council directed City Administration to include funds in the fiscal year 2013-2014 budget for the start up and operation of the Citizen's Collection Station.

Mayor Glancy read the Agenda for items J.2(a-d) on Executive Session.

The Study Session Meeting ended at 5:20 p.m.

J. EXECUTIVE SESSION

The City Council convened into Executive Session at 5:25 p.m.

J.2 Deliberation regarding economic development negotiations - Texas Government Code Section 551.087:

- (a) Discuss incentives for the relocation of a sports franchise**
- (b) Discuss amending the incentive package for Olmsted Kirk Paper**
- (c) Discuss incentives for US Foods**
- (d) Discuss retention incentive agreement for Monitronics**

The City Council concluded Executive Session at 6:08 p.m. and took a short recess.

**K. THE CITY COUNCIL RECONVENES INTO OPEN SESSION
Consider necessary action on items discussed in the Executive Session.**

The City Council reconvened into Open Session at 6:33 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Reyes gave the Invocation. Deputy Mayor Pro Tem Connally led the Pledge of Allegiance.

C. CEREMONIAL ITEMS

C.1 Musical performance by the Four Hoarsemen.

Longtime resident of Farmers Branch, Douglas Capener, is a member of the Four Hoarsemen and performed two songs.

C.2 Consider Board and Commission appointments and take appropriate action.

A motion was made by Deputy Mayor Pro Tem Connally, seconded by Councilman Froehlich, to appoint Jamie Reed to the vacancy on the Planning & Zoning Committee, along with the following reappointments:

Library Board - Susan Saiter, Ruth Ann Parish, Charles Sullivan, Bruce Crozier, and Wendi Lamb

Planning and Zoning Committee - Charles Beck, Johnathon Bingham

Historical Preservation and Restoration Board - Marjorie Cutler, Angie Mayo, Jamie Jewel, and Beth Wood

Animal Shelter Advisory Committee - Dr. Gerald V. Pendery, Becky Fisher, and

Louise Henning
Family Advisory Board - Chris Brewer, Brenda Brodrick, and Kenée Dover
Community Watch Committee - Mike Del Valle, Mary Lozano, Rose Ann
Danziger, and Juan Riojas
The motion carried unanimously.

Aye: 5 - Mayor Pro Tem Fuller, Deputy Mayor Pro Tem Connally, Council Member
Robinson, Council Member Froehlich and Council Member Reyes

D. REPORT ON STUDY SESSION ITEMS

Councilman Robinson reported presentations were made in Study Session
regarding the following:

2013 Liberty Fest
Manske Library/LSSI contract
Storm Water Utility Feasibility Study
Possibly reopening the Citizens' Collection Station

E. ITEMS OF COMMUNITY INTEREST

*Mayor Glancy reported he attended the opening night for the Premier Baseball
Championship at Oran Good Park. Premier Baseball invited players from the Miracle
League Youth Baseball to participate in a game on the opening night of their
championship tournament.*

F. CITIZEN COMMENTS

*Luther Bernstein - Spoke about having to mow a strip of land between his rental
property on Selma and Bob & Linda's Steakhouse. He asked why he had to mow
both areas? City Manager Gary D. Greer stated there was a mistake on ownership
of the property, which actually belongs to Mr. Bernstein.
Rick Johnson - inquired about a letter that had been distributed regarding Mayor Pro
Tem Fuller; also stated concern over revenues from hotel/motel fund
Vernon Smith - asked why the City of Dallas is not responsible for cost of a storm
water feasibility study
John Wells - requested City Council meeting agendas be posted at the senior center*

G. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Mayor Pro Tem Fuller , seconded by Deputy Mayor Pro
Tem Connally, to approve the items on the Consent Agenda. The motion
carried by the following vote:

Aye: 5 - Mayor Pro Tem Fuller, Deputy Mayor Pro Tem Connally, Council Member
Robinson, Council Member Froehlich and Council Member Reyes

**G.1 Consider approval of minutes of the City Council meeting held on
June 18, 2013 and take appropriate action.**

The Minutes were approved.

G.2 Consider approving Resolution No. 2013-043 awarding a bid and

authorizing the City Manager to execute a contract with The Tennis Court Company for construction of the Don Showman Skate Park concrete pad and take appropriate action.

This Resolution was approved.

- G.3** Consider approving Resolution No. 2013-044 authorizing the reallocation of unspent funds from the Fiscal Year 2011 Dallas County Community Development Block Grant project to the proposed Fiscal Year 2013 Dallas County Community Development Block Grant project and ratifying the submission of an application to Dallas County for the Fiscal Year 2013 Dallas County Community Development Block Grant project and take appropriate action.

This Resolution was approved.

- G.4** Consider approving Resolution No. 2013-045 awarding a six month supply of small water meters to Mueller Systems, LLC and take appropriate action.

This Resolution was approved.

- G.5** Consider approving Resolution No. 2013-046 authorizing the City Manager to enter into an agreement with Ford Audio-Video for the purchase and installation of a replacement court room audio/visual system, utilizing the Texas Multiple Award Schedule (TXMAS), and take appropriate action.

This Resolution was approved.

- G.6** Consider approving Resolution No. 2013-047 authorizing the City Manager to enter into an agreement with Knight Security Systems for the purchase and installation of video surveillance and access control system replacements at the Recreation Center and Justice Center utilizing the Department of Information Resources contract DIR-SDD-1725, and take appropriate action.

This Resolution was approved.

H. PUBLIC HEARINGS

- H.1** Consider adopting Ordinance No. 3230 changing the zoning of an approximate 48.1 acre tract from Planned Development No. 88 (PD-88) to Planned Development No. 97 (PD-97) and take appropriate action. This new PD includes a Conceptual Site Plan and Special Development Standards that would allow a variety of retail, light industrial, and professional office land uses. This tract is located at 12101 Stemmons Freeway, immediately west of the

Stemmons Freeway (I-35East) southbound frontage road and approximately 1,000 feet north of the LBJ Freeway (I-635) westbound frontage road.

Andy Gillies, Planning & Zoning Director presented specifics of the zoning request. Applicant Henry Billingsley also made a presentation regarding the creation of a proposed new planned development, which would allow construction of a business park. R.L. Lemke, representing T. Sorrento Incorporated spoke in opposition of the proposed rezoning. Mayor Glancy opened the public hearing.

The following individuals spoke at the public hearing in opposition of the zoning request:

*Vernon Smith
Ed French
Tamara Clayhorn
Tom Knowlette
John Wells
Craig Murphy
Rick Johnson
Tom Bohmier
Clay Russell
Randall Brooks
Steve Morrison
David Koch*

The following individuals spoke at the public hearing in favor of the zoning request:

*Dave Blair
Charles McClure
Carol Dingman
Elaine Lutrell
Judy Byrd*

Mayor Glancy closed the public hearing.

A motion was made by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, that this Ordinance be adopted. The motion carried by the following vote:

Nay: 1 - Council Member Froehlich

Aye: 4 - Mayor Pro Tem Fuller, Deputy Mayor Pro Tem Connally, Council Member Robinson and Council Member Reyes

I. REGULAR AGENDA ITEMS

- I.1 Consider approving Resolution No. 2013-039 authorizing the City Manager to negotiate and execute an Interlocal Agreement with the Town of Addison, City of Carrollton and City of Coppell to provide for the Cities' cost participation in the additional services to be provided by RCC Consultants, Inc. (RCC) with respect to project management of the Harris Contract, with the cost participation for the City of Farmers Branch to not exceed the lesser of 25% of the costs for RCC's services invoiced to the Town of Addison or \$70,000.00 and take appropriate action.**

A motion was made by Mayor Pro Tem Fuller, seconded by Deputy Mayor Pro Tem Connally, that this Resolution be approved. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tem Fuller, Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich and Council Member Reyes

I.2

Request by Sima Cheregosha for a traffic signal to be placed at the intersection of Josey Lane and Wintergreen Road/Cooks Creek Place.

Sima Cheregosha requested a solid median be placed along Josey Lane at the intersection of Wintergreen Road/Cooks Creek Place. Staff Administration will work with the City of Carrollton to seek a solution.

The Mayor announces that the items of the agenda for the Regular Session have been concluded. After a short recess, the meeting will convene for items in the Executive Session. The meeting will then reconvene into open Regular Session after the items have been discussed in the Executive Session to consider any necessary action.

Mayor Glancy read the Agenda for items J.1(a-b) and J.3 on the Executive Session.

J. EXECUTIVE SESSION

The City Council convened into Executive Session at 9:50 p.m. Council Member Reyes submitted an Affidavit and recused herself from the discussion and vote for Agenda Item J.1(b).

J.1

Consultation with City Attorney regarding pending litigation - Texas Government Code Section 551.071:

(a)Discuss pending litigation styled City of Lewisville v. City of Farmers Branch, et. Al., Civil Action No. 4:12-cv-00782 in the U.S. District Court (E.D. Texas - Sherman Division).

(b)Discuss pending litigation relating to Fabela, et. al v. City of Farmers Branch, et. al., Civil Action No. 3:10-CV-1425-D in the US Dist Ct. for the Northern District of Texas (Dallas Division).

J.3

Discuss land acquisitions - Texas Government Code Section 551.072:

Discuss purchase, sale, exchange, lease, or value of real property in the following area - for the area generally bounded by the Dallas North Tollway, Valwood Parkway and Belt Line Road, I-635 and President George Bush Tollway.

The City Council concluded Executive Session at 10:10 p.m. and took a short recess.

K. THE CITY COUNCIL RECONVENES INTO OPEN SESSION
Consider necessary action on items discussed in the Executive Session.

The City Council reconvened into open session at 10:16 p.m.

The following motion was made relating to Agenda Item J.2(a):

Motion by Mayor Pro Tem Fuller, seconded by Council Member Robinson, to authorize the City Manager to negotiate and execute on behalf of the City an agreement for additional seating at the Dr. Pepper Stars Center located at 12700 North Stemmons Freeway, Farmers Branch, Texas 75234 in the amount up to \$150,000 from the hotel occupancy tax fund provided a sports franchise team relocates to the Center. The motion passed unanimously.

The following motion was made relating to Agenda Item J.2(b):

Motion by Deputy Mayor Pro Tem Connally, seconded by Mayor Pro Tem Fuller, to modify the incentive package for Olmsted Paper to provide an economic development grant in the amount of \$100,000 provided the company leases for at least 11 years approximately 190,000 square feet of space at 1601 Valley View Lane, Farmers Branch, Texas and locates and maintains business personal property with a taxable value of at least \$4,000,000 at the leased premises. The motion passed with all ayes.

The following motion was made relating to Agenda Item J.3:

Motion by Council Member Reyes, seconded by Deputy Mayor Pro Tem Connally, to authorize the City Manager to negotiate and execute on behalf of the City a non-binding letter of intent with Western Securities for the sale and purchase of certain properties within the Mustang Crossing development area. The motion passed with all ayes.

The following motions were made relating to Agenda Item J.2(d):

Motion by Council Member Froehlich, seconded by Council Member Robinson, to authorize the City Manager to negotiate and execute on behalf of the City an economic development incentive agreement, and any instruments related thereto, for Project Powder Dry to provide a cash incentive grant of \$250,000 to be paid within 30 days after the date the City issues a certificate of occupancy at 13800 Diplomat Drive, Farmers Branch, Texas and an annual sales tax grant of \$100,000 for five consecutive years provided Project Powder Dry leases and occupies the property for at least 10 years and maintains at least \$40,000,000 in the sale of taxable items in the City. The motion passed with all ayes.

Motion by Council Member Froehlich, seconded by Deputy Mayor Pro Tem Connally, to authorize the City Manager to negotiate and execute on behalf of the City an agreement to guarantee rent to owner of 13800 Diplomat Drive up to \$400,000 upon the first twelve months following a certificate of occupancy for the tenant, Project Powder Dry, provided Project Powder Dry leases up to 225,000 square feet for 10 years at 13800 Diplomat Drive and the building owner constructs a parking garage adding a minimum of 400 spaces. The motion passed with all ayes.

The following motion was made relating to Agenda Item J.2(c):

Motion by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, to authorize the City Manager to negotiate and execute on behalf of the City an economic development incentive agreement, and any instruments related thereto, for US Foods, for a cash incentive grant not to exceed \$50,000 to be paid within 30 days after the date the City issues a certificate of occupancy for the company occupancy of 45,000 square feet of space at 4240 Alpha Road, Farmers Branch, Texas provided the company leases and occupies the property for at least 10 years and maintains tangible personal property at the leased premises with a taxable value of at least \$1,000,000. The motion passed with all ayes.

The following motion was made relating to Agenda Item J.1(b):

Council Member Reyes submitted an Affidavit and recused herself from the

discussion and vote for this item. Motion by Council Member Robinson, seconded by Council Member Froehlich, that the City Manager be authorized to sign on behalf of the City and all other defendants that certain Settlement Agreement and Mutual Release related to the lawsuit styled Fabela et al. v. City of Farmers Branch et al., Civil Action No. 3:10-CV-1425-D in the United States District Court for the Northern District of Texas, Dallas Division presented for consideration by the City Council at this meeting and to take such further action as necessary to perform the defendants' obligations set forth in said agreement including, but not limited to, making all required payments and directing the dismissal with prejudice of the appeal of the trial court's final judgment pending in the U.S. Court of Appeals for the Fifth Circuit. The motion passed with all ayes.

No action was taken on Agenda Item J.1(a).

L. ADJOURNMENT

A motion was made by Deputy Mayor Pro Tem Connally, seconded by Mayor Pro Tem Fuller, that this meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Mayor Pro Tem Fuller, Deputy Mayor Pro Tem Connally, Council Member Robinson, Council Member Froehlich and Council Member Reyes

The meeting adjourned at 10:23 p.m.

William P. Glancy, Mayor

ATTEST:

Angela Kelly, City Secretary