



# City of Farmers Branch

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

## Meeting Minutes - Final City Council

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Tuesday, March 18, 2014

6:30 PM

Council Chambers

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

#### A. STUDY SESSION

Mayor Glancy called the Study Session Meeting to order at 4:03 p.m.

**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:** 16 - Gary D. Greer City Manager, Peter G. Smith City Attorney, John Land Managing Director - Operations, Angela Kelly City Secretary, Rachael Johnson Assistant to the City Manager, Tom Bryson Communications Director, Brian Beasley Human Resources Director, Sidney Fuller Police Chief, Andy Gillies Director of Planning, Jeff Harting Parks & Recreation Director, Kevin Muenchow Director of Facilities & Fleet, Jim Olk Community Services Director, Steve Parker Fire Chief, Randy Walhood Public Works Director, Mark Samuels Information Services Director and Allison Cook Economic Development Manager

#### A.1 **Discuss regular City Council meeting agenda items.**

I.2 - Mayor Pro Tem Fuller asked about the reach on the proposed excavator. Kevin Muenchow, Director of Fleet & Facilities reported the reach is 27 feet. Gary D. Greer, City Manager, asked Kevin Muenchow, Director of Fleet & Facilities, to look into the possibility of adding a longer boom unit in the future.

I.3 - Council Member Robinson asked for clarification on the proposed ordinance. City Attorney Pete Smith provided background information.

I.6 - Council Member Robinson voiced concern about using funds in the Non-Bond CIP Utility Fund to cover the overage for the Aquatics Center.

G.4 - Council Member Reyes asked if we only received one (1) bid for the equipment purchases. Mr. Muenchow explained the purchases are from a purchasing cooperative.

#### A.2 **Receive an update on the Sister City Program.**

Rachael Johnson, Assistant to the City Manager, gave a brief history on the Sister City Program, an update on recent communication with the delegation in Garbsen and possible plans for the future.

Mayor Glancy read the agenda items J.1, J.2, and J.3 for Executive Session.

The Study Session Meeting ended at 4:45 p.m.

**J. EXECUTIVE SESSION**

The City Council convened into Executive Session at 4:49 p.m.

**J.1                    Discuss economic development incentives - Texas Government Code Section 551.087:**

**Consider incentives for the retention and expansion of a high tech manufacturer.**

**J.2                    Discuss land acquisitions - Texas Government Code Section 551.072:**

**Discuss purchase, exchange, sale, lease, or value of real property in the area generally bounded by Dennis Lane, Valwood Parkway, I-635 and Webb Chapel.**

**J.3                    Discuss pending and contemplated litigation - Texas Government Code Section 551.071:**

**Consultation with City Attorney regarding US Supreme Court Case No. 13-516 City of Farmers Branch v. Villas at Parkside, Et Al (Villas at Parkside Partners doing business as Villas at Parkside, et. al. v. City of Farmers Branch, Texas, and Valentin Reyes, et. al. v. City of Farmers Branch, Texas, Case No. 10-10751 United States Court of Appeals for the 5th Circuit.)**

The City Council concluded Executive Session at 5:33 p.m.

**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 5:34 p.m.

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

Having received the report of the Chief Building Official, a motion by Council Member Froehlich, seconded by Council Member Robinson, that the building at 2965 Eric Lane, Farmers Branch, Texas, be declared a dangerous structure and that the City Manager be authorized to purchase directly or through an authorized representative Lot 6, Block 3, Valley View Estate No. 2, an addition to the City of Farmers Branch, Dallas County, Texas, more commonly known as 2965 Eric Lane, for a purchase price not to exceed \$115,000 plus standard closing, acquisition, and demolition costs and to sign such other agreements, documents, and any amendments thereto, as the City Manager, in consultation with the City Attorney, deems reasonable and necessary with respect to the closing of said transaction. The motion passed unanimously.

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

Motion by Council Member Reyes, seconded by Deputy Mayor Pro Tem Connally, that the City Manager be authorized to negotiate and sign contracts and such other documents that are reasonable and necessary to purchase from the Farmers Branch Local Government Corporation and sell to Vincent A. Shott and wife the property

described as Lot 10, Block 4, Valley View Addition No. 5, City of Farmers Branch, Texas, more commonly known as 2636 Mount View, for a purchase and sales price of not less than \$75,000, with the resale of said property to be subject to a restriction agreement requiring construction of a single family residence of not less than 2,700 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 \$400,000. The motion passed unanimously.

The following motion was made relating to Agenda Item J.1:  
Motion by Deputy Mayor Pro Tem Connally, seconded by Council Member Froehlich, authorizing the City Manager to negotiate and execute an economic development agreement with Data Center Systems to provide: annual property tax grant for 7 years equal to 50% of the property taxes for a new building containing approximately 40,000 square feet to be constructed by the Company on the lot adjacent to the existing company facilities located at 1881 Valley View, and an annual sales tax grant for 7 years equal to 50% of the sales tax generated by the company in excess of \$300,000 which is conditioned on the city abandoning right-of-way that bifurcates the adjoining lot. The motion passed unanimously.

No action was taken on Agenda Item J.3.

## **B. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Glancy called the Regular Session Meeting to order at 6:30 p.m.

Council Member Robinson gave the Invocation and Mayor Pro Tem Fuller led the Pledge of Allegiance.

## **C. CEREMONIAL ITEMS**

### **C.1 Presentation of a proclamation to raise awareness for the fight against domestic violence.**

Mayor Glancy presented a proclamation to Ralph Valdez, General Manager of Planet Fitness.

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

A motion was made by Council Member Robinson, seconded by Deputy Mayor Pro Tem Connally, appointing the following:

**Stephanie Cervantes - Family Advisory Board (Adult Vacancy)**

**George Neil Thomas - Senior Advisory Board (Alternate)**

**Gary D. Greer and Michael Fitzpatrick - Valwood Improvement Authority**

**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

## **D. REPORT ON STUDY SESSION ITEMS**

Mayor Pro Tem Connally reported on the following:  
Sister City Program Update - City Administration gave a brief history on the Sister City Program, an update on recent communications with the delegation in Garbsen, and plans for the future.

**E. ITEMS OF COMMUNITY INTEREST**

Councilmember Reyes reported there was a public meeting held where Police Chief Sid Fuller addressed speeding concerns on Valwood Parkway. There will be a follow up meeting held on March 31 at 6:00 p.m. at the Recreation Center.

Topics presented for the City Manager's Report included:

Nature Walk - to be held at the John F. Burke Nature Preserve on Thursday, March 27 beginning at 9:00 a.m. with Dallas County Master Naturalist Jim Varnum; the event is free and open to the public

Encounters from the Past - this is an interactive tour of historic Keenan Cemetery; usually held in the Spring, but will now be held in the Fall; stay tuned for more details

CityWide CleanUp Day - to be held on Saturday, April 12 from 9:00 a.m. to noon at Oran Good Park; no cost for Farmers Branch residents with residential items; will include electronics recycling, document shredding, medication disposal; special this year will be household chemical collection by Dallas County

Date Night - to be held on Saturday, April 12 at the Farmers Branch Historical Park; gates open at 6:30 p.m.; music from "Prophets & Outlaws" at 7:00 p.m.; food trucks will be onsite; outdoor movie "Delivery Man" begins at dusk; free and open to the public

Free Tax Help - AARP trained volunteers are available on Tuesdays from 10:00 a.m. until 2:00 p.m. at the Senior Center and from 1:00 p.m. until 7:00 p.m. at the Manske Library through April 15

Congratulations to Allison Cook, Economic Development Manager, on being named a "Rising Star" by the Metrocrest Chamber of Commerce at their annual awards banquet held recently.

**F. CITIZEN COMMENTS**

The following people spoke regarding the aquatic center:

Johanna Low - 2964 Mark Twain Drive

Elisa Low - 2964 Mark Train Drive

Michael Adams - 2977 Primrose Lane

**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 Consent Agenda Items G.1 through G.4. 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 March 3, 2014 and take appropriate action.**

**The Minutes were approved.**

- G.2** Consider approving Resolution No. 2014-022 authorizing the City Manager to execute a new interlocal cooperative contract with Dallas County to provide consolidated tax collection services for the City and take appropriate action.

This Resolution was approved.

- G.3** Consider approving Resolution No. 2014-024 awarding unit price bids for the annual purchase of chemicals and fertilizers for the Parks and Recreation Department; and take appropriate action.

This Resolution was approved.

- G.4** Consider approving Resolution No. 2014-026 authorizing the City Manager to approve the purchase of one (1) replacement mobile hydraulic hammer for the Public Works Utilities Division in the total amount of \$106,000 from Associated Supply Company through the Houston-Galveston Area Cooperative, providing an effective date, and take appropriate action.

This Resolution was approved.

## **H. PUBLIC HEARINGS**

There were no Public Hearing items on the agenda.

## **I. REGULAR AGENDA ITEMS**

- I.1** Consider approving Resolution No. 2014-027 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the residence located at 2968 Primrose and take appropriate action.

Allison Cook, Economic Development Manager, presented background information regarding the project at 2968 Primrose.

**A motion was made by Deputy Mayor Pro Tem Connally, seconded by Council Member Reyes, 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** Consider adopting Resolution No. 2014-025 authorizing the City Manager to approve the purchase of one (1) replacement Gradall Excavator for the Public Works Streets Division in the total amount of \$333,447 from Kirby-Smith Machinery through the Buy Board Purchasing Cooperative, providing an effective date, and take appropriate action.

**A motion was made by Mayor Pro Tem Fuller, seconded by Council Member**

Froehlich, 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.3

**Consider adopting an Ordinance No. 3272 amending in its entirety Chapter 46 of the Code of Ordinances, Miscellaneous Offenses," Section 46-1 "Firearms and Facsimile Firearms Regulated; Defenses" relating to the prohibition of the discharge of firearms or air guns within the City except at sport shooting ranges, prohibiting the carrying of firearms in public parks, at public meetings, of government bodies, political rallies, parades, official political meetings, and non-firearm-related school, college and professional athletic events with exception; and prohibiting display or brandishing of facsimile firearms within the city under certain circumstances; establishing certain defenses to such offenses; and take appropriate action.**

Police Chief Sid Fuller reported the proposed ordinance would eliminate any conflict with state law.

**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:**

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

### I.4

**Consider adopting Ordinance No. 3273 amending Chapter 46, "Miscellaneous Offenses" of the Code of Ordinances, by adding Article V, "Sale and Merchandising of Electronic Cigarettes and Liquid Nicotine to Minors", adding Sections 46-70 through 46-73; and take appropriate action.**

Police Chief Sid Fuller reported the proposed ordinance will provide a ban on the sale of e-cigarettes and liquid nicotine to persons under the age of 18 and the prohibition of the possession of such products by minors.

**A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Fuller, that this Ordinance be adopted. 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.5

**Consider adopting Ordinance No. 3274 amending Chapter 82 of the Code of Ordinances, by amending Article II "Operation of Vehicles", by adding Section 82-22 "Use of Wireless Communication Devices While Driving", and take appropriate action.**

Police Chief Sid Fuller reported this ordinance prohibits the operator of a motor vehicle from using a handheld wireless communication device while driving; including reading, writing, or sending text messages, e-mail, posting or reading

communications or messages on social media, use of the internet, or the use of any smart phone application except GPS navigation with voice activated directions.

**A motion was made by Council Member Reyes, seconded by Council Member Froehlich, that this Ordinance be adopted. 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.6**

**Consider approving Resolution No. 2014-015 awarding bids and authorizing the City Manager to execute contracts for various trades and work related to the construction of the new Aquatics Center and take appropriate action.**

Jeff Harting, Parks and Recreation Department Director, presented background information on the project, including project costs. He reported funds to cover the overage are available in the Non-Bond CIP Utility Fund.

The following people spoke:

Aimee Smith (2905 Eric Lane)

Melanie Willhite (4013 Kerr Circle)

Natashia Moser (2972 Primrose)

John Wells (13521 Heartside)

Council Member Robinson voiced his concern over taking money from another project to fund the Aquatic Center.

**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:**

**Nay:** 1 - Council Member Robinson

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

**I.7**

**Consider approving Resolution No. 2014-019 authorizing the City Manager to execute a change order to the professional services contract with Gallagher Construction Services in the amount of \$148,000 for construction manager services relating to completion of the Aquatics Center project and take appropriate action.**

Mr. Harting reported the need for a six (6) month extension to the existing eighteen (18) month contract due to the current projections, making the contract in effect for twenty-four (24) months.

**A motion was made by Council Member Reyes, seconded by Council Member Froehlich, 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.8**

**Consider approving Resolution No. 2014-023 authorizing payment of a portion of seasonal pool memberships for City of Farmers**

**Branch residents to use the City of Carrollton public pool for the 2014 outdoor swimming season and take appropriate action.**

Mr. Harting reported on the program criteria establishing a seasonal pool membership with the City of Carrollton public pool for the 2014 outdoor swim season. Mayor Pro Tem Fuller requested the employees of CFBISD and employees of Farmers Branch private schools be charged the resident rate.

**A motion was made by Deputy Mayor Pro Tem Connally, seconded by Mayor Pro Tem Fuller, 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

**L. ADJOURNMENT**

**A motion was made by Council Member Froehlich, 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 7:34 p.m.

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William P. Glancy, Mayor

ATTEST:

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Angela Kelly, City Secretary