



# City of Farmers Branch

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

## Meeting Minutes

### City Council

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Tuesday, June 18, 2019

6:00 PM

Council Chambers

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**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, Assistant City Manager Ben Williamson, City Secretary Amy Piukana, City Attorney Peter G. Smith, Director of Economic Development Allison Cook, Director of Human Resources Brian Beasley, Director of Library Denise Wallace, Building Official Hugh Pender, Director of Fleet & Facilities Kevin Muenchow, Director of Public Works Marc Bentley, Director of Information Services Mark Samuels, Director of Sustainability & Health Shane Davis, Fire Chief Steve Parker, Director of Planning & Zoning Tina M. Firgens, Director of Communications Tom Bryson and Police Chief David Hale

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

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

##### **A.1 19-269**

##### **Discuss regular City Council meeting agenda items**

Council Member Blackson asked for clarification on Agenda Item I.1, Ordinance No. 3573 in regards to traffic flow. He expressed concerns with 18-wheeler trucks entering westbound onto Valley View. He also requested more discussion on the developer's contribution for Keenan Bridge Road and storage location information on Agenda Item I.2 (SUP Office/Warehouse).

He asked for more discussion on Agenda Item I.2, Ordinance No. 3574 (SUP Office/Warehouse) in regards to storage and locations.

Ms. Firgens explained materials are currently being stored at this location, she noted there are two different designated outdoor storage areas. She explained the City would be required to enforce truck turns at this location or signage could be added. She cautioned this could be an issue for Fire access.

##### **A.2 19-265**

##### **Receive Parks and Recreation Board Tri-Annual Report**

Parks and Recreation Chair Jan Wooldridge provided a triannual report for the Parks and Recreation Board.

Council Member Bomgardner thanked the Parks and Recreation Board for adjusting to all the City Council changes.

**A.3 19-291****Discuss proposed changes to the CADG Mercer Crossing Holdings LLC development agreement including development performance obligations**

Director of Planning and Zoning Tina Firgens introduced Developer Merhddad Moayed with Centurion American who is requesting to modify the development agreement in order to delay certain development performance obligations to be completed before issuance of the 451st and 600th single-family residential permits instead of before the 301st permit issuance, as well as not construct a full service hotel on the Boardwalk tract (south of LBJ Freeway) nor the 25,000 square feet of retail/restaurant uses at the southeast corner of Valley View Lane and Luna Road.

Mr. Moayed provided a presentation to the City Council and reviewed the following potential concepts, which included restaurants with over 13,072 square feet.

Council Member Bomgardner asked if lighting with a fountain feature would be included and a trail connection or bridge for access.

Mr. Moayed explained he plans to add a lighted fountain to the lake area to help make it a destination area.

After discussion, City Council recommended the lake depth be a minimum 4-foot, with aeration and a lighted fountain and trail easement provided to the City.

**A.4 19-264****Discuss the Smart City Pilot Project**

Assistant City Manager Ben Williamson briefed City Council regarding the Smart City Pilot project.

The City Council discussed program cost, design, pole ownership, co-location, partnership, LED lighting and replacement costs.

Mr. Williamson explained the cost of the project to date is \$49,882 with only removal of the NEPSA poles remaining. He noted the project would be completed under the \$65,000 not to exceed amount approved by City Council.

**A.5 19-274****Discuss the City's fence ordinance as it relates to subdivision fences**

Director of Community Services Hugh Pender briefed City Council regarding this item. Mr. Pender explained Valley View Park HOA has approached the City regarding several areas that the current subdivision fence does not provide appropriate privacy, protection barrier, noise reduction and glare issues. He explained the HOA has approved a standard design to address these unique situations on a property-by-property basis, however the City's current fence ordinance will not permit these items to be installed. Creating the concept of a secondary subdivision fence definition and associated regulations has been proposed.

Council Member Blackson stated he is opposed to amending the fencing ordinance.

Deputy Mayor Pro Tem Lynne explained not all screening walls provide adequate privacy.

Council Member Bomgardner suggested residents add more landscaping and trees to help with additional screening to an existing wall.

Resident Mr. Gonzales (Landscape Architect) spoke regarding wall height, noting on the Marsh side the road goes above the top of the wall, the wall has erosion issues, and homeowners have visible traffic and lights.

Resident Ms. Silver spoke expressing concerns with the safety of screening walls around her home. She asked City Council to consider allowing her to have an 8 ft. screening wall.

Resident Chuck Zubarik spoke stating he resides in Valley View Park Estates and does not support extending height of screening wall fences and feels this could devalue property values.

Mayor Dye requested to table this discussion to the next City Council meeting to allow more time to evaluate.

**A.6 19-275 Discuss changes to the permit fee structure due to recent action of the State Legislature**

Director of Community Services Hugh Pender briefed City Council regarding this item. Mr. Pender explained the City has established and continuously used a value of construction-based permit fee structure in excess of twenty years. He explained on May 21st of this year the 86th State Legislature passed H.B. 852 which went into effect immediately without a grace period. He further stated H.B. 852 refers only to residential dwellings and now prohibits City's from asking for, (1) the value of the dwelling and/or (2) the cost of construction for the purpose of determining a permit or inspection fee. Mr. Pender explained the following is staff's proposal:

- New residential construction = \$1.20/sf
- Remodel/renovated construction = \$0.60/sf
- New MEP associated with residential construction = \$0.15/sf
- Remodel/renovated MEP associated with residential construction = \$0.10/sf

The City Council discussed demo rebuild discounts on permits, recouping costs and legislative challenges.

**A.7 19-284 Receive a report on Legislative Updates**

City Manager Charles Cox provided a legislative update.

**A.8 19-270 Discuss agenda items for future City Council meetings**

Council Member Retana requested a future agenda item to review the status of the new permit fee structure and to identify where permits are coming from and the costs.

Council Member Bomgardner requested an update on closed executive meetings in regards to confidential information and disclosure consequences.

Council Member Blackson requested the July 16, 2019 City Council meeting be moved to July 23, 2019. The City Council agreed unanimously to move the meeting to July 23, 2019.

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

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

**C. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Dye led the pledge of allegiance and pledge to the Texas Flag.

**D. CEREMONIAL ITEMS**

- D.1 19-242 Recognition of Linda Gaucin for 15 years of dedicated service to the City of Farmers Branch**  
Mayor Dye recognized Linda Gaucin for 15 years of service to the City of Farmers Branch.
- D.2 19-280 Recognition of Ben Solis for 15 years of dedicated service to the City of Farmers Branch**  
Mayor Dye recognized Ben Solis for 15 years of service to the City of Farmers Branch.
- D.3 19-281 Recognition of Jose Torres for 15 years of dedicated service to the City of Farmers Branch**  
Mayor Dye recognized Jose Torres for 15 years of service to the City of Farmers Branch.
- D.4 19-286 Recognition of Jose Ramirez for 15 years of dedicated service to the City of Farmers Branch**  
Mayor Dye recognized Jose Ramirez for 15 years of service to the City of Farmers Branch.
- D.5 19-272 Presentation honoring Jeff Harting for 34 years of dedicated service to the City of Farmers Branch**  
Mayor Dye recognized Director of Parks and Recreation Jeff Harting for 34 years of service to the City of Farmers Branch and wished him well on his retirement.
- D.6 19-232 Presentation of the Farmers Branch Fire Department's 2019 Fire & Life Safety Excellence Award**  
Fire Chief Steve Parker presented the 2019 Life and Safety Excellence Award to Freddie Arthur in his commitment for the protection of life and property and providing a safe work environment at Centura Tower.
- D.7 19-289 Recognition of the Vivian Field Soccer Team for winning the 2019 District Championship**  
Mayor Dye recognized Vivian Field's 8th grade soccer teams with the Mayor's Certificate of Excellence. The following students received recognition: (Boys) Arzola, Roberto; Badillo-Castillo, Cristofer; Cardova, Rommel; Castano, Javier; Castro, Alejandro; Flores, Javier; Guerrero, Joseph; Jimenez, Diego; Jimenez, Kevin; Luna, Andrew; Mejia, Anthony; Melchor, Jesus; Orellana, David; Orellana, Kevin; Ortiz, Giovanni; Ortiz, Jeffrey; Ortiz, Joshua; Pacheco, Justin; Perez, Emilio; Poloma, Kevin; Ramirez, Alex; Reyes, Sergio; Rivera, Herman; Toledo, Axel; Villarreal, Aaron; and (Girls) Delgado, Nayeli; Devore, Kylee; Escher, Naheed; Hall, Justice; Hernandez, Vanessa; Jones, Janis; Maldonado, Alexis; Maradiaga, Ellsee; Martinez, Elena; Marrier, Sianna; Olguin, Natalia; Perez, Ashley; Perez, Jennifer; Pruneda, Andrea; Puga, Juana; Ramirez, Destiny; Serrano, Crystal; Stepaniak, Catherine; Taylor, Sayer; Velasquez, Alexa; Veliz, Ximena; and Zavala, Camila

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**E. REPORT ON STUDY SESSION ITEMS**

Mayor Pro Tem Norwood provided a report on Study Session items.

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

Mayor Dye and City Manager Charles Cox provided a report on items of community interest.

**G. CITIZEN COMMENTS**

Resident Jose Perez spoke expressing concerns with the recent Police shooting.

**H. CONSENT AGENDA**

**H.1 19-273** Consider approving minutes from the June 4, 2019 and June 12, 2019 City Council meeting(s); and take appropriate action

**H.2 R2019-79** Consider approving Resolution No. 2019-79 awarding unit price bids for the annual purchase of chemicals and fertilizers for the Parks and Recreation Department; and take appropriate action

**H.3 ORD-3576** Consider adopting Ordinance No. 3576 amending Chapter 22 Buildings and Building regulations, Article II, Section 22-54 Final Calculation and Payment of Required Construction Costs and Fees by amending the calculation of residential building permit fees; and take appropriate action

**H.4 ORD-3577** Consider adopting Ordinance No. 3577 amending Appendix A, Fee Schedule by amending Chapter 22 Buildings and Building Regulations, Article II, Section 22-51, 22-52, and 22-58; and take appropriate action

Motion made by Deputy Mayor Pro Tem Lynne to approve Consent Items H. 1 through H.4, as presented. Motion seconded by Council Member Blackson. Motion approved unanimously.

**I. PUBLIC HEARINGS**

**I.1 ORD-3573** Conduct a public hearing and consider adopting Ordinance No. 3573 for a Specific Use Permit and associated Detailed Site Plan with Special Exceptions for an office/warehouse building on an approximately 8.4-acre tract located on the north side of Valley View Lane and on the south side of Keenan Bridge Road, approximately 500 feet east of Luna Road; and take appropriate action

Director of Development Tina Firgens briefed City Council regarding this item. Ms. Firgens explained the applicant is proposing to construct a warehouse with the following Special Exceptions:

***Special Exception #1 - II.B.5 - Parking***

The office area is required to have a minimum of 16 parking spaces and the warehouse is required a minimum of 155 parking spaces, with a minimum total of 171 spaces. The applicant is seeking approval of 168 parking spaces. She explained Three parking spaces are 1.7% of the total 171 parking spaces required. Additionally, the applicant would likely have to remove additional trees and encroach the required parking setback in order to accommodate the three spaces.

***Special Exception #2 - II.E. Street Types - West Side: Edge Two Streets***

The applicant is proposing to continue a 5-foot sidewalk from the existing sidewalk to the west and have all street trees located behind the sidewalk. The property to the west is developed and is located in Planned Development District No. 77 (PD-77), which does not require a similar street design as required by PD-88 for this property. Additionally, the subject property has a large quantity of existing and mature Bald Cypress trees, which are proposed to be preserved along Valley View Lane to allow for the intent of the street tree design to remain.

***Special Exception #3 - III.C. - Building Envelope Standards for Workplace Sites***

The PD-88 zoning requires properties within in the Commerce District and with frontage along Valley View Lane to comply with the Building Envelope Standards prescribed by the code only to a lot depth of 100 feet. The portions of the property beyond the 100 foot depth threshold are required to comply with the development standards set forth in the Comprehensive Zoning Ordinance (CZO) for the Light Industrial (LI) zoning district. The Building Envelope Standards in PD-88 include requirements for building height, siting, architectural elements and use. The applicant is seeking approval of a special exception to the Building Envelope Standards in order to allow for the site layout as shown with a building setback approximately 80 to 173 feet, instead of the 5-foot required building line measured from the right-of-way line. Allowing the 80-foot plus building setback permits the applicant to preserve a number of the existing trees along Valley View Lane. Staff believes that the requested special exception is appropriate.

***Special Exception #4 V.C. Roofs and Parapets***

PD 88 zoning requires parapet roofs that are clearly visible from the street space have a cornice projecting horizontally between 6 and 12 inches beyond the building wall. The applicant is seeking approval of a special exception in order to allow the proposed building to be constructed with a traditional parapet roof with no cornice. Staff believes that the requested special exception is appropriate due to the use and corresponding building design that is proposed.

***Special Exception #5 - V.E. - Windows and Doors***

PD-88 zoning requires that openings/windows visible from the street-space, in this case Valley View Lane, not have a horizontal dimension that exceeds the vertical dimension. The applicant is seeking approval of a special exception to allow for the horizontal dimension of an opening to exceed the vertical dimension. Staff believes that the requested special exception is appropriate due to the use and corresponding building design that is proposed.

The City Council discussed space, screening and escrow funds for Keenan Bridge Road.

Council Member Blackson expressed concerns with the turn lane (curb cut) and traffic flow.

Mr. Ed Kepplen representing the Developer provided a presentation to the City Council.

Mayor Dye opened the public hearing. There was no one present to speak.

Mayor Dye made a motion to close the public hearing. Motion seconded by Mayor Pro Tem Norwood. The motion approved unanimously.

Deputy Mayor Pro Tem Lynne made a motion to approve Ordinance No. 3573, as presented. Motion seconded by Mayor Pro Tem Norwood. Motion failed by vote of 3-2 (*Council Member Blackson, Retana, and Bomgardner voting against.*)

Council Member Blackson requested the Developer remove the curb cut.

After discussion, Deputy Mayor Pro Tem Lynne made a motion to approve Ordinance No. 3573, as presented. Motion seconded by Mayor Pro Tem Norwood. Motion approved by vote of 4-1, (*Council Member Blackson voting against.*)

**I.2 ORD-3574     Conduct a public hearing and consider adopting Ordinance No. 3574 for a Specific Use Permit and associated Detailed Site Plan for outdoor storage on a 6.9-acre lot located at 2020 Valley View Lane; and take appropriate action**

Lead Planner Jenifer Paz briefed City Council regarding this item. Ms. Paz explained the applicant is proposing two outdoor storage areas totaling 19,985 square feet, which will store granite slabs and other similar products. She explained the proposed outdoor storage to the south of the site is 16,137 SF that will require the removal of 53 existing parking spaces. The outdoor storage area would be screened by an 8-foot tall masonry CMU wall, to match the existing building exterior color. Two 20-foot wide metal gates are proposed along the north side of the wall to allow for access into the enclosed outdoor storage area. The wall setback would be approximately 50 feet from the eastern property line that has frontage to Senlac Drive, and approximately 176 feet from the western property line fronting Hutton Drive.

Applicant Peng Dang was present to answer any questions.

After discussion, Mayor Dye opened the public hearing. There were no citizens that wished to speak.

Council Member Blackson made a motion to close the Public Hearing and adopt Ordinance No. 3574, as presented. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

**I.3 19 PL-04     Conduct a public hearing and consider a request from Valwood Industrial Holdings, LLC. for the final plat approval of Senlac Industrial Addition, Lot 1, Block A located at 13330 Senlac Drive; and take appropriate action**

Director of Planning and Zoning Tina Figgins briefed City Council regarding this item. Ms. Figgins explained the proposed final plat of Senlac Industrial Addition, will replat Lot 2, Third Revised Lasting Products Addition to create a single lot known as Lot 1, Block A and dedicate easements necessary for the development of the lot. This plat is consistent with the approved detailed site plan.

Mayor Dye opened the public hearing. There were no citizens that wished to speak. Mayor Pro Tem Norwood made a motion to close the public hearing and approve the final plat, as presented. Motion seconded by Council Member Retana. Motion approved unanimously.

**J. REGULAR AGENDA ITEMS****J.1 19-268 Discussion of improvements and maintenance related to Farmers Branch creeks; and take appropriate action**

Mayor Dye took a five-minute recess at 8:31 p.m. announcing Mayor Pro Tem Norwood has recused himself from discussion of the Farmers Branch Creek item due to a conflict of interest.

Mayor Dye called the meeting back to order at 8:39 p.m.

The following residents wished to speak:

- Anthony Lewis spoke expressing concerns of the stabilization to the Farmers Branch Creek banks, bag walls and safety concerns.
- Dan Heard spoke expressing concerns regarding creek stabilization, safety concerns, erosion, flooding, property damage and requested the dams be replaced.
- Resident Gail Cope spoke expressing concerns with Farmers Branch Creek in regards to flooding, aesthetics, erosion, rift raft, dam failure, and the sewer line location. She suggested City Council think outside the box and include hike bike trails.
- Pamela Gamble spoke expressing concerns with Farmers Branch Creek flooding, retaining wall failure, and retaining wall failure. Arla Rosenthal spoke expressing concerns of Farmers Branch Creek damage, safety, tree debris, flooding and erosion.
- Ross Bumpass spoke expressing concerns with creek erosion, flooding, drainage and runoff from upstream. He suggested the City create a drainage plan.
- Tina Bennett Burton expressed concerns with safety, concrete dam failure, trees falling, erosion and property loss. She suggested since the City owns a portion of the creek they should be liable for repairs.
- Ed Bonneau expressed concerns with erosion, flooding and requested the City assist with funding to make repairs. He thanked City Staff for their assistance with emergency repairs to the creek.
- Rick Johnson explained this is private property and questioned how the City could fund. He suggested relocating sewer lines and a solution for the entire creek. He explained reduction of water flow is key.

Council Member Retana suggested the City move forward to obtain a citywide drainage plan and obtain a second opinion.

Council Member Bomgardner recommended hiring a consultant to review and provide feedback. He explained development over the past 50 years has affected Farmers Branch Creek. He explained in the past, the City did not have a drainage plan in place.

City Manager Charles Cox explained Freese and Nichols provided a comprehensive plan a year ago which provided 21 recommendations. He further stated the Council reviewed these items at a retreat and implemented a two-year plan to remediate. He explained with the excessive rainfall in the metroplex and multiple dam failures, properties have been impacted severely. He stated we need to review steps to assist with emergency needs. He explained at the last Council meeting staff provided three options with a timetable.



Mayor Dye explained the City has been dealing with Farmers Branch Creek issues for over two years. He explained the City needs a drainage plan, conversations with Addison about the issue and recommended ear marking \$6 million dollars for improvements. He recommended Option B, since multiple homes would benefit. He explained the City needs to leverage storm water funds and suggested creating a PID or Creek Owner's Association to provide funds to allow maintenance of the creek in the future.

Council Member Lynne agreed that conversations with Addison would be beneficial and requested negative emails halt. He explained the City has been assisting with emergency repairs and approved funds for emergency repairs. He explained he supports obtaining a second opinion by an engineer. He expressed concerns with the entire creek, noting he has not heard any information about public/private partnership programs. He explained permanent easements are necessary, and stated he supports creating a PID district.

City Manager Charles Cox explained the City is moving forward with obtaining a second opinion.

Council Member Bomgardner suggested reviewing both dams to consider dam sizes needed to address upstream issues.

After discussion, the City Council agreed to hold a Special meeting to discuss long-term options.

City Manager Charles Cox stated he would schedule another meeting to discuss options, noting he will move forward with review of the dams, identify size so we can notify the CORE with our plan. He further stated he will review PID options, a maintenance plan, and explore bag wall programs.

**J.2 R2019-80 Consider approving Resolution No. 2019-80 authorizing Economic Development Incentives pursuant to the Commercial Facade Grant Program for 4200-4288 and 4300-4488 Spring Valley Rd.; and take appropriate action**

Director of Economic Development Allison Cook briefed City Council regarding this item. She explained LCG Spring Valley, LLC purchased 12.9 acres along Spring Valley Road. The existing Spring Valley office park was built in 1975 with multiple one-story office buildings. The new owner planned to remodel the entire office park and rebrand with signage and updated marketing. Some of the repairs have been underway and many are pending. The ownership was unaware the grant needed to be completed before renovations began. Therefore, they are submitting the pending costs. Ms. Cook explained this is the largest façade grant application to date due to the acreage and building footprint. Pending costs total \$267,842 with 20% at \$53,568. The completed renovation costs are \$283,908, for an overall total of \$551,750. Staff is recommending 20% of pending costs for the grant, capped at the \$50,000 per grant.

Motion made by Council Member Bomgardner to approve Resolution No. 2019 80, as presented. Motion seconded by Council Member Retana. Motion approved unanimously.

**J.3 19-290 Consider Board and Commission appointments; and take appropriate action (*Historical Preservation & Restoration Board*)**

Mayor Dye explained due to a vacancy on the Historical Preservation and Restoration Board, Kay Lynn Lyon would like to be considered for a regular seat and an alternate vacancy needs to be filled.

Deputy Mayor Pro Tem Lynne suggested Melissa Dours be considered for the alternate seat.

After discussion, Mayor Dye motioned to appoint Kay Lynn Lyons as a regular member and Melissa Dours as an alternate board member for the Historical Preservation and Restoration Board. Motion seconded by Mayor Pro Tem Norwood.

Motion approved unanimously.

**J.4 19-271 Receive an Update Regarding the 2019 Resident Satisfaction Survey**

Mayor Dye tabled this item to allow the City Council to discuss this item at the August retreat.

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

No action taken.

**L. ADJOURNMENT**

Motion by Mayor Pro Tem Norwood to adjourn the meeting at 10:50 p.m. Motion seconded by Mayor Dye. Motion passed unanimously.

Signed by: 

John Norwood, Mayor Pro Tem

Attest: 

Amy M. Piukana, TRMC, CMC  
City Secretary