



# 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, September 17, 2019

6:00 PM

Council Chambers

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**Study Session Meeting to be held at 3:00 p.m. in the Study Session Room 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, City Attorney Kevin Laughlin, Police Chief David Hale, Fire Chief Steve Parker, 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. Figgins, 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

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

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

##### **A.1 19-432**

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

Mayor Dye noted Council Member Retana would join the City Council meeting by video conference from Tel Aviv, Israel.

Mayor Pro Tem Norwood stated he will have questions regarding Agenda Item I.5, R2019-126 (Dallas County Voting Systems). He noted he would allow Dallas County Elections to provide an overview first.

##### **A.2 19-440**

#### **Receive a report from Dallas County Elections Administrator Toni Pippins-Poole on the new ES&S Universal Voting System and Vote Center changes**

Assistant Dallas County Elections Administrator Robert Heard briefed City Council regarding the Tenex touch pad e-poll book devices which allows voters to vote at any Dallas County Polling location during Early Voting and Election Day.

City Council discussed the Resolution, voting updates of deceased registered voters, new election equipment, metrics, curbside voting, technology, and voter id requirements.

**A.3 19-380****Discuss the City Manager's Proposed Fiscal Year 2019-20 Balanced Budget**

Director of Finance Sherrelle Evans-Jones presented the following changes directed by Council to the City Manager's proposed budget:

- Decrease expenditures \$746K – Remove Transfer to CIP for Library Pay-as-you-Go
- Decrease Expenditures \$300K – Reduce Fire Station #2 Landscaping to \$193K
- Decrease Expenditures \$250K – Remove Monument Signs
- Increase Expenditures \$300K – Increase Park Expansion CIP Transfer (From 50K to \$350K)
- Increase Expenditure \$170K – Park Maintenance Transfer for Rawhide Creek Tree Lighting
- Increase Expenditure \$500K – Increase transfer for Storm water Improvements
- Increase Expenditure \$370K – Increase transfer Long-Term Future Infrastructure Improvements

Council Member Lynne asked if \$193,000 is still available for landscaping at Holiday Park for Fire Station No. 2, and asked if funds would be set aside for the bag wall program.

Mr. Cox confirmed, that is correct, noting \$500,000 has been moved from the General Fund to the Storm Water Utility Fund to assist with a bag wall program.

**A.4 19-437****Receive an update on the Resident Survey Model**

Assistant City Manager Ben Williamson briefed City Council regarding this item. Mr. Williamson reviewed the new ten (10) question survey which takes approximately 4 minutes to complete. He explained this new survey will be implemented during the National Night Out event.

Council Member Lynne suggested adding a custom QR code to use the Farmers Branch logo. He noted a drop down option would assist residents and requested extra flyers be printed to allow for distribution during the National Night Out event.

Mr. Williamson replied stating he would use postcard stock

Council Member Blackson suggested utilizing stickers at entrances and exits that could be scanned and linked to the survey.

Mayor Pro Tem Norwood suggested the Council wear buttons with scanning accessibility and suggested listing in order of positives to negatives on the questions.

**A.5 19-448****Discuss and consider cigar bar/lounges and potential amendments to the Smoking Ordinance and Comprehensive Zoning Ordinance**

Director of Planning and Development Tina Firgens briefed City Council regarding this item. Ms. Firgens explained with the new city-wide smoking ordinance ban, cigar businesses are prohibited from operating in the City of Farmers Branch.

Ms. Firgens asked City Council if they wish to amend the smoking ban ordinance in order to allow for cigar bar/lounges. She reviewed the public health perspective and zoning perspective and items to consider.

The City Council discussed an overlay districts, a buffered distance from residential dwellings, amendments to the Comprehensive Zoning Ordinance (CZO), amendments to the smoking ordinance, food requirements ventilation/filtration requirements, private club verses an entertainment establishment.

Mayor Pro Tem Norwood suggested amending the CZO and the smoking ordinance to allow for this type of use.

Council Member Bomgardner agreed with Mayor Pro Tem Norwood, requesting a distance be maintained away from residential and multifamily units, noting this type of use could bring noise complaints.



City Attorney Pete Smith explained the City needs to differentiate a cigar bar verses entertainment which has venues with live music, eating, drinking and smoking.

Mayor Dye recommends having a specific use permit, which requires approval on a case by case basis.

Mr. Smith explained if the City allows cigar bars, it would include a Hookah bar.

Mayor Pro Tem Norwood suggested allowing hookah, bars, and dance venues/establishments in addition to cigar bars, within an entertainment district on the City's east side.

Ms. Firgens explained Hookah and Vaping is defined within the City's zoning ordinance however; it's broad and could be applied to similar types of businesses if it weren't specifically associated with hooking/vaping.

The consensus of Council was to target an entertainment district and allow a Special Use Permit. Mayor Dye explained his preference is to target the east side.

## **A.6 19-458**

### **Receive an update regarding multi-family development activity**

Director of Planning and Development Tina Firgens provided an overview on multi-family developments in Farmers Branch. She reviewed the following Multi-Family data:

- Existing - 6,854 unit count
  - Under Construction - 4,364 unit count
  - Zoning Approved - 3,477 unit count
- Total Unit Count - 14,695

Ms. Firgens explained the City currently has 1,413 units under construction on the east side and 2,951 units on the west side. She noted the total zoning approved unit count is 3,477.

Mayor Pro Tem Norwood asked about amenities such as breezeway air conditioning and other high level features.

Ms. Firgens explained most development projects have submitted high level amenities, noting developers base these on needs. She stated these are optional on Planned Developments.

The City Council discussed the value of the east side and being selective on its use, three (3) story verses (4) story structures.

Mayor Dye stated he supports higher density with high rise high end apartment complexes to create greater value on the east side.

Charles noted the City can negotiate not only on amenities but on the building materials to ensure quality materials are used.

Council Member Bomgardner asked Ms. Firgens what her recommendation is for dwelling units per acre. Ms. Firgens stated she recommends 45 dwelling units per acre, based on her past experience.

Ms. Firgens explained she would work with legal to amend the comprehensive zoning ordinance to establish a multi-family policy, she noted she would have to work with legal to see if this is an option and how it will affect Planned Developments.

**A.7 19-433                      Discuss agenda items for future City Council meetings**

Recess at 5:06 p.m. to convene into closed Exec Sess. Reconvened at 5:11 p.m. and adjourned at 5:14 p.m.

**B.     EXECUTIVE SESSION****B.1 19-383                      Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate regarding:**

***Discuss the purchase, exchange, lease, or sale of real property located at 3312 Pebble Beach, Farmers Branch, TX 75234***

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

Mayor Dye called the meeting to order at 6 p.m. (Cristal Retana is visible)

**D.     INVOCATION & PLEDGE OF ALLEGIANCE**

Council Member Bomgardner led invocation, and provided the Pledge of Allegiance and Pledge to the Texas Flag.

**E.     CEREMONIAL ITEMS****E.1 19-449                      Presentation of a Proclamation honoring the 485th Bombardment Group Association**

Mayor Dye presented a proclamation recognizing the 485th Bombardment Group.

**E.2 19-454                      Presentation of a Proclamation declaring September 24, 2019 as National Voters Registration Day**

Mayor Dye read a proclamation recognizing September 24, 2019 as National Voters Registration Day.

**F.     REPORT ON STUDY SESSION ITEMS**

Mayor Pro Tem Norwood 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 review on items of community interest.



**H. CITIZEN COMMENTS - None****I. CONSENT AGENDA**

- I.1 19-431** Consider approving the following City Council meeting minute(s); and take appropriate action
- September 3, 2019 Regular Meeting
  - September 11, 2019 Special Meeting
- I.2 R2019-120** Consider approving Resolution No. 2019-120 approving Economic Development Incentives pursuant to the Commercial Facade Grant Program for 13619-13625 Neutron Road; and take appropriate action
- I.3 ORD-3586** Consider adopting Ordinance No. 3586 approving the 2019 tax roll certified by the Dallas Central Appraisal District; and take appropriate action
- I.4 ORD-3594** Consider adopting Ordinance No. 3594 amending the Farmers Branch Code of Ordinances, Appendix A - Fee Schedule relative to fees for Application and Service Rates and Billing Procedure, "Water Service Rates and Sewer Rates;" Application Plat Fees; and take appropriate action
- I.5 R2019-126** Consider approving Resolution No. 2019-126 authorizing the City of Farmers Branch to utilize the Dallas County's voting system in election(s); and take appropriate action
- I.6 R2019-127** Consider approving Resolution No. 2019-127 adopting a Charity Care Policy pursuant to the Ambulance Supplement Payment Program; and take appropriate action
- I.7 ORD-3592** Consider adopting Ordinance No. 3592 amending the City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 6, Section 82-95, adding a No Parking Zone on portions east Beltwood Parkway, repealing Ordinance No. 2432 relative to Hutton Drive in its entirety; 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 Mayor Pro Tem Norwood. Motion approved unanimously.

**J. PUBLIC HEARINGS****J.1 19 PL-07 Conduct a public hearing and consider a request from Villas on Hutton LLC, for final plat approval of the Villas on Hutton, addressed at 13001 Hutton Drive; and take appropriate action**

Director of Planning and Development Tina Firgens briefed City Council regarding this item. Ms. Firgens explained the purpose of the Final Plat of Villas on Hutton is to replat 2.42 acres, formerly Lot 1, Block 4, Valley View Commerce Park out of the Francis Miller Survey. Additionally, the proposed plat creates 32 new single-family attached lots and common area lots as Lots 1-32, Block A and Lot 1X, Block B, and dedicates easements necessary for the development of those lots.

Mayor Dye opened the public hearing. There were no citizens present that wished to speak.

Motion made by Mayor Dye to close the public hearing and approve 19-PL-07. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

**J.2 ORD-3598 Conduct a public hearing and consider adopting Ordinance No. 3598 amending the Comprehensive Zoning Ordinance including amending: Article 6. Administration as it relates to nonconforming regulations for uses, structures and other property improvements, and jurisdiction of the Board of Adjustment; and take appropriate action**

City Planner Kyra McCardle briefed City Council regarding this item. Ms. McCardle reviewed the nonconforming provisions of the Comprehensive Zoning Ordinance (CZO) is a FY2018-19 strategic initiative, consistent with the Planning Department's work program and City Council's critical business outcomes. She explained due to the new vision established in the East Side Plan and the upcoming IH-35E visioning study, a review of nonconforming provisions within the CZO is necessary to ensure that the provisions are supportive of redevelopment that occurs within these aforementioned areas, as well as the City as a whole. The proposed amendments are to Article 6. Administration as it relates to nonconforming regulations for uses, structures and other property improvements (Article 6.6), and jurisdiction of the Board of Adjustment (Article 6.1.D.1).

The amendments tighten regulation of nonconforming uses and property improvements to encourage development in conformance with current zoning regulations and to address matters not currently covered under the current nonconforming provisions such as site elements and property impacts due to property acquisition by a governmental entity.

Mayor Dye opened the public hearing. There were not citizens present that wished to speak.

Motion made by Council Member Bomgardner to close the public hearing and approve Ordinance No. 3598, as presented. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.



**J.3 19-381****Conduct a public hearing on the Proposed Fiscal Year 2019-20 Operating and Capital Improvement Program Budget in accordance with Article IV of the City Charter; and take appropriate action**

Finance Director Sherrelle Evans-Jones briefed City Council regarding this item. She explained a public hearing is being held to consider the 2019-20 Operating and Capital Improvement Program Budget. The proposed budget was filed with the City Secretary on July 31, 2019 and copies of the proposed budget were made available for public inspection at City Hall, the Manske Library and on the City's website. She noted tonight the Mayor will open the public hearing, hear citizen comments, and afterwards City Council will take action to vote and adopt the budget later tonight.

Mayor Dye opened the public hearing. There were no citizens present that wished to speak.

A motion was made by Mayor Dye to close the public hearing. Motion seconded by Deputy Mayor Pro Tem Lynne. Motion approved unanimously.

**K. REGULAR AGENDA ITEMS****K.1 ORD-3600****Consider adopting Ordinance No. 3600 amending the City's Operating and Capital Improvement Program Budget for the 2018-19 fiscal year and amending prior acts relating to repayment of certain fund transfers; providing for a repealing clause; providing for a severability clause; providing for an effective date; and, take appropriate action**

Director of Finance Sherrelle Evans Jones briefed City Council regarding this item. She explained Ordinance No. 3600 amends the 2018-19 fiscal year operating and capital budget to a level that is consistent with the City's most current estimate of revenues and expenditures.

A motion was made by Council Member Blackson to adopt Ordinance No. 3600, as presented. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

**K.2 ORD-3587****Consider adopting Ordinance No. 3587 approving and adopting the City's 2019-20 Operating and Capital Improvement Program Budget and Strategic Plan and take appropriate action**

Director of Finance Sherrelle Evans Jones explained Ordinance No. 3587 establishes the operating and capital improvement program budget for the 2019-20 fiscal year. Property Tax Code Section 26.05(b) and Texas Local Government Code, Chapters 102, 111 and 140, all have requirements, notices, and/or motions that must be followed related to the budget and tax rate process.

Deputy Mayor Pro Tem Lynne clarified asked if \$190,000 in funding has been set aside for Fire Station No. 2 landscaping and noted \$500,000 has been transferred to the storm water sewer fund a portion of which will, assist with the bag wall program.

Ms. Evans-Jones confirmed, this is included in the proposed budget.

Motion made by Council Member Bomgardner to approve Ordinance No. 3587, as presented. Motion seconded by Deputy Mayor Pro Tem Lynne. Motion approved by the following roll call vote:

**Ayes:** Deputy Mayor Pro Tem Lynne, Council Member Bomgardner, and Council Member Retana

**Nay:** Mayor Pro Tem Norwood and Council Member Blackson

**K.3 R2019-109****Consider approving Resolution No. 2019-109 ratifying the property tax revenue increase reflected in the 2019-20 fiscal year budget; and take appropriate action**

Ms. Evans Jones briefed City Council regarding this item. She explained the Texas Local Government Code requires when adoption of a budget that raises more property tax revenue than was generated the previous year requires a record vote of the City Council to ratify the property tax revenue increase reflected in the budget in addition to and separate from the vote to adopt the budget and the vote to set the tax rate.

Mayor Pro Tem Norwood asked about the purpose of this resolution.

The City Attorney Pete Smith replied stating this is a State requirement.

Motion made by Council Member Bomgardner to approve Resolution No. 2019-109. Motion seconded by Deputy Mayor Pro Tem Lynne. Motion prevailed by the following vote:

**Ayes:** Deputy Mayor Pro Tem Lynne, Council Member Bomgardner, and Council Member Retana

**Nay:** Mayor Pro Tem Norwood and Council Member Blackson

The item passed 3-2.

**K.4 Ord-3588****Consider adopting Ordinance No. 3588 to levy and adopt the tax rate for Fiscal Year 2019-20 and take appropriate action**

Ms. Evans Jones briefed City Council regarding this item. Ms. Evans Jones explained that this Ordinance must be passed after the passage of the city's fiscal year budget.

Council Member Bomgardner made a motion that the property tax rate be increased by the adoption of a tax rate of \$0.599507, which is effectively a 2.66% increase in the tax rate. Motion seconded by Deputy Mayor Pro Tem Lynne. Motion prevailed by the following vote:

**Ayes:** Deputy Mayor Pro Tem Lynne, Council Member Bomgardner, and Council Member Retana

**Nay:** Mayor Pro Tem Norwood and Council Member Blackson

Passed 3-2

**K.5 19-439****Receive a report from Brookhaven College on the Free Application for Federal Student Aid (FAFSA) Program**

Timothy Islay Principal with Brookhaven College introduced a group of students from Brookhaven College Early college High School group who provided a presentation on the Free Application for Federal Student Aid (FAFSA) program.

Mayor Dye and Council Member Retana thanked students in attendance.

Deputy Mayor Pro Tem Lynne thanked students for their presentation, and suggested adding the link to Keep Farmers Branch Beautiful under volunteer opportunities of the webpage.



**K.6 19-460****Consider Board and Commission appointments to the Planning and Zoning Commission; and take appropriate action**

Mayor Dye explained with the resignation of Jarod Sullivan from the Planning and Zoning Commission, he would like to move Alternate Seat No. 1 up, Jarod Williams to serve as a regular member, Bonnie Potraza to Alternate No. 1, and suggested Barret Cole as Alternate No. 2.

Council Member Blackson made a motion to appoint Jarrod Williams to fill an unexpired term for Place 1, with a term expiring June 30, 2022; and to appoint Bonnie Potraza to Alt 1 with a term expiring June 30, 2020; and appoint Barret Cole to Alt 2, for a term expiring June 30, 2022. Motion seconded by Deputy Mayor Pro Tem Lynne. Motion approved unanimously.

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

Motion made by Deputy Mayor Pro Tem Lynne to authorize the City Manager to negotiate and sign contracts and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation for the purpose of resale to Phani Vattikuti and Sravanthi Mandava and/or assigns the property described as Lot 1, Block H of Brookhaven Hills West, Second Section, known as 3312 Pebble Beach, for a purchase and sales price of not less than \$257,000 with the resale of said property to be subject to a restriction agreement requiring construction of a single family residence of not less than 3500 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 no less than \$750,000. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

**M. ADJOURNMENT**

Mayor Dye made a motion to adjourn. Motion seconded by Council Member Blackson. Motion approved unanimously.

The meeting adjourned at 6:56 p.m.

Signed by: \_\_\_\_\_

Mayor Robert C. Dye

Attest: \_\_\_\_\_

Amy M. Plukana, City Secretary