



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, June 1, 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: 16 - 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 Planning & Zoning AICP Tina M. Firgens, Director of Economic Development Allison Cook, Director of Library Denise Wallace, Director of Information Services Mark Samuels, Director of Fleet & Facilities Kevin Muenchow and Director of Communications Jeff Brady

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

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

A.1 21-260 Discuss regular agenda items

Mayor Pro Tem Retana requested discussion on the City Council liaison appointments.

Council Member Merritt asked if the City has a definition of a policy.

City Manager Charles Cox replied stating there is not a specific definition for policy.

A.2 21-268 Presentation of street road hump policy

Public Works Director Marc Bentley briefed City Council regarding this item. Mr. Bentley reviewed the road hump policy. He noted the following criteria is required: Step 1) submit a written request with a minimum of 25% of properties along the street; Step 2) Police & Fire must accept; Step 3) street length must be 1000 LF, 85% of speeding must be equal to or greater than 36 mph, traffic volume must be 300-1,000 vehicles per day, and a petition is required with 80% of property owners signatures.

Mayor Pro Tem Retana discussed narrow streets, fire access, pedestrian safety, and if a study is necessary, and if studies have been conducted in the past.

Fire Chief Gabe Vargas explained no studies have been conducted in regards to response times, noting humps are hard on Fire trucks, delay access and explained the difficulty when transporting patients is very dangerous when road humps are in place.

Deputy City Manager John Land reviewed past history of road humps, noting some residents are not interested in having them.

Council Member Lynne asked for clarification on cost of a speed study and asked who pays for removal, if requested.

Mr. Bentley replied stating a study costs approximately \$3,000, this is why they have the pre-criteria requirements prior to executing a study. He noted the residents would be responsible for removal costs.

Mayor Pro Tem Retana asked who authorized letters to be sent to residents requesting parked vehicles be removed from corner street parking areas.

City Manager Charles Cox explained Councilman Lynne approached him about this issue and he prepared a letter requesting non-street parking along corner lots.

Deputy Mayor Pro Tem Driskill asked if the criteria is difficult to reach with 300 to 1,000 per day traffic on side streets.

Mr. Bentley explained the criteria meets industry standards.

A.3 21-269

Presentation to Council to review proposed updates to Chapter 56: Property Maintenance

Code Enforcement Manager Leo Bonanno briefed City Council regarding the following proposed changes to Chapter 56: Property Maintenance Code, Exterior Grounds, Exterior and Interior Buildings, Parking, Junked and Inoperable Vehicles, Fences, and Minimum Building Standards

Mr. Bonanno stated his goal is to reorganize the consolidated code to define the proposed (intent/definitions) and language: trash, vegetation, outside storage, parking, fences and walls, junked and inoperable vehicle, minimum building standards, and view obstructions.

Mr. Bonanno explained he proposes to increase clarity by defining specifics such as outside storage, hot water, vegetation, trash and debris, motor vehicle accessory structure, fence, person, walkway, and property. He noted he also plans to eliminate redundancies and contradictions. He explained the proposed amendments would increase objectivity and comprehension, increase Code Enforcement Officer discretion, eliminate weaponized language, conform to state regulations and remove overly-stringent "HOA" standards.

The City Council discussed the need for a summary of changes, trash storage in front yard area being prohibited, inspections of inside dwelling units, rental inspections, paved services, percentage of concrete allowed on residential property, cracked driveways, weaponized language and state regulations on motor vehicles with expired inspection stickers, trash and debris of auto parts, tree stump height.

City Attorney Pete Smith noted "junk" vehicles and motor vehicles are regulated separately.

Council Member Lynne asked the City could include expired inspection stickers on inoperable vehicles.

Mr. Bonanno stated he would enforce City Council policy.

The City Council discussed surrounding city tree stump limits (Flower Mount has 12 inch grass and stump limit), grace period for resident compliance, code discrepancies with grass height (8 inches/12 inches), hazardous vegetation definition, and the need for clear definitions reviewed by the City Attorney.

Mayor Dye recommended City Staff bring forward a redline for City Council review and have another Study Session discussion prior to action.

A.4 21-262**Discuss future agenda items**

Mayor Pro Tem Retana requested a discussion regarding a Hispanic Heritage event on September 25, noting September is Hispanic Heritage month.

Council Member Merritt requested information on a City communication plan. He requested a plan to discuss how to get the message out to constituents. He also requested a water runoff update on water issues. (Tanglewood/Brookhaven Club water drainage issues)

Mayor Dye suggested discussion of the possibility to have designated funds (Federal Monies) to the entire City and then District funding so it can be equally distributed throughout the City.

B. EXECUTIVE SESSION

The City Council recessed into closed executive session at 4:41 p.m. closed executive session recess at 4:42 p.m.

B.1 21-263**Council may convene into 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 north of Farmers Branch Lane, south of Valley View, east of IH35, and west of Josey Lane; and*
 - *Discuss the purchase, exchange, lease, or sale of real property located at 3940 Spring Valley Road*
- Council may convene into closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:**
- *Discuss economic development incentives for Project Chase; and*
 - *Discuss economic development incentives for Project Billie Jean*

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

Brother Eddy (City Chaplain) led the pledge of allegiance.

E. REPORT ON STUDY SESSION ITEMS

Deputy Mayor Pro Tem Driskill provided an update on Study Session items.

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

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

G. CITIZEN COMMENTS

No residents signed up to speak.

H. CONSENT AGENDA**H.1 21-250****Consider approving the following City Council meeting minute(s); and take appropriate action**

- *May 18, 2021 City Council Regular*

H.2 R2021-073

Consider approving Resolution No. 2021-073 awarding the bid for retaining wall failure repair along Cooks Creek to Jeske Construction Company; and take appropriate action.

- H.3 R2021-077 Consider approving Resolution No. 2021-077 authorizing the City Manager to negotiate and execute a contract for fines and fee collections with Linebarger Goggan Blair & Sampson, LLP for Municipal Court; and take appropriate action**
- H.4 R2021-078 Consider approving Resolution No. R2021-078 authorizing a collection fee in the amount of 30% to be charged pursuant to Texas Code of Criminal Procedure Article 103.0031 on delinquent debts and accounts receivable assessed by Municipal Court; and take appropriate action**
- H.5 R2021-079 Consider approving Resolution No. 2021-079 awarding unit price bids for the annual purchase of chemicals to numerous vendors for the Parks and Recreation Department; and take appropriate action**
- H.6 R2021-080 Consider approving Resolution No. 2021-080 approving a revised Neighborhood Partnership Program application for 13562 Braemar Drive, repealing Resolution No. 2021-045; and take appropriate action**

Motion made by Mayor Pro Tem Retana to approve Consent items H.1 through H.6, as presented. Motion seconded by Deputy Mayor Pro Tem Driskill. Motion approved unanimously.

I. REGULAR AGENDA ITEMS

- I.1 21-265 Discuss City Council liaison appointments to external organizations; and take appropriate action**
- Mayor Dye noted this was discussed during Study Session and provided the following appointments: TML – Mayor Dye and Deputy Mayor Pro Tem Driskill; Metrocrest Social Services - Mayor Pro Tem Retana; Sister City Program - Deputy Mayor Pro Tem Driskill; NCTCOG – Mayor Dye; Dallas County Public Health – Council Member Williams; Trinity River Authority – Deputy Mayor Pro Tem Driskill; DART – Mayor Dye; Metroplex Mayors Committee – Mayor Dye and Mayor Pro Tem Retana; North Texas Commission – Mayor Pro Tem Retana; Farmers Branch Chamber of Commerce – Council Member Lynne. Motion seconded by Mayor Pro Tem Retana. Motion approved unanimously.
- I.2 R2021-083 Consider approving Resolution No. 2021-083 ratifying the actions of the City Manager and Director of Public Works relating to the negotiation and execution of contracts for emergency soil stabilization and channel repairs in the Brookhaven Village Channel; and take appropriate action.**

Marc Bentley Director of Public Works briefed City Council regarding this item. Mr. Bentley explained he was contacted by the property manager of Brookhaven Village Condominiums regarding a channel wall failure affecting Building No.8. Upon investigation of the site, it was found that the slope above the creek channel wall had failed causing the channel wall to fail as well. Public Works prepared a plan for the repair of the channel slope and solicited three bids, resulting in the selection of a contractor to perform the emergency repair work. Public Works engaged Jim Bowman Construction Co. LP to repair the concrete channel. The soil was very unstable and a plan was formulated to remedy the situation when the creek experienced a heavy rain event in late April. This rain event caused a massive slide of soil, which compromised fences and patios, and was in danger of undermining a condominium building. An engineering firm was immediately contacted and it was determined that a soil retention system, utilizing soil anchors and shotcrete concrete along the slope failure plain, was needed.

Time was of the essence and Public Works staff along with City Management made the decision to issue an emergency purchase order to Keller North America, Inc. to install a soil retention system. Mayor Dye and Councilman Merritt were notified of this emergency expenditure. Mobilization of equipment began immediately and crews were on site May 17, 2021. The original Jim Bowman Construction project is still underway however, the soil retention system has been completed. The slope above the replaced channel wall will be filled back in with soil.

The City Council discussed payment amount made to the Bowman Company, scope of work needed to make repairs, nail depth in foundation and comfort of sustainability of the repairs, and city liability.

After discussion, Council Member Merritt made a motion to approve Resolution No. 2021-083. Motion seconded by Council Member Williams. Motion approved unanimously.

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

Motion made by Council Member Lynne to authorize the City Manager be authorized to negotiate and sign contracts and such other documents that are reasonable and necessary to sell to TCCI and/or its assigned a 1.1125 acre tract out of the Noah Good Survey, Abstract No. 520, generally located at 3940 Spring Valley Road, for a purchase and sales price of not less than \$895,000 with the resale of said property to be subject to a restriction agreement requiring re-development for not fewer than 24 townhomes to be completed, and use of the property to commence not later than 2 years after the date of closing. Motion seconded by Deputy Mayor Pro Tem Retana. Motion approved unanimously.

Motion made by Council Member Williams that 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 Chase and/or its affiliated companies to provide one-time economic development grant in the amount of \$125,000 to demolish the existing office building to be paid upon completion of the project. Provided the company closes the purchase of the real property located at 12875 Josey Lane Farmers Branch, Texas; obtains the necessary zoning approvals, and develops the property for, and constructs at least 42 town homes; and such agreement contains the standard terms and conditions including repayment of the grants. Motion seconded by Council Member Lynne. Motion approved unanimously.

Motion made by Deputy Mayor Pro Tem Retana 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 Billie Jean to provide annual grants to the company during the lease and occupancy of 13900 Senlac equal to the following percentages of sales taxes received by the City from the sale of taxable items at the leased premises: grants equal to 25% sales tax receipts once Company has achieved \$29,250,000 annual sales of taxable items at the leased premises; grants equal 50% sales tax receipts once Company has achieved \$58,500,000 annual sales of taxable items at the leased premises. Provided the company leases and occupies 13900 Senlac lease for seven years; creates and maintains at least 74 full time jobs at the leased premises; and such agreement contains the standard terms and conditions including repayment of the grants. Motion seconded by Council Member Williams. Motion approved unanimously.

K. ADJOURNMENT - Mayor Dye adjourned the meeting at 6:31 p.m.

Signed: _____

Mayor Robert C. Dye

Attest: _____

Amy M. Piukana, City Secretary

