



# City of Farmers Branch Meeting Minutes City Council

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

Tuesday, October 19, 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:** Mayor Robert Dye

**Present:** 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:** City Manager Charles Cox, Deputy City Manager John Land, Assistant City Manager Benjamin Williamson, City Secretary Amy Piukana, City Attorney Pete 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, Deputy Director of Planning and Development Surupa Sen

### **CALL TO ORDER - STUDY SESSION (3 P.M.)** – Mayor Dye called the meeting to order at 3 p.m.

#### **A.1 21-466 Discuss regular agenda items**

Council Member Merritt asked for clarification on Agenda Items I.2, I.3, (Demo Rebuild applications show PO Box and LLC as ownership info), and Item I.5. Ms. Cook explained the owner address is listed as the Developer, and would be updated with the final contract once approved and executed. Mr. Davis clarified that the Advance One Development is the same as Enterprise Systems.

Council Member Lynne asked for clarification on Agenda Items I.2, and I.3, (Demo Rebuild), if the homes will be identical and Agenda Item I.6, in regards to report tracking. Ms. Cook replied explaining both properties will have similar floor plans. Mr. Davis responded noting the City provides annual reports to the state.

Council Member Lynne requested Agenda Item I.7, (Solid Waste) be removed from consent to allow further discussion. Mayor Dye agreed to pull Agenda Item I.7, off Consent and moved it to K.2, as a Regular Item.

#### **A.2 21-463 Receive Parks and Recreation Board biannual report**

Parks and Recreation Chair Bob Stewart briefed City Council regarding this item.

The City Council discussed future sand volleyball, the need for additional soccer fields, reuse of Park equipment and the opportunity to allow apartment complexes bid for these types of items and the balance of allowing residents to utilize City amenities without always getting a return on investment. Deputy Mayor Pro Tem Driskill suggested adding additional picnic tables at Montgomery Park. Mayor Pro Tem Retana suggested adding an additional fence or gate to allow dogs to have a dry run area.

#### **A.3 21-475 Receive a report on the City-owned Camelot Landfill permit, long term operations, operations contract and financial.**

Shane Davis briefed City Council regarding the Camelot Landfill.

The City Council discussed future soil costs for post closure, state inspections, compliance and non-compliance. Deputy Mayor Pro Tem Driskill suggested looking into selling gas to a third party to increase revenue. Mr. Davis explained he is working on a project plan for gas sales and will need to develop a request for proposal.

- A.4 21-464 Discuss and review 2022 City Council meeting calendar dates**  
City Secretary Amy Piukana briefed City Council regarding the proposed 2022 City Council meeting calendar.
- Council Member Williams suggested moving the National Night Out from Monday, October 2, 2021 to Tuesday, October 3, 2021. Council Member Merritt asked that the Sustainability Committee be added to Board and Commission updates, and that the Youth Advisory Committee provide an update, or a joint meeting with the City Council to receive a report.
- A.5 21-476 Discuss Board and Commission appointments for Animal Shelter Advisory Board, Art & Culture Committee, Senior Advisory Board, and Zoning Board of Adjustment/Code Board of Appeals**  
City Secretary Amy Piukana briefed City Council regarding the vacancies noting this item is listed as discussion only. Official action will be taken at the November 16, 2021 City Council meeting.
- After discussion, the following preference list was created for Alternate No. 2 recommendations: Animal Shelter - Diana Herrera; Art & Culture – Eve Butterfly; Senior Advisory – Diane Graifemberg; Zoning Board of Adjustment – Connie Hardy
- A.6 21-467 Discuss future agenda items**  
Council Member Lynne requested a report on the number of owned and rental properties within the city. Deputy Mayor Pro Tem Driskill requested a new urbanism discussion.
- City Manager Charles Cox noted the new urbanism discussion is set for January 2022.

#### **EXECUTIVE SESSION**

Mayor Dye recessed and convened into closed executive session at 4:32 p.m.

Mayor Dye adjourned from closed executive session at 5:24 p.m.

- B.1 21-493 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 Valwood, east of IH35, and west of Josey Lane*

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

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

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

Council Member Williams provided the Invocation and led the Pledge of Allegiance and Pledge to the Texas Flag.

#### **CEREMONIAL ITEMS**

- E.1 21-459 Presentation of proclamation designating the month of October 2021 as "Fire Prevention Month" in Farmers Branch**  
Mayor Dye provided the Fire Department with a proclamation declaring the month of October as Fire Prevention Month.
- E.2 21-490 Presentation of a proclamation designating the month of October 2021 as "Domestic Violence Awareness Month" in Farmers Branch**  
Mayor Dye presented a proclamation designating the month of October as Domestic Violence Awareness Month. He provided the proclamation to Police Chief David Hale.

**E.3 21-487 Consider acceptance of a donation of \$1,000 from Starwood Café to the Farmers Branch Fire Department; and take appropriate action**

A motion was made by Mayor Dye, seconded by Council Member Merritt, accepting a donation in the amount of \$1,000 from Starwood Cafe. Motion approved unanimously.

**F. REPORT ON STUDY SESSION ITEMS**

Council Member Williams provided a report on Study Session items.

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

City Manager Charles Cox provided an update on items of Community Interest.

**H. CITIZEN COMMENTS**

Mr. David Frink, 13608 Onyx, spoke expressing concerns regarding the City enforcing ordinances that effect aesthetics.

**I. CONSENT AGENDA**

- I.1 21-460 Consider approving the following City Council meeting minute(s); and take appropriate action**
- *September 21, 2021 City Council Regular*
- I.2 R2021-134 Consider approving Resolution No. 2021-134 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3150 Damascus Way; and take appropriate action**
- I.3 R2021-135 Consider approving Resolution No. 2021-135 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3243 Damascus Way; and take appropriate action**
- I.4 R2021-140 Consider approving Resolution No. 2021-140 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 13460 Briarbrook Drive; and take appropriate action**
- I.5 R2021-137 Consider approving Resolution No. 2021-137 authorizing the City Manager to execute an agreement with Advance One Development for the installation of an elevated flare at Camelot Landfill; and take appropriate action**
- I.6 R2021-138 Consider approving Resolution 2021-138 authorizing the City Manager to negotiate and execute a fourth contract amendment with Camelot Landfill TX, LP; and take appropriate action**
- I.7 ORD-3705 Consider adopting Ordinance No. 3705 amending the Code of Ordinances, amending in its Entirety Chapter 66 "Solid Waste" Relating to Regulation of the Collection and Disposal of Solid Waste and Recyclable Materials; and take appropriate action**  
(Moved to Regular Agenda K.3)

- I.8 ORD-3706 Consider adopting Ordinance No. 3706 amending Chapter 2 "Administration" Article II "Board, Committees, and Commissions" Division 9A "Art and Culture Committee" by amending a scrivener error in Section 2-257 "Purpose and Authority" and Division 10 "Senior Advisory Board" amending Section 2-266 "Organization; Meetings; Rules of Procedures; Quorum; Vote" of the Code of Ordinances; and Section 2-268 "Duties and Responsibilities" relating to the organization, meetings, and duties of the Senior Advisory Board; and take appropriate action
- I.9 ORD-3707 Consider adopting Ordinance No. 3707, amending and restating Chapter 34 "Environment" Article XII "Municipal Setting Designations" of the Farmers Branch Code of Ordinances relating to the application for and approval of Municipal Setting Designations Ordinances to prohibit the use of groundwater in areas designated as contaminated in accordance with the State law; and take appropriate action
- I.10 R2021-141 Consider approving Resolution No. 2021-141 authorizing the City Manager to enter into an Enterprise Agreement for GIS Software licensing and maintenance with Environmental Systems Research Institute (ESRI); and take appropriate action
- I.11 R2021-145 Consider approving Resolution No. 2021-145 adopting the Texas Term Sheet and its intrastate allocation schedule regarding the Global Opioid Settlement in the amount of \$94,532; and take appropriate action

Motion made by Mayor Pro Tem Retana to approve Consent Items I.1 through I.11 (*I.7 was removed from Consent and considered as Regular Agenda Item K.2*). Motion seconded by Deputy Mayor Pro Tem Driskill. Motion approved unanimously.

#### **J. PUBLIC HEARINGS**

- J.1 ORD-3704 Conduct a public hearing and consider adopting Ordinance No. 3704 for a Specific Use Permit and associated Detailed Site Plan for open storage on an approximate 10.66-acre property located at 4721 Simonton Road; and take appropriate action (Freshpoint Open Storage SUP)

Deputy Director of Planning Surupa Sen briefed City Council regarding this item.

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

Motion made by Council Member Lynne to close the public hearing and adopt Ordinance No. 3704, as presented. Motion seconded by Mayor Pro Tem Retana. Motion approved unanimously.

#### **K. REGULAR AGENDA ITEMS**

- K.1 ORD-3708 Consider adopting Ordinance No. 3708 amending the Code of Ordinances Chapter 56, the Property Maintenance Code, to include a new exemption for parcels used for cropping purposes from certain mowing and outside storage requirements of Chapter 56; and take appropriate action

Code Enforcement Manager Leo Bonanno briefed City Council regarding this item.

Mr. Bonanno reviewed proposed changes to Ordinance 3708, noting he is amending definitions for Crops, Vegetation, and maintenance of crops.

The following audience member(s) signed up to speak:

Darsit Bhakta, spoke expressing concerns with tall grass and unkept property, noting he has filed complaints with the City regarding the ag property being unkept including the median area.

James Lockridge, spoke in opposition to the Ordinance.

Nancy Higgs, spoke regarding the Ag Exempt property being unkept, and expressed concerns with safety due to high grass and wildlife.

Council Member Lynne expressed concerns with the proposed Ordinance being too restrictive and hard to manage crop at 4 ft. He stated 6 ft, is his preference with 15 ft. buffer. He feels a 21-day removal period.

Council Member Merritt noted the height of 4ft is consistent with other Ordinances, and noted the entire Council agreed upon the proposed amendments.

Mayor Pro Tem Retana, Council Member Williams and Deputy Mayor Pro Tem Driskill all stated they support the proposed Ordinance.

After discussion, a motion was made by Mayor Dye to adopt Ordinance 3708, as presented. Motion seconded by Mayor Pro Tem Retana. Motion approved by the following vote:

**Ayes** – Merritt, Williams, Driskill, Retana

**No** – Lynne

*Motion approved 4-1, Council Member Lynne voted in opposition.*

**K.2    ORD-3705    Consider adopting Ordinance No. 3705 amending the Code of Ordinances, amending in its Entirety Chapter 66 “Solid Waste” Relating to Regulation of the Collection and Disposal of Solid Waste and Recyclable Materials; and take appropriate action**

Council Member Lynne expressed concerns regarding recycling and trash bins not being screened in public view.

After discussion, a motion was made by Council Member Williams to adopt Ordinance No. 3705, as presented. Motion prevailed by the following vote:

**Ayes** – Merritt, Williams, Driskill, Retana

**No** – Lynne

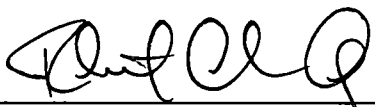
*Motion approved 4-1, Council Member Lynne voted in opposition.*

**K.3    21-480    Receive a Third Quarter Economic Development Update**

Director of Economic Development and Planning Allison Cook provided a third quarter Economic Development video update.

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

**M.    ADJOURNMENT Mayor Dye adjourned the meeting at 7:17 p.m.**

Signed:   
Robert C. Dye, Mayor

Attested by:   
Amy M. Piukana