City of Farmers Branch

Meeting Minutes

City Council

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

Monday, October 3, 2016 **6:00 PM** **Council Chambers**

Study Session Meeting to be held at 3:00 PM in the Study Session Room

Presiding: 1 - Mayor Bob Phelps

Present: 5 - Mayor Pro Tem Harold Froehlich, Deputy Mayor Pro Tem Ana Reyes, Council Member John Norwood, Council Member Terry Lynne, Council Member Mike Bomgardner

Staff: - Charles Cox City Manager, John Land Deputy City Manager, Amy Piukana City Secretary, Pete Smith City Attorney, Tom Bryson Communications Director, Mark Young Deputy Police Chief, Stephanie Hall Economic Development Assistant, Andy Gillies Community Services Director, Randy Walhood Public Works Director, Hugh Pender Building Official, Shane Davis Environmental Services and Solid Waste Manager, Steve Parker Fire Chief, Tim Dedear Deputy Fire Chief/Fire Marshal, Brian Beasley Human Resource Director, Sherrelle Evans-Jones Finance Director, Jeff Harting Parks and Recreation Director, Mitzi Davis Project Manager for Parks and Recreation

A. STUDY SESSION

Mayor Phelps called the meeting to order at 3:00 p.m.

A.1 16-254 **Discuss regular City Council meeting agenda items.**

Council Member Bomgardner asked for clarification regarding Agenda Item G.4, Resolution No. 2016-092 authorizing the release of parking and cross access easements. Deputy City Manager John Land explained the easements are no longer a benefit to the City, noting the City Attorney has reviewed and approved the releases.

Council Member Bomgardner asked for clarification regarding surface parking on Agenda Item G.5. Mr. Gillies explained the surface parking requested meets City criteria and is consistent with the Ordinance already approved.

A.2 16-260 **Briefing by City Administration regarding regulations for the sale and consumption of alcoholic beverages for onsite consumption.**

Planning Manager Alexis Jackson briefed City Council noting the existing regulations consist of onsite consumption of alcohol. She noted a Specific Use Permit is required with 60% of food to beverage ratio. She further explained in a qualified restaurant a bar area cannot exceed 20% of the restaurant area. She further stated no restaurant is to be located within 300 ft. of a single family dwelling district, a church, school, and hospital or city park, except when the property is located within Planned Development District. Ms. Jackson explained in Part I, staff recommends amending Ordinance No. 2768 allow 60% food 40% beverage allowed by right. Ms. Jackson explained in Part 2, two overlays are being proposed for Pike Street and Boardwalk, noting these will be considered entertainment districts. Ms. Jackson stated anything less than 60% food and 40% beverage would be allowed by right, and this change would allow opportunities for future breweries, sports pubs and restaurants. Ms. Jackson explained Part 3 is a recommendation to amend the Comprehensive Zoning Ordinance to allow a new brewery definition and allow by right in a Light Industrial and Heavy Industrial Zoning, and with a SUP in LR-2 (Local Retail). Ms. Jackson summarized noting staff recommends amending Ordinance No. 2768 which regulates "Qualifying Restaurants" from SUP to be allowed by right City-Wide. She further stated by creating two overlay entertainment districts, that allows less than 60% food and 40% beverage ratio by right, and amend the Comprehensive Zoning Ordinance definition to allow brewery for on premise consumption.

After discussion, City Council recommended moving forward with the proposed Alcohol Overlay for bars. Also, the City Council will review an ordinance amendment to allow qualifying restaurants 50% food and 50% beverage ratio without a specific use permit.

Mayor Phelps skipped to Agenda Item A.7.

A.7 16-267 **Discuss Oakbrook Homeowners Association request for infrastructure improvement assistance.**

City Manager Charles Cox provided history of Oakbrook discussion noting the Oakbrook Homeowner's Association agreed to fund an Engineering Study. Mr. Cox explained the engineering study was completed to review the water and sewer main ownership delineation and review the 5 year water line repair history and replacement costs. Mr. Cox noted Binkley and Barfield, Inc. cost projections for water and wastewater line replacement are $1,140,100, which includes individual unit metering. He noted street replacement costs are $1,268,745. Mr. Cox noted this includes six private Oak Streets. He further stated (3) three streets are constructed of concrete, and (3) three streets are constructed of asphalt. He noted the concrete streets are in good condition however; the asphalt streets are in need of major repairs. Mr. Cox explained when using City funds for private use, it's at Council's discretion.

After discussion, City Council decided to create a subcommittee with two Council Members (Council Member Bomgardner and Council Member Lynne) who will meet with City Leaders and the Oakbrook Homeowner's Association.

Mayor Phelps recessed into closed executive session at 4:26 p.m. to discuss the following item.

J.1 16-258 **Council may convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to deliberate regarding:**

- ***Consultation with City Attorney regarding Texas Commission on Environmental Quality (TCEQ) Report No. 119885 relating to TCEQ Permit Nos. 5383 and 5383A to Town of Addison for use of water in Farmers Branch Creek, pending TCEQ Complaint regarding Farmers Branch Creek.***

Mayor Phelps recessed from Executive Session at 5:13 p.m. and took a short break.

Mayor Phelps called the meeting back to order to discuss Study Session items at 5:18 p.m.

A.3 16-259 **Receive a presentation regarding entry monument sign concepts.**

Deputy City Manager John Land and Mr. Brad Moulton with Lattera briefed City Council regarding this item. Mr. Land explained the goal of the project is to create a comprehensive set of design recommendations and prototype strategies for aesthetics to be applied to gateway features throughout the city. He further stated these prototypes will include a palette of materials and colors along with a basic planting scheme where applicable, and locations for identity elements will be identified and evaluated for a specific design response.

Council Member Bomgardner asked about sign durability and replacement if vandalized. Mr. Moulton explained due to the sign location, vandalization would be difficult noting they will be placed in high traffic locations. He further stated, these signs are very durable and could be repaired or replaced quickly.

Mayor Pro Tem Froehlich asked if signs would have lighting. Mr. Moulton explained back lighting or up lighting could be added to enhance night vision of the entrance signs.

After discussion, Council agreed to move forward with the entry monument sign design and staff explained the new signs would be placed at Marsh Lane and LBJ Freeway.

A.4 16-251 **Receive an update regarding the City of Farmers Branch Demolition Rebuild Program.**

Economic Development Director Allison Cook provided an update regarding the Demolition Rebuild Program. Ms. Cook explained the City has received 45 demolition rebuild applicants with original improvement value totals of $3,979,894, and actual and estimated new improvement value totals of $13,300,730 with $18,461,640 increase in values. Ms. Cook reviewed the two program options the City currently provides. Ms. Cook explained the real value and value on the application are used for statistics. Council Member Bomgardner asked how the program could be expedited. Ms. Cook explained she served on the Residential Bond Sub Committee and noted one recommendation was to utilize a cash grant from $5,000 to $10,000 to help demolish more homes. She further stated marketing efforts have increased for this program.

Council Member Lynne suggested marketing to the parents at the nearby schools would be another option.

Deputy Mayor Pro Tem Reyes asked if signage will be used to market the property. Ms. Cook explained there is no signage for the demolition rebuild program since the City doesn't own the property.

Mayor Pro Tem Froehlich suggested expanding the program to include inherited property, foreclosed property, and hoarder houses. He explained this would give the homeowner the option to tear down the house and sell the property. Mr. Land explained he will work with the City Attorney on a possible Economic Development incentive program that would allow a return on investment to the City.

Mayor Phelps recessed at 5:56 p.m. from Study Session.

Mayor Phelps called the regular meeting to order at 6:02 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Bomgardner led the invocation and provided the Pledge of Allegiance.

C. CEREMONIAL ITEMS

C.1 16-261 **Presentation of a proclamation designating the month of October 2016 as "Fire Prevention Month" in Farmers Branch.**

Mayor Phelps presented a proclamation to Fire Chief Steve Parker designating the month of October 2016 as "Fire Prevention Month" in Farmers Branch.

D. REPORT ON STUDY SESSION ITEMS

Deputy Mayor Pro Tem Reyes provided a report on study session items.

E. CITY MANAGER'S REPORT AND ITEMS OF COMMUNITY INTEREST

City Manager Charles Cox announced the following items of community interest:

- There is still time to register your neighborhood parties for National Night Out, tomorrow night, Tuesday, October 4. All neighborhoods are invited to get together and spend the evening outdoors to present a united front against crime in our residential areas. Block parties are encouraged to register at 972.919.9304. Registered parties will have members of the Police and Fire Departments along with elected officials and members of the City staff come by to say hello.
- Vouchers are still available for this weekend's Dallas County Household Hazardous Waste collection event to be held in Farmers Branch on Saturday, October 8. Residents can pick up vouchers here at City Hall on a first-come, first-served basis until they are gone. Call Public Works for more information at 972.919.2597.
- Big things are happening the weekend of October 14th and 15th with:
    - Bloomin' Bluegrass Free Music Festival and Chili Cookoff, starting on Friday, October 14th and continuing all day Saturday, October 15th. World-class Bluegrass musicians will be joined at the Historical Park by world-class chili cooks from across Texas and beyond. Check out all the activity at bloominbluegrass.com.
    - The Senior Center offers residents a chance for a head start on holiday shopping at their annual Craft Fair on Saturday, October 15th from 9 a.m. to 4 p.m.
    - And, our annual Celebration of Roses also takes place that Saturday with activities in and around Gussie Field Watterworth Park happening between 8:30 a.m. and 4 p.m. Log on at fbroses.com.
- Then, mark your calendars for the "Murder & Mayhem" tours at the Historical Park on Thursday and Friday, October 27th and 28th, leading into our annual Halloween in the Park event on Saturday, October 29th.
- Police Chief David Hale has promoted Dean Habel to the position of Deputy Chief and Jimmy Lee to Lieutenant. Both officers are veteran members of the Farmers Branch Police Department. Congratulations to both!
- You can sign up for eNews at **farmersbranchtx.gov** to have current City news and information delivered directly to your eMail box.

F. CITIZEN COMMENTS

There were no citizens that wished to speak under citizen comments.

G. CONSENT ITEMS

G.1 16-252 **Consider approving minutes of the special called City Council meeting held on September 20, 2016; and take appropriate action.**

G.2 16 PL-004 **Consider approving a request for final plat of QT 999 Addition, Lot 1 and Lot 2, Block A; and take appropriate action.**

G.3 ORD-3391 **Consider adopting Ordinance No. 3391 approving the 2016 tax roll certified by the Dallas Central Appraisal District; and take appropriate action.**

G.4 R2016-092 **Consider approving Resolution No. 2016-092 authorizing the Release of Parking and Cross Access Easements affecting property generally located at 14065 Dennis Lane and adjacent City owned property; and take appropriate action.**

G.5 R2016-090 **Consider approving Resolution No. 2016-090 granting a Detailed Site Plan for a multifamily community located at the future extension of Knightsbridge Road; and take appropriate action.**

Motion made by Mayor Pro Tem Froehlich to approve Consent Items G.1 through G.5, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

H. PUBLIC HEARINGS

H.1 ORD-3390 **Conduct a public hearing and consider adopting Ordinance No. 3390 amending Planned Development District 88 (PD-88) for Tract 3 and adopting a Conceptual Site Plan for the property located at 4100 and 4141 Blue Lake Circle and 4020, 4040 and 4100 McEwen Drive; and take appropriate action.**

Mayor Phelps announced this is a continued public hearing from the September 20, 2016 City Council meeting. Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained the applicant, Provident Realty Advisors, is proposing to develop a mid-density residential community containing approximately 260 dwelling units on approximately 8.7 acres. This community will consist primarily of one and two bedroom units. Mr. Gillies explained the proposed site plan was designed to complement the existing communities on both sides. He explained special design considerations were made to take advantage of the two major amenities: the new lake on the side of the property and a proposed linear park on the western side of the property. Mr. Gillies noted the entire site is bordered on all sides by trails, and connects with the surrounding multifamily developments. He further explained this new community will include an amenity center located along Knightsbridge Road. He further stated the center will include a leasing office and clubhouse with a community pool and outdoor area orientated towards the linear park. He noted the estimated cost for the proposed development is approximately $36 million. He explained the proposed community will be served by 416 on-site parking spaces with a combination of "tuck-under" garages (96 parking spaces) and surface parking lots (317 parking spaces). All buildings will have "tuck-under" garages that will be connected into a common semi-open hallway system. The proposed Conceptual Site Plan contains approximately 26% landscaped open space.

Mr. Gillies noted five (5) zoning notification letters were mailed to the surrounding property owners on August 12th, 2016, and as of September 1st, no letters of opposition have been received.

Council Member Bomgardner asked if elevators would be available and if hallways would be air conditioned. Mr. Gillies explained no elevators are proposed for this project and hallways would be open but air conditioned.

Mayor Phelps asked if an elevator was required for three (3) story developments. Mr. Gillies replied four (4) stories require an elevator.

Mayor Phelps announced this is a public hearing. There being no one to speak, Mayor Pro Tem Froehlich made a motion to close the public hearing. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Council Member Lynne made a motion to adopt Ordinance No. 3390, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I. REGULAR AGENDA ITEMS

I.1 16-243 **Informational video presentation regarding Carrollton-Farmers Branch Independent School District's financial structure.**

Dr. Bobby Burns, Superintendent with Carrolton Independent School District (CFBISD) provided an informational video presentation regarding the Carrollton-Farmers Branch Independent School District's financial structure. Ms. Tonya Tillman, Associate Superintendent for Business Services briefed City Council regarding the school's proposed financial structure.

Council Member Bomgardner asked for clarification regarding the 11 cents proposal asking how many come back. Ms. Tillman explained the School District would keep $17 million out of $22 million. She further stated many other pieces are occurring which offset the revenue table. She noted the recapture on the pennies are $6 million dollars.

Council Member Lynne noted he attended a school board meeting where CFBISD refinanced debt, which saved $13 million dollars, asking where those funds were allocated. Ms. Tillman explained the dollars saved will go towards future debt service tax rates. Council Member Bomgardner asked if CFBISD has any future plans to invest in Farmers Branch. Dr. Burns stated the quality of an organization cannot exceed the quality of your staff. He further stated these funds will be used for maintenance and operation costs to provide quality staffing and stay competitive in the metroplex area.

Council Member Lynne asked if teachers would be laid off if the tax rate increase does not pass. Dr. Burns replied layoffs are not an option. Council Member Lynne asked if a 3% pay increase would still be provided to teachers. Dr. Burns replied the 3% pay increase has been included in the proposed budget. Council Member Lynne asked if the proposed budget is balanced. Dr. Burns replied the budget is balanced.

Deputy Mayor Pro Tem Reyes asked for more explanation regarding tax exemptions. Dr. Burns explained residents that are 65 yrs. of age and older, their taxes are frozen.

Council Member Norwood asked if option 2, to increase the number of students is being pursued. Ms. Tillman noted in the district, an increase of students has declined over the past two years, noting projections for 2018 -19 show an increase. Ms. Tillman noted a meeting after the election will be held to discuss future plans including the budget. Dr. Burns noted CFBISD has worked with neighboring residents that do not feed into the school district and have offered open enrollment to assist the numbers.

Council Member Norwood asked about the homestead exemption, noting CFBISD appears to be the largest portion, he noted he has the lowest homestead exemption, asking if this is consistent with other schools around the state. Ms. Tillman explained this is mandated by the State.

Resident Michelle Holmes spoke in opposition to the proposed tax increase and expressed disappointment in the explanation provided.

I.2 R2016-085 **Consider approving Resolution No. 2016-085 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 12951 Epps Field; and take appropriate action.**

Economic Development Director Allison Cook briefed City Council regarding the item. Ms. Cook noted applicant Todd Bonneau with Todd Bonneau Homes has applied for the Demolition Rebuild Program option one. Ms. Cooks explained this option includes an incentive that is based on the increase over the course of seven (7) years in the City Property taxes paid on the difference between the original home appraised value (excluding the land value), as determined by the Dallas County Appraisal District. She further stated this option also includes a reimbursement of up to $5000.00 of the cost of demolition of the original home following completion of demolition. Demolition of the original home and completion of construction and occupancy of the new home must be within 24 months of the effective date of the incentive agreement signed with the City. The current improvement value is $41,070 and the estimated new improvement value is estimated to be at least $450,000.

Mayor Pro Tem Froehlich explained the Demolition Rebuild Program the City offers includes the ability for a builder to purchase a home and participate in the program. Ms. Cook noted Todd Bonneau Builders has taken advantage of this program.

Deputy Mayor Pro Tem Reyes asked if the Economic Development proposal to increase the dollar amount from $5,000 to $10,000 for demolition rebuilds would affect the future of the program. Ms. Cook explained the Bond Committee is looking at recommendations to increase the rebate for Economic Development use which would provide a higher dollar amount resulting in higher program use and more development in Farmers Branch.

Motion made by Mayor Pro Tem Froehlich to approve Resolution No. 2016-085, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

I.3 R2016-091 **Consider approving Resolution No. 2016-091 authorizing the City Manager to execute a contract for custodial services with ABM Janitorial Services South Central, Inc. through 1Government Procurement Alliance in an amount not to exceed $283,374; and take appropriate action.**

Director of Building Services Kevin Muenchow briefed City Council regarding this item. Facilities Management interviewed ABM Janitorial Services prior to obtaining quotes to ensure the basic business partner requirements were meet, such as internal quality control, accountable communication, prompt issue resolution, customer service, etc. Their current customer references were called to confirm overall satisfaction and if they met the partner requirements. The quotes were provided at a total cost of $283,374, which includes all current services plus the following additional services: Full time day porter for public City buildings, annual strip and wax, semi-annual scrub and top coat, weekly/nightly carpet spot treatment, and emptying desk paper recycling boxes.

Council Member Lynne made a motion to approve Resolution No. 2016-091, as presented. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

Mayor Phelps recessed into closed executive session at 7:13 p.m. to discuss the following.

J.1 16-258 **Council may convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to deliberate regarding:**

- ***Consultation with City Attorney regarding Texas Commission on Environmental Quality (TCEQ) Report No. 119885 relating to TCEQ Permit Nos. 5383 and 5383A to Town of Addison for use of water in Farmers Branch Creek, pending TCEQ Complaint regarding Farmers Branch Creek.***

Mayor Phelps reconvened in Open Session to discuss Agenda Item, A.5 at 7:21 p.m.

A.5 16-264 **Receive an update on the current Economic Development and Tourism projects for the City of Farmers Branch.**

Economic Development Director Allison Cook briefed City Council regarding Economic Development projects for Neighborhood Renaissance, Façade Grants, Station Area updates, Four Corners, 635 Corridor, recent tourism events, Premier Baseball, and noted City of Farmers Branch won the Certificate of Achievement award for economic excellence through the Texas Economic Development Council.

Deputy Mayor Pro Tem Reyes asked if Cox Farms opening date is scheduled to open in June 2017. Ms. Cook explained with Bee Street realignment, it wouldn't open till all road alignment is complete. Ms. Cook explained tourism is doing a great job keeping hotels full.

A.6 16-266 **Receive a brief update on the Mercer Crossing Development and associated Tax Increment Reinvestment Zone #3.**

Community Services Director Andy Gillies provided an update on the Mercer Crossing Development noting detailed site plans are being reviewed for 6 different proposed neighborhoods in the PD-99 district. He further stated these items will go to Planning and Zoning Commission in October or November and City Council will review in December. Mr. Gillies explained he is working with Centurion on 600 lots, noting this doesn't include commercial properties.

Deputy City Manager John Land praised Mr. Gillies and his team for working long hours including weekends to review these projects. Mr. Gillies noted he is reorganizing the department to create a Planning Technician position.

Mr. Cox explained he met with Bond Counsel to plan a finance strategy and proposal. Mr. Cox explained there is an existing TIF 1 that covers this area, noting you cannot have two TIF areas receiving funding at the same time. He noted they must establish base to begin construction. He noted the existing TIF expires in 2019, noting there is a proposal for a TIF 3. He explained this would overlay TIF 1 and won't produce revenue until 2020. He noted the Developer will be required to give up 2 years of revenue in order to establish a base. Mr. Cox explained TIF 3 increases the construction value and will allow Valwood Improvement District to lower the tax rate due to value increases.

Deputy Mayor Pro Tem Reyes asked when the construction will begin. Mr. Cox explained once TIF 3 is active, and TIF 1 expires they will request bonds to be issued. Mr. Cox estimated the project could begin within two to three weeks. Council Member Lynne asked if CFBISD School Board does not construct a school in the Verwood area, what will be developed. Mr. Gillies explained the developer is proposing 50 ft. lots to be developed in that location. Mr. Cox suggested City Council review and decide phasing of the projects.

A.8 16-255 **Discuss agenda items for future City Council meetings.**

Mr. Cox confirmed he will coordinate a meeting with the City Council subcommittee and the Oakbrook Homeowner's Association.

Mayor Phelps recessed at 8:00 p.m. into closed Executive Session.

J.1 16-258 **Council may convene into a closed executive session pursuant to Texas Government Code Section 551.072**

- ***Deliberate regarding the purchase, exchange, lease, or sale, or value of real property located east of I-35, south of Valley View, west of Webb Chapel, and north of 635.***

Mayor Phelps reconvened into open session at 8:38 p.m.

K. RECONVENE INTO REGULAR SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE CLOSED SESSION

No action was taken as a result of closed executive session.

L. ADJOURNMENT

Council Member Norwood made a motion to adjourn the meeting at 8:40 p.m. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Froehlich, Deputy Mayor Pro Tem Reyes, Council Member Norwood, Council Member Bomgardner, Council Member Lynne

The meeting adjourned at 8:40 p.m.

Mayor

ATTEST:

City Secretary