



# City of Farmers Branch

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

## Meeting Minutes

### City Council

Tuesday, October 18, 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, David Hale Police Chief, Allison Cook Economic Development Director, 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, Sherelle 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 16-268 Discuss regular City Council meeting agenda items.

Council Member Bomgardner asked for clarification regarding enforceability of Agenda Item H.1. City Manager Charles Cox replied the City's current ordinance requires operational garage doors and noted no other surrounding cities have an ordinance requiring closure of garage doors.

Council Member Lynne asked for clarification regarding Agenda Item G.2, in regards to alternative use of LED lighting and asked if a representative would be available to speak regarding digital conversion and more sustainable alternatives.

Council Member Bomgardner recommended City Administration review new regulations to make sure we are considering new codes which will require LED lighting.

Parks and Recreation Director Jeff Harting explained cost estimates indicated LED lighting to be very expensive and noted the project is half way complete and recommends continuing with the existing lighting plan to complete the current project.

Mr. Harting further stated he supports switching to energy saving LED lighting in the future, and would consider this for future projects.

**A.2    16-265            **Receive a report on current Residential Neighborhood Street Lights.****

Public Works Director Randy Walhood briefed City Council regarding this item. Mr. Walhood explained street lights within the City of Farmers Branch are owned and maintained by Oncor Electric Delivery. He noted currently, the City has approximately 2,445 street lights. He further stated there are three types of lamps used within the City: high pressure sodium, metal halide and mercury vapor with three different styles of light fixtures in Farmers Branch: shoe box style, cobra head style and an ornamental style that has been used along the streets around the DART station area. He further stated the ornamental style light is more costly. He noted the City pays about \$10 a month per light.

Mr. Walhood explained Council approved Resolution No. 2007-024 on February 19, 2007 setting City standards regarding streetscape which included street lighting. This resolution does not constitute an obligation to install or construct any street light improvements. He further stated the developer for Mercer Crossing has suggested a different style of street light for their proposed development, and noted Wittington Place has the shoebox style lights. Mr. Walhood explained most thoroughfares have the cobra head style lights noting Philadelphia style lights are allowed in the Mustang Crossing Addition. Mr. Walhood explained LED street lights are still being evaluated by Oncor and are not currently being installed. If the developer/City desires to install LED street lights, they would have to be separately metered and maintained by a separate entity.

Mr. Walhood noted the City's current provider Oncor does not offer LED lighting at this time. He further explained if the City switched to LED lighting, the City would be required to have a meter and pay for all maintenance and fixtures, since these services are not currently offered.

Mr. Cox stated he would ask that a representative from Oncor attend a future City Council meeting to discuss LED lighting and smart poles. Council Member Norwood suggested the option to partner with another vendor such as GE or another company that would provide these services.

Mr. Cox noted the City is currently in a franchise agreement with Oncor and would review the specifics.

**A.3 16-276 Receive a report on current City Ordinances that regulate truck and trailer parking on public and private property.**

Mr. Cox noted this item is an overview of current regulations for on street and off street parking in the City. Mr. Cox explained the Building Official Hugh Pender would provide an overview of off street parking and Police Chief David Hale provide an overview of regulations for on street parking.

Police Chief David Hale provided an on street overview of Chapter 82 of the Code of Ordinances. Chief Hale noted it is a violation to park any vehicle or trailer over ¾ ton in an area zoned residential or apartment. He noted there are exceptions which include: (a) pickup or passenger van for personal use/non commercial one ton or less; (b) construction sites/renovation; (c) Chief may issue a 24 hour load and unload permit. Chief Hale reviewed oversized vehicle parking, explaining the prohibited area is defined by north City limit being Beltline to south City limit being at LBJ Service Road to Denton Drive to Midway. He noted this does not include the boundary roadways. Chief Hale reviewed junked and abandoned vehicles as defined in Chapter 34, reviewing the following violations: (1) inoperable vehicles over 5 years old an unattended; (2) has remained illegally on public property for more than 48 hours; (3) private property without owner consent of more than 48 hours; (4) unattended on right of way of City, county or federal highway more than 48 hours or 24 hours on controlled access highway or turnpike.

Deputy Mayor Pro Tem Froehlich asked if a permit is required for home moving companies. Chief Hale explained if a moving truck is just passing through, no permit would be required. He noted they must be providing services to homeowners within the restricted area.

Council Member Norwood asked for clarification regarding the 48 hour highway verses road definition. The City Attorney noted Highway incorporates City streets. Chief Hale noted officers are knocking on doors prior to towing of a vehicle. Deputy Mayor Pro Tem Reyes asked if citations could be issued in lieu of towing a vehicle. Chief Hale replied citations are not currently allowed within the current ordinance.

Council Member Lynne asked for the number of vehicles towed within the last year. Chief Hale stated he does not have the exact number noting it is very minimal and has not been an issue.

Mr. Pender provided a PowerPoint presentation noting Chapter 56, Article III regulates parking of vehicles on private property, including limitations, and provides definitions. He noted this section establishes the type, manner and number of vehicles parked or stored. He noted in the definitions, special vehicles are defined as a motorhome, campers, boat, RV, or fifth wheel trailer. He further stated a utility vehicle is defined as a trailer, tractor, farm machinery, utility trailer, boxed trailer, flatbed trailer, car carrier or panel truck. Mr. Pender noted storage is defined as continuous parking of a vehicle for 48 hours or longer. Mr. Pender explained special vehicles can be parked in the side or rear yards not adjacent to a street provided they are screened. He noted an exception would be when parked on a driveway that provides access to required parking. He also stated, that one special vehicle can be parked in a front yard provided access to side and rear yards is prohibited

due to physical obstructions such as trees, retaining walls, a/c equipment, pools or other permanent obstructions. Mr. Pender noted that one special vehicle can be parked in a yard abutting two or more streets provided access to side and rear yards is prohibited due to physical obstructions such as trees, retaining walls, a/c equipment, pools or other permanent obstructions. Mr. Pender reviewed utility vehicles noting parking or storage of utility vehicles in the front yard is prohibited. Mr. Pender noted Article 12, Section 12-103, designates that in all residential, duplex and multi-family zoning districts, no parking or storage of any commercial motor vehicle that exceeds  $\frac{3}{4}$  ton capacity. He stated the exceptions to this are pickup trucks and passenger vans without commercial advertisement up to 1 ton capacity. One pickup truck or van with commercial signage up to  $\frac{3}{4}$  ton capacity. Mr. Pender noted appeals may be made to either the Building Official or Director of Community Services with review by the Zoning Board of Adjustment. Mr. Pender explained there is a potential exception of allowance for dual rear wheel pickup trucks. Mr. Pender noted the Gross Vehicle Weight Rating (GVWR) is a Federal Law rating of a vehicle.

Council Member Norwood asked for clarification of the problem and staff's recommendation to rectify. Mr. Cox explained the City has received complaints regarding  $\frac{3}{4}$  ton trucks with commercial advertising being parked in the street, and tonight is to review what's allowed and seek council's direction. Council Member Norwood suggested allowing the common vehicle Class 3, and limiting to a pickup or van.

Deputy Mayor Pro Tem Froehlich asked how to minimize commercial vehicles being parked in neighborhoods. Mr. Pender explained the current ordinance allows one (1) commercial vehicle with advertising per house.

After discussion, Council decided to review the information provided tonight and let staff know if it needs to be added as a future agenda item.

**A.4 16-269 Discuss agenda items for future City Council meetings.**

Deputy Mayor Pro Tem Froehlich asked for a future agenda item to discuss a marketing plan. Mr. Cox explained a comprehensive plan which links Pyro and DMO Pros together to be presented at a future meeting. Deputy City Manager John Land explained a business plan is being worked on and will be provided at a future Council meeting.

Council Member Bomgardner asked for a future agenda item to discuss a Charter Committee. He further stated the Mayor has many City obligations and events to attend, suggesting the Charter Commission could review the option to allow the Mayor to receive some compensation for his services.

Deputy Mayor Pro Tem Reyes asked if State Representative Matt Rinaldi could be added to a future agenda to provide a legislative update. Council Member Norwood suggested having Senator Don Huffines and State Representative Anachia Rafael to provide an update. Mr. Cox explained he would reach out and see who is available. Deputy Mayor Pro Tem Froehlich suggested if others aren't available, reaching out to Representative Fred Hill who could provide an update.

Council Member Lynne asked for clarification regarding Agenda Item H.2, in regards to the schedule of fees. Mr. Cox noted the fee increase is 40%, noting over the past 7 years no increase has been provided.

Mayor Phelps recessed for a five minute break at 5:12 p.m. and reconvened into closed Executive Session at 5:18 p.m.

**I. EXECUTIVE SESSION**

- I.1 16-272 Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code:
- *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.*

Adjourned from Exec Session at 5:48 p.m.

Mayor Phelps called the Regular meeting to order at 6:00 p.m.

**B. INVOCATION & PLEDGE OF ALLEGIANCE**

Council Member Bomgardner led the invocation and Boy Scout Troop 208 led the Pledge of Allegiance.

**C. CEREMONIAL ITEMS**

- C.1 16-262 Presentation of the Manske Library Summer-Reading-Club Traveling Trophy to Janie Stark Elementary School.

Mayor Phelps provided Janie Stark Elementary the Traveling Trophy Award.

- C.2 16-282 Presentation of a Proclamation declaring Tuesday, October 18, 2016 as Farmers Branch Rotary Day in the City of Farmers Branch.

Mayor Phelps recognized the rotary members in attendance and presented a proclamation to the Farmers Branch Rotary Club.

- C.3 16-273 Consider Board and Commission Emeritus appointments; and take appropriate action.

Mayor Phelps presented a proclamation to Ron Doerler for his service on the Historical Preservation and Restoration Board.

Motion made by Deputy Mayor Pro Tem Froehlich to appoint Ron Doerler and Patsy Mayo as Board Emeritus Members for the Historical Preservation and Restoration Board.

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

**D. REPORT ON STUDY SESSION ITEMS**

Council Member Norwood 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:

- The "Murder & Mayhem" tours at the Historical Park, planned for Thursday and Friday, October 27<sup>th</sup> and 28<sup>th</sup> promise to educate and delight participants with tall tales and historically accurate stories of infamous murders – and mayhem from Texas' past. Call the Park for more information at 972.406.0184.
- Then, on Saturday, October 29, the Halloween in the Park event is set to kick off at 5 p.m. with trick-or-treat stations, festival food, entertainment, carnival games, a petting zoo and, of course, the infamous "Haunted Hedge" (which opens at about 7:30 p.m.). Admission and parking are free but canned food donations are encouraged to help benefit Metrocrest Services Food Pantry for the upcoming holiday season. The first 1,000 kids with a two-can donation will receive a special Trick-or-Treat bag. Find out more at [fbspecialerevents.com](http://fbspecialerevents.com).
- Finally, our annual tribute to those that have worn the uniform of the U.S. military services will be held on Friday, November 11 at 10:30 a.m. at the Farmers Branch Senior Center as our Veterans Day Celebration welcomes back the World War II-era song and dance troupe, the Victory Belles. The traditional hot dog lunch will follow the celebration.
- You can sign up for eNews at [farmersbranchtx.gov](http://farmersbranchtx.gov) to have current City news and information delivered directly to your eMail box.

**F. CITIZEN COMMENTS**

Mayor Pro Tem Froehlich recognized former elected City Officials: City Council Member and Historical Preservation and Restoration Member Carol Dingman, Former Mayor John Dodd, Former Council Member Kirk Connally, Former Mayor Bill Binford, and Pat Edmiston.

The following citizens wished to speak under citizen comments.

Resident Carol Dingman spoke regarding the history of Farmers Branch reading aloud Dr. Gilbert's diary from October 18, 1872 in order to provide a little history of Farmers Branch.

Resident John Dodd spoke regarding history of the Historical Park Church and expressed gratitude to Mayor Phelps for providing a proclamation at the church event.

**G. CONSENT ITEMS**

- G.1 16-270 Consider approving minutes of the special called City Council meeting held on October 3, 2016; and take appropriate action.
- G.2 R2016-096 Consider approving Resolution No. 2016-096 authorizing the purchase and installation of replacement athletic field lights at Cox Soccer Fields 4 and 5 from Groves Electrical Services, Inc. through the Buy Board Purchasing Cooperative; authorizing execution of agreements as need; and take appropriate action.
- G.3 R2016-095 Consider approving Resolution No. 2016-095 authorizing the City Manager to enter into a three (3) year Microsoft Enterprise Software License Agreement in an amount not to exceed \$115,000.00 through SHI Government Solutions, utilizing the Department of Information Resources (DIR) contract number DIR-SDD-2503; and take appropriate action.

Motion made by Mayor Pro Tem Froehlich to approve Consent Items G.1 through G.3, 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. REGULAR AGENDA ITEMS**

- H.1 16-277 Receive a presentation from Christy Dimon regarding outside storage and garage door closures.

Resident Christy Dimon, 3180 Whitemarsh Circle, Farmers Branch, Texas spoke regarding Section 56, Item (q). Ms. Dimon discussed her recommendation to have outside storage in a garage screened from the street. Ms. Dimon stated residents do not understand all the codes, and items can be seen from garages when doors are left open. She further stated an amended ordinance to require garage doors to be closed is being requested.

Deputy Mayor Pro Tem Reyes asked Ms. Dimon for clarification and more specifics regarding her concerns regarding garage doors being left open. Ms. Dimon explained currently, there are no codes requiring garage doors to be closed.

Council Member Bomgardner explained Code Enforcement is unable to monitor garage door closures seven (7) days a week. Ms. Dimon replied stating she is willing to take photos and time stamp to prove the garage doors are in violation. She further stated she would send this information to Code Enforcement.

Council Member Lynne explained the City is limited in it's powers to code enforce. He noted these concerns could be addressed through a Homeowner's Association. He

suggested Ms. Dimon could organize a Neighborhood Crime Watch to allow neighbors to get more involved.

Mayor Phelps noted City Council would review with the City Manager and City Attorney and have a staff member contact Ms. Dimon to follow up.

- H.2 R2016-093 Consider approving Resolution No. 2016-093 authorizing the City Manager to sign an amendment to the professional services contract with McElroy, Sullivan, Miller, Weber, and Olmstead relating to the City's municipal solid waste landfill permit amendment; and take appropriate action.**

Environmental Services and Solid Waste Manager Shane Davis briefed City Council regarding this item. Mr. Davis provided background regarding this item, noting the City entered into a contract with McElroy, Sullivan, and Miller on July 22, 2009 to provide legal services relating to the City's municipal solid waste landfill permit amendment and any related litigation or contested administrative proceedings. Mr. Davis noted the rates have not changed in the past 7 years. Mayor Pro Tem Froehlich asked for more information regarding the law firm location and their expertise and reason for recommending this firm. Mr. Davis explained the firm is from Austin, Texas noting this is a highly recommended firm and noted they have worked with the City since 2009.

Deputy Mayor Pro Tem Reyes asked if a contested hearing happened, what the timeline overview is. Mr. Davis noted it could be seven (7) months to a year that would be added to the docket.

Motion made by Council Member Norwood to approve Resolution No. 2016-093, 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

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

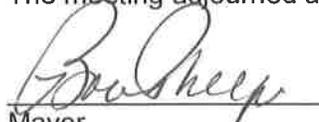
No action was taken as a result of closed executive session.

- L. ADJOURNMENT**

Council Member Lynne made a motion to adjourn the meeting at 7:00 p.m. Motion seconded by Mayor Pro Tem Froehlich. 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 7:00 p.m.

  
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Mayor

ATTEST:

  
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City Secretary

