



# City of Farmers Branch

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

## Meeting Agenda - Final

### City Council

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Tuesday, June 7, 2016

6:00 PM

Council Chambers

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

**A. STUDY SESSION**

- A.1 [16-143](#) Discuss regular City Council meeting agenda items.
- A.2 [16-152](#) Discussion regarding live entertainment for special events.
- A.3 [16-144](#) Discuss agenda items for future City Council meetings.

**B. INVOCATION & PLEDGE OF ALLEGIANCE**

**C. CEREMONIAL ITEMS**

- C.1 [16-153](#) Presentation of the Farmers Branch Fire Department's 2016 Fire and Life Safety Excellence Award.
- C.2 [16-154](#) Consider accepting a donation for the Farmers Branch Senior Center from the Farmers Branch Woman's Club; and take appropriate action.

**D. REPORT ON STUDY SESSION ITEMS**

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

Pursuant to Section 551.0415 of the Texas Government Code, the City Council or City Administration may report information on the following items: 1) expression of thanks, congratulations or condolences, 2) information about holiday schedules, 3) recognition of individuals, 4) reminders about upcoming City events, 5) information about community events, and 6) announcements involving an imminent threat to public health and safety.

**F. CITIZEN COMMENTS**

This agenda item provides an opportunity for citizens to address the City Council on any matter that is not posted on the agenda. Anyone wishing to address the City Council should complete a Citizen Comments Registration Card and submit it to the City Secretary or City Administration prior to the start of the City Council meeting. There is a three (3) minute time limit for each citizen to speak. Anyone wishing to speak shall be courteous and cordial. No disparaging or inflammatory remarks directed at any member of the City Council or City staff will be allowed.

The City Council is not permitted to take action on any subject raised by a speaker during Citizen Comments. However, the City Council may have the item placed on a future agenda for action; refer the item to the City Manager and/or City Administration for further study or action; briefly state existing City policy; or provide a brief statement of factual information in response to the inquiry.

## **G. CONSENT AGENDA**

- G.1**     [16-145](#)     Consider approving minutes of the City Council meeting held on May 17, 2016, and Special Called meeting held on May 24, 2016; and take appropriate action.
- G.2**     [R2016-055](#)     Consider approving Resolution No. 2016-055, re-appointing Faye Moses Wilkins to the DART Board of Directors; and take appropriate action.
- G.3**     [ORD-3375](#)     Consider adopting Ordinance No. 3375 amending the City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 2, Section 82-34, amending speed limits on Valwood Parkway and Division 5, Section 82-73, adding stop signs along Valwood Parkway; and take appropriate action.
- G.4**     [16-146](#)     Consider amending the City Council meeting dates for the month of October and December 2016; and take appropriate action.

## **H. PUBLIC HEARINGS**

- H.1**     [ORD-3373](#)     Conduct a public hearing and consider adopting Ordinance No. 3373 granting a Specific Use Permit (SUP) for a church, located at 2001 Academy Drive, and take appropriate action.
- H.2**     [ORD-3374](#)     Conduct a public hearing and consider adopting Ordinance No. 3374 for a Specific Use Permit for the construction of a detached accessory structure (exceeding 120 square feet in size) located at 14304 Olympic Court; and take appropriate action.

## **I. REGULAR AGENDA ITEMS**

- I.1     [16-155](#)     **Receive a Report on Findings and Recommendations from DMOPröz on Highest and Best Use of Available Hotel Occupancy Tax Fund Revenue.**
- I.2     [R2016-056](#)     **Consider approving Resolution No. 2016-056 authorizing an agreement with Freese and Nichols for Professional Engineering Services for the Farmers Branch Creek Watershed project; and take appropriate action.**
- I.3     [ORD-3376](#)     **Consider adopting Ordinance No. 3376, approving an amendment to the TIF Zone No. 2 Project and Financing Plan; and take appropriate action.**

The City Council may convene into executive session at anytime during the Study Session or Regular Session pursuant to Texas Government Code Section 551.071(2) for the purpose of seeking confidential legal advice from the City Attorney on any regular or study session agenda item.

**J.     EXECUTIVE SESSION**

- J.1     [16-148](#)     **City Council may convene into executive session pursuant to Texas Government Code Section 551.076 deliberation regarding security devices:**
- *Briefing by Police Chief regarding the deployment, or specific occasions for implementation, of security personnel or devices.*

**City 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 2712 Mount View.*

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

**L.     ADJOURNMENT**

Farmers Branch City Hall is wheelchair accessible. Access to the building and special parking are available at the main entrance facing William Dodson Parkway. Persons with disabilities planning to attend this meeting who are deaf, hearing impaired or who may need auxiliary aids such as sign interpreters or large print, are requested to contact the City Secretary at (972) 919-2503 at least 72 hours prior to the meeting.

**Certification**

I certify that the above notice of this meeting was posted at least 72 hours prior to the scheduled meeting time, in accordance with the Open Meetings Act, on the on the bulletin board at City Hall.

Date posted: 6-2-16  
Time posted: 10 a.m.

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City Secretary



# City of Farmers Branch

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

## Staff Report

File Number: 16-143

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**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Study Session

**In Control:** City Council

**File Type:** Report

**Agenda Number:** A.1

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



# City of Farmers Branch

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

## Staff Report

File Number: 16-152

**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Study Session

**In Control:** City Council

**File Type:** Report

**Agenda Number:** A.2

### **Discussion regarding live entertainment for special events.**

#### BACKGROUND:

The Parks and Recreation Department books live entertainment for a variety of events throughout the year. Live entertainment is part of various events including:

Date Nights

Liberty Fest Presents Stars and Strings

Independence Day

Taste and Tunes

Bloomin Bluegrass

Halloween in the Park

Veterans Day

Christmas Tree Lighting

#### DISCUSSION:

Entertainment is booked for all of the 2016 events listed above. Entertainment is planned, but has not been booked, for the Farmers Market on the remaining first Saturdays of each month as well as Food Truck Saturdays at the Farmers Market, July 30 and October 29.

The attachment lists entertainment that is currently booked for upcoming 2016 events.

Staff will be present to discuss, answer questions, and receive Council input.

#### ATTACHMENT:

1. 2016 Live Entertainment



# 2016 Special Event Live Entertainment

## 2016 Entertainment Schedule

Event	Date	Genre	Band
Date Night in the Park	April 23	Texas Groove / Americana	Midnight River Choir
Liberty Fest presents Stars & Strings	May 28	Classical	Dallas Wind Symphony
Tastes & Tunes	June 16	Beatles Tribute Band	Hard Nights Day
Tastes & Tunes	June 30	Motown / Funk	All Funk Radio Show
Independence Day Celebration	July 3	Cover Band Top Hits	Inside Out Band
Tastes & Tunes	July 21	Texas Music	Lone Star Attitude
Date Night in the Park	September 24	Americana Rock Band	Statesboro Revue
Bloomin' Bluegrass	October 14 & 15	Bluegrass	Variety of Bluegrass
Halloween in the Park	October 29	Variety of Kids Entertainment	Variety
Veterans Day	November 11	1940's Tribute Trio	Victory Belles
Christmas Tree Lighting	December 3	Christmas Music	Local Choirs

## 2016 Additional Live Entertainment Opportunities

- First Saturday Events at the Farmers Branch Market
  - July 2
  - August 6
  - September 3
  - October 1
- Food Truck Saturday at Farmers Branch Market
  - July 30
  - October 29

## 2016 Entertainment Schedule

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# 2016 Additional Live Entertainment Opportunities

## First Saturday Events at the Farmers Branch Market

July 2

August 6

September 3

October 1

## Food Truck Saturday at Farmers Branch Market

July 30

October 29



# City of Farmers Branch

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## Staff Report

File Number: 16-144

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**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Study Session

**In Control:** City Council

**File Type:** Report

**Agenda Number:** A.3

**Discuss agenda items for future City Council meetings.**



# City of Farmers Branch

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Farmers Branch, Texas  
75234

## Staff Report

File Number: 16-153

**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Ceremonial

**In Control:** City Council

**File Type:** Procedural Item

**Agenda Number:** C.1

### **Presentation of the Farmers Branch Fire Department's 2016 Fire and Life Safety Excellence Award.**

#### BACKGROUND:

In February 2014, the Farmers Branch Fire and Life Safety Excellence Award was created to recognize a Farmers Branch building engineer who exemplifies the highest commitment to the protection of life and property by ensuring a safe work environment for citizens and emergency responders.

The building engineer is often the key liaison to the fire department in the event of building evacuations, annual fire prevention inspections, medical emergencies, and more importantly, during building construction and remodel projects.

An award nomination committee was selected, comprised of chief officers, to review an engineer's past performance. Nominees for this award were submitted to the awards nomination committee. Each nomination was well deserving of this award, as they exemplified the skills and outstanding collaborative cohesiveness with city officials and fire prevention personnel.

The Farmers Branch Fire Department is very proud to announce Mr. Mark Floyd as the recipient for the 2016 "Fire and Life Safety Excellence Award".

Mark Floyd is the Chief Building Engineer for Providence Towers, located at 5001 Spring Valley Rd. Mr. Floyd has been in the industry for over 31 years, and has received the Transwestern Chief Engineer of the Year Award in 2001 and 2014. Mark has also received the KBS Realty Service Excellence Award in 2013.

Mark currently spends most of his time maintaining a Class A 12-story, 5-story parking garage high rise building within the City of Farmers Branch. Mark is the key to building capital improvements and the successful implementations to extend the useful life of the Building Systems. Mark oversees all building repairs and preventative maintenance to ensure minimal disruption or downtime.

The Providence Towers building safety requirements go above and beyond any typical commercial asset safety program. As the Assistant Director of the Fire/Life Emergency Team, Mark plays a key role in safety training for the tenants of Providence Towers. Floor Wardens and tenants are well trained annually and take the floor warden requirements very seriously.

Mark has been instrumental in lowering the electrical consumption at Providence Towers by 1,800,000 kWh per year. This was done by totally changing the operational strategies for the property. Mark also worked with the property management team at Providence Towers to achieve LEED certification for existing buildings in 2009.

Mr. Floyd has promoted life safety of going above and beyond for the ownership, tenants and visitors. He coordinates annual fire and life safety training and stays in constant communication with the City of Farmers Branch Fire Department and works closely with the Farmers Branch Police Department and Community Services. Mark is a steady, dedicated servant to his profession and puts the operation of the building and its life safety systems as the highest priority, ensuring the safety of all occupants.

The Farmers Branch Fire Department recognizes Mark Floyd for his diligence and commitment to the protection of life and property at Providence Towers in the City of Farmers Branch.

ATTACHMENTS:

1. Award Certificate

# FARMERS BRANCH FIRE DEPARTMENT

## *Fire and Life Safety Excellence Award*

2016

Presented to

Mark Floyd

In recognition of

Your commitment for the protection of life and property  
and providing a safe work environment at  
Providence Towers.



FARMERS  
BRANCH



\_\_\_\_\_  
Steve Parker, Fire Chief

\_\_\_\_\_  
Date



# City of Farmers Branch

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13000 Wm Dodson Pkwy  
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75234

## Staff Report

File Number: 16-154

**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Ceremonial

**In Control:** City Council

**File Type:** Donation

**Agenda Number:** C.2

### **Consider accepting a donation for the Farmers Branch Senior Center from the Farmers Branch Woman's Club; and take appropriate action.**

#### BACKGROUND:

At the Farmers Branch Woman's Club annual meeting held May 6, 2016, it was announced that a donation of \$2,500.00 would be given to the Parks and Recreation Department for the Farmers Branch Senior Center. This donation will be used to purchase exercise equipment for the Senior Center; specifically exercise bands and floor mats.

#### DISCUSSION:

This very generous donation further demonstrates that the Farmers Branch Woman's Club is an important and long-standing supporter of the Parks and Recreation Department and has often partnered with the City to provide expanded services to Farmers Branch residents. Woman's Club President Bitsy Laney is in attendance at tonight's meeting to present the \$2,500.00 check to the City.

#### RECOMMENDATION:

City Administration recommends accepting the \$2,500.00 donation from the Farmers Branch Woman's Club for the Farmers Branch Senior Center.

#### POSSIBLE COUNCIL ACTION:

1. I move to approve the \$2,500.00 donation from the Farmers Branch Woman's Club.
2. I move to approve the \$2,500.00 donation from the Farmers Branch Woman's Club with modifications.
3. I move to table the issue for further study or take no action.

#### ATTACHMENT:

1. Thank You Letter



June 7, 2016

Mrs. Bitsy Laney  
Farmers Branch Woman's Club  
3048 Golfing Green  
Farmers Branch, Texas 75234

Dear Mrs. Laney:

On behalf of the entire Farmers Branch City Council and the participants of the Farmers Branch Senior Center, I want to thank you and the Woman's Club for your generous donation of \$2,500.00. The Farmers Branch Woman's Club continues to be an outstanding community partner by providing support to the Senior Center and its programs.

Your donation will be utilized to purchase equipment for use at the Senior Center; specifically exercise bands and floor mats. This equipment will help upgrade the fitness programs offered and enrich the lives of senior citizens.

Once again, the Council and I thank you.

Sincerely,

Bob Phelps, Mayor



# City of Farmers Branch

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75234

## Staff Report

File Number: 16-145

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**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Regular Agenda

**In Control:** City Council

**File Type:** Report

**Agenda Number:** G.1

**Consider approving minutes of the City Council meeting held on May 17, 2016, and Special Called meeting held on May 24, 2016; and take appropriate action.**



## City of Farmers Branch

Farmers Branch City Hall  
13000 Wm Dodson Pkwy  
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75234

### Meeting Minutes

### City Council

Tuesday, May 17, 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 - Deputy Mayor Pro Tem Harold Froehlich, Council Member John Norwood, Mayor Pro Tem Kirk Connally, Council Member Ana Reyes, Council Member Mike
- Staff:** 16 - Charles Cox City Manager, Amy Piukana City Secretary, Pete Smith City Attorney, Shawna Eikenberry Assistant to City Manager, Sid Fuller Police Chief, John Land Managing Director Operations, LaJearna Thomas Executive Assistant Administration, Allison Cook Economic Development Manager, 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, Mitzi Davis Parks and Recreation Project Manager, Jeff Harting Parks and Recreation Director, Miguel Gauna Animal Services Manager, Steve Parker Fire Chief, Gabe Vargas Deputy Fire Chief, Tim Dedear Fire Marshall

#### A. STUDY SESSION

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

##### A.1 16-136 Discuss regular City Council meeting agenda items.

Council Member Reyes noted the canvass of election will take place tonight, but respectfully asks if the swear in could take place at the following meeting June 7, 2016.

Council Member Bomgardner asked for clarification regarding Agenda Item G.2 (R2016-044) Dallas County Capital Improvement Project Funding Agreement in regards to DART funding. City Manager Charles Cox explained DART funds would be provided on this project. Council Member Bomgardner asked about Agenda Item G.4, (R2016-049) in

regards to support of an application of Windy Ridge, LLC, to the Texas Commission on Environmental Quality for a Municipal Settings Designation, asking if it was a continuation from last meeting. Council Member Norwood explained this item is being postponed until negotiations are finalized with City of Lewisville.

Council Member Bomgardner asked what the total cost projection for Agenda Item G.6, (R2016-040) regarding submission of an application to Dallas County for FY 2016 Dallas County Community Development Block Grant Program for Shoredale Lane water and sewer replacement project. Public Works Director Randy Walhood replied that this includes utilities of streets and the city has been notified by Dallas County that the City's allocation award for 2016 is \$219,773.00.

**A.2 [16-132](#) Discussion regarding disposable bags and trash pickup services.**

Environmental Health Services Manager Shane Davis provided an update regarding the cities current curbside recycling program. Mr. Davis noted the decision was made to continue with trash collection utilizing disposable bags and stated rollout bins were provided for recycling. Mr. Davis further stated that curbside recycling has been in effect approximately one month and the City has been receiving suggestions from residents as to modifications of possibly using rollout bins for trash collection.

Mr. Davis presented a PowerPoint presentation reviewing current service, history, and current impact of the program. Mr. Davis noted the Sustainability Committee will soon be formed which could review processes and research costs associated with switching to trash bin services.

Council Member Bomgardner discussed the option to have this item on a November ballot to allow citizens the option to vote on the issue. Council Member Bomgardner asked if the CWD Vendor has provided check payments to other cities utilizing recycling. Mr. Paul Hansen with CWD replied that no checks in the metroplex area have been issued to date.

Deputy Mayor Pro Tem Froehlich noted the Sustainability Committee could be tasked with researching this issue and asked that a full 12 month cycle of the current services be tracked in order to allow proper data to be collected. Council Member Norwood agreed to let the Sustainability Board review and provide feedback to City Council.

Council Member Norwood asked if allowing residents to utilize personal containers would impact CWD when picking up trash bins. Mr. Hansen explained vendor issued bins are his preference. Mr. Davis explained service time will increase due to loading of bins on trucks, and service costs would increase with the purchase of trash bins.

Council Member Reyes asked if the current trucks are equipped properly to pick up trash bins. Mr. Hansen explained the same truck will be utilized for all pick-ups, however; asked for consistency throughout the city.

Resident Frances Tucker, spoke stating plastic containers cannot be used to hold leaves and trash near city curbs. She further explained she was unaware of new rules, and noted the CWD driver, in her opinion, did not display good customer services. She further stated the driver took her photo and explained the new rules.

Mr. Hansen explained his staff was instructed to support the rules of the city noting trash bins are not allowed per City Ordinance.

Mr. Davis noted public information and mailers were sent out to all city residents along with news blasts regarding pickup procedures.

Resident Ed French, spoke regarding the use of trash bins, noting his trash service has not been picked up while using bins.

After discussion, Council agreed to allow the Sustainability Committee be tasked with reviewing the current process and future procedures in regards to utilizing trash bins, and provide a summary of review along with costs to City Council for review.

City Manager Charles Cox asked Mr. Davis if thickness of trash bags has been considered in regards to animals. Mr. Davis explained he can research this issue. Mr. Cox explained any residents should notify Animal Services if wild animals are observed roaming the streets.

**A.3 [16-138](#)      **Receive an overview from Community Services regarding current Animal Registration Fees and Micro-chipping Services.****

Community Services Director Andy Gillies and Animal Services Manager Miguel Gauna briefed City Council regarding this item. Mr. Gauna and Mr. Gillies provided an overview regarding current animal-related fees in comparison with several surrounding municipalities within the Dallas area. Mr. Gillies reviewed adoption fees (\$85), Redemption and Daily Housing fees (\$15+\$5/day), Pet Owner Release to Shelter fee (\$20), Rabies Quarantine fee (\$50), Aggressive/Dangerous Animal Registration fee (\$50/\$100), Annual Animal Registration fees (\$0), and Microchip Program Fee (\$10). Mr. Gillies reviewed community outreach events, reviewed mobile pet units noting City of Plano has an Animal Services Trailer which allows better community outreach. He further stated City of Plano was able to purchase the mobile unit utilizing \$25,000 received by grant monies, \$40,000 was provided by the city and \$103,000 was raised through donations.

Council Member Bomgardner had questions regarding sterilization fees and microchipping. Mr. Iguana explained the cost is \$60 to sterilize most animals and it takes about 15 minutes to microchip an animal.

Deputy Mayor Pro Tem Froehlich asked if the city is able to track stray animals and obtain vaccination records. Mr. Gauna stated per City Ordinance and State Law requirements, rabies must be current and up to date. He further stated the city works with pet owners through warning notices and sometimes issue citations to violators if proof of vaccination is not provided.

Council Member Reyes asked what City of Plano is doing to integrate responsible pet ownership. Mr. Gillies explained City of Plano utilizes a mobile pet trailer which allows, better community outreach with the use of the trailer, resulting in more adoptions, and ultimately saving the city money.

Council Member Bomgardner asked how many employees are needed to operate this type of clinic, and how long the life expectancy of this type of trailer would be.

Mr. Gauna replied two employees would be necessary, noting the trailer should last several years, in his opinion.

Deputy Mayor Pro Tem Froehlich suggested reaching out to local apartment complexes regarding pet statistics.

**A.4**     [16-139](#)             **Discuss City Council meeting dates for the remainder of calendar year 2016.**

City Council reviewed the City Council meeting calendar, advising staff to reschedule the Tuesday, October 4, 2016, City Council meeting date to Monday, October 3, 2016, to allow everyone to attend National Night Out. City Council asked that one meeting be held in December on Tuesday, December 13, 2016. This item will be taken as an action item at the next regularly scheduled City Council meeting on June 7, 2016.

**A.5**     [16-137](#)             **Discuss agenda items for future City Council meetings.**

Deputy Mayor Pro Tem Froehlich asked for more updates regarding Economic Development updates. Mr. Cox replied updates will be provided weekly to City Council. Council Member Bomgardner asked for an update regarding the Bond Committee meetings. Mr. Cox replied that he would contact the Bond Committee Chair to arrange for an update during a future Study Session meeting.

Mayor Phelps took a brief recess at 4:15 p.m., then skipped to Agenda Item J., Executive Session at 4:22 p.m.

**J.        EXECUTIVE SESSION**

**J.1**     [16-140](#)             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.

Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:

- Discuss commercial or financial information the city has received from a business prospect(s), and to deliberate the offer of a financial or other incentive to a business prospect(s). Project WOW

Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:

- Discuss Economic Development Incentive for Project Echo  
(No discussion)

Mayor Phelps concluded Executive Session at 4:52 p.m. and skipped to Agenda item A.6.

**A.6 [16-133](#) Reception for City Council Member Elect Ana Reyes for District 1 and newly elected City Council Member Elect Terry Lynne for District 4.**

Mayor Phelps announced a reception for Council Member Ana Reyes and newly elected City Council Member Terry Lynne would be held downstairs in the front lobby area.

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

**B. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Phelps provided the Invocation and led the Pledge of Allegiance.

**C. CEREMONIAL ITEMS**

**C.1 [R2016-041](#) Consider approving Resolution No. 2016-041 canvassing and declaring the results of the May 7, 2016, General Election for City Council District 1 and City Council District 4; and take appropriate action, including swearing in of duly elected City Council Members.**

Mayor Phelps read the official tabulation declaring Ana Reyes elected to City Council, District 1 and Terry Lynne elected to City Council, District 4.

Motion made by Mayor Pro Tem Connally to approve Resolution No. 2016-041, as presented. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

Mayor Phelps noted Council Member Reyes will be sworn in at the June 7, 2016, City Council meeting.

Deputy Mayor Pro Tem Froehlich provided the Oath of Office to Council Member Elect Terry Lynne.

**C.2 [16-134](#) Presentation honoring City Council Member Kirk Connally for his years of service on the Farmers Branch City Council.**

Mayor Phelps provided a plaque honoring Council Member Kirk Connally for his years of service as City Councilman for District 4. Council Member Connally thanked his family, the citizens of Farmers Branch, and City Staff for assisting him while serving as City Council Member District 4.

**C.3 [16-112](#) Elect a Mayor Pro Tem and Deputy Mayor Pro Tem; and take appropriate action.**

Council Member Bomgardner moved to appoint Council Member Froehlich as Mayor Pro Tem and Council Member Ana Reyes as Deputy Mayor Pro Tem. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

**C.4 [16-126](#) Consider Board and Commission appointments; and take appropriate action.**

Motion made by Mayor Pro Tem Harold Froehlich to appoint Marc Bentley to the North Dallas Water Supply for a term expiring January 1, 2019. Motion seconded by Council Member Bomgardner. Motion approved by the following vote:

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

Motion made by Mayor Pro Tem Froehlich to appoint David Koch to Place 3 and Michelle Holmes to Place 5, on Valwood Improvement Authority Board, with terms expiring December 31, 2017. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

Mayor Phelps made a motion to appoint Hugh Pender to TIF Board 1 and TIF Board 2. Motion seconded by Mayor Pro Tem Froehlich. Motion approved by the following vote:

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

**D. REPORT ON STUDY SESSION ITEMS**

Council Member Norwood provided an update regarding Study Session items.

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

City Manager Charles Cox provided the following report and community interest items:

- The all-new **Farmers Branch Market** is up and running after a tremendous grand opening earlier this month. A fresh take on the traditional Farmers Market concept, the market features produce, meat and egg vendors along with arts, crafts and specialty items for sale. Farmers Branch Market is open every Saturday from 8 a.m. to 12 noon, May through October at The Grove at Mustang Crossing. For more information, visit farmersbranchmarket.com.
- The popular **Tastes & Tunes** summer food truck concert series returns to The Grove this week on Thursday, from 6 until 9 p.m. The Mowtown sounds of "All Funk Radio Show" will

- be on stage with mobile culinary delights will abound at food trucks on site. In addition, craft beer and wine will be available for sale. Lawn chairs and blankets are recommended for lawn seating, but the Friends of the Farmers Branch Historical Park will be on hand to rent chairs for \$2 each. Admission is free. For more information and upcoming dates, visit [fbspecialevents.com](http://fbspecialevents.com).
- Anyone interested in the future of the **John F. Burke Nature Preserve**, on the west side of Farmers Branch, is encouraged to attend a Master Planning Meeting on Wednesday, May 25 at 6:30 p.m. at the Community Recreation Center. Master planning firm Dunaway & Associates will be on hand to help collect input and ideas for the future of the 108-acre preserve.
  - The summer kicks off in fine fashion on the Saturday of Memorial Day Weekend, May 28, when **Liberty Fest presents Stars & Strings**, featuring the Dallas Wind Symphony in a concert under the stars at the Farmers Branch Historical Park. Gates will open at 6:30 p.m. and admission is free. The event will also feature a free KidZone, tours of historic structures, concessions available for purchase and pre-ordered picnic baskets from Central Market. A fireworks finale will complete the evening after dark. Again, visit [fbspecialevents.com](http://fbspecialevents.com).
  - Finally, please note that most City offices and facilities will be closed for the **Memorial Day holiday** on Monday, May 30. However, the Farmers Branch Community Recreation Center and Historical Park will both be open from 8 a.m. until 5 p.m. The Margaret Young Natatorium will be open from 6 a.m. until 5 p.m. while the Frog Pond continues its opening weekend, open that day from 1 p.m. until 6 p.m.
  - Don't forget to 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**

Deputy Mayor Pro Tem Reyes recognized former Mayor John Dodd and Carrollton Farmers Branch School Board Official Mr. Ramos, who were in attendance. The following citizens wished to speak under Citizens Comments:

Dr. Daniel Caputo, spoke regarding trash pickup asking that trash bins be allowed.

Mr. Jonas Greene, spoke regarding trash bins, thanking City Council for quick action, he asked for an amendment to the ordinance allowing trash bins and noted he has setup a website [www.cleanupfb.org](http://www.cleanupfb.org).

Mayor John Dodd, spoke stating he was very pleased with the current City Council and stated he is very pleased with the new City Manager and wishes Kirk Connally the best on his future endeavors.

Resident Rick Johnson spoke in opposition to additional trash bins, explaining in his opinion, this becomes a Code Enforcement issue, and asked City Council to allow more time to review the trash process.

**G. CONSENT AGENDA**

- G.1 [16-135](#)** Consider approving minutes of the May 3, 2016, regular City Council meeting; and take appropriate action.
- G.2 [R2016-044](#)** Consider approving Resolution No. 2016-044 authorizing approval of a Dallas County Capital Improvement Project Funding Agreement with Dallas County relative to the Westside Trail connection from the DART Farmers Branch Station to the west city limit line; and take appropriate action.
- G.3 [R2016-052](#)** Consider approving Resolution No. 2016-052 authorizing an agreement with Pacheco Koch for Professional Engineering Services for the design of Bee Street Reconstruction; and take appropriate action.
- G.4 [R2016-049](#)** Consider approving Resolution No. 2016-049 in support of the application of Windy Ridge, LLC. to the Texas Commission on Environmental Quality for a Municipal Settings Designation for property located at 1000 Lake Ridge Road in Lewisville, Texas; and take appropriate action. *(This item was tabled)*
- G.5 [ORD-3371](#)** Consider adopting Ordinance No. 3371 approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division that adopts new natural gas rates for the City of Farmers Branch; and take appropriate action.
- G.6 [R2016-040](#)** Consider approving Resolution No. 2016-040 authorizing submission of an application to Dallas County for the Fiscal Year 2016 Dallas County Community Development Block Grant program for the Shoredale Lane water and sewer replacement project; and take appropriate action.
- G.7 [ORD-3372](#)** Consider adopting Ordinance No. 3372, Amending Chapter 34 of the Code of Ordinances of the City of Farmers Branch, Texas, by Adding Article XII Entitled “ Municipal Settings Designations, “ to provide for Municipal Setting Designation Ordinances; and take appropriate action.
- G.8 [ORD-3366](#)** Consider adopting Ordinance No. 3366 amending the City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 6, Section 82-95, amending No. of Parking Zones on portions of Richland Avenue; and take appropriate action.
- G.9 [16-142](#)** Consider excusing the absence of City Council Member Mike Bomgardner from the May 3, 2016, City Council meeting; and take appropriate action.

Motion made by Mayor Pro Tem Froehlich to approve Consent Items G.1, through G.9, noting G.4, Resolution No. 2016-049, has been tabled. 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

## H. **PUBLIC HEARINGS**

- H.1 [ORD-3370](#) **Conduct a public hearing and consider adopting Ordinance No. 3370 approving a Specific Use Permit for a conference center (commercial indoor amusement facility) located at 4445 Sigma Road; and take appropriate action.**

Community Development Director Andy Gillies briefed City Council regarding this item noting the building is approximately 30,635 square feet in area and is currently divided into 2 suites. Mr. Gillies explained the applicant plans to use the western suite, as a conference center and/or commercial amusement indoor facility. He further stated parking requirements have been met, and he noted 7 additional trees have been provided. Mr. Gillies further stated the hours of operation will be Monday through Friday 7:00 a.m. to 5:30 p.m. and Saturday and Sunday, 7:00 a.m. to 11:00 p.m.

Mayor Pro Tem Froehlich asked what kind of venues will be conducted at this location and if alcohol would be served. Mr. Gillies explained it will be utilized in a broad type of use, for example wedding receptions, a conference center, and more corporate gatherings, noting alcohol will not be served.

Applicant Yossi Ohayan was present to answer any questions. Council Member Lynne asked if only the western side of the building will be utilized. The applicant replied yes, at this time.

Mayor Phelps opened the public hearing. There were no citizens present that wished to speak. Motion made by Council Member Norwood to close the Public Hearing and adopt Ordinance No. 3370, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

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

- H.2 [R2016-050](#) **Conduct a public hearing and consider approving Resolution No. 2016-050 approving a Detailed Site Plan for a warehouse and office building located at 2424 Richland Avenue; and take appropriate action.**

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies noted the property is zoned PD-70, General Business Sub District. He noted the applicant is requesting a detailed site plan along with a special exception requesting 67% lot coverage. The applicant is proposing to build a new headquarters for their residential and commercial air conditioning and heating business, Air Rey Services. He noted the 6,591 square foot building will contain both warehouse, storage and office space. He further stated the new building will contain approximately 4,000 square feet of warehouse

on the west wing, with approximately 2,591, square feet of office spaced use on the east wing, with access from Bee Street. Mr. Gillies noted the applicant plans to add 8 additional trees to the landscaping, and parking requirements have been met.

Deputy Mayor Pro Tem Reyes noted residential homes are located nearby, asking what areas will be used for loading and unloading of equipment and would it affect residential properties. Mr. Gillies explained an 8 ft. screening wall has been added to the southern area, noting all access to the warehouse will be from Richland, near the commercial side.

Council Member Lynne asked about service vehicle storage locations asking if 8 parking spots would be empty after hours when building is secured. Mr. Gillies explained the secured area would be to store vehicles inside, however; no restrictions have been added in regards to the 8 parking spots.

Mayor Pro Tem Froehlich asked if landscaping would have irrigation. Mr. Gillies confirmed an irrigation system would be installed.

Mayor Phelps opened the Public Hearing. There being no one present that wished to speak, Deputy Mayor Pro Tem Reyes made a motion to close the Public Hearing and approve Resolution No. 2016-050, as presented. Motion seconded by Council Member Norwood. 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 [R20146-047](#) Consider approving Resolution No. 2016-047 awarding the bid for the reconstruction of Valley View Lane from Josey Lane to Webb Chapel Road to McMahan Contracting Company, LP; and take appropriate action.**

Public Works Director Randy Walhood briefed City Council regarding this item. Mr. Walhood noted the reconstruction of Valley View Lane from Josey Lane to Webb Chapel is included in the FY15-16 Capital Improvement Program with the Street Bond Fund providing a budgeted amount of \$3,500,000. Mr. Walhood noted five bids were received noting McMahan Contracting Company, L.P was the lowest bid in the amount of \$3,116,643.98. He further stated the project includes improvements to paving, gutters, sidewalks, drive approaches, water and sanitary sewer mains within the right of way of this portion of Valley View. He further stated Public Works has coordinated with the Parks Department to widen sidewalks to facilitate with the Trail Masterplan.

Mayor Pro Tem Froehlich asked if the project paving will be similar to the paving at Webb Chapel. Mr. Walhood explained concrete will be used on this project.

Council Member Reyes asked if any right of way would be acquired from residents. Mr. Walhood replied the city is utilizing the current right of way.

After discussion, Council Member Bomgardner made a motion to approve Resolution No. 2016-047, as presented. 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

**I.2 [R2016-054](#) Consider approving Resolution No. 2016-054 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3507 Apple Valley Drive; and take appropriate action.**

Economic Development Manager Allison Cook briefed City Council regarding this item. Ms. Cook noted the applicants Robert and Laura Steele have applied for demolition rebuilding option two. This includes an incentive equal to 10 times the amount of the increase in the City property taxes paid on the difference between the original home appraised value prior to demolition and the value of the newly constructed home, as determined by the Dallas County Appraisal District for the year following completion of construction. If requested, the City will pay up to one-half of the estimated incentive at the time of the owner closing on the permanent financing of the new home following completion of construction based on the valuation set forth in the application for building permit submitted to the City prior to construction. Ms. Cook noted this option does not include reimbursement for demolition costs. She further stated the current improvement value is \$114,000 and the estimated new improvement value is estimated to be at least \$866,000.

Motion made by Mayor Pro Tem Froehlich to approve Resolution 2016-054, as presented. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion approved 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 AND TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION.**

As a result of Executive Session agenda item regarding discussion of commercial or financial information the city has received from a business prospect(s), and to deliberate the offer of a financial or other incentive to a business prospect(s). Project WOW.

Council Member Bomgardner made a motion that the City Manager be authorized to negotiate and execute on behalf of the City an Economic Development incentive agreement with Project WOW to provide: (1) ten years of annual economic development grants equivalent to a percentage of the increase in property taxes assessed the improvements located at 14060 Proton Road, Farmers Branch, Texas of 100% for years 1,2, and 3, 75% for years 4 and 5, 50% for years 6,7, and 8, and 25% for years 9-10; conditioned on the company purchasing or leasing, and occupying the property for a period of at least 10 years; and (2) that the standard

City terms and conditions for incentive agreements to apply. 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

**L. ADJOURNMENT**

Council Member Bomgardner made a motion to adjourn the meeting at 6:55 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 6:55 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



## 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, May 24, 2016

6:00 PM

Farmers Branch Recreation Center  
1450 Heartside  
Farmers Branch, TX 75234

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#### Special Called Meeting

- Presiding:** 1 - Mayor Bob Phelps
- Present:** 5 - Mayor Pro Tem Harold Froehlich, Deputy Mayor Pro Tem Ana Reyes, Council Member John Norwood, Council Member Mike Bomgardner, Council Member Terry Lynne
- Staff:** 4 - John Land Managing Director, Amy Piukana City Secretary, LaJeana Thomas Executive Assistant Administration, Shane Davis Environmental Services and Solid Waste Manager; Mark Young Deputy Chief of Police

#### A. CALL TO ORDER

Mayor Phelps called the meeting to order at 6:06 p.m.

Mayor Phelps thanked the Board and Commission applicants for their interest in volunteering to serve on a City board. He further stated the City held a Board and Commission recruitment event on May 10, 2016, allowing residents to ask questions regarding City boards. Mayor Phelps explained tonight's meeting is to allow City Council the opportunity to speak with applicants and ask questions, if necessary.

City Council conducted interviews, reviewing years of residency in Farmers Branch, experience and qualifications of the following Board and Commission applicants: Glen Douglas, Connie Hardy, Abby Rojas, Alejandro Rojas, Robert Schies, Sharon Aston, David Moore, Ann Christman, Mary Jo Francis, Jennifer Hudson Allen, Michael Driskell, Marjorie Cutler, Joann Henderson, Claire Connally, Justin Langhorst, Sara Langhorst, Corey Plunk, Mike Del Valle, Louise Henning, David Griggs, Jonas Greene, Bruce Gregory, Debbie Lehman, Linda Mills, Ray Mills, Alex Kaplinsky, Shirley Shaffer, Al Owens, Craig Belanger, Chuck Lawless, Jeffrey Prutz, Sustainability, Micah Harleaux, Dawn Ramos, Sharon Aston, Robert Stewart, David Bruce Crozier, and Bonnie Potraza.

Afterwards, City Council thanked everyone for attending, noting Board and Commission appointments will be made at the June 21, 2016, regular City Council meeting.

**B. ADJOURNMENT**

Council Member Lynne made a motion to adjourn the meeting at 7:05 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 7:05 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



# City of Farmers Branch

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

## Staff Report

File Number: R2016-055

**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Regular Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** G.2

**Consider approving Resolution No. 2016-055, re-appointing Faye Moses Wilkins to the DART Board of Directors; and take appropriate action.**

### BACKGROUND:

Members of DART's Board of Directors serve staggered two-year terms pursuant to Section 452.578 of the Texas Transportation Code. Faye Moses Wilkins was appointed to represent the City of Farmers Branch in 2014 and has recently been elected Chair of the DART Board. With her term of office expiring June 30, 2016, Ms. Wilkins is seeking reappointment.

### POSSIBLE COUNCIL ACTION:

1. I move to approve reappointing Fay Moses Wilkins to DART's Board of Directors for a term expiring June 30, 2018.
2. I move to approve Resolution No. 2016-055, with modifications.
3. I move to table the issue for further study or take no action.

### ATTACHMENTS:

1. Resolution No. 2016-055
2. Dart Letter



**RESOLUTION NO. 2016-055**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, APPOINTING A SHARED MEMBER TO SERVE ON THE DALLAS AREA RAPID TRANSIT (DART) BOARD OF DIRECTORS; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on August 23, 2011 the DART Board of Directors approved a reapportionment plan in Resolution No. 110089 pairing the City of Plano and the City of Farmers Branch for purposes of selection of a representative to the DART Board of Directors; and

**WHEREAS**, as required by Section 452.578, the Board of Directors has a plan for filling vacancies following the reapportionment to ensure that each municipality maintains the representation to which it is originally entitled; and

**WHEREAS**, the City Council finds it to be in the public interest of the citizens of Farmers Branch to join with the City of Plano in making an appointment to the DART Board of Directors.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The City of Farmers Branch concurs with and concurs the City of Plano in the appointment of Faye Moses Wilkins to serve on the Dallas Area Rapid Transit Board of Directors for a term ending on June 30, 2018.

**SECTION 2.** This Resolution shall be effective immediately upon its approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 7<sup>th</sup> DAY OF JUNE, 2016.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phipps, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:5/5/14:65980)



Dallas Area Rapid Transit  
P.O. Box 660163  
Dallas, Texas 75266-0163  
214/749-3278

May 5, 2016

Ms. Amy Piukana  
City Secretary  
City of Farmers Branch  
13000 William Dodson Parkway  
Farmers Branch, Texas 75234

Re: Reappointment of City of Farmers Branch's Representative to DART's Board of Directors

Dear Ms. Piukana:

Members of DART's Board of Directors serve staggered two-year terms pursuant to Section 452.578 of the Texas Transportation Code. Faye Moses Wilkins was appointed to represent the City of Farmers Branch. Her term of office will expire on June 30, 2016.

Please send a copy of the resolution appointing or re-appointing a representative for the to the DART Board of Directors to the attention of:

Nancy K. Johnson  
Director, Office of Board Support  
Dallas Area Rapid Transit  
P.O. Box 660163  
Dallas, Texas 75266  
Fax (214) 749-3651

If you have any questions regarding this matter, please call me at (214) 749-3347.

Sincerely,

A handwritten signature in black ink that reads "Nancy K. Johnson".

Nancy K. Johnson  
Director, Office of Board Support

NKJ/lh

C: Faye Moses Wilkins, Chair  
Gary C. Thomas  
Scott Carlson



# City of Farmers Branch

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

## Staff Report

File Number: ORD-3375

Agenda Date: 6/7/2016

Version: 1

Status: Regular Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: G.3

**Consider adopting Ordinance No. 3375 amending the City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 2, Section 82-34, amending speed limits on Valwood Parkway and Division 5, Section 82-73, adding stop signs along Valwood Parkway; and take appropriate action.**

### BACKGROUND:

At the request of Councilwoman Reyes, City staff, along with the Police department, conducted a public meeting on May 12, 2016 to discuss traffic safety issues with residents living along Valwood Parkway between Bee Street and Josey Lane. This meeting was held in the Pecan Room at the Farmers Branch Recreation Center. The discussions resulted in a request for the City to reduce the speed limit along Valwood Parkway between Interstate Highway 35 East north bound service road and Josey Lane. Residents also requested the addition of stop signs east and west bound on Valwood at the intersections of Valwood Parkway and Bee Street and Valwood Parkway at Albemarle Drive.

### DISCUSSION:

City staff and the Police Department have determined in the interest and safety of our residents, and to aid in controlling traffic movement along Valwood Parkway, that the Code of Ordinances be amended to establish new stop signs, east and west bound, at the intersections of Valwood Parkway at Bee Street and Valwood Parkway at Albemarle Drive. Staff also requests reducing the speed limit along Valwood Parkway between Interstate Highway 35 East north bound service road and Josey Lane from its current 35 mph to 30 mph.

### RECOMMENDATION:

City Administration recommends amending City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 2, Section 82-34, amending the speed limits on Valwood Parkway and Division 5, Section 82-73, adding stop signs at the intersections of Valwood Parkway at Bee Street and Valwood Parkway at Albemarle.

### POSSIBLE COUNCIL ACTION:

1. I move to adopt Ordinance No. 3375 amending City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 2, Section 82-34, amending the speed limits on Valwood Parkway and Division 5, Section 82-73, adding stop signs at the intersections of Valwood Parkway at Bee Street and Valwood Parkway at Albemarle.

2. I move to adopt Ordinance No. 3375 amending City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 2, Section 82-34, amending the speed limits on Valwood Parkway and Division 5, Section 82-73, adding stop signs at the intersections of Valwood Parkway at Bee Street and Valwood Parkway at Albemarle, with modifications.

3. I move to table the issue for further study or take no action.

ATTACHMENTS:

1. Location Map
2. Ordinance No. 3375

**PROPOSED 30 MILES  
SPEED LIMIT**

City Limits

JOSEY LN

135E (Service Road)

VALWOOD

PKWY

BEE ST

DR

ALBEMARLE

Cooks Creek

**PROPOSED STOP SIGN  
LOCATIONS**



# LOCATION MAP



Date: 5/24/2016



**ORDINANCE NO. 3375**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 82 “TRAFFIC AND VEHICLES”, ARTICLE II “OPERATION OF VEHICLES”, DIVISION 2 “SPEED LIMITS”, SECTION 82-34 “SPEED LIMIT ON CERTAIN PUBLIC STREETS” BY ESTABLISHING A NEW SPEED LIMIT ON A PORTION OF VALWOOD PARKWAY; AND DIVISION 5 “STOP AND YIELD”, SECTION 82-73, “STOP SIGN LOCATIONS” BY ESTABLISHING NEW STOP LOCATIONS ALONG EAST AND WEST BOUND VALWOOD PARKWAY AT ITS INTERSECTIONS WITH BEE STREET AND ALBEMARLE DRIVE; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$200.00; AND PROVIDE AN EFFECTIVE DATE.**

**WHEREAS**, having conducted an appropriate traffic study in accordance with applicable law, the City Administration, in order to increase the safety of the movement of traffic along the public thoroughfares of the City of Farmers Branch, is recommending the establishment of a reduced speed limit along portions of Valwood Parkway between IH35E northbound service road and Josey Lane from 35 m.p.h. to 30 m.p.h.; and the placement of stop signs along east and west bound Valwood Parkway at its intersections with Bee Street and Albemarle Drive; and

**WHEREAS**, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to amend the Code of Ordinances of the City of Farmers Branch to establish the recommended “speed zones” and “stop signs”; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** Code of Ordinances, Chapter 82, “Traffic and Vehicles”, Article II, “Operation of Vehicles”, Division 2, “Speed Limits”, Section 82-34, “Speed Limit on Certain Public Streets”, is hereby amended to specify the speed along a segment of Valwood Parkway as follows:

<i>Street:</i>	<i>Extent</i>	<i>Speed Limit (mph)</i>
<i>Valwood Parkway</i>	<i>From Josey Lane to IH35E north bound service road.</i>	<i>30</i>

**SECTION 2.** Code of Ordinances, Chapter 82, “Traffic and Vehicles”, Article II, “Operation of Vehicles”, Division 5 “Stop and Yield”, Section 82-73, “Stop Sign Locations” by establishing new stop sign locations as follows:

*Eastbound and westbound approaches of Valwood Parkway at Bee Street.*

*Eastbound and westbound approaches of Valwood Parkway at Albemarle Drive.*

**SECTION 3.** All ordinances or parts thereof expressly in conflict with this ordinance are hereby repealed.

**SECTION 4.** Appropriate signs controlling the movement of vehicles consistent with this Ordinance shall be installed and maintained by City forces.

**SECITON 5.** Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed TWO HUNDRED DOLLARS (\$200.00).

**SECTION 6.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

**SECTION 8.** This ordinance shall take effect from and after its passage and the publications of the caption of said ordinance as the law and the City Charter in such cases provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 7th DAY OF JUNE 2016.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:5/24/16:77042)



# City of Farmers Branch

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

## Staff Report

File Number: 16-146

**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Regular Agenda

**In Control:** City Council

**File Type:** Procedural Item

**Agenda Number:** G.4

**Consider amending the City Council meeting dates for the month of October and December 2016; and take appropriate action.**

### BACKGROUND:

City Council reviewed meeting dates for calendar year 2016 and recommended moving the October 4, 2016, regular City Council Meeting to Monday, October 3, 2016, in order to attend the National Night Out event. Council agreed to hold one meeting in December, recommending December 13, 2016, as the only meeting this month. This item requires City Council action.

### ACTION:

1. Move to approve moving the Tuesday, October 4, 2016, City Council meeting to Monday, October 3, 2016, and hold one meeting in December, being December 13, 2016.
2. Move to modify the motion.
3. Move to take no action.



# City of Farmers Branch

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

## Staff Report

File Number: ORD-3373

Agenda Date: 6/7/2016

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number: H.1

**Conduct a public hearing and consider adopting Ordinance No. 3373 granting a Specific Use Permit (SUP) for a church, located at 2001 Academy Drive, and take appropriate action.**

### BACKGROUND:

The applicant, Jesus House Dallas, is proposing to develop a new church on this 3.97-acre undeveloped site.

### DISCUSSION:

The proposed development includes a one-story church, approximately 26,810 sf in area, to accommodate a maximum of 650 people. The Specific Use Permit proposes an associated Site Plan with a Special Exception for the parking lot setback encroachment.

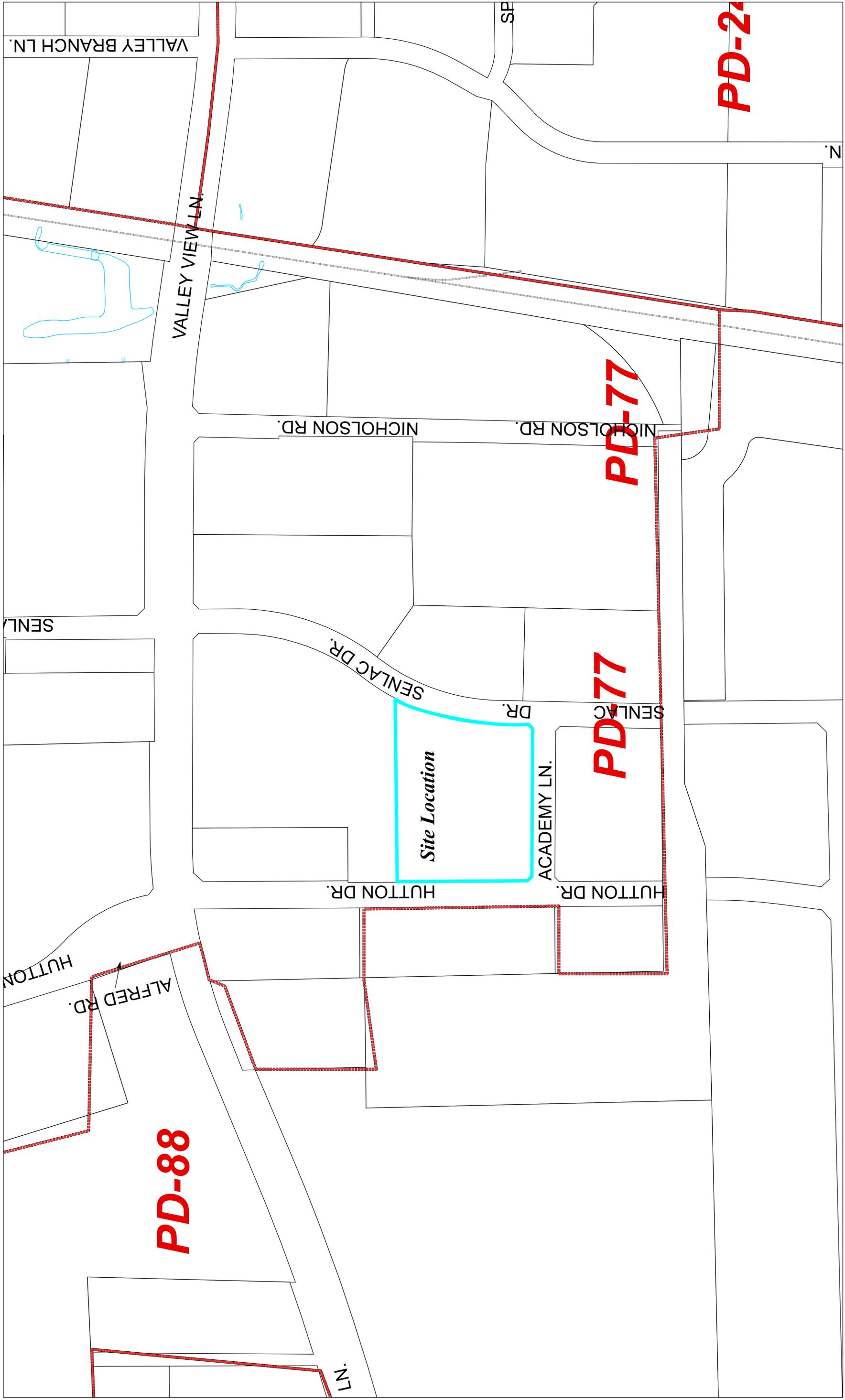
### RECOMMENDATION:

On May 9th, Planning and Zoning Commission recommended approval of this SUP with the associated Site Plan, including the Special Exception, as described in the Ordinance No. 3373.

The Special Exception will allow the parking lot encroachment on the required paving setback along Senlac Drive and Hutton Drive.

### ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Information Memorandum
4. Ordinance No. 3373
5. Site Photographs
6. Opposition Letter



-  Zoning District Boundary
-  Parcel Property Boundaries
-  City Limit

# 16-SU-05 - Location Map

## 2001 Academy Lane



Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.



 NORTH  
Date: 4/6/2016



Vertical and horizontal scales were used to gather data. This data, however, was not used to generate or improve the accuracy of the data. For physical reference only.



Parcel Property Boundaries  
City Limit

0 275 550 Feet



NORTH

# 16-SU-05 - Aerial Map 2001 Academy Lane

Document Path: \\GIS\Projects\2001\_Academy\_Lane\16-SU-05\16-SU-05\_Aerial\_Map.aprx



# Information MEMORANDUM

TO: Mayor and City Council  
FROM: Charles Cox  
City Manager  
DATE: June 2, 2016  
SUBJECT: Proposed Ordinance No. 3373 to approve a Specific Use Permit for a Church and Associated Site Plan with One Special Exception at 2001 Academy Lane

---

## **Overall Summary**

*Building area: 26,810 sf*

*Height of the building: 1-story, maximum 38 feet*

*Building coverage: 15.5%*

*Impervious Coverage: 63.4%*

*Landscape Plan: 28% landscaped open space, 83 new trees*

## **Existing Conditions**

The site is located on the northern side of Academy Lane, situated between Hutton Drive and Senlac Drive. This undeveloped tract of 3.97 acres is bordered on all sides by existing light industrial and office land uses. This site is located within Planned Development District No. 77 (PD-77) that includes provision for Church and Rectory uses to be permitted with a Specific Use Permit. (See Location Map)

## **Site Design**

The applicant, Jesus House Dallas, proposes to relocate from their existing church on 4440 Sigma Road to this site on Academy. The applicant currently operates in a leased space. If

successful obtaining the SUP, the applicant plans to purchase the Academy site. On this new site, the applicant proposes to develop a new church building. This building will contain a sanctuary for 650 people, 15 classrooms, 7 office rooms, 2 large common areas and few service rooms and areas. (See Colored Conceptual Floor Plan). The proposed building will contain 26,810 square feet in total area. (See Site Plan)

The applicant plans to install a five (5) foot sidewalk along Senlac Drive that connects with the existing sidewalk to the north. Additionally they will install a new sidewalk that runs east/west along Academy Lane and then along Hutton Drive to the northern terminus of their property line.

There is a 50 feet wide Atmos Gas easement that runs along the western edge of Hutton Drive right-of way. No parking was proposed on this easement. The applicant will coordinate with Atmos Gas for the permit for the northern driveway access / fire lane.

### **Elevations**

The proposed building will be one story and approximately 38 feet in height. The building will be made of concrete tilt-wall panels. The exterior will be a combination of painted walls with aluminum storefront systems and other metal accents and wood siding. The exterior will exceed the 75% masonry requirement for a commercial building.

Due to the interior configuration of the floor plan, the ceiling height will vary throughout the building. The classrooms and offices will use a maximum 15' ceiling height. The sanctuary and lobby area is designed with the main access from Senlac Rd. The portion of the higher volume over the main entrance and common area will be covered with galvanized light gauge metal screen over a glass storefront system and will offer a better articulation of volumes for the auditorium portions that will be concrete walls. For the southern elevation, towards Academy Lane, the design team proposed a vine trellis wall / system to better compliment the concrete wall of the auditorium. All concrete walls will be painted and will have different textures and colors in patterns. (See Elevations)

### **Operation**

The applicant is proposing the church building to accommodate a maximum of 650 persons at a time. Up to 5 full-time employees and 15 part-time employees will work on site during the week. The hours of operation will be as follows: Wednesday evening from 6:30 PM to 9:00 PM, Thursday and Friday from 9:00 AM to 5:00 PM and Sunday from 8:00 AM to 4:00 PM.

### **Parking**

Based on the size and other complimentary uses proposed for this church, the need for employee and visitor parking on the site will be substantial. The applicant is proposing to develop 257 parking spaces and 7 ADA parking spaces. This will meet the requirements for parking for this type of use / combination of uses.

## **Landscaping**

The proposed Landscape Plan has approximately 28% of the site used as natural landscaped space. The applicant is proposing to rework the existing wide berms (approximately 1-3 feet in height) to screen the parking lot and to plant trees along the streets and shrubs along the northern property line. In addition, the applicant is proposing to create a playground on Senlac Drive (western) side and a garden and a park area on Hutton Drive (eastern) side.

The applicant is proposing to install 83 new trees and a combination of shrubbery throughout the site. The trees will be a combination of Oak, Elm, Redbud, Smoke Tree and Crepe Myrtle. The shrubs will be a combination of Texas Sage, Holly, Wax Myrtle and Abelia. PD-77 requires 5% of the overall site to be landscaped open space. (See Landscape Plan)

## **Signage**

The applicant has proposed installing one wall sign not to exceed 200 square feet on the eastern elevation, along Senlac Drive. In addition, a monument sign is proposed near the main driveway access point from Senlac Drive. All proposed signage will comply with City's Sign Ordinance. (See Elevations)

## **Special Exception**

### **Off-street parking (Chapter V). *Site positioning for Secondary Streets***

For Secondary Streets, PD-77 does not allow any parking areas within the building setback line. According to PD-77, the building setback line for secondary streets shall be minimum twice the building height from the street right-of-way line. In this case, the building setback line should be 76 feet for both Senlac Drive and Hutton Drive. (Chapter III. Building Setbacks)

In order to provide adequate off street parking for the church, the Detailed Site Plan proposes a 17' setback for the parking lot along Senlac Drive and 52' setback along Hutton Drive. The proposed building will be compliant with the 76' building setback requirement along Hutton and Senlac.

Staff supports the proposed site layout with the Special Exception (parking lot setback encroachment), due to the quality of the proposed landscape plan, the parking screening along Senlac Drive, and the placement of the proposed building in relation to the surrounding properties.

## **Comprehensive Plan**

The 2003 West Side Plan, the Comprehensive Plan for the western portion of the City, designated this area as a future Employment District. However, with the introduction of new residential development south of the site (including the Brickyard multi-family community and the new Centurion American master-planned residential community) the West Side may need more community-oriented land uses.

### **Thoroughfare Plan**

Senlac Drive is not identified for further expansion on the 2013 Thoroughfare Plan. No improvements to this portion of Senlac Drive are planned or budgeted at this time.

### **Public Response**

Ten (10) notification letters were mailed to the surrounding property owners on April 28, 2016. Two zoning notification signs were placed on the site that day after. A public notice ad was placed in Dallas Morning News on May 22<sup>nd</sup>, 2016. As of June 2<sup>nd</sup> one letter of opposition for this SUP request has been received by the City.

### **Possible Council Action:**

1. I move to adopt Ordinance No. 3373.
2. I move to adopt Ordinance No. 3373 with the following modification(s)...
3. I move to table the item or take no action.



## ORDINANCE NO. 3373

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR CHURCH OR RECTORY FOR LOT 2, BLOCK A, SENLAC ADDITION, CITY OF FARMERS BRANCH, TEXAS (COMMONLY KNOWN AS 2001 ACADEMY LANE) WHICH IS PRESENTLY LOCATED IN PLANNED DEVELOPMENT NO, 77 (“PD-77”) ZONING DISTRICT; PROVIDING FOR THE APPROVAL OF A SITE PLAN, CONCEPTUAL FLOOR, AND LANDSCAPE PLAN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for a Church or Rectory for property within Planned Development No. 77 (PD-77), described as: Lot 2, Block A, Senlac Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20070001930, Official Public Records, Dallas County, Texas (commonly known as 2001 Academy Lane)(“the Property”).

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within the PD-77 zoning district, and if used and developed in accordance with the purposes for which this Specific Use Permit is granted, the Property shall be developed in accordance with the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan, Landscape Plan, and Elevations attached hereto respectively as Exhibits “A,” “B,”

and “C,” and incorporated herein by reference;

- B. The rated capacity for occupancy of all buildings constructed on the Property shall not exceed 650 people;
- C. A Certificate of Occupancy shall not be issued for use of the Property for the purpose for which the Specific Use Permit is granted until the landscaping and all irrigation systems required by the Landscape Plan is installed;
- D. Notwithstanding Exhibit “B”, Section V of Ordinance No. 2424 (the PD-77 Ordinance), parking areas may be located within seventeen feet (17.0’) of Senlac Drive and fifty-two feet (52.0’) of Hutton Drive as shown on the Site Plan.

**SECTION 3.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

**SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 7th DAY OF JUNE, 2016.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:5/27/16:77114)





# Ordinance No. 3373 EXHIBIT "B" - Landscape Plan (cont.)



PLANT CODE	PLANT NAME	PLANT SIZE	PLANT QUANTITY
P1	PLANT 1	SIZE	QUANTITY
P2	PLANT 2	SIZE	QUANTITY
P3	PLANT 3	SIZE	QUANTITY
P4	PLANT 4	SIZE	QUANTITY
P5	PLANT 5	SIZE	QUANTITY
P6	PLANT 6	SIZE	QUANTITY
P7	PLANT 7	SIZE	QUANTITY
P8	PLANT 8	SIZE	QUANTITY
P9	PLANT 9	SIZE	QUANTITY
P10	PLANT 10	SIZE	QUANTITY
P11	PLANT 11	SIZE	QUANTITY
P12	PLANT 12	SIZE	QUANTITY
P13	PLANT 13	SIZE	QUANTITY
P14	PLANT 14	SIZE	QUANTITY
P15	PLANT 15	SIZE	QUANTITY
P16	PLANT 16	SIZE	QUANTITY
P17	PLANT 17	SIZE	QUANTITY
P18	PLANT 18	SIZE	QUANTITY
P19	PLANT 19	SIZE	QUANTITY
P20	PLANT 20	SIZE	QUANTITY

- PLANT KEY**
- 1. PLANT 1
  - 2. PLANT 2
  - 3. PLANT 3
  - 4. PLANT 4
  - 5. PLANT 5
  - 6. PLANT 6
  - 7. PLANT 7
  - 8. PLANT 8
  - 9. PLANT 9
  - 10. PLANT 10
  - 11. PLANT 11
  - 12. PLANT 12
  - 13. PLANT 13
  - 14. PLANT 14
  - 15. PLANT 15
  - 16. PLANT 16
  - 17. PLANT 17
  - 18. PLANT 18
  - 19. PLANT 19
  - 20. PLANT 20

**SOIL LANDSCAPE REQUIREMENTS**

1. ALL AREAS TO BE PLANTED SHALL BE PREPARED WITH A MINIMUM OF 6" OF TOP SOIL OVER A 4" LAYER OF MULCH. THE TOP SOIL SHALL BE A LOOSE, WELL-AERATED, FERTILE, AND FREE OF ROCKS, LIMESTONE, AND OTHER FOREIGN MATERIALS. THE TOP SOIL SHALL BE A MINIMUM OF 6" DEEP AND SHALL BE COMPACTED TO A DENSITY OF 95% OF THE THEORETICAL MAXIMUM DENSITY AS DETERMINED BY THE PROCTOR TEST. THE TOP SOIL SHALL BE A MINIMUM OF 6" DEEP AND SHALL BE COMPACTED TO A DENSITY OF 95% OF THE THEORETICAL MAXIMUM DENSITY AS DETERMINED BY THE PROCTOR TEST.

2. ALL AREAS TO BE PLANTED SHALL BE PREPARED WITH A MINIMUM OF 6" OF TOP SOIL OVER A 4" LAYER OF MULCH. THE TOP SOIL SHALL BE A LOOSE, WELL-AERATED, FERTILE, AND FREE OF ROCKS, LIMESTONE, AND OTHER FOREIGN MATERIALS. THE TOP SOIL SHALL BE A MINIMUM OF 6" DEEP AND SHALL BE COMPACTED TO A DENSITY OF 95% OF THE THEORETICAL MAXIMUM DENSITY AS DETERMINED BY THE PROCTOR TEST. THE TOP SOIL SHALL BE A MINIMUM OF 6" DEEP AND SHALL BE COMPACTED TO A DENSITY OF 95% OF THE THEORETICAL MAXIMUM DENSITY AS DETERMINED BY THE PROCTOR TEST.

3. ALL AREAS TO BE PLANTED SHALL BE PREPARED WITH A MINIMUM OF 6" OF TOP SOIL OVER A 4" LAYER OF MULCH. THE TOP SOIL SHALL BE A LOOSE, WELL-AERATED, FERTILE, AND FREE OF ROCKS, LIMESTONE, AND OTHER FOREIGN MATERIALS. THE TOP SOIL SHALL BE A MINIMUM OF 6" DEEP AND SHALL BE COMPACTED TO A DENSITY OF 95% OF THE THEORETICAL MAXIMUM DENSITY AS DETERMINED BY THE PROCTOR TEST. THE TOP SOIL SHALL BE A MINIMUM OF 6" DEEP AND SHALL BE COMPACTED TO A DENSITY OF 95% OF THE THEORETICAL MAXIMUM DENSITY AS DETERMINED BY THE PROCTOR TEST.



DATE: 08/11/2020  
DRAWN BY: JHD



SITE LANDSCAPE PLAN

LANDSCAPE DEVELOPMENT PLAN

L1.0

PROJECT NUMBER: 1000 W. WALNUT ST.





Site Photographs





FARMERS BRANCH

CITY OF FARMERS BRANCH
NOTICE OF PUBLIC HEARING

ZONING CASE NO. 16-SU-05

The City of Farmers Branch has received a request from Jesus House Dallas for a Specific Use Permit (SUP) for a church at 2001 Academy Drive, the North West corner of Senlac Drive and Academy Lane. This 3.976-acre site is located within Planned Development Number 77 (PD-77) zoning district and (see map on back).

The Planning and Zoning Commission will hold a public hearing to consider this request on Monday, May 9th at 7:00 p.m. The hearing will take place in the City Council Chambers of City Hall, located at 13000 William Dodson Parkway, City Hall Plaza, Farmers Branch, Texas.

If you have any questions concerning this request, please call Andreea Udrea, at 972.919.2546.

As a property owner likely to be affected by this request, you are requested to make your views known by attending these hearings. If you cannot attend these hearings, it is requested that you express your views on this request by completing and returning the form below:

Return to: City of Farmers Branch Planning Department P.O. Box 819010 Farmers Branch, Texas 75381-9010
Date: May 2, 2016

As a property owner likely to be affected by this request, I oppose (favor) the request for the following reasons:
We bought this property in 2015 because of the location and zoning.
A church is entirely inappropriate in this location.

Name: John Beasley, Sole Manager, HYDROTEX HQ, LLC
Address: 12920 SENLAC DRIVE, FARMERS BRANCH, TX 75234

FARMERS BRANCH CITY HALL IS WHEEL CHAIR ACCESSIBLE. ACCESS TO THE BUILDING AND SPECIAL PARKING ARE AVAILABLE AT THE MAIN ENTRANCE FACING WILLIAM DODSON PARKWAY. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO ARE DEAF OR HEARING IMPAIRED AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS A SIGN INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-919-2503 AT LEAST 72 HOURS PRIOR TO THE MEETING.

Why Farmers Branch would consider a non-tax paying property in a prime location like this is a puzzle?
John Beasley



# City of Farmers Branch

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

## Staff Report

File Number: ORD-3374

**Agenda Date:** 6/7/2016

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:** H.2

**Conduct a public hearing and consider adopting Ordinance No. 3374 for a Specific Use Permit for the construction of a detached accessory structure (exceeding 120 square feet in size) located at 14304 Olympic Court; and take appropriate action.**

### BACKGROUND:

The applicant is requesting a Specific Use Permit to build a detached accessory building approximately 336 sf in area, located in the rear yard on the northwestern portion of the lot. The site is located within One-Family Residential zoning district (R-2) which is comprised of single-family homes.

### DISCUSSION:

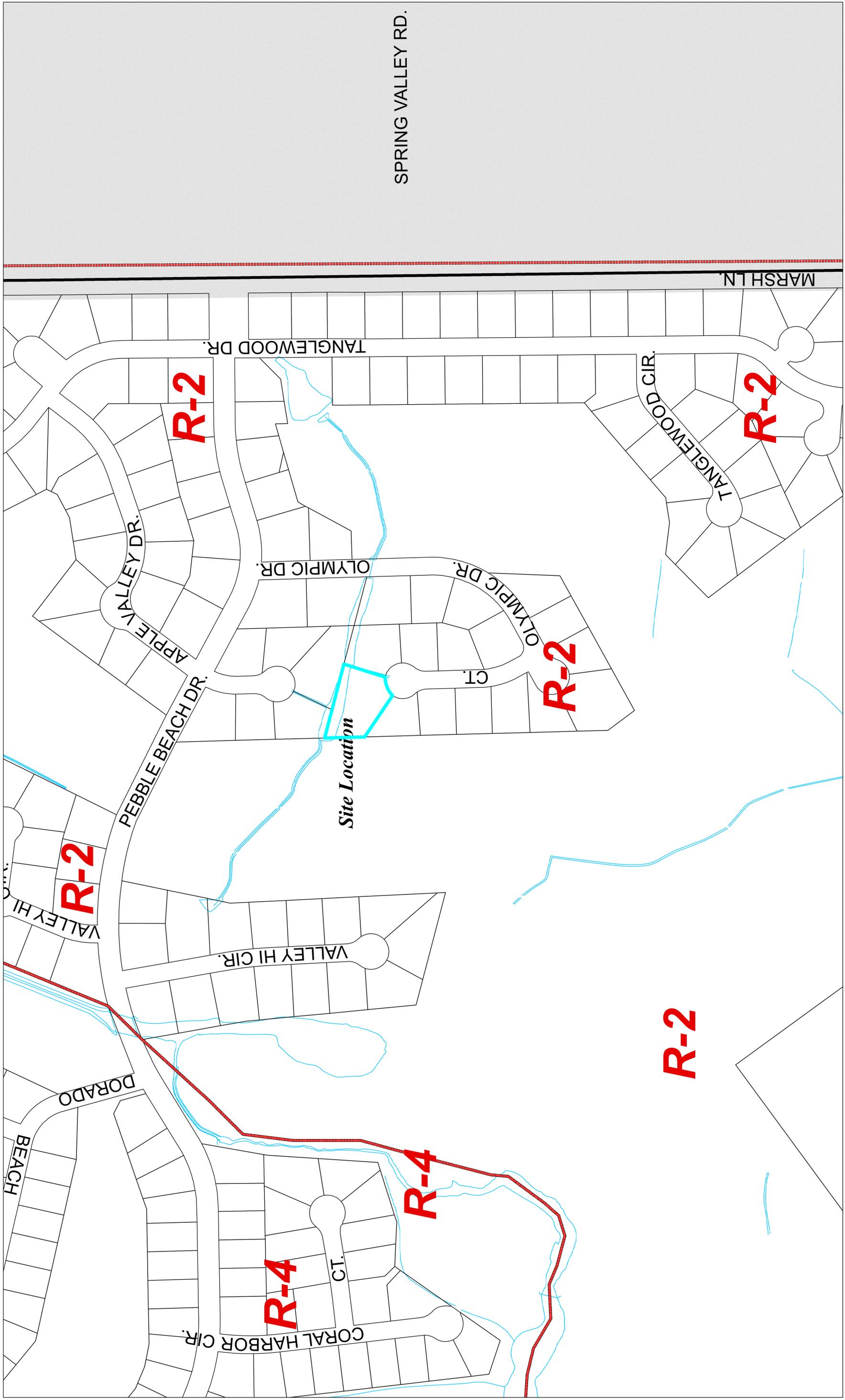
The detached accessory building will be setback 42 feet from the rear property line, 76 feet from the side property line and 15 feet from the house and is located in the fenced backyard. This will be used as an outdoor entertainment area by the pool and will have a seating area and a kitchen / grill.

### RECOMMENDATION:

On May 9th the Planning and Zoning Commission recommended approval of this Specific Use Permit as described in the Ordinance No. 3374.

### ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Information Memorandum
4. Ordinance No. 3374



# 16-SU-06 - Location Map

## 14304 Olympic Court

-  Zoning District Boundary
-  Parcel Property Boundaries
-  City Limit

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.





# 16-SU-06 - Aerial Map 14304 Olympic Court

Parcel Property Boundaries  
City Limit

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For personal reference only.

0 275 550 Feet





# Information MEMORANDUM

TO: Mayor and City Council  
FROM: Charles Cox  
City Manager  
DATE: June 2, 2016  
SUBJECT: Proposed Ordinance No. 3374 to approve a Specific Use Permit for a detached accessory building at 14304 Olympic Court

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## **Existing Conditions:**

The subject property is a 25,401 square foot residential lot located on Olympic Court, in the Brookhaven Subdivision. The property is located in the One Family Residential zoning district (R-2) which is comprised of single-family homes. To the north and south are additional, comparable residential lots and existing homes. To the west, the property is bordered by Brookhaven Country Club Golf Course. The existing two-story, single family residential home is comprised of approximately 4,130 square feet. The primarily building material for the residence is masonry.

The applicant is requesting a Specific Use Permit to build a detached accessory building, approximately 336 square feet, located in the rear yard on the northwestern portion of the lot. Article 15 of the Comprehensive Zoning Ordinance dictates that any residential accessory building that is larger than 120 square feet requires a Specific Use Permit.

## **Site Design:**

The accessory building will be setback 42 feet from the rear property line and 76 feet from the side property line (See Site Plan). The proposed accessory building is located within the fenced backyard and is anticipated to be used as an outdoor entertainment area with seating with a kitchen/grill area. The proposed accessory building is located approximately 15 feet from the house.

The proposed building will be semi-open on all four sides. The building will be 336 square feet, 21 feet wide and 16 feet long, of cedar posts and beams with rock on the posts. The structure is proposed to be 15 feet at its highest point. The roof will be shingled with composite shingles matching the house. (See Photograph of Proposed Building).

The homeowner is in the process of updating the existing swimming pool and adding a 4 foot high metal fence around the perimeter of the pool and the proposed accessory structure. (See Existing Site Photographs).

**Public Response:**

Sixteen (16) notification letters were mailed to the surrounding property owners on April 27, 2016. One zoning notification sign was placed on the site that day after. A public notice ad was placed in Dallas Morning News on May 22<sup>th</sup>, 2016. As of June 2<sup>nd</sup>, no written opposition to this SUP request has been received by the city.

**Possible Council Action:**

1. I move to adopt Ordinance No. 3374.
2. I move to adopt Ordinance No. 3374 with the following modification(s)...
3. I move to table the item or take no action.



## ORDINANCE NO. 3374

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR AN ACCESSORY BUILDING COVERING A LOT AREA GREATER THAN 120 SQUARE FEET ON LOT 10, BLOCK A, BROOKHAVEN HILLS, SECOND SECTION, CITY OF FARMERS BRANCH, TEXAS (COMMONLY KNOWN AS 14304 OLYMPIC COURT) LOCATED WITHIN A SINGLE FAMILY RESIDENTIAL 2 (R-2) ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SPECIAL DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance of the City of Farmers Branch, be and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a Specific Use Permit for an accessory building covering a lot area greater than 120 square feet within a Single Family Residential 2 (“R-2”) zoning district on Lot 10, Block A, Brookhaven Hills, Second Section, an addition to the City of Farmers Branch according to the plat thereof recorded in Volume 802, Page 1151, Map Records, Dallas County, Texas (commonly known as 14304 Olympic Circle)(“the Property”).

**SECTION 2.** The accessory building to be located on the Property pursuant to this Ordinance shall conform in height, operation, location and construction to the development standards specified within the R-2 zoning district, Article 15 of the Comprehensive Zoning Ordinance, as amended, except as follows:

- A. The floor area of the accessory building may cover an area of the Property up to be not exceeding 336 square feet.

- B. The accessory building shall be located as shown on the Site Plan attached hereto as Exhibit "A" and incorporated herein by reference.
- C. The total height of the accessory building shall not exceed fifteen feet (15.0') from the existing ground level.
- D. The design and materials of the accessory building shall substantially conform to the Elevation attached hereto as Exhibit "B" and incorporated herein by reference.

**SECTION 3.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance as the law and the City Charter in such cases provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS, THE 7<sup>th</sup> DAY OF JUNE, 2016.**

ATTEST:

APPROVED:

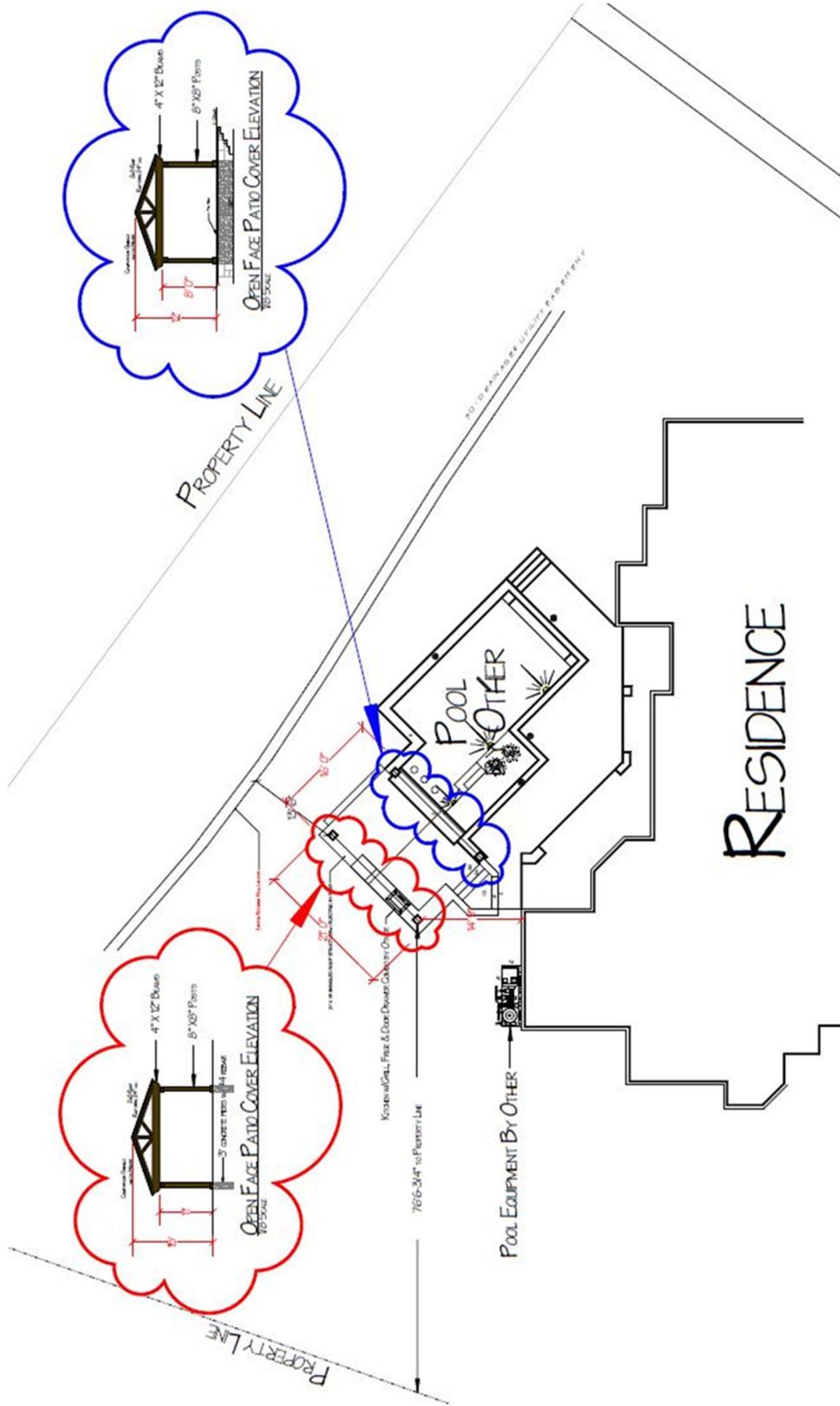
\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:5/26/16:77104)

Ordinance No. 3374  
Exhibit "A"- SITE PLAN



Ordinance No. 3374  
Exhibit "B"- ELEVATION





# City of Farmers Branch

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

## Staff Report

File Number: 16-155

Agenda Date: 6/7/2016

Version: 2

Status: Regular Agenda

In Control: City Council

File Type: Report

Agenda Number: I.1

### **Receive a Report on Findings and Recommendations from DMOPrōz on Highest and Best Use of Available Hotel Occupancy Tax Fund Revenue.**

#### BACKGROUND:

In anticipation of debt retirement associated with the Dr Pepper StarCenter, City staff and Councilmembers received many suggestions for use of available Hotel Occupancy Tax Fund revenue. To discern the highest and best use of available funds, the City sought and engaged services to assess proposed fund uses, community needs, and potential return on investment.

#### DISCUSSION:

Following an extensive Request for Proposals (RFP) process with related interviews, City staff selected DMOPrōz, formerly known as Zeitgeist Consulting, for its experience in destination marketing studies and recommendations throughout the United States. DMOPrōz CEO Bill Geist reviewed Texas Municipal Tax Code governing use of Hotel Occupancy Tax Fund revenue, met with stakeholders including Councilmembers, citizens, Advisory Board members, and City staff, and reviewed the City budget as it relates to the Hotel/Motel Fund.

Mr. Geist evaluated the current destination marketing assets available in Farmers Branch, including sites such as the Dr Pepper StarCenter, Firehouse Theatre, various athletic fields, Brookhaven Country Club, the Historic Park features and events. These assets were assessed in the context of City goals and compared against potential or expected returns from enhancement of existing assets or additional programming as suggested by stakeholders. Mr. Geist will offer for Council consideration his findings and recommendations for use of Hotel Occupancy Tax Fund revenue.

#### ATTACHMENTS:

1. DMOPrōz Analysis of Highest and Best Use of Hotel Occupancy Tax Fund Revenue

# **AN ANALYSIS OF THE HIGHEST AND BEST USES OF FARMERS BRANCH HOTEL-MOTEL TAX REVENUES**

## **EXECUTIVE SUMMARY**

# FORWARD

The City of Farmers Branch is empowered to levy a 7% tax upon lodging properties within the city limits by the State of Texas through Chapter 351 of the Municipal Tax Code with a number of restrictions regarding its utilization.

City Management recently issued a Request for Proposals to firms experienced in Destination Marketing and Texas Hotel Occupancy Tax law to perform an analysis of the City's past deployment of the revenues from this tax, given the restrictions the State has placed upon its use. The question that powered the RFP was "what is the highest and best use of these revenues?"

In April of 2016, DMOproz (a firm with over two decades of experience in the Destination Marketing field) began its analysis of background documentation detailing past utilization of the Hotel Occupancy Tax and the resulting impacts to the City and its businesses.

During the week of April 11, DMOproz CEO Bill Geist was in Farmers Branch to learn, first-hand from key community leaders and tourism industry stakeholders, the opinions on the City as a destination and how effectively the Tourism Fund had been invested. All told, over 40 individuals (including the Historical Park Advisory Board and the Parks Department Board) were interviewed for this assignment. The complete list of participants can be found on the last page of this document.

In the following pages, we offer our analysis, findings and recommendations for the highest and best use of the Hotel Occupancy Tax in Farmers Branch.

We offer our sincere appreciation to Shawna Eikenberry and John Land, who helped arrange our interviews and provided significant background material for use in our analysis. We thank the City for engaging us in this endeavor and look forward to the opportunity to be of further service in the months and years ahead.

# DESTINATION: FARMERS BRANCH

## **The City:**

- An inner-ring suburb of Dallas; part of the Dallas–Fort Worth metroplex
- 2014 estimated census population of 32,560
- Home to more than 4,000 companies and more than 250 corporate headquarters,
- 28 parks and state-of-the-art recreational facilities
- Home to several events such as Libertyfest, Bloomin' Bluegrass, Christmas Tour of Lights and Halloween in the Park

## **The Visitor Economy:**

- Visitor economy is primarily driven by meetings, conventions and transient corporate business
- Sports Tournaments are a growing market, providing weekend business for hotels
- 2,000 transient sleeping rooms in 11 hotels (5 with meeting space)
- Occupancy rates for the city's hotels in 2015 was 64.2%, up from 57.6% in 2012
- Room Tax receipts have increased from \$2,008,688 in 2012 to \$2,760,094 in 2015

## **Destination Advantages:**

- High level of public safety
- Public parks and community aesthetics are exceptional
- Quality of soccer fields considered by many to be the best in the DFW Metroplex
- Historical Park provides both a showcase of the region's heritage as well as a location for large festivals and events
- Hotels with meeting space are running an occupancy rate of 71.3% percent
- The Brookhaven Country Club and the Dr. Pepper StarCenter offer interesting alternatives for offsite receptions and break-outs
- The 158-seat Firehouse Theatre presents opportunities to both attract leisure visitors as well as provide off-site evening entertainment for convention groups

## **Destination Challenges:**

- Farmers Branch doesn't own a destination defining attraction
- There is a dearth of independent, destination restaurants resulting in a significant portion of the city's visitor spending occurring outside the city limits
- The lack of a critical mass of tournament-grade fields, courts, ice and facilities often forces the destination to secure venues in other communities to host tournaments
- Historical Park is understaffed in its present operational configuration to serve as both a heritage site and a special event venue

## **TEXAS STATE STATUTES GOVERNING HOTEL TAX UTILIZATION**

The City of Farmers Branch is empowered to levy a 7% tax upon lodging properties within the city limits by the State of Texas through Chapter 351 of the Municipal Tax Code with a number of restrictions regarding its utilization.

### **Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:**

- The acquisition of sites for (and the construction, improvement, enlarging, equipping, repairing, operation and maintenance of) convention center facilities or visitor information centers, or both;
- The furnishing of facilities, personnel and materials for the registration of convention delegates or registrants;
- Advertising and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- The encouragement, promotion, improvement and application of the arts;
- Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums;
- For expenses related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity;
- The enhancement and upgrading of existing sports facilities or fields, if the municipality owns the facilities or fields and the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments;
- Signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

# FINDINGS

The present allocation of Hotel Occupancy Tax (HOT) by the City of Farmers Branch meets the requirements of State Statutes. However, the deployment of The Hotel Motel Fund does not achieve the highest and best use of these revenues when viewed through an economic development lens.

## The Hotel Motel Fund

- Hotel Occupancy Tax generates roughly \$2.7 million per year
- Uses for HOT are governed by State Statute Chapter 351
  - At least half of the revenue must be invested in sales and marketing to attract visitors
  - No more than half of the revenues collected can be used for Historical restoration and preservation designed to attract visitors

## The Destination Marketing Effort

- 51.2% of the Tourism Fund is invested in Destination Marketing (\$1,175,500)
- Farmers Branch addresses the challenge of drawing visitors to the city in two primary ways:
  - Engaging contract professionals to solicit and service meeting and tournament groups
  - Investing resources into Historical Park to attract leisure visitors
- Hoteliers are very pleased with the job the contractors are performing on their behalf
- An Incentive Fund is utilized to encourage large groups that otherwise wouldn't consider the destination to stage their events in Farmers Branch
- This Group Sales effort facilitated the booking of over 15,000 Room Nights in 2015
- Up until 2016, roughly \$400,000 of this fund has gone to pay off debt of the meeting space portion of the Dr. Pepper StarCenter

## Historical Park & Events

- 48.8% of the Tourism Fund goes to Historical Park and Events (\$1,119,600)
- \$500,000 goes to salaries and benefits
- A net \$242,000 goes to stage special events
- \$195,000 goes to repairs and maintenance
- Historical Park operates with a full-time staff of 5 and benefits from over 3000 hours of assistance from 150 volunteers
- The Park hosts over 4,000 school children for tours each year
- Roughly 750 Hotel Room Nights can be attributed to the annual *Bloomin' Bluegrass* event
- Less than 150 Rooms are estimated to flow from rental events at the Park
- The Historical Park Board is advocating for a building to put more of the region's heritage on display and serve as a Visitor Center for the community

In most destinations, Hotel Room Night production is just one of several indicators of the ROI of HOT revenues invested back into tourism promotion. However, that Farmers Branch lacks a competitive culinary, retail and nightlife asset base from which other benefits could be derived, the performance of its hotels is the only objective measure of ROI available.

## **TOURISM FUND: RETURN ON INVESTMENT**



<b>Amount Invested in Destination Marketing:</b>	<b>\$1,150,000</b>
<b>Hotel Revenue from Groups Facilitated*:</b>	<b>\$1,755,000</b>
<b>Hotel Occupancy Revenue Generated:</b>	<b>\$122,850</b>



<b>Amount Invested in Historic Preservation:</b>	<b>\$1,119,600</b>
<b>Hotel Revenue from Events &amp; Rentals*:</b>	<b>\$103,311</b>
<b>Hotel Occupancy Revenue Generated:</b>	<b>\$7,232</b>

To be sure, there are “soft” measures such as the recent “Halo Effect” research conducted by Longwoods International in which it is shown that visitation to a community increases a person’s appreciation of that locale as a good place to live and invest. However, no amount of halo can overcome the significant difference in ROI seen by the above comparison, given the intent of the State Statute governing HOT revenue as a driver of visitation to a community.

\* Revenues based upon at the Average Daily Rate of \$117 for Group business facilitated by Tourism Contractors.



# RECOMMENDATIONS

There is a big difference between being statutorily able to utilize Hotel Occupancy Tax revenues and investing those revenues in ways that produce the highest and best results. Historically, Farmers Branch has deployed HOT revenues in a manner that generally mirrors what Texas State Statutes permit; roughly half of the revenues collected have been invested in tourism-related sales, marketing and activities with the other half supporting historic preservation.

The intent of the Hotel Occupancy Tax is to attract visitors to a destination. Texas statutes allow municipalities to do that through (1) advertising and (2) development. To assess the highest and best use of Hotel Tax, one must first analyze the product to be promoted and/or enhanced.

In order to generate a higher Return on Investment on a revenue stream with limited legal uses, we believe Farmers Branch needs to redeploy some funds from the Hotel Occupancy Tax to the following areas:

- **Marketing.** The Sales and Services contractors are generating significant group business for Farmers Branch hotels, but the brand marketing of the city is rather haphazard in its approach. The destination needs someone to connect the dots and design a marketing program that utilizes both traditional and digital media to attract consumers to Farmers Branch.
- **Special Events.** We also believe that the limitations in the asset base of Farmers Branch (restaurants, retail, nightlife) requires a greater focus on special events to mitigate the destination's lack of magnetism. As the Parks Department is already programming 39 weekends a year (and cannot not realistically be expected to develop additional events on the size and scope of *Bloomin' Bluegrass*), we believe another contractor that can generate sufficient sponsorship revenue to support additional destination defining events and assist Parks Department events professionals would be an appropriate next step for the City. While the City's recent history with large events has been checkered, we encourage further analysis of the resources that would be required to add new festivals to the city's event calendar.

## DESTINATION SALES & MARKETING (Promotion of Tourism)

To generate an even higher ROI with the Tourism Fund, we offer the following recommendations:



- **Add a full-time contractor as a Destination Marketing Specialist, with responsibilities to include (but not necessarily be limited to):**
  - Develop and curate content for the Destination website and Social Media
  - Develop weekend packages with hotels and industry partners
  - Serve as a liaison between heritage, arts and hospitality interests
  - Develop and post relevant imagery and video on the web and Social Media
  - Place advertising messages, as appropriate
  - Work hand in hand with the current contractors to provide ideas to pitch to event planners to make Farmers Branch an easier sell, further increasing their ROI

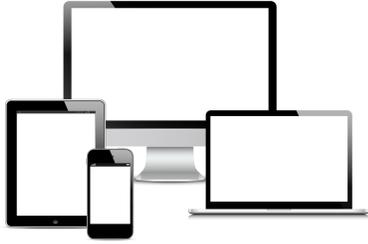


- **Add a full-time contractor as a Content and Events Specialist whose split role it will be to help develop new festivals and events that will result in the kind of Room Night production that *Bloomin' Bluegrass* creates and support the Destination Marketing Specialist in developing weekly online content**
  - Assist the Events Director at the Parks Department in the creation of two to three new destination defining events over the next five years
  - Develop event sponsorship revenues to help fund festivals
  - Assist in the development of online content



- **Add a second Group Sales contractor**
  - Focus on Sports Groups that do not require fields and courts (e.g., Cheer, Glee, Dance, Chess and Forensic can be staged at schools while Runs, Bicycling Criteriums and Extreme Frisbee competitions can be staged in and around City Parks)
  - Additional focus on Corporate meetings
  - Work to maximize the Dr. Pepper StarCenter and Country Club facilities
  - Consider focusing one contractor Sports and the other on meetings

***Estimated Impact:*** Assigning a hard number to the Destination Marketing Specialist is impossible, as their role supports that of all other contractors and the Parks Department. Should the Content and Events Specialist succeed in creating three new events to the scale of Bloomin' Bluegrass, an estimated 2,000 additional Room Nights would accrue to the city, resulting in at least \$23,400 in new visitor spending. And, if the second Group Sales contractor was only half as successful as the existing contractor, they would facilitate \$888,000 of new business into Farmers Branch hotels, generating an additional \$61,000 in Room Tax, almost covering their contract.



•**Invest in an updated, responsively designed website as soon as possible.** We understand that the City is at work with a firm to develop a new web presence for Farmers Branch...and that the tourism component is a part of the contract. What must happen, however, is that the Visit Farmers Branch content be separate from that designed for residents. While residents can utilize visitor information, visitors will not engage with a site that is designed for residents. The Visit Farmers Branch site must:

- Be fully responsive in design
- Be easy for contractors to update on a daily basis
- Include a fully searchable calendar of events
- Include copious options for compelling imagery and video
- Feature every possible reason for a person to want to visit
- Include maps showing proximity to DART and location within the DFW Metroplex
- Include a section on Meeting facilities with full room layouts
- Include a section on Sports facilities (including ease of access to facilities in surrounding municipalities) with complete site layouts
- Easily located contact information for potential clients



## HISTORIC PRESERVATION

Investing roughly half the City's HOT revenue has often been done with a wink and a nod, as evidenced by comments we heard from a few community leaders. The rationales used for some past projects, while *technically* following State statute, were tenuous, at best, in their expectation to increase tourism to Farmers Branch.

This is not in any way meant to diminish the importance of Historical Park to the City. Rather, it suggests that, if a use doesn't truly increase visitation in a meaningful manner, it should be funded through the General Fund (or other means)...or not at all. HOT revenues must be invested in activities that are demonstrable in moving the needle in consumer opinion, intent and action to visit Farmers Branch. And, while not required by State Statute, the focus should be on overnight visitors due to the lack of other ways for the City to benefit from visitor spending (e.g., lack of dining, retail and nightlife options).

Thus, looking at appropriate HOT utilization for Historical Preservation, the City, its Parks Department and the Historical Park Advisory Board should:



- **Examine ways to expand programming in ways that would truly attract more than school groups.** Instead of having one building open for interpretation each weekend, they all should be...and with period costumed re-enactors. While the cost to do something like this is not insignificant, it is one of a handful of ways that the Park can become a more effective visitor magnet.



- As noted previously, **additional festivals should also be launched to attract visitors that would not normally be attracted to a heritage site** (sadly, this is the majority of the Millennial and Gen X consumers that Farmers Branch should be targeting). And, a more concerted effort should be made in the destination weddings market to maximize the chapel. As roughly a quarter of all weddings are held in destinations other than the bride or groom's hometowns (and involve an average \$25,000 spend), these events, like sports tournaments, help hoteliers when they need the business most.

- While these activities can be effectively (and legally) funded to an extent through HOT revenues, **day to day operations should be moved to the General Fund or other revenue streams wherever possible.** While we applaud the Historical Park Board's culture of wanting to keep the Park and its activities as cost-free as possible, we strongly believe this tradition needs to be significantly re-examined.

We believe the following steps should be taken to increase must-needed revenues to Historical Park:

- Ensure that passive use of the Park by residents is always free
- Charge admission for events and docent-led tours
- Secure sponsors for events and festivals
- Charge non-local school district groups for tours
- Increase rental fees for weddings and third-party uses
- Explore options that would allow the City to retain more revenues from the sale of beer and wine at festivals and events
- Work to build the Park's reputation as a sensational weddings destination, possibly warranting a full-time professional as business grows

As to the Historical Park Advisory Board's interest in building a new structure (variously described as a Visitors Center, Educational Center and Museum), we applaud its passion but question how deeply the programming of this potential structure has been considered. As noted earlier, we heard a myriad of needs searching for a one-size fits all solution, topped with the concept of attaching a Visitor Information Center to this multi-faceted house in an attempt to qualify for Tourism Fund revenue.

At this stage of the destination development game, Farmers Branch does not need a Visitors Center. Indeed, fewer and fewer destinations do, in this world of GPS and online DMO and third-party review sites. Add to this new reality that, outside of the Park, there is precious little else to which Visitor Center staff could currently direct visitors to see. Thus, a Visitor Information Center in the Park makes little sense.

With that off the table, the Board should re-examine its true needs against mission. In our eyes, the most important interest, given a location in the Park, is further interpretation of the heritage of Farmers Branch...and that sounds like a Museum (with the ability to rotate traveling exhibits) that contains some function space. The need for space to store and curate artifacts is important, but not at the expense of space to serve the visitors to the Park.

We still question whether there is space within the Park for such a facility without compromising the aesthetics of existing structures and space needed for future events. Indeed, we can't help but think a location between the DART platform and the entrance to the Park makes more sense... but, we defer to professional staff for a more informed opinion.

However, if such a facility only incrementally makes the Park more attractive to visitors and isn't a bold statement, we believe the Advisory Board and Professional Staff should double down on making the existing Park the best it can be.

# CONCLUDING THOUGHTS

Change is never easy, especially when it impacts revenue streams. With this study, the City of Farmers Branch set out to identify what the highest and best use of the Hotel Occupancy Tax could be. And, that is a question that has several answers, depending upon one's definition of "best use."

For those who view the "best use" of HOT revenue as paying for city services in order to keep residential taxes as low as possible, the highest and best use in this case is exactly what the City of Farmers Branch has been doing, utilizing roughly half of the proceeds from the Hotel Tax on Historical Park.

However, if one views highest and best use as investing the revenue in such a manner that the City increases visitation to its hotels, attractions and businesses in order to stimulate the economy, generate jobs and increase brand awareness of the community as a potential place to live or invest, changes in the allocation of the Tourism Fund must be effected.

While we have suggested additional revenues from the Tourism Fund be directed to Destination Marketing, we are just as adamant that funding for Historical Park not be reduced (indeed, it needs to increase). We're simply saying that the Park should be increasingly (but, by no means exclusively) funded through new revenue streams. Whether that comes from the General Fund or user fees and sponsors is up to the Park Board and the City.

But, as new hotel product comes on line (requiring additional assistance from City Tourism Contractors and the Incentive Fund) and restaurants, nightspots and attractions begin to emerge (allowing the City to benefit even more from the Visitor Economy), additional funds will be required for increased tourism promotion and development. From the more traditional print and radio-based marketing to becoming more aggressive in the digital marketing space, competitive communities are increasingly turning to marketing to attract future investment and residents.

Thus, we would encourage the City to establish a goal (after these recommendations are implemented) to annually transfer an additional \$70,000 to 100,000 of the Tourism Fund to the Promotion line, allowing the City and Historical Park ample time to identify a new way to fund this exceptional attraction.

To the extent that Historical Park is able to attract overnight visitors, it should share in HOT revenues. The rest of the Fund should be invested in telling the Farmers Branch story and increasing visitation and investment in the city.

Bill Geist  
DMOproz  
31 May, 2016

# STAKEHOLDERS

When DMOproz was engaged to perform this analysis, the City of Farmers Branch provided the firm with a comprehensive list of community stakeholders with whom it could interface and gain valuable intel about the culture, past and future vision of the City. Among those with whom DMOproz met:

Bill Binford	Tourism Hospitality Team
Jeff Binford	Former City Council
Margie Binford	Tourism Hospitality Team
Derek Birdsall	Historical Park
Mike Borngardner	City Council
Connie Brown	Tourism Hospitality Team
Richard Brown	Tourism Hospitality Team
Tom Chesney	Brookhaven College
Jason Claunch	Catalyst Commercial
Clare Connally	Former Historical Park Board
Kirk Connally	City Council
Ron Corker	Dr. Pepper StarsCenter
Charles Cox	City Manager
Diane Dobis	Brookhaven Country Club
Shawna Eikenberry	City Staff
Mark Footlick	Western Securities
Harold Froehlich	City Council
Bill Glancy	Former Mayor
James Goode	Tourism Hospitality Team
Vickie Goode	Tourism Hospitality Team
Robert Griffin	Family Advisory Board
Gayla Guyse	Omni Hotel
Eddy Ketchersid	Tourism Hospitality Team
Verlen Ketchersid	Tourism Hospitality Team
David Moore	Firehouse Theatre
Nicole Newkham	Metrocrest Services
John Norwood	City Council
Ruth Ann Parish	Tourism Hospitality Team
Bob Phelps	Mayor
Ana Reyes	City Council
Katie Roberts	Tourism Hospitality Team
Gordon Roytvold	Double Tree Galleria
Barbara Sisserson-Honnoll	Historical Park Board
Paul Stewart	Dallas Texans Soccer Club
Bill Stolp	Tourism Hospitality Team
JoAnn Stolp	Tourism Hospitality Team
Angela Zarate	Groves Electrical
plus...	Historical Park Staff
	Historical Park Board
	Parks & Rec Board



# City of Farmers Branch

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

## Staff Report

File Number: R2016-056

Agenda Date: 6/7/2016

Version: 1

Status: Regular Agenda

In Control: City Council

File Type: Resolution

Agenda Number: I.2

**Consider approving Resolution No. 2016-056 authorizing an agreement with Freese and Nichols for Professional Engineering Services for the Farmers Branch Creek Watershed project; and take appropriate action.**

BACKGROUND:

Based on the recommendation of the Storm Water Advisory Committee, the City sent out request for qualifications in December 2015 to several firms within the Metroplex for a study to be conducted regarding storm water issues within the Farmers Branch Creek watershed.

On January 19, 2016 Staff received seven responses, of which four were interviewed. After thorough review Staff and the Storm Water Advisory Committee members agreed to recommend Freese and Nichols to conduct the study on the Farmers Branch Creek watershed issues.

DISCUSSION:

An Engineering Services Agreement has been negotiated with Freese and Nichols for a Farmers Branch Creek watershed study in the amount of \$343,268.00. The study of the creek is scheduled for completion within 365 calendar days and will be funded by the Storm Water Utility Fee revenue, which has a balance of approximately \$900,000.

Freese and Nichols was selected based on their experiences on similar creek issues regarding storm water within the Dallas Fort Worth Metroplex.

RECOMMENDATION:

City Administration recommends approving Resolution No. 2016-056 authorizing an agreement with Freese and Nichols for Professional Engineering Services for the Farmers Branch Creek Watershed project in the amount of \$343,268.00.

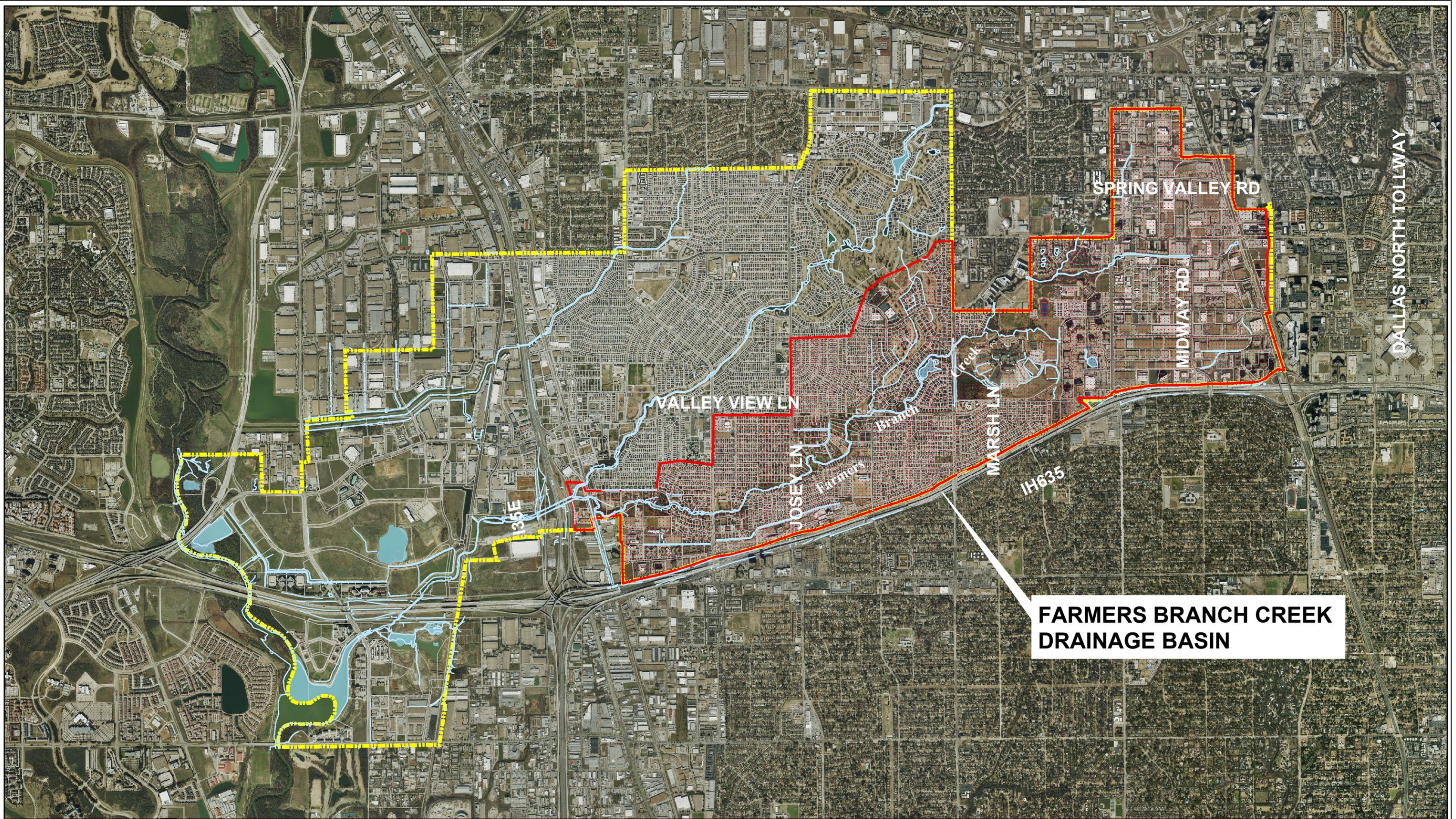
POSSIBLE COUNCIL ACTION:

1. I move to approve Resolution No. 2016-056 authorizing an agreement with Freese and Nichols for Professional Engineering Services for the Farmers Branch Creek Watershed project
2. I move to approve Resolution No. 2016-056 authorizing an agreement with Freese and Nichols for Professional Engineering Services for the Farmers Branch Creek Watershed project, with modifications.

3. I move to table the issue for further study or take no action.

ATTACHMENTS:

1. Location Map
2. Resolution No. 2016-056
3. Engineering Services Agreement



# LOCATION MAP





**RESOLUTION NO. 2016-056**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING AN AGREEMENT WITH FREESE AND NICHOLS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE FARMERS BRANCH CREEK WATERSHED STUDY PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Administration has determined that in order to adequately address storm water drainage issues within various areas of the City, a study of Farmers Branch Creek and its watershed (“the Project”) is necessary; and

**WHEREAS**, City Administration, having determined that the firm of Freese and Nichols is qualified to perform the professional engineering services necessary for the Project, recommends negotiating an agreement with Freese and Nichols to provide such professional engineering services pursuant to costs for such services that are fair and reasonable; and

**WHEREAS**, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to concur in the above recommendation;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS THAT:**

**SECTION 1.** The City Manager is hereby authorized to negotiate and sign on behalf of the City an agreement with Freese and Nichols in the amount of \$343,268.00 for engineering services related to the preparation of Studies for the Project.

**SECTION 2.** This resolution shall be effective immediately upon approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 7th DAY OF JUNE 2016.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:5/24/16:77064)



FARMERS  
BRANCH

## PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made as of the Effective Date by and between **FREESE AND NICHOLS**, hereinafter called "ENGINEER," and the **City of Farmers Branch, Texas**, hereinafter called "OWNER".

### RECITALS

WHEREAS, OWNER desires ENGINEER to perform certain work and services set forth in Section 1, Scope of Services.

WHEREAS, ENGINEER has expressed a willingness to perform said work and services, hereinafter referred to only as "services", specified in said Scope of Services, and enumerated under Section 1, of this Agreement.

NOW, THEREFORE, for and in consideration of the covenants and promises made one to the other herein, OWNER and ENGINEER agree as follows:

#### **Section 1. Scope of Services**

Upon issuance of a written Notice to Proceed by OWNER, ENGINEER agrees to provide to OWNER the necessary professional engineering services related to the preparation of plans and specifications for the **FARMERS BRANCH WATERSHED STUDY** as set forth in the Scope of Services attached hereto as Exhibit "A" and incorporated herein by reference ("the Scope of Services").

#### **Section 2. Term of Agreement**

The term of this Agreement shall begin on the last date of execution hereof (the "Effective Date") and shall continue until ENGINEER completes the services required herein to the satisfaction of OWNER, unless sooner terminated as provided in Section 8, below.

#### **Section 3. Engineer Obligations**

A. ENGINEER shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should OWNER require additional services not included under this Agreement, ENGINEER shall make reasonable effort to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by OWNER; and without decreasing the effectiveness of the performance of services required under this Agreement.

B. To the extent reasonably necessary for ENGINEER to perform the services under this Agreement, ENGINEER shall be authorized to engage the services of any agents, assistants, persons, or corporations that ENGINEER may deem proper to aid or assist in the performance of the services under this Agreement with the prior written approval of OWNER. The cost of such personnel and assistance shall be a reimbursable expense to ENGINEER only if authorized in writing in advance by OWNER.

C. ENGINEER shall furnish and pay for all labor, tools, materials, equipment, supplies, transportation and management necessary to perform all services set forth in the Scope of Services.

#### **Section 4. Payment**

A. OWNER agrees to pay ENGINEER for all services authorized in writing and properly performed by ENGINEER in accordance with the Payment Schedule set forth in Exhibit "B," attached hereto and incorporated herein by reference, subject to additions or deletions for changes or extras agreed upon in writing. All fees paid to ENGINEER by OWNER shall be based on invoices submitted by ENGINEER for work performed monthly by ENGINEER, less any previous payments. Payments shall be made within 30 days of receipt of invoice by OWNER.

B. OWNER reserves the right to delay, without penalty, any partial payment when, in the opinion of OWNER, ENGINEER has not made satisfactory progress on the design of this Project based on the Scope of Services and the Completion Schedule Estimate.

C. The Total Engineering Fee shall be as specified in Exhibit "B," which shall not exceed **Three Hundred Forty Three Thousand Two Hundred Sixty Eight Dollars and No Cents (\$343,268)**. OWNER may deduct from any amounts due or to become due to ENGINEER any sum or sums owing by ENGINEER to OWNER. In the event of any breach by ENGINEER of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against OWNER, or the OWNER's premises, arising out of ENGINEER's performance of this Agreement, OWNER shall have the right to retain out of any payments due or to become due to ENGINEER an amount sufficient to completely protect the OWNER from any and all loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by ENGINEER.

#### **Section 5. Responsibilities**

A. ENGINEER shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, plans and other services furnished by ENGINEER under this Agreement. ENGINEER shall, without additional compensation, correct or revise any errors or deficiencies in the design, drawings, specifications, plans and other services.

B. Neither OWNER's review, approval or acceptance of, nor payment for any of the services required under this Agreement, shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and ENGINEER shall be and remain liable to OWNER in accordance with applicable law for all damages to OWNER caused by ENGINEER's negligent performance of any of the services furnished under this Agreement.

C. The rights and remedies of OWNER under this Agreement are as provided by law.

## **Section 6. Time For Performance**

A. ENGINEER shall perform all services as provided for under this Agreement in a proper, efficient and professional manner in accordance with OWNER's requirements. As time is of the essence of this Agreement, such services shall be completed and is outlined below:

FNI is authorized to commence work on the Project upon execution of this AGREEMENT and agrees to complete services in accordance with the following schedule:

- Survey of Project Area – 2 working months from Notice to Proceed
- Geomorphologic Assessment – 4 working months from Notice to Proceed
- Existing Conditions Draft Report – 6 working months from Notice to Proceed
- Alternatives Analysis – 8 working months from Notice to Proceed
- Final Report – 12 working months from Notice to Proceed

B. In the event ENGINEER's performance of this Agreement is delayed or interfered with by acts of the OWNER or others, ENGINEER may request an extension of time for the performance of same as hereinafter provided, but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.

C. No allowance of any extension of time, for any cause whatever, shall be claimed or made to ENGINEER, unless ENGINEER shall have made written request upon OWNER for such extension within forty-eight (48) hours after the cause for such extension occurred, and unless OWNER and ENGINEER have agreed in writing upon the allowance of additional time to be made.

## **Section 7. Documents**

A. All surveys, studies, proposals, applications, drawings, plans, specifications and other documents, including those in electronic form, prepared by ENGINEER and its consultants, subcontractors, agents, representatives, and/or employees in connection with this Agreement ("Project Documents") are intended for the use and benefit of OWNER. ENGINEER and its consultants, subcontractors, agents, representatives, and/or employees shall be deemed the authors of their respective part of the Project Documents. Notwithstanding, OWNER shall own, have, keep and retain all rights, title and interest in and to all Project Documents, including all ownership, common law, statutory, and other reserved rights, including copyrights (except copyrights held by the ENGINEER) in and to all Project Documents, whether in draft form or final form, which are produced at OWNER's request and in furtherance of this Agreement. OWNER shall have full authority to authorize contractor(s), subcontractors, sub-subcontractors, OWNER consultants, and material or equipment suppliers to reproduce applicable portions of the Project Documents to and for use in their execution of the work or for any other purpose. All materials and reports prepared by ENGINEER in connection with this Agreement are "works for hire" and shall be the property of OWNER. OWNER shall have the right to publish, disclose, distribute and otherwise use Project Documents in accordance with the Engineering Practice Act of the State of Texas (Texas Occupation Code, Chapter 1001, as amended) and/or Texas Occupations Code, Chapter 1051, as amended. ENGINEER shall, upon completion of the

services and full payment for the ENGINEER'S services by the OWNER, or earlier termination and appropriate compensation as provided by this Agreement, provide OWNER with reproductions of all materials, reports, and exhibits prepared by ENGINEER pursuant to this Agreement in a TIFF, JPEG or PDF format, and a DXF format in current version of AutoCAD with NAD-83 coordinate format of all such instruments of service to the OWNER.

B. All instruments of service (including plans, specifications, drawings, reports, designs, computations, computer programs, estimates, surveys, other data or work items, etc.) prepared under this Agreement shall be submitted for approval of OWNER. All instruments of service shall be professionally sealed as may be required by law or by OWNER.

C. Acceptance and approval of the Project Documents by OWNER shall not constitute nor be deemed a release of the responsibility and liability of ENGINEER, its employees, associates, agents and Engineers for the accuracy or competency of their designs, working drawings and specifications, or other documents and work; nor shall such approval be deemed to be an assumption of such responsibility by OWNER for any defect in the designs, working drawings and specifications, or other documents prepared by ENGINEER, its employees, contractor, agents and engineers.

## **Section 8. Termination**

A. OWNER may suspend or terminate this Agreement for cause or without cause at any time by giving written notice to ENGINEER. In the event suspension or termination is without cause, payment to ENGINEER, in accordance with the terms of this Agreement, will be made on the basis of services reasonably determined by OWNER to be satisfactorily performed to the date of suspension or termination. Such payment will be due upon delivery of all instruments of service to OWNER.

B. Should OWNER require a modification of this Agreement with ENGINEER, and in the event OWNER and ENGINEER fail to agree upon a modification to this Agreement, OWNER shall have the option of terminating this Agreement and ENGINEER's services hereunder at no additional cost other than the payment to ENGINEER, in accordance with the terms of this Agreement, for the services reasonably determined by OWNER to be properly performed by ENGINEER prior to such termination date.

## **Section 9. Insurance**

A. ENGINEER shall during the term hereof maintain in full force and effect the following insurance:

(i) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the ENGINEER's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$1,000,000.00 per occurrence for injury to persons (including death), and for property damage;

(ii) A automobile liability insurance policy covering any vehicles owned and/or operated by ENGINEER, its officers, agents, and employees, and used in the

performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage;

(iii) statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of ENGINEER's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00; and

(iv) Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limit of not less than \$1,000,000.00 per claim and \$1,000,000.00 in the aggregate.

B. All insurance and certificate(s) of insurance shall contain the following provisions:

(i) name the CITY, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability;

(ii) provide for at least thirty (30) days prior written notice to the CITY for cancellation of the insurance; and

(iii) provide for a waiver of subrogation against the CITY for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for Professional Liability Insurance.

C. All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

D. A certificate of insurance evidencing the required insurance and all endorsements shall be delivered to CITY prior to commencement of services.

#### Section 10. Indemnification.

**CITY shall not be liable for any loss, damage, or injury of any kind or character to any person or property arising from the services of ENGINEER pursuant to this Agreement. ENGINEER hereby waives all claims against CITY, its officers, agents and employees (collectively referred to in this section as "City Indemnitees") for damage to any property or injury to, or death of, any person arising at any time and from any cause other than the negligence or willful misconduct of the City Indemnitees. ENGINEER agrees to indemnify and save harmless the City Indemnitees from and against any and all liabilities, damages, claims, suits, costs (including court costs, attorneys' fees and costs of investigation) and actions of any kind by reason of injury to or death of any person or damage to or loss of property to the extent caused by the negligent performance of services under this Agreement or by reason of any negligent act or omission on the part of ENGINEER, its officers, directors, servants, employees, representatives, consultants, licensees, successors or permitted assigns (except when such liability, claims, suits, costs, injuries, deaths or damages arise from or are attributed to negligence of a City Indemnitee, in whole or in part, in which case ENGINEER shall indemnify the City Indemnitee only to**

**the extent or proportion of negligence attributed to ENGINEER, its officer, as determined by a court or other forum of competent jurisdiction). ENGINEER's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained by ENGINEER under this Agreement. This provision shall survive the termination of this Agreement.**

**Section 11. Assignment**

ENGINEER shall not assign or sublet this Agreement, or any part thereof, without the prior written consent of OWNER.

**Section 12. Applicable Laws**

ENGINEER shall comply with all Federal, State, County and Municipal laws, ordinances, regulations, safety orders, resolutions and building codes relating or applicable to services to be performed under this Agreement. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the State District Court of Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court

**Section 13. Default of Engineer**

In the event ENGINEER fails to comply or becomes disabled and unable to comply with the provisions of this Agreement as to the quality or character of the service or time of performance, and the failure is not corrected within ten (10) days after written notice by OWNER to ENGINEER, OWNER may, at its sole discretion without prejudice to any other right or remedy:

A. Terminate this Agreement and be relieved of the payment of any further consideration to ENGINEER except for all work determined by OWNER to be satisfactorily completed prior to termination. Payment for work satisfactorily completed shall be for actual costs, including reasonable salaries and travel expenses of ENGINEER to and from meetings called by OWNER at which ENGINEER is required to attend, but shall not include any loss of profit of ENGINEER. In the event, of such termination, OWNER may proceed to complete the services in any manner deemed proper by OWNER, either by the use of its own forces or by resubletting to others.

B. OWNER may, without terminating this Agreement or taking over the services, furnish the necessary materials, equipment, supplies and/or help necessary to remedy the situation, at the expense of ENGINEER.

**Section 14. Adjustments in Services**

No claims for extra services, additional services or changes in the services will be made by ENGINEER without a written agreement with OWNER prior to the performance of such services.

**Section 15. Execution becomes Effective**

This Agreement will be effective upon execution of the Agreement by and between ENGINEER and OWNER.

**Section 16. Agreement Amendments**

This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Agreement which have not been incorporated herein. This Agreement may only be modified, amended, supplemented or waived by a written instrument executed by the parties except as may be otherwise provided therein.

**Section 17. Severability.**

In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

**Section 18. Independent Contractor.**

It is understood and agreed by and between the parties that ENGINEER in satisfying the conditions of this Agreement is acting independently and that the OWNER assumes no responsibility or liabilities to any third party in connection with ENGINEER's actions. All services to be performed by ENGINEER pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of OWNER. ENGINEER shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. There is no intended third party beneficiary to this Agreement.

**Section 19. Right-Of-Access.**

OWNER will obtain and/or furnish right-of-access on any project site for ENGINEER to perform any required studies, surveys, tests or other necessary investigations in relation to any Task Order. ENGINEER will take reasonable precautions to minimize damage to the personal or real property in the performance of such surveys, tests, studies and investigations.

**Section 20. Notice.**

Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other party or address as either party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If to OWNER:  
(Physical Address) Director of Public Works  
City of Farmers Branch  
13000 William Dodson Pkwy  
Farmers Branch, TX 75234

(Mailing address): P.O. Box 819010  
Farmers Branch, TX 75381

(With copy to): Peter G. Smith  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
1800 Ross Tower  
500 North Akard  
Dallas, Texas 75201

If to ENGINEER: Trey Shanks  
Associate  
Freese and Nichols, Inc.  
2711 N. Haskell Ave., Suite 3300  
Dallas, TX 75204

**Section 21. Counterparts.**

This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the parties hereto.

**Section 22. Exhibits.**

The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

**Section 23. Survival of Obligations.**

Any of the representations and obligations of the parties, as well as any rights and benefits of the parties pertaining to a period of time following the termination of this Agreement shall survive termination.

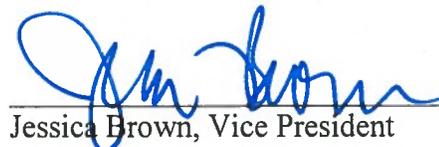
(Signature page to follow)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates indicated below.

OWNER:  
**City of Farmers Branch, Texas**

ENGINEER:  
**Freese and Nichols, Inc.**

By: \_\_\_\_\_  
City Manager

By:   
Jessica Brown, Vice President

Date: \_\_\_\_\_

Date: May 6, 2016

ATTEST:  
  
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

## EXHIBIT "A"

### Scope of Services

Freese and Nichols (FNI) will render the following professional services in connection with the development of the project.

### PROJECT DESCRIPTION

#### GENERAL OVERVIEW

This scope of services includes detailed hydrologic and hydraulic analysis for a total drainage area of approximately 6.3 square miles and total stream length of approximately 3.77 river miles that covers Farmers Branch Creek within the City limits. The study area includes Farmers Branch Creek from Vitruvian Park to the confluence with Rawhide Creek. Figure 1 shows the study area indicating the streams that will be analyzed. This scope includes the following tasks:

- Task 1 – Project Management and Meetings
- Task 2 – Data Collection and Field Survey
- Task 3 – Geomorphologic Assessment
- Task 4 – Detailed Hydrologic Analysis (HEC-HMS)
- Task 5 – Detailed Hydraulic Analysis (Unsteady HEC-RAS)
- Task 6 – Draft Report
- Task 7 – Alternatives Analysis
- Task 8 – Section 404 Permitting Evaluation
- Task 9 – Capital Improvements Plan/Pairwise Analysis
- Task 10 – Final Report
- Task 11 – Public Outreach

**BASIC SERVICES:** FNI will provide the following basic services.

#### **Task 1 – Project Management and Meetings**

1. **Project Management** - FNI will provide Project Management services including project coordination and communications with the City and monthly status reporting (at a minimum).
2. **Meetings** - FNI will conduct up to a total of thirteen (13) team meetings with City staff, City Council, stakeholders and the public. The meetings anticipated are as follows:

##### Initial Data Gathering and Introduction

- i. Stakeholder Committee meeting
- ii. Council meeting
- iii. Public meeting

##### Present Initial Findings

- iv. City Meeting
- v. Stakeholder Committee meeting
- vi. Council meeting
- vii. Public meeting

### Present Alternatives/Recommendations

- viii. City Meeting
- ix. Stakeholder Committee meeting
- x. Council meeting
- xi. Public meeting
- xii. Up to two (2) additional meetings as needed

### **3. Public Involvement**

- i. FNI will conduct up to three (3) public meetings throughout the course of the project as shown in Task 1.2.
- ii. The City will secure a location for the meetings
- iii. FNI will provide mailers to notify residents. The City will be responsible for mailing them out. FNI will prepare meeting materials and present at meeting.

### **Task 2 – Data Collection and Field Survey**

#### **1. Data Collection**

- i. Obtain and review previous watershed studies, reports, models and record drawings from the City for the Study area. FNI will collect record drawings and GIS information related to all known utilities throughout the study area.
- ii. Obtain available GIS data, including but not limited to topographic maps, zoning maps, storm drain system mapping, easements, property lines, drainage complaints, future land use maps and aerial imagery from the City for base map development.
- iii. FNI will prepare forms needed to request the FEMA effective models and CITY will send them to FEMA.
- iv. Conduct up to two (2) site visits to verify the limits of the study and to document initial conditions with photographs.
- v. Prepare base map of existing conditions including streams, road crossings, hydraulic features, drainage areas, topography, storm drain network and aerial photos.

#### **2. Field Survey**

Field survey will be collected according to the Data Capture Standards Technical Reference established by FEMA. Anticipated survey locations are listed below.

- i. Farmers Branch Creek:
  - a. Survey approximately 40 cross sections (average spacing of approximately 500 ft)
  - b. Survey all roadway crossings
  - c. Survey all ponds and associated dam structures

### **Task 3 – Geomorphologic Assessment**

This phase includes a stream geomorphic assessment for approximately four (4) miles of Farmers Branch Creek as identified as the STUDY LIMITS on Figure 1. The CITY will arrange access for FNI to enter upon public and private property as required to perform services under this Agreement.

**1. Desktop Analysis:** FNI will perform desktop analysis of the channel stability and evolution based on, soils, geology, topography, and landscape using literature and historical aerial photographs. FNI will review existing HEC-RAS models for the STUDY LIMITS provided by the CITY.

## **2. Field Reconnaissance and Erosion Evaluation**

- i. Site Visits: FNI will conduct site visit to field map erosion and channel stability.
- ii. Instability Assessment: FNI will process field data collected during the stream assessment, create a map of erosion and instability locations (including locations of threatened public and private infrastructure, and characterize the channel morphology and the channel evolution. These data will be used to describe the processes driving channel instabilities within the assessment reaches.
- iii. Sediment Transport Discharges: FNI will perform an incipient motion analysis for the channel bed material to estimate the critical discharge. HEC-RAS model data (existing and proposed flows) will be provided by the CITY. The critical discharge will be used to develop the conceptual level alternatives. FNI will collect up to three (3) sediment samples that will be used to measure the gradation of bed sediments for sediment transport analysis.
- iv. Develop Erosion GIS Database: FNI will develop a GIS Erosion Database with the results from the geomorphic stream assessment. The erosion database will be useful for planning purposes.

## **3. Develop Conceptual Level Alternatives**

- i. Reach level and or spot repair alternatives: Using the information listed above, FNI will develop up to three (3) total conceptual level alternatives for reach-scale bank stabilization and protection measures within the STUDY LIMITS.
- ii. Deliverables: Modeling effort will include entering the basic geometry of each concept into the existing HEC-RAS models to identify potential impacts of the reach-scale solutions, and the localized solutions as standalone projects. The deliverable will include conceptual graphics and schematics (planform and cross sectional view to communicate the concept, but not for construction), a list of advantages and disadvantages, and "order of magnitude" cost estimates will be prepared to describe and communicate the concepts for team meetings. A conceptual level Section 404 permitting evaluation will be performed to explore permitting options.
- iii. Erosion Ranking and CIP – Prepare prioritized ranking of erosion projects and plan for implementation using existing ranking procedures. Update records in City access database.

## **Task 4 – Detailed Hydrologic Analysis (HEC-HMS)**

This phase includes the update of the previous HEC-1 model from the 1999 Nathan D. Maier (NDM) study to the latest version of HEC-HMS and an update of existing land uses to reflect current development. Ultimate development conditions will be determined based upon the latest zoning map from the City.

### **1. Hydrologic Modeling for Farmers Branch Creek**

- i. Update the delineations for the study area from the 1999 NDM Study.
- ii. Define model input parameters for the study area.
- iii. Convert 1999 HEC-1 models into HEC-HMS model and correct if necessary

- iv. Update converted HEC-HMS models using both existing and fully-developed land use for the study area based on the Snyder's unit hydrograph method
- v. Determine the existing and fully-developed hydrographs for the study area for the 1/2-, 1-, 2-, 5-, 10-, 25-, 50-, 100-, and 500-year storm events.

#### **Task 5 – Detailed Hydraulic Analysis (Unsteady HEC-RAS)**

This phase includes the development of hydraulic models representing existing conditions geometry with existing and fully developed flows. Inundation maps showing the 100-year floodplains will be created. Farmers Branch Creek will be modeled using Unsteady HEC-RAS to better understand this dynamic stream.

##### **1. Hydraulic Modeling for Farmers Branch Creek**

- i. Update existing HEC-RAS Model with new survey cross sections.
- ii. Convert to Unsteady HEC-RAS model for study area. FEMA lettered sections from FIRM panels will be digitized and incorporated into model.
- iii. Determine the existing and fully-developed peak water surface elevations for the streams within the study area for the 1/2-, 1-, 2-, 5-, 10-, 25-, 50-, 100-, and 500-year storm events.
- iv. Develop the existing and fully-developed conditions 100-year floodplains within the stream study limits. Update to FEMA floodways are **not** included as part of this scope and are considered additional services.
- v. Identify flood prone areas and document existing and fully-developed structure overtopping (road crossings) and flooding potential (houses). Flooding potential will be based on approximation of finished floor elevation based on lowest adjacent grade elevation from the terrain and estimate of slab height.
- vi. Identify areas with existing and potential erosion along channel based on both velocities and shear within the creek.

#### **Task 6 – Draft Report**

This phase includes the development of a draft report documenting the findings from Tasks 2, 3, 4 and 5. Farmers Branch Creek will be documented in a single report.

##### **1. Draft Report**

- i. FNI will compile report chapters summarizing the methodology and results from the hydrologic and hydraulic analysis and geomorphologic assessment, an executive summary, graphics, appendices, GIS database, and other digital information into a draft report.
- ii. Submit four (4) hard copies and an electronic copy in pdf format of the draft report to the CITY for review.
- iii. Submit existing conditions HEC-HMS and HEC-RAS Unsteady models to the City.

#### **Task 7 – Alternatives Analysis**

This phase includes the development of improvement alternatives to address flood prone areas and erosion concerns identified in Task 6.

- 1. Alternatives for Flood Risk Reduction:** Based on the results of the detailed hydrologic and hydraulic analysis and geomorphologic assessment, FNI will identify measures to reduce flood risk and erosion within the study areas. FNI will consider structural and non-structural measures as follows:

- i. Channel drop structures along Farmers Branch Creek.
- ii. Channel protection elements (hard armor) as needed.
- iii. Channel Improvements (channel grading).
- iv. Crossing Improvements.

## **2. Cost Estimates and Graphics**

- i. FNI will develop opinions of probable construction costs for each feasible alternative studied.
- ii. FNI will develop conceptual graphics and schematics to communicate the concept for each alternative.

## **3. Documentation**

- i. Provide documentation of benefits provided by each alternative along with lists of advantages and disadvantages.
- ii. Provide recommendations for implementing and the phasing of the recommended measures. The phasing recommendations will consider constructability, incremental benefits of each project, and annual funding capacity of the City.

### **Task 8 – Section 404 Permitting Evaluation**

- i. FNI Environmental Scientists will conduct a desktop review of the improvement alternatives developed in Task 7 and provide recommendations on potential Section 404 permitting options for each of these alternatives as a section in the Final Report.
- ii. FNI Environmental Scientists will coordinate with the Project Team (City and FNI Engineers) to discuss the findings of the environmental permitting evaluation and provide environmental input for the study including cost estimates

### **Task 9 – Capital Improvement Plan/Pairwise Analysis**

This phase includes the development of a ranking procedure and creation of a capital improvement plan for feasible alternatives.

#### **1. Storm Water Capital Improvement Ranking**

- i. FNI will develop a ranking procedure to methodically rank alternatives selected by the City.
- ii. FNI will work with the City to develop criteria, weighting factors, and scoring system.
- iii. Selected alternatives from Task 7 will be evaluated and ranked based on the City approved ranking criteria. FNI will document the ranking process and summarize the results.

### **Task 10 – Final Report**

This phase includes the development of a final report documenting the project from Tasks 2 through 8. The Final Report will address and incorporate all previous comments from the Draft Report.

#### **1. Report**

- i. FNI will compile report chapters previously developed from the Draft Report, methodology and results from the alternatives, Section 404 permitting evaluation, and pairwise analyses, an executive summary, graphics, cost estimates, appendices, GIS database, and other digital information into a draft final report.
- ii. Submit four (4) hard copies and an electronic copy in pdf format of the draft Final Report to the CITY for review.
- iii. Submit Alternatives HEC-RAS Unsteady model to the City

- iv. Up to one (1) round of CITY comments will be incorporated in the final report.
- v. Submit four (4) hard copies and an electronic copy in pdf format of the Final Report to the City.

## **Task 11 – Public Outreach**

This phase includes coordination effort for communicating project status with the public. The community will be notified via website of the overall status of the project.

### **1. Website Design**

- i. FNI will meet with City one (1) time to discuss design of the website.
- ii. FNI will design the website to include pages for informational uploads throughout the project and provide a section for comments from visitors.

### **2. Coordination**

- i. FNI will provide the City with monthly updates regarding the status and progress of the overall project.
- ii. FNI will incorporate monthly progress reports onto website.
- iii. The City will provide a link to the outreach website on the City website for public access.

**ADDITIONAL SERVICES:** The following services are additional and shall not be included in the Scope of Services unless specifically approved by the CITY. FNI shall inform the CITY when a particular service falls into the "Additional Services" category. Compensation for Additional Services shall be on an hourly basis.

1. Preparation of FIS documents such as profiles, summary of discharges table, or floodway data tables.
2. Additional field surveys beyond what is included in the scope above.
3. Recreation of existing H&H models if digital files of the effective models are not available.
4. Revisions to existing H&H models or creation of new models for areas not identified in Figure 1.
5. Preparation of LOMR or CLOMR
6. Additional alternatives to be detailed modeled or evaluated, including analysis of study areas beyond those outlined in scope of work.
7. Public Outreach beyond what is included in scope above.
8. Appearances before regulatory agencies other than the CITY.
9. Assistance to the CITY as an expert witness in any litigation with third parties arising from the development of the Project.
10. Making property, boundary and right-of-way surveys, preparation of easement and deed descriptions, including title search and examination of deed records.

11. Making revisions to drawings or other documents when such revisions are 1) not consistent with approvals or instructions previously given by CITY or 2) due to other causes not solely within the control of FNI.
12. Preparing data and reports for assistance to CITY in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
13. Assisting CITY in preparing for, or appearing at litigation, mediation, arbitration, dispute review boards, or other legal and/or administrative proceedings in the defense or prosecution of claims disputes with Contractor(s).
14. Visits to the project areas or City facilities in excess of the number of trips, coordination meetings or contract completion activities as defined in Basic and Special Services.
15. Providing basic or additional services on an accelerated time schedule. The scope of this service does not include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the CITY.
16. Soil and foundation investigations, including field and laboratory tests, borings, related engineering analyses, and recommendations.
17. Providing Geotechnical investigations, studies, or reports.
18. Additional copies of reports.
19. Preparation of applications and supporting documents for government grants, loans, or planning advances for public works projects.
20. Acquisition of individual federal or state permits that may be required.
21. Preparation of environmental statements

## EXHIBIT "B"

### Payment Schedule

Compensation to Engineer shall be the lump sum fee of Three Hundred Forty Three Thousand Two Hundred Sixty Eight Dollars (\$343,268). If Engineer sees the Scope of Services changing so that additional services are needed, including but not limited to those services described as Additional Services in Exhibit A, Engineer will notify OWNER for OWNER'S approval before proceeding. Additional Services shall be computed based on the Schedule of Charges.

#### Schedule of Charges:

<u>Position</u>	<u>Min</u>	<u>Max</u>
Professional - 1	73	124
Professional - 2	94	153
Professional - 3	115	184
Professional - 4	150	211
Professional - 5	185	260
Professional - 6	156	360
Construction Manager - 1	93	102
Construction Manager - 2	111	158
Construction Manager - 3	147	179
Construction Manager - 4	118	238
CAD Technician/Designer - 1	62	106
CAD Technician/Designer - 2	90	133
CAD Technician/Designer - 3	120	177
Corporate Project Support - 1	43	105
Corporate Project Support - 2	70	185
Corporate Project Support - 3	86	327
Intern/ Coop	36	60

#### Rates for In-House Services

##### Technology Charge

\$8.50 per hour

##### Travel

Standard IRS Rates

##### Bulk Printing and Reproduction

	<u>B&amp;W</u>	<u>Color</u>
Small Format (per copy)	\$0.10	\$0.25
Large Format (per sq. ft.)		
Bond	\$0.25	\$0.75
Glossy / Mylar	\$0.75	\$1.25
Vinyl / Adhesive	\$1.50	\$2.00
Mounting (per sq. ft.)	\$2.00	
Binding (per binding)	\$0.25	

#### **OTHER DIRECT EXPENSES:**

Other direct expenses are reimbursed at actual cost times a multiplier of 1.15. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

**These ranges and rates will be adjusted annually in February. Last updated February 2016.**

350022016



# City of Farmers Branch

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

## Staff Report

File Number: ORD-3376

Agenda Date: 6/7/2016

Version: 1

Status: Regular Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: I.3

### **Consider adopting Ordinance No. 3376, approving an amendment to the TIF Zone No. 2 Project and Financing Plan; and take appropriate action.**

#### BACKGROUND:

The TIF Board met on Thursday, May 26, 2016, and approved Resolution No. 2016-057-T2, to amend the Plan to add the City Restaurant Park Project to authorize the necessary public infrastructure, approving the Project and Financing Plan.

The Project Plan for TIF Zone No. 2 includes the Restaurant Park Project public infrastructure, including but not limited to streets, alleys, sidewalks, parking, lighting, public plaza and fountain and other project costs authorized by Tax Code, Chapter 311, necessary for the Restaurant park area.

#### DISCUSSION:

The City intends to improve and widen the existing Bee Street between Valley View and Pepperwood as a two lane divided street with street (angle) parking on both sides of each lane of traffic. A developer intends to develop a retail center along Bee Street in two (2) phases consisting of one or more free standing buildings containing approximately 35,000 square feet of retail space in the aggregate for occupancy by restaurants and other retailers.

#### RECOMMENDATION:

City Administration recommends approving Ordinance No. 3376, as presented.

#### POSSIBLE COUNCIL ACTION:

1. I move to approve Ordinance No. 3376, as presented.
2. I move to approve Ordinance No. 3376, with modifications.
3. I move to table the issue for further study or take no action.

#### ATTACHMENTS:

1. Ordinance No. 3376
2. Restaurant Park Presentation



**ORDINANCE NO. 3376**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, APPROVING AN AMENDMENT TO THE TIF ZONE NO. 2 PROJECT AND FINANCING PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on July 21, 1999, by Ordinance No. 2484, the City of Farmers Branch created Farmers Branch Tax Increment Financing Zone No. Two (“Farmers Branch TIF No.2” or “Old Farmers Branch”); and

**WHEREAS**, in accordance with Chapter 311, Texas Tax Code; on July 21, 1999, by Ordinance No. 2489, the City of Farmers Branch approved a Project Plan and Financing Plan, amended such Plan on August 30, 1999, and further amended such Plan on May 17, 2011 (the “Plan”); and

**WHEREAS**, the City Council desires to amend the Plan to add the City Restaurant Park Project, as described in Exhibit “A” attached hereto; and

**WHEREAS**, the TIF Zone No. 2 Board of Directors has approved the proposed amendment to the Plan and recommends that the City Council approve the same;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Plan is hereby amended by adding to the authorized projects for Farmers Branch TIF Zone No. 2 the necessary public infrastructure for the Restaurant Park Area, as set forth in Exhibit “A” attached hereto. The Plan is hereby approved by adding Exhibit “A” thereto.

**SECTION 2.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 3.** All ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 4.** This Ordinance shall take effect immediately from and after its passage, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS THE 7<sup>th</sup> DAY OF JUNE, 2016.**

**APPROVED:**

\_\_\_\_\_  
Bob Phelps, Mayor

**ATTEST:**

\_\_\_\_\_  
Amy Piukana, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(PGS:5-16-16:TM 76952)

## **Exhibit “A”**

The Project Plan for TIF Zone No. 2, as amended, is amended to add the following City Restaurant Park Project.

Public infrastructure, including but not limited to streets, alleys, sidewalks, parking, lighting, public plaza and fountain and other project costs authorized by Tax Code, Chapter 311, necessary for the Restaurant Park Area. The City intends to improve and widen existing Bee Street between Valley View and Pepperwood as a two lane divided street with street (angle) parking on both sides of each lane of traffic. A developer intends to develop a retail center along Bee Street in two (2) phases consisting of one or more free standing buildings containing approximately 35,000 square feet of retail space in the aggregate for occupancy by restaurants and other retailers.



# Farmers Branch Restaurant Park

Jason Claunch

Catalyst

5307 E Mockingbird Lane | 5th Fl.

Dallas, Texas 75206

972-999-0081

catalyst

# Restaurant Park Summary

- 39,936 SF
- 4.6 Acres
- \$11.4m +/-
- \$1.351M Property Tax (20 yrs)
- \$6.792M Sales Tax (20 yrs)

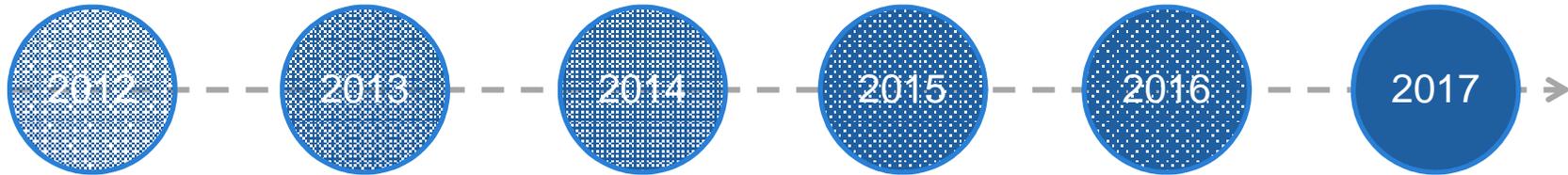


# Aligned Outcomes

- Consistent with 2016 Council Strategic Plan
- Catalytic to create additional investment
- Creates retail committed in Mustang Crossing
- Aligned with Mustang Crossing form-based code
- Amenity for corporate workforce



# Proposed Timeline



Acquisition  
Mustang  
Station

Acquisition  
for  
Mustang  
Crossing  
Restaurant  
Park

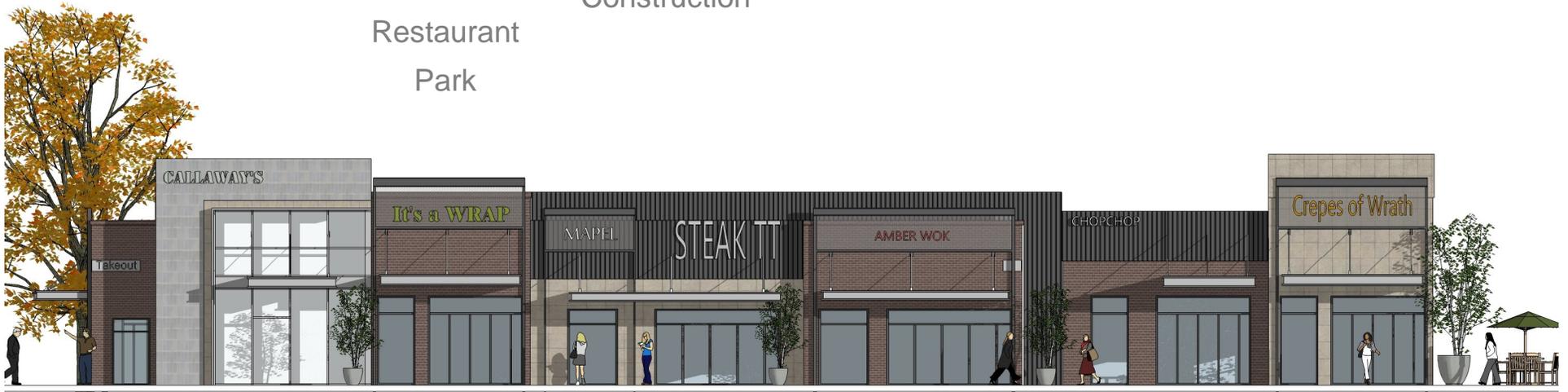
Mustang  
Station  
Pre-Leasing  
&  
Construction

Mustang  
Station  
Phase I  
Opens

Mustang  
Station  
Phase II  
Siteplan  
Approval

Restaurant  
Park  
PPP

Restaurant  
Park  
Start



# Phase I

- Grocer and niche destination restaurants



## Phase 2

- Destination restaurants
- Fast casual concepts
- Service to support adjacent corporate and residential



# PLAZA AREA



First-class development with public amenities

# Site Plan



# Proposed Developer Requirements

- Develop at least 35,000 SF of retail
- Develop at least \$9.5M of development value
- Create development with over \$13M of annual sales with over \$8M in fiscal impact (20 yrs)
- Create at least 50 new FTE's
- Develop common area parking lot with public access for events, overflow parking, etc.

# Proposed City Requirements

- Move forward with Bee St redevelopment
- Allocate approximately \$550,000 from TIF #2 for:
  - Public amenities
  - Street landscaping
  - Lighting & Sidewalks
  - Fountain & Plaza
  - Utility relocation
  - Demolition
- Bury overhead utilities at Developer's cost, to be reimbursed via TIF proceeds (if available)



# Questions?

## Farmers Branch Restaurant Park



Jason Claunch

Catalyst  
5307 E Mockingbird Lane| 5th Fl.  
Dallas, Texas 75206  
972-999-0081





# City of Farmers Branch

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

## Staff Report

File Number: 16-148

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Agenda Date: 6/7/2016

Version: 1

Status: Closed Session

In Control: City Council

File Type: Report

Agenda Number: J.1

**City Council may convene into executive session pursuant to Texas Government Code Section 551.076 deliberation regarding security devices:**

- *Briefing by Police Chief regarding the deployment, or specific occasions for implementation, of security personnel or devices.*

**City 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 2712 Mount View.*