Study Session Meeting to be held at 4:00 p.m. in the Study Session Room with a Dinner Break at 5:15 p.m.

A. CALL TO ORDER - STUDY SESSION (4 P.M.)

A.1 20-05 Discuss regular City Council meeting agenda items

A.2 20-18 Discuss Chapter 56 Section 81E(f)3 of the Code of Ordinances regarding hazardous trees, shrubs or plants

A.3 20-21 Receive an update on the Farmers Branch Creek restoration project

A.4 20-09 Receive an update for Texas Dept of Transportation (TXDOT) 22-acre site along LBJ Freeway

A.5 20-01 Discuss agenda items for future City Council meetings

B. CEREMONIAL ITEMS

B.1 20-16 Consider accepting a donation in the amount of $12,000 from Ms. Dorothy Holley for the Farmers Branch Police Department; and take appropriate action

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

D. INVOCATION & PLEDGE OF ALLEGIANCE

E. REPORT ON STUDY SESSION ITEMS

F. MAYOR AND CITY MANAGER’S REPORT ON 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, and 7) reports from Council Liaisons to supported organizations.

G. 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 Mayor prior to the start of the City Council meeting. There is a three (3) minute time limit for each citizen to speak with a reasonable limitation on speakers on one topic or item with a maximum of fifteen total minutes on the same topic item. Anyone wishing to speak shall be courteous and cordial.

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.

H. CONSENT AGENDA

H.1 20-02 Consider approving the following City Council meeting minute(s); and take appropriate action
- December 10, 2019

H.2 R2020-03 Consider approving Resolution No. 2020-03 authorizing the City Manager to execute an agreement for HVAC preventive maintenance services with ABM Building Services, LLC. through TIPS Purchasing Cooperative in the total amount of $105,607; and take appropriate action

H.3 R2020-06 Consider approving Resolution No. 2020-06 authorizing a change order in the amount of $53,730 to C&N Masonry, Inc. for new the Fire Station No. 2 construction project; and take appropriate action

H.4 R2020-08 Consider approving Resolution No. 2020-08 authorizing the City Manager to execute a change order to the existing contractual agreement with North Texas Contracting, Inc. for the installation of cased building piers for the Service Center Project in the amount of $80,837 and take appropriate action

H.5 R2020-10 Consider approving Resolution No. 2020-10 casting a vote for the Fourth Member of the Board of Directors for the Dallas Central Appraisal District; and take appropriate action

I. REGULAR AGENDA ITEMS

I.1 ORD-3621 Consider adopting Ordinance No. 3621 amending Chapter 78, Section 78-57 to increase the Resident Homestead Tax Exemption for ages 65 and older to $80,000; and take appropriate action
I.2  **19-592** Consider Board and Commission appointments (Animal Shelter Advisory Committee and Public Art and Culture); and take appropriate action

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

K. **ADJOURNMENT**

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

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 bulletin board at City Hall.

Posted by: _______________________

City Secretary

Date posted: ______________________
Discuss regular City Council meeting agenda items
Discuss Chapter 56 Section 81E(f)3 of the Code of Ordinances regarding hazardous trees, shrubs or plants

BACKGROUND:
During the study session at the July 23rd 2019 City Council meeting a presentation was conducted outlining the staffs proposed changes to the City’s Property Maintenance Code (Chapter 56 of the Code of Ordinances). Those proposed changes occurred in four specific areas such as; Old or Obsolete references, references to items handled by other agencies, references that require additional clarity or specificity and those references that are overly restrictive or difficult to enforce.

DISCUSSION:
Ordinance 3589 was drafted and subsequently approved based upon the consensus discussion during the July 23rd study session and does include language regarding grinding of stumps visible in the front yard once a hazardous tree is removed. Questions regarding the enforcement of existing stumps have recently become a concern and hence a discussion has ensued regarding how existing tree stumps should be addressed in the future.

FISCAL IMPACT:
1. No Financial Impact

COUNCIL DIRECTION REQUESTED:
1. Leave ordinance 3589 as adopted on 8/1/19
2. Delete language requiring tree stumps to be ground flush
3. Make other changes discussed during study session

ATTACHMENT(S):
1. excerpt of Chapter 56 Section 81E(f)3
Section 56-81 “Exterior grounds” is amended by removing subsections (i) and (n) in their entirety and amending subsections (f), (h), (j), (l), (m), (p), (q), and (r) to read as follows:

(f) *Trees, shrubs and plants.* Standards for trees, shrubs and plants are as follows:

1. Trees, shrubs and plants shall not obstruct the access to or from any door or window of any structure which is used, or is required by city codes and ordinances to be used, for ingress and egress.

2. Trees, shrubs or plants shall not create a hazard or an obstruction and shall be maintained within the following minimum clearances:
   b. Lateral clearance of public sidewalks and other public pathways, six inches from each edge of sidewalk or pathway.
   c. Overhead clearance of streets, tree limbs and other projections over the street shall be maintained at a minimum of 14 feet vertical clearance above the street pavement.
   d. Lateral clearance of streets, no encroachment over or above the back of the curb or the edge of paving.
   e. Sight clearance at intersections of city streets, unobstructed sight distance of 200 feet.
   f. Sight clearance for signs erected by the city, unobstructed sight distance of 100 feet.
   g. Overhead clearance of public alleys and easements which have been dedicated and improved for vehicular use, tree limbs and other projections shall be maintained at a minimum of 14 feet vertical clearance above the alley pavement.
   h. Lateral clearance along alleys and easements which have been dedicated and improved for vehicular use, trees, shrubs and plants (other than groundcover) shall be maintained a minimum of 18 inches horizontal clearance from the edge of the alley pavement or to the property line which ever dimension is smaller.

3. Trees, shrubs or plants which are hazardous to persons or property shall be removed. Any tree, shrub or plant that appears to have lost more than 75 percent of its living foliage shall be considered dead. Any tree that is removed in accordance with this section, shall include removal of the tree stump by grinding the stump to grade level. This requirement shall only apply to trees stumps located in the front yard of a residence.

(h) *Weeds, grass and other groundcover.* Standards for weeds and grass are as follows:

1. Weeds, grass and brush shall be maintained at a height not exceeding eight inches.
Receive an update on the Farmers Branch Creek restoration project

DISCUSSION:
Staff presentation to City Council relative to status on Farmers Branch creek restoration projects.

ATTACHMENT(S):
1. Presentation
Farmers Branch Creek Restoration
Presented January 7, 2020
Creek Projects Completed after Dam Failure

- Initial Cleanup and Repair
- Drop Structure Construction
- Dam No.1 Repair
- Bank Stabilization & Erosion Control
Initial Cleanup and Repair
Creek Channel Before

After
Drop Structure Construction
Dam No.1 Repair
Bank Stabilization & Erosion Control
## PROJECT PRIORITY LIST

### Farmers Branch Watershed Study - CIP Project Rankings

<table>
<thead>
<tr>
<th>Rank</th>
<th>Reference Address</th>
<th>Project Type</th>
<th>Project ID</th>
<th>Project Cost</th>
<th>Score</th>
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<tr>
<td>1</td>
<td>Webb Chapel Rd Bridge</td>
<td>Erosion Control</td>
<td>E16</td>
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<td>14.6</td>
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<td>Josey Lane to Veronica Road</td>
<td>Flood Risk Reduction</td>
<td>FC2-Alt2</td>
<td>$5,000,000</td>
<td>14.5</td>
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<td>26</td>
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<td>28</td>
<td>Josey Lane to Veronica Road</td>
<td>Flood Risk Reduction</td>
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<td>9.3</td>
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<tr>
<td>29</td>
<td>Marsh Lane</td>
<td>Flood Risk Reduction</td>
<td>FC3-Alt1</td>
<td>$2,000,000</td>
<td>9.0</td>
</tr>
</tbody>
</table>

*Under Contract*
FUTURE CREEK PROJECTS:

• 16 Projects Identified
• 5 Projects currently under contract
• 6 Projects in the Engineering proposal stage
• 5 Projects Engineering TBD

PROJECT TIMELINES 2019-2020:

• Complete Design for 11 projects by May 2020
• Bid & Construct 8 projects in Summer 2020 (projects TBD)

PROJECT TIMELINES 2020-2021:

• Design Remaining 5 projects + any additional identified projects
• Bid & Construct 8 projects in Summer of 2021 (projects TBD)
QUESTIONS?
Receive an update for Texas Dept of Transportation (TXDOT) 22-acre site along LBJ Freeway

BACKGROUND:
This parcel is located along the LBJ Freeway service road between Webb Chapel and Josey Lane. TXDOT purchased the site, including office buildings, from Provident Realty on April 1, 2011 for $38,840,000.00. The existing Atmos gas line was moved from the service road into the site creating a 50’ utility easement. Atmos will only allow vegetation along the easement due to the high-pressure line. The site was listed for sale on October 3, 2016 for $25,000,000. There have been no buyers to date. The TXDOT real estate office reported possibly lowering the price in 2020. No dates have been provided. Planned Development District 91 is the zoning for the site, allowing primarily retail and low rise office uses.
Texas Department of Transportation (TXDOT) site update

Site:  22 acres between Josey and Webb Chapel (along LBJ Freeway service road)

Owner: Texas Department of Transportation (TXDOT)
Former site of TXDOT LBJ Freeway project construction staging

Zoning: PD 91

Allowed uses: office, retail, restaurant, medical clinics, personal services

Special Use Permit (SUP) required: hotel, school, restaurant serving alcohol, drive through restaurants, convenience stores, movie theatre, entertainment uses, hospital, auto uses, government facilities, senior living

Uses not permitted: Multifamily, car wash, motor vehicle repair
Texas Department of Transportation (TXDOT) site update

Disposition: TXDOT listed site for sale in 2016 for $25m. No buyers to date.

TXDOT real estate office said they will list the site again with a new price in 2020. No exact timing provided.
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Texas Department of Transportation (TXDOT) site update

Disposition: TXDOT listed site for sale in 2016 for $25m. No buyers to date.

TXDOT real estate office said they will list the site again with a new price in 2020. No exact timing provided.
Discuss agenda items for future City Council meetings
**City Council - Future Agenda Items**

**Topic(s):**

- Train Horn (west side) (JN)
- Farmers Branch Vision 2030 Plan
- Camelot Landfill Projections
- Cigar Bars
- PZ Board Update (1/21)
- Campaign Finance Reform (1/21)
- Census Update (1/21)
- ILA Addison (1/21)
- Youth Council (2/4)
- Camelot Fees (2/4)

*All items are subject to change*
Consider accepting a donation in the amount of $12,000 from Ms. Dorothy Holley for the Farmers Branch Police Department; and take appropriate action

BACKGROUND:

Ms. Dorothy Holley of Farmers Branch has graciously made a donation to the Farmers Branch Police Department to show her continued support of the men, women and K9 officer who serve to protect this great community. Based on discussions with Police Chief David Hale, Ms. Holley has requested that the donation go toward supporting the Officers and the K9 program. All members of the Farmers Branch Police Department, to include Police K9 Bullet, are very appreciative and thankful for your support and generosity.
Consider approving the following City Council meeting minute(s); and take appropriate action

- December 10, 2019
City of Farmers Branch

Meeting Minutes

City Council

Tuesday, December 10, 2019  6:00 PM  Council Chambers

Study Session Meeting to be held at 3:00 p.m. in the Study Session Room with a Dinner Break at 5:15 p.m.

Presiding: 1 - Mayor Robert Dye

Present: 5 - Mayor Pro Tem John Norwood, Council Member Bronson Blackson, Council Member Mike Bomgardner, Deputy Mayor Pro Tem Terry Lynne and Council Member Cristal Retana

Staff: - City Manager Charles Cox, Deputy City Manager John Land, Assistant City Manager Benjamin Williamson, City Secretary Amy Piukana, City Attorney Braden Metcalf, Assistant Police Chief Dean Habel, Fire Chief Steve Parker, Director of Human Resources Brian Beasley, Director of Public Works Marc Bentley, Director of Sustainability & Health Shane Davis, Director of Planning & Zoning AICP Tina M. Firgens, Director of Economic Development Allison Cook, Director of Community Services Hugh Pender, Director of Information Services Mark Samuels, Director of Communications Tom Bryson and Director of Fleet & Facilities Kevin Muenchow

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

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

A.1 19-566 Discuss regular City Council meeting agenda items

Mayo Pro Tem Norwood asked for clarification on Agenda Item J.2, noting with Panettoni we requested monies be set aside with Keenan Bridge Road. He asked if this project would be handled similar.

Ms. Firgens replied stating will monies will be set aside and handled with the detailed site plan.

Council Member Blackson asked for clarification on Agenda Item I.8, in regards to if this could have been handled ministerially. Ms. Firgens replied stating this item requires Council review.

Council Member Blackson asked about a drainage plan on Agenda Item J.2.

Director of Public Works Marc Bentley replied noting drainage will be addressed during the site plan approval process. He noted he recently spoke with Pat Canuteson with Valwood and no issues are expected with the drainage on this site and bio swells have been added for safety.

Deputy Mayor Pro Tem Lynne asked for clarification on Agenda Item I.5, landscape plan for Fire Station if $100,000 could be paid for out of the savings with the Fire Station budget.

Mr. Cox explained the amount is based on the sale of Fire Station No. 2 and monies will
Mr. Cox asked the Council for direction on Agenda Item I.7, in regards to if the event center should be managed by outsourcing and what type of vision the Council has. He noted once we have Council's direction we can build a strategy to accomplish it.

Mayor Dye stated he would like to see cost recovery during the first year and allow internal staff to manage.

Mayor Pro Tem Norwood recommended utilizing a subcontractor to manage weddings and events. He prefers to break even the first year.

Council Member Bomgardner agreed with utilizing a consultant to assist with events.

Council Member Retana would like to see break even and would defer to the Parks Director on how best to manage the operation.

Council Member Blackson agreed that the first year the City should break even, then afterwards, he prefers to see a return on investment.

Director of Parks and Recreation Mike Mashburn asked if Council's priority was to break even or increase programming.

Deputy Mayor Pro Tem Lynne suggested updating the business plan. Mayor Dye explained Mr. Mashburn needs direction prior to creating a business plan.

A.2 19-539

Receive an update from the Fire Department on the City’s Emergency Management Procedures

Emergency Management Specialist Lauren Sanchez briefed City Council regarding the City’s Emergency Management Procedures. Ms. Sanchez reviewed the process and systems used to communicate with the public during a disaster. Ms. Sanchez explained the City has an Emergency Operations Center which is located at the Fire Department. She noted interlocal assistance agreements are often utilized during disasters.

Council Member Blackson asked if sirens could express a verbal message. Ms. Sanchez replied not at this time, a single tone is utilized in a disaster.

Council Member Retana suggested more communication efforts with multifamily residents to sign up to receive emergency notifications.

Ms. Sanchez explained the City utilizes Branch Alert which requires residents to sign up to receive notifications.

Council Member Blackson noted this is a health and safety communication tool and suggested a larger push to engage more citizens to sign up.

Mayor Pro Tem Norwood agreed that the City needs to focus on better communication and outreach to residents. Council Member Retana suggested utilizing a phone application to allow city communication.

A.3 19-577

Receive the Fiscal Year 2018-19 Fourth Quarter Financial Report

Director of Finance Sherrelle Evans Jones provided City Council with a FY18-19 Fourth Quarter Financial Report. She reviewed Revenues and Expenditures.

Mayor Pro Tem Norwood requested an update on the amount in reserve funds.

Ms. Evans Jones stated she would provide this information at a later date.
A.4 19-580 Discussion regarding Senior Property Tax Exemptions
Director of Finance Sherrelle Evans Jones briefed City Council regarding the Senior Property Tax Exemptions. She provided a PowerPoint presentation with current procedures and several options for the Council to consider. She also reviewed the City Revenue loss based on each option. She stated any changes must be made prior to July 1, 2020 to flow with DCAD.

Senior Property Tax Exemptions
Options for Consideration

The City Council discussed the impact of the 3.5 cent future limitation and how the exemption would work. Council Member Blackson stated he supports giving the maximum tax break to our Seniors.

Deputy Mayor Pro Tem Lynne stated he supports a senior exemption of up to $80,000. Mayor Pro Tem Norwood stated he supports a senior exemption of up to $100,000. Council Member Retana stated she supports an increase up to $80,000, and asked when the last exemption was adopted.

A.5 19-582 Receive a report from Freese and Nichols relative to a proposed Brookhaven College Detention Pond
Director of Public Works Marc Bentley introduced Mr. Rivera about Phase I of the Project for the detention pond. Mr. Rivera with Freese and Nichols provided a feasibility study noting the objectives were to identify potential stormwater detention sites, reduce water runoff and peak flow, delay runoff, evaluate effectiveness and provide costs. The report summary concluded the following information. He noted Site 1 is at the Marsh Lane bridge location. He reviewed the following slide.

The City Council discussed water flow east of Marsh, Bella Road location, and storm events.

Mayor Pro Tem Norwood suggested moving Bella Road to help increase the acreage and allow it to handle a 10-year storm event. Mr. Rivera agreed to research this option.

Mayor Dye noted moving the road north would have major implications. Mr. Bentley cautioned moving the road may not result in enough benefit due to the slope of the property.

Mr. Cox stated we can look into Bella Road to see if relocation is possible and what the benefits would be, if any.
December 10, 2019

City Council Meeting Minutes

Council may convene into a closed executive session pursuant to Section 551.087 regarding:
- Consider an incentive package for Project Mason Jar; (Discussed later in the meeting see Agenda Item L.)

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 3312 Pebble Beach, Farmers Branch, TX 75234; and (Discussed later in the meeting see Agenda Item L.)
- Discuss the purchase, exchange, lease, or sale of real property located at 2668 Leta Mae, Farmers Branch, TX 75234

Mayor Dye recessed from closed executive session at 5:45 p.m.

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

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

EXECUTIVE SESSION

The City Council convened into closed executive session at 5:25 p.m.

B. EXECUTIVE SESSION

B.1 Council may convene into a closed executive session pursuant to Section 551.076 of the Texas Government Code regarding:
- Deliberation regarding Security Devices

Council may convene into a closed executive session pursuant to Section 551.087 regarding:
- Consider an incentive package for Project Mason Jar; (Discussed later in the meeting see Agenda Item L.)
- Consider an incentive package for Project Bridgeview (Discussed later in the meeting see Agenda Item L.)

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 3312 Pebble Beach, Farmers Branch, TX 75234; and (Discussed later in the meeting see Agenda Item L.)
- Discuss the purchase, exchange, lease, or sale of real property located at 2668 Leta Mae, Farmers Branch, TX 75234

Mayor Dye recessed from closed executive session at 5:45 p.m.

CEREMONIAL ITEMS

E. CEREMONIAL ITEMS

E.1 Presentation of Certificates of Achievement to Vivian Field 8th Grade Cheerleaders for winning first place in North Texas regional Cheer competition

Mayor Dye and Council Member Retana provided certificates of achievement to the Vivian Field 8th Grade Cheerleaders for winning first place in the North Texas Regional of Cheer League.

E.2 Recognition of the Vivian Field 7th Grade Girls Volleyball Team for winning the District Championship

Mayor Dye recognized the Vivian Field 7th Grade Girls Volleyball Team for winning the District Championship.

E.3 On behalf of the Farmers Branch Fire Department, the Farmers Branch Chamber of Commerce will present a $500 donation check to the National Fallen Firefighters Foundation.
Mayor Dye recognized the Farmers Branch Chamber of Commerce who presented a $500 donation check to the National Fallen Firefighters Foundation.

**E.4 19-535** Presentation of the Certificate of Excellence in Performance Management by the International City/County Management Association (ICMA)

Mayor Dye recognized the City Manager Charles Cox for obtaining the Certificate of Excellence Award noting Farmers Branch is one of only three cities in the State of Texas and one of twenty-seven organizations across the country to reach the highest level of recognition possible in performance management with the Certificate of Excellence.

**E.5 19-579** Presentation of a service pin to Rachael Arroyo for five years of dedicated service to the City of Farmers Branch Parks and Recreation Department

Mayor Dye presented a service pin to Rachael Arroyo for five years of dedicated service to the City of Farmers Branch Parks and Recreation Department.

**E.6 19-584** Presentation of 2019 Texas Recreation and Park Society North Region Awards

Mayor Dye recognized Margaret Young with the 2019 Texas Recreation and Park Society North Region Awards and thanked her for her advocacy.

**F. REPORT ON STUDY SESSION ITEMS**

Deputy Mayor Pro Tem Lynne provided a report on Study Session items.

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

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

Deputy Mayor Pro Tem Lynne recognized David Prince with Eagle Gun Range for raising over $28,000 in donations for an injured officer's family.

**H. CITIZEN COMMENTS**

The following citizens spoke under Citizen Comments:

Ms. Shirley Tarpley and Mr. Blake spoke introducing themselves noting they may wish to appear at a future City Council meeting to discuss a partnership with their organization known as the Jubilee of Cultures.

Mr. George Brodrick, 13531 Rawhide spoke expressing his concerns with light poles needing a fresh coat of paint.

City Manager Charles Cox explained the City has a program with Oncor to provide maintenance to the light poles and suggested contacting the Public Works Director Marc Bentley to discuss. He noted the Public Works Director could provide more information on this plan.

Ms. Brenda Brodrick thanked City Council for adding the Merry Christmas sign back at City Hall.
CONSENT AGENDA

Motion made by Council Member Blackson to approve Consent Items I.1 through I.9, as presented. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

I.1 19-538 Consider approving the following City Council meeting minute(s); and take appropriate action
- November 12, 2019
- November 19, 2019

I.2 19-564 Consider excusing the absence of Council Member Cristal Retana from the November 12, 2019 City Council meeting; and take appropriate action

I.3 R2019-160 Consider approving Resolution No. 2019-160 authorizing the City Manager to approve the purchase of one additional medium duty vehicle in the total amount of $57,849 from Silsbee Ford through the Good Buy Purchasing Cooperative; and take appropriate action

I.4 R2019-171 Consider approving Resolution No. 2019-171 authorizing the City Manager to enter into an Interlocal Cooperation Agreement with the City of Irving to construct a portion of a public trail use (Westside Art Trail) in Irving; and take appropriate action

I.5 R2019-172 Consider approving Resolution No. 2019-172 awarding the bid and authorizing the contract in the amount of $140,664 to Texas Yard Pro, Inc. for new Fire Station No. 2 landscaping; and take appropriate action

I.6 R2019-173 Consider approving Resolution No. 2019-173 authorizing the City Manager to approve the purchase of one replacement command vehicle for the Fire Department in the total amount of $60,458 from Siddons-Martin Emergency Group through the Houston-Galveston Area Council Purchasing Cooperative; and take appropriate action

I.7 R2019-187 Consider approving Resolution No. 2019-187 authorizing the City Manager to negotiate and execute professional services agreements with Pacheco Koch Consulting Engineers, Inc. in the amount of $66,000, for professional engineering services and D&S Engineering Labs, LLC for professional geotechnical investigation services in the amount of $6,000, relating to the design and construction of an event center at the Farmers Branch Historical Park; and take appropriate action

I.8 R2019-183 Consider approving Resolution No. 2019-183 for a Detailed Site Plan amendment for signage for a mixed-use development on a 12.11-acre site located at 4050 McEwen Road (Urban Village); and take appropriate action
I.9  R2019-188  
Consider approving Resolution No. 2019-188 authorizing the City Manager to execute a Project Specific Agreement to the Master Agreement governing Major Capital Transportation Improvement Projects with Dallas County for design and construction of portions of the Westside Art Trail between the Farmers Branch DART Station and the Campion Trail in Irving; and take appropriate action.

J.  PUBLIC HEARINGS

J.1  R2019-182  
Conduct a public hearing and consider approving Resolution No. 2019-182 for a Detailed Site Plan with Special Exceptions for a restaurant/retail development on an approximate 9.59-acre tract located on the south side of LBJ Freeway, approximately 1,200 feet east of Luna Road; and take appropriate action.

Director of Planning and Zoning Tina Firgens briefed City Council regarding this item. Ms. Firgens explained the applicant is seeking approval of a detailed site plan including special exceptions for a retail/restaurant development on an approximate 9.59-acre tract located on the south side of LBJ Freeway. The development indicates five buildings and the property is referred to as “The Boardwalk” and is located within Planned Development District No. 99 (PD-99). She noted the special exceptions primarily related to window design and fenestration, as well as building and parking placement requirements.

Special Exceptions:

The applicant is requesting the following special exceptions as described below.

Special Exception #1 - Wall openings and window mullions (Section IV.B.1.b.(4) and Section IV.B.5.b.(2))
Special Exception #2 - Building placement from the required front setback (Section IV.B.1.b.(7))
Special Exception #3 - Minimum window fenestration requirements (Section IV.B.4.b.(2))
Special Exception #4 - Surface parking located behind the front facade (Section V.C.1.c.(2))
Special Exception #5 - Wall Signage

Ms. Firgens explained a 36-foot tall multi-tenant pylon sign and one 10-foot tall monument sign along the LBJ Freeway frontage road. She explained the applicant is responsible for constructing an off-site 12-foot wide low-water hike and bike trail connection west of the subject property, which will connect to the existing trail system to the south serving the nearby existing multi-family developments.

Mayor Dye opened the public hearing. There being no one to speak, a motion was made by Deputy Mayor Pro Tem Lynne to close the public hearing and approve Resolution No. 2019-182. Motion seconded by Council Member Retana. Motion approved unanimously.

J.2  ORD-3618  
Conduct a public hearing and consider adopting Ordinance No. 3618 for a request to rezone approximately 7.4 acres of land located generally at the northwest corner of Valley View Lane and Keenan Bridge Road, from Planned Development District No. 88 (PD-88) to Planned Development District No. 77 (PD-77); and take appropriate action.
Director of Planning and Development Tina Firgens briefed City Council regarding this item. Ms. Firgens explained the applicant, Graham Mortgage Corporation, is requesting to rezone from Planned Development District No. 88 (PD-88) to Planned Development District No. 77 (PD-77). She explained the applicant would like to develop a parking lot on this property to serve the existing office building located across Keenan Bridge Road to the east. PD-77 zoning district allows parking lot as a primary land use which the current PD-88 zoning district does not allow. Once developed, the property will have 615 parking spaces.

Aaron Bill with Dowdey, Anderson & Associates, Inc. provided a Powerpoint presentation regarding the proposed project. He introduced Michael Perposa with Terracon who briefed City Council regarding the environmental site history and outlined restrictions and limitations with the site.

The City Council discussed landscaping of the site, trees, shrubbery, and taller plantings.

After discussion, Council Member Blackson stated he supports this project noting it will bring more jobs and is a perfect use to market the site.

Council Member Retana states she supports the project if the buffer is aesthetically pleasing.

Mayor Dye opened the public hearing. There were no citizens present that wished to speak. Council Member Bomgardner made a motion to close the public hearing and adopt Ordinance No. 3618. Motion seconded by Council Member Blackson. Motion approved unanimously.

K. **REGULAR AGENDA ITEMS**

K.1 **R2019-181** Consider approving Resolution No. 2019-181 authorizing the City Manager to negotiate and execute a contract with QBE for medical stop-loss insurance coverage in an amount not to exceed $355,000 for the 2020 plan year; and take appropriate action.

Director of Human Resources Brian Beasley briefed City Council regarding this item. He explained that the Stop-loss insurance is a product that provides protection against catastrophic or predictable losses. It is purchased by employers who have decided to self-fund their employee benefit plans, but do not want to assume 100% of the liability for losses arising from the plans. He explained tonight's proposed Resolution authorizes the City Manager to negotiate and sign on behalf of the City a contract for Medical Stop-Loss Insurance with QBE Insurance Group for such coverage at a cost not to exceed $355,000 for the 2020 plan year.

Motion made by Deputy Mayor Pro Tem Lynne to approve Resolution No. 2019-181, as presented. Motion seconded by Council Member Retana. Motion approved unanimously.

K.2 **R2019-190** Consider approving Resolution No. 2019-190 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 14306 Juniper Cove; and take appropriate action
Economic Development Director Allison Cook briefed City Council regarding this item. Ms. Cook explained the applicants Tim Permenter and Kelly Haggard are applying for the Demo Rebuild incentive for an existing residence located at 14306 Juniper Cove which has an improved valuation (excluding the land value) of $148,230. The incentive for this range ($100,001 - $150,000) includes a five (5) year rebate of municipal taxes based on the difference between the original home appraised value (excluding the land value), as determined by the Dallas County Appraisal District and a $10,000 cash grant. Staff recommends approval of project.

Motion made by Deputy Mayor Pro Tem Lynne to approve Resolution No.2019-190 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of property located at 14306 Juniper Cove. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

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

The City Council convened at 8:03 p.m. into closed executive session to discuss the purchase, exchange, lease or sale of real property located at 3312 Pebble Beach; and to consider incentive packages for Project Mason Jar and Project Bridgeview.

(2668 Leta Mae)
As a result of closed executive session, a motion was made by Mayor Pro Tem Norwood that the City Manager be authorized to negotiate and sign contracts and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation for the purpose of resale to Booz Castillo and/or assigns the property described as Lot 18, Block of Letha Lee Heights, known as 2668 Leta Mae, for a purchases and sales price of not less than $150,000 with the resale of said property to be subject to a restriction agreement requiring construction of a single family residence of not less than 3,000 square feet of air conditioned space with an assessed value of the property upon completion of construction, inclusive of both land and improvements to be not less than $600,000. Motion seconded by Mayor Dye. Motion approved unanimously.

(3312 Pebble Beach)
A motion was made by Council Member Bomgardner to amend the motion authorizing the sale of the property at 3312 Pebble Beach approved on September 17, 2019 to reduce the minimum square footage of the new residence to be constructed on the property to 3300 square feet of air conditioned space with the other provisions of said motion to remain in effect. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

(Project Mason Jar)
A motion was made by Mayor Dye to authorize the City Manager to negotiate and execute an economic development agreement and any amendments thereto, on behalf of the City of Farmers Branch for Project Mason Jar to provide an economic development incentive related to the real property and improvements at 13515 North Stemmons and 13675 North Stemmons consisting of a maximum of 15 annual grants equal to 100% of the incremental increase of the real and personal property taxes, and or rebates of sales tax from materials during the project, direct sales permit of construction materials sourced in Farmers Branch and a one time employee retention grant in the amount of $200,000 provided the company continues to operate in the City through 2034, constructs two new buildings, a parking structure, and renovate existing two buildings, retains 889 employment positions in the City, and adds another 1000 employment positions with average annual salary of $100,000 during the years 2020-2029 not to exceed a total package of $7,750,000 as calculated by the City Manager. Motion seconded by Council Member Blackson. Motion approved unanimously.
(Project Bridgeview)
A motion was made by Mayor Pro Tem Norwood to authorize the City Manager to negotiate and execute an economic development agreement and any amendments thereto, on behalf of the City of Farmers Branch for Project Bridgeview to prove an economic development incentive for the real property currently known as 5000 Alpha Road consisting of 10 annual grants equal to 100% of the incremental increase of the real property ad valorem taxes and local HOT taxes provided the company commences construction of the Hotel by December 31, 2020 commences construction of a 10 story office building by December 31, 2021 and commences construction of 32,050 sq. ft of restaurant and retail by December 31, 2021. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

M.  ADJOURNMENT

Mayor Dye made a motion to adjourn the meeting at 9:41 p.m. Motion seconded by Council Member Bomgardner. Motion approved unanimously.

Presiding: ________________________
Mayor Robert C. Dye

Attest: __________________________
City Secretary Amy M. Piukana
Consider approving Resolution No. 2020-03 authorizing the City Manager to execute an agreement for HVAC preventive maintenance services with ABM Building Services, LLC. through TIPS Purchasing Cooperative in the total amount of $105,607; and take appropriate action

BACKGROUND:
The FY2019-20 Budget includes $117,500 for contracted HVAC preventive maintenance services for all City facilities. This service supports Critical Business Outcome - Plan for, build, and maintain high quality public assets.
The HVAC preventive maintenance provides for quarterly preventive maintenance for 135 HVAC units for all City Facilities. HVAC preventive maintenance is a key proactive service to provide planned maintenance as well as an inspection to identify existing and potential future issues to reduce the HVAC unit downtime.

DISCUSSION:
The City of Farmers Branch prepared specifications and requested bids through TIPS Purchasing Cooperative. City Administration evaluated the bids as to meeting specifications and desire to award HVAC preventive maintenance services agreement with ABM Building Services, LLC. for the total amount of $105,607.

FISCAL IMPACT:
Budgeted Financial Impact of $105,607 in account 6017018-630070

RECOMMENDATION:
City Administration recommends awarding HVAC preventive maintenance services agreement to ABM Building Services, LLC. TIPS Purchasing Cooperative.

POSSIBLE COUNCIL ACTION:
1. I move to approve Resolution 2020-03 authorizing the City Manager to execute an agreement with ABM Building Services, LLC. in the total amount of $105,607.
2. I move to approve Resolution 2020-03 authorizing the City Manager to execute an agreement with ABM Building Services, LLC. in the total amount of $105,607, with modifications.
3. I move to table the issue for further study or take no action.
ATTACHMENT(S):
1. Resolution No. 2020-03
2. Information Memorandum to Council
3. Agreement - HVAC Preventive Maintenance
RESOLUTION NO. 2020-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING AN AGREEMENT FOR HVAC PREVENTIVE MAINTENANCE SERVICES WITH ABM BUILDING SERVICES, LLC. THROUGH THE TIPS PURCHASING COOPERATIVE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the FY 2019-20 Budget includes $117,500 for HVAC preventive maintenance services at City facilities (“the Work”); and

WHEREAS, City staff prepared specifications for the Work and sought proposals from vendors that contract with the TIPS Purchasing Cooperative; and

WHEREAS, having evaluated the proposals received and determining that the proposal received from ABM Building Services, LLC complies with the City specification, City Administration recommends execution of agreement for the Work with ABM Building Services, LLC. through the City’s cooperative purchasing program with the TIPS Purchasing Cooperative in the amount of $105,607; the City administration; and

WHEREAS, the City Council of the City of Farmers Branch, 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 execute an agreement on behalf of the City for HVAC preventive maintenance services with ABM Building Services, LLC. through the City’s cooperative purchasing agreement with TIPS Purchasing Cooperative in an amount not to exceed $105,607.

SECTION 2. This Resolution shall take effect immediately upon its passage.


ATTEST: 

_____________________________ ______________________________
Amy Piukana, City Secretary Robert C. Dye, Mayor

APPROVED:

_____________________________
Robert C. Dye, Mayor
APPROVED AS TO FORM:

______________________________
Peter G. Smith, City Attorney
(kbl:11/19/19:112283)
INFORMATION MEMORANDUM

TO: Mayor and City Council
FROM: Kevin Muenchow, Fleet and Facilities Director
DATE: December 10, 2019
SUBJECT: Agreement for HVAC Preventive Maintenance Services

The FY2019-20 Budget includes $117,500 for contracted HVAC preventive maintenance services for all City facilities. This service supports Critical Business Outcome – Plan for, build, and maintain high quality public assets.

The HVAC preventive maintenance provides for quarterly preventive maintenance for 135 HVAC units for the following City Facilities:

- Animal Adoption Center
- Aquatics Center
- Branch Connection
- City Hall
- Fire Administration
- Fire Station 1
- Fire Station 2
- Fire Station 3
- Fire House Theatre
- Historical Park buildings
- Justice Center
- Library
- Recreation Center
- Service Center
- Utilities Pump Stations
HVAC preventive maintenance is a key proactive service to provide planned maintenance as well as an inspection to identify existing and potential future issues to reduce the HVAC unit downtime.

The City of Farmers Branch prepared specifications and requested bids through TIPS Purchasing Cooperative. City Administration evaluated the bids as to meeting specifications and desire to award HVAC preventive maintenance services agreement with ABM Building Services, LLC. for the total amount of $105,607.

Recommendation

City Administration recommends awarding HVAC preventive maintenance services agreement to ABM Building Services, LLC. TIPS Purchasing Cooperative.
STATE OF TEXAS

AGREEMENT FOR HEATING, VENTILATION
AND AIR CONDITIONING SERVICE

COUNTY OF DALLAS

This Agreement for Heating, Ventilation and Air Conditioning Service ("Agreement") is made by and between the City of Farmers Branch ("City" or "Customer"), a Texas home rule municipality, and ABM Building Services, LLC ("Contractor"), a Delaware limited liability company (each a "Party" and collectively the "Parties"), acting by and through their authorized representatives.

RECITALS:

WHEREAS, City desires to engage the services of Contractor as an independent contractor and not as an employee in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, Contractor desires to render heating, ventilation and air conditioning ("HVAC") maintenance services for the City facilities identified in the Scope of Services;

NOW THEREFORE, in exchange for the mutual covenants set forth herein and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

Article I
Term

1.1 The Initial Term of this Agreement shall commence on the date this Agreement is signed by authorized representatives of both Parties (the "Effective Date") and continue for a period of one (1) year, unless sooner terminated as provided herein ("the Initial Term").

1.2 City shall have the option to extend the term of this Agreement for four (4) additional one (1) year terms commencing on the anniversary of the first day of the Initial Term and ending on the day prior to the next anniversary of the Initial Term (each a "Renewal Term") (the Initial Term and each Renewal Term collectively being the "Term" or "Term of this Agreement") by providing written notice not later than thirty (30) days prior to the expiration of the Initial Term or the then current Renewal Term, as the case may be.

1.3 City may terminate this Agreement, with or without cause, by giving Contractor thirty (30) days prior written notice. In the event of such termination, Contractor shall be entitled to compensation for any services completed to the reasonable satisfaction of the City in accordance with this Agreement prior to such termination.
Article II
Scope of Services

The Parties agree that Contractor shall perform the services under this Agreement in accordance with the terms and conditions attached hereto as Exhibit “A” and incorporated herein by reference (“Scope of Services”). To the extent of any conflict between the provisions of the main body of this Agreement and the Scope of Services, including, but not limited to, conflicts relating to the Effective Date and means of termination of this Agreement, the provisions set forth in the main body of this Agreement shall control.

Article III
Schedule of Work

Contractor agrees to commence services under this Agreement upon Notice to Proceed from City. Any work performed or expenses incurred by Contractor prior to Contractor’s receipt of a written Notice to Proceed from City shall be entirely at Contractor’s own risk.

Article IV
Compensation

4.1 City shall compensate Contractor as set forth in the Scope of Services.

4.2 City shall pay Contractor within thirty (30) days of the receipt of a proper invoice provided there are no errors or discrepancies and that all work noted on the invoice has been completed. Any errors, discrepancies or the invoicing of work not completed may result in a delay in payment.

4.3 Except as expressly stated in the Scope of Services, Contractor shall be responsible for all expenses related to the services provided pursuant to this Agreement including, but not limited to, travel, copying and facsimile charges, reproduction charges, and telephone, internet and e-mail charges.

4.4 Contractor may increase the rates to be paid by City for the services described in the Scope of Services effective on the first day of each Renewal Period, which rates shall remain unchanged during the Renewal Period subject to the following:

(a) Contractor must provide written notice to City not later than ninety (90) days prior to the end of the Initial Term or the then current Renewal Term, as the case may be, of the rates to be charged commencing on the immediately following Renewal Period (“the Rate Notice”), failing which the rates shall remain unchanged for the next Renewal Period; and

(b) The increase in rates for the immediately following Renewal Period shall not be greater than the lesser of (i) five percent (5.0%) greater than the rates being paid by City on the date Rate Notice is received by City and (ii) the percentage increase between the Consumer Price Index (Less Food and Energy) for Dallas-Fort Worth-
Arlington ("the CPI Index") for July of the year in which the Rate Notice is to be provided over the CPI Index for the July in the immediate prior year (e.g. the first increase being based on the CPI Index for July 2020 in comparison to the CPI Index for July 2019).

**Article V**

**Suspension of Work**

City shall have the right to immediately suspend work by Contractor if City determines in its sole discretion that Contractor has, or will fail to perform, in accordance with this Agreement. In such event, any payments due Company shall be suspended until Contractor has taken satisfactory corrective action.

**Article VI**

**Availability of Funds**

If monies are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, this Agreement shall be canceled, and Contractor may only be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of services delivered under this Agreement or which are otherwise not recoverable. The cost of cancellation may be paid from any appropriations for such purposes.

**Article VII**

**Insurance**

7.1 Contractor shall maintain in full force and effect the following insurance during the Term of this Agreement:

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

(b) A policy of automobile liability insurance covering any vehicles owned and/or operated by Contractor, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than $1,000,000.00 combined single limit and aggregate for bodily injury and property damage; and

(iii) Statutory Worker’s Compensation Insurance at the statutory limits and Employers Liability covering all of Contractor’s employees involved in the provision of services under this Agreement with policy limit of not less than $1,000,000.00.

7.2 All insurance and certificate(s) of insurance shall contain the following provisions: (1) name City, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance; (2) provide for at least thirty (30) days prior written notice to City for cancellation or non-renewal of the insurance; and (3)
provide for a waiver of subrogation against 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/Errors and Omissions coverage. Contractor shall provide written notice to City of any material change of or to the insurance required herein.

7.3 A certificate of insurance evidencing the required insurance and all endorsements shall be submitted prior to commencement of services.

Article VIII
Indemnification

8.1 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 CONTRACTOR PURSUANT TO THIS AGREEMENT. CONTRACTOR HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS “CITY”) 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 CITY OR BREACH OF CITY’S OBLIGATIONS HEREUNDER. CONTRACTOR AGREES TO INDEMNIFY AND SAVE HARMLESS CITY FROM AND AGAINST LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE 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 CONTRACTOR’S NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF CONTRACTOR, 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 CITY, IN WHOLE OR IN PART, IN WHICH CASE CONTRACTOR SHALL INDEMNIFY CITY ONLY TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO CONTRACTOR AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION).

8.2 CONTRACTOR AGREES CONTRACTOR SHALL AT ALL TIMES EXERCISE REASONABLE PRECAUTIONS ON BEHALF OF, AND BE SOLELY RESPONSIBLE FOR, THE SAFETY OF ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES AND OTHER PERSONS, AS WELL AS THEIR PROPERTY, WHILE IN THE VICINITY WHERE THE WORK IS BEING PERFORMED. CITY SHALL NOT BE LIABLE OR RESPONSIBLE FOR THE NEGLIGENCE OR OTHER FAULT OF CONTRACTOR, ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR OTHER PERSONS ASSOCIATED WITH CONTRACTOR.
8.3 CONTRACTOR AGREES TO INDEMNIFY AND SAVE THE CITY HARMLESS FROM ALL CLAIMS GROWING OUT OF ANY DEMANDS OF SUBCONTRACTORS, LABORERS, WORKERS, MECHANICS, MATERIAL MEN AND FURNISHERS OF SUPPLIES, EQUIPMENT, FINANCING OR ANY OTHER GOODS OR SERVICES, TANGIBLE OR INTANGIBLE. WHEN CITY SO DESIRES, CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE THAT ALL OBLIGATIONS OF THE NATURE HEREINABOVE DESIGNATED HAVE BEEN PAID, DISCHARGED OR WAIVED.

Article IX
Miscellaneous

9.1 Entire Agreement. This Agreement constitutes the sole and only agreement between the Parties and supersedes any prior understandings written or oral agreements between the Parties with respect to this subject matter.

9.2 Assignment. Contractor may not assign this Agreement in whole or in part without the prior written consent of City. In the event of an assignment by Contractor to which City has consented, the assignee shall agree in writing with City to personally assume, perform, and be bound by all the covenants, and obligations contained in this Agreement.

9.3 Successors and Assigns. Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the Parties to it and their respective successors and assigns.

9.4 Governing Law. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in Dallas County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said Court.

9.5 Amendments. This Agreement may be amended by the mutual written agreement of the Parties.

9.6 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.

9.7 Independent Contractor. In satisfying the conditions of, and performing the services described in, this Agreement, Contractor is acting independently. City assumes no responsibility or liabilities to any third party in connection with Contractor’s actions. All services to be performed by Contractor pursuant to this Agreement shall be in the capacity of an independent contractor and not as an agent or employee of City. Contractor 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.

9.8 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 intended for City:

Charles S. Cox, City Manager  
City of Farmers Branch, Texas  
13000 William Dodson Parkway  
Farmers Branch, Texas 75234

With a copy to:

Peter G. Smith  
Nichols, Jackson, Dillard, Hager & Smith, LLP  
500 N. Akard Street, Suite 1800  
Dallas, Texas 75201

City of Farmers Branch  
Attn: Kevin Muenchow, Fleet and Facilities Director  
13000 William Dodson Parkway  
Farmers Branch, Texas 75234

If intended for Contractor:

ABM Building Services, LLC  
Attn: General Manager  
2020 Westridge Drive  
Irving, Texas 75038

9.9 Counterparts. This Agreement may be executed by the Parties 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.

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

9.11 Conflicts of Interests. Contractor represents that no official or employee of City has any direct or indirect pecuniary interest in this Agreement.

9.12 Compliance with Federal, State & Local Laws. Contractor shall comply in performance of services under the provisions of this Agreement with all applicable laws, ordinances and regulations, judicial decrees or administrative orders, ordinances, and codes of federal, state and local governments, including all applicable federal clauses.

9.13 Force Majeure. No Party will be liable for any default or delay in the performance of its obligations under this Agreement if and to the extent such default or delay is
caused, directly or indirectly, by fire, flood, earthquake, elements of nature or acts of God, riots, civil disorders, acts of terrorism or any similar cause beyond the reasonable control of such Party, provided that the non-performing Party is without fault in causing such default or delay. The non-performing Party agrees to use commercially reasonable efforts to recommence performance as soon as possible.

9.14 Prohibition of Boycott of Israel. Contractor verifies that (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the Term of this Agreement. This section does not apply if Contractor is a sole proprietor, a non-profit entity or a governmental entity; and only applies if: (i) Contractor has ten (10) or more fulltime employees and (ii) this Agreement has a value of $100,000.00 or more to be paid under the terms of this Agreement.

(signature page to follow)
SIGNED AND AGREED this ______ day of ________________________, 2019.

CITY OF FARMERS BRANCH, TEXAS

By: ________________________________
   Charles S. Cox, City Manager

ATTEST:

By: ________________________________
   Amy Piukana, City Secretary

APPROVED AS TO FORM:

______________________________
City Attorney

SIGNED AND AGREED this 30 day of DECEMBER, 2019.

ABM BUILDING SERVICES, LLC

By: ________________________________
Name: Douglas E. Myers
Title: Sr. Vice President
CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

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<th>Office Use Only</th>
</tr>
</thead>
</table>

1. Name of business entity filing form, and the city, state and country of the business entity's place of business. 
   ABM BUILDING SERVICES
   2020 Westridge Dr. Irving, Tx 75036

2. Name of governmental entity or state agency that is a party to the contract for which the form is being filed. 
   City Of Farmers Branch

3. Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.
   HVAC services

<table>
<thead>
<tr>
<th>Name of Interested Party</th>
<th>City, State, Country (place of business)</th>
<th>Nature of Interest (check applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Controlling Intermediary</td>
</tr>
</tbody>
</table>

4. [No data entered]

5. Check only if there is NO Interested Party. [✓]

6. AFFIDAVIT
   RICKEY BROWN
   My Notary ID # 12259147
   Expires February 28, 2021

   I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

   [Signature]

   Signature of authorized agent of contracting business entity

   Sworn to and subscribed before me, by the said [Signature], this the 4th day of December, 2019, to certify which, witness my hand and seal of office.

   [Signature]

   Signature of officer administering oath

   Printed name of officer administering oath

   Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY

Form provided by Texas Ethics Commission www.ethics.state.tx.us

Consider approving Resolution No. 2020-06 authorizing a change order in the amount of $53,730 to C&N Masonry, Inc. for new the Fire Station No. 2 construction project; and take appropriate action

BACKGROUND:
Included in the FY 2019-20 fixed asset account is a $193,100 budget to complete the Phase I hardscaping and landscaping for the new Fire Station No. 2 construction project.

At the March 19, 2019 City Council Session the Fire Chief briefed Council on the status of the Fire Station construction bids and the Value Engineering (VE) recommendations brought forth by Gallagher Construction Services.

One of the VE recommendations was to divide the landscape/hardscape project into the base landscape directly surrounding the Fire Station, Phase I (east of the dry creek bed) and Phase II (West of the dry creek bed). As the landscape/hardscape portion of the project was not going to be started until late 4th Quarter of 2019, the funding for the Phase I & II portions of the project could be included in the FY 2019-20 budget process.

DISCUSSION:
The adopted FY 2019-20 Fire Department budget was approved with $193,100 for the new Fire Station No. 2’s hardscape/landscape—allowing for the completion of Phase I of the project. At the December 10, 2019 Council approved $140,664 to Texas Yard Pro, Inc. for Phase I landscape.

On April 2, 2019 the City Council approved the awarding the Fire Station No. 2 construction contracts. C&N Masonry, Inc. was awarded the Masonry contract for the project. The Change Order for $53,730 is to allow C&N Masonry, Inc. to add back into their scope of work the required retaining and patio walls needed to complete the Phase I hardscape.

The total hardscape/landscape cost for Phase I is $194,394. The $1,294 that is over the $193,100 budgeted amount will be paid out of the project’s construction contingency fund.

FISCAL IMPACT:
Budgeted Financial Impact ($52,436 Account #1035542-645015 & $1,294 Account #320-0000-700-52-10, Project Code: 201801)
RECOMMENDATION:
City Administration recommends approving Resolution No. 2020-06 authorizing a Change Order in the amount of $53,730 to C&N Masonry, Inc. for new Fire Station No. 2 hardscaping.

POSSIBLE COUNCIL ACTION:
1. I move to approve Resolution No. 2020-06 authorizing a Change Order in the amount of $53,730 to C&N Masonry, Inc. for new Fire Station No. 2 hardscaping.
2. I move to approve Resolution No. 2020-06 authorizing a Change Order in the amount of $53,730 to C&N Masonry, Inc., with modifications.
3. I move to table the issue for further study or take no action.

ATTACHMENT(S):
1. Resolution No. 2020-06
2. Gallagher Construction Services Change Order No. 00002
RESOLUTION NO. 2020-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS AUTHORIZING CHANGE ORDER NO. 2 TO CONTRACT WITH C&N MASONRY, INC. RELATING TO THE FIRE STATION NO. 2 PROJECT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 2019-39, the City Council approved, and the City Manager signed, a contract with C&N Masonry, Inc. (“Contractor”) for masonry work relating to construction of the Fire Station No. 2 Project (“the Project”); and

WHEREAS, with funding becoming available in the FY 2019-2020, City Administration recommends that the Contractor’s scope of work be amended by change order to include in Project the construction of front retaining walls and patio wall previously removed from the scope of work with an increase of the contract price of $53,370.00 (“the Change Order”); and

WHEREAS, the City Council of the City of Farmers Branch, Texas finds it to be in the public interest to accept the recommendation of the City Administration.

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 approve and sign a change order to the contract with C&N Masonry, Inc. to add the construction of front retaining walls and patio wall to the Project and to increase the contract price by the amount of $53,370.00.

SECTION 2. This Resolution shall take effect immediately upon its passage.


ATTEST: ___________________________  APPROVED: ___________________________

Amy Piukana, City Secretary               Robert C. Dye, Mayor

APPROVED AS TO FORM:

______________________________
Peter G. Smith, City Attorney

(kbl:12/23/19:112909)
Consider approving Resolution No. 2020-08 authorizing the City Manager to execute a change order to the existing contractual agreement with North Texas Contracting, Inc. for the installation of cased building piers for the Service Center Project in the amount of $80,837 and take appropriate action.

**BACKGROUND:**
The Service Center Project has been under construction since June 2019 with all construction bids being approved by City Council on Resolution 2019-053 on May 7, 2019. During the drilling to install concrete building piers water was found present in numerous holes. The pier drilling depth for over 90 piers was between 34 foot to 46 foot in order to hit bedrock. The holes with water required the piers to be cased which increased the time and cost beyond the original agreement.

**DISCUSSION:**
City Administration and Quorum, the City’s project architect, concurred with the contract change order for North Texas Contracting, Inc. the amount of $80,837. The funding for this change order will come from the construction contingency account and will not impact the overall project budget amount of $7 million. This project is a “pay as you go” from the Non-Bond Utility.

**FISCAL IMPACT:**
Budgeted Financial Impact of $80,837 in account PW270001-CONST.

**RECOMMENDATION:**
City Administration recommends approving Resolution 2020-08 authorizing the City Manager to approved the contract change order with North Texas Contracting, Inc. in the amount of $80,837.

**POSSIBLE COUNCIL ACTION:**
1. I move to approve Resolution 2020-08 authorizing the City Manager to approved the contract change order with North Texas Contracting, Inc. in the amount of $80,837.
2. I move to approve Resolution 2020-08 authorizing the City Manager to approved the contract change order with North Texas Contracting, Inc. in the amount of $80,837, with modifications.
3. I move to table the issue for further study or take no action.

**ATTACHMENT(S):**
1. Resolution No. 2020-08
2. Information Memorandum to Council
3. Change Order - Service Center Piers
RESOLUTION NO. 2020-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS AUTHORIZING A CONTRACT CHANGE ORDER WITH NORTH TEXAS CONTRACTING, INC. FOR THE SERVICE CENTER PROJECT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 2019-053, the City Council approved, and the City Manager signed, a contract with North Texas Contracting, Inc. (“Contractor”) for concrete services relating to construction of the Service Center Project (“the Project”); and

WHEREAS, because of groundwater discovered during construction that will negatively impact the foundation piers, City Administration and the Contractor have determined that the scope of work for the Project should be amended by change order to provide for installation of cased building piers at an additional cost of $80,837.00 (“the Change Order”); and

WHEREAS, City Administration recommends approval of the Change Order; and

WHEREAS, the City Council of the City of Farmers Branch, Texas finds it to be in the public interest to accept the recommendation of the City Administration.

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 approve a change order to the contract with North Texas Contracting, Inc. to add the installation of cased building piers for the Project and to increase the contract price by the amount of $80,837.00.

SECTION 2. This Resolution shall take effect immediately upon its passage.


ATTEST:                                          APPROVED:

______________________________  ______________________________
Amy Piukana, City Secretary                  Robert C. Dye, Mayor

APPROVED AS TO FORM:

______________________________
Peter G. Smith, City Attorney

(kbl:12/23/19:112907)
The Service Center Project has been under construction since June 2019 with all construction bids being approved by City Council on Resolution 2019-053 on May 7, 2019. During the drilling to install concrete building piers water was present in numerous holes. The pier drilling depths for over 90 piers was between 34 foot to 46 foot to hit bedrock. The holes with water required the piers to be cased which increased the time and cost beyond the agreement.

The water found during pier drilling was unanticipated and did require the piers to be cased for engineered structural integrity. The decision had to be made during construction to not delay the project. The change order cost was submitted by North Texas Contracting, Inc. to the Construction Manager after all the pier work was completed. The Construction Manager reviewed and negotiated from a significantly higher cost to $80,837.

Recommendation

City Administration recommends approving Resolution 2020-08 authorizing the City Manager to approved the contract change order with North Texas Contracting, Inc. in the amount of $80,837.
Consider approving Resolution No. 2020-10 casting a vote for the Fourth Member of the Board of Directors for the Dallas Central Appraisal District; and take appropriate action

BACKGROUND:
As a result of the Dallas Central Appraisal District 2019 Election of Representatives, no one candidate received 16 votes (majority); therefore, a runoff election is required. The top two candidates eligible for the runoff election are Michael Hurtt and Mona Dixon.

DISCUSSION:
The City Council shall cast a vote for one member by mark of ballot through approval of Resolution No. 2020-10.

FISCAL IMPACT:
1. No Financial Impact

RECOMMENDATION:
City Administration recommends approving Resolution No. 2020-10 casting a vote for Michael Hurtt (the City’s original nominee) for Board of Directors Fourth Member for the runoff election.

POSSIBLE COUNCIL ACTION:
1. I move to approve Resolution No. 2020-10
2. I move to approve 2020-10, with modifications.
3. I move to table the issue for further study or take no action.

ATTACHMENT(S):
1. Resolution No. 2020-10
2. DCAD Runoff Letter
RESOLUTION NO. 2020-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FARMERS BRANCH, TEXAS, CASTING ITS VOTE FOR THE
FOURTH MEMBER OF THE BOARD OF DIRECTORS OF
THE DALLAS CENTRAL APPRAISAL DISTRICT; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dallas County eligible taxing entities have expressed and approved an option which allows for representation to the Appraisal District Board of Directors (in accordance with Section 6.03 of the Texas Property Tax Code) as follows:

1. The City of Dallas shall appoint one (1) member to the Board.

2. The Dallas Independent School District shall appoint one (1) member to the Board.

3. The Dallas County Commissioners Court shall appoint one (1) member to the Board. The member appointed by the Dallas County Commissioners Court shall not be a resident of either the City of Dallas or the Dallas Independent School District.

4. Each of the incorporated cities and towns, except for the City of Dallas, shall have the right to nominate by an official resolution one (1) candidate as the fourth member of the Board of Directors. The said cities and towns shall, from the nominations received, elect by a majority vote, with each city and town being entitled to one (1) vote, the fourth member of the Board of Directors.

5. Each of the School Districts, and the Dallas County Community College District, except the Dallas Independent School District, shall have the right to nominate by an official resolution one (1) candidate as the fifth member of the Board of Directors. The said school districts shall from the nominations received, elect by a majority vote, with each school district and the community college district being entitled to one (1) vote, the fifth member of the Board of Directors.

The votes required for election to the Board of Directors in 4 and 5 hereof shall be by a majority of those authorized to vote in 4 and 5 respectively and not by a majority of the quorum; and

WHEREAS, the City of Farmers Branch does hereby cast its vote by marking the ballot below:

- Michael Hurtt
- Mona Dixon

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FARMERS BRANCH, TEXAS, THAT:
SECTION 1. The City Council of the City of Farmers Branch, Texas, does hereby confirm its one (1) vote for the election of Michael Hurtt as the suburban cities’ representative to the Board of Directors of the Dallas Central Appraisal District.

SECTION 2. This Resolution shall become effective immediately upon final passage.


ATTEST:  APPROVED:

Amy M. Piukana, City Secretary  Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney

(PGS:12-30-19TM 112976)
DATE: December 18, 2019

TO: Mayors of Suburban Cities

FROM: W. Kenneth Nolan, Executive Director/Chief Appraiser

RE: Results of 2019 Election of Representative to DCAD Board of Directors

State law requires the Chief Appraiser to conduct an election of representatives to the Board of Directors in odd numbered years. The process outlined in the Texas Property Tax Code requires the election to be conducted and the individual entities notified of the results once the process is complete.

1. Suburban Cities Election

The election process requires a runoff. The following suburban cities participated in the election. Each of their selections is noted below. The current tally indicates Michael Hurtt of Desoto received 12, Brett Franks of Sachse received 3, Mona Dixon of Lancaster received 3, Diane Cartwright of Irving received 1, and Steve Nichols of Hutchins received 1 of the 20 votes cast. Since there was no one candidate receiving 16 votes (majority of the 30 votes eligible), a runoff election is necessary. A coin flip between the two candidates who shared the second highest number of votes, Brett Franks and Mona Dixon, will take place on December 30, 2019, at DCAD offices.

<table>
<thead>
<tr>
<th>City</th>
<th>Candidate Selected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison</td>
<td>Michael Hurtt</td>
</tr>
<tr>
<td>Balch Springs</td>
<td>No Vote</td>
</tr>
<tr>
<td>Carrollton</td>
<td>Michael Hurtt</td>
</tr>
<tr>
<td>Cedar Hill</td>
<td>Mona Dixon</td>
</tr>
<tr>
<td>Cockrell Hill</td>
<td>No Vote</td>
</tr>
<tr>
<td>Combine</td>
<td>Brett Franks</td>
</tr>
<tr>
<td>Coppell</td>
<td>No Vote</td>
</tr>
<tr>
<td>DeSoto</td>
<td>Michael Hurtt</td>
</tr>
<tr>
<td>Duncanville</td>
<td>Michael Hurtt</td>
</tr>
<tr>
<td>Farmers Branch</td>
<td>Michael Hurtt</td>
</tr>
<tr>
<td>Ferris</td>
<td>No Vote</td>
</tr>
<tr>
<td>Garland</td>
<td>No Vote</td>
</tr>
<tr>
<td>Glenn Heights</td>
<td>Michael Hurtt</td>
</tr>
<tr>
<td>Grand Prairie</td>
<td>No Vote</td>
</tr>
<tr>
<td>Grapevine</td>
<td>No Vote</td>
</tr>
<tr>
<td>Highland Park</td>
<td>Michael Hurtt</td>
</tr>
</tbody>
</table>
Once the coin flip is completed you will be mailed a Runoff Ballot on December 30, 2019. A copy of the runoff procedures is attached.

Please make plans on your council agenda during January to vote for a Suburban Cities Representative. One of the two candidates must receive 16 votes to be elected. We would appreciate your cooperation in this important process.

Attachments
Runoff Procedures.

cc: DCAD Board of Directors

Mr. Michael Hurtt
217 South Hampton Rd
Desoto, TX 75115

Mr. Brett Franks
4811 West Creek Ln.
Sachse, TX 75048-4301

Ms. Mona Dixon
P.O. Box 143
Lancaster, Texas 75146

Ms. Diane Cartwright
7520 North MacArthur Blvd., Suite 100
Irving, TX 75063

Mr. Steve Nichols
321 N. Main Street
P.O. Box 500
Hutchins, TX 75141

City Manager- Suburban Cities
City Secretary - Suburban Cities
Suburban Cities Tax Assessor/Collectors
BOARD OF DIRECTORS ELECTION
RUNOFF PROCEDURE FOR SUBURBAN CITIES/SCHOOL DISTRICTS REPRESENTATIVE

The 1979 Resolution adopted by the taxing units participating in Dallas Central Appraisal District, which governs Board of Director elections and appointments, requires that a candidate for the suburban cities position and a candidate for the suburban school districts positions on the Board each receive a majority of the votes that are cast in order to be elected to the Board of Directors (BOD).

The procedures outlined below are to be used in the event that no candidate receives a majority of the votes for the election for the Suburban Cities Representative to the BOD or the Suburban School Districts Representative to the BOD.

The Property Tax Code allows for the Chief Appraiser to resolve a tie vote by any method of chance.

RUNOFF PROCEDURE:

PARTICIPATING CITIES:
1. A candidate for the Suburban Cities Representative must receive a majority of the votes from all the suburban cities participating in the BOD election.
2. After the initial ballots are submitted by December 15 of the election year, the Chief Appraiser shall count the votes and if no candidate receives a majority of the votes from the participating suburban cities, the Chief Appraiser will declare the two (2) candidates who received the largest number of votes from the field of candidates.
3. The Chief Appraiser shall prepare another ballot listing the two (2) candidates who received the largest number of votes and shall deliver a copy of the ballot to the presiding officer of the governing body of each suburban city that is entitled to vote.
4. The governing body of each suburban city that is entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser on or before January 31.
5. The Chief Appraiser shall count the votes, declare the candidate who receives the majority number of votes, and submit the results no later than February 5 to the governing body of each suburban city and to the candidates.

PARTICIPATING SCHOOL DISTRICTS:
1. A candidate for the Suburban School Districts Representative must receive a majority of the votes from all the suburban school districts participating in the BOD election.
2. After the initial ballots are submitted by December 15 of the election year, the Chief Appraiser shall count the votes and if no candidate receives a majority of the votes from the participating suburban school districts, the Chief Appraiser will declare the two (2) candidates who received the largest number of votes from the field of candidates.

Administrative Offices
2949 N. Stemmons Freeway ● Dallas, Texas 75247-6195 ● (214) 631-0520
3. The Chief Appraiser shall prepare another ballot listing the two (2) candidates who received the largest number of votes and shall deliver a copy of the ballot to the presiding officer of the governing body of each suburban school district that is entitled to vote.

4. The governing body of each suburban school district entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser on or before January 31.

5. The Chief Appraiser shall count the votes, declare the candidate who receives the majority number of votes, and submit the results no later than February 5 to the governing body of each suburban school district and to the candidates.
Consider adopting Ordinance No. 3621 amending Chapter 78, Section 78-57 to increase the Resident Homestead Tax Exemption for ages 65 and older to $80,000; and take appropriate action

BACKGROUND:
The City Council met on December 10, 2019 and discussed options to increase the Senior Tax Exemption. After discussion, the City Council directed Staff to bring forward an Ordinance to increase the Senior Tax Exemption from $65,000 to $80,000. This exemption from taxation by the City is of a portion of the appraised value of a residence homestead for individuals over the age of sixty-five.

DISCUSSION:
The proposed Ordinance amends Chapter 78, Section 78-57 to allow $80,000 of the appraised value of the residence homestead of an individual who is 65 years of age, or older, to be exempt from ad valorem taxes beginning tax year 2020 and continuing thereafter, provided such person qualifies and makes application for the exemption in accordance with the Texas Property Tax Code. For 2019, property parcels receiving the over-65 exemptions totaled 2,265 or 26% of the 8,597 residential parcels. At the current property tax rate of $0.599507, the $80,000 exemption provides $1,086,792 in total tax savings to those 65 years of age or older. Of this total, the change in the exemption from $65,000 to $80,000 will provide savings of $253,779 to those 65 years of age or older. The average annual City property tax bill for an over-65 resident will decrease $89.93 once this ordinance goes into effect. This decrease is equivalent to a 4-cent property tax decrease.

By state law, the earliest this exemption can go into effect is for the 2020 tax year. For comparison, the 2019 Area City Tax Rate Exemptions by Tax Year document has also been provided as an attachment for Council’s consideration.

FISCAL IMPACT:
No Financial Impact on the 2019-20 Budget; the 2020-21 Financial Impact will be considered in the budget presented to Council.

RECOMMENDATION:
City Administration recommends the City Council adopt Ordinance No. 3621, as presented.

POSSIBLE COUNCIL ACTION:
1. I move to approve Ordinance No. 3621
2. I move to approve 3621, with modifications.
3. I move to table the issue for further study or take no action.

ATTACHMENT(S):

1. Ordinance No. 3621
2. 2019 Area City Tax Rate Exemptions
3. Council Presentation
AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING CHAPTER 78, SECTION 78-57, TO ADOPT AN INCREASE IN THE AMOUNT OF THE RESIDENCE HOMESTEAD EXEMPTION FOR INDIVIDUALS SIXTY-FIVE (65) YEARS OF AGE OR OLDER TO EIGHTY THOUSAND DOLLARS ($80,000.00); PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Constitution and Section 11.13 (d) of the Texas Property Tax Code authorizes the City Council of the City of Farmers Branch, Texas, to provide for an exemption from taxation by the City of a portion of the appraised value of a residence homestead of individuals who are sixty-five (65) years of age, or older, and for individuals who are disabled; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, desires to increase the amount of the residence homestead exemption for individuals who are sixty-five (65) years of age, or older, and for individuals who are disabled;

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

SECTION 1. That the Code of Ordinances of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending Chapter 78, Section 78-57 to read as follows:

“Sec. 78-57. - Exemption for individuals sixty-five or older.

Pursuant to the Texas Constitution and V.T.C.A., Property Tax Code § 11.13(d), $80,000.00 of the appraised value of the residence homestead of an individual who is 65 years of age, or older, shall be exempt from ad valorem taxes beginning tax year 2020 and continuing thereafter, provided such person qualifies and makes application for the exemption in accordance with the Texas Property Tax Code.”

SECTION 2. That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. That 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.
SECTION 4. This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE _____ DAY OF ___________________, 20____.

ATTEST: 

__________________________________________
Amy Piukana, City Secretary

APPROVED: 

__________________________________________
Robert C. Dye, Mayor

APPROVED AS TO FORM:

__________________________________________
Peter G. Smith, City Attorney

(PGS:12-12-19:TM 112671)
## AREA CITY TAX RATES & CERTAIN EXEMPTIONS
### (for Tax Year 2019; Fiscal Year 2019-20)

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<th>County</th>
<th>City</th>
<th>Optional Homestead</th>
<th>General Homestead</th>
<th>Age 65 or Older</th>
<th>Disabled Person</th>
<th>Optional Over 65</th>
<th>Optional Disabled</th>
<th>Tax Rate</th>
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<td>0</td>
<td>$1.568350</td>
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<tr>
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<td>0</td>
<td>$1.568350</td>
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(for Tax Year 2019; Fiscal Year 2019-20)

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## AREA CITY TAX RATES & CERTAIN EXEMPTIONS
(for Tax Year 2019; Fiscal Year 2019-20)

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## AREA CITY TAX RATES & CERTAIN EXEMPTIONS
(for Tax Year 2019; Fiscal Year 2019-20)

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<th>County</th>
<th>City</th>
<th>Optional Homestead</th>
<th>General Homestead</th>
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<th>Disabled Person</th>
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## AREA CITY TAX RATES & CERTAIN EXEMPTIONS

(for Tax Year 2019; Fiscal Year 2019-20)

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<th>County</th>
<th>City</th>
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### AREA CITY TAX RATES & CERTAIN EXEMPTIONS
(For Tax Year 2019; Fiscal Year 2019-20)

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## AREA CITY TAX RATES & CERTAIN EXEMPTIONS
(for Tax Year 2019; Fiscal Year 2019-20)

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<td>$0.081900</td>
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<td>Tarrant</td>
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<td>0.00%</td>
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<td>Tarrant</td>
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<td>Tarrant</td>
<td>Town of Lakeside</td>
<td>0.00%</td>
<td>0</td>
<td>50,000</td>
<td>50,000</td>
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<tr>
<td>Tarrant</td>
<td>Town of Pantego</td>
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<td>0</td>
<td>0</td>
<td>$0.420000</td>
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<tr>
<td>Tarrant</td>
<td>Town of Trophy Club</td>
<td>1.00%</td>
<td>0</td>
<td>35,000</td>
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<td>0</td>
<td>0</td>
<td>$0.446442</td>
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<tr>
<td>Tarrant</td>
<td>Town of Westover Hills</td>
<td>0.00%</td>
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<td>Tarrant</td>
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<td>Viridian Management District</td>
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<td>Tarrant</td>
<td>Watauga</td>
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<td>Tarrant</td>
<td>Westworth Village</td>
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<td>0</td>
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<tr>
<td>Tarrant</td>
<td>White Settlement</td>
<td>20.00%</td>
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<td>10,000</td>
<td>0</td>
<td>0</td>
<td>$0.732245</td>
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<tr>
<td>Tarrant</td>
<td>White Settlement IS</td>
<td>0.00%</td>
<td>25,000</td>
<td>10,000</td>
<td>10,000</td>
<td>20,000</td>
<td>0</td>
<td>$1.450000</td>
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</table>
SENIOR PROPERTY TAX EXEMPTIONS

Presented January 7, 2020
## Senior Property Tax Exemptions

### What’s Ordinance 3621 About?

<table>
<thead>
<tr>
<th>CURRENT STATE</th>
<th>FUTURE STATE (proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Currently Seniors over the age of 65 are offered a $65,000 property tax exemption.</td>
<td>• During the December 10, 2019 City Council Study Session, Council provided direction to increase the Senior Property Tax Exemption from $65,000 to $80,000.</td>
</tr>
<tr>
<td>• This exemption results in savings of $389.68**.</td>
<td>• This revised exemption results in savings of $479.61**, or $89.93 of incremental savings, which is equivalent to about a 4 cent reduction in tax rate</td>
</tr>
<tr>
<td>• For the 2019-20 Fiscal Year, this existing exemption reduces City property tax revenue by $883,014.</td>
<td>• For the 2019-20 Fiscal Year, this revised exemption reduces City property tax revenue by $1,086,792, or $253,779 of incremental revenue reduction.</td>
</tr>
</tbody>
</table>

**$1,000 in additional Senior Property Tax Exemption is about $6 in savings to the tax payer.**

$1,000 in additional Senior Property Tax Exemption is about $13,600 in revenue reduction to the City.

There are currently **2,266 parcels** with over 65 exemptions.

A listing of **Area City Tax Rates and Certain Exemptions** for the 2019 Tax Year has been provided.

Any change to property tax exemptions must be **adopted by ordinance and provided to DCAD by July 1st**.

**All calculations based on average property value of $233,681 and includes the 20% homestead exemption which reduces property taxes due on the average valued property by $280, which is equal to an 11 cent reduction in rate.**
Discussion. Direction. Questions?
Consider Board and Commission appointments (Animal Shelter Advisory Committee and Public Art and Culture); and take appropriate action

BACKGROUND:
With the resignation of two board members (Abbie Seidel/Animal Advisory) and (Theresa Kualoku/Public Art), vacancies have occurred. As vacancies occur, City Council may appoint members to fill open positions on a Board or Commission.

DISCUSSION:
The City Secretary’s Office has provided an eligible applicant list for City Council to review for board appointments.

Animal Shelter Advisory Committee:
As vacancies occur, Alternate No. 1 members are typically moved up to fill a regular seat. Marcia Brooks is currently serving as Alternate No.1 and wishes to fill the regular seat Place 6, with an unexpired term of 6/30/21. Sandra McGee will now serve as Alternate No. 1, and the Council will need to fill the Alternate No. 2, vacancy.

The following is an eligible candidate list for the Animal Shelter Advisory Committee:
- Jennifer W Robinson
- Nickolas Miller
- Frederick S Lyon
- Emily L Howsley
- Christopher D Perdomo

Public Art & Culture Committee:
A vacancy has occurred with the resignation of Theresa Kualoku as Alternate No. 1. Gail Cope will now serve as Alternate No. 1, and the Council will need to fill the Alternate No. 2, vacancy.

The following is an eligible candidate list for the Public Art & Culture Committee:
- Christopher D Perdomo
- Dawn E Paciotti
- Amy Cave
ATTACHMENTS:
1. Animal Shelter - Current Roster
2. Animal Shelter - Eligible Applicants
3. PAC - Current Roster
4. PAC - Eligible Applicants

ACTION:
1. I move to appoint Sandra McGee to serve as Alternate No. 1, with a term expiring 6/30/21 and (__) to serve as Alternate No. 2, with a term expiring 6/30/2021 for the Animal Shelter Advisory Committee; and appointing Gail Cope as Alternate No. 1 with a term expiring 6/30/2021 and (__) to serve as Alternate No. 2 with a term expiring 6/30/2022 for the Public Art and Culture Advisory Committee.
2. I move to take no action and seek more candidates.
Marcia Brooks
1st Term Jul 01, 2019 - Jun 30, 2020
Position Alternate 1
Category Resident

Sandra McGee
1st Term Jul 01, 2019 - Jun 30, 2021
Position Alternate 2
Category Resident

Terry Ford
4th Term Jun 19, 2018 - Jun 30, 2020
Position Place 1
Office/Role Chair
Category Vet

Terry Lynne
1st Term Jul 01, 2019 - Jun 30, 2020
Position Place 2
Category City Official

Kristina Valentine
1st Term Jun 19, 2018 - Jun 30, 2020
Position Place 3
Category Welfare

Miguel Gauna
3rd Term Jul 11, 2017 - Jun 30, 2020
Position Place 4
Category Shelter
Becky Fisher

5th Term  Jul 01, 2019 - Jun 30, 2021

Position Place 5
Office/Role Vice Chair
Category Resident

Karen R Smith

1st Term  Jul 01, 2019 - Jun 30, 2021

Position Place 7
Office/Role Secretary
Category Resident

Vacancy

Position Place 6
Category Resident
Eligible B&C Applicants
For the use of Council to fill B&C vacancies.
For the use of Boards for subcommittees.

<table>
<thead>
<tr>
<th>Name</th>
<th>Boards of Interest</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jennifer W Robinson</td>
<td>Animal Shelter Advisory Committee</td>
<td>District 3</td>
</tr>
<tr>
<td>Nickolas Miller</td>
<td>Animal Shelter Advisory Committee</td>
<td>District 3</td>
</tr>
<tr>
<td>Frederick (rick) S Lyon</td>
<td>Animal Shelter Advisory Committee</td>
<td>District 5</td>
</tr>
<tr>
<td>Emily L. Howsley</td>
<td>Animal Shelter Advisory Committee</td>
<td>District 5</td>
</tr>
<tr>
<td>Christopher D Perdomo</td>
<td>Public Art &amp; Culture</td>
<td>District 3</td>
</tr>
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</table>

Last updated 12/9/2019
<table>
<thead>
<tr>
<th>Position</th>
<th>Place</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternate 2</td>
<td>Place 1</td>
<td>Brookhaven</td>
</tr>
<tr>
<td>Place 2</td>
<td>Place 3</td>
<td>Firehouse</td>
</tr>
<tr>
<td>Place 4</td>
<td>Place 5</td>
<td>Business</td>
</tr>
<tr>
<td>Partial Term</td>
<td></td>
<td>Resident</td>
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</table>
Derek Whitener
1st Term Jul 01, 2019 - Jun 30, 2022

Position Place 6
Office/Role Chair
Category Resident

Michael S Tatum
1st Term Jul 01, 2019 - Jun 30, 2022

Position Place 7
Office/Role Vice Chair
Category Resident

Vacancy

Position Alternate 1
Eligible B&C Applicants
For the use of Council to fill B&C vacancies.
For the use of Boards for subcommittees.

<table>
<thead>
<tr>
<th>Name</th>
<th>Boards of Interest</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christopher D Perdomo</td>
<td>Public Art &amp; Culture, Animal Shelter Advisory Committee</td>
<td>District 3</td>
</tr>
<tr>
<td>Dawn E Paciotti</td>
<td>Public Art &amp; Culture</td>
<td>District 5</td>
</tr>
<tr>
<td>Amy Cave</td>
<td>Public Art &amp; Culture</td>
<td>District 5</td>
</tr>
</tbody>
</table>