



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, April 5, 2016

6:00 PM

Council Chambers

Study Session Meeting to be held at 4:00 PM in the Study Session Room

- Presiding:** 1 - Mayor Bob Phelps
- Present:** 5 - Deputy Mayor Pro Tem Harold Froehlich, Council Member John Norwood, Mayor Pro Tem Kirk Connally, Council Member Mike Bomgardner, Council Member Ana Reyes (arrived at 4:38 p.m.)
- Staff:** 11 - Charles Cox Interim City Manager, Amy Piukana City Secretary, Kevin Laughlin City Attorney, Sid Fuller Police Chief, John Land Managing Director Operations, LaJeana Thomas Executive Assistant Administration, Allison Cook Economic Development Manager, Andy Gillies Community Services Director, Tom Bryson Communications Director, Derrick Birdsall Historical Park Director, Danielle Brissette Historical Museum Educator

A. CALL TO ORDER

Mayor Phelps called the meeting to order at 4:00 p.m.

A.1 16-089 Discuss regular City Council meeting agenda items.

Mayor Pro Tem Connally asked that Agenda Item G.5 be moved to the Regular Agenda to allow discussion.

A.2 16-086 Receive an update regarding entry monument signage.

Managing Director John Land briefed City Council regarding this item. Mr. Land explained the goal of the project is to create a comprehensive set of design recommendations and prototype strategies for aesthetics to be applied to gateway features throughout the city. He noted these guidelines should assist in creating a lasting identity for the City of Farmers

Branch. He further stated the city has teamed up with Brad Molten with La Terra studio who provided an overview of steps to move forward. Mr. Molten noted entry points were identified into three tiers. He explained Tier 1 areas are identified at major entry points of the city. He stated Tier 2 are areas identified at major thoroughfares entering the city, and Tier 3 are major areas of interest throughout the city. He noted the costs would be based in phases, explaining Phase 1, implementation of fund reimbursement from removal of original entry features during 635 construction in Tier 1 areas. He further stated Phase 2, is based on realistic cost estimates of developed concepts for phased implementation of the remainder of the features.

After discussion, Council Member Norwood suggested choosing a design that could have a multipurpose use and to work with PYRO Marketing Company to coordinate a uniformed look throughout the city.

Council Member Bomgardner asked that the new signage be used to market the Trails, and consider strategically placing the signs in areas that cannot be disturbed.

Mr. Land stated he will work with PYRO Marketing and bring forward a signage plan at a future City Council meeting.

A.3 16-107 Presentation of an Economic Development update.

Economic Development Manager Allison Cook briefed City Council and reviewed a Power Point presentation regarding Economic Development updates throughout the City of Farmers Branch.

A.4 16-090 Discuss agenda items for future City Council meetings.

Council Member Reyes asked about the status of the Oakbrook Homeowner's Association in relation to the needs review assessment. Interim City Manager Charles Cox explained he has left a message with the President of Oakbrook Homeowner's Association to inquire about the status on the engineering study noting he will need this information before the city can move forward.

Deputy Mayor Pro Tem Froehlich asked about Town of Addison updates. City Attorney Kevin Laughlin explained there is no update at this time.

Mayor Phelps recessed at 4:43 for a break.

Mayor Phelps skipped to agenda item J.1. and reconvened into closed Executive Session at 4:55 p.m. to discuss the following:

J.1 16-105 Council may convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to deliberate regarding:

- Discuss contemplated civil litigation regarding the substandard multifamily property located at 2835 & 2875 Villa Creek, Farmers Branch, Texas.
- Discuss contemplated and pending litigation and/or administrative proceedings relating to Ana Henriquez v. Farmers Branch, Texas, A municipality, Officer Ken

D. Johnson, in his individual and official capacity Civil Action No. 3-16CVO868-M
United States District Court for the Northern District of Texas.

**Council may convene into a closed executive session pursuant to
Section 551.087 of the Texas Government Code to deliberate
regarding Economic Development Incentive for the relocation of a
large retailer. Project Basket**

Mayor Phelps recessed from closed Executive Session at 5:52 p.m.

Mayor Phelps called the Regular Meeting to order at 6:02 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

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

C. CEREMONIAL ITEMS

- C.1 16-103 Presentation of a proclamation recognizing April 10, 2016,
through April 16, 2016, as National Volunteer's Week and
recognizing Historical Park Volunteers in the City of Farmers
Branch.**

Mayor Phelps read a proclamation recognizing April 10th – April 16th as National
Volunteer's Week. Mayor Phelps introduced Parks and Recreation Director Jeff Harting
who introduced Museum Educator Danielle Burette and Historical Park Director Derrick
Birdsell who thanked volunteers for their service.

- C.2 16-093 Consider Board and Commission appointments; and take
appropriate action.**

Council Member Reyes made a motion to appoint John Land to the Local Government
Corporation, Place 3 for an unexpired term ending May 31, 2017. Motion seconded by
Mayor Pro Tem Connally. Motion approved by the following vote:

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

D. REPORT ON STUDY SESSION ITEMS

Mayor Pro Tem Connally provided an update regarding Study Session items.

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

- There will be a **Star Party** at the Farmers Branch Historical Park on Tuesday, April 12 from around dusk until about 9 p.m. Volunteers from the Texas Astronomical Society will be on hand to help those in attendance with viewing celestial objects through high-powered telescopes. Call the Historical Park at 972.406.0184 or visit texasastro.org for more information.
- **Date Night in the Park** is coming back on Saturday, April 23. The popular event at the Farmers Branch Historical Park will feature food trucks, live music from the Midnight River Choir and an outdoor movie after dark with "Daddy's Home," starring Will Ferrell and Mark Wahlberg. Admission is free. Find out more at fbspecialevents.com.
- If you operate a surveillance camera at your home or business, the Farmers Branch Police Department is asking for your help. By registering your system with the **SafeCam initiative**, the Police Department can call upon you for voluntary assistance if there is criminal activity in your area that might have been caught on camera. Find out more by calling 972.484.3620.
- The City is holding a Board and Commissions Recruitment event May 10th at 6 p.m. here at City Hall. We are always looking for civic-minded residents who want to give back by donating their time to serve on one of our boards and commissions. Current vacancies include two vacancies on the **Community Watch Committee**, two vacancies on the **Senior Advisory Board** and a youth vacancy on the **Family Advisory Board**. Please call the City Secretary's office at 972.919.2503 or come by City Hall if you are interested.
- Don't forget to sign up for eNews at farmersbranch.tx.gov to have current City news and information delivered directly to your eMail box.

F. CITIZEN COMMENTS

There were no citizens that wished to speak.

G. CONSENT AGENDA

- G.1** 16-091 Consider approving minutes of the March 15, 2016, City Council meeting and March 22, 2016, City Council Work Session meeting; and take appropriate action.
- G.2** R2016-033 Consider approving Resolution No. 2016-033 authorizing the City Manager to approve a professional services agreement with PYRO Development, LLC for marketing services; and take appropriate action.
- G.3** R2016-037 Consider approving Resolution No. 2016-037 establishing a Sustainability Committee; and take appropriate action.
- G.4** R2016-039 Consider approving Resolution No. 2016-039 establishing the dates and times for City Council regular meetings and study sessions; repealing Resolution No. 2014-106; and take appropriate action.

Motion made by Mayor Pro Tem Connally to approve Consent Items G.1 through G.4, as presented. Motion second by Council Member Norwood. Motion prevailed by the following vote:

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

H. PUBLIC HEARINGS

- H.1 ORD-3363 **Conduct a public hearing and consider adopting Ordinance No. 3363 approving a Specific Use Permit for a commercial indoor amusement facility located at 4885 Alpha Rd, Suite 275; and take appropriate action.**

Community Development Director Andy Gillies briefed City Council regarding this item. Mr. Gillies noted the property is zoned Light Industrial Zoning and tonight is seeking a Special Use Permit to utilize the space for an indoor amusement facility. He explained the use is limited to game room type use with a video monitoring system with puzzle and clue solving, indoor commercial amusement type use. He further stated the hours of operation will be 10 a.m. to 8:30 p.m. Monday through Thursday, 10 a.m. to midnight Friday through Saturday, and 10 a.m. to 9 p.m. on Sundays.

Deputy Mayor Pro Tem Froehlich had questions regarding the concept of operations, and age group target audience.

Applicant Steve Rudd explained the target age group 25-40 year old age group. He explained the facility is used for family events, birthday parties and corporate trainings.

Deputy Mayor Pro Tem Froehlich asked what the target opening date would be. Mr. Rudd explained June 1st is the target date to open.

Council Member Norwood asked how many other facilities the applicant has and if food and beverages would be served. Mr. Rudd explained there are only two facilities, this one and a facility in Atlanta. He further stated there will not be food or drinks served at this location, however, catering is allowed.

Mayor Phelps opened the public hearing. There were no citizens that wished to speak for or against the item.

Motion made by Mayor Pro Tem Connally to close the Public Hearing and adopt Ordinance No. 3363, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

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

I. REGULAR AGENDA ITEMS

- I.1 R2016-035 **Consider approving Resolution No. 2016-035 authorizing execution of a Residential Demolition/Rebuild Program Incentive**

Agreement for the owner of the property located at 3124 Brookhollow Drive; and take appropriate action.

Economic Development Manager Allison Cook briefed City Council regarding this item. Ms. Cook explained applicant Stephen and Sharon Montesana are applying for Demolition Rebuild Program Option One which includes a reimbursement of up to \$5,000 of the cost of demolition of the original home following completion of demolition. She noted the current improvement value is \$203,890 and the estimated new improvement value is estimated to be at least \$500,000.

Council Member Norwood made a motion to approve Resolution No. 2016-035, as presented. Motion seconded by Council Member Bomgardner.

Motion prevailed by the following vote:

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

- I.2** R2016-036 **Consider approving Resolution No. 2016-036 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 14511 Tanglewood Drive; and take appropriate action.**

Economic Development Manager Allison Cook briefed City Council regarding the item. She explained Mr. and Mrs. Billingsley purchased 3021 Primrose last year and have exceeded the size of the Primrose lot and plan to sell the lot. Ms. Cook noted the Billingsley's have purchased 14511 Tanglewood Drive, and are now applying for Demo Rebuild Option One which is an incentive based on the increase over the course of seven (7) years of City property taxes paid on the difference between the original home appraisal value prior to demolition and the value of the new home.

Motion made by Deputy Mayor Pro Tem Froehlich to approve Resolution No. 2016-036, as presented. Motion seconded by Mayor Pro Tem Connally. Motion prevailed by the following vote:

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

Council skipped to Agenda Item G.5 to be discussed as a Regular Item.

- G.5** ORD-3364 **Consider adopting Ordinance No. 3364 amending the Code of Ordinances Chapter 30 Article III, "Alarm Systems", to provide for regulations governing alarm systems and amending appendix A "Fee Schedule" updating the fees related to alarm systems; and take appropriate action.**

Police Chief Sid Fuller briefed City Council regarding this item. Chief Fuller noted the Ordinance is to minimize police responding to false alarms. He reviewed the following false alarm fee structure:

Section this Code	Description	Amount
	<i>Article III. Alarm Systems</i>	
<u>30-72</u>	Alarm permit fee residential	\$30.00
<u>30-72</u>	Alarm permit fee commercial (business)	\$100.00
<u>30-78</u>	False alarm fee in excess of three (3) but fewer than six (6) in the preceding 12-month period	\$50.00
	False alarm fee in excess of five (5) but fewer than eight (8) in the preceding 12-month period	\$75.00
	False alarm fee eight (8) or more in the preceding 12-month period	\$100.00
	Panic/distress alarm fee of three (3) or more in the preceding 12 month period	\$100.00
	Robbery alarm fee of three (3) or more in the preceding 12-month period	\$100.00
<u>30-73</u>	Master apartment complex permit fee	\$100.00
<u>30-88</u>	False alarm fee for response to monitoring system	\$100.00

Chief Fuller further explained the following changes to the proposed ordinance:

- Master apartment complex fee of \$100 added for apartments providing alarm systems within individual units.
- Service charge for repeated false alarm notifications documented in a 12 month period would be amended as follows; False alarm fee in excess of three (3) but fewer than six (6), \$50; False alarm fee in excess of five (5) but fewer than eight (8), \$75; False alarm fee eight (8) or more \$100; as compared to the current \$50 fee for each false alarm over five (5) in a 12 month period.
- Requirement for alarm companies to notify the City within 30 days of installation and or activation of alarm systems.
- Increase maximum fine amounts for violation(s) of the ordinance from \$200 to \$500.
- Exemption from fees for government and school district(s).

Chief Fuller noted this allows for the revocation of an alarm permit after eight or more false alarms in a 12 month period.

After discussion, Council Member Reyes made a motion to approve Ordinance No. 3364, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

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

Mayor Phelps recessed at 6:46 p.m. into closed Executive Session.

J. EXECUTIVE SESSION

- J.1 16-105 Council may convene into a closed executive session pursuant to Section 551.071 of the Texas Government Code to deliberate regarding:**
- Discuss contemplated civil litigation regarding the substandard multifamily property located at 2835 & 2875 Villa Creek, Farmers Branch, Texas.
 - Discuss contemplated and pending litigation and/or administrative proceedings relating to Ana Henriquez v. Farmers Branch, Texas, A municipality, Officer Ken D. Johnson, in his individual and official capacity Civil Action No. 3-16CVO868-M United States District Court for the Northern District of Texas.

Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding Economic Development Incentive for the relocation of a large retailer, Project Basket.

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

Mayor Phelps reconvened into regular session at 7:14 p.m.

Mayor Pro Tem Connally made a motion to authorize the City Manager to negotiate and execute an economic development incentive agreement with Project Basket for (1) a rebate of 50% of local sales and uses taxes paid to the City for 20 consecutive years; (2) subject to not less than \$100,000,000 in annual sales consummated in Farmers Branch, and (3) such additional terms and conditions the City Manager determines to be reasonable, necessary, and in the best interest of the City. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

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

L. ADJOURNMENT

Motion made by Mayor Pro Tem Connally to adjourn the meeting at 7:15 p.m. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

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

The meeting adjourned at 7:15 p.m.



Mayor

ATTEST:



City Secretary

