



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, April 19, 2016

6:00 PM

Council Chambers

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

- Presiding:** 1 - Mayor Bob Phelps
- Present:** 5 - Deputy Mayor Pro Tem Harold Froehlich, Council Member John Norwood, Mayor Pro Tem Kirk Connally, Council Member Mike Bomgardner, Council Member Ana Reyes
- Staff:** 13 - Charles Cox Interim City Manager, Amy Piukana City Secretary, Pete Smith City Attorney, Sid Fuller Police Chief, David Hale Deputy 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, Hugh Pender Building Official, Andy Gillies Community Services Director, Katy Evans Environmental Health Manager

A. CALL TO ORDER

Mayor Phelps called the meeting to order at 3:02 p.m.

A.1 16-110 **Discuss regular City Council meeting agenda items.**

There was no discussion regarding this item.

A.2 16-097 **Receive a legislative update from Texas Representative Matt Rinaldi.**

Mayor Phelps asked that Agenda Item A.2 be moved to a future meeting.

A.3 16-118 **Conduct a work session to discuss and review the following: City's financial status, revenues, expenditures, projects, balances, financial**

trends, capital projects, fixed assets, and other issues related to the 2015-16 Mid-Year Budget, future City budgets, and long range planning activities.

Mr. Cox reviewed the City's Mission Statement and Strategic Planning Cycle. He also reviewed the Top Ten Mid-Year Budget list. Mr. Cox reviewed the following information for General Fund Revenues - Sales tax revenues are up \$30,000, building permit revenues are down \$200,000, Intergovernmental Revenue is up \$150,000, Interest is up \$44,300, Commercial Rents up \$20,000, and Garbage Sack sales down \$5,000 noting total revenues are up \$39,300.

Mr. Cox reviewed the following information regarding General Fund Expenditures; Personal services/benefits are up \$378,600, purchased professional technical services are down \$132,200, supplies are down \$8,300, repairs and maintenance are up \$198,000, services are up \$317,900, events are up \$25,000, other downs include \$270,000, transfers are up (negative) \$183,100 with total expenditures up \$326,100. Mr. Cox reviewed the General Fund Balance Projections and Water Consumption trends. Mr. Cox noted water consumption is down 6% due to moderate/wet weather conditions and conservation. He explained there is a negative cash position as of March 31st of -\$1.3 million. Mr. Cox reviewed the cash and investment position of Water and Sewer Fund, noting the following recommended options: monitor through year end, no debt, future rate increase proposals are likely. He noted there was a 15% increase implemented in FY 16, and Dallas Water Utilities and Trinity River Authority are estimating a 4-5% cost increase through 2018.

Mr. Cox reviewed the Eastside Comprehensive Plan, noting contracted services increased \$95,000 (delayed from prior year). Mr. Cox reviewed the full time position changes noting two additional Code Enforcement Officers have been hired, and the relocation of Police Dispatchers to NTECC. He further closed with reviewing the Financial Condition Analysis which has six areas to cover, these are - community needs and resources indicators, revenue indicators, expenditure indicators, operating position indicators, debt structure indicators, and long term liabilities.

Council Member Bomgardner asked that with the NTECC delays, will the city seek reimbursement for costs incurred regarding equipment delays. Mr. Cox explained affected cities and their City Managers will meet to discuss costs and seek appropriate reimbursement.

Council Member Bomgardner asked if tax incentives that are offered through an Economic Development agreement, show up in the budget numbers. Mr. Cox explained if an incentive is offered through a sales tax rebate, it's visible through reduced sales tax revenue. He states if it's a rebate, it would be taken out of a line item account. He further stated if a cash incentive was offered, this would come out of an expenditure account through the Economic Development account. He noted next year, the budget will have a report that itemizes and lists all economic development agreements with terms and amounts. He explained this is very transparent of all the impacts related to the agreement.

Mr. Cox updated City Council stating that the \$250,000 contingency fund is still available to be used in conjunction with the compensation study results.

A.4 16-117 Receive a report on the City's mosquito spraying protocol and public education campaign for 2016.

Environmental Health Manager Katy Evans provided a presentation and report regarding the City's mosquito spraying protocol and public education campaign. Ms. Evans noted a new challenge this year is the Zika Virus noting prevention is key.

Council Member Norwood asked if the Zika Virus cases are transmitted from people outside of United States traveling to the United States, and asked if any local cases have been reported. Ms. Evans explained no local cases to date. She noted the mosquitos that transfer the Zika Virus bite during the day which is different from the West Nile type mosquitos that bite during the evenings. She noted prevention is key.

Council Member Bomgardner asked if the cases are acquired abroad. Ms. Evans explained these are acquired abroad.

Deputy Mayor Pro Tem Froehlich asked when mosquito spraying will begin. Ms. Evans explained Date Night at the Park will be the first spray since it is a big outdoor event, noting May 5th is the first scheduled spraying event.

Interim City Manager Charles Cox added that over the counter mosquito repellent can prevent the Zika Virus. Ms. Evans explained any bug spray containing deet works best.

Council Member Reyes asked if the city is publicizing areas being sprayed. Ms. Evans replied the city utilizes outdoor signage in areas being sprayed. She further stated information is located on the website and signage contains a phone number residents can call to locate areas being sprayed.

Council Member Reyes asked if any organic sprays have been used that might be less potent to children and animals. Ms. Evans explained the city uses the lowest safest chemical that is necessary to treat areas.

Council Member Reyes asked if door hangers would be utilized this year. Mr. Gillies explained last year door hangers were used due to increased rain, he explained this year we might utilize door hangers if rain continues.

A.5 16-119 Presentation of a proposed public service announcement regarding the screening requirements for the new recycling containers.

Community Services Director Andy Gillies reviewed a video explaining how to construct a wood screening for recycling containers showing ideas of how to meet the requirement and showing where to place them at the resident's home. Managing Director of Administration John Land noted the Boy Scouts will team with the Chamber and provide a program to help assist residents in need.

A.6 16-111 Discuss agenda items for future City Council meetings.

Council Member Bomgardner asked for a future agenda item to discuss music venues for park events. Council Member Bomgardner noted we need to discuss vendor expense to see if there is an option to offset expense, possibly collect parking fees or other ideas.

Mayor Phelps recessed at 3:49 p.m. for a 10 minute break.

Mayor Phelps reconvened at 4 p.m. and skipped to Agenda Item J.1, a closed Executive Session 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

Council may convene into closed executive session pursuant to Section 551.074 of the Texas Government Code to deliberate regarding:

- Personnel Matters - Valwood Improvement Authority Board Member appointments
- Personnel Matters - Discussion of selection process and criteria for appointment of a City Manager

Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to:

- Discuss the purchase, exchange, lease, or sale of real property located at 2737 Farmers Branch Lane

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 Project Echo

Mayor Phelps recessed from closed executive session at 5:53 p.m.

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

B. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Bomgardner provided the Invocation. Boy Scout Aiden Dornbeck with Troop 874 of the Boy Scouts of America led the Pledge of Allegiance.

C. CEREMONIAL ITEMS

C.1 16-104 Presentation of the Metrocrest Chamber of Commerce Rising Star Award to Environmental Health Manager Katy Evans.

Mayor Phelps recognized Environmental Health Manager Katy Evans who received the Metrocrest Chamber of Commerce Rising Star Award. Ms. Erin Carney with Metrocrest Chamber was present to award Ms. Katy Evans with this award.

D. REPORT ON STUDY SESSION ITEMS

Deputy Mayor Pro Tem Froehlich provided an update regarding Study Session items.

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

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

- **Date Night in the Park** is set for 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.
- 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. Please call the City Secretary's office at 972.919.2503 or come by City Hall on May 10th to find out more.
- The new **All-Inclusive Rotary Playground at Gussie Field Watterworth Park** is now open and will celebrate its ribbon-cutting on Saturday, April 30th at 11 a.m. A joint venture between the two local Rotary Clubs, the playground is designed for kids of all abilities to be able to play together.
- The all-new **Farmers Branch Market** is planning a grand opening on Saturday, May 7 in The Grove at Mustang Station. A new take on the traditional Farmers Market concept, the market will feature produce vendors along with arts, crafts and specialty items for sale. Farmers Branch Market will be open every Saturday from 8 a.m. to 12 noon, May through October.
- And, mark your calendars for the annual **Fishin' Fun** in Farmers Branch event, coming up Saturday, May 14. Kids, ages 16 and under, will be able to help pull more than one ton of catfish out of Rawhide Creek, near City Hall. Find out more at fbspecialevents.com.
- Don't forget to sign up for eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

F. CITIZEN COMMENTS

There were no citizens that wished to speak.

G. CONSENT AGENDA

- G.1** 16-091 **Consider approving minutes of the March 29, 2016, Work Session meeting and April 5, 2016, regular City Council meeting; and take appropriate action.**
- G.2** R2016-033 **Consider approving Resolution No. 2016-042 authorizing the City Manager to execute an agreement with GFC Contracting, through the Buy Board Purchasing Cooperative agreement for paint services; and take appropriate action.**

Motion made by Mayor Pro Tem Connally to approve Consent Items G.1 through G.2, as presented. Motion second 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

H. PUBLIC HEARINGS

- H.1 ORD-3361 Conduct a public hearing and consider adopting Ordinance No. 3361 amending Planned Development No. 88 (PD-88), on an approximate 25.27 acres tract from "Office-1" subdistrict into "Mid-Density Residential", subdistrict, establishing a Conceptual Site Plan; and take appropriate action.**

Community Development Director Andy Gillies briefed City Council regarding this item noting the applicant is proposing to rezone approximately 25.27 acres from "Office-1" subdistrict into "Mid-Density Residential" subdistrict.

Mr. Gillies stated the overall site is bordered to the north by the Monitronics headquarters, to the east by the approved Brickyard Community Phase 2 and to the west by the expanding Mercer Crossing Lake. Mr. Gillies noted the site is located within Planned Development District No. 88 (PD-88). He stated the overall site contains approximately 25.27 acres, noting this site will consist of 23 buildings containing approximately 698 dwelling units in a combination of one, two and three bedroom units (76% one-bedroom units, 17% two-bedroom units, 7% three-bedroom units) and proposes a density of 27.63 units/acre. The buildings will average from two to four stories in height as follows: 4 two-story buildings (Building 8, 9, 11 and 12 on the Conceptual Site Plan), 17 three-story buildings and 2 large four-story buildings (Building 7 and 10 on Conceptual Site Plan). The four-story buildings will contain interior multi-level parking facilities and interior courtyards.

Mr. Gillies noted the applicant is proposing to construct this development in three phases, noting Phase One will consist of approximately 10.77 acres and 8 buildings (Building 1 through 8 on Conceptual Site Plan) and will include 351 dwelling units, all one or two bedroom apartments (81% one-bedroom units). Phase Two will consist of approximately 7.44 acres and 6 buildings (Building 9 through 14 on Conceptual Site Plan), including 299 dwelling units, all one or two bedroom apartments (80% one-bedroom units). Phase Three will consist of approximately 7.05 acres and 9 buildings (Building 15 through 23 on Conceptual Site Plan), and include 48 dwelling units.

Mr. Gillies explained the proposed extension of the Brickyard Community will be accessible by two main streets: the southern extension of Senlac Drive that will intersect the future extension of Mercer Parkway. Mr. Gillies noted the general layout of the proposed Site Plan was designed around two amenities: the expanded Mercer Crossing Lake to the west and the existing mature grove of trees at the corner of future Mercer Parkway and Senlac Drive. He explained the Site Plan proposes a mix of mid-density and higher density residential development and a continuous spine of landscaped open spaces throughout the community that connect these major elements.

Mr. Gillies stated the design places all 23 buildings within access to the major natural open spaces. He further explained this new extension of the Brickyard community will incorporate both structured and surface parking throughout all four phases. Buildings 7

and 10 (both 4 stories) will include large interior multi-level parking structures (600 parking spaces). All two and three story buildings will provide individual "tuck-under" parking garages into each unit (185 parking spaces). In addition, 372 surface parking spaces will be incorporated into the community. These surface parking spaces include both parallel parking along the private streets and small parking courtyards. He further stated 1,157 on-site parking spaces are provided within the community (average 1.66 spaces per dwelling unit). Approximately 68% of the proposed on-site parking is structured or enclosed parking.

Council Member Bomgardner asked if the tuck under parking will be an actual garage. Mr. Gillies confirmed these are garage door spaces.

Council Member Bomgardner asked if all units will have tuck under garages. Mr. Gillies replied each unit would not have a parking garage due to space constraints but will have surface parking.

Mr. Gillies explained under Phase Five, Block D of the Concept Plan, nine buildings consisting of 48 residential condo or townhome style units would be owner occupied buildings.

Deputy Mayor Pro Tem Froehlich asked if these owner occupied buildings are all two stories in height. Mr. Gillies explained these buildings are three stories in height.

Deputy Mayor Pro Tem Froehlich asked if all owner occupied buildings would have two parking spaces for each unit. Mr. Gillies explained, surface parking would be provided and some will have garage parking.

Council Member Reyes stated she was very pleased with the green space. Mr. Gillies explained 49% of the open space will be landscaped open space.

Council Member Bomgardner asked if the trails will connect. Mr. Gillies explained the trails will connect around the perimeter of the lake area.

Council Member Reyes asked if the Developer has asked for any city assistance with funding for this project. Mr. Gillies stated the city has not been asked for any funding assistance.

Deputy Mayor Pro Tem Froehlich asked how many units were approved originally on the 19 acre tract by the Planning and Zoning Commission. Mr. Gillies replied the Planning and Zoning Commission was presented 698 units. He further stated the original proposal was over 1,000 units.

Council Member Norwood asked why the southern portion was dropped. Mr. Gillies replied it was based on the amount of multifamily, noting the applicant felt there was better opportunity to do a commercial type use on the south side of future Mercer Parkway.

Council Member Bomgardner asked if the owner occupied is furthest from the lake area, and noted it doesn't seem to have many amenities. Mr. Gillies explained there has been discussion of future amenities which would include a pool and be occupied by the owner

occupant side of the development. This will be presented at the site plan approval process.

Ms. Lucy Billingsley, with Billingsley Company, provided a presentation to City Council regarding details and construction of the current master plan and proposed Mercer Crossing Master Plan. Ms. Billingsley spoke regarding concerns of multifamily leasing expenses, upkeep and market value.

After discussion, Mayor Phelps opened the public hearing. There were no citizens that wished to speak.

Motion made by Council Member Reyes to close the Public Hearing and adopt Ordinance No. 3361, 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

I. REGULAR AGENDA ITEMS

I.1 16-120 Presentation of the newly produced 2016 Police Department recruiting video.

Deputy Police Chief David Hale briefed City Council regarding this item showing a new Police Department recruiting video.

I.2 R2016-045 Consider approving Resolution No. 2016-045 in support of the application of Rochester Gauges, Inc. to the Texas Commission on Environmental Quality for a Municipal Settings Designation for property located at the southwest corner of Forest Lane and Denton Drive in Dallas, Texas; and take appropriate action.

Environmental Health Manager Katy Evans briefed City Council regarding this item. Ms. Evans explained Rochester Gauges, Inc. has applied for a Municipal Setting designation (MSD) from City of Dallas and the Texas Commission on Environmental Quality (TCEQ) for a property located at the southwest corner of Forest Lane and Denton Drive in Dallas, Texas. She further stated that Farmers Branch has been identified as a municipality with a boundary located within one-half mile of the MSD Designated property, noting a resolution in support of the application must be provided to pursue the MSD designation.

After discussion, motion made by Deputy Mayor Pro Tem Froehlich to approve Resolution No. 2016-045, 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.3 ORD-3365 Consider adopting Ordinance No. 3365 amending the City's 2015-16 Fiscal year Operating Budget, amending the Capital Improvements

Program Budget, directing City expenditures be made in accordance with the budget as amended, and take appropriate action.

Interim City Manager Charles Cox was present to answer any questions. Mr. Cox noted the proposed mid-year budget meets the multi-year financial objectives approved by City Council.

Motion made by Mayor Pro Tem Connally to approve Ordinance No.3365, as presented. Motion seconded by Deputy Mayor Pro Tem Froehlich.

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.4 R2016-043 Consider approving Resolution No. 2016-043 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 3047 Topaz Lane; and take appropriate action.**

Economic Development Manager Allison Cook briefed City Council regarding this item. Ms. Cook noted applicant David Garcia is present to answer any question.

Ms. Cook noted the applicant is requesting the Demolition Rebuild Program Option One which includes a reimbursement of up to \$5,000 of the cost of demolition of the original home. Ms. Cook stated the current improvement value is \$77,740.00 and the estimated new improvement value is estimated to be at least \$350,000.

Motion made by Deputy Mayor Pro Tem Froehlich to approve Resolution No. 2016-043, 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

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

Council may convene into closed executive session pursuant to Section 551.074 of the Texas Government Code to deliberate regarding:

- Personnel Matters - Valwood Improvement Authority Board Member appointments
- Personnel Matters - Discussion of selection process and criteria for appointment of a City Manager

Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to:

- Discuss the purchase, exchange, lease, or sale of real property located at 2737 Farmers Branch Lane

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 Project Echo

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

As a result of Executive Session item Section 551.072 of the Texas Government Code to:

- Discuss the purchase, exchange, lease, or sale of real property located at 2737 Farmers Branch Lane

Deputy Mayor Pro Tem Froehlich made a motion to approve authorizing the Interim City Manager to negotiate a signed contract and such other documents that are reasonable and necessary to sell to the Farmers Branch Local Government Corporation for the purpose of resale to Todd Bonneau Homes, LLC and/or assigns the property described as Lot 31, Block 3, Farmington Park North an addition to City of Farmers Branch, Texas more commonly known as 2737 Farmers Branch Lane, for a purchase and sales price of not less than \$157,000 with the resale of said property to be subject to a restriction agreement requiring construction of a single family residence of not less than 3300 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 \$650,000. 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

As a result of executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:

- Economic Development Incentive for Project Echo

Motion made by Mayor Pro Tem Connally to authorize the Interim City Manager to negotiate and execute an economic development incentive agreement on behalf of the City with Project Echo to provide an Incentive equivalent to a tax abatement of 75% for a period of 5 years for the business person property owned or leased by the company to be located at 4350 Innovation Drive Farmers Branch, Texas provided: (i) the company purchases the real property located at 4350 Innovation Drive Farmers Branch, Texas; (ii) and occupies the property for a period of 5 years; (iii) the minimum taxable value of the business personal property is at least \$35 million; and (iv) that the standard City terms and

conditions for incentive agreement apply. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

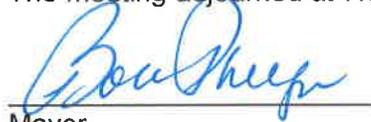
Aye: 5 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood and Council Member Bomgardner

L. ADJOURNMENT

Motion made by Deputy Mayor Pro Tem Froehlich to adjourn the meeting at 7:06 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 7:06 p.m.



Mayor

ATTEST:



City Secretary



