



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, May 3, 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:** 4 - Deputy Mayor Pro Tem Harold Froehlich, Council Member John Norwood, Mayor Pro Tem Kirk Connally, Council Member Ana Reyes
- Absent:** 1 - Council Member Mike Bomgardner
- Staff:** 14 - Charles Cox 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, Stephanie Hall Economic Development Assistant, Andy Gillies Community Services Director, Randy Walhood Public Works Director, Hugh Pender Building Official, Katy Evans Environmental Health Manager, Mitzi Davis Parks and Recreation Project Manager, Jeff Harting Parks and Recreation Director

A. STUDY SESSION

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

A.1 16-124 **Discuss regular City Council meeting agenda items.**

Council Member Norwood asked for discussion regarding Regular Agenda Item C.5, regarding Central Regional Wastewater System (CRWS) Authorized Representative & Alternate Designation being a Ceremonial Item. City Manager Charles Cox explained all appointments have been made under Ceremonial Items in the past, noting a motion will be necessary with a final Council vote.

Deputy Mayor Pro Tem Froehlich stated he has served on this board in the past, and asked City Council if anyone is interested in serving on the board. Council Member Reyes expressed interest in serving. Deputy Mayor Pro Tem Froehlich noted he supports Council Member Reyes being appointed to the board.

Council Member Norwood asked if the City is still in negotiations with City of Lewisville regarding an agreement for landfill expansion. City Manager Charles Cox explained there are no issues with the expansion permit, however; the city is still in the negotiation process with City of Lewisville.

After discussion, Council Member Norwood asked that Agenda Item G.3, regarding Resolution No. 2016-049 in support of the application of Windy Ridge, LLC. to the Texas Commission on Environmental Quality for a Municipal Settings Designation for property located at 1000 Lake Ridge Road in Lewisville, Texas, be tabled to the May 17, 2016, City Council meeting to allow the interlocal agreement to be finalized. City Council agreed to table this item to the next regular City Council meeting.

A.2 16-125 Discuss agenda items for future City Council meetings.

Deputy Mayor Pro Tem Froehlich asked for a future item to discuss Animal Shelter fees. Council Member Reyes asked for information regarding pet micro chipping services. Mr. Cox stated a future item regarding trash bins will be added to the May 17, 2017, City Council agenda as a study session item to allow for discussion. Council Member Norwood asked for discussion regarding City Council's future meeting calendar. Council Member Reyes asked for an update regarding the creek, as an Executive Session item.

A.3 16-113 Reception honoring Council Member Kirk Connally for his service as Farmers Branch City Council Member, District 4.

Mayor Phelps invited everyone to attend a reception in honor of Councilman Kirk Connally for three years of service as City Council Member District 4. Mayor Phelps noted the Council will recess into Executive Session prior to attending the reception which begins at 5:30 p.m. downstairs.

Council recessed into Executive Session at 3:22 p.m.

Mayor Phelps skipped to Agenda Item J., Executive Session.

J. EXECUTIVE SESSION

J.1 16-127 Council may convene into a closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding:

- *Discuss Economic Development Incentive for Project Echo*

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 north of Valley View Lane, east of Josey Lane, west of Denton Drive, and south of Farmers Branch Lane*

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

- *Personnel Matters - Discussion of selection process and criteria for appointment of a City Manager*

Mayor Phelps recessed from closed executive session at 4:24 p.m.

The Council attended a reception at 5:30 p.m. honoring Councilman Connally.

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

B. INVOCATION & PLEDGE OF ALLEGIANCE

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

C. CEREMONIAL ITEMS

C.1 16-130 Presentation of a proclamation declaring May as Motorcycle Safety and Awareness month in Farmers Branch.

Mayor Phelps presented a proclamation declaring May 2016 as Motorcycle Safety and Awareness Month.

C.2 16-122 Proclamation recognizing the month of May as Older Americans month in Farmers Branch.

Mayor Phelps presented a proclamation recognizing the month of May 2016 as Older Americans Month in Farmers Branch.

C.3 16-121 Proclamation recognizing the month of May as National Bike month in Farmers Branch.

Mayor Phelps read a proclamation recognizing the month of May as National Bike Month in Farmers Branch.

C.4 16-126 Consider accepting a donation from the Farmers Branch Rainbow Girls in the amount of \$1,500 to the Police Department K9 program; and take appropriate action.

Motion made by Mayor Pro Tem Connally to accept a donation from the Farmers Branch Rainbow Girls in the amount of \$1,500 for the Police Department K9 program. Motion seconded by Council Member Reyes. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

C.5 16-131 Consider Board and Commission appointments; and take appropriate action.

Motion made by Council Member Norwood to appoint Council Member Reyes to the Trinity River Authority's Central Wastewater Treatment System Advisory Committee and appoint Craig Hahn as alternate member. Motion seconded by Deputy Mayor Pro Tem Froehlich. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

Mayor Phelps skipped to Agenda Item K.

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 551.087 of the Texas Government Code to:

- *Personnel Matters - Discussion of appointment of a City Manager*

Mayor Phelps made a motion to appoint Charles Cox as City Manager and authorize a negotiated signed contract. Motion seconded by Deputy Mayor Pro Tem Froehlich. Motion prevailed by the following vote:

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

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 Council Member Norwood to authorize the City Manager to negotiate and execute on behalf of the City an economic development incentive agreement with Project Echo to provide: (1) ten years of annual economic development grants equivalent to a percentage of the property taxes assessed the company's business personal property in excess of the 2016 value as determined by the Appraisal District of 100% for years 1 and 2, 75% for years 3 and 4, 50% for years 5,6,7, and 25% for years 8-10; and (2) rebate/waiver of sewer charges for company utility accounts with over 75 million gallons, conditioned on the company purchasing and occupying the real property for a period of 10 years; (3) the minimum taxable value of the business personal property for years 1-5 of at least \$25 million and for years 6-10 at least \$50 million; and (4) that the standard City terms and conditions for incentive agreements to apply. Motion seconded by Deputy Mayor Pro Tem Froehlich. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

As a result of 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 north of Valley View Lane, east of Josey lane, west of Denton Drive, and south of Farmers Branch Lane*

Motion made by Deputy Mayor Pro Tem Froehlich that the City Manager be authorized to negotiate and execute a purchase and sale agreement to purchase 2645 Dixiana Drive Farmers Branch, Texas for \$125,000 plus customary costs of closing; and that the City Manager be further authorized to take such other actions and execute such other

documents necessary to close the transaction as deemed necessary by the City Attorney. Motion seconded by Mayor Pro Tem Connally. Motion approved by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

D. REPORT ON STUDY SESSION ITEMS

Council Member Reyes provided an update regarding Study Session items.

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

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

- There will be a Board and Commissions Recruitment event May 10th at 6 p.m. here at City Hall. The City is 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 all-new Farmers Branch Market grand opening is this Saturday, May 7 in The Grove at Mustang Station. 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, early May through the end of October.
- Another event happening this weekend, located at the Historical Park, is the Migratory Birds Bird Walk presented by Audubon Texas on Saturday the 7th from 9 to 11 a.m.
- Reminder today is last day of early voting and Election Day is May 7, 2016, with voting from 7 a.m. to 7 p.m.

F. CITIZEN COMMENTS

The following citizens wished to speak under Citizens Comments:

Jonas Greene, spoke in support of recycling program, but expressed concerns with Ordinance No. 3360, in regards to trash bins. Mr. Greene stated the bins keep wild animals from getting into trash bags, and asked City Council to review amending this ordinance.

G. CONSENT AGENDA

G.1 16-123 Consider approving minutes of the April 19, 2016, regular City Council meeting; and take appropriate action.

G.2 R2016-048 Consider approving Resolution No. 2016-048 accepting a grant from the Criminal Justice Division of the Governor's Office for Body-Worn Cameras in the amount of \$29,400 and authorizing a 25% grant match of \$7,350 from the City; and take appropriate action.

Motion made by Connally to approve Consent Items G.1, and G.2, as presented. Motion second by Council Member Norwood. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

- G.3** R2016-049 **Consider approving Resolution No. 2016-049 in support of the application of Windy Ridge, LLC. to the Texas Commission on Environmental Quality for a Municipal Settings Designation for property located at 1000 Lake Ridge Road in Lewisville, Texas; and take appropriate action.**

This item was tabled to the May 17, 2016, City Council meeting.

H. PUBLIC HEARINGS

- H.1** ORD-3367 **Conduct a public hearing and consider adopting Ordinance No. 3367 approving a Specific Use Permit for a nursing school facility located at 2711 LBJ Freeway; and take appropriate action.**

Community Development Director Andy Gillies briefed City Council regarding this item noting the applicant is proposing to create a Specific Use Permit for a nursing school facility to be located at 2711 LBJ Freeway. Mr. Gillies stated the applicant is proposing to redesign two floors of the Meridian Office Building to accommodate Arizona College Nursing School. He further explained this facility will be used to educate students pursuing a bachelor's degree in nursing. Mr. Gillies noted the site is located within the Planned Development Zoning District No. 74 (PD-74) which requires a Specific Use Permit by City Council.

Council Member Norwood asked what other occupant uses are within the building. Mr. Gillies explained neighboring uses are law offices, real estate, accountants, explaining it's compatible for a classroom type of use. Mr. Gillies further stated the parking is adequate for this type of use.

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

Motion made by Council Member Norwood to close the Public Hearing and adopt Ordinance No. 3367, as presented. Motion seconded by Mayor Pro Tem Connally. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

- H.2** ORD-3368 **Conduct a public hearing and consider adopting Ordinance No. 3368 approving text amendments to Article 8, "Definitions and Explanations Noted in Use Regulations" of the Comprehensive Zoning Ordinance; and take appropriate action.**

Community Services Director Andy Gillies briefed City Council regarding this item. Mr. Gillies explained with the recent redevelopment efforts of the East Side, staff has

determined necessary revisions to the Comprehensive Zoning Ordinance to encourage specific commercial activity. Mr. Gillies explained the intent to amend the ordinance, separates the two uses, Art Gallery and Museum, and divides them into individual categories with individual definitions for additional clarity and redevelopment flexibility. After discussion, Mayor Phelps opened the public hearing. There were no citizens that wished to speak.

Motion made by Mayor Pro Tem Connally to close the Public Hearing and adopt Ordinance No. 3368, as presented. Motion seconded by Deputy Mayor Pro Tem Froehlich. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

I. REGULAR AGENDA ITEMS

- I.1 R20146-046 Consider approving Resolution No. 2016-046 authorizing execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 2707 Farmers Branch Lane; and take appropriate action.**

Managing Director John Land briefed City Council regarding this item. Mr. Land explained the applicant is applying for Demo Rebuild Option Two, an incentive equal to 10 times the amount of the increase in City property tax paid on the difference between the original home appraised value prior to demolition and the value of the new construction, as determined by the Dallas County Appraisal District for the year following completion of construction. The City will pay up to one-half of the estimated incentive at the time the owner closes on the permanent financing of the new home following completion of construction, if requested. Mr. Land introduced the applicant Mr. Jerry Smith. He asked for Council's approval for this incentive agreement noting he is a long time resident of Farmers Branch. Mr. Land stated this is our 44th participant in the Demolition Rebuild Program noting 42 have moved forward with construction, noting the program is very strong.

After discussion, Deputy Mayor Pro Tem Froehlich made a motion to approve Resolution No. 2016-046, as presented. Motion seconded by Mayor Pro Tem Connally. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

I.2 ORD-3369

Consider adopting Ordinance No. 3369 authorizing the issuance of City of Farmers Branch, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2016, in an aggregate principal amount not to exceed \$2,600,000 for public safety improvements, equipment and supporting systems for the Farmers Branch Justice Center; awarding the sale of the Certificates, levying a tax in payment thereof and providing for the security for and payment of said Certificates; approving the official statement and a paying agent/registrars agreement; enacting other provisions relating thereto; declaring an effective date; and take appropriate action.

City Manager Charles Cox briefed City Council regarding this item. Mr. Cox introduced Mr. W. Boyd London, Jr. who reviewed the Bond Rating results, noting the City of Farmers Branch received AA+ Rating, noting this is a great rating. He recommended City Council review and consider approval. Mr. London reviewed First Southwest Company "Bond Buyer's Index, Bids submitted via PARITY Results, Bond Debt Service Final Pricing Rates, Bond Pricing, and Bond Summary Statistics. Mr. Boyd noted the following rating of AA+ reflects the following opinion of Farmer's Branch:

- Strong economy, with access to the broad and diverse DFW/Arlington metropolitan statistical area (MSA).
- Adequate budgetary performance, with an operating surplus in the general fund balance in FY 2015 of 25% of operating expenditures;
- Very strong budgetary flexibility, with an available general fund balance in FY 2015 of 25% of operating expenditures;
- Very strong liquidity, with total government available cash and investments at 47.2% of total adjusted governmental fund expenditures and 6.0x governmental debt service;
- Very strong management with "strong" financial policies and practices under our financial management assessment (FMA) methodology;
- Strong debt and contingent liability position, with debt service carrying charges at 7.8% of adjusted expenditures and net direct debt that is 63% of adjusted total governmental fund revenue, as well as rapid amortization of principal; and
- Strong institutional framework score.

After discussion, Deputy Mayor Pro Tem Froehlich made a motion to adopt Ordinance No. 3369, as presented. Motion seconded by Council Member Reyes. Motion prevailed by the following vote:

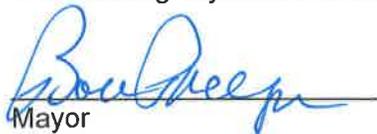
Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

L. ADJOURNMENT

Motion made by Mayor Pro Tem Connally to adjourn the meeting at 6:53 p.m. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

Aye: 4 - Mayor Pro Tem Connally, Deputy Mayor Pro Tem Froehlich, Council Member Reyes, Council Member Norwood

The meeting adjourned at 6:53 p.m.


Mayor

ATTEST:


City Secretary

