City of Farmers Branch

Meeting Minutes

City Council

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

Tuesday, September 20, 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 - Mayor Pro Tem Harold Froehlich, Deputy Mayor Pro Tem Ana Reyes, Council Member John Norwood, Council Member Terry Lynne, Council Member Mike Bomgardner

Staff: - Charles Cox City Manager, John Land Deputy City Manager, Amy Piukana City Secretary, Braeden Metcalf City Attorney, David Hale Police Chief, Stephanie Hall Economic Development Assistant, Andy Gillies Community Services Director, Randy Walhood Public Works Director, Hugh Pender Building Official, Shane Davis Environmental Services and Solid Waste Manager, Steve Parker Fire Chief, Tim Dedear Deputy Fire Chief/Fire Marshal, Brian Beasley Human Resource Director, Sherrelle Evans-Jones Finance Director, Jeff Harting Parks and Recreation Director, Charles Cancellare Parks Superintendent

A. STUDY SESSION

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

A.1 16-241 Discuss regular City Council meeting agenda items.

Council Member Norwood asked if Agenda Item H.2 (Ord-3377) and Agenda Item I.1 (R2016-058) could be combined into one motion. Mr. Gillies replied tonight City Council will conduct a Public Hearing and vote on both Ordinance No. 3377 and Resolution 2016-058, the detailed site plan.

Council Member Bomgardner asked for clarification regarding Agenda Item G.7, (John F. Burke Nature Preserve), asking if funding is being approved with tonight's plan. Parks and Recreation Director Jeff Harting replied, explaining tonight the City is

adopting the John F. Burke Master Plan explaining no funding is being authorized at this time. He further stated the goal is to first adopt a plan, then apply for future grant funding opportunities.

Council Member Bomgardner had questions regarding masonry requirements and code definitions. Mr. Gillies explained tonight's project is using 80% of either brick or stone, noting PD-90 does not include stucco. Mayor Pro Tem Froehlich asked for future discussion regarding masonry (stucco and stone) requirements.

Council Member Bomgardner noted he met with a Developer noting we may need to ease restrictions, and allow a more alcohol friendly permitted use. Mr. Gillies noted this will be a future agenda item for discussion.

Council Member Lynne asked for clarification regarding Agenda Item G.6, asking if this is a new service. City Manager Charles Cox explained this agreement allows for an annual maintenance agreement.

Deputy Mayor Pro Tem Reyes asked about the settlement timeline regarding the Harris radio issues. Mr. Cox explained Harris will provide a final invoice, then the City will negotiate off the price of the invoice, as a settlement.

A.2 16-239 **Discuss the City Manager's balanced budget and organizational funding requests related to the adoption of the Farmers Branch 2016-17 fiscal year budget.**

Council Member Bomgardner noted the following line items are big line items, the Bloomin Bluegrass, Stars and Strings, and Independence Day event. Council Member Bomgardner suggested charging for tickets to help offset costs.

Council Member Lynne suggested getting more businesses involved and to obtain corporate partners to share in event costs. He further suggested using marketing to be strategic. He noted you must identify businesses to help generate additional revenue instead of charging a fee. He explained a fee might offset attendance of the event.

Mr. Harting explained a presentation will be brought forward regarding Special Events, to establish philosophy and review ideas to generate revenue and discuss City Council foundation and philosophy.

A.3 16-249 **Discuss and receive an update regarding the construction status on the Joint Fire Training Facility and discuss a request from Addison Fire Department to become a partner in the Fire Training Facility project.**

Fire Chief Steve Parker briefed City Council regarding this project, he noted everything is on time and within budget. He noted the initial business plan included Carrollton, Coppell, Farmers Branch, and Addison Fire Departments. He further stated three of the four cities approved moving forward with the project; however, the Town of Addison at that time failed to provide funding to allow their participation. He noted in 2014, this was considered a

four (4) city project. Chief Parker noted with a new budget in place, the Town of Addison has petitioned for re-inclusion on this project. The Carrollton, Coppell, and Farmers Branch Fire Chiefs and City Managers are in support of this request. He noted if Addison is allowed to buy in, it will allow us to have a total of $11,105.00 in savings. He noted capital costs will go down.

After discussion, City Council agreed to move forward with the interlocal agreement to incorporate the Town of Addison.

A.4 16-251 **Receive an update from Community Services outlining the proposed Implementation Plan for enforcement of the recycling cart screening requirement.**

Building Official Hugh Pender briefed City Council noting as of October 1, the City will begin to enforce the screening requirements for recycling containers. He noted the following implementation plan is being proposed.

Step one, in September the Code Officers are utilizing the existing two sided (English/Spanish) door hangers to address the recycling carts that are improperly screened.

Step two, a mass mailed letter will go out to every resident informing them about the recycling program, its requirements and deadlines regarding set out and retrieval times and the screening options.

Step three, the City will utilize the mobile LED message boards throughout the central area of the City with a short message reminding everyone about the October 1st cart screening deadline. Public Works will be the initial contact point for questions regarding this program.

Step four, October 1st through 15th the Code Enforcement Officers will transition to a neon yellow sticker placed directly on the carts.

Step five, October 16th through the 31st the Code Enforcement Officers will use a neon red sticker placed directly on the carts. This sticker will serve as the final notice, and specify that the cart will be picked up by a certain date if not screened. The pickup date will be after October 31st. He noted the contractor will pick up carts.

Council Member Bomgardner noted a citation would also obtain the objective with the goal of encouraging everyone to recycle. Mayor Pro Tem Froehlich stated he does not want, citations issued. Council Member Lynne agreed that citations were too extreme, in his opinion, we should provide bin pick up.

Mr. Cox explained Mr. Davis conducted a brief survey, noting approximately 1,500 recycle bins were visible and need screening. Council Member Bomgardner suggested the City work with ACE Hardware to assist with screening structures

After discussion, Mayor Pro Tem Froehlich and Deputy Mayor Pro Tem Reyes approved moving forward with the step process presented tonight. Council Member Lynne asked that City Council review this item again in November to see if any tweaks are necessary.

A.5 16-242 **Discuss agenda items for future City Council meetings.**

Deputy Mayor Pro Tem Reyes asked for an update regarding a mulching program. Mr. Davis noted the Sustainability Committee is currently reviewing and will provide an update at a future City Council meeting. Council Member Norwood asked for a quarterly Economic Development update to include the west side and any PID updates. Mayor Pro Tem Froehlich asked to review the Demo Rebuild program at next City Council meeting. Council Member Bomgardner asked that a School Board real estate discussion be set for a future meeting. Mr. Cox noted he plans to invite the DISD Superintendent out to provide an update on school renovations. Deputy Mayor Pro Tem Reyes asked if the City Council could review the renewal of the Library Contract. Council Member Lynne asked for discussion regarding decorative street lighting.

Mayor Phelps recessed for a break at 4:26 p.m. Mayor Phelps reconvened at 4:38 and skipped to Agenda Item J.1, to deliberate in closed executive session for the following item.

J. EXECUTIVE SESSION

J.1 16-228 **Council may convene into a closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate regarding:**

- ***Deliberate regarding the purchase, exchange, lease, or sale, or value of real property located east of I-35, south of Valley View, west of Josey Lane, and north of 635.***

City Council recessed from closed Executive Session at 5:21 p.m.

Mayor Phelps called the regular meeting to order at 6:00 p.m.

B. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Froehlich led the invocation and provided the Pledge of Allegiance.

C. CEREMONIAL ITEMS

C.1 16-245 **Consider accepting a donation from the Walmart Community Grant Program in the amount of $10,000 for the Farmers Branch Firehouse Theatre; and take appropriate action.**

Mayor Phelps announced the City of Farmers Branch received the following awards. The Walmart Community Grant Program awards grants through Walmart stores, Sam's Clubs and Logistics facilities to eligible nonprofit organizations operating within the service area

of the facility from which they are requesting funding. Walmart considers it a responsibility to make a positive impact in the communities they serve, and it is with great honor that the Walmart Community Grant Program has awarded $10,000 to the Farmers Branch Firehouse Theatre.

Motion made by Mayor Pro Tem Froehlich to accept a donation in the amount of $10,000 for the Farmers Branch Firehouse Theatre project. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

C.2 16-248 **Presentation by Mayor Phelps on behalf of the City-County Communications & Marketing Association (3CMA) awards to the City of Farmers Branch, and presentation of the 2016 Communicator of the Year Award to Communications Director Tom Bryson.**

Mayor Phelps announced the City of Farmers Branch received the following 3CMA Awards: Third place in the USA for Economic Development Update Series (Regular Scheduled Series), Police Recruiting Video (Promotional), and Branch Bulletin (Digital Interactive). The City of Farmers Branch won Savvy (Best in Nation) for Farmers Branch is Excited About Recycling PSA.

Mayor Phelps presented Communications Director Tom Bryson with 2016 3CMA Communicator of the Year Award.

D. REPORT ON STUDY SESSION ITEMS

Council Member Lynne provided a report on study session items. Mayor Phelps asked for prayers for the family of former City Council Member Fred Johnson who passed away this week.

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

City Manager Charles Cox announced the following items of community interest:

- Date Night in the Park is coming back to the Farmers Branch Historical Park on Saturday, September 24. Gates open at 5:30 p.m. and admission is free. Live music from Statesboro Revue will serenade daters while they peruse the anticipated 15 food trucks that will be on site for dinner and snack offerings. After dark, the outdoor screen will come alive with the feature film "Me Before You." Find out more at fbspecialevents.com.
- National Night Out is coming on Tuesday, October 4 and all neighborhoods are invited to get together and spend the evening outdoors to present a united front against crime in our residential areas. Block parties are encouraged to register at 972.919.9304. Registered parties will have members of the Police and Fire Departments along with elected officials and members of the City staff come by to say hello.

- And, because National Night Out is Tuesday, October 4, the City Council meeting regularly scheduled for that day will be moved up 24 hours to Monday, October 3, 6 p.m., here at City Hall in this room.
- On the front page of the City's website at farmersbranchtx.gov is a new link, labeled "City Records Archive" where employees and members of the community can access all manner of City records online. City Council packets, dating back to 1961, are available for perusal. Also, hand written minutes going back to the first-ever meeting of the Farmers Branch Town Council in 1946 can be found there. Other information includes ordinances, resolutions, Planning & Zoning agenda packets and minutes, along with Zoning Board of Adjustment packets and minutes. For more information, call the City Secretary's office at 972.919.2503.
- Vouchers are still available for the Dallas County Household Hazardous Waste collection event to be held in Farmers Branch, October 8. Residents can pick up vouchers here at City Hall on a first-come, first-served basis until they are gone. Call Public Works for more information at 972.919.2597.
- You can sign up for eNews at farmersbranchtx.gov to have current City news and information delivered directly to your eMail box.

F. CITIZEN COMMENTS

The following citizen spoke under Citizen Comments:

Former Mayor John Dodd spoke regarding his approval of the City budget, TMRS Retirement, and suggested a tax rate decrease for the middle class.

G. CONSENT ITEMS

G.1 16-240 **Consider approving minutes of the special called City Council meeting held on August 29, 2016 and the regular meeting held on September 6, 2016; and take appropriate action.**

G.2 16-244 **Consider excusing the absence of Deputy Mayor Pro Tem Ana Reyes from the August 16, 2016 City Council meeting; and take appropriate action.**

G.3 ORD-3391 **Consider adopting Ordinance No. 3391 approving the 2016 tax roll certified by the Dallas Central Appraisal District; and take appropriate action.**

G.4 TMP-1901 **Consider a request for final plat approval of Commercial Equipment Addition, Lot 1, Block A; and take appropriate action.**

G.5 ORD-3396 **Consider adopting Ordinance No. 3396 amending the City of Farmers Branch Code of Ordinances, Chapter 82, Traffic and Vehicles, Article II, Division 6, Section 82-95, establishing a no parking zone on the 2200 block of Delegate Drive; and take appropriate action.**

G.6 R2016-084 **Consider approving Resolution No. 2016-084 authorizing the City Manager to enter into an agreement with Harris Corporation for**

terminal maintenance of all Harris portable and mobile radios for the City of Farmers Branch; and take appropriate action.

G.7 R2016-086 **Consider approving Resolution No. 2016-086 adopting the John F. Burke Nature Preserve Master Plan; and take appropriate action.**

Mayor Pro Tem Froehlich moved to approve Consent Items G.1 through G.7, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

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

H. PUBLIC HEARINGS

H.1 ORD-3390 **Conduct a public hearing and consider adopting Ordinance No. 3390 amending Planned Development District 88 (PD-88) for Tract 3 and adopting a Conceptual Site Plan for the property located at 4100 and 4141 Blue Lake Circle and 4020, 4040 and 4100 McEwen Drive; and take appropriate action.**

Mayor Phelps announced the applicant has requested to continue the Public Hearing to the October 3, 2016 City Council meeting.

Motion made by Mayor Pro Tem Froehlich to continue the public hearing at the October 3, 2016 City Council meeting. Motion seconded by Council Member Norwood. Motion prevailed by the following vote:

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

H.2 ORD-3377 **Conduct a public hearing and consider adopting Ordinance No. 3377 amending Planned Development District 90 (PD-90) for Tract 3 and adopting a Conceptual Site Plan for the property located at 4100 and 4141 Blue Lake Circle and 4020, 4040 and 4100 McEwen Drive; and take appropriate action.**

Mayor Phelps announced this is a continued Public Hearing from the September 6, 2016 City Council meeting. Community Services Director Andy Gillies briefed City Council regarding this item together with Agenda Item I.1, R2016-058 (Detailed Site Plan). Mr. Gillies noted PD-90 district was created in 2007 to allow residential uses in the entire 40.4898 acres south and east of Alpha Road, west of Midway Road and north of Blue Lake Circle and to foster the development of a mixed-use community of urban-style multifamily residential, retail and office uses. He noted the entire area of PD-90 allows the development of up to 2,000 apartment units or condominium homes and requires a minimum of 33 square foot of retail spaces for every dwelling unit throughout the district and a minimum of 30,000 square feet of retail concentrated in the heart of the project,

within Tract 3 - approximately 16 acres between McEwen Drive and Blue Lake Circle. The PD-90 Conceptual Site Plan illustrates the future development as a live-work multi-family residential community with a required commercial component.

Mr. Gillies noted the current zoning amendment is referring only to Tract 3, a rectangle shaped tract bordered by Blue Lake Circle and McEwen Drive. The intent of this proposed amendment is to adjust the Conceptual Site Plan to accommodate the proposed Detailed Site Plan for a new mixed-use development project known as "Midway Urban Village". Midway Urban Village is a proposed mixed-used community containing: 586 multifamily dwelling units and 17,840 sf of retail. Mr. Gillies noted the two main differences between the existing and proposed Conceptual Site plans are: The proposed alignment of the new internal east-west private street would be modified. The proposed new street would have a direct configuration, going straight from both sides of McEwen Drive and extending Greenview Boulevard southward. This new alignment eliminates the artificial water feature. Mr. Gillies explained PD-90 zoning requires a minimum of 30,000 square feet of retail for Tract 3. The applicant is proposing to develop 17,840 square feet of retail in the first floors of two buildings and in the proposed clubhouses. Additionally, the applicant is proposing 5 'retail-ready" units (4,567 square feet) that will be built to commercial standards. The units could be converted to retail use if needed in the future, but would be allowed to be used as dwelling units until such time. The proposed amendment would establish a requirement of minimum 30 square feet of retail for every proposed dwelling unit within Tract 3, reducing the required retail for Tract 3 to 17,840 square feet. Mr. Gillies outlined other minor changes which will include commercial and retail that would not be restricted only to street level. Individual leasing offices and clubhouses will be permitted and allowed to be one or two stories in height. The requirement for installing street landscaping on the opposite sides of the streets bordering Tract 3 would be waived. Surface parking would be allowed to exceed 10% of the required parking. Requirements for screening the off-street loading areas would be waived. The standards for signage would be determined by the Detailed Site Plan. Increasing masonry requirements to 75% for all buildings. The requirement for a minimum clear width of 8 feet for all sidewalks would be waived. Mr. Gillies explained all these changes are included in the chapters for Building Volume Regulations, Site Coverage and Landscape, Parking, Loading, Signs and Exterior Materials to better accommodate the proposed Detailed Site Plan. Sixteen (16) zoning notification letters were mailed to the surrounding property owners on August 10th, 2016. Three (3) zoning notification signs were also placed on the site on the same day. A public notice was published in Dallas Morning News on August 19th, 2016. As of September 13th, no letters of opposition have been received by the City.

Council Member Lynne moved to close the Public Hearing. Motion seconded by Council Member Reyes. Motion approved by the following vote:

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

Council Member Norwood made a motion to adopt Ordinance No. 3377, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

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

I. REGULAR AGENDA ITEMS

I.1 R2016-058 **Consider approving Resolution No. 2016-058 for a Detailed Site Plan for a mixed-use development located at 4100 and 4141 Blue Lake Circle and 4020, 4040 and 4100 McEwen Drive; and take appropriate action.**

Community Services Director Andy Gillies briefed City Council regarding this item. This 16.140 acre site is comprised of 5 lots, 4 corner lots and one lot around Blue Lake. The site is located within Planned Development Distract No. 90 (PD-90). In 2007, the City approved the Planned Development No. 90 (PD-90) for an approximately 40-acre area between Alpha Road, Midway Road and Blue Lake Circle to be completely redeveloped into a mixed-use community. The Conceptual Site Plan for PD-90 illustrates the future development as a combination of live-work multi-family residential community with a required commercial component. This original Site Plan included 500 to 900 dwelling units and 30,000 sf of retail space. The applicant, Leeds Real Estate Services Inc., is proposing to remove the four existing office buildings and create a new mixed-use development called "Midway Urban Village" in two phases. Phase One will include the north and east tracts. Phase Two will include the south west corner. Three buildings (Lot B, C and D) will be wrapped around 2-level garage structures / parking facilities and one lot (Lot A) will be designed as a rentable townhome community with individual garages for each unit. There are also two information centers / clubhouses proposed on this site. The overall proposed site coverage is 74%. The Site Plan places the four buildings around a new interior private street that cuts through the tract north of Blue Lake connecting McEwen Drive on both sides parallel with Blue Lake Circle. The primary design element for Tract 3 is the existing water feature known as "Blue Lake".

The applicant, Leeds Real Estate Services Inc., is proposing Midway Urban Village to be constructed in two phases. Mr. Gillies noted Phase I, will consist of approximately 12.014 acres and three lots (Lot A, B and C) plus an information center with a clubhouse. Phase I, includes 351 dwelling units.

Mr. Gillies explained Lot A, has a special layout being a community of rentable 3-story townhomes with individual units and mixed use buildings with first floor retail and apartment units in two extra upper floors. Lot A will contain 70,036 sf of multifamily and 5,679 sf of first-floor retail. He noted 66 units (96% one bedroom) are proposed: 52 rentable townhomes (1,238 sf in area) and 14 apartment units (690 sf to 1,250 sf in area) are proposed for this area. The townhomes will take full advantage of lake views and frontage along Midway Road. Mr. Gillies explained Lot B is located at the northeast corner, consists of one building containing 145,057 sf of multifamily and 5,161 sf of retail, wrapped around a 2-level parking garage (191 parking spaces) and a courtyard (4,382 sf). 163 units (67% one-bedroom) are proposed for Lot B. In addition to the dedicated 5,161 sf of retail, the applicant is proposing 5 "retail-ready" units (4,567 square feet) to be built to commercial standards and will be ready to be used under a potential retail demand in the future. The initial use of these 5 units will be residential. The retail portion is distributed

along the interior street, on the southern side of the building. Mr. Gillies noted Lot C will consist of one building at the northwest corner, containing 99,878 sf of multifamily wrapped around a 2-level parking garage (167 parking spaces) and a courtyard (2,577 sf). 122 units (79% one bedroom) are proposed for Lot C. No retail space is proposed within this building.

Mr. Gillies noted Phase II, will consist of 4.126 acres on the southwest corner of the block and contains one building (Building D) plus an information center with a clubhouse. The lot coverage for this Phase will be 83%. Phase Two will include 235 dwelling units. Mr. Gillies noted Lot D will contain 211,436 sf of multifamily and 235 units (48% one bedroom). The building on Lot D will be wrapped around a 2-level parking garage (298 parking spaces) and an internal courtyard (7,256 sf). No retail space is proposed within this building. This building will take full advantage of the lake view. Two additional semi-open courtyards are proposed to face the lake. To the south east corner of this building is placed the clubhouse with the information center for Phase Two (3,500 sf). All exterior building façades will be at least 80% masonry product (brick). Estimated cost for this proposed development is $85 million. He noted Midway Urban Village will incorporate both structured and on-street parking. Mr. Gillies explained the 920 on-site parking spaces are proposed (1.56 spaces per dwelling unit), meeting City parking requirements. He noted 82.6% of the proposed on-site parking is within structured parking or individual garages (760/920 spaces): 104 parking spaces for Lot A are within individual garages for each townhome unit, 191 parking spaces for Lot B, 167 parking spaces for Lot C and 298 parking spaces for Lot D. He noted all parking garages will have access from the interior street. Lot A, C and D will have two access points including access points from McEwen Drive and Blue Lake Circle in addition to the new interior street access point.

Mr. Gillies reviewed the PD Amendments noting the major amendments are the alignment of the new East-West Street and Greenview Boulevard, and the reduction of retail requirement to 30sf/DU and minimum 17,840 sf. He noted the minor amendments include an office and retail not limited to street level, leasing office/clubhouses permitted to be one or two story, surface parking allowed to exceed 10% (DSP proposed 20%), increase masonry requirements to 75% (PD-90 requires 60%), 8' sidewalk requirement waived for some areas, establish special sign package for Midway Urban Village.

Mr. Gillies explained the Midway Urban Village proposed a mixed-used community of 586 multifamily units (alone and two bedroom apartments) 3 and 4-story high buildings, and 17,840 sf of first floor retail in the two eastern buildings. The total number of trees on this site will be 380.

Council Member Lynne asked if a payday loan would be a permitted use and if the parking spots would be head in parking places or parallel. Mr. Gillies replied payday loans are not currently permitted in PD-90. However; City Council could amend if necessary. He further stated the parking is head in parking not parallel.

Mayor Pro Tem Froehlich asked about safety and security when accessing this property, noting his concerns with the possibility of thefts with the freeway location. Mr. Gillies replied that a security gate has not been proposed.

Deputy Mayor Pro Tem Froehlich asked if the Developer has requested a reduction in retail percentage. Mr. Gillies confirmed the Developer has asked for a minimal reduction to the retail percentage.

Deputy Mayor Pro Tem Reyes asked if the site would allow for future events. Mr. Gillies replied that the site is very tight, however; we could work with management to adjust the parking spaces to allow food trucks.

The applicant Jason Leeds with Leeds Real Estate Services, Inc., briefed City Council regarding this item. Mr. Leeds provided a brief bio of his family, education, and career overview including development projects.

Council Member Lynne asked Mr. Leed if he will oversee the management. Mr. Leed noted he will oversee construction management and marketing. Council Member Lynne asked how to assure residents are utilizing appropriate parking. Mr. Leed noted resident parking stickers could be issued to manage parking.

Council Member Bomgardner asked what rent prices will be charged. Mr. Leeds replied $1,600 per month, is the targeted rent price.

Mayor Pro Tem Froehlich explained he has two concerns 1) the structured parking on the second level being utilized during summer time, and 2) the non-climate hallway entrances only have one door to an open hallway. He noted this would be very hot in the summer and cold in the winter months. Mr. Leed explained Block A has tuck under garages. He noted residents that use the upper parking will have the benefit of a reduced rental rate.

Council Member Bomgardner asked if a key card would be required to use the elevator and gate. Mr. Leeds explained it is required to access these areas.

Deputy Mayor Pro Tem Reyes asked what the reasoning was to not air condition or heat the hallways and if security cameras would be available. Mr. Leeds explained one big solid wall would be architecturally unpleasing, and difficult to maintain. He further stated cameras would be centered on pools and retail areas offering some security.

Council Member Norwood asked about the completion timeline. Mr. Leeds explained 24 months is the estimated timeline.

Deputy Mayor Pro Tem Froehlich asked if pets are allowed and how they are managed. Mr. Leeds replied pets are allowed and the property management provides pet bags for waste disposal. He further stated it's up to the management company to enforce pet regulations.

Council Member Bomgardner asked if alcohol sales is available at this site. Mr. Gillies explained special overlays can be created and explained City Council will receive an update regarding alcohol overlays at the next City Council meeting.

Motion made by Council Member Bomgardner to approve Resolution No. 2016-058, as presented. Motion seconded by Mayor Pro Tem Froehlich. Motion approved by the following vote:

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

I.2 ORD-3393 **Consider adopting Ordinance No. 3393 amending the City's Operating and Capital Improvement Program Budget for the 2015-16 fiscal year; and take appropriate action.**

City Manager Charles Cox briefed City Council regarding this item noting Ordinance No. 3393 amends the 2015-16 fiscal year operating and capital budget to a level that is consistent with the City's most current estimate of revenues and expenditures.

Council Member Lynne noted there is an increase in red light revenue, asking if the City plans to expand the red light cameras. Mr. Cox replied explaining the red light cameras are not expanding and are used to increase public safety.

Deputy Mayor Pro Tem Reyes made a motion to approve Ordinance No. 3393, as presented. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

I.3 R2016-089 **Consider adopting Resolution No. 2016-089, authorizing the City Manager to execute an agreement with the City of Lewisville regarding future payment for the construction of Huffines Road as part of the Special Use Zoning application for the expansion of Camelot Landfill; and take appropriate action.**

Environmental Services and Solid Waste Manager Shane Davis briefed City Council regarding this item. Mr. Cox noted this is part of the SUP application with City of Lewisville to expand Camelot Landfill, noting the City is required to participate in the construction of Huffines Road in Lewisville.

Motion made by Council Member Bomgardner to approve Resolution No. 2016-089, as presented. Motion seconded by Mayor Pro Tem Froehlich. Motion prevailed by the following vote:

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

I.4 ORD-3392 **Consider adopting Ordinance No. 3392 amending the Farmers Branch Code of Ordinances, Appendix A – Fee Schedule, relative to fees established pursuant to Chapter 50 "Parks and Recreation," Section 50-41 "Parkes and Recreation User Fees," and Chapter 86 "Utilities," Article IV "Service Rates and Billing Procedure," Section 86-276 "Water Service Rates" and Section 86-277 "Sewer Rates," and take appropriate action.**

Mr. Cox briefed City Council regarding this item. Mr. Cox noted City Administration has reviewed the City's fees for the Historical Park facility and has determined a need to assess a fee for school tours of the facility of $3.00 per person to help offset staff costs in providing the tour(s). This fee will not be assessed to a school located in Farmers Branch or the Carrollton/Farmers Branch ISD.

City Administration has also reviewed the City's current water and sewer rate structure and has determined that it is not sufficient to address annual operating, capital and reserve requirements. The proposed budget contains a water and sewer rate increase of 9% included in revenue projections, which is necessary to help offset increases by both Dallas Water Utilities and the Trinity River Authority for the contracted purchase of treated water and wastewater disposal. Mr. Cox noted this rate increase is necessary to maintain the financial stability of the Water & Sewer Fund.

The monthly utility bill of an average residential customer with 10,000 gallons of water consumption, considering both the water and sewer rate change, will increase from $88.03 to $95.94 for a change of $7.91 per month.

Council Member Lynne asked if the rate increase is due to negotiations between Dallas and Trinity River Authority. Mr. Cox explained the increase is due to negotiations and litigation between Dallas Water Utilities and Sabine River Authority.

Council Member Lynne asked if after the litigation settles, if outcome favors reimbursement, will those funds go back to the City. Mr. Cox explained after the settlement and depending on the results, these funds could be refunded back to Dallas Water Utilities and reallocated to the cities in the form of a rate decrease. He further stated it would depend on the case.

Mayor Pro Tem Froehlich noted these rates are passed on to the cities and all cities are having to participate in the waste water charge.

Council Member Norwood asked if $3.00 Historical Park fee goes to a special account. Mr. Cox explained currently these monies are allocated to the General Fund. Council Member Norwood asked if we could allocate the $3.00 fee to the Historical Park fund. Mr. Cox explained they could be allocated to the Hotel Motel Fund for this purpose.

Council Member Norwood made a motion to approve Ordinance No. 3392, as presented. Motion seconded by Council Member Bomgardner. Motion prevailed by the following vote:

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

I.5 ORD-3394 **Consider adopting Ordinance No. 3394 approving and adopting the Operating and Capital Improvement Program Budget and Strategic Plan for the 2016-17 fiscal year; and take appropriate action.**

City Manager Charles Cox briefed City Council regarding this item, noting tonight City Council will approve and adopt a budget and strategic plan for the fiscal year beginning October 1, 2016 and ending September 30, 2017.

Mayor Pro Tem Froehlich made a motion to approve Ordinance No. 3394, as presented. Motion seconded by Council Member Norwood.

Motion prevailed by the following roll call vote:

Deputy Mayor Pro Tem Reyes – Aye, Mayor Pro Tem Froehlich – Aye, Council Member Norwood - Aye, Council Member Bomgardner - Aye, Council Member Lynne – Aye.

Motion approved 5-0.

I.6 R2016-083 **Consider approving Resolution No. 2016-083 ratifying the property tax revenue increase reflected in the 2016-17 fiscal year budget; and take appropriate action.**

Mr. Cox briefed City Council regarding this item. Texas Local Government Code Section 102.007(c) requires that adoption of a budget that raises more property tax revenue than was generated the previous year requires a record vote of the City Council to ratify the property tax revenue increase reflected in the budget in addition to and separate from the votes to approve the ordinance adopting the annual budget and the ordinance adopting the tax rate for the current tax year.

Public hearings concerning the proposed tax rate were held on August 16, 2016 and September 6, 2016. A public hearing concerning the proposed budget was also held September 6, 2016. All applicable laws and City Charter provisions necessary for adoption of the budget have been followed.

Motion made by Deputy Mayor Pro Tem Froehlich to approve Resolution No. 2016-083. Motion seconded by Deputy Mayor Pro Tem Reyes.

Motion prevailed by the following roll call vote:

Deputy Mayor Pro Tem Reyes – Aye, Mayor Pro Tem Froehlich – Aye, Council Member Norwood - Aye, Council Member Bomgardner - Aye, Council Member Lynne – Aye.

Motion approved 5-0.

I.7 ORD-3395 **Consider adopting Ordinance No. 3395 to levy and adopt the tax rate for Fiscal Year 2016-17; and take appropriate action.**

Mr. Cox briefed City Council regarding this item. Mr. Cox noted the calculated effective tax rate for the City is $0.590846. The calculated effective maintenance and operations rate for the City is $0.502822. The calculated rollback tax rate for the City is $0.630047. The calculated rollback maintenance and operations rate for the City is $0.543047. The calculated debt rate under this section is $0.087000.

Adopting a proposed rate of $0.6056 to support debt related to Justice Center improvement bonds issued in May 2016 represents a $.003333 (1/3 of one-cent) tax rate change from the previous tax year. It was originally determined that if this rate were approved, the entire increase would be used to support debt service and calculations were based on this assumption. If this rate is adopted and the entire increase is used to support debt service, the tax rate will exceed the effective rate calculated under Tax Code – Chapter 26 by 2.50% and will raise more taxes for maintenance and operations than last year's tax rate. The maintenance and operations portion of the tax rate will effectively be raised by 2.20% and will raise taxes for maintenance and operations on a $100,000 home by approximately $0.00. Under this scenario, the $0.6056 tax rate will be distributed as follows: $0.513897 per $100 of assessed value for general fund maintenance and operations distribution and $0.091703 per $100 of assessed value for debt service distribution. [Note: If a rate of $0.6056 is adopted and funds are used for maintenance and operations instead of debt service, the tax rate will raise more taxes for maintenance and operations than last year's tax rate by 3.14% and will raise taxes for maintenance and operations on a $100,000 home by approximately $4.70. Distribution of the $0.6056 tax rate under this scenario, is: $0.5186 per $100 of assessed value for general fund maintenance and operations distribution and $0.087 per $100 of assessed value for debt service distribution.

After discussion, Council Member Lynne moved that the property tax rate be increased by the adoption of a tax rate of $0.592267, which is effectively a 0.24% increase in the tax rate. Motion seconded by Mayor Pro Tem Froehlich. Motion prevailed by the following roll call vote:

Deputy Mayor Pro Tem Reyes – Nay, Mayor Pro Tem Froehlich – Aye, Council Member Norwood - Nay, Council Member Bomgardner - Nay, Council Member Lynne – Aye.

Motion failed 2-3 vote.

Council Member Bomgardner noted the City needs monument entrance signs, a marketing person and has had to provide raise increases to Police and Fire Personnel. He explained he does not support a tax reduction in this minimal of an amount, which he believes to be around $1, a month.
Deputy Mayor Pro Tem Reyes asked if the proposed budget includes the Police Department security costs. Mr. Cox explained the proposed budget absorbs the Police Department security upgrades.

Mayor Phelps agreed with Council Member Bomgardner noting the City needs to use the funds to invest in the City's future.

Council Member Lynne explained dollars add up noting water bills are increasing and the School District is proposing higher tax rates. Council Member Lynne suggested reducing rates and re-evaluating the budget at mid-year.

Council Member Bomgardner explained if the tax rate is reduced, the cut would be in Economic Development. He noted other cities have resources, it's very difficult for Farmers Branch to compete for businesses, and the City needs a marketing person.

Council Member Norwood explained consultants have recommended adding a marketing person, and noted the landfill is expanding and an additional trained employee is necessary to move the City forward. He noted we could review again at mid-year

Mayor Pro Tem Froehlich explained we have $3 million dollars in our Economic Development fund. He further stated you are not taking away from current City services and any changes could be reviewed at mid-year budget.

After discussion, Council Member Norwood moved that the property tax rate be increased by the adoption of a tax rate of $0.602267, which is effectively a 1.93% increase in the tax rate. Motion seconded by Deputy Mayor Pro Tem Reyes. Motion approved by the following roll call vote:

Deputy Mayor Pro Tem Reyes – Aye, Mayor Pro Tem Froehlich – Nay, Council Member Norwood - Aye, Council Member Bomgardner - Aye, Council Member Lynne – Nay.

Motion passed by 3-2 vote.

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

L. ADJOURNMENT

Deputy Mayor Pro Tem Froehlich made a motion to adjourn the meeting at 8:27 p.m. Motion seconded by Council Member Lynne. Motion prevailed by the following vote:

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

The meeting adjourned at 8:27 p.m.

Mayor

ATTEST:

City Secretary