



# City of Farmers Branch

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

## Meeting Minutes

### City Council

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Tuesday, April 16, 2019

6:00 PM

Council Chambers

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

**Presiding:** 1 - Mayor Robert Dye

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

**Staff:** 18 - City Manager Charles Cox, Deputy City Manager John Land, Amy Piukana City Secretary, City Attorney Peter G. Smith, Director of Economic Development Allison Cook, Director of Human Resources Brian Beasley, Director of Library Denise Wallace, Building Official Hugh Pender, Director of Fleet & Facilities Kevin Muenchow, Director of Public Works Marc Bentley, Director of Information Services Mark Samuels, Director of Sustainability & Health Shane Davis, Director of Economic Development Benjamin Williamson, Fire Chief Steve Parker, Director of Planning & Zoning AICP Tina M. Firgens, Director of Communications Tom Bryson and Police Chief David Hale

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

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

#### **A.1 19-165 Discuss regular City Council meeting agenda items**

Mayor Pro Tem Norwood asked for clarification on Agenda Item I.5, in regards to approved vendors.

Building Official Hugh Pender explained the City looks at vendor certification to ensure they follow professional standards. He stated he also reviews their reputation and experience by conducting an interview.

Council Member Lynne asked for clarification on the \$2,000 Ordinance penalty and if the City posts fees.

The City Attorney Pete Smith replied stating this amount is designated by our Code of Ordinances. City Manager Charles Cox explained the City cannot collect a fee without City Council action.

Council Member Lynne asked if warranties are available on Agenda Item I.7, Design Services for Farmers Branch Creek Project.

City Engineer Marc Bentley explained this is the concept plan which allows the design. The warranty would come after design is completed.

Mayor Dye stated on Agenda Item I.3, (Public Art Committee) that they be tasked to identify and help designate the Cultural Art District within the City of Farmers Branch.

**A.2 19-127****Discuss the city's non-conforming uses and structures regulations**

Director of Planning and Development Tina Firgens briefed City Council regarding this item. Ms. Firgens reviewed the city's non-conforming uses and structure regulations.

The City Council discussed timelines (60-90 days) for non conforming use to be conforming and the need for a vision. The City Council explained they would not change the 6-month time frame for vacancies to trigger the conforming use at this time, but may consider it in the future.

**A.3 19-178****Presentation and discussion regarding the IH-35E Phase 2 expansion project**

Ms. Lacey Rodgers, Director of Transportation at TXDOT, Mr. Chris Roacha and Ashton Strong Project Manager of TXDOT were in attendance to answer questions regarding the Phase II project.

The City Council discussed future expansion, impacts on east and west sides, noise, maps, trails, funding, water runoff, and paving material.

Council Member Lynne requested a list of properties that would be affected and urged the City to meet with businesses to relocate anyone impacted within a different location in Farmers Branch.

Bill with JSA Realty, noted he represents the building at Havenhurst, he stated what are the setback requirement. He asks right of way covers till 2045. He asks why are we waiting for the two way express lanes.

Ms. Rodgers stated the Council of Government Board creates the documents and addresses these projects in phases which are designated in years.

Mr. Rodka with an automotive company spoke regarding his concerns to his business.

Economic Development Director Allison Cook stated she would schedule a meeting with property owners and TXDOT to discuss further impacts and possible relocation opportunities.

City Council suggested holding a public meeting with TXDOT and property owners and asked Ms. Rodgers to meet with neighbors regarding a sound wall to help buffer the noise.

Mayor Pro Tem Norwood explained development has increased since the last environmental assessment, with more single family development being impacted.

**A.4 19-166****Discuss agenda items for future City Council meetings**

Council Member Blackson asked for a future item to discuss an ADA task force to ensure we are in compliance with Title II Compliance. Council Member Reyes asked for ADA compliance with trails. Council Member Lynne asked the City to address the Love Shack property and requested an update on the Green Grabber program.

**B. EXECUTIVE SESSION**

- B.1 19-167 Council may convene into closed Executive Session pursuant to Section 551.074 of the Texas Government Code to deliberate regarding:  
*Annual evaluation of the City Manager.*  
City 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, south of Valwood, east of Bee Street, and west of Josey.*

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

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

**D. INVOCATION & PLEDGE OF ALLEGIANCE**

The Invocation and Pledge of Allegiance and Pledge to the Texas Flag was led by Mayor Pro Tem Norwood.

**E. CEREMONIAL ITEMS**

- E.1 19-175 **Recognize Maria Minter for 20 years of service to the City of Farmers Branch**  
Mayor Dye recognized Maria Mentor for twenty years of service to the City of Farmers Branch.

**F. REPORT ON STUDY SESSION ITEMS**

Council Member Reyes provided a report on Study Session items.

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

City Manager Charles Cox provided a report on Community events and interests.

**H. CITIZEN COMMENTS**

Mr. Richard Medina spoke regarding his concerns with contamination at the old battery plant site located at 1880 Valley View.

Resident Amado Palavicini, who resides at Ridgeoak Way spoke regarding his concerns with the property known as the "Love Shack". He had concerns with lighting, noise and safety.

Resident Judy McCullum spoke expressing concerns regarding the "Love Shack" Air BNB with concerns about noise, safety and property values in the neighborhood.

Resident Richard Jackson spoke expressing concerns regarding the "Love Shack" property having issues with trash, debris, traffic, parking, pool flooding, safety, property values, and property use.

The City Manager Charles Cox replied stating cities are limited in regulating short-term rentals. He further stated there is pending legislation, and urged residents to reach out to State their State Legislature.

## **I. CONSENT AGENDA**

- I.1 19-164 Consider approving minutes from the April 2, 2019 City Council meeting; and take appropriate action**
- I.2 R2019-44 Consider approving Resolution No. 2019-044 authorizing a contract with DFW Services, LLC for the 2018-2019 Large Water Meter Replacement Project at various locations; and take appropriate action**
- I.3 ORD-3567 Consider adopting Ordinance No. 3567, establishing the Public Art and Culture as a Standing Committee; and take appropriate action**
- I.4 R2019-43 Consider approving Resolution No. 2019-043 for a Detailed Site Plan amendment for signage on an existing mixed-use development on a 7.37-acre tract located at 13465 Inwood Road; and take appropriate action**
- I.5 ORD-3568 Consider adopting Ordinance No. 3568 amending Section 22-51 and Appendix A of the Code of Ordinances to establish a fee for third-party expedited inspection of new single family homes; and take appropriate action**
- I.6 19-180 Consider appointing an Advisory Committee Representative and Alternate Representative to the Trinity River Authority's Central Wastewater Treatment System; and take appropriate action**
- I.7 R2019-50 Consider approving Resolution No. 2019-050 authorizing an agreement with O'Brien Engineering, Inc. for professional, design services of the Farmers Branch Creek Erosion Projects; and take appropriate action.**

A motion was made by Council Member Lynne, seconded by Council Member Reyes, that this Resolution be approved. The motion carried by the following vote:

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

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## J. PUBLIC HEARINGS

### J.1 ORD-3565 **Conduct a public hearing and consider adopting Ordinance No. 3565 for a Specific Use Permit for an approximately 480 square foot accessory building located at 13215 Woodhaven Drive; and take appropriate action**

Planning and Zoning Director Tina Firgens briefed City Council regarding this item. Ms. Firgens explained the applicant is requesting a Specific Use Permit to construct a 480 square foot accessory building at 13215 Woodhaven Drive.

Mayor Pro Tem Norwood expressed concerns about the delay caused to homeowner's on these types of items (accessory building patio covers), and suggested changing review with the permitting process.

Deputy Mayor Pro Tem Bomgardner suggested reviewing the process at a future meeting.

Council Member Lynne suggested granting the Planning and Zoning Commission the authority to approve.

Ms. Firgens replied stating she would bring this item forward at a future meeting to allow Council to discuss and provide direction.

**A motion was made by Council Member Blackson to close the public hearing and adopt Ordinance No. 3565. Motion seconded by Deputy Mayor Pro Tem Bomgardner. The motion carried by the following vote:**

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

### J.2 ORD-3566 **Conduct a public hearing and consider adopting Ordinance No. 3566 for a Specific Use Permit for a bathroom within an accessory building on a 0.387-acre lot located at 13561 Braemar Drive; and take appropriate action**

Planning Director Tina Firgens briefed City Council regarding this item. Ms. Firgens stated the applicant has requested a Specific Use Permit for a bathroom within an accessory building on the property located at 13561 Braemar Drive. She explained the property is located within R-2 zoning district, which allows one-family detached, uses.

Council Member Lynne suggested having a disclaimer on the permit stating the applicant understands that the accessory structure will not be utilized as a living space.

Council Member Blackson suggested a policy change on these types of uses requiring Council review.

**A motion was made by Deputy Mayor Pro Tem Bomgardner to close the public hearing and adopt Ordinance No. 3566, as presented. Motion seconded by Council Member Blackson. The motion carried by the following vote:**

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

**K. REGULAR AGENDA ITEMS**

- K.1 R2019-46 Consider approving Resolution No. 2019-046 authorizing the execution of a Residential Demolition/Rebuild Program Incentive Agreement for the owner of the property located at 13715 Tanglewood Dr.; and take appropriate action**
- Economic Development Director Allison Cook briefed City Council regarding this item. Ms. Cook explained applicants Mark and Jennifer Allen have applied for the Demolition Rebuild Incentive Program for the property located at 13715 Tanglewood Drive. Ms. Cook explained the incentive would be a 7 year tax rebate.
- Applicant Mark Allen spoke explaining he and his wife moved to Farmers Branch to live with his mother in law, and found the incentive program very beneficial. He thanked the City Council for their consideration.
- A motion was made by Mayor Pro Tem Norwood, seconded by Council Member Blackson, that this Resolution be approved. The motion carried by the following vote:**
- Aye:** 5 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Reyes, Council Member Blackson and Council Member Lynne
- K.2 R2019-48 Consider approving Resolution No. 2019-48 approving Economic Development Incentives pursuant to the Commercial Facade Grant Program for 13728-13730 Gamma Rd.; and take appropriate action**
- Economic Development Director Allison Cook briefed City Council regarding this item. Ms. Cook explained Gamma Capital Investments has applied for the Commercial Façade Revitalization Grant for the retail property located at 13728-13730 Gamma Road. The proposed work includes new exterior paint, handrails, walkways/landings, landscaping, fascia repairs, and updated lighting. The total project is expected to cost approximately \$67,250.00. She stated the grant award of 10% of the project value would be \$6,725.
- A motion was made by Council Member Lynne, seconded by Deputy Mayor Pro Tem Bomgardner, that this Resolution be approved. The motion carried by the following vote:**
- Aye:** 5 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Reyes, Council Member Blackson and Council Member Lynne
- K.3 19-119 Receive an update from The Family Place**
- Ms. Page Fling Chief Executive Officer of the Family Place, provided an annual update to the City Council.
- K.4 19-117 Receive an update from the Firehouse Theatre**
- David Moore and Derek Whitener provided an annual update on The Firehouse Theatre to the City Council.
- K.5 19-118 Receive an update from the Farmers Branch Chamber of Commerce**
- Ms. Nicole Beatley Chair of the Farmers Branch Chamber of Commerce provided City Council with an annual update on the Farmers Branch Chamber of Commerce.

**K.6 R2019-49 Consider approving Resolution No. 2019-49 creating a Census 2020 Complete Count Committee to assist with planning and implementing local outreach efforts and community awareness; and take appropriate action**

Mayor Dye explained the proposed resolution authorizes the creation of a Census Ad Hoc Committee, which would allow public outreach.

**A motion was made by Council Member Reyes, seconded by Council Member Blackson, that this Resolution be approved. The motion carried by the following vote:**

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

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

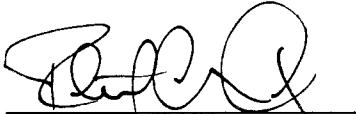
Motion made by Council Member Lynne that the City Manager be authorized to take such action on behalf of the City as may be reasonable and necessary to purchase, or authorize the purchase of Lot 43, Block T of Valwood Park, 3rd installment also known as 2568 Greenhurst Drive, for a purchase price not to exceed \$156,000.00 plus standard closing and acquisition costs and to sign, or authorize the City's agent to sign, such other agreements, documents, and any amendments thereto, as the City Manager, in consultation with the City Attorney, deems reasonable and necessary with respect to the closing of said transaction. Motion seconded by Council Member Blackson. Motion approved unanimously.

Council Member Blackson made a motion that the City Manager's base salary be increased to \$256,000.00 a year, effective the beginning of next pay period, that the term of the employment agreement be extended for one additional year; and that the City Manager be granted authority to sell back up to two weeks of leave per fiscal year; and that the Mayor be authorized to execute an amendment to the Employment Agreement as previously amended, to reflect these items. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

**M. ADJOURNMENT**

**A motion was made by Mayor Dye, seconded by Mayor Pro Tem Norwood, that the meeting be adjourned. The motion carried by the following vote:**

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

  
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Mayor Robert C. Dye

Attest:  
  
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City Secretary