



City of Farmers Branch

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

Meeting Minutes

City Council

Tuesday, March 2, 2021

6:00 PM

Council Chambers

Study Session Meeting to be held at 3:00 p.m. 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 Cristal Retana, Council Member Terry Lynne, Council Member Mike Bomgardner and Council Member Michael Driskill

Staff: - City Manager Charles Cox, Deputy City Manager John Land, Assistant City Manager Benjamin Williamson, City Secretary Amy Piukana, City Attorney Peter G. Smith, Police Chief David Hale, Fire Chief Gabe Vargas, Director of Human Resources Brian Beasley, Director of Public Works Marc Bentley, Director of Sustainability & Health Shane Davis, Director of Planning & Zoning AICP Tina M. Firgens, Director of Economic Development Allison Cook, Director of Library Denise Wallace, Development Manager Danielle Summers, Animal Shelter Manager Sara McComb, Director of Information Services Mark Samuels, Director of Fleet & Facilities Kevin Muenchow and Director of Communications Jeff Brady

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

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

A.1 21-126 Discuss regular agenda items

No discussion.

A.2 21-114 Receive a presentation of the Police Traffic Stop Data Analysis Report for calendar year 2020, as required by Section 2.132 and 2.134 of the Texas Code of Criminal Procedures

Police Chief David Hale provided a Police Traffic Stop Data Analysis report for calendar year 2020.

The City Council discussed demographics and its impact on result reports, arrests made with traffic stops, and use of force.

Council Member Lynne asked for the number of expired tags, license registration citations.

Chief Hale noted the Governor has restricted enforcement of vehicle registration due to Covid 19 impacts and registration office closures. He noted this would be lifted in April with the Governors order.

Council Member Bomgardner asked for data on the results of the new license plate readers.

Chief stated he would search for data and provide this information to City Council at a future time.

A.3 21-116**Receive a report from Sara McComb, Animal Services Manager, regarding Animal Services operations and programs**

Animal Services Manager Sara McComb provided City Council with an update regarding Animal Services. She reviewed the fostering program, community engagement with the resident's apartment managers on the west side of town, urban wildlife education, visibility within the community, Covid pandemic effects with home-based vaccination clinics. Ms. McComb explained she is constantly assessing the current shelter operations and practices to find creative ways to maintain or decrease the time animals spend in the shelter to save animals.

The City Council discussed Spanish material education, the average capacity and response to wild animal response such as squirrels.

Ms. McComb explained her goal is to have everything translated into Spanish to ensure all residents understand.

A.4 21-122**Presentation and discussion related to population growth**

Director of Planning Tina Firgens briefed City Council regarding population growth. Ms. Firgens explained understanding the city's desired future population is important when planning for city services, as our city has evidenced in the past with the introduction of residential uses on its west side. Additionally, cities have struggled with what is the right amount of varying housing types within its community, including rental versus home-ownership, other than to acknowledge that it is important to have a variety of housing types, including having the complete life-cycle of housing. The US Census Bureau estimates that the owner-occupied housing rate for Farmers Branch is approximately 53% (July 1, 2019).

Ms. Firgens explained the city's adopted comprehensive plans (West Side Plan, Central Area Plan, and East Side Plan) address housing. Ms. Firgens explained consideration needs to be given to the city's daytime employment population since this impacts a city's ability to provide city services. She explained the city should continue to adopt policies that support residential and non-residential growth in areas where the city wants that development growth to occur, such as the Station Area, IH-35E corridor, East Side, Four Corners, and other areas deemed appropriate.

The City Council discussed multifamily, attainable housing, comprehensive plan on west side (Last updated in 2003), and the need to update and streamline reporting by unit/population type.

Council Member Lynne asked for clarification on the JP Morgan noting he has never heard they left due to lack of housing. He stated in his opinion, Accessory Dwelling Units (ADUs) would compound problems in certain areas and suggested creating a citizen committee to identify needs.

Ms. Firgens responded stating JP Morgan wanted a place they could Live, Work, and Play, not just housing stock. She noted the ADU's are one component and the need to update our policy to steer growth.

Council Member Bomgardner suggested reviewing data and developing a strategic growth plan.

Mayor Dye stated more discussion is needed and the City Council may need to revisit and review plans on the west side and plans on the east side.

Mayor Dye recessed the Study Session meeting at 4:20 p.m. (Due to technical issues.)

Mayor Dye reconvened the meeting at 4:31 p.m.

A.5 21-129 Presentation and discussion related to allowing murals

Director of Planning Tina Firgens provided an overview of murals reviewing the PD-86 amendment with a proposed definition to allow one mural be installed, per building, to cover only one facade of the building. Murals shall not include the name of any product, company, logos or names of any business entity nor illustrate any activities, merchandise or services of the business occupying the building on which the mural is applied. A mural may wrap around the corner to an adjacent facade of the same building, subject to approval of a special exception as provided in the ordinance. Ms. Firgens reviewed the Town of Gilbert vs. Reed implications, and reviewed the following options:

(1) Original Proposal - No content related to the business occupying the building, no off-premise business advertisement, establish dimensional controls, no City Council approval or ministerial permit function, and compliance with federal case law.

(2) Option 2, Limited business content - limited content related to the business may be incorporated into the mural (Business name/logo, business shall occupy the building, limited to equivalent wall sign amount), Wall sign could be incorporated into the mural, no off-premise business advertisement, establish dimensional controls (size square footage, number of walls), no City Council approval or ministerial permit function, compliance with federal case law (rule of thumb).

(3) Option 3 - Creative Signs - creativity is the limit, not solely restricted to murals, broader regulation with some parameters (Could establish dimensional controls, could allow content related to the business), City Council final approval (Recommendation from Art & Culture Committee), no off-premise business advertisement, consistency with federal case law (Rule of thumb), similar to West Hollywood, CA.

Deputy Mayor Pro Tem Retana stated the entrance wall at Valwood near Bee Street would be an ideal location for a wall art mural, and would prevent tagging at the location.

The City Council discussed performance standards, long term upkeep, mural incorporation as business signage, and approval process.

City Attorney Pete Smith stated you need to identify if you prefer art or advertisement. There has to be a clear distinction.

The consensus of City Council was to support public art murals. Mayor Pro Tem Norwood stated he would support public art murals with the exception of a policy review.

Council Member Lynne stated he would support a pilot program to test and see how this would work in the City.

Mayor Dye and Council Member Driskill stated they would support public art murals in commercial areas. Mayor Dye recessed the meeting at 5:25 p.m.

A.6 21-124 Presentation and discussion related to allowing alcoholic beverage consumption within public areas (open container) of the Restaurant Park development

This item was skipped and discussed at the end of the meeting.

Director of Planning Tina Firgens briefed City Council regarding this current alcoholic beverage sales for on-premise consumption and beer and wine only for off-premise consumption.

The City Council discussed the Restaurant Park Station Area location, utilizing Special Use Permit's to extend the fence and parking lot areas for special events.

The consensus from Council was to utilize the Station Area from Valley View south to Pepperwood (interior area) to create an overlay district.

A.7 21-111 Discuss future agenda items

No discussion.

B. EXECUTIVE SESSION

The City Council recessed into closed executive session at 7:52 p.m.

B.1 21-121 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 north of Valley View, south of Valwood, east of Bee Street, and west of Webb Chapel*

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

Mayor Dye called the meeting to order at 6:01 p.m.

D. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Dye provided the invocation and led the Pledge of Allegiance and Pledge to the Texas Flag.

E. CEREMONIAL ITEMS**E.1 21-093 Presentation of a service pin to Stephanie Hall for five years (5) of service in the Economic Development & Tourism Department**

Mayor Dye presented a service pin to Stephanie Hall who has served five years as an Executive Assistant in the Economic Development Department.

E.2 21-125 Presentation of the 2021 Witness to History Award to Marshall's Bar-B-Q

No action was taken on this item.

E.3 21-115 Consider accepting a donation from ClubCorp in the amount of \$4,886 to the Farmers Branch Police and Fire Departments; and take appropriate action

Motion made by Mayor Dye to accept a donation in the amount of \$4,886 to the Farmers Branch Police and Fire Departments. Motion seconded by Council Member Lynne. Motion approved unanimously.

F. REPORT ON STUDY SESSION ITEMS

Council Member Driskill 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 items of Community interest.

H. CITIZEN COMMENTS

The following citizens spoke:

- Omar Roman, 2001 Wittington Place, spoke expressing his concerns with citizen comment forms and the speaker process.

Mayor Dye replied stating the reason he changed the citizen comment process was to streamline the process and allow the Mayor to efficiently run the meetings. He explained many other cities have similar guideline, and noted there has never been an opportunity that someone has not been able to speak.

- Candace Adams, 3521 Pebble Beach Drive spoke expressing her concerns with Elida Munoz being disqualified for running for District 5 for City Council and lack of city notary accessibility.
- Grace Speese provided an update regarding the Farmers Branch Chamber of Commerce.

I. CONSENT AGENDA

Mayor Dye noted one resident has signed up to speak regarding Consent Items I.1 through I.3.

Omar Ramon, 2001 Wittington Place spoke stating he does not wish to speak on this item; however, he wanted to reserve his right.

Motion made by Council Member Lynne to approve Consent Items I.1 through I.3, as presented. Motion seconded by Deputy Mayor Pro Tem Retana. Motion approved unanimously.

Consider approving the following City Council meeting minute(s); and take appropriate action

- ***January 27, 2021 City Council Retreat***
 - ***February 2, 2021 City Council Regular***
- I.1 21-112**
- I.2 R2021-025 Consider approving Resolution No. 2021-025, authorizing the unit price purchase for the annual supply of concrete to Redi-Mix Concrete, Inc.; and take appropriate action**
- I.3 R2021-031 Consider approving Resolution No. 2021-31 authorizing the City Manager to approve the purchase and installation of a replacement HVAC system for Fire Station One in the amount of \$191,530 from Assured Comfort Services through the Buy Board Purchasing Cooperative and take appropriate action**

J. PUBLIC HEARINGS

- J.1 ORD-3681 Conduct a public hearing and consider adopting Ordinance No. 3681 granting a Specific Use Permit for a tattoo studio in an approximate 3,495 square foot portion of a building located on a portion of Block B, Metropolitan Business Park Section One located at 13720 Midway Road, Suite 102; and take appropriate action**

Senior Planner Surupa Sen briefed City Council regarding this item. Ms. Figgins explained the City of Farmers Branch has received a request from Aadam Morgan for a specific use permit (SUP) for a tattoo studio. The subject site is located at 13720 Midway Road, Suite 102. The site includes two existing multi-tenant buildings, and the proposed tattoo studio will occupy one of the tenant spaces within the southernmost building, consisting of approximately 3,495 square feet.

Applicant Aadam Morgan spoke stating the Farmers Branch location was a great fit, it provides a safe comfortable environment with a spa atmosphere.

The City Council discussed location concepts and safety protocols.

Mayor Dye opened the public hearing. The following citizen signed up to speak.

Omar Roman, 2001 Wittington Place, spoke stating he has nothing to contribute; however, he wanted to preserve his right to speak.

After discussion, a motion was made by Council Member Lynne to close the public hearing and adopt Ordinance No. 3681. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

J.2 ORD-3682 Conduct a public hearing and consider adopting Ordinance No. 3682 amending the Comprehensive Zoning Ordinance including but not limited to amending: Article 2.4 Permitted Uses, Section C. Use Table related to Banquet Hall or Events Center, and Article 2.5 Land Uses Requiring Special Performance Standards by adding performance standards for Banquet Hall or Events Center; and take appropriate action

Senior Planner Surupa Sen briefed City Council regarding this item. Ms. Sen explained this is a city-initiated zoning amendment to the City of Farmers Branch Comprehensive Zoning Ordinance (CZO), to allow banquet hall or events center with approval of a specific use permit (SUP) within the Local Retail-2 (LR-2), Commercial (C), Light Industrial (LI) and Heavy Industrial (HI) zoning districts, and establishing certain performance standards for this particular land use. Ms. Figgins explained in February 2020, the CZO was amended to allow amusement commercial (indoors) by right within the LI district, allowing banquet hall or event centers by right in the LI district.

The City Council discussed SUP expirations and renewals, TABC consistency with late night hours (midnight vs. 2 a.m.), and Special Exceptions.

Mayor Dye opened the public hearing. The following citizen signed up to speak.

Omar Ramon, 2001 Wittington Place spoke stating all his questions had been addressed.

After discussion, a motion was made by Deputy Mayor Pro Tem Retana to close the public hearing and adopt Ordinance No. 3682, as presented. Motion seconded by Council Member Driskill. Motion approved unanimously.

REGULAR AGENDA ITEMS

K.1 R2021-029 Consider approving Resolution No. 2021-029 authorizing the City Manager to execute a contract amendment with Community Waste Disposal for the collection of bulk waste, and take appropriate action

Director of Sustainability and Public Health Shane Davis provided City Council with an overview. Mr. Davis explained the City of Farmers Branch provides bulk collection on a monthly basis to all residential residences. Staff met with representatives of CWD to discuss the company's desire and ability to assist with bulk collection service.

Based on this meeting and follow-up assessments, CWD staff indicated they would be able to pick up ~80% of the bulk collection materials set out for collection. Based on internal discussions and a balanced financial comparison between the full-cost of an Equipment Operator I and proposed cost provided by CWD, it was determined that there is little difference in the overall budget. It was also determined that an opportunity existed with strong potential for improved, sustained performance.

The City Council discussed full time employees, open position, green grabber and additional services, and wear on City vehicles.

The following citizens signed up to speak:

Catherine Gray Tillack, 3126 Golfing Green Court spoke regarding misinformation on Next Door, and the need for clear information to residents, she asked if this service would be once a month.

Sustainability and Public Health Director Shane Davis replied stating this service would be conducted once a month.

Omar Ramon, 2001 Wittington Place spoke stating he has no comments; however, he wanted to reserve his right to speak.

After discussion, a motion was made by Deputy Mayor Pro Tem Retana to approve Resolution No. 2021-029, as presented. Motion seconded by Mayor Pro Tem Norwood. Motion approved unanimously.

K.2 R2021-033

Consider approval of extension of expiration of building permits for construction on property located at 1735 Whittington Place (The Gatherings); and take appropriate action

Planning and Development Manager Danielle Summers briefed City Council regarding an extension request for The Gatherings. She explained this item is a request from Beazer Homes Texas LP to extend a permit on Building 2 of The Gatherings to 11/30/2021 with a provision allowing the City Manager to extend an additional six months. Beazer Homes Texas LP was permitted to construct The Gatherings, three unique buildings, on 2/8/18. Buildings 1 and 3 are either complete or nearing completion. Each building has a separate permit with two years to complete, and the Chief Building Official (CBO) may extend a permit by one additional year. Building 2 was extended on 8/27/2020 for an additional year, which would be 2/8/2020 to 2/8/2021. The extension was not processed until August because that was when they started construction on building 2. After the end of the extension granted by the City Building Official, the City Council action is necessary for any additional extensions.

The City Council discussed requirements, fees charged to other clients, project uniqueness with multiple buildings, and past extensions by City Council.

Ms. Summers explained this is the first review with the Ordinance, which requires City Council approval.

Eric McMillen representing Beazer Homes spoke regarding this item. He noted this is a for sale product, which is conducted by build and sell. He further stated it takes a longer process.

Mayor Dye noted there is one citizen that completed a citizen comments form to speak.

Omar Ramon 2001 Wittington Place, spoke asking if the extension was due to Covid and noted a typo within the caption address.

Mayor Dye replied stating this extension is not due to Covid.

Motion made by Deputy Mayor Pro Tem Retana to approve Resolution No. 2021-033, as presented. Motion seconded by Council Member Driskill. Motion approved unanimously.

Mayor Dye skipped to Executive Session Agenda Item B.1.

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

As a result of closed executive session, the following motions were made:

(2579 Wicker Avenue)

a motion was made by Council Member Driskill 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 17, Block R of Valwood Park Third Installment, also known as 2579 Wicker Avenue, for a purchase price not to exceed \$200,000 plus all 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 Mayor Dye. Motion approved unanimously.

(2504 Springvale Drive)

Motion made by Deputy Mayor Pro Tem Retana to authorize the City Manager to take action on behalf of the City as may be reasonable and necessary to purchase or authorize the purchase of Lot 24, Block N of Valwood Park Addition, 6th Installment also known as 2504 Springvale Drive for a purchase price not to exceed \$180,000 plus all 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 Mayor Pro Tem Norwood. Motion approved unanimously.

(2957 Longmeade Drive)

Motion made by Deputy Mayor Pro Tem Retana to authorize the City Manager to take such action on behalf of the City as may be reasonable and necessary to purchase or authorize the purchase of Lot 1, Block 10 of Valwood Park Addition #27, 3rd Section also known as 2597 Longmeade Drive for a purchase price not to exceed \$199,000 plus all 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 Bomgardner. Motion approved unanimously.

M. ADJOURNMENT

Mayor Dye adjourned the meeting at 9:18 p.m.

Signed by: 
Mayor, Robert C. Dye

Attested by: 
Amy M. Piukana