

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
OCTOBER 10, 2023**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, October 10, 2023 at 5:45 p.m. with the following members present: Mayor Steve Babick, Mayor Pro Tem Nancy Cline, Deputy Mayor Pro Tem H.A. “Rusty” Pendleton, Councilmembers Christopher Axberg, Jason Carpenter, Richard Fleming, and Daisy Palomo. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy and Chrystal Davis, City Attorney Meredith Ladd and City Secretary Chloe Sawatzky.

5:45 P.M. – COUNCIL BRIEFING ROOM

*****PRE-MEETING *****

Mayor Babick called the meeting to order at 5:45 p.m.

1. Receive information and discuss Agenda.

The Executive Session was convened at the conclusion of the Regular Agenda Items.

*****EXECUTIVE SESSION*****

2. Council convened into Executive Session at 8:10 p.m. pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
 - **Section 551.074** to discuss Personnel Matters.
 - Boards & Commissions
3. Council reconvened in Open Session at 9:18 p.m. to consider action, if any, on matters discussed in the Executive Session. No action taken.

*****WORKSESSION*****

4. Receive Update On Solid Waste Services.

Administrative Services Director Laurie Wilson presented this item. She reviewed that the City of Carrollton first outsourced residential solid waste services to a private sector provider in 2003 as a result of the managed competition process. Allied Waste (subsequently acquired by Republic Services) was awarded the contract at that time. After an RFP process in 2010, the City awarded the contract to Waste Management and renewed it with Waste Management again in 2015. In 2018, Waste Management sold the Carrollton contract to Republic Services and it renewed in 2020. This contract with Republic will end September 30, 2025.

Ms. Wilson advised that Republic manages solid waste services for City facilities, apartments, and all other residential homes. In comparison to other communities, Carrollton has an extremely high level

of service. The City offers weekly collection of trash, unlimited bulk, and unlimited brush. Recycling is offered every other week and customers can request an additional recycling cart free of charge. Other contract parameters were reviewed.

Ms. Wilson advised that Carrollton's contract with Republic has been successful due to communication, contract parameters, no COVID lapse in service, automated side-loaders, recycling participation, and low contamination rates. Recycling education sessions and marketing materials have contributed to a successful program. Ms. Wilson added that she recently attended a conference that included a session with Republic Services and she reviewed the industry trends presented.

Ms. Wilson added that in order to meet customer service standards, Carrollton has insourced the customer service element to the Resolution Center, the city's call center. This allows the city to regularly monitor any service discrepancies and ensure timely correction of errors. Additionally, the city has penalties built into the contract for service lapses. If a collection is missed, a property is left dirty, carts are broken, etc., the hauler is fined accordingly. The calls to the Resolution Center help the city with accurate tracking and have the ability to bill the hauler for errors. Service level statistics regarding average monthly tonnage of trash, bulk/brush and recycling as well as missed collection rate, number of carts exchanged, left damaged or dirty are tracked.

Mayor Babick inquired about assistance for residents unable to put their carts out. Ms. Wilson advised that those individuals could contact Republic Services and they will assist with special collections.

Regarding item 22 on the Consent Agenda, Mayor Babick introduced Roy Atwood, Chair of the Denton Central Appraisal District Board. He provided a brief overview of the growth and success of the DCAD, adding that the District is in need of additional personnel.

5. Mayor And Council Reports And Information Sharing.

Mayor Babick adjourned the Worksession at 6:53 p.m. (Brief recess followed.)

*****REGULAR MEETING 7:00 P.M.*****

Mayor Babick called the Regular meeting to order at 7:03 p.m.

INVOCATION – Deputy Mayor Pro Tem Rusty Pendleton

PLEDGE OF ALLEGIANCE – Boy Scouts were present to lead the Pledge of Allegiance and the Pledge to the Texas Flag.

PUBLIC COMMENT

7. Hearing of any citizen/visitor on items listed on the regular meeting agenda. Citizens wishing to address the Council regarding items not on the posted agenda will be called to speak during the Public Forum.

Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2

and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

Mayor Babick opened the floor for public comment with no speakers. The public comment period was closed.

CONSENT AGENDA

*(*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

Mayor Babick advised that Item No. 17 is being pulled from the Consent Agenda for separate consideration.

Mayor Pro Tem Cline moved to approve Consent Agenda Items 7-16, and 18-22, as stipulated in 21 and 22; second by Councilmember Palacios. The motion was approved with a unanimous 7-0 vote.

BIDS & PURCHASES

***7. Consider Ratification Of Repairs By Multiple Vendors To Four Water Distribution Pump Motors In An Amount Not To Exceed \$73,732.00.**

***8. Consider Ratification Of Repairs By Multiple Vendors To Three Water Distribution Pump Station Pumps In An Amount Not To Exceed \$119,579.78.**

***9. Consider Ratification Of Electrical Repairs By Multiple Vendors To Three Water Distribution Pumps In An Amount Not To Exceed \$88,495.00.**

***10. Consider Approval Of The Purchase Of One (1) Pierce Commercial Freightliner M2-106 Pumper Truck From Siddons Martin Emergency Group Through An Interlocal Agreement With The HGAC Purchasing Cooperative In An Amount Not To Exceed \$480,230.00.**

***11. Consider Approval Of The Purchase Of Four (4) Chevrolet Bolts From Lake Country Chevrolet Through A Cooperative Purchasing Agreement With The TIPS Purchasing Cooperative In An Amount Not To Exceed \$123,968.54.**

***12. Consider Approval Of RFP #23-034 For Plumbing Services For the Facility Services Department From Various Vendors In An Amount Not To Exceed \$300,000.00 For An Initial Two-Year Term, For A Total Six-Year Contract Amount Not To Exceed \$900,000.00.**

***13. Consider Approval Of The Purchase Of Four (4) Stryker MTS Patient Power-LOAD Systems, Four (4) Stryker Power-Pro 2 Patient Transport Cots, One (1) MX-Pro Bariatric Transport Patient Cot, Six (6) Stryker Stair-Pro Transport Chairs And Associated Installation**

Equipment For Carrollton Fire Rescue From Stryker Medical Corporation In An Amount To Not Exceed \$388,000.00.

***14. Consider Approval Of The Purchase Of One Ford F-250 Pickup Truck From Silsbee Ford Through An Interlocal Agreement With The TIPS Purchasing Cooperative In An Amount Not To Exceed \$75,836.80.**

CONTRACTS & AGREEMENTS

***15. Consider Authorizing The City Manager To Convey An Approximately 1.45 Acre Tract of Land In The William C. Cantwell Survey, Abstract 290 In Denton County, Texas, Being A Part Of Lot 1, Block 1 Of The Indian Creek Ranch Golf Course Addition - Phase 1 To Return The Property Previously Donated By Moon Golf Properties, Ltd.**

ORDINANCES

***16. Consider An Ordinance Designating The Number Of Positions In Each Classification Of Firefighters In The Carrollton Fire Department.**

RESOLUTIONS

***18. Consider A Resolution Adopting The Debt Management Policy.**

***19. Consider A Resolution Authorizing The City Manager To Enter Into A Community Development Block Grant Funding Subrecipient Agreement With Metrocrest Services, In An Amount Not To Exceed \$105,000.00.**

***20. Consider A Resolution Authorizing The City Manager To Enter Into A Contract With PFM Financial Advisors LLC, To Provide Municipal Advisory Services For A Period Of Five Years With A Two-Year Renewal Option, In An Amount Not To Exceed \$120,000.00 Annually For A Total Contract Amount Not To Exceed \$840,000.00.**

***21. Consider A Resolution Nominating A Candidate To Be A Member Of The Board Of Directors For The Dallas Central Appraisal District.**

***22. Consider A Resolution Nominating A Candidate To Be A Member Of The Board Of Directors For The Denton Central Appraisal District.**

PULLED FOR INDIVIDUAL CONSIDERATION

***17. Consider An Ordinance Amending The Carrollton Code Of Ordinances, Title VII, Chapter 70 “General Provisions,” Section 70.53 “Authority To Direct Traffic And Remove Vehicles”, Subsection (D), To Revise The Existing Language To Allow Public Safety Officers To Tow Vehicles From The Roadway.**

Following the vote on the remaining Consent Agenda items, Mayor Babick opened the floor for discussion or motions on Item 17.

Councilmember Fleming read the existing ordinance text and inquired what is being amended by this agenda item. Police Chief Arrendondo explained that he wants to specifically add towing authority to Public Safety Officers, at the Chief's discretion, in order to allow the Certified Officer to be free to answer other calls. He added that some no insurance violations, at the officer's discretion, would be towed though not in all instances. Councilmember Fleming expressed his concern over vehicle towing for no insurance violations. Mayor Babick explained that is not the issue under consideration for this agenda item, only whether to allow a non-certified Public Safety Officer the authority to handle towing responsibilities and relieve the Certified Officer who made the traffic stop to move on to other calls.

Mayor Pro Tem Cline moved to approve Consent Agenda Item No 17; second by Councilmember Axberg. The motion was approved with a 6-1 vote. Councilmember Fleming voted in opposition.

PUBLIC HEARING – INDIVIDUAL CONSIDERATION

23. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 20-Acre Tract Zoned To The (SF-8.4/16) Single-Family Residential District And Located At 1709 East Belt Line Road And At The Northeast Corner Of Warner Street And East Belt Line Road, To Establish A Planned Development District To Allow For A Lighted Athletic Field, To Add Conceptual Plans And To Establish Development Standards; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2023-074 DeWitt Perry Middle School Lighted Athletic Field.

Loren Shapiro, Planning Manager, briefed the Council on the details of this zoning request. He advised this request is similar to others recently requested by the School District and approved by Council. He advised that the request is solely for the purpose of adding lighting to the football field, however this being in a single-family district, lighting is not allowed and a PD is required. He added that like the previous lighting requests from the school district, the poles are 70 feet in height and meet the city's lighting and glare regulations. Practices at the fields will end by 9 p.m.

Mayor Babick opened the public hearing. He advised that no request to speak cards were submitted. One public comment card in favor was received for this project from Octagon Properties LLP, Andy Olivo, 1622 E. Beltline Rd.

Bobby Shaw, Director of Facility Services for the Carrollton Farmers Branch School District, was present to answer questions. No questions were posed by Council.

With no one wishing to speak, Mayor Babick closed the public hearing.

Mayor Pro Tem Cline inquired about the site photo that appears to have other buildings on the property. Mr. Shaw responded that the photo was taken previously and those portable buildings are no longer on the property. Additionally, he stated that the orientation of the football field was repositioned since the photo was taken.

Mayor Pro Tem Cline moved approval of Item 23; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote.

24. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Short-Term Rental On An Approximately 10,000 Square-Foot

Lot Zoned PD-50 For The (SF-8.4/16) Single-Family Residential District And Located At 2109 Marin At The Northeast Corner Of Marin And Kelly Boulevard; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-077 2109 Marin Short-Term Rental.

Loren Shapiro provided an overview of this request. He advised the Special Use Permit request is for a short-term rental in a residential district. He presented a site plan, a floor plan of the home's interior, and a location map.

Mr. Shapiro stated that on September 7, 2023, the Planning and Zoning Commission recommended denial of the request. The applicant submitted a written request to appeal the Commission's decision with the City Council. A three-fourths (3/4) affirmative vote by all members of the City Council is required to overrule the Commission's recommendation of denial. In response to Councilmember Axberg's question, Mr. Shapiro advised that the request not meeting the zoning criteria is the only reason the P&Z recommended denial.

Mr. Shapiro advised that several comment cards were received citing health, safety, and welfare. Staff is recommending denial of the SUP request; however, if the City Council approves the SUP the attached ordinance provides staff's recommended stipulations for City Council consideration.

The owner and applicant, Phuong Dinh, 2608 Timberline Dr., Flower Mound, provided an overview of the project. She advised that she lives in Flower Mound and will not reside at this property. This home will be for short-term rental only. She expressed that short-term rentals are often more desirable for traveling families. She stated she has experience managing investment property. The property will be registered with Air B&B and the taxes to the city will be paid by them. Ms. Dinh stated that no on-street parking will be allowed, noting that two garage parking spaces and two driveway spaces are available. A maximum of 6 or 7 people will be allowed to stay on-site. Ms. Dinh addressed some of the concerns voiced by other residents in the area.

Mayor Babick inquired if the bedrooms are keyed separately from the rest of the house. Ms. Dinh replied yes, they are keyed separately. He also inquired whether the bedroom located off the foyer had an exterior entrance door; applicant replied that it does not.

Mayor Babick opened the public hearing. He read the names of individuals who submitted cards or emails in opposition but who did not wish to speak. Those included:

Rita Coleman, 2130 Hunters Ridge
Tom Coleman, 2130 Hunters Ridge
Robert Rizzo (spoke later); 2106 Marin
Cathy Springs (spoke later); 2106 Marin
Percy and Susan Pool, 2127 Hunters Ridge
Andrew Boyles, 2104 Marin
Kylan Boyles, 2104 Marin
Jim Faber, 2126 Hunters Ridge
Cinda Trochesset, 2107 Marin

The following speakers provided comments and concerns regarding this project.

Cathy Springs, 2106 Marin: spoke in opposition, spoke of busy street and no fence on the property, concerned with criminal activity.

Francis Fu, 2103 Marin: spoke in opposition, concerned that people won't park in driveway because of alley access.

Robert Rizzo, 2106 Marin: spoke in opposition, concerned with child safety in the area, also stated that a business like this will not blend with the community.

Gaye McFarland, 2105 Marin: spoke in opposition, concerned with alley traffic and parking, not a family friendly area and not a tourist area; also concerned with property values.

Jeff Nesrsta 2125 Hunters Ridge: spoke in opposition, concerned with owners not present and not able to control the number of people on-site, possible parties; described issues Plano has had with similar rentals; described current neighborhood environment.

Walter Salcedo, 1604 Camero Dr.: spoke in favor; stated for some families this is a safer, more affordable option.

Mayor Babick closed the public hearing.

Deputy Mayor Pro Tem Pendleton stated that he drove to the property and observed the parking area. He stated that people would likely park on the street instead of the rear parking. Due to the traffic, he advised he will vote against approval.

Councilmember Carpenter stated that the SUP process is important to determine appropriate use. Since this property is close to a school, he advised he will vote against approval.

Mayor Babick reminded Council that because the Planning and Zoning Commission recommended denial, it will take a super-majority vote (6 of 7) to approve the request.

Councilmember Axberg moved to deny Item No. 24; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a 6-1 vote. Councilmember Fleming voted in opposition of the motion to deny.

PUBLIC FORUM

25. Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.

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Adam Polter, 4180 Creekhollow Dr.: requested Council focus on cultural awareness due to Carrolton being a diverse community; requested other faiths be invited to offer an invocation.

Matt Millican, 2945 Scott Mill Rd.: requested consideration on a retaining wall repair on his property that adjoins some city property.

Richard Johnson, (no card submitted): requested consideration for putting restroom facilities at Branch Hollow Park.

Mayor Babick requested a moment of silence for former Councilmember David Oldfield who recently passed away.

There being no other speakers, Mayor Babick closed the Public Forum.

The Regular Meeting was adjourned at 8:07 p.m. Mayor Babick convened the Executive Session at 8:10 p.m.

ADJOURNMENT - Mayor Babick adjourned the meeting at 9:18 p.m.

ATTEST:

Chloe Sawatzky, City Secretary

Steve Babick, Mayor