

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
JANUARY 8, 2019**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, January 8, 2019 at 5:45 pm with the following members present; Mayor Kevin Falconer, Mayor Pro Tem John Sutter, Deputy Mayor Pro Tem Young Sung, Councilmembers Glen Blanscet, Frances Cruz, Mike Hennefer, Pat Cochran and Steve Babick. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy, Chrystal Davis and Bob Scott, City Attorney Meredith Ladd and City Secretary Laurie Garber.

5:45 P.M. – COUNCIL BRIEFING ROOM

*****PRE-MEETING/EXECUTIVE SESSION *****

Mayor Falconer convened the meeting at 5:48 pm.

1. Receive **information and discuss Agenda.**

*****WORKSESSION*****

4. Discuss **Proposed Charter Amendments.**

Mayor Falconer recognized the members of the Charter Review Commission chaired by Roy Atwood and thanked them for their time and work.

City Attorney Meredith Ladd reviewed each of the 13 proposed propositions.

- Proposition No. 1 – no objections or suggestions for change
- Proposition No. 2 – no changes
- Proposition No. 3 – discussion regarding the length of term, partial terms and with regard to elections in an even or odd year as well as with regard to using the November Uniform Election date for City elections. Ladd will review alternative language with regard to partial terms and City Secretary Laurie Garber will provide benchmark information regarding term lengths. A general consensus was reached in favor of holding elections in odd years and four year term lengths.
- Proposition No. 4 – no change
- Proposition No. 5 – tracks State law for General Law cities – no changes
- Proposition No. 6 – discussion regarding the term “re-election” as opposed to “election” – no change recommended
- Proposition No. 7 – no change
- Proposition No. 8 – keep the second paragraph
- Proposition No. 9 – no change
- Proposition No. 10 – no change
- Proposition No. 11 – consensus to state the City shall not discriminate rather than listing a basis such as age, etc.
- Proposition No. 12 – a consensus was reached to add language providing eligibility to serve on the Charter Review Commission
- Proposition No. 13 – no change

Ladd stated she would make the suggested changes and send out to the Council. Mayor Falconer stated an item would be on the next meeting agenda for further review.

Mayor Falconer recessed the Worksession at 7:15 pm to convene the Regular Meeting.

*****REGULAR MEETING 7:00 PM*****

Mayor Falconer convened the Regular Meeting at 7:29 pm.

INVOCATION – Councilmember Steve Babick

PLEDGE OF ALLEGIANCE – Pack 735

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.)*

Councilmember Blanscet moved approval of Consent Agenda Items 7-10; second by Councilmember Babick and the motion was approved with a unanimous 7-0 vote,

MINUTES

***7. Consider Approval Of The December 11, 2018 Regular Meeting Minutes.**

BIDS & PURCHASES

***8. Consider Approval Of The Purchase Of Travel Services For The Carrollton Senior Center From Cruise One In An Amount Not To Exceed \$85,000.00.**

RESOLUTIONS

***9. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Services Contract With Teague, Nall & Perkins, Inc. For Engineering Design Services For The A.W. Perry NOTICE And Monetary Lane Street Reconstruction Projects In An Amount Not To Exceed \$235,650.00.**

***10. Consider A Resolution Authorizing The City Manager To Enter Into A Single-Family Rehabilitation Grant Incentive Agreement On An Eligible Property Located Within A Neighborhood Empowerment Zone, In A Total Grant Amount Not To Exceed \$800.00.**

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

11. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit For Indoor Used Car Sales On An Approximately 2.2085 Acre Tract Zoned To The (FWY) Freeway District And Located At 1330 Capital Parkway; And Amending The Official Zoning Map Accordingly. Case No. 12-18SUP3 1330 Capital Parkway.

Chief Planner Loren Shapiro presented the case to use an existing building for indoor sales of automobiles. He stated that the Freeway District, along with the Comprehensive Zoning Ordinance, was recently amended to limit certain uses in the Freeway District including any type of used car sales.

He advised that due to that change, staff did not support the recommendation to approve the Special Use Permit. He advised that should the Council choose to support the request, staff and the Planning & Zoning Commission, provided stipulations.

The applicant did not give a presentation.

Mayor Falconer opened the public hearing and invited speakers to address the Council.

Nolan Adams encouraged the Council consider gas, oil and other chemicals that would come from the vehicles if the property was in or near the floodplain.

John Martini, Real Estate Broker representing the buyer, encouraged Council to grant the SUP. He stated the request was submitted prior to the changes to the Freeway District. He stated he understood the reason for the change was to improve the appearance of the “front door” and felt the use would not change the appearance because the cars would all be inside the facility. He felt any change would be an improvement through painting, awnings, windows; stating there wouldn’t be any difference from the existing appearance.

Councilmember Blanscet asked about the purpose for the request to allow ornamental security fencing around the perimeter of the property. Mr. Martini noted that staff had stipulated no fencing would be allowed and the applicant asked for the ability to have some fencing due to the need to secure transport trucks. He stated that he did not know the number of trucks and felt there wouldn’t be many because there wasn’t much gated area. With regard to the type of hauler, he stated it could be an 18-wheeler but probably not; could be a truck that could haul 3 or 4 at a time or it could be a truck with a trailer to haul one vehicle. He stated it would depend on what was needed.

Councilmember Hennefer asked about the terms in the lease for the type of use and Mr. Martini replied that it would be a purchase dependent on approval of the zoning.

There being no other speakers, Mayor Falconer closed the public hearing and opened the floor for discussion or a motion.

Councilmember Cruz moved to deny Item 11; second by Councilmember Cochran. Councilmember Babick stated he was in favor of the motion to deny the request because he did not believe the site was the appropriate place for the use. He voiced concern that vehicles would be stored outside that would become a burden of enforcement. **The motion was approved with a unanimous 7-0 vote.** The request was denied.

12. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 3.265 Acre Tract Located At 1700 South Josey Lane From the (SF-7/14) Single-Family Residential District To The (O-2) Office District; Amending The Official Zoning Map Accordingly. Case No.12-18Z2 North Dallas Family Church.

13. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit For A Child Day Care Center On An Approximately 3.265 Acre Tract Located At 1700 South Josey Lane; Amending The Official Zoning Map Accordingly. Case No. 12-18SUP2 North Dallas Family Church.

Mayor Falconer stated that Items 12 and 13 were companion items that would be heard simultaneously and acted on separately.

Shapiro presented the request advising that Item 12 is the request to change the zoning from Single Family Residential to Office 2 because child day care use is not allowed in SF Residential. Item 13 is the request for a SUP for a child day care center with a maximum of 84 children. Staff felt the zoning and child care use was compatible with the surrounding uses. He stated that access would be internal on Cox Street which doesn't go into any residential area. Staff recommended the drop-off and pick-up times be limited and close the driveway along Josey Lane for those times so that traffic goes to Cox Street to limit the stacking on southbound Josey Lane.

Dick Calvert, Calvert Co. Architects, 1001 W Main Street, stated that his client would like to have the flexibility to stay open until 8:00 or 9:00pm and underscored that it would not be 24 hours. He stated they don't currently expect to be open that late, but would like the flexibility based on the students.

Councilmember Babick asked about the number of bedrooms and Mr. Calvert stated there were no bedrooms but there could be some cribs and confirmed there would not be a garage. Councilmember Babick noted there were a large number of classrooms and felt the site was suitable for the proposed use.

Mayor Falconer opened the public hearing and invited speakers to address the Council.

The following individuals submitted cards in support of the requests:

Jo Jarkin; Veronica Jarkin; Vonett Hewitt; Steve and Susan Stevens; Daisy Palomar; and Vincent Gonzales

There being no other cards or speakers on the matter, Mayor Falconer closed the public hearing and opened the floor for motions on each case.

Councilmember Babick moved to approve Item 12 amending the zoning on an approximately 3.265 acre tract located at 1700 South Josey Lane from the (SF-7/14) Single-Family Residential District to the (O-2) Office District; amending the Official Zoning Map accordingly; second by Councilmember Cruz. Councilmember Cruz thanked the church for seeing the need and offering the service. Councilmember Babick expressed his feeling that this was a meaningful step in the redevelopment of the area. Mayor Falconer also noted that it seemed like a very appropriate use. **The motion was approved with a unanimous 7-0 vote.**

Councilmember Cruz moved approval of Item 13 with the stipulation of making the operating hours 5:30 am to 9:00 pm to allow flexibility; second by Mayor Pro Tem Sutter and the motion was approved with a unanimous 7-0 vote.

14. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On A 1.48-Acre Tract Zoned (LR-1) Local Retail And Located On The Northeast Corner Of Marsh Ridge Road And East Hebron Parkway To Amend Planned Development District 91 (PD-91) To Allow For Indoor Veterinarian Services; Amending The Official Zoning Map Accordingly. Case No. 12-18Z1 2501 E. Hebron Parkway.

Shapiro advised that veterinarian service is a use that is not currently allowed and approval of the request would allow it on Tract 2 of the development. He noted that there is a similar use next to it on Tract 6. Staff recommended approval.

The applicant did not offer a presentation but was available to answer questions.

Mayor Falconer opened the public hearing; there being no speakers, Mayor Falconer closed the public hearing and opened the floor for discussion or a motion.

Mayor Pro Tem Sutter moved approval of the ordinance amending the zoning on this tract; second by Councilmember Babick and the motion was approved with a unanimous 7-0 vote.

PUBLIC FORUM

15. 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.

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 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.

Nolan Adams addressed the Council regarding violations of the Open Meetings Act by the Museum Board; played a short audio and questioned if it is widespread. He suggested the need for an audit of the Museum budget. He encouraged open dialogue with constituents with different opinions. Mayor Falconer thanked him for bringing it to the Council's attention and stated they take transparency very seriously. He further noted that the two people he referred to were no longer members of the Museum Board.

Al Overholt, 2216 Ridgeview, addressed the Council about the 13 proposed Charter revisions. He voiced concern about going to 4-year terms and was opposed to the Council election being held in November with the Federal election due to partisan politics; he was also opposed to limiting the types of things allowed for recall. Mayor Falconer clarified that with regard to liquor in residential areas, the proposition would give the Council the authority to prohibit liquor sales in residential areas; with regard to the time of elections, the consensus was to hold elections in odd years so it wouldn't be during the Federal election years. He further clarified that moving to 4-year terms would not be self-serving because it would not affect current members.

Nolan Adams stated that recall was the last line of defense against a corrupt, non-transparent government and spoke against increasing the line of defense.

Shirley Tarpley, 1507 Milam Way, strongly opposed any changes to term limits.

Mayor Falconer adjourned the Regular Meeting at 8:11 pm and announced the Council would reconvene in Worksession in the Council Briefing Room.

*****WORKSESSION*****

Mayor Falconer reconvened the Worksession at 8:15 pm.

5. Discuss **Community Services Funding Process.**

Scott Hudson, Environmental Services Director, provided an overview of the process followed by the Neighborhood Advisory Commission as they considered funding for community service organizations noting higher priority on services with broad community outreach or impact as well as fiscal self sufficiency. He stated the importance of the applicant to include full explanation of services with the completed application and noted a submission deadline of June 15. He advised that the Commission opted to consider the requests on the face of the application without applicant presentation. He concluded the presentation noting the funding allocations as follows:

APPLICANT	REQUESTED FUNDING	ALLOCATED FUNDING
WOVEN Clinic	\$20,000	\$19,750
Carrollton Wind Symphony	\$10,000	\$ 7,000
Old Downtown Carrollton Assoc	\$10,000	\$ 7,000
CASA of Denton County	\$ 6,750	\$ 6,750
Bea's Kids	\$ 3,000	\$ 3,000
Total	\$49,750	\$43,500

Councilmember Cruz asked if there was an expectation that more organizations would apply. Hudson replied that he wouldn't be surprised if there were new applicants since the information is available on the website although not marketed. Councilmember Babick stated he would encourage NAC to invite the applicants to make presentations. Councilmember Blanscet echoed the thought of giving the applicants an opportunity to speak or make a presentation. He also supported an expectation that the NAC would provide a report, not for approval, to Council after the determination was complete. Councilmember Cruz also supported the suggestion that the applicants be notified and allowed to make comment.

Scott Windrow, NAC Chair, noted that the discussion was held during an open meeting so the applicants could have attended. He stated that all board members participated in the discussion and reviewed all aspects of the applications. He referred to the summary sheet developed by staff after their review of the applications that really helped the Commission. He stated the Commission members were able to review the applications objectively based on the responses to the criteria for funding. Hudson stated that the list of criteria is published online with the application.

Mayor Falconer expressed the Council's appreciation for the NAC's review and work.

6. **Mayor and Council reports and information sharing.**

Mayor Falconer adjourned the Worksession at 8:47 pm and announced Executive Session.

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

2. Council convened in **Executive Session at 8:47 pm** 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 551.072** to discuss certain matters regarding real property

3. Council **reconvened in open session at 8:54 pm** to consider action, if any, on matters discussed in the Executive Session. No action taken.

ADJOURNMENT

Mayor Falconer adjourned the meeting at 8:54 pm.

ATTEST:

Laurie Garber, City Secretary

Kevin W. Falconer, Mayor