

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
FEBRUARY 19, 2019**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, February 19, 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 5:46 pm.

- 1. Receive information and discuss Agenda.**

*****WORKSESSION*****

- 4. Discuss Veterans Memorial Recommendations.**

Parks & Recreation Director Scott Whitaker provided pictures of the proposed area for locating the Memorial. He also provided 2 artist renderings to depict location and various details, and he underscored that this was the general concept. He stated the panels would be 10ft high and the intent is to back light the panels so it would be visible in the evenings from the street and well lit during the day. He provided a spreadsheet of the proposed budget noting that the irrigation and landscaping would be completed in-house to take advantage of cost savings. He stated that staff was very excited about the design; felt it was very unique and something not seen in terms of veterans' memorials.

Councilmember Blanscet asked if it would include a listing of names. Whitaker replied that the VFW has a plan for the bricks that are being sold, approximately 100, and staff is working with them for that piece. He stated he did not know if their plan is to incorporate those names and noted there is room for 700 bricks. He added that they are still working on incorporating a kneeling soldier and stressed that staff is being diligent about remaining on budget.

With regard to incorporating stars, Whitaker stated there would be details on the star about the conflict at that location. Mayor Falconer felt the Memorial would be highly visible from Keller Springs and felt it would have a real visual attraction point. A consensus was reached to proceed.

- 5. Discuss Community Project And Event Funding Requests.**

Councilmember Blanscet stated an Ad-hoc Committee consisting of himself, Councilmember Cruz and Mayor Pro Tem Sutter was asked to develop a policy and procedure related to special event funding requests received from community organizations. He explained that the proposed policy defines what type of special event or project the City would consider supporting. It particularly defines a grant application process and the policy requires the staff to analyze the request for recommendation to the City Council during the budget process. He stressed that would require the organization to plan a year or more in advance to seek City funding and would mean that the Council would not consider such

funding during the year. He added that it includes a maximum grant not to exceed 25% of the actual expenses. He noted that Council would expect staff assistance with analyzing allowable expenses. Further, he explained that the policy regarding access to City information sources is the policy currently in place.

Mayor Falconer stated he likes that the requests would be considered during the budget process. Councilmember Babick stressed that he wants Carrollton to be easy to do business with for the many volunteer organizations and asked several questions including the need for the policy. City Manager Erin Rinehart stated that staff constantly receives requests regarding events and spoke in favor of having a strict process with criteria because approved events would have the City's name on it. She stated that considering the requests throughout the year has the appearance of showing favoritism and the proposed process would relieve that concern. With regard to projects, she felt it is important for the organization to have a stake in the project. Mayor Falconer stated the first year would be very informative and would probably be tough.

Councilmember Cruz stated the policy is to create a process that doesn't exist and create a guideline for organizations asking for support from the City. She felt that the majority of the special events would want the third priority status for marketing such as the Korean Festival. She stated that part of the reason the decision's not with NAC is because the events could be at a larger scale where Council might need a little more control.

Councilmember Sung voiced his appreciation for the policy because events such as the Korean Festival could benefit from City support or acknowledgment; something the event was unable to obtain this year. He felt it would send a message about how great Carrollton is.

Rinehart stated that sometimes the request is not minimal in the marketing area noting that staff sometimes struggles to market the City's own events and projects because it is at capacity. She added that allowing an organization to use the City logo is easier than taking responsibility for marketing. Mayor Falconer agreed that marketing is an area that would need to be considered.

Councilmember Cochran asked who or what department would set the criteria and who would be reviewing the applications to verify the information. Rinehart replied that there would probably be a form completed by the organization that would be forwarded to Council. Councilmember Blanscet stated the applications would be submitted to the City Secretary for distribution. Councilmember Cochran referred to Santa Fe Days as the type of event she would like to see retained. She also asked, with regard to marketing, if staff would review items for approval before it is published or would it be a surprise. Rinehart replied that many of the events want to use the logo but don't want to run anything through the City. She reiterated that events are tricky and she cautioned the Council to be very careful. Councilmember Blanscet agreed and added that the Committee struggled over the policy for many months. Councilmember Cochran stated her concern about what to do if they chose an organization to support and then realize that it will not be what Council initially thought it would be. Mayor Falconer understood the concern and noted that during the first year, the Council should tread carefully, and stated there is no guarantee of future funding.

The consensus was to proceed as proposed.

Mayor Falconer recessed the Worksession at 7:04 pm to convene the Regular Meeting.

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

Mayor Falconer convened the Regular Meeting at 7:18 pm.

INVOCATION – Councilmember Frances Cruz

PLEDGE OF ALLEGIANCE – Councilmember Glen Blanscet

PRESENTATIONS

8. Present A Proclamation Declaring February 2019 Black History Month.

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 Falconer announced that Item 15 was pulled from the agenda.

Councilmember Babick moved approval of Consent Agenda Items 9-14 adding the name “Jessica Hernandez” to Item 12; second by Councilmember Hennefer and the motion was approved with a unanimous 7-0 vote.

MINUTES

***9. Consider Approval Of The February 5, 2019 Regular Meeting Minutes.**

BIDS & PURCHASES

***10. Consider Approval Of An Agreement With The Fuelman Credit Card Via An Inter-Local Agreement With The Cooperative Purchasing Network (TCPN) For Fuel Purchases In An Amount Not To Exceed \$175,000.00 per year.**

CONTRACTS & AGREEMENTS

***11. Consider Authorizing The City Manager To Approve A Contract With Reytech Services, LLC For Construction Of The Downtown IH-35E Deck Parking Lot Project In The Amount Of \$880,586.62 And 90 Construction Days.**

RESOLUTIONS

***12. Consider A Resolution Appointing A Member To The Library Board.**

***13. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Services Contract With Lee Engineering, LLC For Engineering Services Related To The 2019 LED Arterial Street Light Program In An Amount Not To Exceed \$59,300.00.**

***14. Consider A Resolution Authorizing The City Manager To Enter Into Single-Family Rehabilitation Grant Incentive Agreements On Two Eligible Properties Located Within Neighborhood Empowerment Zones, In A Total Grant Amount Not To Exceed \$5,989.65.**

~~*15. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Engineering Services Contract With Walter P. Moore & Associates, Inc. For Engineering Services Related To The Franchise LED Streetlight Study In An Amount Not To Exceed \$100,700.00.~~

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

16. Hold A Public Hearing And Consider An Ordinance Annexing Approximately 6.159 Acres Located Within The Right-Of-Way Of Hebron Parkway Between Marsh Lane And Midway Road. Case No. 02-19MD1 Hebron Parkway Annexation.

Senior Planner Mike McCauley advised that the annexation was for the purpose of taking in unincorporated roadway from Denton County to help clean up the boundary between the City of Plano and the City of Carrollton in an effort to better define responsibility for emergency service responses as well as ongoing maintenance. He noted that the public hearing was the first part of the annexation process and advised that final approval would be considered at the Council's April 2nd meeting.

Mayor Falconer opened the public hearing and invited speakers to address the Council. There being no speakers, he closed the public hearing and noted that there would be no other action taken.

PUBLIC FORUM

17. 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.

Willie Rainwater, 206 Southern Oaks, voiced his appreciation of the Council's support and participation in recent events. He provided a brief history and stated he was excited to celebrate the progress of diversity in Carrollton.

Mayor Falconer adjourned the Regular meeting at 7:35 pm and announced that Council would reconvene in Worksession and also would convene in Executive Session thereafter.

*****WORKSESSION*****

6. Discuss The Development Of The Trinity Mills Station TOD.

Krystle Nelinson, Development Program Manager, reported that the non-binding term sheet for the Trinity Mills Urban Village is nearing completion and she recognized Mitch Bell, representing the Master Developer – The Integral Group, and Bob Strauss who is the Vice President of Real Property and TOD for DART. Nelinson stated that staff feels that this iteration of the Term Sheet protects the

City's interest and empowers the project to move forward in a manner that is consistent with Council's stated goals and vision. She stated it also makes a couple of compromises that allows DART and the Developer to have the same comfort. She reviewed the timeline for next steps included work on the Master Developer Agreement (MDA) with a target date of June 2019 for execution. She explained that the purpose of a term sheet is to establish the key terms of the deal and serve as a basis for the MDA with construction commencement beginning 24 months after execution of the MDA. Nelinson briefed the Council on six high-level points of the Term Sheet.

- 1) Phasing Plan – The most successful TODs in the area had a substantial amount of multi-family in the first phase and high-caliber office and retail uses thereafter. Agreement was reached that the first phase multi-family would be on Tract 6 which is DART property with a clause that states the Developer cannot build any additional multi-family until they deliver on the hotel or one of the high-rise offices planned for Tracts 3, 5 or 7.
- 2) DART Annual Base Rent – Nelinson explained that DART is bound by policies and Federal regulations that requires it to receive fair market value for ground leases. Therefore DART is currently obtaining an appraisal of the property that will establish the base rent. She explained this could have an adverse impact on financing and in the event that occurs, the Developer will revert to the original RFP response and build the multi-family that would be on Tract 1 which is City property.
- 3) Commencement Date Deadlines – Developer must obtain a building permit for Phase I within 2 months of executing the MDA and under the Term Sheet, the Developer must pull the permit for Office and the Multi-family at the same time. Developer will then have 18 months after completion of Phase I to pull permits for Phase II and have 18 months after substantial completion of Phase II to pull permits for Phase III, and so on. She stated that if the Developer takes every day allowed in the Term Sheet, the full build-out of the entire development could take up to 20 years and stressed that the timeline is not uncommon for TODs.
- 4) City & DART Approval Process – City staff will insure that the TOD Subcommittee and the City Council get to see every piece of the project before building permits are pulled.
- 5) Force Majeure and Out-Clause – Agreement was reached to use the Force Majeure language that the City uses in all of its legal documents. Economic downturn does not constitute Force Majeure. She elaborated with regard to the Out-Clause stating that in unforeseen circumstances, all parties will work together for 24 months; if no pathway forward, MDA can be terminated after 120 day cure period.
- 6) Public Art – Developer will work with DART staff to incorporate the former DART Bus Transfer Center youth artwork at a cost not to exceed an amount to be determined in the MDA.

Councilmember Blanscet asked about the status of DART at this time. Nelinson advised that the DART Board would receive a briefing on February 26 and the Executive Director of DART will be able to sign their portion of the Term Sheet after the Board has had the opportunity to review the briefing document and make recommendations. Bob Strauss added that the DART Board would receive the briefing and did not feel that action was needed until the MDA is ready for execution.

Mayor Falconer stated that one of the key things was that the City didn't want multi-family being the first thing constructed but what's been learned is that it goes hand-in-hand because a corporate tenant will want to have some multi-family. Discussion was held regarding the Out-Clause, mixture of heights of buildings, length of time for full development and general discussion about the Term Sheet and project.

7. Mayor and Council reports and information sharing.

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

2. Council convened in **Executive Session at 8:15 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 8:24** to consider action, if any, on matters discussed in the Executive Session. No action taken.

ADJOURNMENT

Mayor Falconer adjourned the meeting at 8:24 pm.

ATTEST:

Laurie Garber, City Secretary

Kevin W. Falconer, Mayor