

**CARROLLTON CITY COUNCIL  
TELEPHONIC MEETING AND WORKSESSION  
MAY 12, 2020**

The City Council of the City of Carrollton, Texas convened in a Telephonic Meeting and Worksession on Tuesday, May 12, 2020 at 5:30 pm with the following members present; Mayor Kevin Falconer, Mayor Pro Tem Young Sung, Deputy Mayor Pro Tem Frances Cruz, Councilmembers John Sutter, Glen Blanscet, Mike Hennefer, Pat Cochran and Steve Babick. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy, Bob Scott and Chrystal Davis, City Attorney Meredith Ladd and City Secretary/Admin Services Director Laurie Wilson.

**5:30 P.M. – TELEPHONIC MEETING**

**\*\*\*WORKSESSION\*\*\***

Mayor Falconer called the meeting to order at 5:42 pm.

**INVOCATION** – Councilmember Mike Hennefer

**PLEDGE OF ALLEGIANCE** – Deputy Mayor Pro Tem Frances Cruz

**OTHER BUSINESS**

**1. Presentation Acknowledging The Service Of Outgoing Councilmembers And Welcoming Newly Elected Councilmembers.**

Mayor Falconer explained that the May City Council Election was postponed to November 3, 2020 due to the Coronavirus pandemic; however because Councilmember-elect Young Sung (Place 6) and Councilmember-elect Andrew Palacios (Place 4) were uncontested, they are considered elected by law and would be installed this evening. The mayor's seat and Council seat Place 2 remains to be filled and will be done so during the election to be held on November 3, 2020.

Mayor Falconer recognized Deputy Mayor Pro Tem Frances Cruz (Place 4) for her service on the City Council from May 2017 to May 2020 and presented her with mementos. Deputy Mayor Pro Tem Cruz offered departing comments and expressions of appreciation as she relinquished her seat at the dais to newly-elected Andrew Palacios.

Municipal Judge Meredith Lyon administered the Oath of Office to Andrew Palacios, Councilmember Place 4 and to re-elected Councilmember Young Sung, Councilmember Place 6.

Mayor Falconer offered the newly elected and re-elected council members an opportunity to make comments.

After taking his seat at the dais, Councilmember Palacios thanked and acknowledged his family and supporters as well as Councilmember Cruz for her service. He acknowledged the congratulatory remarks of US Senator John Cornyn and talked about his expectations for his service as a member of the City Council.

Mayor Pro Tem Young Sung also gave acknowledgements to family and friends, US Senator Cornyn, and talked about his goals and expectations for his second term as a City Council member. He gave special thanks to his parents expressing his gratitude for their guidance and his desire to bring honor to his father's name. Lastly, he pledged service to the City of Carrollton.

City Secretary Laurie Wilson played the video of congratulatory comments by US Senator John Cornyn. Mayor Falconer congratulated and welcomed both Councilmember Palacios and Mayor Pro Tem Sung.

**2. Receive information and discuss Agenda.**

Mayor Pro Tem Sung and Councilmember Sutter noted a Conflict of Interest in regard to Item 17 and recused themselves from the discussion and action on Item 17.

**3. Council will convene in Executive Session** 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.

**4. Council will reconvene in open session** to consider action, if any, on matters discussed in the Executive Session. Council did not convene in Executive Session – no action.

Mayor Falconer recessed the Worksession at 7:26 pm to convene in Regular Meeting.

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

Mayor Falconer convened the Telephonic Council Meeting at 7:33 pm acknowledging the installation of re-elected Councilmember Young Sung and newly elected Councilmember Andrew Palacios.

**PRESENTATIONS**

- 8. Present A Proclamation Recognizing Class Of 2020 Senior Day.**
- 9. Recognize Former Farmers Branch Mayor John Dodd And Wife Betty For Donation.**

**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 advised that Item 14 was pulled from consideration and Item 17 was pulled for individual consideration.

**Councilmember Blanscet moved approval of Consent Agenda Items 10-13, 15, 16, 18 and 19 with the amendment to the minutes and a May 30, 2020 effective date on Item 19; second by Councilmember Palacios. The motion was approved with a unanimous 7-0 vote,**

**MINUTES**

- \*10. Consider Approval Of The April 21, 2020 Regular Meeting Minutes.**

**CONTRACTS & AGREEMENTS**

**\*11. Consider Authorizing The City Manager To Approve A Contract For Managed Print Services From Xerox Corporation Through The Texas DIR Cooperative Program In An Amount Not To Exceed \$232,624.00.**

**\*12. Consider Authorizing The City Manager To Approve A Contract For Structured Wiring From Connect Technology Group, LLC Through The TIPS Cooperative Purchasing Agreement In An Amount Not To Exceed \$173,547.65.**

**\*13. Consider Authorizing The City Manager To Approve A Contract For Security Appliance Purchase And Installation From Criticalstart Through The Texas DIR Cooperative Program In An Amount Not To Exceed \$250,419.75.**

## RESOLUTIONS

~~**\*14. Consider A Resolution Authorizing The Application For And Acceptance Of A U.S. Department Of Justice Award Granted Through The Coronavirus Emergency Supplemental Funding (CESF) Program For Assisting Eligible Entities In The Prevention Of, Preparation For, And Response To The Coronavirus In The Amount of \$45,072.00; Designating The Police Compliance Manager As The Authorized Official For The Grant; Authorizing The City Manager To Take Those Steps Reasonable And Necessary To Effectuate The Intent And Purposes Of This Resolution; And Providing An Effective Date.**~~

**\*15. Consider A Resolution Authorizing The City Manager To Enter Into Three (3) Crossing Surface Installation Agreements With Burlington Northern Santa Fe Railway Company For The Reconstruction Of The Railroad Crossings At Keller Springs Road, Josey Lane, and Rosemeade Parkway, Including The Removal And Replacement Of Panels, Tracks, Gravel, Ties, And Asphalt Street Approaches, In An Amount Not To Exceed \$147,200.00, Cumulatively.**

**\*16. Consider A Resolution Authorizing The City Manager To Enter Into Single-Family Rehabilitation Grant Incentive Agreements On Two Eligible Properties Located Within A Neighborhood Empowerment Zone, In A Total Grant Amount Not To Exceed \$1,425.00.**

~~**\*17. Consider A Resolution Authorizing The City Manager To Enter Into A Settlement Agreement In The Lawsuit Styled LRF1 Dallas Logistics 1 LLC And 1533 Crescent LLC V. City Of Carrollton, Et Al (Cause No. DC 19-09123) Providing Terms For Two Special Use Permits, For Consideration By The City Council, And Waiver Of All SUP Application Fees, And Other Fees In An Amount Not To Exceed \$110,000.00.**~~

**\*18. Consider A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Carrollton And Metrocrest Chamber Of Commerce To Designate The Chamber As The City's Small Business Liaison During Times Of Disaster.**

**\*19. Consider A Resolution Of The City Council Of The City Of Carrollton, Texas, Amending Resolution No. 4373 Relating To The Consent And Continuation Of The Disaster Declaration Of Mayor Kevin Falconer By Revising The Expiration Date; And Providing An Effective Date.**

## ITEMS REMOVED FROM CONSENT AGENDA FOR INDIVIDUAL CONSIDERATION

**\*17. Consider A Resolution Authorizing The City Manager To Enter Into A Settlement Agreement In The Lawsuit Styled LRF1 Dallas Logistics 1 LLC And 1533 Crescent LLC V. City Of Carrollton, Et Al (Cause No. DC-19-09123) Providing Terms For Two Special Use Permits,**

**For Consideration By The City Council, And Waiver Of All SUP Application Fees, And Other Fees In An Amount Not To Exceed \$110,000.00.**

Mayor Pro Tem Sung recused himself from the meeting by stepping out of the Council Chamber due to a Conflict of Interest and Councilmember Sutter recused himself from the meeting by disengaging from the zoom meeting due to a Conflict of Interest.

**Councilmember Hennefer moved approval of Item 17; second by Councilmember Cochran and the motion was approved with a unanimous 5-0-2 vote; Sung and Sutter abstained.**

**PUBLIC HEARING - INDIVIDUAL CONSIDERATION**

Mayor Falconer acknowledged the return of Mayor Pro Tem Sung and Councilmember Sutter to the meeting.

**20. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 15-Acre Tract Zoned PD-175 For The (SF-PH) Single-Family Patio Home District And Located At The Southeast Corner Of Parker Road (FM 544) And Plano Parkway To Amend Planned Development District 175 To Change Building Setbacks; And Amending The Official Zoning Map Accordingly.** Case No. PLZ2020-2X1 Essex Park.

Planning Manager Loren Shapiro presented the request to modify the building regulations for front building setbacks for PD-175 to accommodate larger single-story home floor plans. He used a diagram to describe how setbacks are measured which is from the exterior wall of the building to the front property line. He stated the applicant is requesting the front setback be reduced from 15ft to 11ft for the main structure on 45% of the lots. Staff and the Planning & Zoning Commission support the request for 30% of the lots.

Mayor Pro Tem Sung asked for clarification on the number of lots impacted. Shapiro explained that there are a total of 84 lots. The applicant is requesting that the front setback for 37 of the lots be reduced from 15ft to 11ft to accommodate larger single-story floor plans. City staff and the Commission recommend the reduced setback be allowed for 25 lots. He added that there was no specific location requested for the lots with the reduced setback.

Jerry Sylo, JBI Partners, 2121 Midway Road, stated the request is an endeavor to put Normandy Homes on a level playing field with the other home builders in this part of Carrollton. He talked about the standards in adjacent neighborhoods of Hamilton Park and Saddle Ridge and the intent for the setback standards. He stated they are asking that 45% of the homes or 37 be allowed to have the 11ft setback because the two larger homes were the most popular in a few other neighborhoods. Normandy Homes would like to have the flexibility to produce a more diverse neighborhood. He pointed out that the difference in the request by Normandy and the recommendation by staff is 12 homes.

Councilmember Babick asked about the number of lots sold and currently in the permitting process and Mr. Sylo replied that while he did not have the exact number, a drive through the neighborhood appeared to show approximately 40% of the lots were being built on. He stated there are six elevations that Normandy is currently unable to offer to the home-buying community due to the current front setback requirement.

Councilmember Blanscet asked staff about the regulations for Hamilton Park and Shapiro replied that in Hamilton Park and Saddle Ridge, the builder is allowed to have the homes as little as 10ft from property line. Councilmember Blanscet asked if there was a way to get assurance that the homes with

the 11ft setback would not be adjacent to avoid a closed-in look. Mr. Sylo stated that he believed that Normandy Homes would have no problem with a stipulation prohibiting more than 3 of those homes adjacent to each other or across the street before there would be at least a one home break between them.

Councilmember Babick felt the market should drive some of it and voiced a concern that people bought into a certain feel and look, and now the rules have changed that could allow an adjacent home to stick further into the front yard. He leaned toward Councilmember Blanscet's feeling of needing some type of space requirement.

Mayor Falconer stated that sometimes the Council has to think in broader scale terms and not just what the market drives. He felt that 10ft front setbacks are too close. He felt that Council needs to consider that the short setback was initially to encourage a porch and he believed that Council needs to ensure that the City allows the applicant to build plans that are popular while maintaining a quality development.

Mayor Pro Tem Sung questioned the ability to space the homes and Shapiro interjected that enforcement would be difficult. Mr. Sylo mentioned the anti-monotony standards throughout the Metroplex stating that the responsibility is put on the builder. He stated Normandy could create an exhibit that would be in the Building Inspection Department, the home builders and the models that would indicate where the homes could be placed. He stressed that the homebuilder is asking for as much flexibility as possible. He suggested that the Council could set a flat number rather than a percentage.

Mayor Pro Tem Sung felt that 45% would not work mathematically and asked for the applicant to elaborate. Mr. Sylo explained that at the time the request was submitted, not one home was built because the first home didn't meet the requirements according to staff; however, since the subdivision was accepted and the pocket park was built, the homebuilder proceeded with building homes that did meet the requirements.

Councilmember Babick agreed with regard to the math and felt the recommendation by staff of 30% would work.

Mayor Falconer opened the public hearing; there being no speakers, he closed the public hearing.

**Mayor Pro Tem Sung moved to approve Item 20 as submitted with the 30% maximum with the revised setback requirements; second by Councilmember Babick.**

Councilmember Babick voiced support of the neighborhood. Councilmember Sutter stated he was still concerned about the number of houses that could be built together and suggested an amendment prohibiting more than two in a row and two directly across the street which would be a clump of four. Mayor Falconer asked the applicant to respond to the suggested stipulation. Mr. Sylo stated that from the perspective that he doesn't know which lots are built on right now, he is concerned about adding an extra burden of the anti-monotony standard. He stated there are six elevations and he felt it was unlikely that two homes with the same elevation and floor plan would be next to each other. He stated he understands the rationale for the 30% maximum. He asked that the Council not include the anti-monotony standard.

**Mayor Pro Tem Sung stated he would like to include the suggestion made by Councilmember Sutter of not more than two adjacent and no more than two directly across the street with the revised setback. Councilmember Babick seconded the amended motion.**

Councilmember Blanscet asked if there was anything in the motion that would allow a smaller floor plan to push forward to the revised 11ft front setback to allow for a larger back yard. Mr. Sylo replied that the scenario would not happen because the face of the garage dictates where the homes are placed on the lot. He stated the builder could introduce new plans but as active as the neighborhood is, he did not presume that they would cycle through the homes to do new elevations and floor plans.

**The motion was approved with a unanimous 7-0 vote.**

**21. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 28.5-Acre Tract Currently Zoned (CC) Corporate Commercial District And Located Near The Northwest Corner Of Plano Parkway And Warmington Drive To Establish A Planned Development District To Allow For (SF-10/18) Single-Family Residential With Development Standards; And Amending The Official Zoning Map Accordingly.** Case No. PLZ2019-XXA Kensington Place.

Shapiro began the presentation using an aerial map to describe the surrounding uses particularly noting regulations for Warmington Meadows and the Gates of Prestonwood. He stated that the applicant submitted a revised concept plan based on the recommendation of the P&Z Commission with the following configuration:

<u>P&amp;Z Reviewed</u>	<u>Revised</u>
<u>99 single family lots:</u>	<u>96 single family lots:</u>
35 50-ft wide (35.4%)	22 50-ft wide (22.9%)
44 60-ft wide (44.4%)	50 60-ft wide (52.1%) *
20 70-ft wide (20.2%)	24 70-ft wide (25%)
*50-ft wide lots are proposed along the railroad tracks except 3 lots north of Street B	
6-ft tall board-on-board fence along Charles Street with hedges	6-ft tall masonry wall with trees and shrubs along Charles Street

Shapiro described the conceptual landscape plan and fence suggestions using the applicant’s revised exhibit. He added that 21 of the homes would have a J-drive configuration.

Councilmember Babick stated his understanding that the lot south of the site is owned by LISD as well and asked if it would have a fence or a wall. Shapiro replied that there would be a 6ft ornamental metal fence with a hedge between the fence and the lot. The lot would keep its current zoning of corporate commercial.

Councilmember Blanscet asked if there would be hedges, trees or a fence along the green space along Street B. Shapiro replied that there would not be any type of screening wall; it would be a large open space between Street B and Warmington Drive. The applicant will be required to include three canopy trees along the whole dimension of Warmington Drive. There would be connectivity within the open space where the interior sidewalks will connect to the streets.

Mayor Pro Tem Sung asked about the number of 80ft wide lots and Shapiro replied that staff and the Commission requested 80ft wide lots, but the applicant increased the number of 70ft wide lots. He stated that staff and the Commission recommend approval of the proposal. Mayor Pro Tem Sung asked the applicant if they could include 80ft wide lots.

Bill Gietema, Partner and Co-founder of Arcadia Realty stated they not only need to accommodate what the market wants; they have to accommodate the concerns and desires of the neighbors. He advised that the western boundary of the site is the Burlington Northern RR line and he described the surrounding residential uses. He reviewed the cross section of the tree lined street exhibit stating it is traffic calming, mitigates urban heat element effects and is very pleasant to walk along. It would be included on the interior streets as well as along Warmington. He stated they were very cognizant of the drainage concerns to not impact the neighbors. The detention area is designed with a 4:1 slope lined with trees and would be very accessible and open to the street. The proposal includes an 8ft board-on-board fence along the railroad for sound mitigation and containment that would be lined with trees as well. There would be an open edge along Warmington; a wall matching Warmington Meadows along Charles Street; and homeowners along Culpepper would have a choice of a board-or-board fence, steel picket or tubular steel fence to be able to look into the open space. He briefly reviewed the proposed very traditional, old fashioned retro entry columns. He stated their charge was to compliment Warmington Meadows and the Gates of Prestonwood and they did that by establishing a gradient of homes that went from the smallest homes along the RR tracks and transitioning to the largest homes fronting on Warmington Drive. He reviewed a chart with projected home sizes and price bands. He explained that they have a separate agreement with the Warmington Meadows HOA to have a sibling HOA that will record CCRs that would have elements of exterior building materials and garage doors among other elements. He stated that they focused on the qualitative elements adding costs where it counts to the homebuyers as well as to the neighbors and did so while accentuating larger back yards but being efficient on the lot widths. He thanked John McIntosh and the Board of Warmington Meadows HOA and thanked staff as well.

Mayor Falconer asked for clarification about the HOA. Mr. Gietema stated they have agreed to establish a sibling HOA that would include restrictions that reflect specific elements that are not allowable in zoning due to HB 24\_\_ such as building materials. Mayor Falconer stated that some of the concerns when talking about lot widths are the differences in appearance.

Councilmember Blanscet noted that some of the lots appear to be 55, 65 and 75ft wide lots and Mr. Gietema confirmed that those were corner lots with additional setbacks. Councilmember Blanscet questioned the various fence types for homes on Culpepper. Mr. Gietema stated that Culpepper is essentially an abandoned ROW that functions as an informal green street. The homes on the other side of Culpepper are townhomes that back onto Culpepper with a variety of different elements and so they wanted to give homebuyers the choice of fence.

Councilmember Babick voiced his appreciation for Arcadia working with the neighboring subdivisions and his thoughtful explanation of the development.

Mayor Falconer referred to the possible gazebo in the green space and asked if they considered a playground rather than a gazebo. Mr. Gietema stated they were not far enough in planning to make a final decision and stated the neighbors wanted a quazi-active space where people could meet and he noted their target buyers were empty-nesters. Mayor Falconer strongly encouraged consideration of a playground and offered to work with him.

Mayor Pro Tem Sung asked if a traffic study was conducted. Mr. Gietema replied that because the property would be residential rather than schools, the traffic impact would be drastically reduced and didn't require a traffic study.

Mayor Falconer opened the public hearing; there being no speakers, he closed the public hearing.

**Councilmember Hennefer moved approval of Item 21; second by Councilmember Sutter.** Councilmember Hennefer voiced his deep appreciation to the applicant for really taking the neighbors' wishes into account. **The motion was approved with a unanimous 7-0 vote.**

## PUBLIC FORUM

**22. 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 wanting to speak should join through Zoom by visiting <<https://us02web.zoom.us/j/87374415964?pwd=ZFo3Mk9iVXlLQXBHbmR6alG4dDFndz09>>; Password: 221981; Or by calling one-tap : 1-346-248-7799, 87374415964#; Webinar ID: 873 7441 5964 Password: 221981. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Speak clearly into their device and state your name and address prior to beginning your remarks; Speakers will be allowed 2 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.*

Greg Spanko addressed the Council on various topics such as wearing mask in public, tools for safety and rescue, and automatic withdrawal for water payments.

Chris Kigpen addressed the online utility payment options and suggested auto pay.

Suzanna Dooling voiced agreement with reconsidering Item 14 and stated she has never been given reason to distrust the police. She spoke regarding COVID-19 concerns and suggestions.

Mayor Falconer adjourned the Regular meeting at approximately 9:38 pm and announced the Council would reconvene in Worksession.

### \*\*\*WORKSESSION\*\*\*

Mayor Falconer reconvened the Worksession at approximately 9:38 pm.

## 6. Receive COVID-19 Response Updates.

Mayor Falconer stated that the City continues to work with the businesses as the Governor allows the opening of businesses and that they will be monitoring changes. He felt it is especially important to rely more heavily on good practices and good common sense such as good hygiene and use of masks. He spoke briefly about funding through the CARES Act stating all three counties were recipients of funding and Carrollton would not receive any direct funding from the State. He stated that Carrollton is advocating for direct funding from the Counties and would provide more information when available.

Mayor Pro Tem Sung voiced concern that the Asian community is being attacked and mentioned an incident witnessed by a UNT Professor being profiled. He suggested providing education to the public explaining that the virus attacks everyone regardless of race or background. Mayor Falconer stated that from a City perspective, Carrollton is not profiling and thanked Mayor Pro Tem Sung for the suggestion.

Councilmember Babick asked if there as an accounting of expenses and asked when it would be available. Mayor Falconer stated that Emergency Management Coordinator Elliott Reep is maintaining a record of expenses and has been doing so from the beginning. He underscored that what the City spends is dependent on what funding is available.

**5. Discuss Clean Hands Carrollton Program.**

Mayor Falconer stated that this program relates to the COVID-19 pandemic and it also relates to the City’s ‘Safe to work and shop’ initiative. He suggested providing hand sanitizer to the residents because it is so hard to get individually. He felt it is a crucial part to being safe as people get out more. He stated the City would be receiving 30,000 bottles of hand sanitizer for distribution to residents and gave accolades to staff. He stated that staff is taking suggestions on the best way to distribute the sanitizer.

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

**ADJOURNMENT** - Mayor Falconer adjourned the meeting at 10:06 pm.

**ATTEST:**

\_\_\_\_\_  
Laurie Wilson, City Secretary

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Kevin W. Falconer, Mayor