

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
JUNE 6, 2023**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, June 6, 2023 at 5:45 p.m. with the following members present: Mayor Steve Babick, Mayor Pro Tem Andrew Palacios, Deputy Mayor Pro Tem Nancy Cline, Councilmembers Christopher Axberg, Jason Carpenter, Richard Fleming, Daisy Palomo, and H.A. “Rusty” Pendleton. 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 following Worksession Item 5.

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

2. Council convened into Executive Session at 6:49 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 551.087** to discuss Economic Development.
3. Council reconvened in Open Session at 7:07 p.m. to consider action, if any, on matters discussed in the Executive Session. No action taken.

*****WORKSESSION*****

Mayor Babick convened the Worksession at 7:07 p.m.

4. Receive An Update from DART.

Doug Hrbacek, DART Board Member addressed the Council. He reviewed that DART was created in 1983 and is celebrating its 40th anniversary. Mr. Hrbacek stated that DART has 13 member cities, including Carrollton, and has a budget of \$1.74 billion. DART’s focus for its customers is to provide a rider experience that is “Safe, Clean, and Secure.” An overview of steps being taken in that regard was provided. Mr. Hrbacek also stated that DART is launching a new bus network called, “ZOOM.”

Mr. Hrbacek provided the Council with an update on the Silver Line, which is a major capital improvement project that will ultimately provide seven (7) directional options out of the downtown Carrollton Hub. He provided an overview of the Silver Line and its major components. Mr. Hrbacek also gave an overview of proposed bills that were considered during the Texas Legislative Session.

Dee Leggett, Executive Vice-President of DART briefed the Council on the alignment of the Silver Line, and noted it is a 26-mile commuter rail line that extends from Plano to DFW Airport’s Terminal

B. A map as well as photos and renderings of the vehicles and facilities were reviewed. Ms. Leggett provided an overview of upcoming major activities associated with this project and provided a schedule of Community Outreach events.

Questions and discussion followed regarding parking, parks, and public safety. It was noted that some segments of the Silver Line should be in operation by late 2025.

5. Discuss Council Liaison, Observer, And Committee Appointments.

Mayor Babick advised the Council that the appointments have been provided to them in the agenda packet. He briefly explained how those appointments were determined. Staff will provide scheduling.

Item 6. was addressed following the conclusion of the Executive Session.

6. Mayor And Council Reports And Information Sharing.

Mayor Babick adjourned the Worksession at 7:15 p.m. (10-minute recess followed)

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

Mayor Babick called the Regular meeting to order at 7:23 p.m.

INVOCATION – Councilmember Rusty Pendleton

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Andrew Palacios

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.

Matt Garrett, 2226 Arbor Crest, spoke in favor of approving Item 17 and provided background information on the neighborhood and Hebron Parkway.

Katelyn Parks, 2229 Meadow Dr., spoke in favor of approving Item 17. She stressed the safety component of this item.

Keith Vanderburg, 2231 Meadow Dr., spoke in favor of approving Item 17. He provided background of the screening along Hebron Parkway and spoke regarding safety.

There were no other speakers.

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 noted that Item 17 is being pulled from the Consent Agenda for separate consideration.

Deputy Mayor Pro Tem Cline moved to approve Consent Agenda Items 8-16, and 18-28; second by Councilmember Pendleton. The motion was approved with a unanimous 7-0 vote.

MINUTES

***8. Consider Approval Of The May 2, 2023 Regular Meeting Minutes.**

***9. Consider Approval Of The May 16, 2023 Regular Meeting Minutes.**

BIDS & PURCHASES

***10. Consider Approval Of RFP # 23-016 Recreation Facilities Refresh For The Parks Department From Various Vendors In An Amount Not To Exceed \$118,395.66.**

***11. Consider Approval Of The Purchase And Installation Of Cardio And Weight Equipment And A Functional Storage System From Comm-Fit For The Rosemeade Recreation Center Through An Inter-Local Agreement With Buy-Board In An Amount Not To Exceed \$310,178.12.**

***12. Consider Approval Of Bid #23-021 For Asphalt Supplies 2023 From Austin Asphalt, Inc. In An Amount Not To Exceed \$90,000.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$270,000.00.**

***13. Consider Approval Of Bid #23-018 For Traffic Signal Equipment For Public Works From Various Vendors In An Annual Amount of \$400,000.00 And Total Contract Value of \$1,200,000.00.**

***14. Consider Approval Of Bid #23-009 For The Purchase And Installation Of Commercial Advance Metering Infrastructure (AMI) Water Meters From Fortiline, Inc. In An Amount Not To Exceed \$11,000,000.00.**

CONTRACTS & AGREEMENTS

***15 Consider Authorizing The City Manager To Approve A Construction Contract With 3D Paving And Contracting, LLC For The Crosby Estates Section 1 Paving And Drainage Improvements Project In An Amount Not To Exceed \$3,831,573.37.**

***16 Consider Authorizing The City Manager To Execute A Contract With Woven Health For Improvement Of Life Situations Of Low And Moderate Income Residents In An Amount Not To Exceed \$100,000, Increasing The Total Contract To An Amount Not To Exceed \$202,465.**

***18 Consider Approval Of A Contract With Pitney Bowes Through A Buy Board Awarded Contract For The Leasing of Postage Equipment In An Amount Not To Exceed \$14,632.68 Annually, For A Total Five-Year Contract Value Not To Exceed \$73,163.40.**

ORDINANCES

***19 Consider An Ordinance To Amend The Authorized Number Of Sub-Apparatus Operator And Firefighter Civil Service Positions Within The Carrollton Fire Department.**

***20 Consider An Ordinance Of The City Council Of The City Of Carrollton, Texas Amending Chapter 10 Of The City Of Carrollton Code Of Ordinances, To Amend Section 10.99(A). General Penalty To Revise, Restate, And Remove References In That Section.**

***21 Consider An Ordinance Of The City Council Of The City Of Carrollton, Texas Amending Chapter 97. Hotel Code Of The City Of Carrollton Code Of Ordinances, To Amend Section 97.09(G). Premises Requirements To Remain Consistent With State Law Changes.**

***22 Consider An Ordinance Of The City Council Of The City Of Carrollton, Texas Amending Chapter 156 Private Wells Of The City Of Carrollton Code Of Ordinances, To Amend Section 156.06. Drilling Log To Remain Consistent With State Law Changes.**

***23 Consider An Ordinance Increasing The Over Sixty-Five And Disabled Persons Exemption From \$80,000 To \$87,000 For Tax Year 2023.**

***24 Consider An Ordinance Amending Chapter 174 ‘Stormwater And Flood Protection Ordinance’ Of The Carrollton Code Of Ordinances By Revising Article 8 ‘Floodplain Guidelines’ Related To Manufactured Homes And Construction Standards Within Floodplain Areas.**

RESOLUTIONS

***25. Consider A Resolution Authorizing The City Manager To Enter Into A Contract With FORVIS, LLP For Independent Auditing Services In An Amount Not to Exceed \$143,500.**

***26 Consider A Resolution Authorizing The City Manager To Negotiate And Execute Amendment No. 1 To The Interlocal Agreement With Dallas Area Rapid Transit For Additional Construction Services Related To The Carrollton Heights Drainage Improvement Project, In An Amount Not To Exceed \$173,357.56, And Increasing The Total Project To An Amount Not To Exceed \$1,906,933.11.**

***27 Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Services Contract With Gresham Smith For Engineering Services Related To The Downtown Streetscape Infill Project In An Amount Not To Exceed \$371,380.00.**

***28 Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Second Amendment To The Master Development Agreement For Trinity Mills Station With Dallas Area Rapid Transit And The Integral Group, LLC.**

PULLED FOR INDIVIDUAL CONSIDERATION

***17 Consider Authorizing The City Manager To Approve A Construction Contract With C. Green Scaping, LP For The Hebron Parkway Guardrail And Live Screening Improvements Project On The South Of Hebron Parkway And Adjacent To The Estates Of High Country Neighborhood In An Amount Not To Exceed \$772,501.00.**

Mayor Babick pulled Item 17 from the Consent Agenda for separate discussion.

Deputy Mayor Pro Tem Cline voiced her understanding of the safety issues along this roadway and expressed her support for improvements to the sidewalk. She stated however that she has concerns over the design complying with ADA and TDLR requirements.

Councilmember Fleming moved approval of Consent Agenda Item 17; second by Councilmember Palomo. The motion passed with a vote of 6-1. Deputy Mayor Pro Tem Cline opposed.

PUBLIC HEARING – INDIVIDUAL CONSIDERATION

29. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 3.8-Acre Tract Zoned To The (SF-12/20) Single-Family Residential District And Located At 2400 Briardale Drive And Approximately 480 Feet East Of Kelly Boulevard, To Amend And Reestablish Planned Development District No. 119 (PD-119) To Change The Base Zoning To The (SF-8.4/18) Single-Family Residential District And Modify Development Standards, And To Provide Conceptual Plans; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2022-196 The Enclave.

Loren Shapiro, Planning Manager, briefed the Council on the details of this zoning request and provided background information on the property. “The Enclave” development’s conceptual drawings of homes were provided. A chart of the zoning on adjacent subdivisions was provided as compared to the proposed zoning on this property, which would be combined into the existing PD-119 with different zoning requirements. The Planning and Zoning Commission recommended approval with a vote of 7-0 at their March meeting.

Mr. Shapiro reviewed that on April 4, 2023, the City Council considered the rezoning request. The owners of 20 percent or more of the land within 200 feet of the property being considered filed written opposition to the change, which invoked the three-fourths vote requirement. The City Council voted to approve the zoning change request by a 5-2 vote. However, due to the written opposition from the property owners, the motion to approve did not receive the required 6 favorable votes by City Council, and the rezoning request was denied.

Mr. Shapiro advised that the Zoning Ordinance does not allow a new application to be submitted for rezoning a property that has been denied by City Council within one year of the Council’s action, except:

- a. At the request of the City Council;
- b. Upon written request by the applicant the City Council may waive the 12 month waiting period and permit a new application to be filed. Such request for waiver may be set for a public hearing if required by a majority vote of the City Council, or;
- c. Where the property involved is temporarily classified to the (IH) Interim Holding District.

On April 18, 2023, the City Council voted unanimously to reconsider the zoning change request at its June 6, 2023, meeting. Written notices were mailed to inform property owners within 200 feet of the property of the June 6 City Council public hearing. Written opposition was again received which requires a super-majority (6 affirmative votes) vote of Council.

Mayor Babick opened the public hearing for Item 29.

Tom Dubowski, 2507 Creekdale Court, asked Council to keep the neighbors and adjacent neighborhoods under consideration.

Victor Castro, 1341 W. Mockingbird Lane, Dallas, Stated he represents the developer and is available for questions.

Brian Farlow, 2301 Briarhill Dr., Spoke on behalf of the Parkside Estates HOA. He stated that this property now has the same deed restrictions as Parkside and spoke in support of Council approval.

Mayor Babick closed the public hearing.

Councilmember Axberg inquired whether anything contractual has been entered into with the Parkside HOA. Mr. Castro responded that an article has been added to the covenants and that has been recorded.

Councilmember Pendleton inquired about the drainage. Mr. Castro responded that the conceptual drawings reflect that most of the drainage is underground, with a portion exposed on the northern portion of the property but highlighted that the design has not been finalized.

Councilmember Carpenter moved approval of Item 29; second by Mayor Pro Tem Palacios. The motion was approved with a unanimous 7-0 vote.

30. Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For Miscellaneous Manufacturing For Screen Printing On Clothing And Textiles On An Approximately 0.50 Acre Tract Zoned Planned Development District No. 87 (PD-87) For The (HC) Heavy Commercial District And Located At 1407 Westway Circle, Approximately 572 Feet East Of Broadway; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-028 Integrity Branding.

Loren Shapiro provided an overview of this request. He advised that the applicant requested a special use permit (SUP) to allow for miscellaneous manufacturing for direct-to-garment screen printing on clothing and textiles at an existing facility. The SUP is required due to the Heavy Commercial zoning at that location. Mr. Shapiro noted that the manufacturing process occurs inside the building.

Mr. Shapiro advised that the Planning and Zoning Commission voted to recommend approval at their May meeting. Staff is recommending approval.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

The applicant, Scott Carstens 2207 Wickham Circle, provided information on his company. He expressed his appreciation to the staff and P&Z during this process.

Deputy Mayor Pro Tem Cline moved approval of Item 30; second by Mayor Pro Tem Palacios. The motion was approved with a unanimous 7-0 vote.

31. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Repeal Special Use Permit No. 426 (SUP-426) At 1441 West Trinity Mills Road For A Motorcycle Training Center On An Approximately 12 Acre Tract, And To Repeal Special Use Permit No. 193 (SUP-193) At 1415 West Trinity Mills Road For An Automotive Repair And Quick Lube And Lubrication Service Facility On An Approximately 0.55 Acre Tract; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-012 Repeal Of Two SUPs.

Loren Shapiro advised this is a City-initiated request to reassess the continued appropriateness of two special use permits. SUP-426 is for a motorcycle training center and SUP-193 is for an automotive repair and quick lube and lubrication service facility. The City-owned properties are part of the Trinity Mills Station mixed use project and are not currently occupied by the uses authorized by the special use permits. As a result, the special use permits are no longer needed. A location map was provided.

In April the Planning and Zoning Commission recommended approval of this request. Staff is recommending approval.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

Councilmember Pendleton moved approval of Item 31; second by Deputy Mayor Pro Tem Cline. The motion was approved with a unanimous 7-0 vote.

32. Hold A Public Hearing And Consider An Ordinance Amending The Text Of Article XX ‘Transit Center Regulations, Part 2 (TMTC) Trinity Mills Transit Center District’ Of The Comprehensive Zoning Ordinance To Amend Section C ‘General District Standards Related To Minimum Building Height’. Case No. PLZT 2023-013 CZO Text Amendment For Minimum Building Height In The TMTC District.

Loren Shapiro stated that this is a City-initiated request to amend the text of the Comprehensive Zoning Ordinance to reduce the minimum building height in the (TMTC) Trinity Mills Transit Center District. Staff recommends reducing the minimum allowed building height from six (6) stories to five (5) stories due to market and economic trends. In April the Planning and Zoning Commission recommended approval of the text amendments.

Mr. Shapiro noted that two (2) mixed-use, multi-family, five-story developments have been approved for this Transit Center. By comparison, neighboring cities have similar master plans with four or five stories as a minimum.

Councilmember Axberg inquired as to the reasoning for the six-story minimum. Mr. Shapiro responded that prior to the master plan being approved, the six-story minimum requirement was put in as a placeholder to avoid one and two-story buildings in this area.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

Deputy Mayor Pro Tem Cline moved approval of Item 32; second by Councilmember Fleming. The motion was approved with a unanimous 7-0 vote.

33. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Repeal Planned Development District No. 159 (PD-159) For An Approximately 0.63-Acre Tract Located At 2775 East Trinity Mills Road And At The Northwest Corner Of Marsh Lane And East Trinity Mills Road; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2023-026 Repeal Of Planned Development Number 159.

Loren Shapiro stated that this is a City-initiated request to reassess the continued appropriateness of Planned Development No. 159 (PD-159). It is part of a regular process of staff assessment of the continued appropriateness of planned development districts and special use permits across the City. The repeal would eliminate PD-159 and retain the base zoning of the (LR-2) Local Retail District. PD-159 was established on March 5, 2002, by the City Council to allow a reduced rear yard setback (5 feet

in lieu of the required 10 feet) for a proposed expansion to a convenience store and gasoline service station. At the time of PD-159’s adoption, the City’s Zoning Ordinance allowed gasoline service stations by right in the (LR-2) Local Retail District, whereas today it requires City Council approval of a special use permit (SUP). A freestanding retail building was constructed in 2005, meeting the minimum 10-foot rear yard setback for the base (LR-2) Local Retail District. As a result, a planned development district is not needed on this property.

Mr. Shapiro advised that the Planning and Zoning Commission voted to recommend approval at their May meeting, and staff recommends approval as well.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

Councilmember Pendleton moved approval of Item 33; second by Mayor Pro Tem Palacios. The motion was approved with a unanimous 7-0 vote.

PUBLIC FORUM

34. 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, 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.

Suzanna Dooling, 1406 Overture Way: Voiced concerns over Council-approved excavation done at T.C. Rice and requested the Council take measures to repair the ecological damage.

Mr. Vidovic, (no address stated): Voiced his opinions on several subjects.

ADJOURNMENT - Mayor Babick adjourned the meeting at 8:30 p.m.

ATTEST:

Chloe Sawatzky, City Secretary

Steve Babick, Mayor