

**CARROLLTON CITY COUNCIL
WORKSESSION AND REGULAR MEETING
MAY 7, 2013**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, May 7, 2013 at 5:45 p.m. with the following members present: Mayor Matthew Marchant, Mayor Pro Tem Jeff Andonian, Deputy Mayor Pro Tem Kevin Falconer, Councilmembers Anthony Wilder, Doug Hrbacek, Terry Simons, and Lisa Sutter. Councilmember Bob Garza was absent. Also present were City Manager Leonard Martin, Assistant City Managers Beth Bormann, Bob Scott and Marc Guy, Director of Development Services Ravi Shah, Parks & Recreation Director Scott Whitaker, Director of Engineering Cesar Molina, Chief Planner Christopher Barton, Chief of Police Rex Redden, Marketing Director Sheri Chadwick, City Attorney Clayton Hutchins, and City Secretary Ashley D. Mitchell.

*****PRE-MEETING / EXECUTIVE SESSION***
5:45 P.M. – COUNCIL BRIEFING ROOM**

- 1. Mayor and Council reports and information sharing.**
- 2. Receive supplemental staff information and responses to questions.**

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

INVOCATION led by Mayor Marchant

PLEDGE OF ALLEGIANCE led by Doug Hrbacek

PRESENTATIONS

- 10. Present A Proclamation Declaring May As *Older Americans Month*.**
- 11. Present A Proclamation Declaring May 12 Through May 17, 2013 As *National Police Week* And May 15, 2013 As *Peace Officers' Memorial Day* In The City of Carrollton.**

PUBLIC FORUM

12. 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. There were no 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.*)

Councilmember Sutter moved approval of Consent Agenda Items 13 – 19 and 21, pulling Items 20 and 22; second by Councilmember Garza and the motion was approved with a unanimous vote.

MINUTES

***13. Consider Approval Of The April 16, 2013 Regular Meeting Minutes.**

BIDS & PURCHASES

***14. Consider Approval For Purchase Of “Better Billy Bunker” System To Renovate All Bunkers On The Creek Course From TDI In An Amount Not To Exceed \$371,000.00.**

***15. Consider Approval Of Bid #13-016 For Public Works From Jim Bowman Construction Company For Street, Alley, And Sidewalk Concrete Repairs In An Amount Not To Exceed \$1,100,000.00.**

CONTRACTS & AGREEMENTS

***16. Consider Authorizing The City Manager To Approve A Contract With SYB Construction Company, Inc. For The 2013 Water Line Replacement Project In An Amount Of \$1,792,985.00.**

***17. Consider Authorizing The City Manager To Approve The Purchase Of An Irrigation Pump From Monroe Pump Systems, Inc For McInnish Park In The Amount Of \$49,200.00.**

***18. Consider Approval Of A Consulting Agreement With Dunaway & Associates To Update The Existing Park Master Plan In An Amount Not To Exceed \$56,000.00.**

ORDINANCE

***19. Consider An Ordinance Revising The General Design Standards.**

RESOLUTIONS

~~***20. Consider A Resolution Authorizing Sale of Foreclosed Property (Lot 2 of Advanced Car Wash – Rosemeade Addition).**~~

***21. Consider A Resolution Authorizing A Waiver of Penalty And Interest On Tax Account.**

~~*22. Consider A Resolution Authorizing The City Manager To Approve The Sale Of 230.4 Acres Of Land, Known As The Weaver Tract Lakes, To The City Of Dallas.~~

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

23. Hold A Public Hearing And Consider An Ordinance For Case No. 02-13Z2 Project Raiford To Establish A New Planned Development District For the (SF-5/12) Single Family Residential And (SF-TH) Single Family Townhouse Districts With Modified Development Standards. The Approximately 40-Acre Site Is Located On The East Side Of Old Denton Road, Just North Of Raiford Road And Is Currently Zoned PD-5 For The (SF-8.4/16) Single Family Residential District.

Christopher Barton, Chief Planner, advised that the Planning & Zoning Commission recommended approval at its April 4, 2013 meeting and the proposed ordinance reflects the Commission's action. He stated that since that meeting, staff continued to work with the City's business partner, Arcadia Realty, and has presented changes for consideration in the Council's packet. He stated that Bill Gietema with Arcadia holds the dual role of consultant to the City as well as developer, and was present to provide details and answer questions.

Deputy Mayor Pro Tem Falconer stated he understands that putting more limits on stucco could be detrimental to the overall development, but asked if a possible alternative would be to allow it as noted on the single-family homes and eliminate it on townhomes. Mr. Gietema stated he understands the concern and stressed that they would not use EIFS. He stated that the plan is to have a large variety of home styles such as Mediterranean, mid-century or prairie style and asked Council to allow stucco on townhomes with an SUP (special use permit), which would allow Council to evaluate the architectural merit. Deputy Mayor Pro Tem Falconer stated he would agree to that option.

In response to Councilmember Garza, Mr. Barton referred to the exhibits that would be a part of the ordinance that provide details about allowed materials. He stated that it was his understanding that Mr. Gietema would have an architectural review committee and deed restrictions that would control the architecture for anyone who builds a house in the development. Deputy Mayor Pro Tem Falconer stated that his concern with stucco was because it doesn't seem to be as sustainable as masonry. He stated he wouldn't have a problem with a few homes being built with stucco but would not want to see an entire community built with the product.

In response to Councilmember Sutter, Mr. Barton stated that the conceptual site plan shows approximately 50 lots would have townhomes. Councilmember Sutter voiced a concern with requiring people who want a stucco townhome to get an SUP. Mr. Gietema stated he felt Deputy Mayor Pro Tem Falconer's concerns were reasonable. He stated that all of the buildings would be reviewed by a third party architect and he did not mind requiring stucco townhomes to obtain an SUP.

Mayor Marchant opened the public hearing and invited speakers to the podium.

Alan Overholt, 2216 Ridgewood, voiced his concern that approximately 1/3 of the homes would be row houses and another 1/3 would have 40-foot wide lots. He voiced a concern about access

to the park and about the topography of the site. He felt it would be a less-than-desirable development and felt the City could do a better job.

Councilmember Hrbacek expressed his appreciation for the concerns voiced about stucco and commented that the exhibits are a little broad so he would be in favor of the SUP option to address those concerns.

Mr. Barton asked if the Council would want an SUP for each townhouse or just those exceeding 10% stucco and Mayor Marchant replied those exceeding 10%.

Mayor Marchant stated that the good thing about the private drive was that it is on one side of the park and there is a public street on the other. Immediately adjacent to the south, the park hooks into an existing park which allows for more access. He stated that the private drive was due to the fact that there is an existing alley behind it. He also explained that mixing the sizes of the lots and homes raises the value and avoids the possibility of the community losing value or becoming a rental community. He invited Mr. Gietema to respond to Mr. Overholt's concerns.

Mr. Gietema stated he would be concerned if the neighborhood would consist of one type of home specifically noting that the row houses would not be clustered, and he talked about the demographics that could be expected in the neighborhood as well as the upgrades that could be expected such as enhanced elevations, full porches and granite. He pointed out the open space and stated that fronting on open space is not only the safest thing to do but is also the most expensive way to develop. He described the open space and access to the open space. He advised that the most expensive home per square foot would be the townhomes and that the homes on the 55-foot wide lots would draw the highest price.

Councilmember Simons stated his agreement for the SUP for those townhouses exceeding 10% stucco. He stated that he has personal knowledge that the review that is conducted by Mr. Gietema's Architectural Review Committee is very extensive, the product in other neighborhoods has been first class and he was very excited about the project. He also voiced appreciation for the amount of green space designed for the site and felt it was a great opportunity for Carrollton.

Councilmember Sutter stressed that the development has been worked on by the Re-Development Sub-Committee and the staff since 2010. She underscored her disagreement with requiring an SUP for the use of stucco on the townhome product.

Councilmember Wilder asked Mr. Gietema to comment about the topography of the site. Mr. Gietema described in detail the work that would occur and stated that all of the streets, alleys and sidewalks meet the City's criteria for accessibility. He noted that part of the reason it took so long for the development to get to this point was designing for the grade difference.

Councilmember Garza asked about the pricing and Mr. Gietema stressed that while they use conservative numbers, the final pricing could be different. The price point for the base rate townhome would be about \$200,000 and the township homes and the 55's (homes on the 55-foot wide lots) would be about \$350,000.

Mayor Pro Tem Andonian made statements to assure the citizens and audience that the development would be a quality product.

Mayor Marchant opened the floor for a motion.

Deputy Mayor Pro Tem Falconer moved to close the public hearing and approve Case No. 02-13Z2 Project Raiford with the stipulations as noted by staff with the following additions to the proposed ordinance: Section 2, 11. “provided however that garage doors facing the alley shall be placed between 7 and 9 feet, or more than 17 feet from said alley right-of-way”; Section 2, 20. “provided however that garage doors facing the alley shall be placed between 7 and 9 feet, or more than 17 feet from said alley right-of-way”, and Section 2, 20. “Minimum exterior façade masonry content shall be 90%. For the purposes of this ordinance, “masonry” shall include brick, natural stone, cast stone, stucco (but not EIFS) and cementitious fiberboard in a horizontal “lap board” siding or with a decorative pattern (see examples as Exhibit E). Stucco but not EIFS shall be allowed with an SUP.” Second by Councilmember Hrbacek and the motion was approved with a unanimous vote.

24. Hold A Public Hearing And Consider A Resolution Amending The Comprehensive Plan And The Future Land Use Map For A 13.967-Acre Site From Medium-Intensity Commercial To Single-Family Detached. The Site Is Located At The Northwest Corner Of Old Denton Road And Carrollton Parkway. Case No. 12-12MD1 The Ridge.

25. Hold A Public Hearing And Consider An Ordinance Changing The Zoning Of A Certain 13.967-Acre Site From The (LR-2) Local Retail District To The (SF-5/12) Single-Family Residential District. The Site Is Located At The Northwest Corner Of Old Denton Road And Carrollton Parkway, And Is Currently Zoned PD-123 For The (LR-2) Local Retail District. Case No. 12-12Z1 The Ridge.

Mayor Marchant stated that Items 24 and 25 were companion items and would be heard simultaneously.

Mr. Barton explained that the first request is to amend the Comprehensive Plan and the second request is to amend the zoning. The request is for amendments to PD 123 changing the base zoning from LR-2 Local Retail to SF-5/12 Single Family Residential. He advised that on April 4, 2013, the Planning & Zoning Commission recommended approval. He stated that originally, staff recommended denial of the request because the area was still developing. The ordinance before the Council is the result of the Commission’s action on the requests. He advised that the specifics of the ordinance are based upon previous single-family zoning cases that have recently been before the City Council. He advised that the applicant was in attendance to make a presentation.

There being no questions for staff, Mayor Marchant invited the applicant to the podium.

Shane Jordan, 4951 Airport Parkway, Suite 800, Addison, Texas, stated the request was similar to the request made in March 2012 for the property now known as The Estates of Indian Creek Phase 7. He stated that Carrollton Parkway is known as Wyndhaven Parkway and is really a residential collector street rather than a major carrier of traffic. He also spoke about traffic volumes in the area. He felt it was not the appropriate location for commercial uses and that it would be appropriate to amend the Comp Plan as requested.

Councilmember Simons asked the applicant if he was in agreement with the design standards and Mr. Jordan replied affirmatively and stated that the plan exceeds SF-5/12 standards and meets the enhanced standards recommended by staff.

Mayor Marchant opened the public hearing and invited speakers to the podium.

Scott Landers, 14180 Dallas Parkway, Suite 510, Dallas, representing the ownership group that purchased the property in 2007, talked about the investment loss. He stated the property has been for sale since 2008 and Mr. Jordan has been the only group to submit a real offer and he has not received any calls for commercial use. He felt the request was consistent with what is happening in Carrollton.

Beaux Brooks, 4023 Marquette, Grand Homes, spoke in favor of the request. He stated that the Grand Homes owner is passionate about architecture and their trademark is style and design.

Jim Riggert, 2515 McKinney Avenue, Suite 1300, Dallas, read and distributed a memo dated May 7, 2013 from the ownership of Wyndhaven West LLC in support of the requested Comp Plan amendment and change of zoning.

There being no further speakers, Mayor Marchant closed the public hearing.

Councilmember Sutter moved to close the public hearing and approve Items 24 and 25; second by Mayor Pro Tem Andonian and the motion was approved with a unanimous vote.

OTHER BUSINESS

26. Consider A Letter Requesting A Waiver To The “One-Year Rule” For Reapplication of a Zoning Change Request Regarding Case No. 05-12Z1 MacArthur Drive at Trinity Mills Road.

Mayor Marchant explained the waiver and purpose of the item.

Councilmember Hrbacek moved approval of Item 26; second by Councilmember Garza. Councilmember Wilder noted that the action does not bind the Council to approve future applications. **The motion was approved with a unanimous vote.**

Mayor Marchant adjourned the Regular Meeting at 8:18 p.m. and stated that Council would convene in Worksession.

*****WORKSESSION*****

Mayor Marchant called the Worksession to order at 8:30 p.m. He advised that the Order of the Agenda was changed and Item 7 would be heard first.

7. Briefing On The RAIDS Online Crime Reporting System.

Chief of Police Rex Redden introduced Sgt. Burnside of the Intelligence Division for the briefing. Sgt. Burnside illustrated RAIDS Online stating that it is basically a crime mapping program and is a free service that is available to citizens. He explained how the program works, how it helps the Police Department and stated that it provides an efficient and accurate direct access method of providing crime information to the community.

5. Discuss Centennial Celebration.

Director of Marketing Sheri Chadwick informed Council that 158 tickets have been sold for the May 31 Centennial Gala. She described the entertainment for the evening beginning with a cocktail hour with a tribute to the past and stated there are some special surprises at the end of the evening. She also provided an update about marketing for the special Centennial events.

6. Discuss Metrocrest Leadership Academy Scholarships.

City Secretary Ashley Mitchell advised that information has been distributed to all board and commission members as well as to the other names provided by individual Council members. She stated that the deadline is May 15 and an item will be on the Council's May 21 agenda.

8. Discuss Single-Family In-Fill And Re-Development Initiatives and the Neighborhood Empowerment Zone Concept.

Asst. City Manager Marc Guy began the presentation stating that the recommendation comes from the Re-Development Sub-Committee. He listed the following key elements that have been identified:

- 1) Create Neighborhood Empowerment Zones
- 2) Allow exterior brick or stone exemption "by right" in designated areas, and
- 3) Create in-fill overlay to accommodate single-family redevelopment in designated areas.

Beginning with the first element, Mr. Guy stated that Empowerment Zones are authorized by Chapter 378 of the Texas Local Government Code and he used a map to illustrate the geographical areas. He described the recommendations within the first element and stated it would require no additional staffing and no additional administrative cost. With regard to the second element to allow an exterior brick or stone exemption "by right", he used a colored map to highlight the suggested areas. He explained the difference between a variance and a special exemption, and talked about the recommendations to pursue that element. With regard to the third element pertaining to the creation of an in-fill overlay, he utilized the same map of the second element and advised that the recommendation is to amend the zoning ordinance to increase lot coverage allowance and to increase floor area ratio (FAR). He explained that the area, while very attractive because of the mature trees, has smaller lots causing the builders to be constrained when trying to meet the City's code requirements. He stated that amending the zoning ordinance for those areas would likely modify the setbacks and allow a larger home to be built. Mr. Guy explained that the next step is to work with the City Attorney to create the necessary ordinances and begin community outreach and communication. He explained that the brick or stone element is required to go through the standard zoning change process. Hearing no objections, he stated that staff would proceed forward.

9. Discuss Bond Election.

Director of Engineering Cesar Molina began the presentation reviewing the deadlines and calendar that must be met in order to hold a November 2013 election. Council reached a consensus to hold a special meeting on July 1 at 6:00 p.m. to discuss the projects. Mr. Molina stated he also needs direction on the split for using the funds. Discussion was held with regard to the needs of the police station, which would be the largest facility. He stated more time is needed to get information from the consultant after they meet with the police department staff. The Council reached a consensus of a 75% infrastructure and 25% facility split. Mayor Marchant stressed that the split could change once more detailed information is brought back to CIPAC and Council.

3. Council convened in **Executive Session** at 9:38 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.
 - Discuss Camelot Landfill Application
- **Section 551.072** to discuss certain matters regarding real property.
- **Section 551.074** to discuss personnel matters.
- **Section 551.076** to discuss security matters.
- **Section 551.087** to discuss Economic Development.

4. Council **reconvened in open session** at 10:30 p.m. to consider action, if any, on matters discussed in the Executive Session. No action.

ADJOURNMENT

Mayor Marchant adjourned the meeting at 10:30 p.m.

ATTEST:

Ashley D. Mitchell, City Secretary

Matthew Marchant, Mayor