

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
DECEMBER 5, 2023**

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

Agenda items were reviewed. Staff responded to Council’s questions.

Mayor Babick introduced the Metrocrest Chamber of Commerce President/CEO Michael Gallops. Mr. Gallops addressed the Council and provided brief comments.

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

2. Council will convene into 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.
3. Council will reconvene in Open Session to consider action, if any, on matters discussed in the Executive Session.

Executive Session was not convened.

*****WORKSESSION*****

4. Discuss Residential Streetlight Infill Prioritization List Recommendations.

Jonathan Wheat, Director of Engineering, presented this item. He advised that in 2022, a Bond Referendum was approved by the voters that included \$500,000 for residential streetlighting. He explained that the current spacing for residential streetlighting by ordinance is 175 ft. – 350 ft. apart. The previous ordinance called for a distance between 500 ft. Photos of older and newer streetlights were provided. It was noted that newer neighborhoods in the north part of Carrollton are more likely to meet the current ordinance and the older neighborhoods in the south are less likely.

Mr. Wheat advised that the Transportation Advisory Committee (TAC) began the task of prioritizing areas for streetlight replacements in February 2023. He explained that the formula used for evaluating the areas includes crime data, schools, parks, darkness points, and request points (official requests for streetlights in a neighborhood). A prioritization list was prepared and the two neighborhoods that will be addressed first are Carrollton Highlands and Crosby Estates. Each streetlight will cost \$4,300 if within 30 feet of electricity, for a total of \$304,000. It was noted that some solar panels may be used if electricity is not available in certain areas. Communications with residents in those neighborhoods will be ongoing.

5. Discuss Potential Charter Propositions.

City Attorney Meredith Ladd provided an overview of three (3) Charter Propositions planned for a Special Election to be held in May, 2024 at the same time as the City’s General Election. She explained that changes in State law have resulted in some current Charter provisions being unenforceable. Additionally, the City is proposing to change the required Council place redistricting to be every ten (10) years, rather than the current five (5) years. This is due to the impact of House Bill 3613 and how it affects Council seats in redistricted areas.

6. Mayor And Council Reports And Information Sharing.

Council reviewed their recent activities and upcoming events. Additionally, Mayor Babick advised that the Council meeting scheduled for December 19, 2023 is being cancelled.

Mayor Babick adjourned the Worksession at 6:41 p.m.

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

Mayor Babick called the Regular meeting to order at 7:00 p.m.

INVOCATION – Deputy Mayor Pro Tem Rusty Pendleton

PLEDGE OF ALLEGIANCE – Councilmember Jason Carpenter

PRESENTATIONS

7. Present Certificates To The Environmental Leadership Award Recipients And To The 2023 Environmental Distinction Award Recipients.

Mayor Babick provided an introduction to this annual recognition of local businesses. He stated this is the 21st year that the Environmental Services Department has presented the Environmental Leadership Awards during the City Council Meeting.

Councilmember Axberg, Chair of the Environmental Distinction Award Committee, advised that this year, ten facilities received the Environmental Leadership Award. He introduced the recipients as follows:

- Century Products
- Electro Plate Circuitry
- Image Industries
- International Paper - Belt Line

- Quality Powder Coating
- Quantum Global Technologies
- Ralcorp Frozen Bakery Products
- Rudy's Tortillas
- Swiss American
- Wash Solutions

Councilmember Axberg advised that the Environmental Distinction Award recognizes companies that go beyond mere compliance to champion environmental sustainability in the community. Candidates for the Environmental Distinction Award must be environmentally compliant and demonstrate process improvement, minimized environmental impacts and community involvement.

Recipients of this year's Award were announced as follows: Century Products and Ralcorp Frozen Bakery Products. Councilmember Axberg reviewed the accomplishments for each company in the areas of environmental responsibility and impacts to the community.

PUBLIC COMMENT

8. 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.

Mayor Babick opened the public comment period. With no one wishing to speak, the Public Comment period was closed.

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 advised that Item No. 16 is being pulled from the Consent Agenda for separate consideration.

Councilmember Palomo moved to approve Consent Agenda Items 9-15 and 17-22; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

BIDS & PURCHASES

- *9. Consider Approval Of The Purchase Of Firefighter Protective Clothing, Fire Personnel Uniforms, Tools And Equipment From Casco For The Fire Department Thru An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$465,000.00.**
- *10. Consider Approval Of The Renewal Of Mark43 Police RMS Licensing Subscription For A Total Amount Not To Exceed \$162,441.77 For The First Year And A Five Year Total Not To Exceed Amount Of \$836,240.17.**
- *11. Consider Approval Of Proposals For RFP#23-041 For Stop Loss Coverage To SA Benefits - Zurich, Medical Risk Managers, For Stop Loss Coverage In An Amount Not To Exceed \$102 Per Employee Per Month, And To Isolved For FMLA Administration For 2024 In An Annual Amount Not To Exceed \$22,317 With A Total Contract Amount Not To Exceed \$66,951.**
- *12. Consider Approval Of RFP #23-043 For The Purchase Of Short-Term Rental Software For The Environmental Services Department From Deckard Technologies Inc., In An Amount Not To Exceed \$23,750.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$71,250.00.**
- *13. Consider Approval Of RFP #24-001 For The Purchase Of Flexbase For The Public Works Department From Various Vendors In An Amount Not To Exceed \$90,000.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$270,000.00.**

CONTRACTS & AGREEMENTS

- *14. Consider Approval Of An Agreement With 3M Company For The Purchase Of Sign Sheeting Material Through An Interlocal Agreement With The City Of Fort Worth In An Amount Not To Exceed \$75,000.00 In Fiscal Year 2024.**

ORDINANCES

- *15. Consider An Ordinance Amending Chapter 52, Water And Sewer Services By Clarifying Ordinance Language, Revising Payment Due Dates, And Providing For Alternative Notice Methods For Disconnection Of Service.**
- *16. Consider An Ordinance Amending Title IX, Chapter 92 ‘Nuisances’ Of The Carrollton Code Of Ordinances Regarding The Regulation Of Certain Public Nuisances.**

Mayor Babick requested separate discussion on Item No. 16 to reconsider the allowable number of days before and after a holiday for decoration display. The amended ordinance presented reflects 45 day prior to a holiday and 30 days after a holiday. This is the only change proposed. Councilmember Axberg spoke in favor of this amendment.

Councilmember Palacios moved to approve Consent Agenda Item 16; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a 5-2 vote. Councilmembers Fleming and Carpenter voted in opposition. (Mayor Pro Tem Cline voted remotely.)

RESOLUTIONS

- *17. Consider Approval of the Renewal of Microsoft Unified Support From Microsoft Corporation Through a Cooperative Purchasing Agreement With DIR In An Amount Not to Exceed \$65,000.00.**
- *18. Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Economic Development Incentive Agreement With DuraPlas, Inc., Establishing A Program Of Tax Rebate Grants To The Company For The Relocation Of Its Headquarters And Manufacturing Operations To 2395 Midway Road, In Amounts Equal To Fifty Percent (50%) Of Taxes Paid To The City On The Assessed New Value Of Business Personal Property For A Maximum Term Of Three (3) Years, And A Second Grant In Amounts Equal To Fifty Percent (50%) Of Taxes Paid To The City On The Assessed New Value Of Business Personal Property And Real Property For A Maximum Term Of Three (3) Years After Issuance Of A Certificate Of Occupancy On A New Building To Be Constructed, For A Total Incentive Amount Not To Exceed \$481,284.**
- *19. Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Economic Development Incentive Agreement With JBB Advanced Technologies, LLC, Establishing A Grant For The Creation of Jobs At 4000 International Parkway To Promote Local Economic Development And Stimulate Business And Commercial Activity Within The City, In An Amount Not To Exceed \$217,000.**
- *20. Consider A Resolution Authorizing The City Manager To Enter Into An Agreement With Twin City Security, Inc Through An Interlocal Agreement With Jefferson County Colorado For Court Security Services In A Total Annual Amount Not To Exceed \$64,087.86.**
- *21. Consider A Resolution Authorizing The City Manager To Enter Into An Agreement With Avive Solutions, Inc. For The 4 Minute City AED Program In A First Year Amount Not To Exceed \$108,000.00 And An Aggregate Five-Year Amount Not To Exceed \$508,000.00.**
- *22. Consider A Resolution Approving The Appointment Of New Members Of The Carrollton Police Reserve Pursuant To The Carrollton Code of Ordinances, Section 35.60(B), Which Authorizes Such Appointment By The Chief of Police.**

PUBLIC HEARING – INDIVIDUAL CONSIDERATION

- 23. Hold A Public Hearing And Consider A Resolution To Adopt The Program Year 2022 Consolidated Annual Performance And Evaluation Report On The Use Of Community Development Block Grant Funds.**

Environmental Services Director Cory Heiple advised this is the second of two required public hearings on the Consolidated Annual Performance and Evaluation Report required by HUD for the CDBG (Community Development Block Grant) spending. The first public hearing was held at the November Neighborhood Advisory Committee meeting. He reviewed the CDBG Funding Spent in FY 2022 totaled \$461,414 as follows:

Crosby Estates Street and Sidewalk Replacements	\$ 200,000
Minor Home Repair	\$ 56,505

Emergency Home Repair	\$ 7,160
Enhanced Code Enforcement (Inspector Salary)	\$ 70,068
Metrocrest Services (216 Homeless Assistance)	\$ 115,000
Staff Training and Administration	\$ 12,681

Mr. Heiple advised that the total grant allocation was \$500,000. He noted that the city has three (3) years to spend the grant funds so the remainder will be rolled into the next year's funding.

Councilmember Fleming inquired regarding content of the report as it pertains to a First Time Home Buyers Program. Mr. Heiple responded this is a different program (than CDBG) and advised that in regard to the Needs Analysis for first time home buyers, a consultant will be engaged to conduct an analysis again in 2024.

Mayor Babick confirmed data included in the report as it pertains to the number of persons assisted and the dollar amounts contributed by the city and Metrocrest Services. It was noted that Carrollton serves its residents in numerous ways other than through the CDBG program.

Mayor Babick opened the public hearing. He stated that no speaker cards were submitted.

With no one wishing to speak, Mayor Babick closed the public hearing.

Deputy Mayor Pro Tem Pendleton moved approval of Item 23; second by Councilmember Palacios. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

- 24. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Amend Special Use Permit 486 (SUP-486) To Allow Automobile Or Light Load Truck Repair Garage And Automobile, Motor Vehicle, Heavy Load Truck And Watercraft Paint And Body Shop As Accessory Uses, To Modify Conceptual Plans, And To Revise Development Standards On An Approximately 1.9-Acre Tract Zoned To The (LI) Light Industrial District And Located At 1729 South Broadway On The East Side Of South Broadway Approximately 600 Feet South Of Burning Tree Lane; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-100 Texas Car One.**

Loren Shapiro, Planning Manager, presented this item. He advised there is an existing Special Use Permit (SUP) for this property allowing indoor auto sales. This item is a request to amend the SUP by modifying the plans to expand the building by approximately 3,000 square feet. This would allow additional auto sales space as well as paint and body, and auto repair work specific to the use.

Mr. Shapiro noted that previous violations at the property have been resolved, and the concept plans meet required setbacks with additional landscaping being added as well. Planning and Zoning Commission recommends approval. Staff recommends approval.

The applicant, Homan Sepasi, was present for questions.

Mayor Babick opened the public hearing. He stated that no speaker cards were submitted.

Pegah Ganji, 1800 N. Field St. Dallas, real estate agent for the property, spoke in favor of this item.

Mayor Babick closed the public hearing.

Deputy Mayor Pro Tem Pendleton moved approval of Item 24; second by Councilmember Axberg. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

- 25. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 0.86-Acre Tract Zoned Planned Development District 185 (PD-185) For The (CC) Corporate Commercial District And Located Approximately 150 Feet East Of The Southeast Corner Of Josey Lane And Parker Road (FM 544), To Repeal And Reestablish PD-185 To Allow For Modified Conceptual Plans And To Revise Development Standards; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2023-102 El Paisa.**

Loren Shapiro, Planning Manager, presented this item. He advised this is a request to amend a planned development to allow modified concept plans for a limited-service restaurant with a drive through window. Mr. Shapiro advised that this is a locally owned restaurant, El Paisa, planned for Tract 2 of this site. Depictions of the proposed site plan, landscape plan, and elevations were provided. Mr. Shapiro added that parking and vehicle stacking requirements for the drive through are met. Planning and Zoning Commission recommends approval. Staff recommends approval.

The applicant was not present.

Mayor Babick opened the public hearing. He stated that no speaker cards were submitted.

With no one wishing to speak, Mayor Babick closed the public hearing.

Councilmember Palomo moved approval of Item 25; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

- 26. Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For ‘All Other Amusement And Recreation Uses And Activities (Billiard Hall)’ In An Approximately 3,200 Square Foot Suite Zoned To The (FWY) Freeway District And Located At 2630 Old Denton Road; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-101 Dallas Billiards And Academy.**

Loren Shapiro, Planning Manager, presented this item. He noted that the location for this proposed use is in the Freeway District. It is the former Capital One building and is being expanded and will include three (3) suites. The proposed Billard Hall will occupy one of the suites. Conceptual site plans and elevations were provided. Mr. Shapiro advised the Council that the item for consideration is for recreational use. The Planning and Zoning Commission recommended approval and Staff recommends approval with conditions.

The applicant, Eddie Oh, was present for questions. Councilmember Palomo inquired whether food would be served on site. Mr. Oh responded that no food or alcohol will be served. Mayor Babick confirmed with the applicant that this is a teaching facility.

Mayor Babick opened the public hearing. He stated that one card in opposition was received from the Carrollton Asian Towne Center.

With no one wishing to speak, Mayor Babick closed the public hearing.

Deputy Mayor Pro Tem Pendleton moved approval of Item 26; second by Councilmember Axberg. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

27. **Hold A Public Hearing And Consider An Ordinance Amending The Text Of The Comprehensive Zoning Ordinance To Amend Article XXXII ‘Board Of Adjustment’ To Update The Carrollton Airport Zoning Map Date.** Case No. PLZT 2023-106 CZO Text Amendment Airport Map.

Loren Shapiro, Planning Manager, advised this is a city-initiated request to update the date of the Carrollton Airport Zoning Map. He explained that the east side of Carrollton is adjacent to the Addison Airport. The map date referenced in Carrollton’s Comprehensive Zoning Ordinance is 1979 and this item is to update that date to reflect the most recent contour map of the airspace dated September 2016. The Planning and Zoning Commission recommended approval.

Mayor Babick opened the public hearing. With no one wishing to speak, Mayor Babick closed the public hearing.

Councilmember Palomo moved approval of Item 27; second by Councilmember Carpenter. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

28. **Hold A Public Hearing And Consider An Ordinance Amending The Text Of The Comprehensive Zoning Ordinance To Amend Article XX.3 “HP” Historic Preservation Overlay District To Add To The Intent Of The Designation Of A Historic Landmark And Historic District, Change The Name Of The Historic Preservation Advisory Committee And Their Duties, Change The Criteria For A Designation, Add Definitions, Add Application Criteria And Amend The Process For Designating Landmarks And Districts.** Case No. PLZT 2023-103 CZO Text Amendment HP Overlay District.

Loren Shapiro, Planning Manager, advised this is a city-initiated request. He advised that the Planning Department had previously overseen and administered the Historic Preservation Advisory Committee (HPAC), including dedication of historical markers and regulating the Historic Preservation Overlay District (Carrollton Heights). In 2014, the Parks and Recreation Department began overseeing HPAC, (now Museum and Historic Advisory Committee (MHAC)), for designating historic markers and other non-zoning but historical related matters. The Development Services Department continues accepting, reviewing, and taking administrative action on applications for Certificates of Historical Appropriateness. Additionally, Development Services oversees any modifications to the Carrollton Heights Overlay District. With the joint efforts of the Parks and Recreation Department and the Development Services Department, it is necessary to update Article XX.3 for assigned duties and responsibilities. These changes will better provide the public, staff, Commission and Council, with clearer regulations for understanding and regulating Article XX.3 “HP” Historic Preservation Overlay District. Planning and Zoning Commission recommended approval.

Mayor Babick opened the public hearing. With no one wishing to speak, Mayor Babick closed the public hearing.

Councilmember Carpenter moved approval of Item 28; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

29. **Hold A Public Hearing And Consider An Ordinance Amending The Text Of Article XXXIV ‘Definitions’ Of The Comprehensive Zoning Ordinance To Amend Section B ‘Terms and Definitions’ Related To “Dwelling Unit”.** Case No. PLZT 2023-107 CZO Text Amendment For The Definition Of Dwelling Unit.

Loren Shapiro, Planning Manager, advised this is a city-initiated request to modify the definition of the term “dwelling unit” to improve the description and distinguish the term from other types of land uses, such as short term rentals which are considered transient. He noted it will help with permitting and zoning enforcement. The Planning and Zoning Commission recommended approval.

Mr. Shapiro provided the current ordinance language for “dwelling unit” and the proposed definition as follows:

‘DWELLING UNIT: A single living unit providing complete, independent living facilities for one family or persons maintaining a common household, and including a residential kitchen, bathroom, and provisions for living, sleeping, and sanitation; accessible independently of another dwelling unit or portion thereof (SEE RESIDENTIAL KITCHEN). Dwelling units do not include hotels, motels, inns, bed and breakfasts, short-term rentals, or non-residential uses where rooms are rented for less than one month.’

Mayor Babick opened the public hearing. With no one wishing to speak, Mayor Babick closed the public hearing.

Deputy Mayor Pro Tem Pemberton moved approval of Item 29; second by Councilmember Axberg. The motion was approved with a unanimous 7-0 vote. (Mayor Pro Tem Cline voted remotely.)

PUBLIC FORUM

30. **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.


Mayor Babick opened the Public Forum.

Don Klasing, 1516 Bluebonnet Way: Expressed concerns about non-city electric vehicles using the city's charging stations along Rain Forrest on a daily basis.

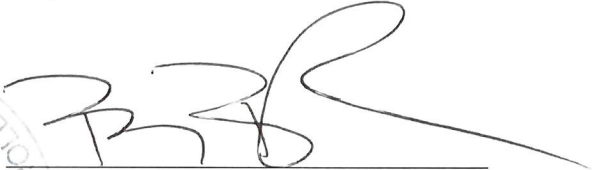
Mayor Babick closed the Public Forum.

ADJOURNMENT - Mayor Babick adjourned the meeting at 8:10 p.m.

ATTEST:


Chloe Sawatzky, City Secretary




Steve Babick, Mayor