

**CARROLLTON CITY COUNCIL
REGULAR WORKSESSION AND MEETING
MAY 5, 2015**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, May 5, 2015 at 5:45 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Bob Garza, Deputy Mayor Pro Tem Anthony Wilder, Councilmembers Kevin Falconer, Doug Hrbacek, Lisa Sutter, Jeff Andonian and Steve Babick. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy and Erin Rinehart, City Controller Pamela Hodges, City Attorney Meredith A. Ladd and City Secretary Krystle Nelinson. Assistant City Manager Bob Scott arrived at 7:00 p.m.

5:45 P.M. – COUNCIL BRIEFING ROOM

*****PRE-MEETING *****

1. Receive information and discuss Consent Agenda.

Councilmember Falconer arrived at 6:00 p.m.

*****WORKSESSION*****

Mayor Marchant called the meeting to order at 5:50 p.m.

4. Discuss Appointment To The Parks Board.

After discussion of the applicants, a consensus was reached to appoint Reed Bales.

7. Discuss Municipal Court Update.

Meredith Lyon, Presiding Judge, provided a brief overview of the Municipal Court activities from October 1, 2014 – April 27, 2015 noting that all of the items reflect an increase in activity particularly noting the increase in arrest warrants. She talked about daily dockets and duties as well as after hours, weekends and holiday activity. She noted a significant increase in blood warrants requested after hours over the past few years. She addressed collection efforts with three marshals on the streets enforcing the warrants. Lastly she provided comparative information with other courts reflecting the level of efficiency of the staff.

8. Discuss Final Results Of The Sale Of City Of Carrollton General Obligation Improvement And Refunding Bonds, Series 2015.

City Controller Pam Hodges referred to a booklet provided to the Council that summarized the results of the bond sale underscoring that the sale was well within the parameters set by the Council. She stated the interest cost was about 2.6%; a little over 3% for the new money portion and a little under 2% for the refunding portion. She highlighted a net present value savings of a little over \$3.9 million.

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

2. Council convened in **Executive Session** at 6:52 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.
 - Hamrla, et al v. City
 - Camelot Landfill Application
- **Section 551.074** to discuss personnel matters
 - Presiding and Associate Judges

3. Council **reconvened in open session at 6:58 p.m.** to consider action, if any, on matters discussed in the Executive Session. No action taken.

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

Mayor Marchant called the Regular Meeting to order at 7:05 p.m.

INVOCATION – Councilmember Doug Hrbacek

PLEDGE OF ALLEGIANCE – Councilmember Lisa Sutter

PRESENTATIONS

12. Present A **Proclamation Declaring May 2015 As Motorcycle Awareness Month.**

13. Present A **Proclamation Declaring May 10 Through May 16, 2015 As National Police Week And May 15, 2015 As Peace Officers' Memorial Day.**

14. Present A **Service Award To Battalion Chief Chris Cothes.**

PUBLIC FORUM

15. **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.

Mayor Marchant thanked the staff for the 5K Trails event noting the amount of participation and reminded the audience that Saturday was Election Day encouraging the citizens to vote. Lastly he recognized former Mayor Ron Branson.

Kellie Stokes, 516 Hunters Ridge, Coppell, member of the Board of Directors of the Children's Advocacy Center for Denton County, shared information about the work of the Center and thanked the City for ongoing support.

David Wozniak, 1343 Barclay Drive, advised that he and his neighbors were being impacted by new slope failure of the Dudley Branch retaining wall repaired by the City in 1996. He encouraged the Council to solve the problem in any legal manner possible. He felt that inaction was a taking of his land causing foundation and plumbing problems. It was his opinion that based upon the reading of the easement recorded in 1996 the City has ongoing maintenance responsibility and ownership interest in the wall.

Willie Rainwater, 2006 Southern Oaks, recognized guests in the audience who were in attendance for Item 32 regarding the renaming of Jamestown Lane to Rainwater Lane. Mayor Marchant noted that the item was an attempt by the City Council to honor the legacy of the Rainwater Family who had a very storied and long history that makes up the tapestry of Carrollton. Mr. Rainwater thanked the Council for the honor.

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 Marchant noted that Item 28 was pulled from the Consent Agenda and noted that the Council would take action on a substitute resolution for Item 29 that includes the name of the City's legal counsel.

Councilmember Hrbacek moved approval of Items 16-27 and 29-32; inserting the name of Reed Bales on Item 24 and accepting the substituted resolution on Item 29; second by Councilmember Sutter and the motion was approved with a unanimous 7-0 vote.

MINUTES

***16. Consider Approval Of The April 21, 2015 Regular Meeting Minutes.**

BIDS & PURCHASES

***17. Consider Approval Of Bid #15-008 Plant Protection From Various Vendors For The Parks Department In An Amount Not to Exceed \$70,000.00.**

***18. Consider Approval Of Bid #15-025 For Crack Sealing For Public Works From Champion Infrastructure, LLC In An Amount Not To Exceed \$400,000.00.**

***19. Consider Approval Of RFP #15-026 For Street, Alley & Sidewalk Repair For Public Works From Saz Global Inc. In An Amount Not To Exceed \$1,100,000.00.**

CONTRACTS & AGREEMENTS

***20. Consider Authorizing The City Manager To Approve A Contract With Tiseo Paving Company For The Old Denton Road Pavement Replacement Project (Trinity Mills/PGBT To Frankford Road) In The Amount Of \$6,983,867.00.**

***21. Consider Authorizing The City Manager To Approve Change Order #1 With Schmoldt Construction For The Town Square And Pioneer Park Project For Installation Of Four Additional Trees And Two Fountains In The Amount Of \$47,685.42 For A Revised Contract Amount Not To Exceed \$863,608.58 And Authorizing The City Manager To Procure The Fountains And Necessary Equipment In An Amount Not To Exceed \$26,300.00.**

***22. Consider Authorizing The City Manager To Enter Into A Lease Agreement For Covert Vehicles For The Police Department In An Amount Not To Exceed \$33,400.00.**

***23. Consider Authorizing The City Manager To Enter Into Contract Negotiations To Provide Residential And City Facility Solid Waste Collection Services For The City Of Carrollton.**

RESOLUTIONS

***24. Consider A Resolution Appointing A Member To The Parks Board To Fill A Vacancy.**

***25. Consider A Resolution Reappointing Municipal Court Judges.**

***26. Consider A Resolution For A Project Specific Agreement (PSA) With Dallas County Road And Bridge District #4 For A Mill And Overlay Of The 1000 Through 1200 Blocks Of West Alan Avenue And The 1000 Through 1200 Blocks Of West Russell Avenue In An Amount Not To Exceed \$105,757.52.**

***27. Consider A Resolution Authorizing The City Manager To Amend The Individuals Authorized To Invest Funds And Make Withdrawals From The Public Funds Investment Pool Known As “TexPool,” On Behalf Of The City.**

~~***28. Consider A Resolution Authorizing The City Manager To Enter Into A Redevelopment Incentive Agreement With Joe the Baker, LLC For 1104 Elm Street In An Amount Not To Exceed \$55,000.00.**~~

***29. Consider A Resolution Authorizing The City Attorney To Take All Steps Necessary To Oppose Municipal Solid Waste Permit Amendment, Proposed Permit Number 1312B.**

***30. Consider A Resolution To Name Thomas Baseball Field #1 “Shane Patterson Field.”**

PUBLIC HEARING-CONSENT AGENDA

***31. Hold A Public Hearing And Consider A Resolution For An Amendment To The Transportation Plan And Transportation Plan Map To Change The Roadway Designations Of: (A) MacArthur Drive Between Trinity Mills Road/PGBT And Old Denton Road And (B) Raiford Road Between Old Denton Road And Trinity Mills Road/PGBT. Case No. 01-15MD1 Mac Arthur/Raiford Transportation Plan Amendments/City Of Carrollton. Case Coordinator: Christopher Barton.**

***32. Hold A Public Hearing And Consider An Ordinance To Change The Street Name Of Jamestown Lane Between Josey Lane And Scott Mill Road To Rainwater Lane. Case No. 05-15MD2 Jamestown Lane (Street Name Change)/City Of Carrollton. Case Coordinator: Christopher Barton.**

CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.

***28. Consider A Resolution Authorizing The City Manager To Enter Into A Redevelopment Incentive Agreement With Joe the Baker, LLC For 1104 Elm Street In An Amount Not To Exceed \$55,000.00.**

Councilmember Hrbacek moved approval of Item 28; second by Councilmember Falconer.

Deputy Mayor Pro Tem Wilder expressed concern about the amount of funding spent on Downtown Carrollton, felt the spending by the City should stop and stated he would vote opposed to the motion. Councilmember Babick felt the City needed to continue doing what it had been doing to make the area a destination in Carrollton.

The motion was approved with a 6-1 vote, Deputy Mayor Pro Tem Wilder opposed.

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

33. Hold A Public Hearing And Consider A Resolution For An Amendment To The Comprehensive Plan And The Land Use Map To Change An Approximately 3.4-Acre Site From Single-Family Residential Detached Uses To Single-Family Residential Attached Uses Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCoy Road. Case No. 03-15MD1 McCoy Villas Comprehensive Plan Amendment/Harlan Properties, Inc. Case Coordinator: Michael McCauley.

34. Hold A Public Hearing And Consider An Ordinance Amending PD-63 To Change The Zoning Of A Certain Tract From The (SF-12/20) Single-Family Residential District To The (SF-TH) Single-Family Townhouse Residential District With Special Development Standards; Amending Accordingly The Official Zoning Map. The Approximately 3.4-Acre Tract Is Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCoy Road. Case No. 10-14Z3 McCoy Villas/Harlan Properties, Inc. Case Coordinator: Michael McCauley.

Christopher Barton, Chief Planner, advised that the Council heard the request for the first time about a month ago and it was continued at that time to allow the applicant to further refine the

design. He felt that the revised design was much better than the original design. He began the presentation with a color exhibit that better reflected the relationship of the building footprint, the driveways, the alleys and the roadways. He stated that the major difference was that all of the homes would be rear entry. The homes on the south side would use the existing alley that serves the homes along Golden Gate Drive. The developer would construct a new alley on the north side of the project and the alley would connect to the mutual access easement currently enjoyed by Rainwater Elementary which would help to defuse the amount of traffic and reduce the amount of congestion on the alley. There would be a masonry screening wall on the north side of the alley. He provided new front elevations of the proposed five-unit townhouse building and felt it was a better looking product that would probably be more sustainable. He also provided the side and rear elevations. Lastly he noted changes to stipulations with regard to the garage door material, front yard setback and decorative pavers which staff felt were no longer necessary because the homes would no longer be a front entry product.

Jim Dewy, JDJR Engineering, 2500 Texas Drive, Irving, representing Harlan Properties and Sumeer Homes, stated the revised plan was in line with the suggestions made by Councilmember Falconer and requested the Council remove the stipulations regarding the wood garage doors, the decorative pavers in the driveway and the masonry fence on the south side.

Councilmember Falconer recognized the amount of work required to revise the design and stated he was very pleased with the revisions.

Mayor Marchant opened the public hearing.

The following individuals submitted a card in support but did not wish to speak:

Jan and Heather Erickson, 1737 Delaford Drive; Steve and Julie Walker, 6423 Garlinghouse Lane, Dallas; Stephanie and Dave Johnson, 1100 Magnolia Drive; Melanie Johnson, 1408 Elizabeth Drive; Mike and Sheryl Smith, 3013 Rayswood Circle; Steve and Lyn Hau, 3617 Field Stone; Joe and Ellie Wakeman, 2109 Pueblo Drive; Coby and Shari Sparks, 2357 Highlands Creek; Mike Castelli, 1513 Shadywood Lane and Lori Vriend, 1366 Dogwood Trail, Lewisville;

Mark Mohrulis, 1533 Brighton Drive, Senior Pastor at Redeemer Covenant Church, stated the Church was in full support of the request. He stated have had a good relationship with the school with regard to traffic related concerns and desired to continue the relationship. He encouraged the Council to vote in favor of the request. Church members in support of the request stood to show their support.

Randall Chrisman, 1501 Broken Bow Trail, thanked staff and Council for their input and service.

Sureh Shridharani, 2404 Texas Drive, Irving, stated that Sumeer Homes had been building homes in the Dallas market for 37 years with over 200 in Carrollton. He requested approval.

Gabriel & Frances Cruz, 2909 Panorama Drive; Gabriel stated they were President and Secretary of the HOA and spoke in favor of the product as well as the developer. He stated that the majority of the neighborhood was in favor. Frances felt the proposed development would improve the property values in the area and requested approval.

There being no other speakers, Mayor Marchant closed the Public Hearing.

Councilmember Hrbacek moved approval of Items 33 and 34 modifying the following stipulations; No. 4 shall read “the front building setback shall be a minimum of 10 ft”; delete stipulations No. 5 and 6; second by Mayor Pro Tem Garza. Councilmember Sutter expressed her appreciation to the Church, developer and staff for the work necessary to make the revisions. Mr. Barton explained that the name of the street would be established by the subdivision plat and was not set by zoning. Councilmember Babick suggested Redeemer or Covenant Court be considered. **The motion was approved with a unanimous 7-0 vote.**

35. Hold A Public Hearing And Consider An Ordinance To Rezone To Amend Planned Development District 54 To Remove An Approximately 17.5-Acre Tract And To Amend Planned Development District 148 To Remove An Approximately 20.6-Acre Tract And To Establish A New Planned Development District For The (O-4) Office District With Modified Development Standards And To Allow The Additional Use Of Multi-Family Residential Uses On An Approximately 38.1-Acre Tract Of Land Located On The East Side Of Midway Road Between International Parkway And Park Boulevard; Amending Accordingly The Official Zoning Map. The Site Is Currently Zoned PD-54 For The (HC) Heavy Commercial District And PD-148 For The (HC) Heavy Commercial District With SUP 277 For Required Parking On A Lot Separate From The Main Use. Case No 02-15Z1 RP at Park/Billingsley Development Corp. Case Coordinator: Christopher Barton.

Mr. Barton stated the site was located in the vicinity of the southeast corner of Midway Road and Hebron (Park) Blvd. The proposal includes approximately 500 units of multi-family dwellings very similar in character and quality to the Austin Ranch apartment complex that was in The Colony and would include a parking garage. There would be a variety of building designs, heights and façade treatments as well as one or two five-story buildings. Staff felt it would be a quality development. He advised that the Planning & Zoning Commission recommended approval with a unanimous vote and that there was public opposition to the request.

Lucy Billingsley, applicant, described the development using the site plan noting there were a variety of amenities along with a multitude of building types. She stated that they focused on ingress and egress and stated that most vehicles going south and west would use the Midway area and those going north or east would likely use Park Blvd. She noted accommodations made as requested by the Air Park residents such as the wrought iron fencing without gates along Air Park Lane. She stated the rents would be \$1.40 - \$1.50 per foot and felt it would help to attract a young dynamic workforce. She stated they were excited about the development and were happy to answer any questions.

Councilmember Babick asked about the timeframe for beginning the development and Ms. Billingsley replied that they hope to begin by the end of the year. The multi-family units would probably be developed first and the first spec office building would be at Midway and 190. Deputy Mayor Pro Tem Wilder asked about the letter from Prince of Peace about lighting of the ball fields and Ms. Billingsley's response was not audible. Councilmember Falconer asked if the amenities were open to the multi-family residents and Ms. Billingsley replied affirmatively.

Mayor Marchant opened the public hearing.

The following individual submitted a card in support but did not wish to speak: Chris Hottel, 2245 Roundrock

John and Margie Hammond, 6335 Douglas Street, Plano, Air Park resident, stated he was neither in favor or opposed to the request. He felt there was an incompatible land use of high density and residential next to an airport and was challenged with mitigating that issue. He voiced concern with residents using Air Park Lane and requested that the developer use sound mitigation materials in construction of the apartments and also that they provide notification in the lease agreement about the adjacency of the airport.

Dale Burgdorf, 6345 Curtis Street, Plano, Air Park resident, spoke in opposition to the request voicing concern about traffic flow and congestion and stating it would be a detriment to the private use of their property. He felt it was a great development but would be more appropriate in a different area.

Mark Shisler, 4645 Plano Parkway, spoke in favor of the request. He felt it would enhance the community.

Donna Carter, 2245 Roundrock, spoke in favor of the request and felt it would be beneficial for the businesses, residents and the City.

John Mahalik, 2648 Newcastle Drive, stated he was very familiar with the area and felt it was a great use for the property. He stated he was in favor of the project with the stipulations presented.

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

Councilmember Andonian moved approval of Item 35; second by Councilmember Sutter.

Councilmember Falconer stated that he was typically opposed to multi-family due to sustainability concerns but in this case his concerns were met because the product had many of the elements that would make it a viable product over the long-term and felt the structured parking was also a great element. He felt it was a quality design with the use of quality materials and would be a significant investment. He felt it was a good use for the area and stated he could support the project. Councilmember Hrbacek acknowledged previous comments about multi-family not within walking distance to the train but the litmus test was what the product would be in 20-50 years and in this case, he felt it was a great product and would be a great addition to the City. He felt the height and apartment garage contribute to the sustainability including the location and the product surrounding it. Councilmember Babick felt it would be a good urban environment that would attract young professionals, double income families and the right demographic to support the surroundings. Councilmember Andonian felt the project was exemplary in every dimension. Mayor Pro Tem Garza echoed the previous comments and felt it was a win for the City and the businesses.

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

Mayor Marchant adjourned the Regular Session at 8:37 p.m. and announced they would continue in Worksession after a brief recess.

*****WORKSESSION*****

Mayor Marchant reconvened the Worksession at 8:52 p.m.

5. Discuss Preliminary Concepts For Infrastructure Aesthetics And Design Standards At Targeted Entryway Intersections.

Mayor Marchant opened the discussion stating this was one of the strategic sustainability objectives from the 2014 summer retreat. Councilmember Falconer advised that the City retained Kevin Sloan Architects to provide design concepts, using the Rosemeade Parkway/Marsh Lane entryway as a pilot to define key elements for the program and relinquished the floor to Mr. Sloan to present the concepts.

Mr. Sloan began the presentation with a photo of the pilot site and stated the problem was that the available land was slivers of medians. The assignment was to develop a memorable identity that marks the threshold of being within the City. The presentation included color elements as well as height and pavers. Councilmember Falconer referred to the recommendation of the Re-Development Sub-Committee and felt the Council first needs to determine consent to move forward.

Councilmember Sutter noted that the discussion and decisions would take more time than she had remaining on the Council and felt it was a topic that should be heard and discussed with the Council being elected over the weekend but felt that the City should move forward.

Asst. City Manager Marc Guy noted that Council allocated \$25,000 for the project and asked the Council to determine where to focus; intersections, design. Councilmember Falconer suggested beginning with determining a strategy for the project. Mr. Guy emphasized that the idea was to distinguish Carrollton. A consensus was reached to move forward with the design for the Priority 1 list and have the Re-Development Sub-Committee provide a recommendation to Council on the design.

6. Discuss Acquisition Of A Mass Notification System.

Elliott J. Reep, Emergency Management Coordinator, stated that following City Council direction from the November 4, 2014 Worksession, the City's emergency management staff coordinated a review process of potential mass notification vendors. DFW area cities were polled on their systems and numerous vendors were screened for the desired system capabilities and features. In addition, a series of web demonstrations were conducted with potential vendors and city staff. The process culminated with on-site presentations from two potential vendors, Everbridge, Inc. and Send Word Now Communication, Inc. Based on pricing, capabilities and recommendations from area partners, Everbridge, Inc. was selected as the vendor best able to deliver the services desired by the City. Everbridge, Inc. provided a one year GSA-approved contract with a four-year extension option package. The contract provides unlimited emergency and non-emergency alerting services for the City at a cost of \$43,835.44 for the first year and then \$40,588.37 annually for each of the optional four year extension periods. The first year price of \$43,835.44 includes: a basic service cost of \$35,514.82; a one-time implementation and set-up fee of \$3,247.07; and \$5,073.55 for the Smart Weather Alerting package. Based on information provided by the vendor as well as feedback from partner cities of comparable size

who utilize mass notification systems, the City's emergency management staff recommends that the Smart Weather Alerting package be evaluated during the initial year of the contract prior to committing to future possible extensions.

A consensus was reached in favor of moving forward as recommended.

9. Discuss Josey Lane And Belt Line Road Zoning Overlay Concept.

Ravi Shah, Director of Development Services, stated the project was one of the City Council's strategic sustainability objectives from the 2014 summer retreat. The City Council Re-Development Sub-Committee initially discussed the item on January 26, 2015. The project objective was to create a zoning overlay in these corridors to remove obstacles to future property re-development and rehabilitation, improve the visual character and sustain property values in these corridors over time, and create incentives to encourage private reinvestment in property and site improvements. The limits of the proposed overlay were defined as properties fronting on Josey Lane from Keller Springs Road to the city's southern boundary near Spring Valley Road and fronting on Belt Line Road from Josey Lane to Marsh Lane. The proposal submitted by staff recommends three tiers of zoning overlay to address the different stages of property development or re-development. The three tiers are re-development (demolition and rebuild on-site); rehabilitation (renovation of the existing building(s); and occupancy inspection (change of ownership or tenant of an existing building). The Re-Development Sub-Committee met again on April 21, 2015 and discussed the three scenarios in depth. Staff proposed transitional steps to offer an increase in opportunities for properties to eventually be re-developed, rehabilitated or refreshed. Steps included allowances for reduced exterior masonry on rehabilitation of existing buildings, allowances for reduced parking on fully-developed lots, reduced building setbacks and increased lot coverage/floor-to-area ratios, which would allow greater chances for adaptive reuse of properties.

After a lengthy discussion direction was given to review the suggested "0" rear setback and a consensus was reached to move forward. Mr. Shah reviewed the timeline stating the item would be brought to the Planning & Zoning Commission at their June 4, 2015 meeting with the possibility of returning to Council on July 7, 2015.

10. Discuss Acceptance Of A Donation For The Parks And Recreation Department.

Mayor Marchant stated that funds had been raised for the Shane Patterson ball field and although action was not needed to accept the funds, he wanted the Council to be aware of how the funds would be spent. Councilmember Hrbacek stated the amount was expected to be \$8,000.00 – \$10,000.00 and the consensus of the group responsible for raising the funds was to pay for appropriate bronze signage and the remaining funds would be used for something above and beyond what you would see at a typical park such as new knee walls at both fields including a brick façade on the outside at the Shane Patterson field to match the restroom. A consensus was reached in favor as stated by Councilmember Hrbacek.

11. Mayor and Council reports and information sharing.

ADJOURNMENT

Mayor Marchant adjourned the meeting at 10:48 p.m.

ATTEST:

Krystle Nelinson, City Secretary

Matthew Marchant, Mayor