

**CARROLLTON CITY COUNCIL  
REGULAR WORKSESSION AND MEETING  
OCTOBER 13, 2015**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, October 13, 2015 at 5:00 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Anthony Wilder, Deputy Mayor Pro Tem Doug Hrbacek Councilmembers Bob Garza, Steve Babick, John Sutter, and Glen Blanscet. Councilmember James Lawrence was absent. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy, Bob Scott, and Erin Rinehart, City Attorney Meredith A. Ladd and City Secretary Krystle Nelinson.

**5:00 P.M. – COUNCIL BRIEFING ROOM**

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

Mayor Marchant called the meeting to order at 5:07 p.m. and announced that Council would convene in Executive Session as follows:

**\*\*\*EXECUTIVE SESSION \*\*\***

2. Council convened in **Executive Session** at 5:07 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.
  - Panagakis v City
- **Section 551.072** to discuss to certain matters regarding real property
- **Section 551.074** to discuss personnel matters
  - Boards and Commissions interviews
- **Section 551.087** to discuss Economic Development

Council recessed the Executive Session at 5:40 p.m. to **reconvene in open session**. No action taken.

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

1. Receive **information and discuss Consent Agenda**.

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

6. Discuss **Indian Creek Golf Course**.

Asst. City Manager Erin Rinehart began the presentation with a summary of the condition of the Lakes Course focusing on the items that need repair and using photographs to illustrate the points of concern. She advised that the projected non-recurring cost to bring the Lakes Course back to a pre-flood condition was \$575,500.00. Scott Carrier, Eagle Agronomist, explained the

construction of bunkers and stated even the best bunkers were now draining poorly. He stated that after construction the bunkers would be better than they were pre-flood even without the liners. He explained that the liners lengthen the life of the bunkers and lower the costs to maintain the bunkers. Liners would cost an additional \$126,000.00. Ms. Rinehart advised that some of the projected costs were costs associated with regularly planned maintenance and repairs such as tree trimming and cart path repairs. She also talked about possible FEMA reimbursement due to the flood. City Manager Leonard Martin underscored that it was likely that any possible reimbursement from FEMA would not be received for a couple of years and if any reimbursement was awarded, it would only be a percentage of the amount claimed. Continuing with the presentation, she reviewed the recurring costs of \$2,084,000 with estimated revenue of \$1,017,000. Should Council want to proceed, the anticipated opening of the Lakes Course was April 2016 weather dependent. She provided a summary of the condition of the Creeks Course noting the primary difference was the larger amount of silt on the Creeks Course. She suggested that if Council wanted to keep the option of opening the Creeks Course, staff would recommend aerification of the fairways, possibly top dressing the fairways and noted a need for additional weed control. She underscored that the items being addressed did not include flood mitigation and she advised there was a finite amount of mitigation that could be done because the entire property was located in a flood way or flood plain. After a lengthy discussion, Mr. Martin stated that if the Council wants to open the Lakes Course, the proposed contract needed to be approved with the addition of a clause to allow renegotiation of the contract in the event the Creeks Course could be opened.

Mayor Marchant recessed the Worksession at 7:31 p.m. to convene in Executive Session.

**\*\*\*EXECUTIVE SESSION CONTINUED\*\*\***

2. Council reconvened in Executive Session at 7:32 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.
  - Panagakis v City
- Section 551.072 to discuss to certain matters regarding real property
- Section 551.074 to discuss personnel matters
  - Boards and Commissions interviews
- Section 551.087 to discuss Economic Development

Council recessed the Executive Session at 7:36 p.m. to **reconvene in open session**. No action taken.

**\*\*\*REGULAR MEETING\*\*\***

Mayor Marchant called the Regular Meeting to order at 7:42 p.m.

**INVOCATION – Councilmember Glen Blanscet**

**PLEDGE OF ALLEGIANCE – Councilmember John Sutter**

## PUBLIC FORUM

**10. 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.

Mrs. J, 2510 Ridgeland, addressed the Council regarding public safety in the public park located at 1720 Keller Springs Road, specifically questioning if bicycles or pedestrians had right-of-way on the path around the gazebo.

**The following individuals addressed the Indian Creek Golf Course:**

Jack Stotz, 1412 Palo Duro Drive; Brad Trudeau, 2305 Briardale Drive, President of Parkside HOA; Al Overholt, 2216 Ridgewood; Tony Booth, 1517 Iroquois Circle; Dan Anderson, 1545 Pawnee Trail; and Sam Phillips, 1510 Iroquois Circle.

**The following individuals submitted a card in support of Indian Creek Golf Course:**

Mark Rabe, 3505 High Vista Drive; Coby Sparks, 2357 Highlands Creek Road; Gigi Phillips, 1510 Iroquois Circle; Jack Farrier, 1503 Iroquois Circle; Russell Giozzola, 1501 Iroquois Circle; Carl Reese, 3524 Sweetspring Drive; Larry Crenshan, 3529 Cimarron Drive; and Marvin Smith, 1410 Pagosa Trail.

## 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.)*

**Deputy Mayor Pro Tem Hrbacek moved approval of Items 11-21, 23-33, and 35-36; second by Councilmember Babick with the names of Blake Clemmons and Kevin Falconer on Items 24 and 25; and the motion was approved with a unanimous 6-0 vote.**

## MINUTES

**\*11. Consider Approval Of The September 1, 2015 Regular Meeting Minutes.**

**\*12. Consider Approval Of The September 15, 2015 Regular Meeting Minutes.**

**BIDS & PURCHASES**

**\*13.** Consider Approval For The Purchase Of Library Materials For Library Services From Brodart Inc. And Midwest Tape Through An Interlocal Agreement With The State Of Texas In An Amount Not To Exceed \$375,000.00.

**\*14.** Consider Approval For The Replacement Of Athletic Field Lights Through An Inter-Local Agreement With BuyBoard In An Amount Not To Exceed \$462,168.00.

**\*15.** Consider Approval Of Bid #14-034 For The Purchase Of Ambulance Supplemental Payment Review To Public Consulting Group In An Amount Not To Exceed \$25,702.31.

**\*16.** Consider Approval Of Bid #15-034 For Water & Sewer Supplies For Public Works From Various Vendors In An Amount To Not Exceed \$353,386.00.

**\*17.** Consider Approval Of Bid #15-038 For Public Works From Macval Associates, LLC For Sidewalk Repairs In An Amount Not To Exceed \$300,000.00.

**CONTRACTS & AGREEMENTS**

**\*18.** Consider Authorizing The City Manager To Approve A Contract With J.R. Stelzer Company For The Marsh South Elevated Storage Tank Repainting Project In An Amount Not To Exceed \$1,103,242.00.

**\*19.** Consider Authorizing The City Manager To Approve A Professional Services Contract With Pacheco-Koch Consulting Engineers For Engineering Design Services For Palo Alto Park Street Reconstruction, Phase 1 In An Amount Not To Exceed \$214,350.00.

**\*20.** Consider Authorizing The City Manager To Approve A Construction Manager-At-Risk Contract With Turner Construction Company For The Police Department Headquarters Facility For Preconstruction Services And At The Guaranteed Maximum Price (GMP)-Based Percentages Contained In Table 1 - CMAR Fee Schedule.

**ORDINANCE**

**\*21.** Consider An Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2015 Through September 30, 2016.

**RESOLUTIONS**

**\*22.** ~~Consider A Resolution Authorizing The City Manager To Enter Into An Interim Management Services Agreement With Eagle/Arcis Golf For Course Maintenance And Management In An Amount Not To Exceed \$1,791,000.00.~~

**\*23.** Consider A Resolution Authorizing The City Manager To Enter Into A Settlement Agreement In The Lawsuit Styled Panagakis v. Carrollton In An Amount Not to Exceed \$150,000.00.

**\*24. Consider A Resolution Nominating A Candidate To Be A Member Of The Board Of Directors For The Dallas Central Appraisal District.**

**\*25. Consider A Resolution Nominating A Candidate To Be A Member Of The Board Of Directors For The Denton Central Appraisal District.**

**\*26. Consider A Resolution To Establish An Incentive Policy For A Billboard Removal Tax Rebate Program.**

**\*27. Consider A Resolution To Establish An Incentive Policy For The Josey Lane/Belt Line Road Property Rehabilitation Grant Program.**

**\*28. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement For Fire Department Automatic Assistance Among The Town Of Addison, City Of Carrollton, City Of Coppell And City Of Farmers Branch.**

**\*29. Consider A Resolution Authorizing The City Manager To Enter Into A Contract For Court Security In An Amount Not To Exceed \$27,100.00.**

**\*30. Consider A Resolution Authorizing The City Manager To Enter Into An Agreement With The Texas Department Of Transportation To Operate And Maintain The Traffic Signal To Be Constructed At The Intersection Of FM 544/Parker Road And Josey Lane.**

**\*31. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Lease Agreement With Social Media Delivered For The City-Owned Gravley Center At 1111 West Belt Line Road, Suite 100.**

**\*32. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Lease Agreement With MKNC III, LLC (Monkey King Noodle Company) For City-Owned Property At 1309 South Broadway.**

**\*33. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Real Estate Brokerage Services Agreement With O'Boyle Properties, Inc. dba ARA, A Newmark Company For The Acquisition Of The Fannidella Townhouse Apartments At 1410 Fannidella Drive In An Amount Not To Exceed \$79,200.00.**

#### **PUBLIC HEARING-CONSENT AGENDA**

**~~\*34. Hold A Public Hearing To Consider An Ordinance To Amend Planned Development District 91 (PD-91), An Approximately 76.3-Acre Tract With Modified Development Standards Located On The North Side Of Hebron Parkway At Marsh Ridge Road, By Allowing Fencing Consistent With The Surrounding Development. Case No. 09-15Z1 High Country Business Park. Case Coordinator: Michael McCauley.~~**

**\*35. Hold A Public Hearing To Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For Veterinary Services (indoors only) With Special Conditions On An Approximately 5-Acre Tract Located At 4112 North Josey Lane; Amending**

Accordingly The Official Zoning Map. Case No. 09-15SUP3 Banfield Pet Hospital. Case Coordinator: Christopher Barton

**\*36. Hold A Public Hearing To Consider An Ordinance To Rezone and Amend Planned Development District 5 (PD-5) To Remove An Approximately 20.5 Acre Tract And To Establish a New Planned Development District for the (SF-PH) Single-Family Patio Home and (O-2) Office Districts With Modified Development Standards And To Allow The Additional Use Of Townhouses** On An Approximately 20.5 Acre Tract of Land Located On The Northeast Corner Of Old Denton Road And Jackson Road; Amending Accordingly The Official Zoning Map. Case No. 09-15Z2 Bluffview 3. Case Coordinator: Christopher Barton.

**CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.**

**\*22. Consider A Resolution Authorizing The City Manager To Enter Into An Interim Management Services Agreement With Eagle/Arcis Golf For Course Maintenance And Management** In An Amount Not To Exceed \$1,791,000.00.

Mayor Marchant explained the item would be a 15½ month contract to manage the Lakes Course.

**Deputy Mayor Pro Tem Hrbacek moved approval of Item 22 and noting that he confirmed with counsel regarding the appropriate language should we choose to go to 36 holes, that we can terminate and renegotiate this agreement and move forward which Mayor Marchant confirmed; second by Councilmember Sutter.**

Deputy Mayor Pro Tem Hrbacek thanked the citizens for attending the meeting noting their importance in the process. He stated the unfortunate flood provided the Council with time to review the asset and consider the best long term decision. He underscored that no decision had been reached regarding the Creeks Course and he felt the Council was following the right path in terms of deciding the best thing to do for the community.

Councilmember Garza echoed appreciation for the citizens' involvement and the types of things staff was reviewing.

Councilmember Babick also echoed appreciation for the citizens and for the diligence of the staff; he spoke in favor of the item.

Councilmember Sutter also thanked the citizens for their input and attendance and stated he was in support of the motion.

Mayor Marchant reminded the residents that Carrollton was still in flood stage at the first of August noting there was water on the course for a longer period of time than experienced by other courses.

Councilmember Wilder voiced his appreciation for the citizens' attendance and for the suggestions and information provided. He stated he didn't support the item because the course consistently lost money prior to 7 years ago and because of the drainage issues. He voiced a concern with investing more money into the land until the drainage issue was addressed.

Councilmember Blanscet voiced his appreciation for all of the input and information. He reiterated the fact that the course was still in the flood stage in August and felt the staff and Council were providing a timely review. He underscored the Council's position to be a good steward of the taxpayers' resources. He felt the flood mitigation was mostly on the Creeks Course with some on the Lakes Course and was supportive of the proposed action for Item 22.

Councilmember Garza noted that the City had spent millions of dollars on other amenities such as dog parks, hike and bike trails, recreation centers and other items because the Council wants Carrollton to be a city that people want to come to. He stated that an amenity is something that is provided, not necessarily to make money. He stated that the golf course as an amenity was a plus because while there were years where the City lost money, there were years where it was self-supporting and some when it made money. He noted that the golf course was an amenity like the other amenities that were there for the citizens to enjoy and stated he would support the item. He felt the City needed to look at it from that perspective.

**The motion was approved with a 5-1 vote, Mayor Pro Tem Wilder opposed.**

**\*34. Hold A Public Hearing To Consider An Ordinance To Amend Planned Development District 91 (PD-91), An Approximately 76.3-Acre Tract With Modified Development Standards Located On The North Side Of Hebron Parkway At Marsh Ridge Road, By Allowing Fencing Consistent With The Surrounding Development.** Case No. 09-15Z1 High Country Business Park. Case Coordinator: Michael McCauley.

Mayor Marchant noted that Councilmember Sutter excused himself from the meeting with regard to Item 34 due to a conflict of interest.

**Deputy Mayor Pro Tem Hrbacek moved approval of Item 34; second by Councilmember Garza and the motion was approved with a 5-0 vote, Councilmember Sutter abstained.**

Mayor Marchant adjourned the Regular Session at 8:25 p.m. announcing that Council would reconvene in Worksession after a brief recess.

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

Mayor Marchant reconvened the Worksession at 8:30 p.m.

**7. Discuss Updated Municipal Marketing Plan.**

Administrative Services Director Ashley Mitchell introduced John Alper and Josh Moore of Legends to present the update.

John Alper advised that they performed a SWOT (strengths, weaknesses, opportunities and threats) analysis and from a strength standpoint, the City has well maintained facilities but the negative was the City doesn't have any premium sponsorship opportunities. He felt Community Partnerships makes the most sense for the City and explained that a Community Partnership was kind of a hybrid between a philanthropic platform and a marketing platform. He reviewed the sales strategy and the revenue projections. He believed that the City had the ability to generate 4-6 community partnerships over a couple of years and there would be associated staffing costs.

The potential opportunity on the very high side was approximately \$166,000 annually in year five. He stated that they have experienced very little success with municipalities that weren't large. Examples of large cities were Chicago and New York. He stated there was some potential although not tremendous and there was a risk that there may not be a return on the investment of a new hire. After discussion, a consensus was reached to stay the course.

**5. Discuss Farmers Market Ordinance Proposal.**

Environmental Services Director Scott Hudson advised that currently a Farmers Market was considered a special event. He provided an approach to regulate Farmers Markets, setting limits, discussing potential locations and addressing permitting requirements and fees.

A consensus was reached in favor of the following:

- 1) Remove the "private property" requirement from the definition
- 2) 10+ acre site with correct zoning and on public property there would be no minimum size
- 3) Fee – no consensus reached – decide during ordinance discussion

**8. Discuss Furneaux 1A (Raiford Crossing) Tributary Design Concept Options.**

Director of Engineering Cesar Molina introduced Division Manager Mike McKay to brief the Council. Mr. McKay stated Furneaux 1A was a small watercourse with outfall from adjoining development and severe channel erosion through the Raiford Development. He provided photographs taken in 2010 of channel conditions and again in 2014 after the Raiford Development was partially done. The project objections were to reduce or eliminate erosion, reduce maintenance, meet permitting requirements, create a reasonably safe environment with reasonable costs and within a reasonable timeframe. He advised that the consultant prepared four alternatives and he presented the four alternatives. Staff recommended Alternative 1 – partial length with a estimated cost of \$810,000.00 noting that some safety railing may be needed. Deputy Mayor Pro Tem Hrbacek advised that the Redevelopment Sub-Committee recommended Alternative 1.

Mayor Marchant and Councilmember Babick suggested planting trees in the creek to enhance the canopy view. After a lengthy discussion, a consensus was reached in favor of the preferred alternative.

**9. Discuss Boards & Commissions Appointments.**

A consensus was reached to make the following appointments:

- P&Z Commission – Mel Chadwick, Kimberly Daniel-Nix, Garry Kraus, Tony Romo II, Sunil Sundaran
- PSB – Dick Calvert, Scott Carstens, Stephanie Doss, Andy Folmer, Jim Pipkin
- Parks Board – Suzanna Dooling, Dave Hermon, Maytelin Herrera-Batista, Gerry Lalima
- NAC – BJ Cadwalader, Lora Cormier, Frances Cruz, Joe Marquez, Jeff Scott Van Matre, Pam Mulligan
- TAC – Robin Chavez, Sam Courtney, Joel Dewey
- CIPAC – John Powell, Antonia Okafor, Trent Teague
- HPAC – Jennifer Crippen, Elida Munoz, Dennis Raso, John Roppolo, Doug Wedemeyer



- Library Board – Gretchen Biery, Darrell Curtis Claypool, Amber Lasseigne, Candace Morgan
- Museum Board – Judy Scamardo, Lark Tribble, and Linda Mayberry for the 1 year terms; Rachel Lewis, George Barnes, Lisa Stavinoha, and Thomas Williams for the 2 year terms
- TIRZ – Maggie Vera

4. Mayor and Council reports and information sharing.

None

**\*\*\*EXECUTIVE SESSION CONTINUED\*\*\***

2. Council reconvened in **Executive Session at 10:44 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.
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- **Section 551.087** to discuss Economic Development

3. Council **reconvened in open session at 10:57 p.m.** to consider action, if any, on matters discussed in the Executive Session. No action taken.

**ADJOURNMENT**

Mayor Marchant adjourned the meeting at 10:57 p.m.

ATTEST:

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Krystle Nelinson, City Secretary

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Matthew Marchant, Mayor