

**CARROLLTON CITY COUNCIL
REGULAR WORKSESSION AND MEETING
NOVEMBER 3, 2015**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, November 3, 2015 at 5:45 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, James Lawrence and Glen Blanscet. 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.

5:45 P.M. – COUNCIL BRIEFING ROOM

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

Mayor Marchant called the meeting to order at 5:45 p.m.

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

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

2. Council will convene in 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.
 - Section 551.087 to discuss Economic Development
3. Council will reconvene in open session to consider action, if any, on matters discussed in the Executive Session. Council did not convene in Executive Session.
4. Mayor and Council reports and information sharing.

None

Mayor Marchant recessed the Worksession at 6:59 p.m. to convene the Regular Meeting.

*****REGULAR MEETING*****

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

INVOCATION – Councilmember James Lawrence

**PLEDGE OF ALLEGIANCE – RL Turner Jr. ROTC presented the colors;
Councilmember Bob Garza**

PRESENTATIONS

8. Present A Proclamation **Recognizing November 11, 2015 As Veterans Day.**

PUBLIC FORUM

9. **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 encouraged attendance at the Festival at the Switchyard.

The following individuals addressed the Council:

Jan Rugg, 3697 Mapleshade Lane, Plano, Atmos Energy, presented a \$1,000 donation to the Carrollton Fire Department to be used for safety equipment in appreciation and recognition for being on stand-by for the crews when making emergency repairs in any type of emergency situation.

Stan Hayes, Carrollton Community Chorus, provided a report of the Chorus activities and talked about the mission and goals of the Chorus.

Ron Branson, former Mayor, 1406 Charlotte Way, thanked the Council for working with the VFW and the American Legion to honor veterans with naming a road 'Veterans Way' in McInnish Park and naming soccer fields on behalf of three veterans who died in service. He announced that a ceremony is scheduled for November 14, 2015 to honor the three servicemen.

The following individuals addressed the Council regarding the Indian Creek Golf Course:

Dan Anderson, 1545 Pawnee Trail; Al Overholt, 2216 Ridgewood; Ian Munro, 4253 Hunter Drive; and Adam Polter, 4180 Creek Hollow.

Adam Polter, 4180 Creek Hollow, also addressed the Council regarding Item 49 speaking against the 3-story multi-family proposal.

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 advised that Items 26, 27 and 44 were being pulled for a separate vote and he advised that due to some different numbers provided by Eagle earlier in the day, the Council could not take action on Item 48.

Deputy Mayor Pro Tem Hrbacek moved approval of Items 10-25, 28-43, and 45-47 and add the name Willadean Martin for Item 39 under Parks Board; second by Councilmember Babick; and the motion was approved with a unanimous 7-0 vote.

MINUTES

***10.** Consider Approval Of The **October 13, 2015 Regular Meeting Minutes**.

BIDS & PURCHASES

***11.** Consider **Approval Of The Purchase Of Traffic Signal Poles** For The Public Works Traffic Department From Structural & Steel Products Through An Interlocal Agreement With The City Of McKinney In An Amount Not To Exceed \$150,000.00.

***12.** Consider **Approval Of The Purchase Of Fire Fighter Protective Clothing** From Casco Industries, Inc. Through An Interlocal Agreement With BuyBoard In An Amount To Not Exceed \$118,400.00.

***13.** Consider **Approval Of The Purchase Of Self-Contained Breathing Apparatus And Associated Equipment** From Casco Industries, Inc. Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$358,862.00. City of Carrollton Page 3 Printed on 10/29/2015 City Council REGULAR WORKSESSION & November 3, 2015 MEETING

***14.** Consider **Approval Of The Replacement Of One (1) Service Truck** From Caldwell Country Ford Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$34,555.00.

***15.** Consider **Approval Of The Purchase Of An Open Performance Subscription And Professional Services From Socrata, Inc.** Through An Existing State Of Texas Department Of Information Resources (DIR) Reseller Contract With Dell Marketing, L.P. In An Amount Not To Exceed \$72,000.00 for 3 years (\$24,000.00 Per Year) With Optional 1-Year Renewals.

***16.** Consider **Approval Of The Purchase Of Travel Services** For The Carrollton Senior Center From Diamond Tours In An Amount Not To Exceed \$42,000.00.

***17.** Consider **Approval Of The Purchase Of Travel Services** For The Carrollton Senior Center From Cruise One In An Amount Not To Exceed \$120,000.00.

***18.** Consider **Approval Of The Purchase Of Nine (9) Patrol Vehicles For The Police Department** From Caldwell Country Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$362,879.00.

*19. Consider Approval Of The Purchase Of New Fuel Pump Dispensers, Painting And State-Required Stage II Decommissioning (TCEQ) Of The AST (Above-Ground Storage Tank) For Sandy Lake Service Center From The Stovall Corporation Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$44,104.60.

*20. Consider Approval Of Bid #16-001 For PVC Pipe For Public Works From Various Vendors In An Amount Not To Exceed \$150,000.00.

*21. Consider Approval Of RFP #15-037 For Roof Replacement At Justice And Fire Training Centers And Bobby Ballard Pump Station From Heritage One Roofing In An Amount Not To Exceed \$332,500.00.

CONTRACTS & AGREEMENTS

*22. Consider Authorizing The City Manager To Approve A Contract With Turner Construction Company For The Police Department Overflow Parking Lot Project In An Amount Not To Exceed \$449,941.00.

*23. Consider Authorizing The City Manager To Approve A Contract With Xerox State & Local Solutions, Inc. To Provide Managed Information Technology Services In An Amount Not To Exceed \$4,937,015.00 For The First Year.

*24. Consider Authorizing The City Manager To Approve A Professional Service Contract With Teague, Nall & Perkins For Engineering Design Services For The Jackson Arms Street Reconstruction Project In An Amount Not To Exceed \$195,100.00.

*25. Consider Authorizing The City Manager To Approve A Professional Services Contract With Birkhoff, Hendricks & Carter For Engineering Design Of The Josey Lane Elevated Storage Tank Replacement In An Amount Not To Exceed \$297,300.00.

ORDINANCES

*26. Consider An Ordinance Amending Title XI, Chapter 116, "Restaurants And Food Establishments," Of The Carrollton Code Of Ordinances By Establishing A New Subchapter To Be Entitled "Farmers Market Regulations," Title III, Chapter 31, "Comprehensive Fee Schedule," And Title III, Chapter 34, "Municipal Boards, Commissions and Advisory Committees."

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

RESOLUTIONS

*28. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation To Provide Funding To Implement Citywide Signal System Upgrades In An Amount Not To Exceed \$185,500.30.

- *29. Consider A Resolution Appointing A Member To The Metrocrest Hospital Authority.**
- *30. Consider A Resolution Appointing Members To The Capital Improvements Plan Advisory Committee.**
- *31. Consider A Resolution Appointing Members To The Historic Preservation Advisory Committee.**
- *32. Consider A Resolution Appointing Members To The Library Board.**
- *33. Consider A Resolution Appointing Members To The Museum Board.**
- *34. Consider A Resolution Appointing Members To The Neighborhood Advisory Commission.**
- *35. Consider A Resolution Appointing Members To The Planning & Zoning Commission.**
- *36. Consider A Resolution Appointing Members To The Property Standards Board.**
- *37. Consider A Resolution Appointing Members To The Traffic Advisory Committee.**
- *38. Consider A Resolution Appointing A Member To The Tax Increment Reinvestment Zone #1 Board.**
- *39. Consider A Resolution Appointing Members To The Parks Board.**
- *40. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct A Decorative Railing At The Dickerson Parkway Bridge At IH-35E In An Amount Not To Exceed \$98,948.00.**
- *41. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct Galvanized Steel Poles And Mast Arms At The Belt Line Road And Broadway Intersection In An Amount Not To Exceed \$37,500.00.**
- *42. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct Decorative Railing At The Belt Line Road Bridge In An Amount Not To Exceed \$267,496.00.**
- *43. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct A Drainage Culvert Under The IH-35E Northbound Frontage Road At Vandergriff Drive In An Amount Not To Exceed \$525,560.00.**

~~*44. Consider A Resolution Authorizing The City Manager To Enter Into A Chapter 380 Incentive Agreement With Securus Technologies Holdings, Incorporated.~~

*45. Consider A Resolution Affirming The Action Of The City Of Carrollton's Tax Increment Reinvestment Zone Number One Board Of Directors To Fund Intersection Improvements At Crosby Road And South Broadway.

*46. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Development Agreement With Banc Of America Community Development Corporation For Property Located At 1504 North Jackson Street, 1050 Park Avenue, And 1120 Park Avenue.

*47. Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Economic Development Incentive Agreement With Louise Ann And Lee B. Gibson At 1104 Elm Street In An Amount Not To Exceed \$10,000.00.

~~*48. Consider A Resolution Authorizing The City Manager To Amend The Interim Management Services Agreement With Eagle/Arcis Golf For Course Maintenance And Management In An Amount Not To Exceed \$2,372,693.~~

CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.

*26. Consider An Ordinance Amending Title XI, Chapter 116, "Restaurants And Food Establishments," Of The Carrollton Code Of Ordinances By Establishing A New Subchapter To Be Entitled "Farmers Market Regulations," Title III, Chapter 31, "Comprehensive Fee Schedule," And Title III, Chapter 34, "Municipal Boards, Commissions and Advisory Committees."

Councilmember Blanscet moved approval of Item 26 with the following changes: the addition of the word 'primarily' in Sec 3; the definition of Farmers Market before the word 'offering' in the last sentence; add the following amounts to the permit fees in Sec 4: Operator Permit - \$150, Food Vendor Permit - \$50, and Concession Vendor Permit - \$150; second by Councilmember Babick and the motion was approved with a unanimous 7-0 vote.

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

Councilmember Sutter moved approval of Item 27 for the Ordinance amending the Operating and Capital Budget for the Fiscal Year October 1, 2015 through September 30, 2016; second by Deputy Mayor Pro Tem Hrbacek. Mayor Pro Tem Wilder stated he would vote against the motion because he did not agree with the opening of the Lakes Course. The motion was approved with a 6-1 vote, Mayor Pro Tem Wilder opposed.

*44. Consider A Resolution Authorizing The City Manager To Enter Into A Chapter 380 Incentive Agreement With Securus Technologies Holdings, Incorporated.

Mayor Marchant stated the agreement would bring a company into town that would backfill the Real Page space.

Councilmember Babick moved approval of Item 44, Resolution authorizing the City Manager to enter into a Chapter 380 Incentive Agreement with Securus Technologies Holdings, Incorporated as stated; second by Councilmember Sutter. Mayor Pro Tem Wilder stated the company was already in Carrollton and he did not see the need to approve an incentive. Council Lawrence stated he was reassured by the Director of Development that the incentive was necessary due to competition. Councilmember Babick stated this incentive would provide 500 – 1000 new jobs to Carrollton. Mayor Marchant stated giving incentives is part of the environment to get office jobs. **The motion was approved with a 6-1 vote, Mayor Pro Tem Wilder opposed.**

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

49. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For An Apartment Complex With Special Conditions On An Approximately 11.5-Acre Tract Located At The Northeast Corner Of Carrollton Parkway And SH-121/Sam Rayburn Tollway; Amending Accordingly The Official Zoning Map. Case No. 09-15SUP2 Alexan Carrollton Apartments. Case Coordinator: Michael McCauley.

Michael McCauley, Senior Planner, presented the request to construct a multi-family development with the base zoning of Freeway District. He stated the complex meets the City's multi-family design guidelines with regard to Urban Designs. He advised that the Planning & Zoning Commission recommended approval and the staff recommended approval with two additional stipulations: 1) the right-of-way improvements as it relates to Carrollton Parkway shall comply with the General Design Guidelines during the platting process; and 2) that the northwest gate within the complex be used for emergency access and for exiting only.

Robert Baldwin, 3904 Elm Street, Ste #3, Dallas, applicant representing Trammell Crow, stated they had been working diligently with the staff and the adjoining neighbors to redesign the buildings to address concerns. He felt the support of the project was partly because the residents had been able to help with the design rather than have to just take what gets built by right. He stated that the proposed apartment complex was designed for people who choose to rent and felt the quality of the design and finishes make the difference. He felt the complex would buffer the residential property and would keep traffic off city streets because the majority of the residents would work in cities to the north. He stated he did not have a formal presentation to make and requested a continuance of the request to allow him an opportunity to bring forward information to support the request.

Mayor Pro Tem Wilder asked the applicant if they were aware of the added stipulations and asked if they were in agreement. Mr. Baldwin stated they could agree to the stipulations.

In response to Councilmember Lawrence, Mr. Baldwin stated he had a letter of support from the developer to the east and felt they would have a signed developer's agreement by morning. He also stated that having to change to a two-story complex would probably have a huge impact on whether or not the project would be viable.

Mayor Marchant opened the public hearing and invited speakers to the podium; there being no speakers, Mayor Marchant closed the public hearing.

Deputy Mayor Pro Tem Hrbacek stated it was a good looking project and he would love for it to be within walking distance of one of the train stations. He stated he would be okay with a continuance but did not think it would make a difference and was prepared to make a motion for denial when appropriate.

Councilmember Blanscet stated he was okay with a continuance but struggled with putting apartments at the proposed location. He felt it was a great product but felt it was in the wrong location.

Councilmember Babick felt the request for a continuance should be granted, but could not say if it would make a difference.

Councilmember Garza spoke in favor of the continuance and felt there would have to be a significant improvement or change for the Council to approve the request.

Councilmember Sutter also voiced support for the continuance due to the level of work the applicant had put into the project.

Deputy Mayor Pro Tem Hrbacek noted that the request was for a Special Use Permit for multi-family and even with a continuance, the product the applicant returned with would still be multi-family.

Councilmember Babick moved to allow the request for a continuance for 30 days; second by Councilmember Garza. Deputy Mayor Pro Tem Hrbacek stated he would vote against the motion because the applicant would return with multi-family. Mayor Marchant stated that his opposition would grow more resolute in the next 30 days. **The motion to continue to the first meeting in December, Tuesday, December 1, was approved with a 5-2 vote, Mayor Pro Tem Wilder and Deputy Mayor Pro Tem Hrbacek opposed.**

Mayor Marchant adjourned the Regular Meeting at 8:25 p.m. and announced that Council would convene in Worksession after a brief recess.

*****WORKSESSION*****

Mayor Marchant convened the Worksession at 8:35 p.m.

7. Discuss Indian Creek Golf Course.

Mayor Marchant reminded Council that the direction given at the last meeting was to proceed with opening the Lakes Course by April 1, 2016 even though that was pushing the schedule. He asked Erin Rinehart to address the need to delay action on the item that was originally scheduled on the Regular Meeting agenda.

Erin Rinehart explained that the way the contract was structured didn't fit the business model of the contractor. The negotiated solution includes an additional fee to the contractor to

accommodate some of the issues they would face. She stated that the difference was \$28,000 for the Lakes Course and she felt there was potential to absorb that number in the previous estimates provided. If it can't be absorbed, she would return later in the year for approval for the additional funds. She felt it was reasonable to move forward with the Lakes Course contract. With regard to the Creek Course, she reported that Eagle informed staff earlier in the day that there was an omission in their submission. She stated a recommendation could be back before the Council at the next meeting and she stated it would not affect the opening of the Creek Course which was projected to open between June and August 2016. She advised Council that since the last meeting, staff, Eagle, the independent Agronomist and FEMA revisited the course to look at everything from cleanup, reimbursement, and mitigation and she provided a recap and summary of the conditions of the Creek Course. Scott Carrier, Eagle Agronomist, stated that silt was not advantageous for turf grass growth because it is very difficult for water to penetrate silt and therefore, the grass cannot grow roots. He also explained the costs and work associated with bunker repairs. Erin Rinehart explained that the tee boxes and greens on the Creek Course are in great shape and provided photos illustrating the problems with fairways and bunkers. She advised that the non-recurring cost to get the Creek Course back to the pre-flood condition was projected to be \$690,000 - \$900,000. The Lakes/Creek Course recurring Cost was projected at \$2,805,693 with estimated revenues of \$1,437,710. She underscored that the projections didn't include the General Fund cost allocation and didn't include the debt service. She also advised that the numbers did not include flood mitigation. She explained that the courses many people refer to such as Grapevine did not experience the extended length of time in a flood condition and reminded Council that Indian Creek was still in flood stage in August. She also noted for example that Lake Park in Lewisville opened but with a level of play 3 times less than prior to the flood. She stressed that other courses were opening when Indian Creek was still under water.

Councilmember Babick stated he would like to get the results of the study about the potential uses of the land prior to signing a contract that would include the Creek Course because the City would not see any benefit to the Creek Course until the spring time anyway. Councilmember Sutter asked if it might be beneficial to use sod rather than sprigs since the sod would allow the course to open quicker and begin to see revenue. Scott Carrier agreed and replied that after the planing occurred, a decision would have to be made in that regard. With regard to delaying action on the contract, Erin Rinehardt explained that the City would spend the same amount of funds in November and December regardless of the decision; and aside from maintenance no additional work would be conducted on the Creek Course until the spring. Discussion was held about getting bids for the bunker repairs; Meredith Ladd advised that it could be bid as a requirements contract up to a certain amount and the City could ask for less even after the contract is awarded. Councilmember Babick spoke strongly in favor of waiting to take action on the contract until the land use study was received and considered. He also felt staff should proceed with obtaining any needed quotes and bids. Councilmember Blanscet stated he would like to understand 'flood mitigation' options and possibly cost. A consensus was reached that the contract item would be placed on the January 5, 2016 agenda for consideration and staff would proceed with getting quotes and bids; and would include a quote for reduction of bunkers. Staff would also provide required budget amendment financial information. Discussion was held about the possibility of a golf committee and the general consensus was that a committee was not needed.

5. Discuss Status Of The Senior Center Expansion Project.

Andrew Combs CIP Manager provided an update on the Senior Center Expansion project including photographs of the actual construction site. He stated the construction was about 34% - 45% complete. He felt the project would be completed in the spring time ahead of the expected June date. Cesar Molina proposed a 'hard hat' tour by Council of the facility in January.

6. Discuss Surface Infrastructure Including City Sidewalk Policy And Strategy.

Bob Kopp, Public Works Director, stated the purpose of the discussion item was to update the City Council on the condition of the surface infrastructure, identify funding opportunities and obtain Council direction to address the infrastructure deficiencies. He provided information on the total infrastructure inventory noting there were 350 miles of streets at a Grade C or lower. Potential projects highlighted were Josey (Beltline-McKamy) – mill and overlay; Kelly Boulevard (Country Club-Keller Springs) – full rehab at Ted Polk, partial as needed; Northcrest Estates – whole neighborhood to fund 2 phases; and Belaire Heights – whole neighborhood. With regard to alleys, there were 97 miles at Grade C or lower. He stated alleys should be addressed at the same time that streets are addressed and did not recommend alley projects. With regard to sidewalks, he reported 243 miles were in the Fair to Very Poor condition and 149 miles of gaps/missing sidewalks. He also reported non-compliant or missing sidewalk ramps to be 5,048 and 1,272 partially compliant. He reviewed the sidewalk repair policy for residents. He recommended budgeting work on Josey at \$571,000 and Kelly at \$500,000; and \$2-\$4 million annually for sidewalks with \$150,000 for the 90-10 Grant Program and a priority on major arterials including schools, senior living, parks & recreation facilities, and TOD stations seconded by schools on collector and residential streets. He further noted that Denton County may provide funds. Mayor Marchant suggested that perhaps a percentage of the sales tax overage could be directed to surface infrastructure. Discussion was held that would direct the Redevelopment Sub-Committee to develop a policy and set priorities for funding with Council providing final authority such as was done to address the corridors. Councilmember Lawrence suggested Bob Kopp bring back a priority list based on \$2.5M with a recommendation for projects and costs that could be added and a recommendation for projects and costs that could be removed. The \$2.5M would include funding for Josey, Kelly and the 90-10 Grant Program. Consensus reached as suggested.

ADJOURNMENT

Mayor Marchant adjourned the meeting at 11:16 p.m.

ATTEST:

Krystle Nelinson, City Secretary

Matthew Marchant, Mayor