

**CARROLLTON CITY COUNCIL
REGULAR WORKSESSION AND MEETING
JUNE 7, 2016**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, June 7, 2016 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, Asst. City Attorney Susan Keller and City Secretary Laurie Garber.

5:45 P.M. – COUNCIL BRIEFING ROOM

*****PRE-MEETING/EXECUTIVE SESSION*****

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.

No Executive Session was held.

3. Council will reconvene in **open session** to consider action, if any, on matters discussed in the Executive Session. The Council did not convene in Executive Session.

*****WORKSESSION*****

4. Discuss **Possible Annexation Of Approximately 22.2 Acres Consisting Of Four Tracts Located Near The Intersection Of Parker Road (FM 544) And Dozier Road.**

Chief Planner Loren Shapiro used a location map to depict the areas of possible annexation and asked Council for direction with regard to proceeding with the request. No objections were raised.

5. Discuss **Location For Second Splash Park.**

Parks Director Scott Whitaker suggested Oak Hills Park for the second Splash Park noting the first one was at Thomas Park and used an aerial photograph to depict the location on Hebron Parkway. He talked about the possible layout noting this one would be a little smaller than the one at Thomas Park and reviewed three scenarios. He noted the design would be more appropriate for younger children. He talked about the water recirculation aspect of the proposal which would allow the area to remain open in times of drought. With regard to funding, he stated that \$755,000 was approved in the 2013

bond election for a Splash Park and restroom. The engineer's estimate was between \$934,000 and \$1,120,000 depending on the scenario selected, resulting in a shortfall between \$179,000 and \$365,000. The goal is to open the park in late April or May 2017. City Engineer Cesar Molina stated that the miscellaneous amount includes clearing, shade structures, benches and things that didn't fit in the other categories. Discussion was held about the activities already happening at the park and in the area. Mayor Marchant suggested funding the park at \$1,050,000 and negotiating with the Church to obtain some property in exchange for the driveway they would like.

6. Discuss Mayor Pro Tem & Deputy Mayor Pro Tem Appointments.

Mayor Marchant stated that the custom for appointment as Mayor Pro Tem has been that the person who has served the longest and has not previously served in the role would serve and the same for the Deputy Mayor Pro Tem. A consensus was reached in favor of Doug Hrbacek for Mayor Pro Tem and Steve Babick for Deputy Mayor Pro Tem.

7. Discuss Continuation Or Redistribution Of Council Sub-Committee And Liaison Appointments.

Mayor Marchant stated the item was an opportunity to make any changes. No suggestions were made for changes to sub-committee appointments. Mayor Pro Tem Wilder suggested he give up the Hebron High School Building Leadership Team and Councilmember Lawrence volunteered to fill the position. Councilmember Blanscet advised that the Landfill Committee changed the meeting night to Wednesday which is a time he is not available. Councilmember Babick stated he would attend. No other changes were made.

8. Discuss Strategic Planning Session.

Mayor Marchant stated the Session would be held at the Marriott Courtyard on June 17. He proposed that the June 21 meeting be cancelled and no objections were voiced.

9. Mayor and Council reports and information sharing.

Mayor Marchant recessed the Worksession at 7:20 pm to convene the Regular Meeting.

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

Mayor Marchant called the Regular Meeting to order at 7:28 p.m.

INVOCATION – Councilmember James Lawrence

PLEDGE OF ALLEGIANCE – Members of Boy Scout Troop 876

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.

Mayor Marchant noted that he received speaker cards for Item 29 and invited those speakers to the podium.

Pete Hennessey stated that if the Council plans to take any land, that they take the minimum amount and suggested a street easement for extending 4th Street. He asked that the City Manager and Economic Development Director meet with them.

Tom Washington, 1805 Countryside, spoke about traffic in general and specifically about Hebron Parkway. He asked that plans be developed to deal with traffic for approved development before the houses and businesses arrive. Mayor Marchant noted that Parker Road is under construction and he felt it would be a great reliever route for Hebron Parkway although it may not address all of the concerns.

Mary Lou Cowles, 2056 E Peters Colony Road, advised that her son suffers with Autism and Muscular Dystrophy and had been riding the SPAN bus until the program ended. She requested that the service be reinstated and talked about the independence it allows for her son while she is working.

Gwen Armstrong, 2310 Highland Heights Lane, talked about the need for the SPAN service for her adult daughter with special needs and asked Council to consider reinstating the program.

John Furlow, 2201 Glen Helen Circle, addressed the need for the SPAN service for adults with special needs and the elderly.

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 Item 18 was moved from the consent agenda to the regular public hearing agenda.

Mayor Pro Tem Wilder moved approval of Consent Agenda Items 11-17 and 19; second by Councilmember Blanscet and the motion was approved with a unanimous 7-0 vote.

MINUTES

***11. Consider Approval Of The May 17, 2016 Regular Meeting Minutes.**

BIDS & PURCHASES

***12. Consider Approval Of The Purchase Of Travel Services For The Carrollton Senior Center From Collette Travel In An Amount Not To Exceed \$130,000.00.**

***13. Consider Approval Of The Purchase Of Travel Services For The Carrollton Senior Center From Cruise One In An Amount Not To Exceed \$97,000.00.**

CONTRACTS & AGREEMENTS

***14. Consider Authorizing The City Manager To Approve A Contract With Tiseo Paving Company For The Santa Rosa Heights NOTICE Street Reconstruction Project In An Amount Not To Exceed \$3,415,396.00.**

***15. Consider An Amendment To The Hotel Occupancy Grant And Economic Development Incentive Agreement With Lowen Holdings, Ltd.**

ORDINANCE

***16. Consider An Ordinance Annexing An Approximately 4.5-Acre Tract Of Land Located On The West Side Of Charles Street Between Plano Parkway And Hebron Parkway. Case No. 03-16MD1 Armenian Church Annexation. Case Coordinator: Loren Shapiro.**

RESOLUTIONS

***17. Consider A Resolution Appointing Teri Williams To The Museum Board.**

PUBLIC HEARING - CONSENT AGENDA

~~***18. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A Child Daycare Facility With Special Conditions On A 1.25-Acre Tract Zoned (O-2) Office District And Located At 4108 (aka 4104) Medical Parkway; Amending The Official Zoning Map Accordingly. Case No. 05-16SUP2 The Goddard School. Case Coordinator: Michael McCauley.**~~

***19. Hold A Public Hearing And Consider An Ordinance Establishing The Zoning On A Proposed Annexation Tract As A Planned Development District For The (CC) Corporate Commercial District On Approximately 4.5 Acres Located At 4421 Charles Street; Amending The Official Zoning Map Accordingly. Case No. 05-16Z1 St. Sarkis Armenian Church (Zoning). Case Coordinator: Loren Shapiro.**

CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.

***18. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A Child Daycare Facility With Special Conditions On A 1.25-Acre Tract Zoned (O-2) Office District And Located At 4108 (aka 4104) Medical Parkway; Amending The Official Zoning Map Accordingly. Case No. 05-16SUP2 The Goddard School. Case Coordinator: Michael McCauley.**

Senior Planner Michael McCauley stated that the site plan, landscape plan and building elevations exceed the standards in the Comprehensive Zoning Ordinance. Staff felt the proposal would complement the area. He stated that the traffic impact analysis was approved by the City's traffic

engineer and the Planning Commission recommended approval of the request with a unanimous vote. He advised that staff received one notification in opposition to the request and one in support of the request.

Mayor Marchant noted that theoretically a two-story office building with about 60,000 sq ft of office space could be built on the site that would allow for approximately 200 commuters and Mr. McCauley confirmed the statement.

Kevin Patel, 1333 McDermott Drive, Suite 150, Allen, stated the school would serve children ages 6 months to 6 years old with about 500 locations throughout the Country and about seven in the D/FW Metroplex. He stated the size of the building would be approximately 8,000 sq ft allowing for about 150 students and 15-17 employees.

Mayor Pro Tem Wilder recognized that the permit requested was for a maximum of 159 students and asked what amount could be expected. Mr. Patel stated that based on other schools, it would be about 75-85%. He stated that about 50% of the students would be picked up around 2:00pm-2:45pm. Mayor Pro Tem Wilder voiced concern about the traffic on the neighboring residential streets, specifically on Amber Lane. Mr. Patel stated his understanding of the traffic analysis was that the business would not create a negative impact on Medical Parkway. He stated that in general, drop-off occurs between 6:30am and 8:30am with pickup generally between 2:30pm and 5:00pm resulting in about 30 – 40 cars per hour. He also noted that it would take about 2 years to ramp up the business so there wouldn't be a major impact on the traffic at one time.

Mayor Marchant opened the public hearing.

The following individuals registered opposition to the item without speaking:

Tommy Chandler; Vicki Chandler; Jeanice Johnson; Jan Livingston; Keri Witmer; Barbara Bowden;

Jet Parker, Quail Creek, spoke in opposition to the request and talked about the traffic impact the facility would have as well as the recent increase in vandalism and litter. She asked the Council to deny development until another signal light could be installed to address the traffic impact to the residents.

Derrell Conway, 1712 Sand Piper Lane, Past President of the Quail Creek HOA, stated the residents are opposed to the request until the traffic concerns are addressed noting specifically the dangerous intersection and the cut-through traffic.

There being no other speakers, Mayor Marchant closed the public hearing and opened the floor for discussion.

Mayor Marchant noted that he lives in the area and is aware of the intersection concerns. He talked about the light that will be installed at Cheyenne which was recently opened and talked about the construction on Parker Road that was expected to have a positive impact on Hebron.

Deputy Mayor Pro Tem Hrbacek moved approval of Item 18; second by Councilmember Sutter.

Deputy Mayor Pro Tem Hrbacek thanked the residents for their attendance noting the importance of their input. He felt it was important to recognize that the request was for a Special Use Permit and

that the O-2 zoning allows for a certain level of traffic. He stated it was his opinion that the SUP requested would have less traffic than the existing O-2 zoning that is allowed by right.

Councilmember Lawrence addressed the impact to Amber Lane feeling that people would use that roadway when faced with the traffic to the north or going through the school zone around Homestead to the south.

Councilmember Sutter noted that looking at the O-2 zoning and the growth in the area it is highly unlikely that the land would sit unused for any period of time and noted the capacity for the product to be much larger than the school footprint. He felt the school was a better use for the area and would have less of an impact than an office building would have.

Councilmember Babick stated he shares the opinion and noted that on this particular parcel of land, the Council is fortunate to have the opportunity to weigh in on the zoning. He reiterated that an office building could be constructed without appearing before the Council because the land is zoned for Office. He felt the school would draw its students from the neighborhood and Homestead which is already part of the traffic. He felt that the requested use was the least invasive option. He stressed that he understands and agrees with the need for a traffic light and stated he would follow up on that request.

Councilmember Blanscet voiced confusion about the traffic impact analysis and felt the City needs to begin solving the problem before adding to it. He understood that what could be developed under the current zoning could have a higher traffic impact than what is being requested but felt the Council did not have a full grasp on the extent of the traffic problem or a solution.

Mayor Marchant noted that the Traffic Advisory Committee recently met to consider the signal installation recommendation for the next budget year and the Quail Creek signal was not approved. He suggested that perhaps the Council should have a separate discussion about the traffic at the intersection at a future Worksession.

Councilmember Garza stated that knowing the traffic situation in the area, he was not comfortable with the type of business. He stated he would vote opposed to the request.

Councilmember Lawrence recognized the problem with traffic and noted he was not against commercial growth in the City. He stated the proposal was a wonderful looking building that suits the area but he was concerned about the traffic congestion calling it a possible choke point.

Mayor Pro Tem Wilder voiced concern about the traffic impact analysis because of the amount of traffic at Hebron and Josey and stated he was also concerned about Amber Lane. He stated he would vote against the request due to the traffic impact and stressed he was not opposed to the business at a different site. He stated he was not concerned about O-2 developing at the location in the next couple of years.

Mayor Marchant noted that this is not a vote on the question of bad traffic in the Hebron and Josey area; that's a different vote. He stressed that the land was zoned for a commercial use and because the building appeared residential in nature, if he were voting on the request, he would probably vote in favor of it. Regardless of the vote, he hoped the public understood that the Council really considered the request and would vote as each thinks is best for the area. He called for the vote.

The motion failed with a 3-4 vote, Lawrence, Wilder, Garza and Blanscet opposed.

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

20. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For An Automobile Quick Lube And Lubrication Service With Special Conditions On A 0.77-Acre Tract Zoned PD-197 For The (LR-1) Local Retail District And Located At 1505 Hebron Parkway; Amending The Official Zoning Map Accordingly. Case No. 03-16SUP1 Jiffy Lube. Case Coordinator: Michael McCauley.

Mr. McCauley used an aerial photograph to illustrate the location of the site which is part of the Collections development site on the west side of where the Montessori school is being constructed. He stated they have the benefit of a right turn lane that allows immediate access to go southbound into the Collections as well as a second right turn lane to go southward on Huffhines Boulevard. He reported that the Staff and Planning Commission felt the elevations were very nice and the landscape plan and site plan exceed the PD standards as well as the Comprehensive Zoning Ordinance. He advised that as a result of the applicant's continuing outreach efforts, the owner of the Montessori School and the Quick Lube have reached an agreement about additional landscaping on the southern perimeter of the development site. He pointed out the various access points to the site. He advised that staff received opposition to the request from the owner of the Montessori school, but it has since been withdrawn and no other comments of opposition were received. He stated that the Planning Commission recommended approval with a unanimous vote. Staff recommended that the exhibit regarding the landscape plan be exchanged with the revised landscape plan shown to Council during the pre meeting and formal presentation. He further recommended an additional stipulation that the developer shall close the existing driveway directly in front of the subject property and replace it with curbing along Hebron Parkway and continue the landscaping consistent with the conceptual landscape plan and in conjunction with that, that the final landscape plan shall be submitted to the City Arborist for her review and approval prior to permitting.

Angel Robinson, 3000 Internet Blvd, Frisco, with Guggenheim Services, LLC, did not make a formal presentation. In response to Mayor Pro Tem Wilder, she advised that the hours of operation would be 8:00 am to 7:00 pm Monday through Saturday and 10:00 am to 4:00 pm on Sunday. The expected flow of traffic on the site would be west to east.

Deputy Mayor Pro Tem Hrbacek asked if the applicant would install more parking with the removal of the driveway and Ms. Robinson replied they did not intend to do so; they intend to continue the landscaping.

Sanjay Josni, 8600 Rivera Court, Flower Mound, representing the Montessori school stated they support the project but wanted the Council to keep in mind the large expense he had regarding the approach less than a year ago to meet the requirements of the City; and therefore would like to keep his approach.

Mayor Pro Tem Wilder asked Mr. Josni about their hours of operation and he replied that it was 6:30 am – 6:30 pm. He stated that peak traffic is 7:30-8:30 in the morning, 2:30 pm and 5:00-6:00 pm. With the aid of Mayor Marchant, he also explained the flow of traffic.

Councilmember Blanscet asked Mr. Josni for further explanation about his concerns regarding the approach. Mr. Josni felt that it would be confusing for the customers if the approach was moved and

again stated that although the drive was not a perfect location for the school, it was a compromise made for the City when his SUP was approved approximately a year earlier.

Mayor Marchant opened the public hearing and invited speakers to address the Council. There being no speakers, he opened the floor for discussion or a motion.

Mayor Pro Tem Wilder moved to approve the request without the staff recommendation; leave the ingress and egress as it is; and adding the wax myrtles and landscape plan on the southern boundary; second by Councilmember Garza.

Deputy Mayor Pro Tem Hrbacek asked that the motion be amended to include the staff recommended driveway and it was not accepted. Councilmember Blanscet asked about the impact on safety with people turning into the existing first driveway. City Engineer Cesar Molina stated the impact depends on the volume of traffic at the time of turning. He stated that to the extent possible, staff tries to minimize the number of driveways from major streets such as Hebron. He explained that the intent of staff's recommendation is to reduce the impact on safety. Councilmember Sutter voiced his agreement with the motion and not remove the driveway. Deputy Mayor Pro Tem Hrbacek stated there are other confusing areas and stated he would have to vote against the motion due to the traffic concern. Mayor Marchant called the vote.

The motion was approved 6-1, Deputy Mayor Pro Tem Hrbacek opposed.

ADJOURNMENT

Mayor Marchant adjourned the meeting at 8:45 p.m.

ATTEST:

Laurie Garber, City Secretary

Doug Hrbacek, Mayor Pro Tem