

**CARROLLTON CITY COUNCIL  
TELEPHONIC MEETING AND WORKSESSION  
FEBRUARY 2, 2021**

The City Council of the City of Carrollton, Texas convened in a Telephonic Meeting and Worksession on Tuesday, February 2, 2021 at 5:45 pm with the following members present; Mayor Kevin Falconer, Mayor Pro Tem Steve Babick, Deputy Mayor Pro Tem Pat Cochran, Councilmembers John Sutter, Glen Blanscet, Young Sung, Andrew Palacios and Adam Polter. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy, Bob Scott and Chrystal Davis, City Attorney Meredith Ladd and City Secretary/Admin Services Director Laurie Wilson.

**5:45 P.M. – COUNCIL CHAMBERS**

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

Mayor Falconer called the meeting to order at 5:47 pm.

1. Receive **information and discuss Agenda.**
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.
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 – No action taken.

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

4. Discuss **Fiscal Year 2020 Comprehensive Annual Financial Report.**

Asst City Manager/Chief Financial Officer Bob Scott stated that the financial statements and CAFR are audited to insure that the information provided to the Council and the public are accurate. He reported that the City improved its financial position during 2020 and staff is continuing the planning for the capital program and debt issuance. The financial balance is strong. Mayor Falconer summarized that the pandemic has changed everyone's lives but from a financial standpoint, the City is weathering it as well as it can; and he stated that most of the residents should see no real change at the service level as a result of the pandemic. Mr. Scott agreed and added that the annual report and the budget are posted online should anyone be interested in reviewing the documents. Mayor Falconer voiced his appreciation for the staff and Council for taking the City's fiscal responsibility so seriously.

5. **Mayor and Council reports and information sharing.**

Mayor Falconer adjourned the Worksession at 7:12 pm to convene in Regular Meeting.

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

Mayor Falconer convened the Council Meeting at 7:19 pm.

**INVOCATION** – Deputy Mayor Pro Tem Pat Cochran

**PLEDGE OF ALLEGIANCE** – Councilmember John Sutter

**PUBLIC COMMENT**

**7. Hearing of any citizen/visitor on items listed on the regular meeting agenda. Citizens wishing to address the Council regarding items not on the posted agenda will be called to speak during the Public Forum.**

*Citizens/visitors wanting to speak should join through Zoom by visiting: <<https://us02web.zoom.us/j/88932877359?pwd=NjVPdkRNTVl1KzhjMWWhhMHY4Q0RiUT09>> Passcode: 221981; or join by phone: 1-346-248-7799; Webinar ID: 889 3287 7359; Passcode: 221981. 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.*

There were no speakers

**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 Falconer reminded Council that Items 12, 14 and 16 were pulled for individual consideration.

**Councilmember Blanscet moved approval of Consent Agenda Items 7-11, 13, 15 and 17-20, second by Councilmember Palacios. The motion was approved with a unanimous 7-0 vote.**

Councilmember Sutter made note that staff met with the outside auditors that reviewed the financial statements whose opinion is contained in the Comprehensive Annual Report. He commended staff for the extraordinary measures taken to allow the audit to be completed on time. Councilmember Palacios noted that Item 20 was a good example of two public agencies working together to benefit the tax payers.

**MINUTES**

**\*7. Consider Approval Of The January 12, 2021 Regular Meeting Minutes.**

**\*8. Consider Approval Of The January 19, 2021 Regular Meeting Minutes.**

**BIDS & PURCHASES**

**\*9. Consider Approval Of The Purchase Of Furniture From Plano Office Supply Through An Interlocal Agreement With Collin County Government Forum In An Amount Not to Exceed \$65,521.34.**

**\*10. Consider Approval Of The Purchase Of A Structured Cabling System And Professional Services Implementation From Connect Technology Group, LLC In An Amount Not To Exceed \$249,168.70.**

**\*11. Consider Approval Of The Purchase Of A Replacement Fire Alarm System And Professional Services Implementation to Firetrol Protection Systems Inc. In An Amount Not To Exceed \$159,074.30.**

~~\*12. Consider Approval Of The Purchase Of Cloud And Data Replication and Back Up Service For the Information Technology Department Through Amendment Of A Master Services Agreement With Abacus In An Amount Not To Exceed \$172,563.00.~~

## ORDINANCE

\*13. Consider An Ordinance Ordering The General Election On May 1, 2021 To Elect Council Places 1, 3, 5, & 7.

~~\*14. Consider An Ordinance Ordering An Election On May 1, 2021, To Submit To The Qualified Voters Of The City Of Carrollton Certain Proposed Amendments To The Existing City Charter.~~

## RESOLUTIONS

\*15. Consider A Resolution Authorizing The City Manager To Negotiate And Execute Contract Amendment No. 1 With Kimley Horn And Associates, Inc. For Additional Professional Engineering Design Services Related To The Trinity Mills Station TOD Urban Village Project In The Amount Of \$65,000.00, Increasing The Total Contract To An Amount Not To Exceed \$649,526.00.

~~\*16. Consider A Resolution In Support Of The Dallas Area Rapid Transit Resolution No. 200136 Related To Right Of Way Requirements For The Silver Line Regional Rail Alignment; Authorizing The Use Of Eminent Domain By DART And Approving The Acquisition Of Certain Properties By DART Within The Corporate Limits Of The City Of Carrollton; And Providing For An Effective Date.~~

\*17. Consider A Resolution Authorizing The City Manager To Negotiate And Execute Contract Amendment No. 1 With Pacheco-Koch For Additional Professional Engineering And Geotechnical Services Related To The Nob Hill Section 1 Street Reconstruction Project In The Amount Of \$62,563.00, Increasing The Total Contract To An Amount Not To Exceed \$436,626.00.

\*18. Consider A Resolution Accepting The Investment Officer's Quarterly Report For First Quarter Ended December 31, 2020.

\*19. Consider A Resolution Acknowledging Receipt Of The Comprehensive Annual Financial Report For The Fiscal Year Ending September 30, 2020.

\*20. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A License Agreement With Lewisville Independent School District (LISD) Regarding The Use Of Real Property For The Purposes Of Constructing A Parking Lot And A Public Park.

## ITEMS REMOVED FROM CONSENT AGENDA FOR INDIVIDUAL CONSIDERATION

~~\*12. Consider Approval Of The Purchase Of Cloud And Data Replication and Back Up Service For the Information Technology Department Through Amendment Of A Master Services Agreement With Abacus In An Amount Not To Exceed \$172,563.00.~~

Mayor Pro Tem Babick moved approval of Item 12; second by Councilmember Sutter.

Councilmember Polter felt the outdated system could be replaced in a year rather than continuing with the risk for a second year. He stated he would be willing to approve the recommendation for one year, but not for two.

Mayor Pro Tem Babick stated that the IT Committee heard from staff about the need for redundancy with regard to the AS400 utility system and spoke in favor of the proposal.

Councilmember Palacios stated that this was part of a broader concept continuing to an end goal; that it is not an isolated agenda item of expense. He stated he would vote in favor of the item because of the broader goal.

Councilmember Polter stated his preference for a one year agreement with the possibility of a second year at a set amount. He felt it is a more expensive solution for something that could be significantly less with a very acceptable amount of risk for the system.

Councilmember Blanscet asked if it was reasonable or feasible to have a one year term with a 12 month extension. Chris Chiancone, Chief Information Officer stated that the proposal began as a 3 year term and was negotiated down to a 2 year term saving approximately \$6,500. He advised that after the Committee's discussion, staff requested and received a 1 year quote from Abacus that was about \$3,600 more expensive but there was no discussion about an extension. He stated that staff doesn't expect to begin the RFP process for at least three months and that it would take between 18-24 months to get an enterprise class utility billing system put into place which is why staff recommended the proposed two year agreement extension.

Mayor Pro Tem Babick advised that the Finance Committee also discussed extending the auditor's contract three years to bridge the time that it would take to prudently deploy the utility billing system predicted to take two years. He felt the two years was a long term plan objective that staff has been working toward underscoring his comfort with the two year agreement.

**The motion was approved with a 6-1 vote, Councilmember Polter opposed.**

**\*14. Consider An Ordinance Ordering An Election On May 1, 2021, To Submit To The Qualified Voters Of The City Of Carrollton Certain Proposed Amendments To The Existing City Charter.**

Councilmember Polter moved approval with the exclusion of Proposition 4; the motion died for the lack of a second.

**Mayor Pro Tem Babick moved approval of Item 14; second by Councilmember Palacios.**

Councilmember Polter stated that the proposed changes to the Charter were discussed in August 2018 and has not been before Council since 2019. He felt that the proposed changes were presented too late and that it needs to be tabled for discussion perhaps after the May election when there would be at least two new council members.

Mayor Falconer stated that the changes were not substantive with the change to Proposition 4 being the most substantive which was to eliminate a potential loop hole in time between running for office.

Mayor Pro Tem Babick offered a reminder that it was a Citizen Charter Committee that recommended the changes and that none of the Council members were a part of the Charter Committee. He agreed that it would have been better for the item be brought forward earlier but it must be approved now in

order for it to be included on the May election ballot. He stated he was in favor of approving the item to allow the citizens to vote on the proposed changes.

Councilmember Blanscet stated the review went through the entire process required. He stated that the agenda has at least six other items that began by a previous Council. He agreed that it would have been preferable to have the discussion earlier but every proposition has been thoroughly discussed by the Council and the Citizens Charter Committee, and is ready to be presented to the citizens.

Councilmember Polter asked if the public would be allowed to speak and Mayor Falconer replied that the item is not a public hearing but the citizens would weigh in on it when they vote in May. Mayor Pro Tem Babick reminded Council that the public was offered an opportunity to address any item listed on the Consent Agenda during the Public Comment item.

**The motion was approved with a 6-1 vote, Councilmember Polter opposed.**

**\*16. Consider A Resolution In Support Of The Dallas Area Rapid Transit Resolution No. 200136 Related To Right-Of-Way Requirements For The Silver Line Regional Rail Alignment; Authorizing The Use Of Eminent Domain By DART And Approving The Acquisition Of Certain Properties By DART Within The Corporate Limits Of The City Of Carrollton; And Providing For An Effective Date.**

**Councilmember Sutter moved approval of the Resolution; second by Councilmember Palacios.**

Mayor Falconer stated that DART has the power of eminent domain and asked member cities to approve a resolution in support. He stated that the properties in question were unimproved properties. Jonathan Wheat, P.E., Director of Engineering, confirmed that there is no new development on the properties. He explained the purpose for the property and further advised that DART must get approval from the city in order to exercise its power of eminent domain.

Mayor Pro Tem Babick stated that without the Resolution, DART could still proceed to negotiate a commercial arrangement with the property owners. He asked DART if they had begun a commercial procurement process. Letty Delgado, Interim Asst Vice President for DART Real Estate, confirmed that they have not begun the procurement and stated that they cannot move forward with making an offer unless the City approves the resolution. She stated that not having the City's approval could add more time to the acquisition of the property. Greg Althoff stated that prior to making an offer, the property is appraised by a Texas Certified Appraiser and reviewed by a second appraiser. He stated that the reason they request eminent domain is because it usually streamlines the process. He added that the Federal Government is very precise in how they process and participate in the purchase of properties so it can also have a financial impact. Mayor Pro Tem Babick expressed his support of the Silver Line and stated that he gets leery about the term "eminent domain" and its potential impact on the free market.

Councilmember Blanscet referred to Sec 452.058 of the Transportation Code and questioned if the resolution gives DART the authority they are requesting. Greg Althoff stated that what Ms. Delgado presented is what DART prefers to do; DART can make an offer without Council's approval, but they prefer not to because this method streamlines the process should negotiations not produce a positive result. Councilmember Blanscet acknowledged that there were steps that must be taken before exercising eminent domain. Mr. Althoff replied affirmatively and added that DART's legal counsel would review the negotiations and steps taken and may even negotiate with the property owner before moving toward the use of eminent domain.

Councilmember Palacios asked if this was something that's standard for entities doing similar projects along the Silver Line and Mr. Althoff replied affirmatively. He stated that the same request is made to all cities before they begin negotiating purchase of property.

Councilmember Sung voiced a concern of a lack of good faith because of eminent domain authority. Mr. Althoff stated that based on Federal and State rules, DART hires the best appraisers they can. Each appraiser must be prequalified based on category and experience such as residential and commercial. Then there is a second round of appraisal review to insure that the offer made is the best effort to prove just compensation. He stated that the eminent domain process is a completely unbiased forum for individuals to plead their case in front of a 3 member panel. If either side is unhappy with the award, it can be appealed to a jury trial. He explained that the eminent domain process allows the project to move forward even if negotiations fail.

City Attorney Meredith Ladd talked about the statutory process of eminent domain that must be followed to make sure property owners are compensated fairly prior to being heard by the panel. She added that there could be punitive damages if the steps are not followed. Mayor Falconer underscored that eminent domain happens every day by TxDOT and stated this is a very common occurrence. He added that the Silver Line is being built in a design build fashion which is part of the reason for the expediency.

Councilmember Polter reiterated that this is unimproved property and Council has not heard any opposition from the property owners regarding the item. He asked if the resolution only gives eminent domain for the two parcels mentioned and not for anywhere else in Carrollton and Ms. Ladd replied affirmatively.

Councilmember Blanscet asked DART about the public necessity of the two tracts of property in question. Ms. Delgado replied that CB2-030 was for the parking lot for the station and CB2-031 is for the double track and right-of-way.

Mayor Pro Tem Babick stated he respects the discussion as they reflect on the overall project and the hurdles of eminent domain. He stated he would vote in favor of the resolution.

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

## **PUBLIC HEARING - INDIVIDUAL CONSIDERATION**

**21. Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For A Child Day Care Center On An Approximately 0.4697-Acre Tract Zoned Planned Development (PD-203) For The (O-2) Office District And Located At 2324 Old Denton Road; Amending The Official Zoning Map Accordingly.** Case No. PLSUP 2020-161 Kids Play Child Care.

Planning Manager Loren Shapiro presented the request and stated there is an existing medical office building on the site at the corner of Jenne Lane and Old Denton. He stated the applicant proposed to occupy Suite 120 located at the south side of the building for a child day care center with a maximum capacity of 20 children. The applicant would provide a 5 ft tall fence around the southeast side of the suite for a play area. He stated there is sufficient parking and 50% is along the frontage of the building as required and is along the sidewalk. He stated opposition was received from the public pertaining to traffic and noise concerns. Staff recommended approval as stipulated in the proposed ordinance.

Mayor Falconer asked if additional parking was needed and Mr. Shapiro replied that the existing parking is sufficient and the highlighted landscape area can remain in place.

Councilmember Polter noted that the applicant's narrative mentioned a maximum of 30 children but the technical comments provides approval for a maximum of 20 children and asked if there were plans to expand to 30. He also asked if the site would meet the requirements for 30 children. Shapiro explained that the applicant initially requested 30, but after review, the applicant reduced the maximum to 20. He stated that the applicant would have to request approval to amend the SUP to increase the maximum number of children.

Councilmember Blanscet also noted that the narrative mentioned sometimes being open on Saturdays and asked if it was included for approval. Shapiro stated it was not authorized with the SUP and he added that the hours of operation are stipulated in the proposed ordinance. With regard to the type of fence, Shapiro stated that the City typically relies on the State's guidelines for day cares; however the City can stipulate it as part of the SUP. He further noted that the PD that was approved did not require a screening wall between the office and the existing single family.

Councilmember Sung asked about the noise ordinance with regard to hours. Mayor Falconer stated that the hours of operation are 7:00 am to 6:30 pm so there shouldn't be any children out after 6:30 pm. Environmental Services Director Cory Heiple advised that staff doesn't regulate children or associated noises with day care; the scope is more in line with industrial or business noises.

Mayor Pro Tem Babick asked why the hours of operation were restricted to the work week. Shapiro stated it was determined by discussions with the applicant and deferred to the applicant for more information. Mayor Pro Tem Babick stated he would like to hear from the applicant on the point.

Mayor Falconer opened the floor to the applicant.

Bozena Kristofic, applicant, stated she has been working in child care and kids play for 18 years. She stated her day care has always been drop-in; never has been day care full time. She stated that this time, she wants full time day care open Monday through Friday from 7:00 am to 6:30 pm. Mayor Falconer asked if she was happy with the SUP as proposed and she replied affirmatively. She added that the fence would be a 5 ft solid wood fence.

Mayor Falconer opened the public hearing and invited speakers to address the Council.

Naveena Konathala, 1009 Paradise Cove, spoke opposed to the request due to concerns about increased noise, health concerns of the children, limited parking, traffic congestion at entry/exit of neighborhood, and decreased property values.

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

Councilmember Sung stated that with the pandemic, the medical office is open by appointment and the doctor is being extra cautious.

**Councilmember Sung moved approval of Item 21; second by Deputy Mayor Pro Tem Cochran.**

Deputy Mayor Pro Tem Cochran stated she appreciates the concern of the resident with regard to the noise level. She felt that working with the State of Texas and Texas Child and Family Services, there are many rules that must be followed. She also stated she is in favor of allowing businesses to grow and that there is not enough of affordable child care for families.

Mayor Pro Tem Babick acknowledged the concern about sex offenders and stated there are regulations regarding where offenders can live. Ladd replied that if a sex offender is already living in the area, they would have the right to remain but a different one could not take up residence near a day care.

Councilmember Blanscet asked for clarification about a location at the back of the building for parents to drop off children. Shapiro stated the entrance would be in the front of the suite. Councilmember Blanscet asked if children would be allowed to enter through the fence gate; Shapiro deferred to the applicant and noted that the State regulates Child day care. Ms. Kristofic stated that the fence would have two gates and explained that parents would drop the children off in the front. She added that parents would not go inside. She confirmed that there would be no need for parents to park on the street. She stated that they would take 8 children at a time to the play yard for a maximum of 30 minutes, twice a day. She also stated that the ages of the children would be 3 to 5 years old.

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

**22. Hold A Public Hearing And Consider An Ordinance Amending Special Use Permit Number 413 (SUP-413) That Allows For A General Medical And Surgical Hospital On An Approximately 5.6-Acre Tract Zoned PD-189 For The (O-4) Office District And Located On The Northwest Corner Of PGBT/Trinity Mills Road And McCoy Road, To Revise Conceptual Plans And Modify Development Standards To Allow For An Operating Room Expansion; Amending The Official Zoning Map Accordingly.** Case No. PLSUP 2020-163 Trinity Mills OR Expansion.

Shapiro presented the request to amend SUP 413 to allow for a 6,000 sq ft operating room expansion. He stated that Council approved an MRI building expansion on the north side of the building in January. He reviewed the conceptual site plan, landscape plan, and building elevations for the proposed use that was revised after the Planning & Zoning Commission approval. He talked about the mountable curb that would allow emergency equipment/vehicle access when needed but it would be a deterrent for private vehicles, which would minimize cut-through traffic between McCoy and Raiford Road. Staff recommended approval with the conditions in the staff report and proposed ordinance.

Councilmember Blanscet asked for clarification about the mountable curb. Shapiro replied that the curb would not prevent a private vehicle from driving over it, but because it is more substantial of an area and has the appearance of a curb, it would deter people from cutting through. The premise is it would hopefully reduce the cut through traffic and speed. Councilmember Blanscet asked if it might create a bigger traffic problem for the hospital parking lot. He asked if it would be better to install speed bumps. Transportation Engineering Manager Tom Hammons stated that the mountable curb would encourage traffic to take a left to go to the back of the hospital parking lot and he felt it would be advantageous because it would push traffic away from the building. He stated there are existing speed bumps to address the speed of vehicles. He added that it is a small amount of traffic but it is close to the building. He felt that the cut through traffic comes from the Walmart / Lowes center.

Mayor Pro Tem Babick stated his concern for the hospital customers that would be almost forced to go onto McCoy and adding traffic on McCoy north and south as opposed to allowing traffic to find the path of least resistance. He stated that because of concerns heard by Council in the last few years about traffic on McCoy, he would like to see the blockade removed.

Deputy Mayor Pro Tem Cochran stated her main concern was the hospital customers and the parking lot feeling as one drives through there. She stated that she likes the barrier idea and would like it to stay because it would be a deterrent for future traffic, but she is concerned that access would be lost.



Councilmember Polter stated he was in favor of the traffic control mountable curb. He felt that when the Hampton Inn is opened, this would dissuade hotel patrons from going to McCoy.

Jordan Maruyama, Regent Hospital, stated that the mountable curb was not a deal breaker for them and they were trying to help the community by adding it.

Mayor Falconer asked about the screening parapet. Matthew \_\_\_, PG Architects, stated the parapet screen wall is located on the planned north side of the building away from the highway. He stated it does exceed the height of the rooftop mechanical equipment. He stated it would match the existing screening parapet wall at the north side of the existing building. The existing screen wall is flush. Mayor Falconer stated they have a very nice building and asked him to be sure that it is going to be completed the way he thinks it should.

Mayor Falconer opened the public hearing; there being no speakers, he closed the public hearing.

**Councilmember Sutter moved approval of the ordinance amending SUP 413 as requested by the applicant; second by Councilmember Polter. The motion was approved with a unanimous 7-0 vote.**

**23. Hold A Public Hearing And Consider An Ordinance Amending Special Use Permit Number 453 (SUP-453) Providing For A Gasoline Service Station On An Approximately 7.25-Acre Tract Zoned (FWY) Freeway District And Located At The Northwest Corner Of Sandy Lake Road And IH-35E To Revise Conceptual Plans And Modify Development Standards By Adding Fuel Pumps On The North Side Of The Convenience Store; Amending The Official Zoning Map Accordingly.** Case No. PLSUP 2020-105 QuikTrip Revised.

Shapiro presented the request to amend SUP 453 to amend the concept plan. He advised that the original SUP was approved in 2018 to include 20 gasoline pumps, double stacked along the eastern portion of the property between a convenience store and the TxDOT r-o-w on 2.1 acres. Since that time, the applicant submitted a request to amend the SUP locating the gasoline pumps on the south side of the convenience store along with eight diesel pumps (six for semi trucks and two for vehicles) located to the north of the convenience store with eight semi tractor-trailer parking spaces on the north side of the property. He stated that the proposal was denied by Council on April 7, 2020. However, on July 21, 2020, the City Council waived the 12 month waiting period for submitting another request. He reviewed the current conceptual site plan submitted by the applicant that removed all of the tractor-trailer parking on the north side of the property. The applicant added dedication of a right turn lane along Sandy Lake Road for west bound traffic and the plan reflects a future right turn lane for Sandy Lake Road that includes some storage from their driveway along I-35. In addition to that, the new plan shows the pumps moving from the east side of the property to the south side of the property along the southern property line. He reviewed the convenience store elevations as well as the canopy elevations and the landscape plan. Staff recommended approval. He stated that staff added a stipulation after the case was head by the P&Z Commission that is not included in the proposed ordinance to require that the applicant provide a variety of plantings.

Jake Petras, QuikTrip, 1120 N Industrial Blvd, Euless, Texas, felt that the proposal meets the vision that the City was hoping for. He stated they increased the landscape buffers along the I-35 frontage road and along the back of the site; they eliminated the tractor-trailer parking to remove any stigma with overnight parking; and he provided an animation that gives a good perspective of trucks entering and exiting the site with all trucks being required to exit on the I-35 frontage road. He reviewed and responded in detail to the Council's questions and concerns voiced during the April meeting. He stated

he is proud of the collaboration of the QuikTrip team and the City staff to develop a product that meets the challenge and will set the benchmark for other properties. He stated they cherish the relationship and partnership with Carrollton and hoped for a positive result.

Will Munninger, 3819 Maple, Dallas, Texas, provided a history of ownership of the site and stated they were very happy when QuikTrip approached them about partnering on the site and since then about enlarging the plan. He stated that the development of the site is complicated and much of the site is in the floodplain. He felt that QuikTrip will provide a service that is needed in the area and he expects the QuikTrip team will continue the neighborly attitude in the way they operate their business.

Mayor Pro Tem Babick stated he appreciates the applicant's efforts and simulations although he remains concerned. He asked staff if denying the current request would default back to the originally approved plan and Shapiro replied affirmatively. Mayor Pro Tem Babick asked if a semi could pull into a canopy from the east rather than the west to fuel and Mr. Petras replied that they could not. With regard to the height of the canopy, John Pimentel with QuikTrip, stated the diesel canopy is 16 ft at the bottom clearance. With regard to parking the semis, Mr. Petras stated that after they fill up, there is a queuing stack line in front of the diesel canopy to allow the driver to go into the store. It would be a short term temporary park but there would be no other ability to park on the site. Mayor Pro Tem Babick voiced concern that the drivers will find other places to park such as along the road and he stated he remains sure that this is not the right location for a truck stop. He stated he is a fan of QuikTrip but not of a truck stop at this location.

Councilmember Polter stated he is torn about the request on the land use aspect of it but he also sees a need for the service in the area. He asked if the applicant considered or would consider including charging stations for electric vehicles. Mr. Petras stated that they have had discussions with Tesla and the draw back to it is it somewhat forces some cars to stay on your lot longer than they are accustomed to. He stated that this site may have room for it because it is a larger site and if it means approval, he would do everything he could to get it done. Councilmember Polter voiced a concern about the landscape island separating the vehicle gas pumps from the lane. Mr. Petras stated that he believed that it is a storage stacking requirement from the Transportation Department.

Councilmember Sung stated he has had a change of heart since QuikTrip's April request and especially since the beginning of the pandemic. He stated he is inclined to vote in favor.

Councilmember Blanscet voiced his appreciation for the changes and effort by QuikTrip to meet the Council's concerns. He stated he is still concerned about the appearance of the center on the corridor and with the traffic. He stated it is a very busy intersection and he felt adding semi trucks to it would be problematic. He asked the applicant if they have data with regard to how many semi trucks are in a location like this throughout the day and what would the peak hours be. Mr. Petras stated that there would probably be 1800 trips a week that would equate to about 257 trucks per day. The peak periods are usually in the morning as well as late afternoon/early evenings but would expect to see a moderate flow throughout the day and overnight. He stated that one of the changes they have seen over the last five years or so with the explosion of e-commerce is that the drivers are local folks making day trips / shorter runs. Councilmember Blanscet asked what size truck stop he would consider this one to be and Mr. Petras replied that he would consider it to be a travel center and it would be considered a small travel center operation. Councilmember Blanscet stated he is still concerned with adding 257 trucks at the intersection but he would continue to listen to the discussion.

Deputy Mayor Pro Tem Cochran also thanked the applicant for the efforts put forward. She stated that her biggest concern is the traffic flow due the nearby soccer fields and the added interaction of large

vehicles with regular vehicles in an already busy area. She stated she is not sure that it is the right use for that particular site.

Councilmember Palacios asked for a review of the zoning on the site to which Mayor Falconer obliged and explained that if the current request is denied, the existing SUP would stand but without the added landscaping and building upgrades. Councilmember Palacios stated he remembers the prior conversation being about traffic and land use concerns. He stated he was still listening to the questions and comments of his colleagues.

Councilmember Sung asked about the 257 trucks per day and Mr. Petras stated that the number accounts for all commercial vehicles whether it is a UPS truck, a large semi truck, a recreational vehicle, etc and is an average based upon the estimates for volume at this location. Councilmember Sung agreed there are soccer fields on the other side of George Bush and questioned the danger concern voiced with regular cars and large trucks. He stated he likes the changes made and encouraged his colleagues to vote for approval.

Councilmember Polter thanked Councilmember Sung for his perspective. With regard to land use, he stated that as I-35 expands a sharp looking QuikTrip would probably be appropriate especially given the difficult nature of this property to develop. He stated that with the addition of 2 or more charging stations and a way to address the traffic and safety concerns provided by the island, he would be in favor of it.

Councilmember Sutter asked if there would be a deceleration lane. Mr. Petras stated it was a contingency for approval that they are required to build a deceleration lane onto I-35 frontage road and it was his understanding that it was included. Councilmember Sutter stated he still needed to give the number of vehicles some thought before he could make a decision.

Mayor Falconer asked what number of non commercial automobiles could be expected. Mr. Petras replied that on a standard QT store, it would be roughly 3,200 to 3,500 transactions per week. He stressed that they would not be adding traffic; that stores live and die with existing traffic.

Mayor Pro Tem Babick asked the applicant if he was suggesting that the 257 commercial vehicles would be traveling along Sandy Lake Road. Mr. Petras replied that some would draw from Sandy Lake but there would be a huge draw from the highway. He stated that there are some industrial uses today that supply some truck traffic in that area but from the highway would be critical for their success. Mayor Pro Tem Babick replied that 257 vehicles per day would create traffic through that area. He stated that this is not a question about truck drivers; it is a land use issue only. He understood that QT is a recognized leader for families but what bothers him is when you mix children and big rigs. Mr. Petras stressed that most ingress and all egress of the semi trucks would be on a completely separate side of the site. Mayor Pro Tem Babick stated he would like to see a QT in Carrollton and supports the existing SUP but doesn't think that the proposed site is an appropriate location for a truck stop.

Councilmember Sung asked the applicant for data regarding accidents. Mr. Petras stated that QT prides itself on designing incredibly safe sites. He stated they operate 15 sites in the DFW market without issue. Councilmember Sung felt QT would do very good business and strongly appealed to his colleagues to approve the request. He stated that the applicant addressed all of the concerns and stated he is in favor of the project.

Councilmember Blanscet referred to the minutes of the P&Z Commission meeting wherein the applicant stated he didn't agree with two of the stipulations and asked him to address those. Mr. Petras stated that they don't have any concerns with the way the staff report is written. He explained that

during the P&Z meeting, there was discussion about the timing of the deceleration lane. Councilmember Blanscet asked about the configuration of Sandy Lake Road once TxDOT has completed the overpass. Hammons stated that when the I-35 project is complete, Sandy Lake Road will be straightened and connect straight through and under I-35. Sandy Lake Road would still abut the QT property and it would be the same number of lanes but it would be wider. Hammons stated it would be better in the future; it will still be an intersection with an acute angle which makes it a little tougher for trucks but it should be better than it is today. Councilmember Blanscet asked Mr. Petras about their construction timeframe. Mr. Petras stated it would depend on when TxDOT is making progress in the area. If it is in the next year, they would likely wait to start construction until TxDOT is near completion because they've had bad experiences with opening a store in front of a lot of road improvements in the past.

Mayor Falconer opened the public hearing and invited speakers to address the Council.

Al Overholt, 2216 Ridgewood, spoke opposed to the request for various reasons and felt the site was too small.

There being no other speakers, he closed the public hearing and opened the floor for a motion.

**Councilmember Sung moved approval of Item 23; second by Councilmember Polter with the addition of charging stations. Councilmember Sung agreed with adding two charging stations.** Councilmember Sutter asked if the motion includes the stipulation that staff suggested about the landscaping plantings. **Councilmember Sung agreed to add the stipulation as recommended by staff and Councilmember Polter agreed with the addition.**

Mayor Falconer restated the motion to approve with the addition of the two charging stations and the addition of the staff stipulation. **The motion failed with a 3-4 vote, Babick, Cochran, Blanscet and Palacios opposed.**

**24. Hold A Public Hearing And Consider An Ordinance Amending The Text Of Various Sections Of The Comprehensive Subdivision Ordinance To Amend, Add Or Delete Content And To Improve The General Organization Of The Amended Sections. Sections To Be Amended Include: Article II. Administration, Section A Subdivision Plat Required, To Amend Provisions Related To Altering Or Abandoning City Easements That Are Separate Instruments And Allowing The City Manager Or Designee To Approve Such Alterations Or Abandonments In Lieu Of City Council, And To Modify Language For Alteration Or Abandonment Of Easements Dedicated By Plat And Removing City Council Approval Requirements; Article X. Design Standards, Section C. Lots Subsection 4. And Section E. Alleys, Subsection 1. To Remove All References To The (T) Tri-Plex And (F) Four-Plex Zoning Districts And To Add The Word "Zoning"; Article XI Construction And Improvements, Section J. Easements, To Amend Provisions Related To Dedication Of Easements To Allow For Water, Sanitary Sewer And Drainage Easements By Separate Instrument When Determined Necessary By The City Manager Or Designee; Article XII. Variances And Waivers, Section A. Variances, To Remove The Word "Temporary" As Related To Sidewalk Waivers; And Article XIII. Definitions To Add A Definition For Conveyance Plat. Case No. PLST2020-125 2020 Subdivision Ord. Text Amendments.**

Mayor Falconer stated the Council would not take final action but would hold the public hearing.

Shapiro summarized the suggested amendments as follows:

1. Updates procedures regarding how easements are altered or abandoned; providing the ability of the City Manager or designee to approve modifications.
2. Update and removes references to older zoning districts that have since been eliminated.
3. Provides how easements for extension of city water, sanitary sewer and drainage facilities shall be dedicated.
4. Updates and corrects language for sidewalk waivers.
5. Adds a definition for conveyance plats.

Mayor Falconer opened the public hearing; there being no speakers, he suggested the Public Hearing remain open and the item be continued to the March 2, 2021 meeting.

**Mayor Pro Tem Babick moved as proposed by Mayor Falconer; second by Councilmember Polter. The motion was approved with a unanimous 7-0 vote.**

## **PUBLIC FORUM**

**25. Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens/visitors wanting to speak should join through Zoom by visiting:** <https://us02web.zoom.us/j/88932877359?pwd=NjVPdkRNTVlKzhjMWhhMHY4Q0RiUT09> *Passcode: 221981; Or join by phone: 1-346-248-7799; Webinar ID: 889 3287 7359; Passcode: 221981. Speakers must state their name and address, direct their comments to the presiding officer rather than to individual Council members or staff; speak clearly into their device; Speakers will be allowed 2 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.*

Buddy Varner spoke with regard to his candidacy for Place 1 on the Lewisville ISD Board of Trustees.

Barbara Newton, 3813 Furneaux Lane, spoke with regard to the euthanasia of feral cats.

There being no other speakers, Mayor Falconer closed the public forum.

**ADJOURNMENT** - Mayor Falconer adjourned the Meeting at 10:42 pm.

**ATTEST:**

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Laurie Wilson, City Secretary

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Kevin W. Falconer, Mayor