

**CARROLLTON CITY COUNCIL  
REGULAR WORKSESSION AND MEETING  
JULY 7, 2015**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, July 7, 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, John Sutter, Glen Blanscet, James Lawrence and Steve Babick. Also present were Assistant City Managers Marc Guy, Bob Scott and Erin Rinehart, City Attorney Meredith A. Ladd and City Secretary Krystle Nelinson. City Manager Leonard Martin was absent.

**5:45 P.M. – COUNCIL BRIEFING ROOM**

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

Mayor Marchant called the meeting to order at 5:50 p.m. and announced that Council would convene in Executive Session as follows:

2. Council convened in **Executive Session** at **5:51 p.m.** pursuant to Texas Government Code:

- **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.

3. Council **reconvened in open session at 6:24 p.m.** to consider action, if any, on matters discussed in the Executive Session. No action taken.

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

Mayor Marchant reconvened the Work Session at 6:24 pm.

1. Receive information and discuss Consent Agenda.
4. Mayor and Council reports and information sharing.

Mayor Marchant adjourned the Worksession at 7:15 p.m. to convene in Regular Meeting.

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

Mayor Marchant called the Regular Meeting to order at 7:24 p.m.

**INVOCATION – Councilmember Glen Blanscet**

**PLEDGE OF ALLEGIANCE – Deputy Mayor Pro Tem Doug Hrbacek**

Mayor Marchant acknowledged the presence of former Mayor Ron Branson, former Mayor Pro Tem Terry Simons and Pat Malone as well as former Mayor Becky Miller.

## **PRESENTATIONS**

5. Present A Proclamation Declaring July As Park & Recreation Month.

## **PUBLIC FORUM**

6. **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.

## **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 Pro Tem Wilder moved approval of Items 7-9, 11, 12 and 14-16; second by Councilmember Blanscet and the motion was approved with a unanimous 7-0 vote.**

## **MINUTES**

- \*7. Consider Approval Of The June 23, 2015 Regular Meeting Minutes.

## **BIDS & PURCHASES**

\*8. Consider Approval Of The Purchase Of eBooks From Vendor 3M Cloud Library In An Amount Not To Exceed \$45,000.00.

\*9. Consider Approval Of The Purchase Of A US Digital Fire Station Alerting System And Associated Equipment From SHI Government Solutions Through BuyBoard In An Amount Not To Exceed \$278,408.00.

**CONTRACTS & AGREEMENTS**

~~\*10. Consider Authorizing The City Manager To Enter Into A Contract To Purchase 1.58 Acres Of Land At 1410 Fannidella Drive, Being The Fannidella Apartments, Block A, Lot 1, City Of Carrollton, Dallas County, Texas For An Amended Price of \$1,980,000.00.~~

\*11. Consider Authorizing The City Manager To Approve A Contract With Bluestone Partners, LLC For The Senior Center Expansion Project In An Amount Not To Exceed \$1,536,925.00.

\*12. Consider Authorizing The City Manager To Approve Change Order No. 2 In The Amount Of \$50,290.34 With Schmoldt Construction Company To Accommodate A Design Change To The Fountain For The Town Square And Pioneer Park Project For A Revised Contract Amount of \$853,898.92.

~~\*13. Consider Modification Or Cancellation Of The Contract With Eagle Golf Due To Force Majeure.~~

**ORDINANCE**

\*14. Consider An Ordinance Authorizing The Abandonment And Vacation Of A 20.00 Foot Portion Of An Alley Recorded By Plat In The Dallas County Official Public Record, Instrument #201200174335 Located Between Lot 1, Block A And Lot 2, Block A Of The Carrollton Heights, Phase 2 Addition; And Providing An Effective Date On And After Its Adoption And Publication.

**RESOLUTIONS**

\*15. Consider A Resolution Authorizing The City Manager To Enter Into A Tax Incentive Agreement With RDL Property, LP.

\*16. Consider A Resolution To Rename The Soccer Complex, Rename Three Individual Fields, And Name A Street At McInnish Park Sports Complex.

**PUBLIC HEARING-CONSENT AGENDA**

~~\*17. Hold A Public Hearing And Consider A Resolution Adopting The Analysis Of Impediments To Fair Housing And Program Year 2015 Community Development Block Grant (CDBG) One-Year Plan Of Action And Budget.~~

~~\*18. Hold A Public Hearing And Consider An Ordinance To Rezone To Amend A Special Use Permit For A Used Car Dealership With Special Conditions To Expand The Use To An Adjoining Lot Generally Located At The Southwest Corner of Hutton Drive and Belt Line Road; Amending Accordingly The Official Zoning Map. Case No. 06-15SUP1-Certified Autoplex/KM Midway Real Estate. Case Coordinator: Michael McCauley.~~

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

**\*10. Consider Authorizing The City Manager To Enter Into A Contract To Purchase 1.58 Acres Of Land At 1410 Fannidella Drive, Being The Fannidella Apartments, Block A, Lot 1, City Of Carrollton, Dallas County, Texas For An Amended Price of \$1,980,000.00.**

Mayor Marchant announced that Councilmember Sutter recused himself from Item 10 due to a conflict of interest and excused himself from the meeting.

**Deputy Mayor Pro Tem Hrbacek moved approval of item 10; second by Councilmember Babick.** Mayor Pro Tem Wilder stated he agreed with the result the City was trying to achieve in the area but disagreed with the method. He stated his preference that the private sector take the lead and stated he would vote against the motion. **The motion was approved with a 5-1-1 vote, Mayor Pro Tem Wilder opposed and Councilmember Sutter abstained.**

Councilmember Sutter returned to the dais.

**\*13. Consider Modification Or Cancellation Of The Contract With Eagle Golf Due To Force Majeure.**

**Mayor Pro Tem Wilder moved that Item 13 be moved to the July 21<sup>st</sup> meeting for consideration at that time; second by Councilmember Garza and the motion was approved with a unanimous 7-0 vote.**

**\*17. Hold A Public Hearing And Consider A Resolution Adopting The Analysis Of Impediments To Fair Housing And Program Year 2015 Community Development Block Grant (CDBG) One-Year Plan Of Action And Budget.**

**Mayor Pro Tem Wilder moved that Item 17 be tabled to the July 21<sup>st</sup> meeting for consideration at that time; second by Councilmember Babick and the motion was approved with a unanimous 7-0 vote.**

**\*18. Hold A Public Hearing And Consider An Ordinance To Rezone To Amend A Special Use Permit For A Used Car Dealership With Special Conditions To Expand The Use To An Adjoining Lot Generally Located At The Southwest Corner of Hutton Drive and Belt Line Road; Amending Accordingly The Official Zoning Map. Case No. 06-15SUP1 Certified Autoplex/KM Midway Real Estate. Case Coordinator: Michael McCauley.**

Michael McCauley, Senior Planner, provided a short briefing about the request to expand the existing used car display northward onto a vacant tract. The request included enclosing existing areas of existing canopies as part of the remodeling of the primary facility. He advised that the Planning & Zoning Commission unanimously recommended approval of the request with the stipulations outlined in the case report. He also noted that no public comments were received by staff.

Deputy Mayor Pro Tem Hrbacek stated he could not support the request noting the location was an entryway to the City and did not feel that outdoor display of used cars was the way the City would like to greet guests or citizens.

**Councilmember Garza moved approval of Item 18; second by Councilmember Sutter.**

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

Councilmember Blanscet asked for clarification about the landscaping requirement noting some problem areas. Mr. McCauley acknowledged the scarcity of the existing landscaping and advised that Code Enforcement would be handling the enforcement of current ordinance requirements. He referred to the stipulation that requires the landscaping be installed further south on Hutton to be contiguous with the existing landscaping.

**The motion was approved with a 6-1 vote, Deputy Mayor Pro Tem Hrbacek opposed.****PUBLIC HEARING - INDIVIDUAL CONSIDERATION**

**19. Hold A Public Hearing And Consider An Ordinance To Rezone To Establish A New Planned Development District For The (SF-8.4/16) Single-Family And (MF-18) Multi-Family Residential Districts With Modified Development Standards Along A Section Of Crosby Road Between Parkside Drive And Perry Road. Case No. 05-15Z3 Crosby Road Residential Infill PD/City Of Carrollton. Case Coordinator: Michael McCauley.**

Mr. McCauley noted the item was a City initiated request and used a boundary map to describe the subject area. The intent of the item was to sustain property values in the older areas of the City. The proposed PD would better accommodate single family infill development as well as redevelopment. He used aerials to describe the various setback changes and lot coverage. He referred to comments received during the Planning & Zoning Commission meetings as well as returned postcards.

Mayor Pro Tem Wilder asked about the zoning and use at the southwest corner of School Road and Crosby Road. Mr. McCauley explained that the current zoning was multi-family but the existing use was single family detached. He stated the case would not change any of the allowable rights with the base zoning.

Mayor Marchant opened the public hearing and invited speakers to the podium.

Stephanie Jones, 1609 Ross Avenue, asked if the size of the lots would be modified and Mayor Marchant explained that the zoning case would not change the size of the lots. He also explained that to change the size of a lot would require the owner to replat the property.

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

Deputy Mayor Pro Tem Hrbacek stated that addressing aging housing had always been a priority for him and he was very excited about Items 19 and 20.

**Deputy Mayor Pro Tem Hrbacek moved approval of Item 19; second by Councilmember Sutter echoing his enthusiasm as well and the motion was approved with a unanimous 7-0 vote.**

**20. Hold A Public Hearing And Consider An Ordinance To Rezone To Establish A New Planned Development District For The (SF-7/14) Single-Family Residential District With Modified Development Standards Along The West Side Of A Section Of Denton Drive, Generally Between West Russell Avenue And Pear Street. Case No. 05-15Z2 Denton Drive Residential Infill PD/City Of Carrollton. Case Coordinator: Michael McCauley.**

Mr. McCauley stated the item was also a City initiated request similar to Item 19 with a different location and provided a short briefing of the proposed standards. He stated the 70% brick and stone requirement would be modified with the inclusion of a third element, cementitious fiberboard siding. He referred to comments received during the Planning & Zoning Commission meeting as well as comment cards. He stated that the item was supported by the Re-Development Sub-Committee and the Planning & Zoning Commission.

Mayor Pro Tem Wilder asked Mr. McCauley to address the architectural design guidelines regarding the front porch amenities, the pitched gable or hipped roof and the other material. Mr. McCauley stated the Commission expressed a desire to see some elements of a craftsman style design and the vote by the Commission kept the items as guidelines.

Councilmember Sutter asked about the opposition to granny flats. Mr. McCauley stated the granny flats were initially proposed but was subsequently removed and was not part of the proposal before the Council.

Mayor Marchant opened the public hearing and there being no speakers, he closed the public hearing and opened the floor for discussion or a motion.

**Deputy Mayor Pro Tem Hrbacek moved approval of Item 20; second by Councilmember Lawrence and the motion was approved with a unanimous 7-0 vote.**

#### **OTHER BUSINESS**

Mayor Marchant advised that Items 21 and 22 would be heard simultaneously but would have separate action.

**21. Consider An Appeal Of The Denial Of A Major Alternate Standard Plan For Development Standards Different From Those Of Article XX (TC) Transit Center District Of The Comprehensive Zoning Ordinance For An Approximately 4-Acre Tract Located At The Northwest Corner Of Broadway And College Avenue And Currently Zoned For The (TC) Transit Center District, Urban Core Sub-District. Case No. 05-15MD1 Carrollton Crossing (Maj. Alt. Standard)/Realty Capital Management, LLC. Case Coordinator: Christopher Barton.**

**22. Consider A Major Alternate Standard Plan For Development Standards Different From Those Of Article XX (TC) Transit Center District Of The Comprehensive Zoning Ordinance For An Approximately 4-Acre Tract Located At The Northwest Corner Of Broadway And College Avenue And Currently Zoned For The (TC) Transit Center District, Urban Core Sub-District. Case No. 05-15MD1 Carrollton Crossing (Maj. Alt. Standard)/Realty Capital Management, LLC. Case Coordinator: Christopher Barton.**

Christopher Barton, Chief Planner, explained the difference in a minor and major alternate standard and stated that all of the minor alternate standards were listed in the case report. The major alternate standard being requested was with regard to a parking garage. He referred to the review of the case by the Commission in May and June ending with a 4-4 vote. The tie vote meant the motion failed and was considered a denial. He explained that in order for the Council to consider the Item 22, it must first take action to set aside the action of the Planning & Zoning Commission and was the purpose for Item 21.

Mr. Barton reviewed the original site plan as well as the revised site plan noting that the City standards require a parking garage and the plan did not include a parking garage. He stated the plan included some individual garages but did not include a parking garage for residents. The revised plan made the building fronting on Broadway a four-story structure but continued with surface parking in the courtyard. He provided an artist conception of the proposal which portrayed an image that was close to the street and urban in character. He explained that the applicant would not be able to gain enough living units to afford the parking garage.

Councilmember Lawrence referred to the parking garage at The Union and Mr. Barton stated it was his understanding that there was approximately 20% under usage. He further explained that Article XX also allows the developer to count the on-street parking spaces in front of the building and in this situation, there were about 100 spaces on Broadway and College Avenue.

Councilmember Garza asked if the on-street parking would be available to the public and Mr. Barton responded affirmatively.

Councilmember Sutter asked about the retail areas on the surface floor and Mr. Barton stated that Art XX requires the design of spaces on the ground floor to allow retail uses but does not require retail use. He noted that because the area was north of the downtown area, retail uses could be limited. He stated that the intent of the ground floor space was more of a flex space or office use such as a CPA office.

Mayor Marchant noted that the theory for the Transit District was that people would use the transit and not need the same amount of parking as sites that are not adjacent to a transit area. Mr. Barton explained the way the ordinance was written and the vision for the Transit Center was for parking to be provided in garages. In response to Mayor Pro Tem Wilder, Mr. Barton advised that he was not aware of problems with DART patrons parking in Downtown Carrollton or surrounding neighborhoods.

Darren Cain, Realty Capital Management, and Alex Brown were in attendance to provide a presentation on the proposal. Mr. Cain began the presentation reflecting on various projects Realty developed as well as a current project similar to the proposal before the Council. Using the concept plan, he explained that the proposal included 208 units (53 units per acre) with 3 and 4 story buildings. He noted the proposed party deck that was well received in other developments and noted the difference in light and dark brick that provides a historic contemporary downtown building. He addressed the minor alternates requested by Realty. With regard to parking, he stated that with a parking garage, the site would achieve approximately 26 more units. The alternate site plan would take the on-site parking and replace it with an on-site garage; pushes all of the buildings toward I-35 which would be less attractive and would

essentially take away the ability to build College Avenue and Broadway Avenue. He stated they received written and verbal support from 18 downtown business owners, 44 signatures of support from business customers and endorsement from the ODCA. He stated they were excited to continue the momentum in the area.

Councilmember Babick asked for his position regarding retail. Mr. Cain stated the ground floor units would be residential because they did not want those to be vacant store fronts. He stated they want commercial uses because it would bring a better rent and amenity structure to the project and had every intention of filling it but did not feel it was conducive to commercial development yet. He expected the rents would be competitive with The Union development. With regard to the proximity to the I-35, Mr. Cain stated the building was about 75 ft from the frontage road as proposed and he would not want to be any closer. He stated parking would be a buffer between the building and the property line and they would install landscaping. He felt that as designed, the proximity to I-35 would not be an issue. He felt the view rather than the sound was what would be less attractive. He projected a 95% occupancy rate and while they would like to have a commercial use on the ground floor, the project would work with residential use.

Councilmember Garza asked the applicant to address assigned parking for residents. Mr. Cain stated the plan included 44 personal garage spaces and stated they did not feel that assigned parking was necessary in the middle and exterior parking.

Councilmember Blanscet asked about the utility lines and Mr. Cain stated the preference would be underground. He also felt that the existing billboard could be removed with proper notice.

Councilmember Sutter asked about a breakdown of the units and Mr. Cain stated that a majority would be one bedroom but would be based on the market. He stated they would offer two and three bedroom units as well but on a small scale. The average rent would be \$1.50 sq ft.

With regard to landscaping, Mr. Cain stated it was incumbent on them to make the west and north side more buffered in order to achieve the rents desired. He stated they were not concerned about the vacant property behind NTB but would be interested in obtaining it in the future. With regard to direct access to the DART station, Mayor Marchant described a possible connection using an existing well worn pedestrian path. He felt it would be critical to the success and noted it would also connect to the Green Trail.

Mayor Marchant opened the public hearing and invited speakers to the podium.

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

Pat Robinson, 1208 Clint; Terry Sullivan, 1615 Barclay Drive; Randall Chrisman, 1501 Broken Bow Trail; Terry Wright, 2901 Creekside Court

Pat Malone, 2505 Canterbury Place, stated access to DART and to Old Downtown Carrollton was necessary, and the access to downtown needed to be underneath Belt Line and lighted. She felt the development was important to downtown and stated she was in favor of the request.



Paula McDonald, 1208 Clint Street, President of ODCA, stated they were in support of the project and echoed Ms. Malone's comments. She felt the parking garage would be ugly and felt people would prefer to have the view of a pool.

Terry Simons, 3709 Cannongate Circle, felt it would be a great project and spoke in favor of the proposal underscoring that the developer would pay for the parking.

Jennifer Johnson, 1100 E. Vandergriff Drive, Property Manager at The Union, stated she fully supported the proposed development. She voiced the need for retail in the area as requested by residents.

Mayor Marchant noted a previous major alternate standard that was approved; felt that the comments about The Union being a catalyst were valid and felt the project complies with the aesthetic the Council wanted when they started the Transit District, especially on the Broadway side. He talked more about the critical need for connections to DART and downtown although it was not part of the proposal before the Council. With regard to the ground floor units, he felt it would remain residential except for a few units on the corners. With regard to the roof, Mr. Cain stated it would not be a completely flat roof and they would use parapets to shield and buffer the view for the vehicles looking down on the building. Mr. Barton advised that City Code requires the roof top units to be shielded equal in height to the highest piece of rooftop equipment. Mayor Marchant asked if the applicant would be willing to increase the 3 story building to 4 stories and move the interior parking if the "V" shaped area that was currently frontage road became available. Mr. Cain replied affirmatively stating that having more units would be a great thing for the developer and having more parking facilitates more units.

Councilmember Hrbacek felt the question before the Council was do they want to move forward or want to wait. He stated that between the subject site and the Square, there was space for 880 parking spots. He felt there was way too much parking in downtown Carrollton right now. He felt that retail on the ground floor was not a reasonable expectation. He felt it was important for Council to remain disciplined on the height requirement and if both buildings could be four stories, he could support the request.

Councilmember Babick stated he had reservations particularly about the inside parking around the park area; hoped to be able to get to four stories; felt there was quite a bit of parking and even with the reservations, he was in favor of moving forward.

Councilmember Sutter felt that a development of this nature was far better than a vacant lot. He stated that a desire for the project to meet more of Council's goals and voiced concern about the height even with the required shielding. He stated he would vote against a motion to approve because he felt the Council could get closer to achieving the dream.

Mayor Pro Tem Wilder asked if the amenities would still be provided with a parking garage and Mr. Cain replied that it would have to be but it would be a struggle to find the right location and reiterated that a parking garage would not add a lot of value to the project. He stated they have every incentive to add more units.

Councilmember Garza stated he would vote in favor of the project.

Deputy Mayor Pro Tem Hrbacek moved to approve Item 21 to consider an Appeal of the denial of a Major Alternate Standard Plan; second by Councilmember Babick. City Attorney Meredith Ladd clarified that the appeal was the appealing of the denial so what the Council would be doing was approve the appeal which was the overturning of the denial and Mayor Marchant responded affirmatively. The motion was approved with a unanimous 7-0 vote.

Deputy Mayor Pro Tem Hrbacek moved to approve Agenda Item 22 requiring both buildings be a minimum of four stories; additionally both buildings should have the 12 ft ceilings on the first floor for potential retail use; additionally stipulate that all roof top equipment be fully screened; second by Councilmember Sutter. Councilmember Sutter moved to amend the motion that the minimum height requirement be 14 ft for the first floor on both buildings. Mr. Barton clarified that the base zoning for the first floor ceiling height along College Avenue and the northbound I-35 service road does not require it to be retail; only the frontage along Broadway was intended to be retail. Deputy Mayor Pro Tem Hrbacek stated he would be agreeable with Councilmember Sutter's amendment. Mayor Marchant noted that with the agreement, the motion was amended accordingly.

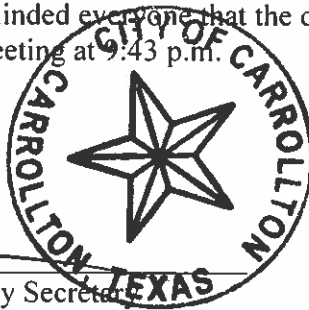
Councilmember Babick made a substitute motion to approve Item 22 as presented with stipulation of roof top parapet screening as presented; second by Councilmember Lawrence. Discussion. The motion was approved with a 5-2 vote, Councilmembers Hrbacek and Sutter opposed.


#### ADJOURNMENT

Mayor Marchant reminded everyone that the dog park opening was scheduled for Friday, July 24 and adjourned the meeting at 9:43 p.m.

ATTEST:

  
Krystle Nelinson, City Secretary



  
Matthew Marchant, Mayor