

**CARROLLTON CITY COUNCIL  
REGULAR WORKSESSION AND MEETING  
DECEMBER 1, 2015**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, December 1, 2015 at 5:45 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Anthony Wilder, Deputy Mayor Pro Tem Doug Hrbacek, Councilmembers Bob Garza, Steve Babick, John Sutter, James Lawrence and Glen Blanscet. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy, Bob Scott, and Erin Rinehart, City Attorney Meredith A. Ladd and City Secretary Krystle Nelinson.

**5:45 P.M. – COUNCIL BRIEFING ROOM**

**\*\*\*PRE-MEETING/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 convened in **Executive Session** at **7:21 pm** 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 7:23 pm to consider action, if any, on matters discussed in the Executive Session. No action taken.

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

Mayor Marchant called the Regular Meeting to order at 7:32 p.m.

**INVOCATION – Mayor Pro Tem Anthony Wilder**

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

**PRESENTATIONS**

7. Present A **Proclamation Declaring December 15, 2015 As Carrollton Evening Lions Club Day.**

**PUBLIC FORUM**

8. **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 recognized the attendance of former mayors Gary Blanscet and Ron Branson.

Ron Branson, 1623 Concord Drive, thanked the Mayor and Council with regard to the Veteran's Memorial presentation which exceeded his expectations. He stated they were working to enhance the memorial and asked that Council appoint a liaison to work with them as well as a liaison from the Parks Board. Secondly, he announced that Aldersgate United Methodist Church signed a contract to build an education wing that was intended to replace the portable buildings. He advised that they would not be able to build the 2-story building and therefore would not be able to replace all of the portable buildings. He advised that they would request an extension of the SUP for the portables.

#### 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 14 would be pulled and discussed at the December 15 meeting. Items 16 and 19 were pulled for separate vote.

**Deputy Mayor Pro Tem Hrbacek moved approval of Items 9-13, 15, 17, 18, 20 and 21; second by Councilmember Lawrence. Councilmember Babick requested that the motion be amended to included the following stipulations regarding Item 20: 1) must contain new car sales of at least 30% and 2) that the fencing material be comprised of wrought iron ornamental fencing along the major thoroughfares of Broadway and I-35 frontage. Deputy Mayor Pro Tem Hrbacek and Councilmember Lawrence agreed with the amendment as stated. The motion was approved with a unanimous 7-0 vote.**

#### MINUTES

- \*9. Consider Approval Of The November 3, 2015 Regular Meeting Minutes.**
- \*10. Consider Approval Of The November 17, 2015 Regular Meeting Minutes.**

#### CONTRACTS & AGREEMENTS

**\*11. Consider Authorizing The City Manager To Approve Contract Amendment No. 1 With LanArc Design, Inc. For McInnish Dog Park In An Amount Of \$12,465.00 For An Adjusted Total Contract Amount Not To Exceed \$70,187.00.**

**\*12. Consider Authorizing The City Manager To Approve Contract Amendment No. 1 With LanArc Design, Inc. For Thomas Baseball Complex In An Amount Of \$17,460.00 For An Adjusted Total Contract Amount Not To Exceed \$57,810.00.**

**\*13. Consider Authorizing The City Manager To Approve A Contract To Renew The Microsoft Volume Software Licenses From SHI Government Solutions, Inc. Through A Texas Department Of Information Resources Cooperative Purchasing Program In An Amount Not To Exceed \$235,626.50.**

### **ORDINANCE**

~~**\*14. Consider An Ordinance Adopting The 2015 International Construction Codes And 2014 National Electric Code.**~~

**\*15. Consider An Ordinance Amending Title XVII, Chapter 173 Of The Carrollton Code Of Ordinances Regarding Stormwater Pollution Prevention.**

### **RESOLUTIONS**

~~**\*16. Consider A Resolution Authorizing The City Manager To Approve A Contract With Matrix Consulting Group For A Review Of The Carrollton Police And Fire/Rescue Departments In An Amount Not to Exceed \$48,000.00.**~~

**\*17. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement For Library Services Fiscal Year 2015-16.**

**\*18. Consider A Resolution Authorizing The City Manager To Enter Into A Tax Incentive Agreement With The Billingsley Development Corporation.**

### **OTHER BUSINESS**

~~**\*19. Consider And Take Final Action On A Technical Site Plan For A Multi-Tenant Building On An Approximately 0.75-Acre Tract Located In The Vicinity Of The Northwest Corner Of Trinity Mills Road/PGBT And Old Denton Road And Zoned PD-45 For The (LR-2) Local Retail District. Case No. 11-15TSP3 2625 Old Denton. Case Coordinator: Michael McCauley.**~~

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

**\*20. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A New Car And Used Car Dealership With Special Conditions On An Approximately 4.3-Acre Tract Located At 1735 South IH-35E; Amending Accordingly The Official Zoning Map. Case No. 11-15SUP1 Five Star Chevrolet. Case Coordinator: Christopher Barton.**

**\*21. Hold A Public Hearing And Consider An Ordinance To Amend The Text Of Various Sections Of The Comprehensive Zoning Ordinance To Amend, Add Or Delete Use Categories And To Improve The General Organization Of The Amended Sections, And To Make Amendments To The Parking Requirements. The Sections To Be Amended Are Article V *Use of Land and Structures*, Article XXIV *Off-Street Parking* And Article XXXIV *Definitions*. Case No 09-015ZT1 CZO Text Changes/City Of Carrollton. Case Coordinator: Christopher Barton.**

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

**\*16. Consider A Resolution Authorizing The City Manager To Approve A Contract With Matrix Consulting Group For A Review Of The Carrollton Police And Fire/Rescue Departments In An Amount Not to Exceed \$48,000.00.**

**Councilmember Garza moved approval of Item 16 with the stipulation that we would not start the survey until the summer of 2016; a couple of months after the NTECC has been integrated and the software implementation is completed; second by Councilmember Babick.** Councilmember Babick suggested the item be delayed until the summer of 2017. City Attorney Ladd suggested the item be tabled if the contract would be beyond the budget year because without a date certain, it would bind a future Council to appropriate funds. Deputy Mayor Pro Tem Hrbacek felt the item should be tabled and stated he would vote against the motion. Councilmember Blanscet stated he would vote against the motion because he felt there was value with proceeding with the review now. **The motion was approved with a 4-3 vote, Councilmembers Lawrence, Hrbacek and Blanscet opposed.**

**\*19. Consider And Take Final Action On A Technical Site Plan For A Multi-Tenant Building On An Approximately 0.75-Acre Tract Located In The Vicinity Of The Northwest Corner Of Trinity Mills Road/PGBT And Old Denton Road And Zoned PD-45 For The (LR-2) Local Retail District. Case No. 11-15TSP3 2625 Old Denton. Case Coordinator: Michael McCauley.**

Mayor Marchant advised that the site was proposed to be a multi tenant building with a restaurant and opened the floor for discussion or action.

Councilmember Blanscet stated he was not particularly overwhelmed by the conceptual building elevation that was shown; he wasn't sure it was consistent with the kind of development around it and would not be able to support the request.

**Councilmember Blanscet moved to deny Item 19 and the motion died for lack of a second.**

**Councilmember Sutter moved approval of Item 19; second by Councilmember Garza.**

Deputy Mayor Pro Tem Hrbacek asked if there would be an updated north elevation and Mr. McCauley advised that the packet include the updated elevation as requested by the Planning Commission. He stated that Staff was in support of the revised elevation on the north side.

**The motion was approved with at 6-1 vote; Councilmember Blanscet opposed.**

**PUBLIC HEARING - INDIVIDUAL CONSIDERATION**

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

Mayor Marchant announced that the applicant submitted an email withdrawing the request.

**23. Hold A Public Hearing And Consider An Ordinance To Change The Zoning Of An Approximately 6.8 Tract Located At 1529 East Hebron Parkway From (SF-7/14) Single-Family Residential District To (O-1) Office District; Amending Accordingly The Official Zoning Map. Case No. 11-15Z1 Carrollton Church Of The Nazarene. Case Coordinator: Michael McCauley.**

Mayor Marchant recused himself from discussion or action on Item 23 due to a conflict of interest and excused himself from the meeting for the duration of the item relinquishing the chair to Mayor Pro Tem Wilder.

Michael McCauley, Senior Planner, presented the request noting that any development would be limited to a single story height with the O-1 zoning designation. He advised that members of the public were in opposition as noted in the case report. Staff recommended support and the Planning & Zoning Commission recommended approval.

Greg Ledbetter, Pastor of the Nazarene Church, did not have a formal presentation but was available to answer questions of the Council. He advised that the Church was approached with regard to purchasing the north two acres behind the church to develop it into housing for assisted living residents but after a market analysis, the individual realized that the market was saturated with retirement homes and withdrew the application. Since that time, the church was approached by a local Christian academy seeking to bring in 60 – 90 foreign exchange students into their school that would need to be inundated into American culture and the church culture. He stated his Board Secretary was currently in China working with some of those investors on behalf of Carrollton Christian Academy (CCA). He learned that in order to have assisted living or a dormitory, the property would need to be rezoned. He stated that the Nazarene Church has no plans to relocate and noted that the sale of the property would eliminate their debt. He stated that if the zoning were approved, they were considering replatting the 2 acres from the Church so it could be developed and not be a part of the church in the future.

Councilmember Babick asked about the reason for rezoning the whole property rather than just the 2 acres. Mr. McCauley replied that typically an entire plat is considered with regard to zoning rather than a part of a plat. He further explained that if the 2 acres was sold, replatting would be required. In response to Councilmember Babick, Pastor Ledbetter stated that he had been at the Church for about 2½ years and the church was in the process of rebuilding. He explained that the weight of the facility and debt has been a concern. He explained that the Church Council, congregation and Church District were all unanimous in its support to sale the property.

Mayor Pro Tem Wilder asked if the CCA would be using the Nazarene Church for any of the education or would it be dormitory use only on the two acres. Pastor Ledbetter stated they were working with CCA for use of the facility for various events because the sanctuary would hold a large capacity and have opened the church for their use in the future such as summer programs. He stated the agreement was verbal rather than written and explained that the Church Council secretary was also on the CCA School Board. He noted that he also teaches at CCA.

Councilmember Blanscet asked if any drawings or site plan had been developed that would show what the building would look like on the property and where it would be located. Pastor Ledbetter stated they discussed the retention pond and the parking easement and noted it would be something like the Sonoma House that would house 30 – 60 students and parking with the church parking lot. No drawings had been developed but the Church congregation would want it to match the church building. Councilmember Blanscet asked if a traffic study had been conducted and Pastor Ledbetter replied that it had not.

Mayor Pro Tem Wilder noted that Standridge / Holy Grail would be increased to a four-lane roadway and asked if it would have a median and Mr. McCauley replied he did not know if it would have a raised median.

Mayor Pro Tem Wilder opened the public hearing and invited speakers to address the Council.

The following individuals spoke in opposition due to drainage and traffic concerns as well as concerns due to the lack of a specific plan for the property.

Denise Horton, 4201 Arbor Lane; Michael Genette, 4204 Arbor Lane; James M (Mike) Soter, 4200 Arbor Lane; Steve Luckeed, 4208 Arbor Lane; Gary Stevenson, 4212 Arbor Lane,

Mayor Pro Tem Wilder noted that Inge Soter and Dan Whittle submitted a card in opposition but did not wish to speak. There being no other speakers, Mayor Pro Tem Wilder closed the public hearing.

Deputy Mayor Pro Tem Hrbacek agreed that more details were needed for development of the property and specifically noted that the request was for a 6.88 acre tract although the focus appeared to be on 2 acres of the tract.

**Deputy Mayor Pro Tem Hrbacek moved to deny Item 23; second by Councilmember Blanscet.**

Councilmember Blanscet felt the request was a little premature without knowing exactly how the property would be developed and was sensitive to the Church's need to be relieved of its debt. Councilmember Babick felt the focus should be on the 2½ acres and felt more thought was needed on how to separate it from the full tract before rezoning the property. He also felt more specific information was needed on what the plan was for the property. Mayor Pro Tem Wilder stated his concern was that O-1 opened the site for a variety of uses and asked that as it moves forward, that the plan be more specific.

**The motion for denial was approved with a 6-1 vote, Councilmember Garza opposed.**

**24. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Amend A Special Use Permit For A Used Car Dealership To Allow Outdoor Display With Special Conditions On An Approximately 1.5-Acre Tract Located At 3228 And 3232 West Skylane Drive; Amending Accordingly The Official Zoning Map. Case No. 10-15SUP2 Dallas Autos Direct. Case Coordinator: Christopher Barton.**

Christopher Barton, Chief Planner, stated the request was for an expansion of an existing used car sales location and noted that the applicant did not request to extend the expiration date of 2018. Staff recommended approval with stipulations and no public comment was received in opposition to the request. The Planning Commission also recommended approval of the request.

Councilmember Sutter asked if the site met the current code regarding glare and Mr. Barton stated he did not know but it was a stipulation in the original SUP. He further explained that if the Council approved the request with the stipulation to meet the updated standards for glare, the applicant would be given 90 days to comply and he noted that the ordinance approved recently by Council gives property owners until January 2017 to meet the standard.

Mayor Marchant opened the public hearing and invited speakers to address the Council. There being none, he closed the public hearing.

Deputy Mayor Pro Tem Hrbacek moved to deny the request due to the lack of appearance by the applicant. The motion died for lack of a second.

Councilmember Babick moved to approve the item with stipulations and the deletion of Stipulation 3 regarding the glare standards; second by Councilmember Lawrence. Councilmember Sutter spoke in favor of accelerating compliance with the glare standard and stated he would vote against the motion. The motion was approved with a 5-2 vote, Councilmembers Hrbacek and Sutter opposed.

**25. Hold A Public Hearing And Consider A Resolution For An Amendment To The Comprehensive Plan And The Future Land Use Map To Change An Approximately 94.4-Acre Site Located On The East Side Of Old Denton Road, North Of Indian Creek From Industrial Uses To Single-Family Residential Detached Uses. Case No. 11-15MD1 Singer Ranch (comp plan)/Bright Realty, LLC. Case Coordinator: Christopher Barton.**

**26. Hold A Public Hearing And Consider An Ordinance To Establish A New Planned Development District For The (SF-5/12) Single Family Residential District On An Approximately 94.4-Acre Tract Of Land Located On The East Side Of Old Denton Road North Of Indian Creek; Amending Accordingly The Official Zoning Map. The Site Is Currently Zoned For The (LI) Light Industrial District. Case No 11-15Z2 Singer Ranch (zoning)/Bright Realty, LLC. Case Coordinator: Christopher Barton.**

Mayor Marchant advised that Items 25 & 26 would be heard together with separate action.

Christopher Barton, Chief Planner, stated the current Comprehensive Plan calls for Light Industrial uses on the site and noted that everything around the area was single family. He stated

that regardless of the next case, staff recommends that the Comprehensive Plan be amended from Light Industrial to Single Family residential detached uses. He advised that the Planning Commission recommended approval of the change and he noted that staff received one comment card in opposition to the concept of changing the Comp Plan and the zoning from a neighbor to the west but no reason was provided. With regard to the request to rezone the property, he advised that the Planning Commission recommended approval noting that the Commission struggled with the request because the applicant requested a lot of development standards that are very different from what Carrollton has ever approved in the past. He referred to the proposed lot layout or concept site plan and noted that the applicant has submitted a preliminary plat application that would be considered by the Planning & Zoning Commission at its December 3 meeting.

Erin Ketchand, Bright Realty, 2520 King Arthur Blvd, Lewisville, stated he was joined by the President and COO Eric Stanley and the CEO Chris Bright as well as the Civil Engineer Brian Dantch with Land Design. He stated the current plan shows 314 single family lots generating approximately \$150 M in ad valorem value to the City with lot delivery occurring somewhere in the summer of 2017 and build-out taking approximately three years. He provided information about Castle Hills and stated the proposal was very similar to Castle Hills Phase 8 located towards Hwy 121 just north of Windhaven. He advised that the HOA dues were about \$700 a year and he referred to the high level of amenities including connectivity with the City's trail system. He advised that they have submitted a flood study and hydraulic information for staff's review. He stated that they have tried to address the Planning Commission comments regarding the north Old Denton boundary requirement of no less than a 10 ft back of curb landscaping buffer; during the platting design process with comments from staff, the current preliminary plat that was submitted is no less than 25 ft. With regard to the 41 ft lots, he asked that Council keep in mind what the surrounding uses are, especially the high tension power lines. He provided photographs of the homes that are in Phase 8 that would be similar to the homes in the Singer Ranch and stated they were very detail oriented when it comes to managing the product; making sure of offsetting setbacks and oscillating footprints. With regard to driveway width, Mr. Ketchand stated it was strictly a matter of not wanting to be locked into not being able to build on a house or have to orient a driveway on a cull-d-sac or a turn to where the front of the lot is so narrow where a driveway couldn't be constructed and he noted that with the proposed rolled curb profile, there would not be curb returns. With regard to stipulations, he stated they agreed to all of the stipulations noted in yellow in the case report which included cedar decorative garage doors without windows. He stated they will require the builders to plant trees to a certain caliper. He explained that the landscape buffer addressed earlier caused some lots to need some variance to the garage setback. He noted their agreement during the Planning Commission to not encroach over 11ft. With regard to the accessory building deletion, he stated their intent to offer outdoor living and pavilion.

Christ Bright, Bright Realty, stated the project was dense in order to make it work economically, but the proposal is a reaction to hitting a price point that homeowners can afford and still deliver an executive type level of housing. He stated the lots would be approximately 20% higher than lots in Castle Hills to date. He stated that they were able to negotiate with Oncor to make more improvements within the power lines that are consistent with the easements through Castle Hills allow. He noted that Atmos would also allow the same language. He stated that the houses in Phase 8 that are on 41 ft wide lots start at about \$335,000. He assured Council they would provide a quality product in a neighborhood that people like to live in.



Deputy Mayor Pro Tem Hrbacek asked what would happen if the Council required 50 ft lots and Mr. Bright replied that they would have to drop the deal.

Councilmember Lawrence voiced his concern with the 41 ft minimum lot size noting that the Council looks at environment and character of the community. He asked what the median ground was between 50 and 41 that would be economically viable. He stated they have done 45 ft zero lot line product but it appeals to a non-family buyer. He stated it was strictly a price point situation noting that as land increases in value, density increases with it. With regard to accessory buildings that they don't allow, he stated he was referring to buildings that people use for storage such as metal sheds and he also stated that they don't allow carports. He talked about the amenities provided; the streetscape; noted the focus on family and on creating a variety of different product within the community. He stated that Castle Hills and American Legend Homes are his work children and 60% of the lots would be built by their homebuilding company so he is sure about the product that would be produced.

Mayor Pro Tem Wilder asked if the 6½ ft parkway brings the distance from the back of the curb to the front façade to 23½ ft and Mr. Bright stated that 17½ was the minimum. With regard to in-law flats, Mr. Bright stated he didn't think the lot size would accommodate those but it would accommodate outdoor venues such as barbeques or fireplaces.

Mayor Marchant opened the public hearing for Items 25 and 26; there being no speakers, he closed the public hearing.

**Deputy Mayor Pro Tem Hrbacek moved approval of Item 25; second by Councilmember Sutter and the motion was approved with a unanimous 7-0 vote.**

**Councilmember Sutter moved to direct staff to prepare an ordinance for Council consideration along the lines of what was previously approved by the Planning & Zoning Commission; second by Deputy Mayor Pro Tem Hrbacek and the motion was approved with a unanimous 7-0 vote.**

Mayor Marchant adjourned the regular meeting at 9:20 p.m. and announced that Council would convene in Worksession after a brief recess.

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

Mayor Marchant convened the Worksession at 9:30 p.m.

**4. Discuss The Park Amenity Fund.**

Parks and Recreation Director Scott Whitaker noted that last year, for the very first time, Council allocated \$125,000 of recurring funds and another \$300,000 to jump-start progress on needs. He stated it was also the first year they used a report card to assess needs. He provided a review of the 2015 completed projects including before and after pictures. He reviewed proposed projects for 2016 based on the report card and noted estimated costs. He explained that staff looks at the report card grade as well as the intent and type of use and also considers a variety of issues to make as much impact as possible.

After discussion about the funding level and the projects, a general consensus was reached in favor of proceeding with the Perry Playground and Jimmy Porter.

**5. Discuss Newman Smith High School Crosswalk Enhancements.**

Director of Engineering Cesar Molina began with a brief history of the previous practice of having off duty police officers or security present to secure the crosswalk and the decision by the school district in the fall of 2013 that there was no longer a need. Councilmember Babick voiced concern with unprotected crosswalks and felt it something needed to be done to bring attention to students crossing the street. He felt the purple trail on Keller Springs was another area of concern.

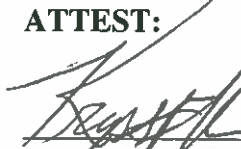
Councilmember Garza asked if there was sufficient parking for students on site rather than parking at the church and Mr. Molina replied affirmatively. He explained that the School or the District charges \$25 for a student to park on site and some students choose not to pay for the permit. City Attorney Ladd noted that if the crosswalk did not meet the Code standard, the City would not be able to enforce citations. Discussion was held regarding options to bring attention to the crosswalk and a consensus was reached in favor colored striping.

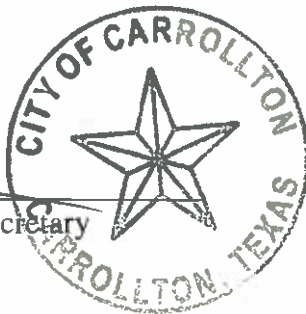
**6. Mayor and Council reports and information sharing.**

**ADJOURNMENT**

Mayor Marchant adjourned the meeting at 10:38 p.m.

**ATTEST:**

  
Krystle Nelinson, City Secretary



  
Matthew Marchant, Mayor