

**CARROLLTON CITY COUNCIL  
REGULAR WORKSESSION AND MEETING  
SEPTEMBER 6, 2016**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, September 6, 2016 at 5:45 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Doug Hrbacek, Deputy Mayor Pro Tem Steve Babick, Councilmembers Bob Garza, Anthony Wilder, Glen Blanscet, John Sutter and James Lawrence. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy, Bob Scott, and Erin Rinehart, City Attorney Meredith Ladd and City Secretary Laurie Garber.

**5:45 P.M. – COUNCIL BRIEFING ROOM**

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

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

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

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

4. **Discuss City Manager Recruitment Brochure With Strategic Government Resources.**

Deputy Mayor Pro Tem Babick stated he would like to see the Transparency Awards highlighted a bit more. Councilmember Blanscet suggested the list of goals be checked to be sure the current list was included. Councilmember Garza voiced concern about the mention of three neighborhoods and it was agreed to remove that sentence. Councilmember Blanscet felt the paragraph about the “ideal candidate” should include more focus on transparency.

Mayor Marchant noted the next steps to be expected including a meeting in mid October.

7. **Discuss November-December-January Council Meeting Dates.**

A consensus was reached on the following dates: November 1 and 15; December 13; and January 10 and 24.

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

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

Mayor Marchant called the Regular Meeting to order at 7:08 p.m.

**INVOCATION – Councilmember James Lawrence**

**PLEDGE OF ALLEGIANCE – Councilmember John Sutter**

**PRESENTATIONS**

9. **Recognition Of 25 Years Of Service For Commander Anthony Kresta.**

**PUBLIC FORUM**

**10. Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.** Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

Steve McLaughlin, 1820 Amber, stated he addressed an issue with the Council during a previous meeting and thanked the Council for listening and directing him to Scott Hudson who has been very proactive in assisting him.

Shirley Tarpley, 1507 Milam Way, addressed the Council regarding Breakers Korean BBQ restaurant. She distributed a list of employees who have dealt with the restaurant and the employees at the restaurant. She stated that she would contact the media to let them know that she would form an ad hoc committee with the purpose of doing a recall of the mayor and council members. She stated she had heard from several businesses with complaints about the sign ordinance and stated the sign ordinance needs to be revisited and updated with a committee of business owners and staff. She stated the recall would be about supporting Carrollton businesses.

Bhart Kaimal, announced a Health Fair that would be open to the City of Carrollton by Guruvayurappan Temple of Dallas and invited the citizens to attend.

Ms. Hadderick, 2306 Westbrook Drive, addressed the Council with regard to the ordinance prohibiting solar panels on roofs facing the street. She suggested that Council review the new solar panels and asked the Council to revisit the ordinance.

Mayor Marchant recognized former Mayor Ron Branson and former Mayor Pro Tem Shirley Tarpley.

**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 23 was pulled for separate vote.

**Councilmember Wilder moved approval of Consent Agenda Items 11-22 and 24-31 with the following changes for Item 30, Stipulation 1 reworded to say "not more than 70 computer gaming stations and 25 video game console stations shall be allowed; and with an alteration to 31 in the special development standards, strike the second sentence of Item 8 regarding**

**extension language; second by Councilmember Blanscet. The motion was approved with a unanimous 7-0 vote.**

**MINUTES**

**\*11. Consider Approval Of The August 16, 2016 Regular Meeting Minutes.**

**BIDS & PURCHASES**

**\*12. Consider Approval Of The Purchase Of Travel Services For The Carrollton Senior Center From Diamond Tours In An Amount Not To Exceed \$48,500.00.**

**\*13. Consider Approval Of The Purchase Of Firefighter Protective Clothing From Casco Industries, Inc. Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$190,000.00.**

**\*14. Consider Approval Of The Purchase Of A Spray Park, Restroom/Pump Room, and Shade Structure Through An Inter-Local Agreement With BuyBoard In An Amount Not To Exceed \$692,097.**

**CONTRACTS & AGREEMENTS**

**\*15. Consider Authorizing The City Manager To Enter Into A Settlement Agreement In The Lawsuit Styled *Carrollton V. Paxton (03-13-00838-CV)*.**

**\*16. Consider Authorizing The City Manager To Approve Change Order #1 With Turner Construction Company To Modify The Scope Of Construction To Provide A Structural Steel Staging Canopy, Automated Sensor Site Lighting, And Bicycle Impound Screening Fence For The Police Department Headquarters Facility In An Amount Of \$257,362.00 For A Revised Contract Amount Not To Exceed \$13,731,235.00.**

**\*17. Consider Authorizing The City Manager To Approve A Contract With New World Contracting, LLC For The 2016 Citywide Sidewalk Improvements Project In An Amount Not To Exceed \$1,291,129.60.**

**\*18. Consider Authorizing The City Manager To Approve A Professional Services Contract With Nathan D. Maier Consulting Engineers, Inc. For Engineering Design Services For The Crosby Road Drainage Improvements Project In An Amount Not To Exceed \$239,400.00.**

**\*19. Consider Authorizing The City Manager To Approve A Professional Services Contract With Walter P. Moore And Associates, Inc. For Engineering Design Services For The Hutton Branch Channel Repairs Project In An Amount Not To Exceed \$45,500.00.**

**\*20. Consider Authorizing The City Manager To Enter Into An Interlocal Agreement Between The City Of Carrollton And The City Of Richardson For Use Of The Richardson Fire Training Center In An Amount Not To Exceed \$3,000.00.**

**\*21. Consider Authorizing The City Manager To Enter Into An Agreement With The Farr Group To Provide Information Technology Consulting For FY 2017 In An Amount Not To Exceed \$38,400.**

- \*22. Consider Approval Of A Land Use Agreement At McInnish Park With Blue Sky Sports.**

**ORDINANCE**

~~**\*23. Consider An Amendment To The Code Of Ordinances, Chapter 130.26, To Allow For Public Consumption Of Alcoholic Beverages In The Downtown Carrollton Square On A Daily Basis Between The Hours Of 5:00 PM And 11:00 PM Each Day, Except During Special Events.**~~

- \*24. Consider An Ordinance Annexing 1.3 Acres Of Land Located On The South Side Of Parker Road (FM 544) West Of The Burlington Northern Santa Fe Railroad And Southern Half Of Culpepper Road, East Of Dozier Road. Case No. 07-16MD1 Villas At Parker, Phase 1.**

**RESOLUTIONS**

**\*25. Consider A Resolution To Bind Coverage With Texas Municipal League Inter-Governmental Risk Pool For Workers' Compensation, General Liability, Law Enforcement Liability, Errors And Omissions Liability, Crime, Automobile Liability, Automobile Physical Damage, Real And Personal Property, And Mobile Equipment Effective October 1, 2016 In An Amount Not To Exceed \$585,032.00.**

**\*26. Consider A Resolution Authorizing The City Manager To Execute Documents Necessary To Convey An Easement And Right-Of-Way To Oncor Electric Delivery Company For The Relocation Of An Electric Transmission Line Along Whitlock Lane; And Providing An Effective Date.**

**\*27. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With The City Of Addison To Provide Detention Services For Addison Prisoners.**

**\*28. Consider Authorizing The City Manager To Approve A Contract With Freese And Nichols For A Feasibility Study To Evaluate The Access To The TC Rice Property In An Amount Not To Exceed \$14,921.**

**PUBLIC HEARING-CONSENT AGENDA**

**\*29. Hold A Public Hearing To Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A Used Car Dealer (Indoors Only) With Special Conditions On An Approximately Two-Acre Tract Zoned (FWY) Freeway District And Located At 1833 North IH-35E; Amending The Official Zoning Map Accordingly. Case No. 08-16SUP3 Texas Hot Rides. Case Coordinator: Michael McCauley.**

**\*30. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For An Amusement Arcade (Excluding Adult Arcade) With Special Conditions On An Approximately 7,500 Square Foot Lease Space Zoned (LR-2) Local Retail District And Located At 2701 Old Denton Road; Amending The Official Zoning Map Accordingly. Case No. 08-16SUP2 Java Gaming Café. Case Coordinator: Michael McCauley.**

**\*31. Hold A Public Hearing To Amend Special Use Permit Number 401 To Allow Temporary Accessory Buildings Not Meeting The Exterior Façade Masonry Content Requirement On A 4.7-Acre Tract Zoned (O-2) Office District And Located At 3926 Old Denton Road; Amending**

**The Official Zoning Map Accordingly. Case No. 08-16SUP1 Aldersgate United Methodist Church. Case Coordinator: Loren Shapiro.**

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

**\*23. Consider An Amendment To The Code Of Ordinances, Chapter 130.26, To Allow For Public Consumption Of Alcoholic Beverages In The Downtown Carrollton Square On A Daily Basis Between The Hours Of 5:00 PM And 11:00 PM Each Day, Except During Special Events.**

Mayor Marchant presented the item and opened the floor for a motion.

**Deputy Mayor Pro Tem Babick moved approval of the ordinance; second by Mayor Pro Tem Hrbacek.**

Deputy Mayor Pro Tem Babick talked about the increased activity in the Old Downtown Carrollton area and spoke in favor of people being able to enjoy a low key evening on the Square. He felt it was a good thing in the spirit of building bustle on the square and stated it was something the merchants of the ODCA have requested.

Mayor Pro Tem Hrbacek stated he was willing to try it and felt that if it became an issue, Council could reconsider the ordinance.

Councilmember Garza stated he would reluctantly vote in favor of the item but he was wrestling with it due to enforcement.

Councilmember Lawrence felt the City was at a good equilibrium point. He stated he was in favor of hustle and bustle downtown but didn't feel it needed to be fueled with alcohol. He understood about picnic on the square with wine and cheese but was concerned about what else might occur.

**The motion failed with a 3-4 vote; Hrbacek, Garza and Babick in favor; Lawrence, Wilder, Blanscet and Sutter opposed.**

**PUBLIC HEARING - INDIVIDUAL CONSIDERATION**

**32. Hold A Public Hearing And Consider An Ordinance That Amends The Text Of Various Sections Of The Comprehensive Zoning Ordinance To Amend, Add Or Delete Definitions And Use Categories, And To Improve The General Organization Of The Amended Sections. The Sections To Be Amended Are Article XXVIII "Special Conditions And Development Standards" And Article XXXIV "Definitions" Regarding Food Trucks. Case No. 07-16ZT1 CZO Text Changes. Case Coordinator: Michael McCauley.**

Mayor Marchant presented the case stating that the City is open to food trucks broadly however the ordinance being considered is just for the Downtown area. He stated the Council has directed staff to bring the subject back to the Council to review how it could work city-wide.

Mayor Marchant opened the public hearing; there being no speakers, he opened the floor for a motion.

**Mayor Pro Tem Hrbacek moved approval of Item 32 striking 6A3 and 6A7 from the proposed language and returning 6A1 to the staff proposed; second by Councilmember Garza and the motion was approved with a 6-1 vote, Councilmember Wilder opposed.**

**33. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit To Allow A Car Wash With Special Conditions; Amending Accordingly The Official Zoning Map. The Approximately 1.03-Acre Tract Is Located On Lot 2, Block A, Hebron Partners Addition, Part 4 And Is Currently Zoned PD-124 For The (LR-2) Local Retail District. Case No. 07-16SUP1 Firebird Properties, LP. Case Coordinator: Loren Shapiro.**

Chief Planner Loren Shapiro presented the request for a Special Use Permit for an automatic car wash at the northwest corner of Hebron Parkway and 121. He stated the building would be constructed with brick and stone meeting the City's standards. He noted the proposed landscaping in an effort to screen the canopy and the entry to the building.

Councilmember Wilder asked about the projected car counts for weekdays and weekends and various other questions. The applicant replied that he did not have the exact projection with him but he agreed with the comments made in the pre meeting about lower counts Monday – Thursday. He stated that typically cars are spaced in a 5-6 ft range and noted the automatic shutoff to avoid collisions. He also stated that the building was moved back to accommodate at least one car length for exiting. The applicant further stated they would be agreeable to lower landscaping to allow for more visibility. With regard to partial or full detail of vehicles, Mr. Scarbrough stated the business was an express car wash so the customer, who stays in the vehicle, can leave immediately or move to the vacuum stations to detail their own vehicle.

Mike Scarbrough, owner, stated they project 200-300 during the day through the week and 400-500 during the weekend. He also stated that he has no intention of offering partial or full detailing of vehicles because it is labor intensive and although he doesn't like the restriction, he would accept it to get the zoning approved.

Mayor Pro Tem Hrbacek asked about the vacuum area. The applicant described the system and noted that the proposed landscaping would screen it from either direction on Hebron.

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

Councilmember Wilder expressed his appreciation to the applicant for moving the facility back to allow for vehicle exiting.

**Councilmember Wilder moved approval of Item 33 with two stipulations; 1) partial or full detailing would be prohibited on the site that would encompass one or more of the vacuum bays; and 2) that the landscaping plan be change to remove any landscaping that's above 2 ft for the areas on both sides of the egress of the tunnel. The motion was seconded by Councilmember Lawrence.**

Mayor Pro Tem Hrbacek asked Councilmember Wilder to amend his motion to include a couple of shrubs in the vacuum triangle area.

**Councilmember Wilder moved to add a stipulation to his motion that the triangle that blocks the canopies of the vacuum bays from Hebron Parkway would include two shrubs in addition to the two trees on the landscape plan; second Councilmember Lawrence.**

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

**OTHER BUSINESS**

**34. Conduct A Public Hearing On The Proposed 2016 Property Tax Increase And Proposed Operating And Capital Budget For The Fiscal Year October 1, 2016 Through September 30, 2017.**

Mayor Marchant opened the public hearing and there being no speakers, he closed the public hearing and formally notified the public that the City Council would vote on the proposed tax rate and budget at the September 20, 7:00 pm Council meeting at City Hall.

Mayor Marchant adjourned the meeting at 7:50 pm and announced Council would convene in Executive Session prior to reconvening the Worksession.

**\*\*\*EXECUTIVE SESSION\*\*\***

- 2. Council convened in Executive Session at 7:55 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.
  - **Section 551.072** to discuss certain matters regarding real property; and
  - **Section 551.074** to discuss personnel matters.
    - Annual Review of the Municipal Court Judge
- 3. Council reconvened in open session at 8:10 pm** to consider action, if any, on matters discussed in the Executive Session. No action necessary.

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

Mayor Marchant reconvened the Worksession at 8:12 pm.

**5. Discuss Proposed Bridge Abutment Aesthetic Retrofits And The Community Entryway Enhancement Project.**

City Arborist Lorri Dennis stated that the bridge retrofit budget is \$200,000 and the locations reviewed locations were Josey & Cherokee Path; Rosemeade & Furneaux; Rosemeade & Andrew; Scott Mill & Greenwood, Keller Springs & Columbian Club; and Marsh & Country Place.

The bridge locations recommended by staff are:

- Rosemeade & Furneaux - \$55,320.00 projected cost;
- Rosemeade & Andrew - \$64,000.00 projected cost; and
- Marsh & Country Place - \$65,584.00 projected cost.

Ms. Dennis continued stating that the budget for entry way enhancements is \$100,000 with a potential additional \$125,000 and the locations reviewed were ranked as follows:

**Tier I**

Marsh Lane & Rosemeade - \$65,000

**Tier II**

Trinity Mills & Midway Road - \$18,708

Trinity Mills & Marsh Lane - \$22,930

Kelly Blvd & Morningside - \$14,865

Kelly Blvd & Rosemeade Parkway - \$35,286 - \$93,282

**Tier III**

Frankford & BNSF - \$13,905

Mayor Marchant asked about bridge funding and Ms. Dennis stated it had been funded and staff was ready to proceed upon Council's direction. A consensus was reached in favor of moving forward as recommended. Deputy Mayor Pro Tem Babick suggested the Council give authority to move forward with the Tier I entry way enhancement project and consider the Tier II projects as part of the budget process. A full consensus was reached in favor of moving forward with the Tier I project as proposed. With regard to funding, Asst. City Manager Marc Guy reminded Council that during the budget discussions, Council allocated \$125,000 as an adjustment to base and a consensus was reached to proceed.

Before moving to the next item Mayor Marchant requested introduction of the two new directors. Erin Rinehart introduced new Library Director Shawna Eikenberry and Marc Guy introduced new Public Works Director John Crawford.

**6. Discuss Fiscal Year 2017 Proposed Budget.**

ACM/CFO Bob Scott briefly reviewed the recommended TMRS policy underscoring that anything over the Actually Determined Contribution (ADC) is good and explained that he suggested the range of 0-1% because it gives Council flexibility without violating or needing to change the policy. A consensus was reached in favor of the proposed policy.

Discussion was held about the possibility of funding the Parks Project manager position from excess sales tax or contingency funds based on the new jail services contract revenue that had not been included in the proposed budget. Discussion was also held regarding the full year impact of the new positions being added on the next budget and consideration with regard to compensation. Agreement was reached to fund compensation increases at 3.25%. Agreement was reached to not fund the functional training room and to eliminate the boxing ring; fund the installation of lights at the dog park; wait on funding the quiet zone; fund restroom repairs at Jimmy Porter and Mary Heads Carter parks for \$390,000; and not fund SPAN because DART is available to all Carrollton residents. Pam Hodges stated that the decisions made would leave the City with \$8.5M in non-recurring funds that could be set aside like last year and look at the items on the capital plan at a future meeting. Leonard Martin commended the Council for being deliberate in their budget decisions.

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

Mayor Marchant adjourned the meeting at 10:33 pm





**ATTEST:**



Laurie Garber, City Secretary



Matthew Marchant, Mayor

