

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

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, December 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 Anthony Wilder, Glen Blanscet, John Sutter, James Lawrence and Bob Garza. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy and Erin Rinehart, City Controller Pamela Hodges, 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 **Proposed Water And Wastewater Rate Increase.**

City Controller Pam Hodges explained that the Utility Fund is solely funded through user fees with the financial goal of covering all costs and maintaining adequate financial reserves per the City's adopted financial policies. Rates increased an average of 7.5% effective March 1, 2016 and based on final FY 2016 results and \$1.7 million needed for an emergency generator, the needed average rate increase for FY 2017 is 4.74% effective February 1, 2017. She reviewed the cost drivers including Dallas Water Utilities and Trinity River Authority increases as well as expected rate increases in the future. A 5% rate increase maintains Carrollton's position as 2nd in the Municipal Cost of Service comparison; combined water and sewer cost of \$936 annually. Discussion was held about funding the generator in a different manner to avoid a huge increase in one year. Direction was given for staff to bring back a fee ordinance as well as review the possibility of funding the generator over a number of years to even the increase.

5. Mayor and Council reports and information sharing.

Mayor Marchant adjourned the Worksession at 6:43 p.m. to convene in Executive Session.

*****EXECUTIVE SESSION*****

2. Council convened in **Executive Session at 6:43 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.
 - **Section 551.074** to discuss personnel matters
 - To deliberate the appointment, employment or duties of the City Manager

3. Council reconvened in open session at 6:47 p.m. to consider action, if any, on matters discussed in the Executive Session. No action necessary.

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

Mayor Marchant called the Regular Meeting to order at 7:00 p.m.

INVOCATION – Councilmember Anthony Wilder

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Hrbacek

PRESENTATIONS

6. Present Certificates To Consistently-Compliant Industries And The 2016 Environmental Distinction Award.

PUBLIC FORUM

7. 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.

Dr. Trent Stevenson, Medical Director of the ER at Baylor Carrollton, presented EMS awards for lives saved.

Tom Sifferman, 5036 Dickens Lane, Austin Waters, encouraged the Council to get something done about parks. He also addressed the need to put easements at the back of homes with front entry to accommodate utilities.

Craig Godfrey, Grandbury Properties, 17480 Dallas Parkway, Dallas, stated he was representing land owners for about 22 of the 35 acres before the Council for annexation. He stated they have worked with Taylor Duncan for about 9 months and has been representing the land for about 3 years. He spoke in support of the effort put forth by Taylor Duncan for the zoning of the property. He stated his clients were not interested in the land being annexed unless the zoning goes with it.

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 36 – 40 would not be considered as part of the Consent agenda and would be heard individually. He opened the floor for a motion to approve Consent Agenda items 9-30 and 34.

Councilmember Wilder moved approval of Item 9 – 30 and 34 with the stipulation that on Item 28 that Bill Kirkland and Maggie Vera be the directions appointed; second by Councilmember Blanscet.

Mayor Marchant allowed an additional speaker before the motion was voted.

Tom Sifferman stated he was concerned about traffic on Parker Road noting the lack of a signal light at Sage Hill but felt that overall it was a good deal for the City.

Mayor Marchant called the vote on the motion. The motion was approved with a unanimous 7-0 vote.

~~*8. Consider A Major Alternate Standard Plan For Development Standards Different From Those Of Article XX (Transit Center) 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. 10-16MD1 Switchyard (L On Broadway) (Major Alternate Standard) Realty Capital Management, LLC. Case Coordinator: Loren Shapiro.~~

MINUTES

*9. Consider Approval Of The November 15, 2016 Regular Meeting Minutes.

*10. Consider Approval Of The November 29, 2016 Special Meeting Minutes.

BIDS & PURCHASES

*11. Consider Approval For The Purchase Of Additional Travel Services For The Carrollton Senior Center From Cruise One, In An Amount Of \$46,500.00, For A Revised Total Purchase Amount Not To Exceed \$143,310.00.

*12. Consider The Purchase And Construction Of A Pavilion At Holman D. Rhoton Park For The Parks Department From RFP #17-004 From Play By Design In An Amount Not To Exceed \$79,395.00.

*13. Consider Approval Of The Replacement Of Five Playground Surfaces By Synlawn Through An Inter-Local Agreement With BuyBoard In An Amount Not To Exceed \$254,016.00.

*14. Consider Bid Award For The Cleaning Of Sanitary Sewer Inceptors For Public Works To Acme Utility In An Amount To Not Exceed \$70,000.00.

CONTRACTS & AGREEMENTS

*15. Consider Authorizing The City Manager To Approve A Professional Services Contract With Garver, Inc. For Design Services For The Palo Alto Park NOTICE Street Reconstruction

Project, Phase 2, And For Alley Reconstruction As Part Of The 2016 Alley Replacement Program, In An Amount Not To Exceed \$205,143.00.

***16. Consider Authorizing The City Manager To Approve A Professional Services Contract With Burgess & Niple, Inc. For Design Services For The Woodlake Section 2 Street Reconstruction Project And For Alley Reconstruction As Part Of The 2016 Alley Replacement Program, In An Amount Not To Exceed \$261,000.00.**

***17. Consider Authorizing The City Manager To Approve A Professional Services Contract With Binkley & Barfield, Inc. For Design Services For The Woodcrest Estates NOTICE Street Reconstruction Project, In An Amount Not To Exceed \$139,000.00.**

***18. Consider Authorizing The City Manager To Approve A Professional Services Contract With Birkhoff, Hendricks & Carter, LLP For Engineering Design Services For The Golden Bear Pump Station Improvements Project, In An Amount Not To Exceed \$104,000.00.**

***19. Consider Authorizing The City Manager To Approve A Contract With McMahon Contracting, L.P. Inc. For The Palo Alto Park NOTICE Street Reconstruction Project, Phase 1, In An Amount Not To Exceed \$3,936,445.48.**

***20. Consider Authorizing The City Manager To Approve Change Order #1 With Jim Bowman Construction Company For Additional Pavement Replacement On Kelly Boulevard Between Country Club Drive And Keller Springs Road; And For Sidewalk Improvements On The East Side Of Broadway, North Of Vandergriff, In The Amount Of \$43,156.50 For A Revised Contract Amount Of \$992,466.55.**

***21. Consider Approval Of An Amendment To Development And Transfer Agreement With Arthur James, Inc.**

ORDINANCE

***22. Consider An Ordinance Annexing 13.7 Acres Of Land Located Near The Southwest Corner Of The Intersection Of Parker Road (FM 544) And Dozier Road. Case No. 11-16MD8 Trails At Arbor Hills (Annexation).**

***23. Consider An Ordinance Annexing 9.959 Acres Of Land Located On The South Side Of Parker Road (FM544), Approximately 1,650 Feet East Of Plano Parkway. Case No. 11-16MD9 Parker Ranch, Tract 2 (Annexation).**

***24. Consider An Ordinance Annexing Approximately 11.885 Acres Of Land Located On The South Side Of Parker Road, 1,100 Feet East Of Plano Parkway. Case No. 11-16MD11 Parker Road Tract 3 (Annexation).**

***25. Consider An Ordinance Annexing Approximately 1.078 Acres Of Land Containing The East 45-Feet Of Right-Of-Way Of Standridge Drive, Between Hebron Parkway And Polser Road. Case No. 10-16MD2 Standridge Drive (Annexation).**

***26. Consider An Ordinance To Amend The Authorized Number Of Firefighter Civil Service Positions And The Total Number Of Classified Positions Within The Carrollton Fire Department.**

***27. Consider An Ordinance To Amend Title IX, Chapter 99 Of The Code Of Ordinances Regarding The Apartment Complex Crime Reduction Program.**

RESOLUTIONS

***28. Consider A Resolution Nominating Two Directors For The Tax Increment Reinvestment Zone No. 1, Carrollton, Texas Board Of Directors.**

***29. Consider A Resolution Authorizing The City Manager To Sign An Application With Cigna To Provide Stop Loss Coverage For The City's Benefit Plan In An Amount Not To Exceed \$570,000.00.**

***30. Consider A Resolution Authorizing The City Manager To Enter Into A Single-Family Rehabilitation Incentive Agreement With Sharon Burnside At 2415 Northshore Drive, In An Amount Not To Exceed \$773.44.**

~~***31. Consider A Resolution Authorizing The City Manager To Execute A Contract With Lindamood Demolition, Inc. For The Building Demolition At 1410 Fannidella Drive Through An Interlocal Agreement With The City Of Fort Worth, In An Amount Not To Exceed \$99,583.00.**~~

~~***32. Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Amended Lease Agreement With Social Media Delivered For The City Owned Gravelly Center at 1111 West Belt Line Road, Suites 100 & 200.**~~

~~***33. Consider Approval Of A Resolution Appointing L. Erin Rinchart As The City Manager Of The City Of Carrollton.**~~

PUBLIC HEARING-CONSENT AGENDA

***34. Hold A Public Hearing To Consider An Ordinance To Change The Street Name Of A Portion Of Standridge Drive, Between Polser Road And Hebron Parkway, To Holy Grail Drive. Case No. 11-16MD13 Standridge Drive (Street Name Change)/City Of Carrollton. Case Coordinator: Michael McCauley.**

CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.

***8. Consider A Major Alternate Standard Plan For Development Standards Different From Those Of Article XX (Transit Center) 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. 10-16MD1 Switchyard (L On Broadway) (Major Alternate Standard)/Realty Capital Management, LLC. Case Coordinator: Loren Shapiro.**

Mayor Pro Tem Hrbacek stated he would like to add an additional stipulation that would be No. A(4) that would read "Minimum building height – 4 stories for all buildings." He asked the applicant about the timeline for the project. The applicant replied that the plan was to begin turning dirt in late January/early February of 2017 and stated the delay was due to redesigning the project to have all building be 4 stories.

Mayor Pro Tem Hrbacek moved to approve Item 8 adding an additional stipulation which would be A(4) minimum building height of 4 stories for all buildings; second by Deputy Mayor Pro Tem Babick and the motion was approved with a unanimous 7-0 vote.

***31. Consider A Resolution Authorizing The City Manager To Execute A Contract With Lindamood Demolition, Inc. For The Building Demolition At 1410 Fannidella Drive Through An Interlocal Agreement With The City Of Fort Worth, In An Amount Not To Exceed \$99,583.00.**

Mayor Pro Tem Hrbacek moved approval of Item 31; second by Councilmember Garza and the motion was approved with a 6-1 vote, Councilmember Wilder opposed.

***32. Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Amended Lease Agreement With Social Media Delivered For The City-Owned Gravley Center at 1111 West Belt Line Road, Suites 100 & 200.**

Mayor Marchant noted that Deputy Mayor Pro Tem Babick filed a conflict of interest on this item and excused himself from the meeting.

Mayor Pro Tem Hrbacek moved approval Item 32; second by Councilmember Sutter and the motion was approved with a unanimous 6-0 vote, Deputy Mayor Pro Tem Babick abstained.

Deputy Mayor Pro Tem Babick returned to the meeting.

***33. Consider Approval Of A Resolution Appointing L. Erin Rinehart As The City Manager Of The City Of Carrollton.**

Mayor Pro Tem Hrbacek moved approval of Item 33; second by Deputy Mayor Pro Tem Babick and the motion was approved with a unanimous 7-0 vote.

Mayor Marchant advised that the Council conducted a nation-wide search for the new city manager and shared Ms. Rinehart's educational and professional background. Ms. Rinehart thanked the City Council noting the vision set about the Council. She also spoke highly of the staff and recognized the current city manager, Leonard Martin. Lastly she recognized her parents, husband and children for their support.

***35. Hold A Public Hearing To Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A Private School On An Approximately 5.8 Acre Tract Zoned (LI) Light Industrial And Located On The Northeast Corner of Crowley Drive And Carter Drive; Amending The Official Zoning Map Accordingly. Case No. 10-16SUP1 Wisdom Academy (Private School). Case Coordinator: Loren Shapiro.**

Chief Planner Loren Shapiro introduced the item and the applicant declined to make a presentation but was available to answer questions.

Councilmember Wilder voiced a concern because the sight was surrounded by Light Industrial uses and the Freeway District and stated he did not think it was the right location for a school and was opposed to approving the request for that reason.

Mayor Pro Tem Hrbacek moved to deny the request; he stated he did not feel the location was right for a school and school children; second by Councilmember Wilder.

Councilmember Sutter stated he understood the concern but noted there were other schools along freeways. He felt the applicant developed a good plan that was pleasing and regretted that the motion was to deny.

Councilmember Blanscet felt the proposal was a good plan with plenty of space for the children and understood the land was donated to the school. He didn't think it would be a problem and noted the children would be driven to the school rather than walking. He felt it was an appropriate use.

Councilmember Babick felt it was an appropriate use for the land; looks nice; and would fit nicely within the building architecture and would vote against the motion.

Mayor Marchant stated that the point of zoning is to appropriately arrange the uses. He felt that sometimes industrial uses cluster so that they can avoid being near uses like this that have a high touch point with folks. He felt there were good arguments on both sides.

Councilmember Blanscet felt they were also to decide if the use would negatively impact the surrounding uses and since he did not think the school would have a negative impact, he felt it would be valid use for the land.

There being no further discussion, Mayor Marchant called the vote. The motion failed with a 3-4 vote; Lawrence, Wilder and Hrbacek in favor; Garza, Blanscet, Babick and Sutter opposed.

Deputy Mayor Pro Tem Babick moved to approve the case as stated in the agenda; second by Councilmember Sutter.

Mayor Pro Tem Hrbacek stated he respects the opinion of his colleagues but schools bring a lot of interesting dynamics to a community such as school events and athletics and felt it was not the right learning environment for children.

Councilmember Wilder felt it was not an appropriate use for the land.

Councilmember Sutter stated the fact that the land had been donated reinforced his opinion that the Council should support the request.

Deputy Mayor Pro Tem Babick talked about neighboring uses and possible uses in the area stating the demographics were going to change and felt the use was appropriate.

The motion was approved with a 4-3 vote; Lawrence, Hrbacek and Wilder opposed.

Mayor Marchant stated that Items 36 and 38 were companion items that would be heard simultaneously and action would be taken separately with Item 38 first.

***38. Hold A Public Hearing To Consider A Resolution Amending The Comprehensive Plan And The Future Land Use Map To Change An Approximately 13.7-Acre Tract On The South Side Of Parker Road And West Side Of Dozier Road From Medium Intensity Office Uses To Single-Family Residential Detached Uses. Case No. 11-16MD11 Trails At Arbor Hills (Land Use-Comp Plan). Case Coordinator: Loren Shapiro.**

***36. Hold A Public Hearing To Consider An Ordinance Establishing Zoning On A Proposed Annexation Located On An Approximately 13.7-Acre Tract On The South Side Of Parker Road (FM 544) And The West Side Of Dozier Road As A (PD) Planned Development District To Allow For The (SF-5/12) Single-Family District With Development Standards; And Amending The Official Zoning Map Accordingly. Case No. 11-16Z2 Trails At Arbor Hills (Zoning). Case Coordinator: Loren Shapiro.**

Mr. Shapiro stated that Item 38 would change the land use from Medium Intensity Office to Single-Family Residential Detached. The zoning case was to create zoning for areas not currently annexed to a Planned Development to allow single-family detached front loaded lots.

Mayor Marchant stated that in the briefing session he mentioned about the park situation and asked if the developer had offered a donation of park impact fees. Mr. Shapiro stated the amount the developer agreed to donate was more than the amount typically assessed for park fees. Mayor Marchant stated in lieu of the whole amount of the donated amount, he would prefer to take one of the lots to use as a HOA green space for the neighborhood. City Attorney Meredith Ladd stated that if the suggestion by the mayor meets the park requirement for those properties, the City could refund the money; if it provides the necessary park amenity as required by the ordinance. Mayor Marchant noted that since it would be private and maintained by the HOA, it probably wouldn't meet the definition.

Steven Davis, Taylor Duncan Interests, 12400 Coit Road, Dallas stated he was representing two projects before the Council – Trails of Arbor Hills and Parker Ranch. He provided a list of current D/FW area projects as well as other areas. He stated the Trails of Arbor Hills was a little bit more traditional zoning with average lots being 50x135 with more room in the rear yards. He stated the spent a lot of time reviewing product mix, price points and product types. He stated the proposal conforms to the SF 512; standard setbacks; HOA maintained; enhanced garages because of the front entry and he stated the home would be between 2000 and 3700 sq ft with a price point of \$425,000 - \$525,000 and could go higher dependent on upgrades requested by the buyer. Parker Road and Dozier Road would have increased masonry requirements as it relates to how it interacts with the community making them all 90%. There would be enhanced landscaping up front and along Dozier Road and a requirement for the builder to put in additional trees; a 15 ft landscape buffers on Parker and on Dozier. He explained that they increased the park dedication fee noting the in-fill challenges and stated there really was not an economical way to lose one or two more lots. He stated they could revisit the possibility of a larger contribution to allow for a better park for all of the citizens. He stated the project across Dozier includes a 1.5 acre park and they would look into the possibility of combining the HOAs to some degree to give the owners of the Trails at Arbor Hills access. He stated it would be more of a passive type park – no pool facility.

Mayor Marchant noted that the proposal was a pretty good cleanup with a really good use.

Councilmember Blanscet asked about the feasibility of have a front entry product with a rear yard utility easement. Mr. Davis stated they have deals with Atmos, Oncor, and were working on one with Frontier and Time Warner would be put in during development which gives them some control and allows the customer to know where the utilities are during the purchase of the lot. He stressed it doesn't prevent another utility from moving in later, but it is typically not seen with the small number of lots. He talked about the agreement with Atmos, the electric provider and the cable provider was a little different in that they do not sign a contract with them; it's more the layout and commitment as well as a joint trench contract which is what helps tie it all together. The same process would occur

with the Parker Ranch project as well. He reiterated that all of the underground would be in and the subdivision would be live with gas and electric prior to anyone purchasing a house.

Councilmember Babick spoke in favor of the front entry product and the security of not having anyone walking behind his backyard fence. He felt the proposed community would become a good neighborhood that would serve a niche where people do not want an alley.

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

Tom Sifferman congratulated the developer on offering the \$300 per lot park fee rather than the \$170 per lot required to help with getting a proper park for the area. He spoke against utilities in the front.

Bill Walker, Billingsley Company, stated that Taylor Duncan Interests was a quality group and they were in support of the project.

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

Councilmember Sutter moved to approve the ordinance to establish the zoning with all of the development standards as proposed; second by Deputy Mayor Pro Tem Babick and the motion was approved with a unanimous 7-0 vote.

Councilmember Garza moved approval of Item 36; second by Councilmember Lawrence.

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

Tom Sifferman stated he was bothered by the name “Arbor Hills” because it implies Plano Arbor Hills Park.

There being no other speakers, Mayor Marchant called the vote. The motion was approved with a unanimous 7-0 vote.

***39. Hold A Public Hearing To Consider A Resolution Amending The Comprehensive Plan And The Future Land Use Map On An Approximately 21.9-Acre Site Located On The South Side Of Parker Road (FM 544), Approximately 1,100 Feet East Of Plano Parkway From Medium Intensity Office Uses To Single-Family Residential Detached And Single-Family Residential Attached Uses. Case No. 11-16MD12 Parker Ranch (Land Use - Comp Plan). Case Coordinator: Loren Shapiro.**

***37. Hold A Public Hearing To Consider An Ordinance Establishing Zoning On A Proposed Annexation Located On An Approximately 1,100 Feet East Of Plano Parkway As A (PD) Planned Development District To Allow For The (SF-PH) Single-Family Patio Home And (SF-TH) Single-Family Townhouse Residential Districts With Development Standards; And Amending The Official Zoning Map Accordingly. Case No. 11-16Z3 Parker Ranch (Zoning)/Taylor Duncan Interests. Case Coordinator: Loren Shapiro.**

Mayor Marchant noted that Items 39 and 37 were companion items and would be heard simultaneously with separate action.

Mr. Shapiro introduced the item using location maps of the subject sites. The applicant proposed patio home sites on the easterly portion that would be front entry with reduced widths for the streets; the townhouses would be alley way accessed and 90% brick or stone requirement along the periphery.

Mayor Marchant opened the public hearing on Item 39 and 37 and invited speakers to address the Council.

Tom Sifferman stated he likes the project overall but was bothered by the wrought iron fences because it doesn't stop noise.

Mayor Pro Tem Hrbacek moved approval of Item 39; second by Councilmember Garza and the motion was approved with a unanimous 7-0 vote.

Councilmember Wilder stated his issues with the utility easement in the front in this area was because of the 31 ft wide concrete street with the 5 ft sidewalk on either side and feeling that the utility easement would be more intrusive than usual. Mr. Davis stated this is exactly the same right-of-way width and configuration of the Villas on Parker as well as the Singer Ranch. He stated it allows them to put some of what would be right-of-way into the lots and the availability of the street, sidewalk and utility virtually remains the same. He stated it does bring the homes closer to the road and gives a little bit different street scene and feel in the community. The setback would be 11 ft with 20 ft for the garage. He stated there would be 106 sf detached homes and 63 townhomes. Councilmember Wilder explained the problems experienced in Mustang Park was the reason for his concerns. He stated that while he appreciated what Mr. Davis has done in working with the utility companies, he was still hesitant. Mr. Davis stated they were well aware of the problems that occurred at Mustang Park and assured the Council that they would do everything they could to address it upfront.

Councilmember Babick stated he has experienced a 5 ft area behind a fence for utilities that typically becomes un-maintained area and a potential safety issue. He spoke in favor of the front entry product.

Councilmember Lawrence asked about the vote by the Planning Commission because it was 3-3 vote and Mr. Shapiro stated the three who voted opposed had concerns about the townhome use. Mayor Marchant clarified that a simple majority vote of the Council was necessary to approve the request.

Mr. Davis noted that he had a presentation should the Council like to get a fuller perspective of the project and stated that the decision for townhomes was due to the review of the surrounding areas; what's coming; affordability and the availability of land.

Mayor Pro Tem Hrbacek moved approval of Item 37; second by Councilmember Blanscet.

Councilmember Sutter commended the developer on agreeing to the \$300 per lot park fee. He felt the Council needs to look at an increased park fee for those areas that don't have available land to give for parkland so the City can provide needed parks.

Tom Sifferman spoke in favor of looking at an increased park fee.

Councilmember Wilder stated he was still uncomfortable with the 31 ft street and 41 ft right-of-way. He voiced his appreciation for the developer's interest and stated he would prefer a different design.

He stated he would vote against the motion because of that more than what the product will be and what they were doing for the City. He thanked them for the interest and effort put forward.

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

***40. Hold A Public Hearing And Consider A Resolution To Adopt The Program Year 2015 Consolidated Annual Performance And Evaluation Report On The Use Of Community Development Block Grant Funds.**

Environmental Services Director Scott Hudson explained that this item is to receive public comment and consider action on the City's Program Year 2015 Consolidated Annual Performance and Evaluation Report (CAPER). Federal regulations require the City to submit an annual performance and evaluation report on the use of Community Development Block Grant (CDBG) funds within 90 days of the close of the program year.

On October 1, 2015, the City of Carrollton was allocated \$696,061 in CDBG funds from the U.S. Department of Housing and Urban Development (HUD). In accordance with federal law, these funds have been programmed for activities that primarily benefit persons of low and moderate income in Carrollton and he noted that the City's efforts were focused in the oldest areas of Carrollton. He noted specific areas and further noted that the City spent no grant funds on administration. He stressed that HUD recently confirmed the City's compliance in administering the grant funds.

Staff has developed the required draft report and it has been available for citizen review for over 30 days in the Community Services office and on the city's website. On November 10, 2016, the Neighborhood Advisory Commission (NAC) reviewed the draft PY 2015 CAPER and held a public hearing to receive input on the report and amendments. No public comments were received prior to or during the public hearing. NAC proposed revisions and voted unanimously to forward the revised draft report to City Council for review and adoption. Staff anticipates transmitting the final report to HUD in advance of the December 30, 2016 deadline.

Mayor Marchant opened the public hearing and invited speaker to address the Council.

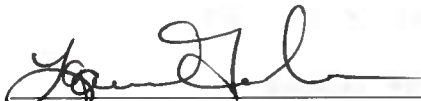
Nolan Adams stated he is a huge advocate against the City's CDBG spending. With regard to code enforcement, he felt the City disparately targeted the areas with City code citations. He stated that his community continues to face decline and that several abandoned homes are popping up on his street which he said was likely due to code enforcement fines causing individuals to be unable to pay their mortgage. He stated that time and time again he has watched his community being arrested for something trivial. It was his opinion that the City was in violation of HUD requirements with regard to code enforcement and it was his opinion that the City will be upheld to HUD standards in being required to pay-those funds back as HUD sees fit.

Mayor Pro Tem Hrbacek moved to adopt the report; second by Councilmember Garza and the motion was approved with a unanimous 7-0 vote.

Mayor Marchant recognized the attendance of former Mayor Pro Tem Shirley Tarpley, Terry Simons and Lisa Sutter. He further wished everyone Happy Holidays.

Mayor Marchant adjourned the meeting at 8:35 p.m.

ATTEST:


Laurie Garber, City Secretary


Matthew Marchant, Mayor

