

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
JULY 23, 2019**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, July 23, 2019 at 5:45 pm with the following members present; Mayor Kevin Falconer, Mayor Pro Tem Young Sung, Deputy Mayor Pro Tem Frances Cruz, Councilmembers John Sutter, Glen Blanscet, Mike Hennefer, Pat Cochran and Steve Babick. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy, Bob Scott and Chrystal Davis, City Attorney Meredith Ladd and City Secretary/Admin Services Director Laurie Garber.

5:45 P.M. – COUNCIL BRIEFING ROOM

***** PRE-MEETING/**

Mayor Falconer convened the meeting at 5:51 pm.

1. — Receive **information and discuss Agenda.**
4. Discuss **Applications For The Leadership Metrocrest Program.**

Mayor Falconer explained that the City has budgeted two \$500 scholarships for Carrollton residents who wish to participate in the program. The City also budgets the full tuition cost for a Council member or City staff member. He asked Erin Carney of the Metrocrest Chamber of Commerce to explain the new cap that was implemented on the program.

Ms. Carney explained that the selection committee put together a task force to address the issue of overpopulation from any one organization, city or company. The task force consisted of five people who recommended that selection be limited to no more than four people from any one organization, city or payer. She stated that exceptions could be made and would be considered on a case-by-case basis. She added that no more than 20 people would be accepted into a class and each applicant is asked to submit two letters of recommendation which should help the selection committee.

Mayor Falconer stated that five citizens and two staff members have expressed interest in attending the class. The consensus was to submit all of the applicants with the understanding that not all would be accepted by the Chamber. City Secretary Laurie Garber advised that it was made clear on the application form that although Council may nominate someone, there is no guarantee the person would be selected.

5. Discuss **Eddy Mann Wall Aesthetic Improvement Program Findings And Proposed Pilot Project #2.**

City Arborist Lorri Dennis Stephenson stated there were over 14 miles of Eddy Mann walls throughout Carrollton. She stated an initial Eddy Mann Wall Pilot Program was completed along Rosemeade Parkway west of Kelly Boulevard and she explained that the reason for that location was because it serves as an entry point to Carrollton.

Mayor Falconer explained that an Eddy Mann Wall is a concrete stamped wall. Stephenson went on to provide photos of the initial pilot program explaining the wall improvement consisted of a pigmented sprayed limestone coating articulated to appear similar to natural stone on the existing Eddy Mann

Wall. She stated the coating costs about \$22,000 and the painting was roughly \$2,500. On July 9, 2019 staff presented findings of the completed wall improvements along Kelly Boulevard to the Redevelopment Sub-committee. The findings concluded that the sprayed limestone treatment was unsustainable for Eddy Mann Walls. A second pilot program site is now proposed along Kelly Boulevard, north of PGBT and she explained the following recommendations:

1. Suspend the limestone coating pilot program
2. Consider using the cultured stone currently used on the bridge retro-fit projects

OPTION A:

Use cultured stone and precast capstones to enhance the columns

OPTION B:

Use cultured stone to enhance the walls with the same wainscot motif used on the pilot project and painting the infill with a color consistent with the cultured stone.

Stephenson stated that the Redevelopment Sub-committee recommended 2B. She advised that power washing and painting is budgeted every six years at \$4 per lineal foot and is completed by the Public Works Department. She provided the following budgetary consideration

Current Pilot Project Budget remaining: \$128,463

Approximate cost to apply cultured stone to columns: \$500.00 per column

Approximate cost to apply wainscoting: \$55.00 per lineal foot

Stephenson stated that using the financial information provided, the costs would be \$113,277 for the second pilot program project. If approved, the Engineering Department will include this as part of the next screening wall project (Webb Chapel) which is scheduled to enter the design phase in October 2019. The work would be conducted in 2020.

Councilmember Blanscet reported that the Redevelopment Subcommittee felt that only putting stone on the columns didn't make much difference in the aesthetic of the wall and felt using the wainscoting treatment with the stone columns would make a significant difference. He stated the funds are available for the second pilot project. Asst City Manager Marc Guy stated that the project is a stand-alone section of wall that would run from Old Mill to the Pres George Bush Turnpike right-of-way. Councilmember Blanscet noted that one of the things important to the Redevelopment Sub-committee is consistency throughout the city with the bridge retrofits. There were no objections to moving forward as recommended.

6. Receive Information Regarding Additions To Base And Parks Amenity Fund Projects.

Parks & Recreation Director Scott Whitaker used photographs to illustrate the proposed projects:

	Recurring	Non-Recurring
Post Tension Pad & Lights at Oak Creek		\$ 735,000
Historic Structures Report		\$ 62,700
Additional Exterior Restrooms		\$ 208,500
Replace Harold Bessire Playground		\$ 225,000
Josey Ranch #6 Shade Structure		\$ 105,000
Graphic Murals		\$ 198,000
Provide Wi-Fi at McInnish/R.E. Good Sport Complex	\$ 6,000	\$ 10,625
	\$ 6,000	\$1,544,825

Mayor Falconer noted that the information was in preparation for the upcoming budget discussions and stressed that Council would not be taking any action at this time.

Whitaker provided detail as he used the pictures to talk about the current status and the type of work proposed. With regard to the Amenity Fund Update, he explained that the Fund is used for projects that are smaller in nature, and in between the operating budget and a capital expenditure.

2018 Amenity Fund Update

Crosby Rec Center AV – acoustic panels completed – still working with IT on AV part

Rosemeade Rec Center – restrooms completed – still has a couple items

AW Perry Homestead Museum – fence completed – held off on some improvements

Rosemeade Rainforest Slide Restoration – completed

Irrigation Relocation at Josey Ranch – completed

Thomas Splash Park Sump Pump & Features – completed

Downtown Turf Renovation – completed

Proposed Amenity Fund Projects

McInnish 5-9 Fence	\$125,000
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Harvest Run Playground Surface	\$ 75,000
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Senior Center Lake Lighting Project	\$ 50,000
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Josey Ranch and Senior Center Pier Replacements	\$ 75,000
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Irrigation at McInnish 1-5	\$ 80,000
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Tables/Chairs at Facilities	<u>\$100,000</u>
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	\$505,000
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(Contingency Included)

Proposed Revenue Change

Senior Center Room Rental – day rate vs hourly

Whitaker stated that the amount of things that have been accomplished over the years with the Amenity Fund has really impacted the report card in various categories and he specifically noted playgrounds and athletic fields. With regard to Blue Sky funding, Whitaker stated that starting in July 2019, Blue Sky will pay the City \$30,000 annually and proposed to earmark the funds for a synthetic turf replacement fund. He stated that staff continues to look at ways to put systems in place to address long-term items.

City Engineer Cesar Molina provided an update to the City Trail system that was developed in 2005. He stated that most of the trails have been constructed and the initial phase would be wrapping up. Thereafter, staff would work with the Parks Department to begin penetrating neighborhoods with minor trails and working with other partners such as NCTCOG to address other connections such as the Cotton Belt Trail. He addressed three trails:

1. Trinity Mills Station to the Blue Trail at Old Denton Road – design is approximately 90% complete, award of contract is expected in Fall of 2019 and start of construction at the end of the year – estimated \$1.25M
2. Dudley Branch Trail – Frankford Road Station to Old Denton Road by Creekview High School; project is tied to a \$3M NCTCOG grant with an overall estimated costs of \$3.7M. Project in early stages of design and will be a 12 ft wide trail that will be near Kent Elementary, a park and Old Denton. He stated the next logical step would be to extend it to Rosemeade Recreation Center and

staff would be requesting an Addition to Base to begin design estimated at \$107,000 on an anticipated \$700,000 construction project.

3. Connection between Downtown Station to the Trinity Mills Station – Molina stated the three trails link the DART Stations to the rest of the City and to each other. The trail would start in Downtown adjacent to the Green Line making its way into the Trinity Mills area; approximately 30% designed.

Mayor Falconer felt that Carrollton had some of the best trails around and are enjoyed by the residents.

Mayor Falconer recessed the Worksession at 7:08 pm to convene in Regular Meeting.

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

Mayor Falconer convened the Regular Meeting at 7:20 pm.

INVOCATION – Councilmember Mike Hennefer

PLEDGE OF ALLEGIANCE – Councilmember John Sutter

CONSENT AGENDA

*(*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

Mayor Falconer advised that Item 13 was pulled for future consideration.

Councilmember Blanscet moved approval of Consent Agenda Items 9-12 and 14; second by Councilmember Babick and the motion was approved with a unanimous 7-0 vote.

MINUTES

- *9. Consider Approval Of The July 9, 2019 Regular Meeting Minutes.**

BIDS & PURCHASES

- *10. Consider Authorizing The City Manager To Approve RFP # 19-036 Rebid Of The Veteran's Memorial Plaza For The City, In An Amount Not To Exceed \$472,000.00.**

CONTRACTS & AGREEMENTS

- *11. Consider Approval Of The Purchase And Installation Of Microwave Network Equipment From Alpha Omega Wireless, In An Amount Not To Exceed \$593,469.65.**

ORDINANCE

- *12. Consider An Ordinance Amending Title XIII, Chapter 133 Of The Carrollton Code Of Ordinances Regarding General Policies And Guidelines.**

~~***13. Consider An Ordinance Granting To Oneor Electric Delivery Company LLC, A Franchise To Construct, Extend, Maintain And Operate In, Along, Under And Across The Present And Future Streets, Alleys, Highways, Public Ways And Other Public Property Of Carrollton, Texas An Electric Transmission And Distribution System.**~~

RESOLUTIONS

***14. Consider A Resolution Authorizing The City Manager To Enter Into Single-Family Rehabilitation Grant Incentive Agreements On Four Eligible Properties Located Within Neighborhood Empowerment Zones, In A Total Grant Amount Not To Exceed \$12,772.03.**

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

15. Hold A Public Hearing And Consider A Resolution Adopting The Draft 2019-2023 Consolidated Plan And Program Year 2019 Community Development Block Grant One-Year Plan Of Action And Budget.

Environmental Services Director Cory Heiple stated the item was to review the five year Consolidated Plan and 2019 Budget. The CDBG Program requires that every fifth year participants take a broader view at community needs and how CDBG funds are best used to meet the needs. He stated that in addition to this meeting, a public hearing was held and community input indicates that the highest level of support continues to be for street and infrastructure improvements as well as enhanced code enforcement for Carrollton's older neighborhoods. Participants placed a high value on the funding Carrollton provides to local social service partners that supports Carrollton's vulnerable population. High emphasis was also placed on the need for parks improvements in the older neighborhoods. On October 1, 2019, the City of Carrollton will receive \$828,463 for PY2019 Community Development Block Grant (CDBG) funds from the US Department of Housing and Urban Development (HUD). According to federal law, these funds must be used to benefit persons of low- to moderate-income in Carrollton to address housing and community development concerns. He stated that the majority of the funding would be used in the NOTICE programs leveraging funds for the replacement and upgrade of streets, sidewalks, sewers, water mains and park rehabilitation. The minor home repair program has been successful in providing immediate assistance to income qualifying residents and was used to complete 12 projects replacing roofing, fences and siding. The proposal for the coming year is to increase \$132,000 to better meet the community needs. He recommended approval.

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

Councilmember Sutter made note that the CDBG Program and funding allows the City to address items specifically in the low income neighborhoods and although complex, the City's job is made easier by the hours of effort dedicated by staff and the Neighborhood Advisory Commission.

Councilmember Sutter moved approval of the Resolution adopting the Draft 2019-2023 Consolidated Plan And Program Year 2019 Community Development Block Grant One-Year Plan Of Action And Budget; second by Mayor Pro Tem Sung.

Councilmember Babick echoed the comments and pointed attention to brochures available to residents regarding the programs available such as the Minor Home Repair Program. He specifically thanked Metrocrest Services for their assistance and support. Deputy Mayor Pro Tem Cruz talked about the importance of participating in the upcoming Census noting that funding is directly impacted by the count. She voiced understanding about the importance of training this year and talked about the need to allocate any additional funds to organizations like Metrocrest who carries the brunt of the work that is reflected on CDBG funding requirements.

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

PUBLIC FORUM

16. 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.

Art Mendarozier echoed the importance of the Census. Mayor Falconer stated that the City would have a Census Committee and information is already online.

Ron Branson, 1406 Charlotte Way, thanked the Council for the support and approval of the Veterans Memorial project and felt it would be an outstanding memorial. Mayor Falconer recognized the efforts of Mr. Branson and other VFW folks for their assistance and patience through the process.

Mayor Falconer adjourned the Regular Meeting at 7:34 pm and announced that the Council would reconvene in Worksession.

*****WORKSESSION*****

Mayor Falconer convened the Worksession at 7:39 pm.

7. Discuss Impacts Of House Bill 2439 Regulation Of Building Materials And House Bill 3167 Platting And Subdivision Reviews And Approvals.

City Attorney Meredith Ladd provided a review of House Bill 2439 signed by Governor Abbott on May 29, 2019 with a September 1, 2019 effective date.

- A city may not adopt or enforce a rule or ordinance that
 - Prohibits, limits, directly or indirectly, the use or installation of a building product or material in construction of a residential or commercial building if the product or material is approved for use by a national model code . . . OR
 - Establishes a standard for a building product, material, or aesthetic method in construction of a residential or commercial building if the standard is more stringent than a standard for the product under a national model code published within the last three code cycles
- Any ordinance that conflicts with this legislation is void.

Ms. Ladd explained that it means that any ordinance that the City adopted that has to do with building materials can't be enforced.

Exceptions:

- Programs established by a state agency in order to comply with state or federal funding or housing program;
- Requirements for a building necessary to consider the building eligible for windstorm and hail insurance coverage;
- Ordinance or other regulations that regulates outdoor lighting adopted to reduce light pollution, certified as a Dark Sky Community;
- A building located in a place or area designated as historically, culturally, or architecturally important/significant;

Planner Molly Coryell addressed impacts on the Comprehensive Zoning Ordinance (CZO) stating that beginning September 1, 2019 cities in Texas will not be allowed to enforce required exterior building materials adopted. She used the example of minimum 70% brick or stone content on residential buildings adopted in the CZO becomes null and void. Planned Developments and Special Use Permit requirements also become null and void as related to exterior building materials. She stated that cities may continue to adopt International building codes or nationally and internationally recognized standards, but cannot conflict with HB 2439.

Councilmember Hennefer felt the City could still have guidelines although unenforceable. Ms. Coryell stated she would address options later in the presentation and she reviewed the following negative impacts. She stated that the regulations do not include Homeowner Associations which means that HOAs that have Architectural Control Committees and its own standards are unaffected.

1. All masonry requirements created through zoning will be null and void September 1, 2019
2. Allowable materials by building code include metal, vinyl, and shipping containers
3. Future zoning cases cannot consider building materials as part of the case assessment process

Ms. Coryell presented the following options

1. Do nothing
2. Create a vision statement for development and redevelopment which all projects must comply with
3. Eliminate all uses by right – provide Council an opportunity for architectural review
4. Amend the zoning text to require certain architectural features for different types of zoning districts/building types
5. Adopt text from design guidelines (regulate building form and character, but not building products)
6. Use incentives to contractually achieve compatible building façades
7. Require on-site construction for main buildings only (no modular buildings, shipping containers, portable buildings, etc)
8. Require HOAs on all new residential products and provide for City enforcement of deed restrictions for exterior building materials

Mayor Falconer asked about No. 8 as it pertained to City enforcement and Ms. Ladd replied that the City could not do that.

Councilmember Babick asked how Option Nos. 2, 4 and 5. Ms. Coryell replied that the City would not be requiring building materials but would talk about site design, vision and purpose statements similar to single-family design guidelines. Ms. Ladd stated there could be design requirements within a PD and the contractor could use whatever building materials they want to meet the design requirement. With regard to Option No. 4, Ms. Coryell stated the City could require features like second floor balconies, arches, etc; not building material, just what the building looks like. Option No. 2 would mean the applicant would be required to explain a vision for the project and how it meets things such as sustainability, view from the right-of-way and things like that.

Mayor Pro Tem Cruz asked about the restrictions in the Sign Ordinance with regard to light pollution. Community Development Manager Ravi Shah stated the Sign Code is open to materials that match or are compatible to the main building; it is more performance based rather than prescriptive. Mayor Falconer suggested that references to building materials as it pertains to detached buildings will need to change to refer to being complementary to the primary structure. Councilmember Blanscet voiced his frustration with the HB and stated there were elements of all the options that should be put in place such as eliminating uses by right and protecting historical areas. Councilmember Cochran asked if the change would impact the minor home repair program and Ms. Ladd replied that it would not be impacted because the City is giving them money. Marc Guy stated it specifically mentions buildings so he did not think it would affect fences, signs or things like that. He explained that if the City enters into a Sec 380 grant that is authorized by State law, it's actually a contract rather than a regulation which is what Option No. 6 is about. He also talked about the manner that deed restrictions play on development and it was noted that not all HOAs or Neighborhood Associations have deed restrictions that restrict or address building materials.

Mayor Falconer advised that the City's consultant fought the Bill along with TML and a lot of others to no avail. Coryell talked about the staff diligence regarding the Bill noting the cities and organizations they are working with and watching. She stated that staff is reworking zoning text and processes to continue regulating architecture based on sustainable design and appearance and are working to solidify a new process before September 1 when the law becomes effective.

Discussion was held with regard to developing standards such as fire rating, efficiency ratings, hail, etc. Councilmember Babick felt the Bill has to do with civil liberties, and felt the unintended consequences may create greater controls and may stymie cities and developers. He stated that although he supports civil liberties, he was concerned that it will have a negative effect on property value. Councilmember Blanscet agreed and went on to say the ordinances in place have been an attempt to provide a nice, aesthetic environment to live in that the citizens can be proud of, that protects home/property values. He felt the Bill was thoughtless. Mayor Falconer agreed that Council needs to act quickly while watching how other communities react. Shah stated that staff would review the codes for impacts and consider the options. He said that architects understand the language of character, scale, proportionality and articulation, and perhaps those are some of the things that can be added to the CZO as well as guidelines. Mayor Pro Tem Cruz asked staff, as they begin looking at ways to adjust, to keep in mind how the changes will impact the overall process on future development.

Ladd went on to discuss HB 3167 also signed by Governor Abbott on May 29, 2019 effective September 1, 2019 that relates to plats. She explained that it doesn't change the timeframe but it does tell a city how it has to act.

- A city must approve, approve with conditions or disapprove a plat within 30 days after the plat is applied for
- Conditions of approval must be cited with ordinances that provide the basis of the conditions
- The plat is considered approved by a city unless it is disapproved with that time period
- The 30-day period may be extended if
 - The applicant requests an extension in writing and it is approved by the government body of the municipality

Mayor Falconer felt this was another bill that wasn't thought through by the Legislature because it will actually cause more difficulties for the applicants. He talked about the current process and felt that this Bill could cause more plats to be disapproved. Councilmember Blanscet felt this Bill takes out the efficiency and will impact the developer or person applying for a plat.



Coryell listed the impacts as follows:

- Staff will only accept plat applications that are submitted on the 30th day before the next P & Z hearing date
- All conditions for approval will be cited with sections for the Comprehensive Subdivision Ordinance
- Staff will review plats that submit revisions to meet conditions of approval within 15 days that the applicant submits it
- Besides the amendment to the acceptance date of plans, staff generally does not have to amend the process for approving plats.

Coryell stated that staff will have HB 3167 in mind as they review the CZO. Mayor Pro Tem Cruz voiced concern about the impact on staff and staffing in order to do the additional steps and maintain the efficiency enjoyed currently. Coryell felt that the 15-day requirement would not be a problem for staff. Councilmember Hennefer acknowledged and commended the staff for keeping a professional, positive and optimistic mindset regarding the impacts and in considering what will need to be changed to comply with the legislation.

8. Mayor and Council reports and information sharing.

Mayor Falconer adjourned the Worksession at 8:49 pm and announced that Council would move into Executive Session.

***EXECUTIVE SESSION ***

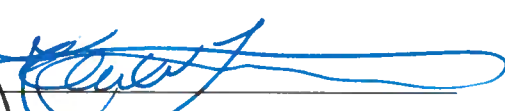
2. Council convened in **Executive Session at 8:49 pm** pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney 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.
3. Council **reconvened in Open session at 8:59 pm** to consider action, if any, on matters discussed in the Executive Session. No action taken.

ADJOURNMENT - Mayor Falconer adjourned the meeting at 8:59 pm.

ATTEST:



Laurie Garber, City Secretary



Kevin W. Falconer, Mayor