CARROLLTON CITY COUNCIL
REGULAR MEETING and WORKSESSION MINUTES

DECEMBER 4, 2007

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, December 4, 2007, at 5:45 p.m. with the following members present: Mayor Becky Miller, Mayor Pro Tem Matthew Marchant, Councilmembers Tim Hayden, John Mahalik, Pat Malone, Larry Williams and Herb Weidinger. Deputy Mayor Pro Tem Terry Simons was absent. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy and Bob Scott, Director of Managed Competition Tom Guilfoy, Workforce Services Director Erin Rinehart, City Attorney Clayton Hutchins and Deputy City Secretary Laura Bell.

* * * * PRE-MEETING / EXECUTIVE SESSION * * * *
5:45 P.M. – COUNCIL BRIEFING ROOM

1. Dinner

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

3. Receive **supplemental staff information** and responses to questions.

4. Council **did not convene in Executive Session** 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.
- **Section 551.074** to discuss personnel matters.
- **Section 551.087** to discuss Economic Development.

Executive Session was not needed.

5. Council reconvened in open session to consider action, if any, on matters discussed in the Executive Session. No action was taken.

* * * * WORKSESSION * * * *
6:00 P.M. – COUNCIL CHAMBERS

6. Briefing on **Transit Oriented Development Drainage Study.**

7. Discuss **Special Events Fee Ordinance.**

8. Discuss **Possible Change In Meeting Time Posting.**

Mayor Miller recessed the Worksession at 7:03 p.m.

INVOCATION by Everet Bluth, Bishop of the Carrollton 1st Ward in the Carrollton Stake of The Church of Jesus Christ of Latter-Day Saints.

PLEDGE OF ALLEGIANCE by Mayor Pro Tem Marchant

PRESENTATIONS

9. Present a **Proclamation Declaring December 4, 2007 as *Be A Santa To A Senior Day.***

10. Recognition of **Environmental Distinction Awards Recipients.**

11. Recognition of **2007 Carrollton Leadership Academy Graduates.**

PUBLIC FORUM

12. **Hearing of any citizen/visitor on items not listed on the regular meeting agenda.** 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 a maximum of 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.

There were none.

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.)***

Councilmember Hayden moved approval of Consent Agenda Items No. 13-19, 201-11 & 24-28. Second by Mayor Pro Tem Marchant. The vote was cast 6-0 in favor of the motion. Item 20 was pulled from the Agenda. Item 23 was pulled for a separate vote.

MINUTES

***13.** Consider approval of the **September 4, October 16, November 6 and November 20, 2007 Minutes.**

BIDS AND PURCHASES

***14.** Consider approval of the purchase of **Shade Structures For The McInnish Sports Complex To Sun Ports** through a Purchasing Agreement with Buy-board in an amount not to exceed $140,000.00.

***15.** Consider approval of the purchase of **One Replacement Vehicle For The Water Distribution Department** through an Inter-Local Agreement with Houston Galveston Area Council (HGAC) in an amount not to exceed $76,960.00.

***16.** Consider approval of the purchase of **Furniture For The Dispatch Area Remodel From Watson Furniture** in an amount not to exceed $ 79,499.00.

CONTRACTS AND AGREEMENTS

***17.** Consider authorizing the City Manager to approve an **Engineering Services Contract With GSWW, Inc. For The Monitoring Of Wastewater Flows** in an amount not to exceed $97,964.00.

***18.** Consider authorizing the City Manager to approve a **Change Order #1 With S.J. Louis Construction For Additional Pavement Replacement** in an amount not to exceed $484,277.85, making the revised contract amount not to exceed $9,467,862.85.

***19.** Consider authorizing the City Manager to approve a **Contract With Republic ITS For The Advanced Traffic Management System (ATMS)** in an amount not exceed $738,225.00.

***20.** ~~Consider authorizing the City Manager to approve a **Contract With Siemens Energy & Automation For Upgrades To The ACTRA Traffic Control Software and Hardware** in an amount not to exceed $ 96,000.00.~~

ORDINANCES

***21.** Consider an **Ordinance Amending Title 11, Chapter 116 Regulating Food Establishments.**

RESOLUTIONS

***22.** Consider a **Resolution Authorizing The City Manager To Enter Into An Application With ING For Stop Loss Coverage For The City's Benefit Plan.**

***23.** Consider a **Resolution Casting A Vote To Appoint Doug Killough For The Board Of Directors Of The Denton Central Appraisal District.**

Mayor Pro Tem Marchant moved to split the votes between Pearl Ford & Steve Mossman. Councilmember Williams seconded the motion. The vote was cast 6-0 in favor of the motion.

***24.** Consider a **Resolution Authorizing The City Manager To Enter Into A Tax Incentive Agreement With Fidelity Information Services, Inc.**

***25.** Consider a **Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With Denton County To Provide Library Services To Denton County Residents.**

***26.** Consider a **Resolution Appointing Member To The Civil Service Commission.**

***27.** Consider authorizing the City Manager to approve a **Contract With Dr. Loehr For Professional Services For The Environmental Services And Fire Department** in an amount not to exceed $64,790.00.

OTHER BUSINESS

***28.** Consider a **Resolution Authorizing Staff To Prepare A Service Plan And An Ordinance Calling For Public Hearings** On **January 8, 2008 and January 15, 2008** for the proposed annexation of the Crow-Billingsley Air Park tracts. The 27.999-acre site is located on the southwest corner of Park Boulevard and Plano Parkway.

PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION

29. Conduct a Public Hearing and Consider Action on the **Draft program Year (PY) 2006 Consolidated Annual Performance and Evaluation Report (CAPER).**

Councilmember Weidinger moved to close the public hearing and approve Draft Program Year (PY) 2006 Consolidated Annual Performance and Evaluation Report (CAPER). Seconded by Councilmember Malone. The vote was cast 6-0.

30. Hold a public hearing and consider an **ordinance approving a Special Use Permit for a day care center** for Kids R Kids. The 1.6-acre site is located on the east side of Maumee Drive, south of Carrollton Parkway and is zoned PD-123 for the (SF-TH) Single-Family Townhouse District. Case No. 11-07SUP1 Kids R Kids/Keith Hamilton.

Councilmember Malone moved to close the public hearing and approve Case No. 11-07SUP1 Kids R Kids. Seconded by Councilmember Mahalik. The vote was cast 6-0.

31. Hold a public hearing and consider an **ordinance approving a Special Use Permit for an arcade** for King Coffee. The 1,950 square foot lease space is located at the southwest corner of Josey lane and Frankford Road and is zoned (LR-2) Local Retail District. Case No. 11-07SUP2 King Coffee/Long Ngyuen.

Councilmember Williams asked the applicant if the stipulations on the number of gaming systems allowed was fine with him. The applicant stated it was.

Mayor Pro Tem Marchant asked the applicant how he came up with the number of gaming systems to have in the space. The applicant stated that another space with the same use was approved with 10 stations recently and that is the information he went from.

Councilmember Mahalik asked if the sign outside will be changed to the new name proposed or if it will stay King Coffee. The applicant stated that the sign will be changed to reflect the new name of King Café.

Councilmember Weidinger asked if there will be too much competition with the other space so close that offers the same service. The applicant stated that the need is so great that both places would not suffer.

Mayor Pro Tem Marchant asked Ms. Levy if the SUP would stay with the business or stay with the space. Ms. Levy stated that the SUP stays with the land. If a new business with a new purpose comes in, then the SUP will be revoked and new one set up. Ms. Levy also wanted to remind everyone that the SUP has a stipulation for review in one year.

Councilmember Williams stated that at first he wasn't 100% sure that this was a good use for the space. He still isn't sure but is willing to let the applicant prove it over the next year. He hopes that there aren't any more violations and that it works out for the best.

Councilmember Williams made a motion to close the public hearing and approve Case 11-07SUP2, King Coffee. Mayor Pro Tem Marchant seconded the motion. The vote was cast 4-2 in favor of the motion. Councilmember Williams and Malone opposed.

32. Hold a public hearing and consider a **resolution approving an Amendment to the Future Land Use Map** of the Comprehensive Plan by designating a 31.8-acre site for Multi-Family Uses in lieu of Medium Intensity Office Uses. The site is located on the north side of future Carrollton Parkway, west of S.H. 121 and is currently designated for Medium Intensity Office Uses. Case No. 11-07MD8 Mansions at Sunset Ridge (*Formerly Carrollton Crossing*)/Sean Faulkner.

Mayor Pro Tem Marchant stated that he would be more comfortable with a mixed-use and single-family use for the area. He won't be in favor of this case.

Councilmember Mahalik made a motion to close the public hearing and approve Case 11-07MD8, Mansions at Sunset Ridge. Councilmember Williams seconded the motion. The vote was cast 5-1 in favor of the motion. Mayor Pro Tem Marchant opposed.

33. Hold a public hearing and consider an **ordinance approving an Amendment to PD-163 for the (MF-18) Multi-Family District** with modified development standards. The 31.8-acre site is located on the north side of future Carrollton Parkway, west of S.H. 121 and is zoned PD-163 for the (O-4) Office District. Case No. 11-07Z1 Mansions at Sunset Ridge (*Formerly Carrollton Crossing*)/Sean Faulkner.

Councilmember Mahalik made a motion to close the public hearing and approve Case 11-07Z1, Mansions at Sunset Ridge. Councilmember Malone seconded the motion. The vote was cast 5-1 in favor of the motion. Mayor Pro Tem Marchant opposed

34. Hold a public hearing and consider an **ordinance annexing the Morris Tracts (Diamond Creek) property.** The 5.1619-acre site is located on the west side of Marsh Lane, north of Plano Parkway. Case No. 11-07MD4 Morris Tracts (Diamond Creek) Annexation/J. Craig Godfrey.

Councilmember Williams made a motion to close the public hearing and approve Case 11-07MD4, Morris Tracts. Councilmember Malone seconded the motion. The vote was cast 6-0 in favor of the motion.

35. Hold a public hearing and consider a **resolution approving an Amendment to the Future Land Use Map** of the Comprehensive Plan to designate a 5.1-acre tract of land for Single-Family Detached Uses. The site is located on the west side of Marsh Lane, south of Prestonwood Drive. Case No. 11-07MD6 Diamond Creek Comp Plan/Craig Godfrey.

Councilmember Williams made a motion to close the public hearing and approve Case 11-07MD6, Morris Tracts. Councilmember Weidinger seconded the motion. The vote was cast 6-0 in favor of the motion.

36. Hold a public hearing and consider an **ordinance approving a Planned Development District for the (SF-12/20) Single-family District** with modified development standards. The 5.1-acre is located on the west side of Marsh Lane, south of Prestonwood Drive. Case No. 11-07Z5 Diamond Creek/Craig Godfrey. Case Coordinator: Lori Levy.

Councilmember Malone made a motion to close the public hearing and approve Case 11-07Z5, Morris Tracts. Councilmember Weidinger seconded the motion. The vote was cast 6-0 in favor of the motion.

37. Hold a public hearing and consider a **resolution approving Various Amendments to the Transportation Plan**. Case No. 11-07MD7 Various Amendments to the Transportation Plan/City of Carrollton.

Councilmember Williams made a motion to close the public hearing and approve Case 11-07MD7, Various Amendments to the Transportation Plan. Councilmember Malone seconded the motion. The vote was cast 6-0 in favor of the motion.

Mayor Miller closed the meeting at 8:08 pm.

ATTEST:

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Laura M. Bell, Deputy City Secretary Becky Miller, Mayor