

**CARROLLTON CITY COUNCIL
REGULAR MEETING and WORKSESSION MINUTES**

SEPTEMBER 4, 2007

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

******* WORKSESSION *******

6:00 P.M. – COUNCIL CHAMBERS

6. Briefing on **Municipal Setting Designation Proposed Procedure & Ordinance.**

Scott Hudson, Environmental Services Director stated that the purpose of the Municipal Setting Designation program is to provide a faster, less expensive alternative to existing environmental regulations on properties with contaminated groundwater. By offering this alternative in areas where contaminated groundwater is **not** used as potable water, properties with contaminated groundwater may be more readily developed or redeveloped.

Until recently groundwater contamination in Texas typically required cleanup to drinking water standards. Because of the prohibitive cost of such cleanup, some properties have been abandoned (brownfields) and others have gone undeveloped. This designation can be used as an economic development tool to allow such properties to be developed or redeveloped more readily. Often in municipal settings shallow groundwater is not being used as potable water and may be so isolated that it has no further environmental impact. In 2003 the Texas Commission on Environmental Quality (TCEQ) was authorized to develop an MSD program to govern the potability of groundwater and the requirements for removing contaminants from groundwater.

An MSD is an official TCEQ designation given to property within a municipality. It certifies that designated groundwater at the property is not used as potable water and is prohibited from future use as potable water because that groundwater exceeds a potable-water protective concentration level. Cleanup standards are more limited and are focused on protecting people and the environment from exposure. The prohibition on future potable water use is typically in the form of a city ordinance that is enforceable by the city and filed in the property records. The MSD property can be a single property, multiple properties, or a portion of a property.

An MSD certification cannot be obtained without support from the affected municipalities stating support for the MSD application. This support is typically in the form of a resolution from affected municipality.

7. Discuss **Council’s List of Nominees For The Tax Increment Reinvestment Zone No. 1 (TIRZ), Carrollton, Texas Board of Directors.**

On December 13, 2005, the City Council held a public hearing to receive public comments, in accordance with State Law, in anticipation of adopting an ordinance establishing the proposed Tax Increment Reinvestment Zone No. 1. City Council subsequently enacted the ordinance on January 10, 2006.

The first year funding cycle has been completed and it is now time to form the Board of Directors. Dallas County has nominated one member and the City of Carrollton must now nominate four (4) members to the Board to complete the five member panel. Once formed, the Board of Directors will meet and formally adopt a set of by-laws. On August 14, 2007 staff requested City Council to provide nominations for the four Board seats.

Maximizing the potential value of transit-oriented development is a strategic goal of the City Council. TIRZ-related funding is one of several financing tools that can be used to assist in creating this value. In return, these investments will yield sustainable uses for the entire city.

Staff recommends that City Council discuss and consider nominations for the TIRZ Board of Directors.

Council recommended: Mark Stokes, Bob Garza, Jim Abadie, and Jack Stotz.

8. Briefing on **Planned Reconstruction Of The I-35E Corridor.**

Cesar Molina, Director of Engineering stated that the schematic plans have been completed for the I-35E corridor through Carrollton and call for widening the facility from 6 mixed flow lanes and 2 HOV lanes to 10 mixed flow lanes and 2 HOV lanes. Widening will generally occur on both sides of the corridor except in the vicinity of Downtown Carrollton where widening will occur to the west of the current facility.

The I-35E corridor reconstruction is separated into two projects. The first project scheduled for reconstruction extends from the President George Bush Tollway (PGBT) to the north city limits and onto FM 2181 in Corinth. This project is currently under final design and is tentatively scheduled for letting in December 2009. The second project extends from PGBT south to I-635. Final design has not begun for this section, however funding for construction is tentatively set for 2016. It is possible that funding could be available sooner through the use of innovative financing tools.

Improvements to the I-35E corridor are vital to the economic sustainability of the City of Carrollton. The economic viability of a community depends on mobility, as transportation corridors become congested the economic desirability of the surrounding area decreases. Maintaining mobility in the I-35E corridor is essential to the long term economic sustainability of Carrollton.

The estimated cost for I-35E reconstruction between I-635 and PGBT is \$ 200million. I-35E is an interstate highway, therefore reconstruction costs will be funded through state and federal funds. However, portions of major intersections at Belt Line Road and Dickerson Parkway, as well as, amenities such as enhanced architectural features will require local participation.

9. Discuss **Red Light Camera Vendor Contract.**

Clayton, Hutchins, City Attorney, stated that he had concerns with the contract RedFlex brought to the City. He was not comfortable with the indemnification information he received. Council discussed the problems plaguing the contract and asked that the issue be continued for further review.

10. Discuss **City Council Governance Policy and Rules of Procedure.**

Laura Bell, Deputy City Secretary stated that this policy addresses mayor and council relations, council and staff relations, council and media relations, roles and meetings. According to the policy Council will review and adopt the Governance Policy and Rules of Procedures on an annual basis.

This is chance to make recommendations for possible amendments and a draft policy and resolution will be brought back to Council at the next meeting in September.

Mayor Miller stated that Worksession time should be 5:45 p.m. not 6:00 p.m.

INVOCATION by Pastor Ron Dunton, Senior Pastor of Metrocrest Presbyterian Church

PLEDGE OF ALLEGIANCE

PUBLIC FORUM

11. **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.

Robert Wilson, 1311 Francis, wanted to bring the school safety issues around his neighborhood to the councils' attention. He is worried about the lack of sidewalks and help the children have getting to school on a daily basis. Mayor Miller stated that staff would contact him regarding the safety issues.

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 Mahalik moved approval of Consent Agenda Item No. 12 – 18. Second by Councilmember Hayden. The vote was cast 6-0 in favor of the motion.

BIDS AND PURCHASES

- *12. Consider approval of Bid # 07-042 for **Various Water Meter Materials from Hersey and Remaining Materials Listed From The Open Market As Needed** in an amount not to exceed \$130,000.00

CONTRACTS AND AGREEMENTS

- *13. Consider authorizing the City Manager to approve a **Contract with Carter Burgess Engineers For Professional Engineering Services For the Development Of An Erosion Control Analysis For Furneaux Creek FD & FE (Section 6)** in an amount not to exceed \$52,700.00.
- *14. Consider authorizing the City Manager to approve **Change Order #2 with Craig Olden, Inc. for Various Additional Items To The Furneaux Creek 3 Channel Improvements Project** in an amount of \$78,260.00 for a revised contract amount not to exceed \$4,520,560.00.

RESOLUTIONS

- *15. Consider a resolution **Authorizing The City Manager To Acquire The Unimproved Lot Located At 1407 W. Trinity Mills For Future Transit Oriented Development.**
- *16. Consider a resolution **Authorizing The City Manager To Acquire The Unimproved Lot Located At 1100 Jackson Street For Future Transit Oriented Development.**
- *17. Consider a resolution **Supporting The Municipal Setting Designation For Pepper Square Property Located In The City Of Dallas.**

OTHER BUSINESS

- *18. Hold a public hearing and consider **Withdrawing An Appeal For A Special Use Permit Request To Allow An Accessory Building** of approximately 160 square feet. The 0.72-acre site is located at the northeast corner of Ismaili Center Circle and Mayes Road and is zoned (LI) Light Industrial District with SUP-94 for a day care center. Case No. 07-07SUP1/Syed Moeenuddin.

PUBLIC HEARINGS—INDIVIDUAL CONSIDERATION

19. Hold a public hearing and consider an **Ordinance Approving a Special Use Permit for An Antenna Support Structure** for the temporary DGNO office. The 4.9-acre site is located on the north side of Belt Line Road, the east side of the Union Pacific (DART Green Line) Railroad right-of-way, the south side of the “Cotton Belt” railroad right-of-way and the west side of North Main Street, and is zoned (TC) Transit Center District, Urban Core Sub-District. Case No. 08-07SUP2 DGNO Office Antenna/Thomas Neville.

Deputy Mayor Pro Tem Simons moved to close the public hearing and approve the Ordinance. Councilmember Mahalik seconded the motion. The vote was cast 6-0 in favor of the motion.

20. Hold a public hearing and consider an **Ordinance Approving a Special Use Permit for The Sunray Chinese Fine Arts School.** The 0.6-acre site is located at the southwest corner of Walnut and Clint Streets and is zoned PD-169 for the (O-2) Office District. Case No. 08-07SUP3 Sunray Chinese Fine Arts School/Ming-Yao Kao.

Deputy Mayor Pro Tem Simons moved to close the public hearing and approve the Ordinance. Councilmember Weidinger seconded the motion. The vote was cast 5-1 in favor of the motion. Councilmember Malone opposed.

21. Hold a public hearing and consider an **Amendment to PD-5 For A Gas Station.** The 1.1-acre site is located at the southeast corner of Old Denton Road and Raiford Road and is zoned PD-5 for the (LR-2) Local Retail District. Case No. 08-07Z2 Newcrest Shopping Center Gas Station/Mario Gonzalez.

Councilmember Weidinger moved to close the public hearing and approve the denial of the amendment as requested by the Planning & Zoning Commission. Mayor Pro Tem Marchant seconded the motion. The vote was cast 6-0 in favor of the motion.

22. Hold a public hearing and consider a **Resolution for Historical Recognition For The Bank of Carrollton Building Located At 1100 S. Broadway Street.** Case No. 08-07HS1 Bank of Carrollton/City of Carrollton.

Deputy Mayor Pro Tem Simons moved to close the public hearing and approve the Resolution. Councilmember Weidinger seconded the motion. The vote was cast 6-0 in favor of the motion.

23. Conduct a **Public Hearing on Tax Increase For Tax Year 2007 For A Proposed Property Tax Rate For The Tax Year 2007 Of \$.617875 Per \$100 Of Assessed Valuation And On The Proposed Operating and Capital Budget For The Fiscal Year October 1, 2007 Through September 30, 2008.**

Assistant City Manager, Bob Scott, presented information to the Council regarding the public hearing. There were no speakers. The public hearing was closed.

Mayor Miller adjourned the meeting at 8:06 p.m.

ATTEST:

Laura Bell, Deputy City Secretary

Becky Miller, Mayor

