

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

JUNE 5, 2007

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

***** 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.
- 6A. Discussion with **Randy Pennington Regarding Council Strategic Planning Session.**

Randy Pennington of Pennington Performance Group distributed questionnaires to Council and discussed the upcoming Strategic Planning Session.

Council convened in **Executive Session at 6:26 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 551.072** to discuss certain matters regarding real property.
 - **Section 551.074** to discuss personnel matters.
 - **Section 551.087** to discuss Economic Development.
5. Council **reconvened in open session at 7:03 p.m.** No action was taken.

INVOCATION by Senior Pastor Eric Champion of Hebron Community Church.

PLEDGE OF ALLEGIANCE by Councilmember Malone.

PUBLIC FORUM

7. **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.

David Maurer, 2100 Cedarcrest of Carrollton stated that on October 13 he saw an Allied truck backing down the alley. On October 14 he noticed that his lawn had been used for the truck to turn around. A few this weeks later his neighbor stated that they witnessed the truck turning around. An Allied representative came out and took pictures and stated that he would get back to him. A week later he was not contacted and contacted another representative. Nothing has been done since November. He repaired the area and three different trucks have driven in that area.

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 Simons moved approval of Consent Agenda Item No. 8 – 14. Second by Councilmember Weidinger. The vote was cast 7-0 in favor of the motion.

RESOLUTIONS

- *8. Consider a resolution **Authorizing the City Manager to Enter Into a Fiscal Agent Agreement with the City of Dallas for Fiscal Year 2007-2008 Byrne Justice Assistance Grant.**
- *9. Consider a resolution **Authorizing the City Manager to Enter Into an Agreement with Dallas County to Make Application for the Justice Assistance Grant for 2007.**
- *10. Consider a resolution **Appointing Members to Various Boards and Commissions.**
- *11. Consider a resolution **Authorizing the City Manager to Enter Into An Interlocal Agreement with Denton County for Additional Funding for the Dickerson Parkway Project** in an amount not to exceed \$2,000,000.00.
- *12. Consider a resolution **Authorizing the City Manager to Enter Into an Agreement with the Fort Worth & Western Railroad Company for a Railroad Grade Crossing Replanking Project on Crosby Road, West of Hutton Drive** in an amount not to exceed \$35,142.23.
- *13. Consider a resolution **Authorizing the City Manager to Enter Into an Agreement with Dallas, Garland & Northeastern Railroad Company for Railroad Grade Crossing Improvements on Nimitz Drive, North of Halsey Way** in an amount not to exceed \$29,604.85.
- *14. Consider a resolution **Authorizing the City Manager to Allow DART to Acquire Property for the Construction of the DART Light Rail Line.**

PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION

15. Hold a public hearing and consider an **Ordinance Adopting the Curfew Hours for Minors.**

Assistant Chief Mike Martin presented the case.

Mayor Miller opened the public hearing. There were no speakers.

Councilmember Hayden moved to close the public hearing and Approve an Ordinance readopting the Curfew Hours for Minors. Seconded by Councilmember Malone. The vote was cast 7-0.

16. Hold a public hearing and consider an **Ordinance Rezoning 4409 Charles Street** for the (SF-12/20) Single-Family District in lieu of the (CC) Corporate Commercial District. The site is located on the west side of Charles Street, south of Plano Parkway, and is zoned (CC) Corporate Commercial District. Case No. 05-07Z1 4409 Charles Street/Charles Cummins.

Lori Levy, Planning Manager presented the case and stated that the applicant has asked that the case be withdrawn.

Mayor Miller opened the public hearing. There were no speakers.

Councilmember Simons moved to close the public hearing and Withdraw Case No. 05-07Z1 4409 Charles Street. Seconded by Councilmember Malone. The vote was cast 7-0.

17. Hold a public hearing and consider an **Ordinance Amending PD-91 for High Country Business Park** for smaller lot sizes. The 29.6-acre site is located on Marsh Ridge Road, between the Burlington Northern and Santa Fe Railroad and the Kansas City Southern Railroad, and is zoned PD-91 for the (C/W) Commercial Warehouse District. Case No. 05-07Z2 High Country Business Park/Craig Godfrey.

Lori Levy, Planning Manager presented the case and stated that the item was approved by the Planning and Zoning Commission with stipulations as presented in the proposed ordinance.

Craig Godfrey stated that he is the applicant and is available to answer any questions.

Mayor Miller opened the public hearing. There were no speakers.

Councilmember Marchant moved to close the public hearing and Approve Case No. 05-07Z2 High Country Business Park. Seconded by Councilmember Mahalik. The vote was cast 7-0.

18. Hold a public hearing and consider an **Ordinance Amending PD-142 for Creekview High School** to allow expansion of facilities. The 69.5-acre site is located north of Frankford Road, on the west side of Old Denton Road, and is zoned PD-142 for the (SF-10/18) Single-Family District. Case No. 05-07Z3 Creekview High School/Robert Howman.

Lori Levy, Planning Manager presented the case and stated that the item was approved by the Planning and Zoning Commission with stipulations as presented in the proposed ordinance.

Robert Howman, 105 Decker Court that he is representing the applicant and is available to answer any questions.

Mayor Miller opened the public hearing. There were no speakers.

Councilmember Simons moved to close the public hearing and Approve Case No. 05-07Z3 Creekview High School. Seconded by Councilmember Weidinger. The vote was cast 7-0.

19. Hold a public hearing and consider a **Resolution Amending the Comprehensive Plan** and the Future Land Use Map to designate a 6.4-acre site for Single-Family Attached uses in lieu of Medium Intensity Commercial uses. This site is located on the south side of Rosemeade Parkway, east of Old Denton Road. Case No. 02-07MD2 Rosemeade Villas (Comp Plan)/Jerry Sylo.

Councilmember Marchant filed a Conflict of Interest Affidavit with the City Secretary prior to the meeting and excused himself for this item.

Lori Levy, Planning Manager presented the case and stated that the item was approved by the Planning and Zoning Commission.

Jerry Sylo, 17090 Dallas Parkway #200 stated that he is representing the applicant and is available to answer any questions.

Mayor Miller opened the public hearing. There were no speakers.

Councilmember Simons moved to close the public hearing and Approve Case No. 02-07MD2 Rosemeade Villas. Seconded by Councilmember Malone. The vote was cast 6-0, Councilmember Marchant abstained.

20. Hold a public hearing and consider an **Ordinance establishing a Planned Development District for the (SF-TH) Single-Family Townhouse District** with modified development standards. The 6.4-acre site is located on the south side of Rosemeade Parkway, east of Old Denton Road, and is zoned PD-39 for the (LR-2) Local Retail District. Case No. 02-07Z2 Rosemeade Villas/Jerry Sylo.

Councilmember Marchant filed a Conflict of Interest Affidavit with the City Secretary prior to the meeting and excused himself for this item.

Jerry Sylo, 17090 Dallas Parkway #200 stated that he is representing the applicant and is available to answer any questions.

Mayor Miller opened the public hearing. There were no speakers.

Councilmember Simons moved to close the public hearing and Approve Case No. 02-07Z2 Rosemeade Villas. Seconded by Councilmember Hayden. The vote was cast 6-0, Councilmember Marchant abstained.

21. Hold a public hearing and consider an **Ordinance Amending the Comprehensive Zoning Ordinance** regarding accessory structures in non-residential districts. Case No. 05-07ZT1 Accessory Structures in Non-Residential Districts/City of Carrollton.

Lori Levy, Planning Manager presented the case and stated the City is the applicant in this case. The case was approved by the Planning and Zoning Commission.

Mayor Miller opened the public hearing.

There were no speakers.

Councilmember Hayden moved to close the public hearing and Approve Case No. 05-07ZT1 Accessory Structures in Non-Residential Districts. Seconded by Councilmember Malone. The vote was cast 7-0.

22. Hold a public hearing and consider an **Ordinance Amending the Comprehensive Zoning Ordinance** to establish regulations to allow the exploration, development and production of available natural gas resources within the City. Case No. 12-06ZT1 Gas Drilling and Production Ordinance/City of Carrollton.

Lori Levy, Planning Manager presented the case and stated that the item was approved by the Planning and Zoning Commission.

Mayor Miller opened the public hearing.

There were no speakers.

Councilmember Weidinger moved to close the public hearing and Approve Case No. 12-06ZT1 Gas Drilling and Production Ordinance. Seconded by Councilmember Mahalik. The vote was cast 7-0.

Mayor Miller adjourned the meeting and reconvened the Worksession at 7:36 p.m.

*** WORKSESSION ***

5. Briefing on **Recommendations for November 2007 Bond Election.**

Dale Philips of the Capital Improvements Plan Advisory Committee stated that the City last held a bond election in May 2004 for a total of \$78.5 million. With the upcoming bond issuance this summer, the city will have remaining authorization of \$40 million with certain categories of authorization getting low. Planning for the next election officially began when staff received guidance from council to prioritize projects with at least 70% of capacity being dedicated to infrastructure projects. Using this information CIPAC has been reviewing potential infrastructure and facility projects since January of this year and is now ready to present their recommendation to the city council. Representatives from CIPAC will be making the presentation.

The proposed bond election is for projects totaling \$54.5 million divided into 7 separate propositions. The amount and timing of the proposed bond issuance has been planned so that this election will not require the city to raise the debt service tax rate. In so doing,

key debt ratios and debt burden measures will be maintained within acceptable standards. The city's adopted financial policy of maintaining at least 60% of the tax rate for operations will also be maintained.

Staff is seeking city council feedback on the attached proposal. Any follow up items can be considered at CIPAC's June 18th meeting and brought back to the council prior to the calling of the election.

Councilmember Simons thanked the committee and staff for the work on this project.

Councilmember Hayden asked what Neighborhood Project 1-3 are? Cesar Molina, Director of Engineering stated that he had a map he could use to show and it is in relation to the CDBG fund. Councilmember Hayden asked if we still intended to update sidewalks when we do the streets or infrastructure. Mr. Molina stated yes.

Councilmember Weidinger stated that he also appreciated the committee and staff.

Councilmember Hayden asked what the pool renovations would entail. Mr. Molina stated that it would be upgrades to slides at Thomas center and to the bath house and sustaining both facilities.

Pat Canuteson, Executive Director of the Valwood Improvement Authority requested that the Council consider their request to extend Valwood Parkway west of Luna Road.

6. Discuss Appointment to Museum Board.

Councilmember Weidinger stated that he recommends the Council appoint Sally Saar to the Museum Board.

ATTEST:

Ashley D. Mitchell, City Secretary

Becky Miller, Mayor