

**CARROLLTON CITY COUNCIL & PLANNING & ZONING COMMISSION
JOINT WORKSESSION AND REGULAR MEETING**

JANUARY 15, 2008

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, January 15, 2008, at 5:45 p.m. with the following members present: Mayor Pro Tem Matthew Marchant, Deputy Mayor Pro Terry Simons, Councilmembers Tim Hayden, John Mahalik, Pat Malone, Larry Williams and Herb Weidinger, Planning and Zoning Commission Chairman Kevin Falconer, Planning and Zoning Commission members Roy Atwood, Susan Ernst, Joyce Frazier, Harry Hunt, Zahid Kassem, Kristin Taylor and Terrance Wright. Mayor Becky Miller and Planning and Zoning Commissioner Craig Simpkins were absent. 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 Rinehart, City Attorney Clayton Hutchins and City Secretary Ashley D. 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.
4. Council **convened in Executive Session at 5:46 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 6:10 p.m.** to consider action, if any, on matters discussed in the Executive Session.

No action was taken.

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

6. Presentation of **Final Draft of Renaissance 2 Report (Including Market Study Component)**

Planning and Development Manager Lori Levy stated that in 2002, the City Council adopted a series of Renaissance Plans for the Downtown Carrollton area, the Belt Line Road corridor and the retail intersection of Josey Lane and Belt Line Road. This series included a “Station Area Plan” for the proposed DART light rail station in downtown Carrollton which identified opportunities for Transit-Oriented Development based upon a market study conducted in 2000.

Subsequently, the expected long-term impact of the Downtown Carrollton Station increased as the possibility of additional transit routes, such as the “Crosstown Connector (now on DART’s 2030 Plan) and passenger service to be provided by the Denton County Transit Authority (DCTA) were added.

In late 2005 and early 2006, City Council gave staff direction to update and expand the original study, and on March 27, 2006, a contract with Townscape Planning, Inc. was executed to do so. An additional contract was executed on June 2, 2006 with Leland Consulting to prepare an updated market study for the Downtown Carrollton Station market area. Together, these two studies are colloquially referred to as “Renaissance 2.”

Staff is requesting to receive direction from the Council regarding the final wording of these reports. Final acceptance of the reports has been tentatively scheduled for the City Council meeting of February 5, 2008.

7. Discuss **Carrollton Heights Code Enforcement Partnership Project.**

Environmental Services Director Scott Hudson stated that this worksession item provides a pilot project update on the partnership between the Carrollton Heights Neighborhood Association and the Environmental Services Department.

This neighborhood is home to the city’s first historic preservation district. Large lots, mature trees and interesting architecture add to its attractiveness. It is of particular strategic significance because of its close proximity to the Downtown Carrollton Light Rail Transit Station.

In March 2007 the Carrollton Heights Neighborhood Association (CHNA) contacted staff regarding a number of code enforcement concerns. Some of these problems were long-term and some recurred frequently. This contact led to a joint CHNA/code enforcement presentation to the Transit Oriented Development Subcommittee in May 2007.

At this meeting Councilmembers Malone and Williams, CHNA representatives Paula McDonald, Pat Robinson and Bruce Condit and staff developed a proposal for a close partnership between the CHNA and code enforcement. A key element of the partnership established an enhanced code enforcement area. The city agreed to produce an educational flyer on property maintenance priorities and train citizens on identifying and reporting code violations. The city also agreed to find ways to facilitate neighborhood information. CHNA indicated interest in a future neighborhood enhancement matching grant project to beautify subdivision entryways.

Enhanced Code Enforcement Area Activity

Bounded by Denton Drive, Belt Line Road, Warner Street and Baxley Street, this area comprises some 163 households. Of these 31 are known to be rentals. Initial review of items identified by the association led to 37 new cases by March. In July the educational flyers, in Spanish and English, were distributed to every area home with a cover letter describing the new partnership. This letter also informed residents of the coming comprehensive inspections. Staff attended the association’s National Night Out event to meet more of the residents and hear their concerns first hand. At the August CHNA meeting training on code violations and reporting was completed.

These intensive code inspections, taken together with the initial neighborhood association concerns, resulted in:

- ✓ 271 code violations corrected in 2007 – compared to 188 in 2006
- ✓ 23 court citations issued, primarily to repeat offenders – compared to five in 2006
- ✓ 6 properties cleaned up, yards mowed and trees pruned by the city contractor
- ✓ 3 dilapidated structures demolished, including one dangerous house.

While the number of cases increased 44% overall, the most telling figure is the four-fold increase in citations. This citation rate served as a pilot for escalating enforcement with repeat offenders, an initiative the department is now taking city-wide. Six of these citations were issued at one particularly problematic property. Three search warrants were required to complete this work. In consequence some of the most persistent violations in the neighborhood have been corrected, several permanently.

This level of success could not have been achieved without CHNA's constant support and understanding of the neighborhood. Intangible results include improved relationships – code enforcement is increasingly seen as a credible community resource.

Challenges

While this pilot has been highly effective, there are still several properties that will need ongoing attention. One recent dangerous building case is still pending. Recurrence rates are critical. High weeds, accumulated trash, off-street parking and overhanging branches comprised 195 (or 72%) of the Carrollton Heights cases in 2007. The coming year will show the rate of recurrence for these routine case types.

Our initial focus was addressing the most egregious violations in the neighborhood. Our intermediate goal is to see the ratio of violations per household approach the city's norm. This will require moving from 1.7 violations per household in 2007 to the current Carrollton average of 0.3 violations per household. While property maintenance issues will never go away, there is good reason to hope that this partnership can ultimately sustain the neighborhood at a case rate significantly better than the city's average.

This initiative utilizes regularly budgeted resources and has been conducted with existing staff. Budgetary impacts have been minimal. Maintaining this partnership should support neighborhood property values; assessing this, however, is premature.

This neighborhood is critically important to Carrollton's future. Its proximity to downtown makes it increasingly desirable to live in and invest in. This pilot project has yielded significant results, both in terms of improved property maintenance and enhanced relationships with the city – major contributions to a sustainable community.

Staff seeks ongoing support from Council in continuing this partnership and in gradually expanding this pilot to other neighborhood associations.

Mayor Pro Tem Marchant recessed the Worksession at 7:18 p.m.

INVOCATION by Pastor David Bird, Senior Pastor of Trinity Valley Church.

PLEDGE OF ALLEGIANCE by Weebelo Pack 1213.

PUBLIC FORUM

8. **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.

Mr. Chan Pak came to talk about the recent crime against some of his friends who are Korean American citizens in Carrollton. He was concerned about the response time to the calls for service to the Police Department.

Mrs. Shirley Deemus Tarpley, 1507 Milam Way, came to talk about the recent changes in the parade ordinance fees and that the city added the Martin Luther King Day parade in with the fees associated with school parades and other parades. She was concerned that the council didn't ask for citizen input. She believes that the MLK parade shouldn't be grouped with the regular parades since it is a holiday that is celebrated throughout the United States.

Mr. Willie Rainwater, 2006 Southern Oaks, came to talk about the MLK parade also. He first wanted to have a moment of silence in remembrance of Dr. Martin Luther King holiday. He was also concerned about the new ordinance for parade fees. He stated that he felt that the city never asked for citizen input and made this decision behind the citizens' backs. He believes that the groups that use the city's services for parades should have had some input or been notified of the change.

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 Williams moved approval of Consent Agenda Item No. 10 - 20. Second by Councilmember Simons. The vote was cast 7-0 in favor of the motion.

BIDS AND PURCHASES

- *10.** Consider approval of Bid # 08-009 for **Transmission Repair Services From Various Vendors** in an amount not to exceed \$50,000.00.

CONTRACTS AND AGREEMENTS

- *11.** Consider authorizing the City Manager to approve a **Contract With Nathan D. Maier Consulting Engineers, Inc. For The Furneaux Creek Phase 1 Project** in an amount not exceed \$70,000.00.
- *12.** Consider authorizing the City Manager to approve a **Change Order #1 With Tiseo Paving For Various Additions** in an amount not to exceed \$52,270.00, making the revised contract amount not to exceed \$7,304,837.95.

- *13. Consider authorizing the City Manager to approve a Change Order #1 With RKM Utility Services, Inc. For A Replacement Sewer Line in an amount not to exceed \$87,890.00, making the revised contract amount not to exceed \$1,969,980.00.
- *14. Consider authorizing the City Manager to approve a Contract With AUI Contractors, Inc. For Design & Construction Of The Police Gun Range Training Facility for an amount not to exceed \$350,000.00.

ORDINANCES

- *15. Consider an Ordinance Authorizing The Irrigation Water Rate Increase.
- *16. Consider an Ordinance Adopting The Public/Private Agreement Program For Transit-Oriented Development.
- *17. Consider an Ordinance Adopting Amendments To The Unlawful Noise Ordinance.

RESOLUTIONS

- *18. Consider a Resolution Authorizing The City Manager To Enter Into An Agreement With North Central Texas Council Of Governments (NCTCOG) For Signal Timing Improvements On Frankford Road & Josey Lane.
- *19. Consider a Resolution Accepting The Investment Officer's Annual Report For Fiscal Year Ended September 30, 2007.
- *20. Consider a Resolution Authorizing The City Manager To Enter Into A Retail Rehabilitation Grant Agreement With Carrollton Asian Town Center, LP.

CITY COUNCIL/PLANNING AND ZONING COMMISSION JOINT PUBLIC HEARING

- 21. Hold a public hearing and consider an Ordinance Re-assessing The Appropriateness Of Various Existing Special Use Permits For Restaurants With A Private Club, Veterinary Clinics and Daycare Centers. Case No. 01-08SUP1 Revocation of Various Special Use Permits/City of Carrollton.

Lori Levy, Planning Manager presented the case.

Mayor Pro Tem Marchant and Planning and Zoning Commissioner Chair Falconer opened the public hearing.

Planning and Zoning Commissioner Atwood moved to close the Public Hearing and Approve Case No. 01-08SUP1 Revocation of Various Special Use Permits/City of Carrollton. Second by Planning and Zoning Commissioner Ernst. The vote was cast 8-0 in favor of the motion.

Councilmember Weidinger moved to close the Public Hearing and Approve Case No. 01-08SUP1 Revocation of Various Special Use Permits/City of Carrollton. Second by Councilmember Malone. The vote was cast 7-0 in favor of the motion.

PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION

22. Hold a public hearing and **introduce an ordinance for the proposed annexation of the Crow-Billingsley Air Park property.** The 27.856-acre site is located on the southwest corner of Plano Parkway and Park Boulevard. Case No. 11-07MD5 Crow-Billingsley Air Park Annexation/Tom Holland.

Lori Levy, Planning Manager presented the case.

Mayor Pro Tem Marchant opened the public hearing.

Scherle Barth, 6345 Fairchild Street of Plano stated that general aviation is the safest form of transportation in the United States. Those who fly have very stringent guidelines and rules that they have to abide by each time they fly and throughout their careers.

James Hefflin, 2019 Silverway Lane of Carrollton stated that he wished he could have dialogue with council regarding some questions he had but understood the rules about the public hearing. He stated that he wanted council to make sure they didn't make the decision on economic gain alone. He believes that if the council moves forward with the annexation, many property owners will have problems trusting their councilmembers to make the best decision for their city.

Stan Bolin, 6300 Douglas Street of Plano stated that the applicant doesn't have the right to ask Carrollton to annex the property. He stated that the safety issue recently brought up is a non-issue and only a smokescreen to get the council to focus on that rather than the issue at hand. He believes that the bottom line is money.

Dawan Mazzu, 1620 Air Pak of Plano stated she feels there isn't a safety issue after meeting with the school principal and staff. She has a home and plane at Air Park. She enjoys the type of life she can lead out there.

Dale Burgdorf, 6345 Curtis Street of Plano stated he represented the HOA and stated that the decision hinges on certain points; the tax revenue, the safety and personal property rights.

Ed Valentine, 3235 Norcross of Dallas stated that he knows council is wrestling with this decision and commend them on the job they have to do each time they come to a meeting. He believes that some misinformation has been distributed regarding safety. The numbers and statistics speak enormous amounts. He feels the real question is not the annexation of the land, it's the use of the runway in the future.

Tom Doyle, 2031 Falcon Ridge Drive of Carrollton stated that he works for the airlines himself. He is concerned that the annexation is only a ploy to close the runway. If the runway is closed the cost to all property owners and airplane owners out there will skyrocket.

Councilmember Hayden left the meeting at 8:03 p.m.

Paul Williamson, 1900 Glenrose, Carrollton stated that before council makes a judgment that they come out and experience Air Park. The inconvenience of scheduling flights out of Addison airport would prohibit him from keeping his job schedule he can have by getting out of Air Park any time he wants.

Jim Swick, 6300 Stinson of Plano stated that he has lived in Air Park for 43 years. The homeowners have spent thousands of dollars to maintain the runway and taxiways. He believes that Air Park is safe and that if the runway is closed, both financial and mental handicaps will be placed on the families out in that area.

Steve Hankins, 2319 Sheffield Square of Carrollton stated that he is concerned that the city would try to annex the property with the intention of closing the runway. Also concerned with any tax dollars that would be spent to litigate this property and doesn't want Carrollton in that. The airpark is one of the few open spaces in that area and should keep it that way.

John Casey, 3911 Cedar Ridge Lane of Carrollton stated that he is a retired Lieutenant Colonel in the Air Force and opposes shutting down the airport especially on the grounds of safety.

Ellen Daily, 3701 Grasmere of Carrollton stated that she felt that injustice was being done by the City. She stated that she doesn't know anyone at the airpark, but feels it is not right to take the land from those residences. The city should guarantee that those property owners will still be able to use their land for the purpose of flying.

John O'Connell, 2306 Sheffield Square stated that the developer bought the land knowing that it wasn't to be developed. The developer is trying to break the rules.

Mark Stapleton, 4754 Druid Hills Drive of Frisco stated that he learned to fly at the airpark and if there was a lot available he would own one. The airpark gives you the ability to fly that you can't get at other airports.

Steve Kriss, 6340 Brimwood of Carrollton stated that he owns a hanger at airport and requests that the city not annex the property.

Joanna Kriss stated that she is a teacher at the school close to the airpark and there is not a threat to the school. She stated that the district would not place a school someplace that would endanger the students.

Robert Nursey Jr, 1007 Wayland Dr of Arlington stated that he does traffic for a local station and that he flies out of the airpark. He landed at the airpark in an emergency just last week.

Chester Jurskis, 7731 Lone Moor Circle of Dallas stated that he would hope that Council would not be swayed by the claims of safety issues around the airpark. People that are pilots and that use the airpark are good for the children and they need to be around those people and become like them. The airport should be treasured and not shut it down.

Phil Eggers, 5800 Granite Parkway of Plano stated that he is the president of Angel Flight. He stated that many people use the airpark for personal, professional and charitable reasons and he questions the reason for the annexation.

John Velde, 2818 Silverspring Road of Carrollton stated that annexing this property will only help Mr. Billingsley and his endeavors. He suggested that this go to the voters for consideration.

Mary Lou Fairchild, 6310 Douglas of Plano stated that she learned to fly at age 14 and was promised that they would build at airpark. Now someone wants to take that away. She sits on her porch and watches the planes and houses two planes in her hangar.

Paula McDonald, 1208 Clint Street of Carrollton stated that she is from an airline family and opposes the annexation. She stated that the pilots are safe and experienced and that should not be a threat.

Maria Williamson, 1900 Glenrose of Carrollton stated that she has an airplane at the airpark and that if the city annexes the area her hanger will be taken away. There are no other airparks that they can go and we don't need more office or restaurants.

Todd Edel, 901 Main Street, Suite 550 of Dallas stated that he represents the applicant, Crowe Billingsley. He stated that he wanted to address the facts of the case and that council is charged with doing what is best for the city of Carrollton in the future. He believes that the rights of the property owners is important but the paperwork shows that there is only one owner of the property in question.

Bob Jacoby, 1532 Rive Lane, Addison stated that the airpark works in conjunction with Addison and would ask where are these people going to go if the airpark is closed. The airpark is an asset to Collin County.

Henry Billingsley, stated that he purchased the property 20 years ago and believes that his property would be enhanced in value by being brought into Carrollton.

The following people registered their opposition but did not wish to speak:

Marlen Key, 6320 Douglas Street, Plano
John Black, 6370 W. Plano Parkway, Plano
John and Christopher Spindler, 1524 Bastrop Drive, Carrollton
Lionel McKamy, 6335 Fairchild, Plano
John Daily, 3701 Grasmere, Carrollton
Rick and Janet Cathrine, 6310 Stinson Street, Plano
Carol Vasquez, 6315 Stinson Street, Plano
Gary Cobb, 6315 Stinson Street, Plano
Stephen Cadigan, 3908 Waymaker, Carrollton
Brad Rose, 2141 Prager Port Lane, Plano
Mary Lou Fairchild, 6310 Douglas Street, Plano
Dean Mize, 6350 Curtis Street
George and Nancy Brown, 6305 Lockheed Street, Plano
Brad Rose, 2141 Prager Port Lane, Plano
Angie Heflen, 2019 Silverway Lane, Carrollton
Tom Sherman, 6421 Willowdale Drive, Plano
Leah Casey, 3911 Cedar Ridge Lane, Carrollton
Scott and Holly Meyer, 6315 Douglas Street, Plano
James Barth, 6345 Fairchild Street, Plano
Jim and Susan Fontaine, 6445 Brandon Court, Plano
David Seals, 6335 Stinson Street, Plano
Walter and Mickey Fuller, 6340 Curtis Street, Plano
Dick Schiltz, 6300 Beech Street, Plano
Ali Mitlo, 4313 Denton Elm Drive, Plano
Bill Toy, 6316 Misty Trail, Dallas

Amy Eklund, 6315 Beech Street, Plano
Chad Maisel, 6315 Beech Street, Plano
Randy McCranie, 3810 Seminole Circle, Carrollton
Patricia and William Cline, 6340 Beech Street, Plano
Gloria Burgdorf, 6345 Curtis Street, Plano
Ray Warren, 2100 Menton Drive, Carrollton
J. Jan Collmer, 3418 Midcourt #119, Carrollton
Carl Kalbfleish, 2238 Arbor Creek Drive, Carrollton
Damon and Megan Lewis, 1939 Cheyenne Drive, Carrollton
David Key, 6320 Douglas, Plano
Chris Evans, 3805 Ellington, Plano
Whitney Wheaton
Sue Ross, 6355 Stinson Street, Plano
Paul Whitesell, 6355 Stinson Street, Plano
Maria Williamson, 1900 Glenrose Lane, Carrollton
Joe and Dori Head, 1890 Airpark, Plano
Ralph Haroldson, 3233 Chapel Downs, Dallas

Mayor Pro Tem Marchant adjourned the meeting and reconvened the Worksession at 8:57 p.m.

9. Discuss **Stormwater Pollution Prevention Regulations.**

Environmental Services Director Scott Hudson stated that this worksession item provides an overview of the Stormwater Pollution Prevention Regulations, impact on the city and the city's stormwater management plan in compliance with the regulations.

The Stormwater Pollution Prevention regulations are an essential component of the federal Clean Water Act, which prohibits the discharge of any pollutant to surface waters of the United States, unless that discharge is authorized by permit. In Texas, the second phase of the regulations covering small cities operating a municipal separate stormwater sewer system (MS4) was finally approved in August, 2007. Small cities, like Carrollton, are now required to obtain coverage under a Texas Pollutant Discharge Elimination System Stormwater permit by submitting not later than February 11, 2008, a Notice of Intent signed by the mayor and a Stormwater Management Program (SWMP).

The stormwater permit for Phase II cities like Carrollton requires a SWMP to contain six minimum control measures that will effectively protect the quality of surface waters through the reduction or prevention of pollutants being carried in stormwater runoff.

This worksession presentation gave an overview of the importance of protecting stormwater runoff from pollution, the six minimum control measures required by the Phase II stormwater regulations for small MS4s and Carrollton's compliance plan – its Stormwater Management Program and its Stormwater Management Committee.

Because the Stormwater Management Plan relies heavily upon on-going or low-cost initiatives, staff anticipates minimal budgetary impact at this time. Failure to comply with these regulations subjects the city to penalties ranging to \$25,000 per day.

This program is primarily a means of protecting and enhancing environmental quality in Carrollton, a key component of a sustainable community.

ATTEST:

Ashley D. Mitchell, City Secretary

Becky Miller, Mayor