



City of Coppell, Texas

255 E. Parkway Boulevard
Coppell, Texas
75019-9478

Minutes

City Council

Tuesday, December 10, 2019

5:30 PM

Council Chambers

KAREN HUNT
Mayor

MARK HILL
Mayor Pro Tem

CLIFF LONG
Place 1

GARY RODEN
Place 4

BRIANNA HINOJOSA-SMITH
Place 2

NANCY YINGLING
Place 5

WES MAYS
Place 3

BIJU MATHEW
Place 6

MIKE LAND
City Manager

Present 7 - Karen Hunt;Cliff Long;Brianna Hinojosa-Smith;Wes Mays;Nancy Yingling;Biju Mathew and Mark Hill
Absent 1 - Gary Roden

Also present were City Manager Mike Land, Deputy City Managers Traci Leach and Vicki Chiavetta, City Secretary Christel Pettinos and City Attorney Robert Hager.

The City Council of the City of Coppell met in Regular Session on Tuesday, December 10, 2019 at 5:32 p.m. in the City Council Chambers of Town Center, 255 Parkway Boulevard, Coppell, Texas.

1. Call to Order

Mayor Hunt called the meeting to order, determined that a quorum was present and convened into the Executive Session at 5:39 p.m.

2. Executive Session (Closed to the Public) 1st Floor Conference Room

Section 551.071, Texas Government Code - Consultation with City Attorney.

- A.** Seek legal advice from City Attorney regarding Short Term Rental ordinance and Zaatari, et al v. City of Austin, No. 03-17-812-CV.
Discussed under Executive Session

- B.** Seek legal advice from City Attorney regarding Chapter 321 of the Municipal Sales and Use Tax Act.

Discussed under Executive Session

Section 551.087, Texas Government Code - Economic Development Negotiations.

- C.** Discussion regarding economic development prospects north of I.H. 635 and west of Belt Line Road.

Discussed under Executive Session

Section 551.072, Texas Government Code - Deliberation regarding Real Property.

- D.** Discussion regarding real property located south of East Belt Line Road and east of South Belt Line Road.

Discussed under Executive Session

3. Work Session (Open to the Public) 1st Floor Conference Room

Mayor Hunt recessed the Executive Session at 6:37 p.m. and convened in the Work Session at 6:38 p.m.

- A.** Discussion of agenda items.
- B.** Discussion regarding Board & Commission appointment.
- C.** Discussion regarding Rolling Oaks Memorial Center Phase 2.

Regular Session

Mayor Hunt adjourned the Work Session at 6:40 p.m. The City Council attended the Boards and Commission reception in the Atrium.

Councilmember Hinojosa-Smith arrived prior to the Regular Session.

Mayor Hunt reconvened into the Regular Session at 7:30 p.m.

4. BOARD & COMMISSION RECEPTION IN ATRIUM FROM 6:30 TO 7:30 P.M.

5. Invocation 7:30 p.m.

Pastor Jeff Spangler with Generate Life Church gave the Invocation.

6. Pledge of Allegiance

Mayor Hunt and the City Council led those present in the Pledge of Allegiance.

- 7.** Consider approval of appointment of Kam Shams to the Economic Development Foundation for a three-year term.

A motion was made by Councilmember Wes Mays, seconded by Mayor Pro Tem Mark Hill, that this Agenda Item be approved. The motion passed by an unanimous vote.

8. Swearing in of newly appointed Board/Commission/Committee members.

Mayor Hunt administered the oath of office to the newly appointed Board and Commission members.

9. **Citizens' Appearance**

Mayor Hunt asked for those who signed up to speak:

1) Matthew Church, 2236 Churchill Loop, Grapevine, spoke in opposition to the Short Term Rental ordinance extension.

10. **Consent Agenda**

- A. Consider approval of the minutes: November 11, November 12 and November 15, 2019.

A motion was made by Councilmember Nancy Yingling, seconded by Councilmember Wes Mays, that Consent Agenda Items A-D be approved. The motion passed by an unanimous vote.

- B. Consider approval of a Resolution amending Resolution No. 010996.3 as amended, amending the Master Fee Schedule for Solid Waste Collection Fees; and authorizing the Mayor to sign.

A motion was made by Councilmember Nancy Yingling, seconded by Councilmember Wes Mays, that Consent Agenda Items A-D be approved. The motion passed by an unanimous vote.

Enactment No: RE 2019-1210.1

- C. Consider approval of an Ordinance amending the Code of Ordinances by amending Chapter 1, Administration, Articles 1-5. - City Manager, by adding Subsection J to Section 1-5-6 for the presentation of the arts in Coppell; and authorizing the Mayor to sign.

A motion was made by Councilmember Nancy Yingling, seconded by Councilmember Wes Mays, that Consent Agenda Items A-D be approved. The motion passed by an unanimous vote.

Enactment No: OR 2019-1526

- D. Consider approval for the second renewal of contract with Scodeller Construction, Inc.; for annual crack and joint sealing in various locations; in the amount of \$100,000.00; as budgeted in Infrastructure Maintenance Funds for FY 2019/20; and authorizing the City Manager to sign any necessary documents.

A motion was made by Councilmember Nancy Yingling, seconded by Councilmember Wes Mays, that Consent Agenda Items A-D be approved. The motion passed by an unanimous vote.

End of Consent Agenda

- 11.** Consider approval of an Ordinance of the City of Coppell, Texas, republishing and extending the Chapter 9 of the Code of Ordinances, Article 9-29, "Short Term Rentals," providing for a sunset review to be extended for a period from December 31, 2019 to January 31, 2021; and authorizing the Mayor to sign.

Presentation: Luay Rahil, Assistant Director of Community Development, made a presentation to the City Council.

A motion was made by Councilmember Wes Mays, seconded by Councilmember Cliff Long, that this Agenda Item be approved. The motion passed by an unanimous vote.

Enactment No: OR 2019-1527

- 12.** PUBLIC HEARING:
Consider approval of PD-214R9-C, 151 Coffee, a zoning change request from PD-214R8-C (Planned Development-214 Revision 8-Commercial) to PD-214R9-C (Planned Development-214 Revision 9 - Commercial) to attach a Detail Site Plan for a 581-square foot building with drive-thru on 0.7 acres of land, located on the west side of S. Denton Tap Road, approximately 400 feet south of W. Sandy Lake Road; at the request of 3 Denton Tap, LLC; being represented by Burger Engineering.

Presentation: Matt Steer, Development Services Coordinator, made a presentation to the City Council.

Mayor Hunt opened the Public Hearing and advised that no one signed up to speak.

Mark Wattles, 2801 Brazos, Euless, owner and applicant, answered questions of the City Council.

A motion was made by Councilmember Nancy Yingling, seconded by Councilmember Brianna Hinojosa-Smith, to close the Public Hearing and approve this Agenda Item with the subject to the following conditions:

- 1) There may be additional comments at the time of Building Permit and Detail Engineering Review.**
- 2) Tree Removal Permit required prior to start of construction.**
- 3) Ensure that all lights are shielded from the residential properties to the west and all onsite lighting meets the glare and lighting standards within Article 36 of the Zoning Ordinance.**
- 4) Allow two 60-square-foot building signs as depicted on the Sign Plan.**
- 5) Allow an exception to the interior (parking lot), perimeter and overall 30%**

landscape area requirements with 24.5% proposed.

6) Allow two menu boards without masonry construction.

7) Hours of Operation shall not to exceed 5 am to 10 pm, 7 days a week.

8) Depict the location of the speakers on the elevations, note that they will face east toward Denton Tap, that the sound will be kept at a level that is non-offensive and played only between the hours of 7:30 am and 8:00 pm.

The motion passed by an unanimous vote.

13.

PUBLIC HEARING:

Consider approval of a zoning change from S-1166-LI (Special Use Permit-1166 -Light Industrial) to S-1166R-LI (Special Use Permit-1166 Revised-Light Industrial), to approve a revised site plan, landscape plans and building elevations for the addition of a car wash, and adjusting access to the fire lane by removing some canopies and relocation of internal gates, on approximately 16 acres of property located at 800 S. Royal Lane, at the request of Barnier Building Systems on behalf of Park'n Fly, owners of the property.

Presentation: Mary Paron-Boswell, Senior Planner, made a presentation to the City Council.

Mayor Hunt opened the Public Hearing and advised that no one signed up to speak.

A motion was made by Councilmember Wes Mays, seconded by Mayor Pro Tem Mark Hill, to close the Public Hearing and approve the Agenda Item subject to the following conditions:

1) There may additional comments generated during detail engineering review.

2) Add stop signs to the drive aisle both north and south of the car wash exit.

The motion passed by an unanimous vote.

14.

Consider approval of an Interlocal Agreement between the City of Coppell and the City of Lewisville, to provide for permitting and jurisdictional responsibilities for various municipal services for a new development that spans both cities; and authorizing the Mayor to sign.

Agenda Items 14 and 15 were considered simultaneously.

Presentation: Mary Paron-Boswell, Senior Planner, made a presentation to the City Council.

A motion was made by Councilmember Wes Mays, seconded by Councilmember Biju Mathew, that this Agenda Item be approved. The motion passed by an unanimous vote.

15.

PUBLIC HEARING:

Consider approval of a zoning change from HC (Highway Commercial) and LI (Light Industrial) to PD-298-HC (Planned Development-298-

Highway Commercial) to allow a parking lot to be constructed on approximately 2.5 acres of a 3.77- acre lot located in Coppell, with an a badminton facility constructed on the remainder of the lot located in the City of Lewisville; on property located on the south side of Vista Ridge Mall Drive approximately 1,400 feet east of Business SH 121, at the request of Homeyer Engineering on behalf of Feathers Smash, LLC.

Agenda Items 14 and 15 were considered simultaneously.

Presentation: Mary Paron-Boswell, Senior Planner, made a presentation to the City Council.

Mayor Hunt opened the Public Hearing and asked for those who signed up to speak:

1) Mike Weatherford, HOA President, 2709 Heatherwood, Lewisville, was not in opposition to the item, but expressed his concerns surrounding noise, lighting and the drainage easement.

2) Steve Homeyer, Civil Engineer, answered questions of the City Council.

A motion was made by Councilmember Wes Mays, seconded by Councilmember Biju Mathew, to close the Public Hearing and approve this Agenda Item. The motion passed by an unanimous vote.

- 16.** Consider approval of a Resolution authorizing the creation of the Coppell Arts, Cultural & Heritage Foundation; providing an effective date; and authorizing the Mayor to sign

Presentation: Alex Hargis, Arts Center Managing Director, made a presentation to the City Council.

A motion was made by Councilmember Cliff Long, seconded by Mayor Pro Tem Mark Hill, that this Agenda Item be approved. The motion passed by an unanimous vote.

- 17.** Consider approval of a Guaranteed Maximum Price Amendment to the Agreement between the City of Coppell (Owner) and W.B. Kibler Construction (Construction Manager) for the construction of Rolling Oaks Memorial Center Phase II Expansion, in the amount of \$7,750,418; and authorizing the City Manager to sign any necessary documents.

Presentation: Guy McLain, Assistant Director of Parks, and John Elias, Park Operations Manager, made a presentation to the City Council.

A motion was made by Councilmember Wes Mays, seconded by Mayor Pro Tem Mark Hill, that this Agenda Item be approved subject to the replacement of aluminum wiring with copper wiring. The motion passed by an unanimous vote.

- 18.** Consider approval of Resolutions casting votes for the Board of Directors for the Dallas Central Appraisal District and the Denton Central Appraisal District; and authorizing the Mayor to sign.

No motion was made and therefore no action was taken.

19. City Manager Reports - Project Updates and Future Agendas

City Manager Mike Land reported that Freeport Parkway, south of Airline Drive, targets to have four lanes open by December 31st.

20. Mayor and Council Reports

Report by the City Council on recent and upcoming events.

Mayor Hunt reported on the following events: On December 14, there will be a Wreath Laying Ceremony at Rolling Oaks Memorial Center. Please check the website for details. Finally, city offices will be closed December 24-25 and January 1 for the holidays.

21. Council Committee Reports concerning items of community involvement with no Council action or deliberation permitted.

A) North Central Texas Council of Governments - Councilmember Wes Mays

B) North Texas Commission - Councilmembers Nancy Yingling and Wes Mays

C) Historical Society - Councilmember Cliff Long

A) Councilmember Wes Mays reported that the North Central Texas Council of Governments is accepting public input on related topics of transportation through their website.

B) Councilmember Nancy Yingling reported North Texas Commission will be hosting the 2nd Annual Diversity, Equity and Inclusion Summit on February 7th. Also, the Leadership North Texas Class 12 will be accepting applications at the beginning of the year. Finally, a candidate education seminar will be held on January 10th for LNTU alumni considering running for elected office.

C) Councilmember Cliff Long reported on the Pioneer Days event hosted by the Historical Society. It was estimated that 500 people attended. Some of the favorite items included the petting farm, the free snow cones and the Minyard Store. The Historical Society is also working with Pinkerton Elementary by providing history lessons at the Minyard Store. Finally, the Kirkland House was featured in the Assistance League Holiday Home Tour this year.

22. Public Service Announcements concerning items of community interest with no Council action or deliberation permitted.

Mayor Hunt encouraged everyone to pre-register for the It's Time Texas Challenge beginning at the first of the year.

23. Necessary Action from Executive Session

At this time, the City Council reconvened into the Executive Session at 9:32 p.m.

Mayor Hunt adjourned the Executive Session at 10:08 p.m. and reconvened into the Regular Session.

A motion was made by Councilmember Wes Mays, seconded by Mayor Pro Tem Mark Hill, to hire Thomson Knight as special legal counsel to provide representation to the City of Coppell concerning tax situs for local sales and use tax regulations under the Texas Tax Code and the supreme court ruling in South Dakota versus Wayfair; and /or, to join an assembly or coalition of cities to hire said special counsel to represent such group regarding said issues; and, agree to fund a proportionate share for such representation. The motion passed by an unanimous vote.

24. Adjournment

There being no further business before the City Council, the meeting was adjourned at 10:11 p.m.

Karen Selbo Hunt, Mayor

ATTEST:

Christel Pettinos, City Secretary