



City of Coppell, Texas

255 Parkway Boulevard
Coppell, Texas 75019-9478

Minutes City Council

Tuesday, March 26, 2013

6:00 PM

Council Chambers

KAREN HUNT
Mayor

TIM BRANCHEAU
Mayor Pro Tem

BOB MAHALIK
Place 2

BILLY FAUGHT
Place 5

WES MAYS
Place 3

MARVIN FRANKLIN
Place 6

GARY RODEN
Place 4

AARON DUNCAN
Place 7

CLAY PHILLIPS
City Manager

Present 7 - Tim Brancheau; Bob Mahalik; Wes Mays; Gary Roden; Billy Faught; Marvin Franklin and Aaron Duncan

Absent 1 - Karen Hunt

Also present were City Manager Clay Phillips, City Secretary Christel Pettinos and City Attorney Robert Hager.

The City Council of the City of Coppell met in Regular Called Session on Tuesday, March 26, 2013, at 6:00 p.m. in the City Council Chambers of Town Center, 255 Parkway Boulevard, Coppell, Texas.

1. **Call to Order**

Mayor Pro Tem Brancheau called the meeting to order, determined that a quorum was present and convened into Executive Session at 6:14 p.m.

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

A. **Section 551.087, Texas Government Code - Economic Development Negotiations.**

Discussion regarding economic development prospects south of Houston Street and west of S. Coppell Road.

Discussed under Executive Session

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

Discussion regarding property purchases and matters concerning property located at Northlake.

Discussed under Executive Session

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

Mayor Pro Tem Brancheau adjourned the Executive Session at 6:51 p.m. and convened into the Work Session.

- A. Discussion regarding the Library Strategic Plan.
- B. Discussion of 265 Parkway Parking Lot Expansion.
- C. Discussion of Agenda Items.

Presented in Work Session

Regular Session (Open to the Public)

Mayor Pro Tem Brancheau adjourned the Work Session at 7:22 p.m. and opened the Regular Session.

4. Invocation 7:30 p.m.

Reverend Dale Patterson with Hackberry Creek Church gave the Invocation.

5. Pledge of Allegiance

A scout from Troop 842 led those present in the Pledge of Allegiance.

6. Consider approval of a proclamation naming March 26, 2013, as Donna Jenkins Appreciation Day, and authorizing the Mayor to sign.

Mayor Pro Tem Brancheau read the proclamation for the record and presented the same to Donna Jenkins. A motion was made by Councilmember Billy Faught, seconded by Councilmember Marvin Franklin, that this Agenda Item be approved. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

7. Consider approval of a proclamation naming April 6, 2013 as ARBOR DAY and authorizing the Mayor to sign.

Mayor Pro Tem Brancheau read the proclamation for the record and presented the same to Shawn Thompson, KCB Chair, Bret Saunders, KCB Boardmember, and Jen Ferguson, Community Programs Coordinator. A motion was made by Councilmember Gary Roden, seconded by Councilmember Bob Mahalik, that this Agenda Item be approved. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

8. Consider approval of a Proclamation naming the month of April as "Records Management Month," and authorizing the Mayor to sign.

Mayor Pro Tem Brancheau read the proclamation for the record and presented the same to Brenda Patterson, CRM, VP Professional Development, ARMA Dallas Chapter, and Veronica Lomas, Assistant City Secretary. A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Billy Faught, that this Agenda Item be approved. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

9. Presentation of the Texas Municipal Library Directors Association "Achievement of Excellence in Libraries Award" to the William T. Cozby Public Library.

Presented and Filed

Ann Weigand, Library Director for the City of Lewisville, presented the Texas Municipal Library Directors Award to Vicki Chiavetta, Coppell Library Director, staff and Board members.

10. Board Report by Keep Coppell Beautiful.

Read and Filed

Shawn Thompson, Chair, gave the Board's semi-annual report.

11. **Citizens' Appearance**

Mayor Pro Tem Brancheau advised that no one signed up to speak.

12. **Consent Agenda**

- A. Consider approval of the minutes: February 26, 2013 and March 6, 2013.

A motion was made by Councilmember Billy Faught, seconded by Councilmember Aaron Duncan, approving Agenda Items A-C on the Consent Agenda. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

- B. Consider approval of an Ordinance for Case No. PD-210R-SF-9, Kaye Street, a zoning change from PD-210-SF-9/(CH) (Planned

Development-210-Single Family-9/Called Hearing), to PD-210R-SF-9 (Planned Development-210 Revised-Single Family-9), to allow a home with stucco construction to be located at 413 Kaye Street and authorizing the Mayor to sign.

A motion was made by Councilmember Billy Faught, seconded by Councilmember Aaron Duncan, approving Agenda Items A-C on the Consent Agenda. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

Enactment No: 91500-A-614

- C.** Consider approval of an Ordinance for Case No. PD-250R8-H, Old Town Addition (Main Street), a zoning change from PD-250-H (Planned Development-250-Historic), to PD-250R8-H (Planned Development-250 Revision 8-Historic), to revise the existing Conceptual Planned Development Ordinance, including Section 4, to provide for Administrative Review and approval of Detail Plans when in general conformance with the Concept Plan and conditions, on approximately 10.4 acres located south of Bethel Road, north of Burns Road between Hammond and South Coppell Roads and authorizing the Mayor to sign.

A motion was made by Councilmember Billy Faught, seconded by Councilmember Aaron Duncan, approving Agenda Items A-C on the Consent Agenda. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

Enactment No: 91500-A-615

End of Consent Agenda

- 13.** Consider approval of a Letter of Intent by and between the City of Coppell and CSE Commercial Real Estate, LP, to develop and acquire 7.837 acres ± of land located along the east side of South Coppell Road south of Bethel Road; and, to authorizing the City Manager to negotiate and execute the appropriate agreements with CSE Commercial Real Estate, LP, and/or Coppell Economic Development Foundation consistent therewith and authorize the Mayor and City Manager to execute appropriate closing documents necessary to convey such property.

Presentation: Mindi Hurley, Economic Development Coordinator, made a presentation to Council.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Bob Mahalik, that this Agenda Item be approved. The motion

passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

- 14.** Consider approval of an Ordinance of the City of Coppell, Texas, approving an amendment to Ordinance No. 2012-1318, the budget for the Fiscal Year October 1, 2012 through September 30, 2013, and authorizing the Mayor to sign.

Presentation: Jennifer Miller, Director of Finance, made a presentation to Council.

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

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

Enactment No: 2013-1335

- 15.** PUBLIC HEARING:
Consider approval of Case No. ZC-624, Southwestern Industrial Addition, Lot 1, a zoning change request from C (Commercial) to LI (Light Industrial), to be consistent with the zoning on the abutting properties on 0.9 acres of property located at the northeast corner of Southwestern Boulevard and South Coppell Road (440 Southwestern Blvd.).

Presentation: Gary Sieb, Director of Planning, made a presentation to Council.

Mayor Pro Tem Brancheau opened the Public Hearing and advised that no one signed up to speak.

A motion was made by Councilmember Billy Faught, seconded by Councilmember Marvin Franklin, to close the Public Hearing and approve this Agenda Item. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

- 16.** PUBLIC HEARING:
Consider approval of Case No. PD-133R5-SF-7, Magnolia North Addition, a zoning change request from PD-133-HC (Planned Development-133-Highway Commercial) to PD-133R5-SF-7 (Planned Development-133-Revision 5-Single Family-7), to allow the development of 28 single-family lots and three (3) common area lots on 5.41 acres of property located along the south side of S.H. 121, approximately 260 feet west of North Denton Tap Road and to amend

the Land Use Map of the Coppell 2030 Comprehensive Master Plan from "Freeway Special District" to "Urban Residential Neighborhood".

Presentation: Gary Sieb, Director of Planning, made a presentation to Council.

Barry Knight, representing the applicant, requested the continuation of the Public Hearing until the May 14th meeting.

Mayor Pro Tem Brancheau opened the Public Hearing and asked for the following to speak:

- 1) Daniel Satsky, 770 Black Forest Ct., Southlake, signed up in favor but chose to hold until May 14th.
- 2) Kevin Dunn, 1324 Coral, signed up in favor but chose to hold until May 14th.
- 3) Bobby Rollings, 3221 St. Georges, Plano, signed up in favor but chose to hold until May 14th.
- 4) Kyle Parnell, 142 Natches Trace West, spoke against the item.
- 5) Dr. John and Julie Hanson, 166 Natches Trace, spoke against the item.
- 6) Brian Thompson, 626 Madison St., spoke against the item.
- 7) Ruth Holder, 134 Natches Trace, spoke against the item.
- 8) Michael Herzog, 702 Madison, spoke against the item.
- 9) Mike McReynolds, 162 Natches Trace, spoke against the item.

At 8:34 p.m., Mayor Pro Tem Brancheau called an Executive Session as permitted under Section 552.071, Consultation with City Attorney. The Executive Session was adjourned at 8:37 p.m.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Gary Roden, to postpone the Agenda Item until May 14. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

17.

PUBLIC HEARING:

Consider approval of Case No. PD-255R-SF, Westhaven, a zoning change request from PD-255-SF (Planned Development 255-Single Family) to PD-255R-SF (Planned Development 255-Revised-Single Family), to reduce the rear yard setback from 50 feet from SH 121 R.O.W. to 45 feet on 11 lots containing 1.6 acres of property located south of S.H. 121, approximately 2,460 feet west of Magnolia Park.

Presentation: Gary Sieb, Director of Planning, made a presentation to Council.

Mayor Pro Tem Brancheau opened the Public Hearing and advised that no one signed up to speak.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Aaron Duncan, to close the Public Hearing and approve the Agenda Item to reduce the rear yard setback from 45 feet from SH 121 ROW on 11 lots. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

18.

PUBLIC HEARING:

Consider approval of a text amendment to ARTICLE 30 - "S OR SUP", SPECIAL USE PERMITS, Section 12-30-16(3), New restaurant in a lease space/building with an existing Special Use Permit for a restaurant, to eliminate the requirement for Administrative Approval of an SUP for a new restaurant occupant.

Presentation: Gary Sieb, Director of Planning, made a presentation to Council.

Mayor Pro Tem Brancheau opened the Public Hearing and advised that no one signed up to speak.

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

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

19.

PUBLIC HEARING:

Consider approval of a text amendment to ARTICLE 27 - "PD" PLANNED DEVELOPMENT DISTRICT, Section 12, to revise various provisions, including granting the Director of Planning approval authority to approve Detail Plans, after DRC review, if compliance with the Concept Plan.

Presentation: Gary Sieb, Director of Planning, made a presentation to Council.

Mayor Pro Tem Brancheau opened the Public Hearing and advised that no one signed up to speak.

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

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

20.

PUBLIC HEARING:

Consider approval of a text amendment to ARTICLE 39 - BUILDING SITE CREATION AND SITE PLAN REVIEW, Section 12-39-2, Review of site plans, to allow the Planning & Zoning Commission to be the final authority on site plans.

Presentation: Gary Sieb, Director of Planning, made a presentation to Council.

Mayor Pro Tem Brancheau opened the Public Hearing and advised that no one signed up to speak.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Bob Mahalik, to close the Public Hearing and approve the Agenda Item. The motion passed by an unanimous vote.

At this time, Council took a recess at 9:13 p.m. and reconvened back into Regular Session at 9:18 p.m.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

- 21.** Consider approval of bid No. Q-0213-01, from JDK Associates, Inc., in the amount of \$1,285,202.60, for erosion control improvements for Andrew Brown Park East and Alex Drive Canal, and authorizing the CRDC President and City Manager to sign the necessary documents

Presentation: Guy McLain, Assistant Director of Parks and Recreation, made a presentation to Council.

A motion was made by Councilmember Bob Mahalik, seconded by Councilmember Billy Faught, that this Agenda Item be approved. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

- 22.** Consider approval of an Ordinance by amending Section 8-3-1(A) of the Code of Ordinances; making it unlawful to stop, stand, or park a vehicle on the east side of Enclaves Court at all times from its point of intersection with Parkway Boulevard to a point 110 feet south; providing a penalty of fine not to exceed the sum of two hundred dollars (\$200.00) for each offense; and authorizing the Mayor to sign and execute any necessary documents.

Presentation: Ken Griffin, Director of Engineering, made a presentation to Council.

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

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

Enactment No: 2013-1336

- 23.** Consider approval of a contract with RKM Utilities for the reconstruction of Mockingbird Lane as part of the ¼ cent sales tax initiative in the amount of \$987,155.00, with an additional incentive

bonus of \$60,000.00, for a total award of \$1,047,155.00, as budgeted; and authorizing the City Manager to sign and execute any necessary documents.

Presentation: Keith Marvin, Engineer, made a presentation to Council.

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

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

- 24.** Consider approval of an Engineering Services contract with Teague Nall and Perkins, Inc. for the relocation of a water line within the TxDOT State Highway (SH121) corridor to accommodate the widening of SH121 in the amount of \$99,500.00; as budgeted; and authorizing the City Manager to sign and execute any necessary documents.

Presentation: Ken Griffin, Director of Engineering, made a presentation to Council.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Billy Faught, that this Agenda Item be approved. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

- 25.** Consider adoption of the William T. Cozby Public Library 2013-2015 Strategic Plan.

Presentation: Vicki Chiavetta, Library Director, made a presentation to Council.

A motion was made by Councilmember Billy Faught, seconded by Councilmember Bob Mahalik, that this Agenda Item be approved. The motion passed by an unanimous vote.

Aye: 7 - Mayor Pro Tem Tim Brancheau; Councilmember Bob Mahalik; Councilmember Wes Mays; Councilmember Gary Roden; Councilmember Billy Faught; Councilmember Marvin Franklin and Councilmember Aaron Duncan

26. City Manager Reports

Project Updates and Future Agendas.

Read and Filed

City Manager Clay Phillips reminded Council that they will have a Five Year Budget Workshop on April 11th and a 5th Tuesday Workshop on April 30th. There are various events every Saturday in April, including the Dedication of Heritage Park on April 13th. Regarding Project Updates, Old Town is moving

along. With the approved LOI presented at this meeting, residential housing will continue to be constructed in Old Town. 265 Parkway is fully operational and Mr. Phillips invited all of Council to visit the building. The 2nd Floor remodeling will take place after the remodeling of the 2nd Floor at Town Center is completed. A name is still being sought for the new building.

27. Mayor and Council Reports

- A. Report by Mayor Hunt regarding Metroplex Mayors' Meeting.
- B. Report by Mayor Hunt regarding upcoming Spring Events, EGGStravaganza and EcoCoppell Earthfest.

Read and Filed

Mayor Pro Tem Brancheau did not attend the Metroplex Mayors' Meeting, so nothing was addressed. Regarding the various Spring Events, Mayor Pro Tem Brancheau announced EGGStravaganza is on March 30th at 11am. Freeport Parkway to Ruby Road will be closed beginning at 10:40am. Please enter from Royal Lane into the Tennis Center Parking lot.

EcoCoppell Earthfest will be held on April 6th from 10am – 2pm. The band, Definitely, Maybe (the band that played at our very first Earthfest!) will be performing. Food by Gandolpho's Food Truck will be available offering New York Style sub sandwiches. There will also be kids activities, earthern vendors brought to you by KCB, a prototype Wind Turbine, and lots more!

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

Councilmember Mays reported on CISD. CHS Senior Bethany LePrade performed on The Voice. 58 choir members performing in the Texas State Solo and Ensemble competition advanced to Austin, as did members of the CHS Debate and Swim Team. Finally, the CHS Honor Band performed for the Texas Association of School Administrators in Austin.

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

Nothing to report.

30. Necessary Action from Executive Session

Nothing to report.

Adjournment

There being no further action before the City Council, the meeting was adjourned.

Karen Selbo Hunt, Mayor

ATTEST:

Christel Pettinos, City Secretary