



City of Coppel, Texas

255 Parkway Boulevard
Coppel, Texas 75019-9478

Minutes City Council

Tuesday, April 8, 2014

5:30 PM

Council Chambers

KAREN HUNT
Mayor

BILLY FAUGHT
Mayor Pro Tem

TIM BRANCHEAU
Place 1

BOB MAHALIK
Place 2

WES MAYS
Place 3

GARY RODEN
Place 4

MARVIN FRANKLIN
Place 6

AARON DUNCAN
Place 7

CLAY PHILLIPS
City Manager

Also present were City Manager Clay Phillips, City Secretary Christel Pettinos and City Attorneys Robert Hager and David Dodd.

The City Council of the City of Coppel met in Regular Called Session on Tuesday, April 8, 2014, at 5:30 p.m. in the City Council Chambers of Town Center, 255 Parkway Boulevard, Coppel, Texas.

1. Call to Order

Mayor Hunt called the meeting to order, determined that a quorum was present and convened into Executive Session at 5:40 p.m.

Present 8 - Karen Hunt; Billy Faught; Tim Brancheau; Bob Mahalik; Wes Mays; Gary Roden; Marvin Franklin and Aaron Duncan

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

Section 551.087, Texas Government Code - Economic Development Negotiations.

A. Discussion regarding economic development properties south of Southwestern Boulevard and west of Belt Line Road.

Discussed under Executive Session

B. Discussion regarding economic development prospects south of Bethel Road and west of S. Coppel Road.

Discussed under Executive Session

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

- C.** Seek legal counsel regarding development regulations.

Discussed under Executive Session

- D.** Pending litigation being Cause Number 05-10-00283-CV, styled Mira Mar Development Corporation v. City of Coppell, Texas.

Discussed under Executive Session

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

Mayor Hunt adjourned the Executive Session at 6:45 p.m. and convened into the Work Session at 6:47 p.m.

- A. Discussion regarding the procurement of a new Waste and Recycling Collection Contract.
- B. Discussion regarding Council Calendar.
- C. Discussion of Agenda Items.

Presented in Work Session

Regular Session

Mayor Hunt adjourned the Work Session at 7:21 p.m. and reconvened into the Regular Session at 7:30 p.m.

4. Invocation 7:30 p.m.

Councilmember Wes Mays gave the Invocation.

5. Pledge of Allegiance

The Police Department Honor Guard posted the colors and led those present in the Pledge of Allegiance.

6. Consider approval of a proclamation naming April 12, 2014 as "Arbor Day" and authorizing the Mayor to sign

Mayor Hunt read the proclamation into the record and presented the same to Richard Kelley, KCB Chair, Amanda Vanhoozier, Community Programs Supervisor, and Jen Ferguson, Community Programs Coordinator.

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

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

7. Presentation by the Texas Police Chiefs Association Foundation to the Coppell Police Department in recognition of their completion of the Texas Law Enforcement Best Practices Program.

Presented and Filed

Marlin Price, Program Coordinator with the Texas Law Enforcement Recognition Program, made a presentation to Council and recognized Police Chief Mac Tristan, Deputy Chief Chris Aulbaugh, Sergeant David Moore and the Coppell Police Department for their completion of the Texas Law Enforcement Best Practices Program.

8. **Citizens' Appearance**

Mayor Hunt asked for those who signed up to speak:

- 1) Mark Henry, 983 Laguna Dr., thanked Council for their professionalism and leadership moving forward.
- 2) Marla Williams, 137 Hollywood Dr., spoke in opposition of substandard use and asked that Council remand the case back to P&Z.
- 3) Dr. Prabhav Tella, 108 San Gabriel Dr., Irving, spoke in favor of The Avenue and Agenda Item 16.
- 4) Amit Sangani, 739 Chateaus, submitted a document for Council's review and spoke in opposition of mixed-use.
- 5) Sai Yerram, 531 Westminster Way, spoke in favor of The Avenue and Agenda Item 16.
- 6) Greg Frnka, 721 Dove Circle, spoke in favor of The Avenue and Agenda Item 16.
- 7) Fawn Marshall, 768 Chateaus, spoke against The Avenue and Agenda Item 16.
- 8) Sudhakar Allada, 10007 Stone Harbor Way, spoke in favor of The Avenue and Agenda Item 16.
- 9) Dr. Sunitha Pudheta, 9518 Valley Ranch Pkwy., Irving, spoke in favor of The Avenue and Agenda Item 16.
- 10) David Bell, 913 Parker Dr., asked Council to review the map of mixed-use areas.
- 11) Thomas Burrows, 138 Wynnpag Dr., spoke in regards to volunteering in Coppell, donations in Utility Billing and Keep Coppell Beautiful.

9. Consent Agenda

- A.** Consider approval of the minutes: March 25, 2014.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Bob Mahalik, that Consent Agenda Items A-C be approved. The motion passed by an unanimous vote.

- B.** Consider approval of a Resolution of the City of Coppell, Texas, dedicating approximately 1.3 acres of Wagon Wheel Park land for right of way for Freeport Parkway; and authorizing the Mayor to sign.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Bob Mahalik, that Consent Agenda Items A-C be approved. The motion passed by an unanimous vote.

Enactment No: 2014-0408.1

- C.** Consider approval to enter into a contract with Cam-Crete Contracting, Inc., in an amount of \$150,000.00, for the Annual Sidewalk Replacement project; and authorizing the City Manager to sign any necessary documents.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Bob Mahalik, that Consent Agenda Items A-C be approved. The motion passed by an unanimous vote.

End of Consent Agenda

10. PUBLIC HEARING:

Consider approval of the Alford Media Addition, Lot 1R & Lot 2, Block 1, Replat, being a replat of Lot 1, Block 1, of the Alford Media Addition to allow the retention of the existing uses and easements on Lot 1R (10.9 acres) and the subdivision of Lot 2 for single family (3.56 acres) on 14.5 acres of property located along the east side of Freeport Parkway, north of Rolling Oaks Memorial Center.

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

Mayor Hunt 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 this Agenda Item subject to the following conditions:

- 1) There will be additional comments during detailed engineering plan review;**
- 2) Abandon the existing fire lane and revise the plat to match the Freeport Parkway plans; and**
- 3) Tree removal permit is required prior to any new construction on the property.**

The motion passed by an unanimous vote.

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

11.

PUBLIC HEARING:

Consider approval of Case No. PD-263R-SF-9, The Preserve at Oak Grove, a zoning change request from LI (Light Industrial) & SF-12 (Single Family-12) to PD-263R-SF-9 (Planned Development-263 Revised-Single Family-9), to attach a Detail Site Plan on 3.56 acres of property to allow the development of nine (9) single-family homes to be located at the extension of Oak Grove Lane.

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

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

Lynn Kadleck, 2000 North Central Expwy., Plano, representing the applicant, requested a waiver from Council for tree mitigation fees.

A motion was made by Councilmember Marvin Franklin, seconded by Councilmember Tim Brancheau, to close the Public Hearing and approve this Agenda Item subject to the following conditions:

- 1) There will be additional engineering comments during detailed review;**
- 2) Approval of a street with cul-de-sac exceeding the 600-foot standard;**
- 3) Tree removal permit required prior to start of construction;**
- 4) Park development fees of \$1,285 per unit are required;**
- 5) Tree mitigation fees are required; remove condition "K" from PD Conditions statement;**
- 6) Remove "adjacent to curb" from Condition D; sidewalks shall have a parkway between sidewalk and street;**
- 7) No parking will be allowed around the cul-de-sac; and**
- 8) Garages along the cul-de-sac lots shall not be located closer than 22 feet from the sidewalk.**

The motion passed by an unanimous vote.

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

12.

PUBLIC HEARING:

Consider approval of the Irby Addition, PH II - The Preserve at Oak Grove, Replat, being a replat of a portion of Lot 2, Block 1, of the Alford Media Addition to allow the subdivision of nine (9) single-family lots on 3.56 acres of property to be located at the extension of Oak Grove Lane.

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

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

speak.

A motion was made by Councilmember Gary Roden, seconded by Councilmember Aaron Duncan, to close the Public Hearing and approve this Agenda Item subject to the following conditions:

- 1) Additional comments may be generated during detailed engineering review;
- 2) There will be no parking allowed in the cul-de-sac;
- 3) A tree removal permit must be procured prior to start of construction; and
- 4) Park Development Fees of \$1285 per lot will be assessed.

The motion passed by an unanimous vote.

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

13.

PUBLIC HEARING:

Consider approval of Case No. PD-237R5-HC/RBN, Trinsic, a zoning change request from A (Agriculture) to PD-237R5-HC/RBN (Planned Development-237-Revision 5-Highway Commercial/Residential Urban Neighborhood), to attach a Conceptual Plan for hotel, multifamily, retail and office uses on 20.74 acres of property located on the eastside of South Belt Line Road between East Dividend and Chartwell Drive.

Presentation: Marcie Diamond, Assistant Director of Planning, made a presentation to Council.

Adam Brown, 3100 Monticello Ave., Dallas, representing the applicant, made a presentation to Council.

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

- 1) Marla Williams, 137 Hollywood Dr., spoke against the item.
- 2) Mark Hill, 1029 Basilwood Dr., spoke against the item.
- 3) Ed White, 208 Spyglass, spoke against the item.
- 4) Michelle Sneed, 730 Crestwood Dr., spoke against the item.
- 5) Jeff Parry, 442 Clear Creek Ln., spoke against the item.
- 6) Rachel Kaiser, 168 Bricknell Ln., spoke against the item.
- 7) Jennifer MacLean, 411 Gifford Dr., spoke against the item.
- 8) Henry Billingsley, 6701 Turtle Creek Blvd., spoke against the item.
- 9) Melissa Browning, 346 Hearthstone Ln., spoke against the item.
- 10) Pamela Spadaro, 439 Woodhurst Dr., spoke in favor of the item.

11) Kay Yates, 519 McNear Dr., spoke against the item.

12) Leigh Walker, 347 Hearthstone Ln., spoke against the item.

13) Ray Walker, 347 Hearthstone Ln., spoke against the item.

14) Bhaskav Ahanta, 104 Flintshire Way, spoke against the item.

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

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

14.

PUBLIC HEARING:

Consider approval of Case No. PD-237R7-HC, Springhill Suites, a zoning change request from A (Agriculture) to PD-237R7-HC (Planned Development-237 Revision 7-Highway Commercial), to attach a Detail Site Plan for a five-story, 120-room hotel with accessory uses including meeting rooms, pool, fitness center and bar on 2.7 acres of property located on the northeast corner of South Belt Line Road and Chartwell Drive.

This Agenda Item was pulled by the applicant.

15.

PUBLIC HEARING:

Consider approval of Case No. PD-237R6-RBN, Trinsic-Aura, a zoning change request from A (Agriculture) to PD-237R6-RBN (Planned Development-237 Revision 6-Residential Urban Neighborhood), to attach a Detail Site Plan for 311 multifamily units, retail/restaurant/office and accessory uses on 11.18 acres of property located on the eastside of South Belt Line Road between East Dividend Drive and Chartwell Drive.

This Agenda Item was pulled by the applicant.

At this time, Mayor Hunt recessed the Regular Session at 9:56 p.m. Mayor Hunt reconvened the Regular Session at 10:11 p.m.

16.

Consider approval of an Ordinance for Case No. PD-270-RBN, The Avenue at Denton Tap, a zoning change from C (Commercial) to PD-270-RBN (Planned Development-270-Residential Urban Neighborhood), to allow 29 multifamily units and 8,575 square feet of office/retail uses on 1.77 acres of property located at the northwest corner of Southwestern Boulevard and South Denton Tap Road and authorizing the Mayor to sign.

At this time, Councilmember Aaron Duncan recused himself upon filing a Conflict of Interest Affidavit for Agenda Item 16.

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

A motion was made by Mayor Pro Tem Billy Faught, seconded by Councilmember Tim Brancheau, that this Agenda Item be approved. The motion passed 5:1 with Councilmember Mays voting against the item and Councilmember Duncan excused.

Aye: 5 - Mayor Pro Tem Billy Faught; Councilmember Tim Brancheau; Councilmember Bob Mahalik; Councilmember Gary Roden and Councilmember Marvin Franklin

Nay: 1 - Councilmember Wes Mays

Excused: 1 - Councilmember Aaron Duncan

Enactment No: 91500-A-641

17.

PUBLIC HEARING:

Consider approval of an Ordinance amending the Comprehensive Zoning Ordinance by adding new zoning districts and development regulations to Chapter 12, Article 26, "MXD-1 and MXD-2" Mixed Use-1 and Mixed Use-2 Districts and authorizing the Mayor to sign.

At this time, Councilmember Aaron Duncan returned to the meeting.

Presentation: Gary Sieb, Director of Planning, and Marcie Diamond, Assistant Director of Planning, made a presentation to Council.

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

- 1) Mark Henry, 983 Laguna Dr., spoke in favor of the item.
- 2) Richard Merrill, 117 Meadowglen Circle, spoke in favor of the item.
- 3) Mark Hill, 1029 Basilwood Dr., spoke against the item.
- 4) Marla Williams, 137 Hollywood Dr., spoke against the item.
- 5) Vijay Borra, 924 S. Belt Line Rd., spoke in favor of the item.
- 6) Ed White, 208 Spyglass, spoke against the item.
- 7) Marcia Honer, 1019 Forestwood, spoke against the item.
- 8) Daniel Ebner, 157 Meadowcreek Rd., spoke against the item.
- 9) Ray Walker, 347 Hearthstone Ln., spoke against the item.
- 10) John Davis, 240 Hollywood Dr., spoke against the item.

A motion was made by Councilmember Gary Roden, seconded by Councilmember Marvin Franklin, to close the Public Hearing and approve this Agenda Item subject to the following conditions:

- 1) Under MXD-1, limit the height regulations to three levels above grade not to exceed 45';
- 2) Under MXD-2, the minimum lot size shall be three acres; and
- 3) Under landscaping regulations, trees shall be 4" caliper at the time of planting.

The motion passed by an unanimous vote.

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

18. City Manager Reports

Project Updates and Future Agendas.

Nothing to report.

19. Mayor and Council Reports

- A. Report by Mayor Hunt regarding the Metroplex Mayors' Meeting.
- B. Report by Mayor Hunt regarding the Farmer's Market move.
- C. Report by Mayor Hunt regarding upcoming Spring events.

Mayor Hunt spoke about the Metroplex Mayors' Meeting whose guest speaker was from the Bush Presidential Library. Mayor Hunt also mentioned the Farmer's Market move to its new location in Old Town Coppel. It's now bigger and better. Finally, Mayor Hunt mentioned Earthfest will be held on April 12th from 9am – 1pm. New time and a lot more activities including: a bungee jump, performances by Professor Brainius, live band, Definitely, Maybe, and the Austin Elementary Marimba Band. Also, the Eggstravaganza will be held on April 19th from 10am – 12pm: Activities include: bounce houses, face painting, live music and free photos with the bunny. The hunt begins at 12pm and concludes the event.

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

Nothing to report.

21. Necessary Action from Executive Session

Nothing to report.

Adjournment

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

Karen Selbo Hunt, Mayor

ATTEST:

Christel Pettinos, City Secretary