*** * * * NOTICE OF PUBLIC MEETING * * * ***

# CARROLLTON CITY COUNCIL
# WORKSESSION AND REGULAR MEETING

**JULY 17, 2007**

**CITY HALL**, 2ND FLOOR
1945 E. JACKSON ROAD
CARROLLTON, TEXAS

**DINNER, PRE-MEETING & WORKSESSION – 5:45 P.M.**
**REGULAR MEETING – 7:00 P.M.**

## AGENDA

### * * * * 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 will convene in **Executive Session** 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 will **reconvene in open session** to consider action, if any, on matters discussed in the Executive Session.

### * * * * WORKSESSION * * * *
**6:00 P.M. – COUNCIL CHAMBERS**

**6.** Discuss **Vacancy on Traffic Advisory Committee.**

**7.** Discuss **Fiscal Year 2008 Community Service Requests**.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**8.** Presentation on **2007 Better Government Award.**

## PUBLIC FORUM

**9.** **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.

## 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.)*

### MINUTES

***10.** Consider approval of the **April 17 & May 1, 2007 Minutes.**

### BIDS AND PURCHASES

***11.** Consider approval of Bid # 07-040 for **Tree Trimming to Various Vendors** in an amount not to exceed $60,000.00.

### CONTRACTS AND AGREEMENTS

***12**. Consider a **Contract For Asbestos Abatement and Demolition of 1000 Park Circle to Intercon Environmental** through an Inter-Local Agreement with the Texas Building and Procurement Commission in an amount not to exceed $ 25,001.00.

### ORDINANCES

***13**. Consider an ordinance **Amending Chapter 34 Of The Carrollton City Code and Creating A Citizen Advisory Committee Related to Photographic Traffic Signal Enforcement.**

### RESOLUTIONS

***14.** Consider a resolution **Appointing Members to The Red Light Enforcement Advisory Committee.**

***15.** Consider a resolution **Electing a Mayor Pro Tem and Deputy Mayor Pro Tem.**

***CERTIFICATE*** *- I certify that the above agenda giving notice of meeting was posted on the bulletin board at the City Hall of Carrollton, Texas on the 6th day of July 2007 at 9:30 am .*

_____
Ashley D. Mitchell, City Secretary

*This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary's Office at least 72 hours in advance at 972-466-3021. Opportunities and services are offered by the City of Carrollton without regard to race, color, age, national origin, religion, sex or disability.*

Agenda Item No. 06

**WORKSESSION: JULY 17, 2007**

**DATE:** July 12, 2007

**TO:** Leonard Martin

**FROM:** Ashley D. Mitchell, City Secretary

**SUBJECT: VACANCY ON TRAFFIC ADVISORY COMMITTEE**

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**BACKGROUND:**
Attached please find the applications that we have received to fill the vacancy on the Traffic Advisory Committee.

**FINANCIAL IMPLICATIONS:**
None

**STAFF RECOMMENDATION/ACTION DESIRED:**
None

**ATTACHMENTS:**
Applications

# 2006 BOARDS AND COMMISSIONS APPLICATION

**PLEASE PRINT OR TYPE**

Name: Margot Diamond Home phone: (972) 394-6287

Home address: 3906 Randall Lane Day phone: (972) 822-7117

City/State: Carrollton, Tx Zip: 75007 Email: Margot.Diamond@verizon.net

Occupation: Product Development/Purchasing Resident of Carrollton for 9 years; Resident of Texas 9 years

Qualified voter of Carrollton: Yes ☐ No ☐ Currently Attending Carrollton Government Academy graduate: Yes ☐ No ☐ ☑ Currently Attending

Please indicate board, commission or committee preferences: 1st Choice Traffic Advisory Committee

2nd Choice Planning & Zoning Commission 3rd Choice Capital Improvements Plan Advisory Committee

Provide the name and the date(s) of prior service, if any, on any Carrollton board:

no prior board service

Are you currently holding any public office or appointment? NO If so, what?

Please list any special knowledge, education or experience that qualifies you to serve in the areas you have indicated and explain why you are seeking an appointment. Also, list any business or personal relationships with the city that might create a conflict of interest or that may affect your ability to serve.

I have taken some public policy classes at both undergraduate and graduate levels. As a resident w/ a family as well here in Carrollton, I would like to be more involved

What do you perceive to be Carrollton's two greatest strengths? (1) Its proximity to all major highways to Dallas, & all neighboring cities (2) A good quality of life, reasonable cost of living, place to raise children

What do you perceive to be Carrollton's two greatest weaknesses? (1) Our reputation compared with other cities – Plano, Lewisville, Coppell (2) We do not have some amenities that other cities have eg YMCA, shopping malls, not much land left to develop

The City Council will receive this form only. Do not send resumes, photographs or letters of recommendation. Mail the completed form by September 13, 2006 to the City Secretary's Office, P.O. Box 110535, Carrollton TX 75011-0535 or fax to 972-466-3252. For more information, call 972-466-3021. *Your application will be made available to the public upon request.*

Public service opportunities are offered by the city of Carrollton without regard to race, color, national origin, religion, gender or disability.

RECEIVED

APR - 4 2007

CITY SECRETARY
CARROLLTON, TX

# 2006 BOARDS AND COMMISSIONS APPLICATION

PLEASE PRINT OR TYPE

Name: ABRAHAM N. GEORGE Home phone: 972-492-9861

Home address: 4512 Saddlebrook Dr Day phone: 469-569-0273

City/State: Carrollton, TX Zip: 75010 Email: abraham@abrahamfinancials.com

Occupation: Financial Planning Resident of Carrollton for 11 years; Resident of Texas 11 years

Qualified voter of Carrollton: Yes ☒ No ☐ Carrollton Government Academy graduate: Yes ☐ No ☒

Please indicate board, commission or committee preferences: 1st Choice CIPAC

2nd Choice Traffic Advisory (TAC) 3rd Choice Library Board

Provide the name and the date(s) of prior service, if any, on any Carrollton board:

None

Are you currently holding any public office or appointment? None If so, what? —

Please list any special knowledge, education or experience that qualifies you to serve in the areas you have indicated and explain why you are seeking an appointment. Also, list any business or personal relationships with the city that might create a conflict of interest or that may affect your ability to serve.

I have the experience of working with public through many non-profit organizations in Texas. Also, being a financial planner gives me in dept knowledge about the citizens of Carrollton, their dreams, goals and potentials. Above all I love serve the public.
I do not have any conflict of interest. ~~[illegible]~~.

What do you perceive to be Carrollton's two greatest strengths? In the past 11 years of experience I find city of Carrollton one of best place to live and educate Children. - Second, the growth and development city has adopted in many aspects of life.

What do you perceive to be Carrollton's two greatest weaknesses? City doesn't many weaknesses, But commuter help such as mass transit and keeping the city clean will be two major areas we need to focus as we grow further. I belive I can help with these items by being in the CIPAC

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or fax to 972-466-3252. For more information, call 972-466-3021. ***Your application will be made available to the public upon request.***

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CARROLLTON TEXAS

**M E M O R A N D U M** Agenda Item No. 07

**CC WORKSESSION MEETING: JULY 17, 2007**

**DATE**: July 11, 2007

**TO:** Leonard Martin, City Manager

**FROM:** Bob Scott, Assistant City Manager

SUBJECT: **FISCAL YEAR 2008 COMMUNITY SERVICE REQUESTS**

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**BACKGROUND:** As part of the annual budget process, City Council considers requests from community service entities for contract services funding. The community service applications and summary of the requests will be distributed to Council in their weekly package on July 13, 2007. In addition to the applications, we received a large amount of supporting documentation, i.e. marketing materials, financial statements, IRS tax determination letters, from the entities that we will bring to the meeting as reference material. A summary of the funding requests has been attached.

Based on direction from Council regarding fund levels, staff will incorporate funding for the Community Service entities in the FY 2008 Budget. After completion of the budget process and final approval of the budget by Council, staff will move forward with the execution of contracts with the Community Service entities.

A memorandum regarding Hotel/Motel funding restrictions will also be included with the applications distributed to Council. Council can refer to this document for guidance on the usage of Hotel Occupancy Tax revenue. The City Attorney will be available to provide interpretation of the law as necessary.

**ACTION DESIRED:** Deliberate on Community Service funding requests and provide staff direction on the proposed level of Community Service funding for each entity for inclusion in the FY 2008 Preliminary Budget.

**ATTACHMENTS:**
FY 2008 Community Service Funding Summary

**CITY OF CARROLLTON**
**COMMUNITY SERVICE FUNDING**
**HISTORY AND FISCAL YEAR 2008 RECOMMENDATION**

| General Fund Request | Budget 2003-04 | Budget 2004-05 | Budget 2005-06 | Budget 2006-07 | Requested 2007-08 | Notes |
|---|---|---|---|---|---|---|
| ACORN Housing | $ - | $ - | $ - | $ - | $ 15,502 | |
| Alta Vista Faith Based Initiative | - | - | - | - | 46,000 | Alta Vista was unable to provide financial information due to data of sensitive nature. Should Alta Vista be approved for funding, they will have their CPA prepare the required documents. |
| Bea's Kids | 3,500 | 3,500 | 3,500 | 3,500 | 5,000 | |
| CASA of Denton County, Inc. | - | - | - | - | 6,155 | |
| Children's Advocacy of Denton Cnty | 9,000 | 9,000 | 9,000 | 12,000 | 23,119 | |
| Denton County Friends of the Family | - | - | - | - | 10,000 | |
| Journey to Dream Foundation | - | - | - | - | - | |
| Keep Carrollton Beautiful | - | 5,000 | 5,000 | 5,000 | 20,761 | |
| Metrocrest Family Medical Clinic | 6,000 | 6,000 | 6,000 | 7,000 | 12,000 | |
| Metrocrest Social Services | 66,450 | 74,700 | 74,700 | 81,000 | 81,000 | |
| Mosaic | - | - | - | - | 2,500 | |
| Pediplace | - | - | - | - | - | |
| Senior Adult Services | 125,000 | 135,000 | 135,000 | 140,000 | 145,000 | |
| Special Care & Career Services | 4,500 | 4,500 | 4,500 | 4,500 | 5,000 | |
| The Family Place | 4,500 | 4,500 | 4,500 | 4,500 | 10,000 | |
| **General Fund Totals** | **218,950** | **242,200** | **242,200** | **$ 257,500** | **366,535** | |
| **Hotel/Motel Tax Request** | | | | | | |
| Brookhaven College for the Arts | 5,000 | 5,000 | 5,000 | - | 8,500 | |
| Carrollton Community Band | 9,000 | 9,800 | 9,800 | 9,800 | 11,500 | |
| Carrollton Fair Association | 10,000 | 5,000 | 5,000 | - | 8,500 | |
| Old Downtown Carrollton Association | 15,000 | 15,000 | 15,000 | 16,500 | 16,500 | |
| Plaza Arts Center | - | 5,000 | - | - | - | |
| Rover Dramawerks | 1,000 | - | - | - | - | |
| Texas Chamber Orchestra | 5,000 | 4,000 | 4,000 | - | - | |
| **Hotel/Motel Total** | **45,000** | **43,800** | **38,800** | **$ 26,300** | **45,000** | |
| **Total Funding** | **$ 263,950** | **$ 286,000** | **$ 281,000** | **$ 283,800** | **$ 411,535** | |

Agenda Item No. 08

**CC MEETING: July 17, 2007**

**DATE:** July 12, 2007

**TO:** Leonard A. Martin, City Manager

**FROM:** Tom Guilfoy, Director of Managed Competition, Strategic Planning & Organizational Development

**SUBJECT: PRESENTATION OF 2007 BETTER GOVERNMENT AWARD**

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**BACKGROUND:**
The Pioneer Institute for Public Policy Research, based in Boston, MA is a non-partisan think tank advancing the core values of an open society – individual freedom and responsibility, prosperity, and limited, accountable government. Carrollton's Managed Competition program was selected as **First Runner-Up Honoree** in the 2007 Better Government competition. Our submission entitled, "*Transforming a Bureaucracy – Improving Services and Cutting Costs*" was selected from among 288 entries from public-sector agencies throughout the country.

**FINANCIAL IMPLICATIONS:**
The city has received national recognition and an award check for $1,000

**IMPACT ON COMMUNITY SUSTAINABILITY:**
Managed Competition has helped to transform the city organization into a high performance service business. The city's Managed Competition philosophy has been nationally recognized as a tool for better government. Over the past five years, the city has saved approximately $14 million by improving the operating efficiency and effectiveness of various service divisions. Our success has been achieved by:

- Focusing on core services
- Leveraging resources by building regional partnerships to provide services
- Centralizing services to eliminate duplication and reduce overhead
- Investing in technology
- Stretching our limited financial resources by "doing more with less"
- Encouraging innovation and adopting industry best practices
- Acting with a sense of urgency and holding people accountable
- Empowering and involving frontline employees in decisions

By improving the way it does business, the city is providing better quality services at lower costs thereby benefiting our customers, citizens and taxpayers.

**STAFF RECOMMENDATION/ACTION DESIRED:**
I would like to present the Mayor and City Council with The Pioneer Institute's 2007 Better Government Award certificate and a $1,000 check in recognition of their continued support of

our Managed Competition initiatives.

**ATTACHMENTS:**
None.

# CARROLLTON CITY COUNCIL
# REGULAR MEETING and WORKSESSION MINUTES

## APRIL 17, 2007

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, April 17, 2007, at 5:45 p.m. with the following members present: Mayor Becky Miller, Mayor Pro Tem Larry Williams Councilmembers Tim Hayden, John Mahalik, Pat Malone, Matthew Marchant, Terry Simons and Herb Weidinger. Also present were Assistant City Managers Beth Bormann, Marc Guy, Bob Scott, Director of Managed Competition Tom Guilfoy, Assistant to the City Manager Erin Kasal, City Attorney Clayton Hutchins and City Secretary Ashley Mitchell.

## * * * * PRE-MEETING / EXECUTIVE SESSION * * * *

**1.** Mayor and Council **reports and information sharing.**

**2.** Receive **supplemental staff information** and responses to questions.

## * * * * WORKSESSION * * * *

**5.** Discuss **Location of Future City Council Worksessions.**

Council concurred to conduct work session items in the Council chambers and will not video tape those sessions at this time.

**6.** Discuss **Potential Changes to Zoning Ordinance Regarding Restaurants With A Private Club For Mixed-Use Developments.**

Marc Guy, Assistant City Manager stated that since the passage of the election and the Alcoholic Beverage ordinance in 2004, restaurants are no longer required to receive a private club permit upon approval of a Special Use Permit by the City Council, with the exception of any properties annexed into the City after 2004. One of the propositions on the ballot that passed for properties within the City of Carrollton city limits at that time was to allow the sale of alcoholic beverages in a restaurant with a food and beverage certificate under certain provisions. While the option for a restaurant to receive a private club permit upon Council approval is still available, most restaurants now obtain the food and beverage certificate through TABC (Texas Alcoholic Beverage Commission) under our new ordinance provisions. However, any new restaurants locating on properties annexed subsequent to 2004 or in the future will only be allowed to apply for a restaurant with a private club through a Special Use Permit and approved by Council subject to the ordinance in place prior to 2004.

While Proposition 2 also passed in the 2004 election allowing both the sale of beer and wine for off-premise consumption under certain restrictions for properties within the city limits as well, the purpose of this discussion is regarding restaurants with food and beverage certificates and the restaurant with a private club permit in place prior to 2004. However, please note that properties annexed subsequent to 2004 and in the future are considered “dry,” and retailers are prohibited from selling beer and wine for off-premise consumption. One of the fundamental changes with the passage of the new 2004 ordinance and the private club permit was in the distance requirements and also in the

ratio of food sales to alcohol sales. Since the food and beverage certificate is issued through TABC, the distance requirements are those mandated by TABC. Those distance requirements are that restaurants with a food and beverage certificate are prohibited within 300 feet of a church, public school or public hospital. However, the prohibition does **not** include the distance from a residential zoning district, as required with the restaurant with a private club permit under the Comprehensive Zoning Ordinance. Also, the food to beverage ratio under the new ordinance or Food and Beverage certificate is 50:50, whereas it is 60:40 under the private club permit.

Since the Shops at Prestonwood was annexed into the City recently, restaurants locating in the retail tract of the development that serve alcoholic beverages would only be able to operate if they were approved with an SUP for a private club. However, due to the mixed-use concept, the restaurants could not meet the distance requirements (300' from residentially zoned districts), as the townhomes within this development are too close to the retail tract within this development. Therefore, it is likely that restaurants serving alcoholic beverages would not be able to locate on this property, and most fine dining establishments simply will not locate unless they are able to serve alcoholic beverages since approximately 11% or more of their sales are from alcoholic beverages.

The purpose of this memo is to provide Council with information regarding the discrepancies between the food and beverage certificate and the restaurant with a private club permit and to discuss alternatives to making the distance requirements and other provisions of the two ordinances more compatible so that mixed-use developments, such as the Shops at Prestonwood and other mixed-use developments that may be located on tracts that may be annexed into the City in the future, have the same opportunities for success with respect to attracting quality restaurants.

## Possible Revisions to the Comprehensive Zoning Ordinance Regarding SUP for Private Club in Mixed-Use Developments:

APPLICATION REQUIREMENTS:
1. Require only one SUP for an entire retail area within a mixed-use development in lieu of an SUP for each footprint.

BUILDING REQUIREMENTS:
1. Remove the minimum 2,100 square foot requirement for restaurants located within a mixed-use district.
2. Remove the requirement that a minimum of twenty (20) percent of the total floor area of the restaurant located within a mixed-use district be occupied by food preparation and storage.

FOOD SERVICE REQUIREMENTS:
1. Revise the 60:40 ratio of food to alcohol to 50:50 (same as Food and Beverage Certificate) for mixed-use districts.
2. Also revise the 60:40 ratio of food to alcohol to 50:50 (same as Food and Beverage Certificate) for a private club allowed in an area totally separate from the restaurant of a hotel or motel in mixed-use districts.

LOCATION REQUIREMENTS:

1. Apply exactly the same TABC distance requirements, i.e. only 300' from a church, public school or public hospital within mixed-use districts.

TIME LIMIT:
1. Revise the time limit for obtaining an application for a building permit from one (1) year after approval of a private club from Council to three (3) years for mixed-use districts.

ALCOHOL AWARENESS PROGRAM:
1. Remove the submittal of the Alcohol Awareness Program with the SUP for mixed-use developments, as TABC regulates this program.

The proposed amendments to the City's ordinance will protect and enhance community sustainability and allow future restaurants in only mixed-use developments annexed into the City subsequent to 2004 to be under most of the same requirements as regulated by the TABC.

There may be financial implications on the current operating budget regarding this request.

Council concurred with staff recommendations.

**7.** Briefing on **Gas Drilling and Production Ordinance.**

Clayton Hutchins, City Attorney stated that the subject of exploration for gas and the subsequent drilling and production is receiving a lot of attention in the Metroplex. As you are aware, it is important for any municipality to apply reasonable regulations to ensure property rights and protect the health, safety and general welfare of the public.

Future impact to the community can be controlled by the proper regulations of these activities on private property and on property where the city may hold mineral rights. To be prepared for the potential of such drilling and production in Carrollton, staff has developed a gas drilling and production ordinance for Carrollton. The ordinance language has been modeled after the City of Fort Worth's gas drilling and production ordinance since that appears to be the standard being followed by most cities, and which we understand to have been fairly well received by the exploration industry.

Recently, staff forwarded this draft ordinance to oil and gas exploration, drilling and production companies for their feedback. To date, we have received a few technical comments that have been appropriately incorporated into the draft ordinance. It is also our understanding that the preponderance of drilling opportunities is west of IH-35E and away from residential neighborhoods.

**MAJOR HIGHLIGHTS:**
The following is a brief explanation of the substantial highlights of the proposed Gas Drilling and Production ordinance:
• **Purpose** – The purpose of the ordinance is to allow the orderly exploration, development and production of available natural gas resources within the city, under proper and reasonable safeguards, regulations and limitations so as to protect the health, safety and general welfare of the public and the environment.

**Well Location** – Gas well drilling and production is to be allowed only upon approval of a Special Use Permit on property zoned for the (IH) Interim Holding District, (SF-12/20) Single-Family Residential District, the (LI) Light Industrial District, the (HI) Heavy Industrial District, or as part of a Planned Development which specifically allows the drilling and production of gas wells. The (SF-12/20) Single-Family District is included, as large areas of undeveloped land to the west of Interstate 35-E, including McInnish Park, are zoned as such.

• **Well Setbacks** – Wells are required to be drilled a minimum of 600 feet from any residence, except that a well may be drilled within 150-600 feet of an existing residence when written consent of all neighboring property owners is submitted. In addition, wells cannot be drilled within 600 feet of any of the following: religious institution, public building, hospital, public or private school, retail or commercial building, or within 600 feet of any playground, athletic field, swimming pool, picnic area or other similar public park facilities. No well may be drilled within 150 feet of any property line; this setback will prevent drilling on sites generally less than 2 acres.

• **Permit Application Process** – All gas well permit applications are to be submitted with a standard Special Use Permit application and are to include such information as: the operator of the proposed gas well, a map showing the transportation route of any equipment, chemicals or waste products, and a site plan of the proposed drilling location. The approval process will follow the normal development process of the city. Once a complete application is received and reviewed by staff, the case will go before a public hearing at the Planning and Zoning Commission. If approval is recommended by the Commission, the case will go before City Council for final action. After that, the application can be submitted for construction permitting.

• **Bond, Demand Letter of Credit, Indemnity and Insurance** – A bond or letter of credit is to be maintained by the operator for not less than $50,000. The operator is to maintain a standard commercial liability policy of $1,000,000 per drill site, as well as $5,000,000 of environmental pollution liability. All insurance documents will be reviewed by the City Attorney prior to approval of a Special Use Permit.

• **On-Site Procedures** – All drilling and production operations are to be conducted in such manner as to minimize dust, vibration, noxious odors and noise. The following performance standard for sound will apply:

- During drilling, no on-site activity shall produce a sound greater the 78 dB(a) (about as loud as a nearby alarm clock) when measured 300 feet from the drilling equipment.
- During fracturing, no on-site activity shall produce a sound greater than 85 dB(a) (heavy city traffic).
- During production, no on-site activity shall produce a sound greater than 65 dB(a) (a noisy restaurant). Lighting shall be directed downward and shielded so as to prevent the direct illumination of public roads and adjacent property and to minimize glare.
- During the exploration phase, a chain link fence with screening fabric or slat inserts shall be constructed around the drilling site.
- During the production phase, in addition to the screening fabric or slats, shade and ornamental trees will be required, located so as to best screen the visual corridors to the site.

Council concurred with staff recommendations.

**3.** Council will convene in **Executive Session** 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.

**4.** Council **reconvened in open session** to consider action, if any, on matters discussed in the Executive Session. No action was taken

***Mayor Miller recessed the Worksession at 7:00 p.m.***

**INVOCATION** by Mayor Pro Tem Larry Williams.

**PLEDGE OF ALLEGIANCE** by Boy Scout Troop 114.

**PRESENTATIONS**

**9.** Recognition of **Carrollton McCoy Heat, Boys 2007 TAAF State Basketball Champions.**

Chad Hyde, Athletics manager stated that the Carrollton McCoy Heat won the 2007 TAAF youth basketball state championships in Austin, TX this past March. They also won the city sponsored league tournament in February. Council recognized the Carrollton McCoy Heat and presented team championship trophy showing their great success and dedication to Carrollton and T.A.A.F. sports programs.

**10.** Present a **Proclamation Declaring April 15 - 21, 2007 as National Library Week (NLW).**

Mayor Miller presented a proclamation to Cheri Gross, Library Director and members of the Friends of the Library that declared April 15-21, 2007 as National Library Week.

**PUBLIC FORUM**

**11.** **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.

Debbie Cormier, 2032 Stradivarius Lane, concerned with the dredging of Woodlake. Agrees with the project but concerned with the habitat.

James Dillman, 1813 Stewart Drive, stated that he is has been a resident since 1998 and proud to live in Carrollton.

John Nieson, 2035 Oakbluff Drive, concerned with the petition submitted. Would like assurance that the city is committed to diversity.

Warren Sippell, 2108 Stein Way, stated that he read about the petition regarding prohibiting Council from participating in any activities with the Gay and Lesbian community. The City has made an effort to be diverse and applaud Council for efforts in the community to build participation and not through exclusion. He asks the council to stand by their commitment to represent all the citizens of Carrollton.

David Wozniak, 1343 Barclay Drive, stated that he has lived in Carrollton for 13 years and has enjoyed the excellent services Carrollton has to offer. He urged the council to take no further action on the petition. He stated that diverse communities or groups tend to make better decisions.

Carol Franzen, 1307 Tierra Calle of Carrollton stated that she is proud to live in this city and that her children are being raised in a diverse community that embraces everyone.

Dennis Hamilton, 1641 W. Hebron Parkway, stated that he has been a member of the community for 19 years and the Minister of Horizon Unitarian Church. He is proud to stand with the Gay and Lesbian community to obtain recognition for equal rights. He stated that the community should support the elected officials when they support the equality of rights for all people.

Chris Robinson, 1418 Tierra Calle, stated that his experience in the city has been great. The neighborhood he lives in is very close knit and accepting of his family's lifestyle. He hoped that the diversity and acceptance doesn't stop.

Lee Nicora, 2931 Rayswood Drive, stated that she has lived in Carrollton for 35 years. She stated that the group bringing the petition had that right but it was presumputious of them to state that they knew what was right for all 120,000 citizens. She believes for the petition group to ask the elected officials to only represent one specific group over another is absurd.

Matthew Vanoy, 1515 Shannon Place, stated that he has lived in Carrollton for 6 years. He has grown great friendships with the neighborhood and community. He hopes that the diversity does not change in the future.

Todd Cormier, 2032 Stradivarius Lane, stated that he believes that the lifestyle described in the petition is not back by religion. He does not believe that the Gay and Lesbian lifestyle is not approved by the higher creator.

Brad Faidley, 2048 Oak Bluff Drive, stated that he has lived in Carrollton for 2 years. He is surprised that someone has brought about this petition and touted it as what is in the best interest of Carrollton.

Reverend Colleen Darraugh, 2735 Villa Creek #290 Farmers Branch, states that the world is very diverse in how everyone looks, sounds and how they think about everything from politics to religion. She thanks the council for the legacy they have had as an entity that supports all people of the city. She encouraged that history to continue.

Morris Garcia, 1021 Orlando Circle of Plano stated that he is the President of Collin County Gay & Lesbian Alliance and is made a joint statement on behalf of the Dallas Gay & Lesbian Alliance and its' President Pete Webb. He stated that both groups are proud to support equality and inclusion in Carrollton. They believe that it is only fair and just for elected officials to represent all citizens as a whole.

Mrs. Dear, PO Box 11624 of Carrollton stated that she is against the petition. She stated that she believes the petition is a blatant effort to force the petitioners' beliefs on the administration of city government. She stated that the growth of the community depends on the fair and equal treatment of the citizens here. She is proud of the Mayor and Council members who followed her example.

**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 Hayden moved approval of Consent Agenda Item No. 12 – 16. Second by Mayor Pro Tem Williams. The vote was cast 7-0 in favor of the motion.**

**BIDS AND PURCHASES**

***12.** Consider approval of Bid # 07-025 for **Baseball Field Dugout and Backstop Renovations from Wall Enterprises** in an amount not to exceed $36,780.00.

***13.** Consider approval of Bid #07-027 for **Crack Sealing Services from Pavement Services** for an amount not to exceed $364,000.00.

**RESOLUTIONS**

***14**. Consider a resolution **Appointing Grant Thornton LLP as the City's Independent Auditors and Authorizing the City Manager to enter into a Contract with Grant Thornton LLP for Independent Auditing Services for the Fiscal Year 2007 Financial Statements** in an amount not to exceed $83,800.

***15.** Consider a resolution **Authorizing the City Manager to Declare a Public Necessity, Authorizing Acquisition of Right-of-Way and Easements for the Widening of Whitlock Lane Between Old Denton Road and IH-35E.**

***16.** Consider a resolution **Supporting the Cities Aggregation Power Project, Inc. ("CAPP") 2007 Legislative Agenda.**

***Mayor Miller adjourned the meeting at 8:31 p.m.***

_____
Becky Miller, Mayor

ATTEST:

_____
Ashley D. Mitchell, City Secretary

# CARROLLTON CITY COUNCIL
# REGULAR MEETING and WORKSESSION MINUTES

## MAY 1, 2007

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, May 1, 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 Beth Bormann, Marc Guy, Bob Scott, Director of Managed Competition Tom Guilfoy, 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.

Council convened in **Executive Session at 6:06 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.

**4.** Council **reconvened in open session at 6:27 p.m.** No action was taken.

***Mayor Miller recessed the Worksession at 7:00 p.m.***

**INVOCATION** by James Charles, the Missions Pastor of Woodlake Baptist Church.

**PLEDGE OF ALLEGIANCE** by Councilmember Hayden.

**PRESENTATIONS**

**8.** Presentation of **PRIDE Awards.**

Mr. Martin stated that the City id committed to recognizing the hard working employees that demonstrate exemplary performance. Recently, we revised the employee recognition program and created the PRIDE Award which specifically recognizes employees that demonstrate the guiding values. Employees were nominated by their peers and supervisors for the 2007 PRIDE Award. The PRIDE Award Selection

Committee selected them because they are productive, respectful, innovative, dedicated and effective in their position.

The following are recipients of the 2007 PRIDE Awards:

**P** – ***James Burchfield (Public Works - Traffic Operations)*** Jim began his career with the City in1998 as a Signs & Markings Installer and was promoted to Signs & Markings Installer Level II in 2001. Jim was quickly tasked with training new employees on the proper installation of all traffic control signs and pavement markings in accordance with the MUTCD (Manual of Uniform Traffic Control Devices). In 2002 Jim received his certification as a Signs & Markings Installer Level III which is the highest level available.

Over the past nine years Jim has performed his duties at the highest level and with the best interest of the City of Carrollton and its citizens in mind. His positive attitude and his professionalism set the example for his co-workers, so that they can continue their career in the same manner as Jim.

**R** – ***Marcos Rangel (Public Works - Water)*** Marcos has been working for the city of Carrollton for 9 years. He was nominated for the PRIDE award by one of his co-workers who is in the field with him. Marcus is receiving the RESPECTFUL award for the qualities he demonstrates to his co-workers as he performs his job duties each day. Marcos takes his job personally. He does each job with the same amount of care he would use doing it for himself in his own back yard. Marcus provides training in backhoe operation and passes this same care and commitment level on to those he teaches. He is a key member of his team and helps the group function like a well oiled machine. Marcus acts with integrity and takes ownership in his job and consistently displays a professional appearance. For this we are pleased to recognize him as the recipient of the P.R.I.D.E award in the category of RESPECTFUL. Thank you Marcos for your hard work and excellent example.

**I** – ***Brett Bates (Fire)*** Brett Bates has served the Carrollton Fire Department for nineteen years. He is currently assigned as an Apparatus Operator on Engine 113 on B-Shift. Brett is being awarded a Pride Award for his innovative program involvement and work as an apparatus operator. In order to get new fire apparatus operational and in service, Brett has used his own shop to fabricate pieces to complete the process of getting fire equipment ready to serve the citizens of Carrollton when they need it most. He has also obtained certification to inspect the installation of child safety seats, and has been dedicated to providing this service to our citizens when he is on the shift. Brett exemplifies many aspects of PRIDE, but his desire to continuously improve service, and improve equipment merits acknowledgment of his Innovation as a city employee.

**D** – ***Julie Conroy (Municipal Court)*** While Julie Conroy demonstrates many of the values of P.R.I.D.E., tonight she is receiving a P.R.I.D.E. award for her **dedication** to the City. Award recipients demonstrating Dedication are employees who enjoy serving others, are responsive to customers, take initiative, and help others succeed.

As Juvenile Case Manager for the Carrollton Municipal Court, Julie not only "does" her job, she truly "embraces" her job. Julie does not simply stop her work as Juvenile Case Manager every Friday. After finding valuable classes for juveniles, such as Pathways to

Success for adolescent girls and their families, Julie attends the class as well even in the evenings and on weekends. She also spends weekend hours making phone calls to ensure that mandatory curfews are being met and meeting with the parents of the juveniles so that they do not have to take off work.

Julie demonstrates her dedication to the City and to these adolescents as she so affectionately refers to as, "her kids." Tonight, we honor Julie and are proud to call her one of our employees!

**E** – ***Mike Brighton (Public Works - Traffic Operations)*** Mike Brighton began his tenure with the city on August 23, 1993, as a Signs and Markings Installer. Through hard work and strong leadership abilities, he has worked his way through Traffic Operations onto becoming first Traffic Signal Tech I and II, and finally Supervisor.

From the beginning of his career, Mike has always demonstrated a strong commitment to customer service through prompt responses to citizens' concerns. He has received numerous compliments from citizens because he solved traffic problems quickly and effectively. Mike has also been recognized for his strong leadership and direction on specific projects, particularly because of his timeliness in completing projects.

Currently, Mike is Traffic Operations Supervisor, responsible for directing the crew that maintains the traffic lights and signs around the city. Many times he must respond to emergencies that create difficulties for citizens, if not hazards. Under his leadership Traffic Operations is responding to emergencies within 10 minutes of a call during the week, and 20 minutes after a call during evenings and weekends, both times well under their targets.

Mike also oversees the Neighborhood Identification Sign Program. Homeowner Associations can have the subdivision name on a sign installed above the street sign to create and support community spirit and pride. Mike also manages the sales of these signs to other cities as a revenue-generating activity.

Mike's contributions impact citizens and other city departments by maintaining effective and cost efficient services. His abilities to solve problems and communicate the work unit's goals and objectives make him the recipient of the PRIDE award for Effectiveness.

Their leadership and commitment to the organization makes them deserving of the PRIDE Award. It is employees like this that set Carrollton apart from other cities.

The semi-annual award will consist of a framed P.R.I.D.E. Certificate, a letter of appreciation from the City Manager, and a monetary gift of $300.00 to be presented at a City Council Meeting.

**9.** Present a **Proclamation Declaring May as American Heritage Month.**

Mayor Miller presented a proclamation to Dr. Jiahuan Ding, President of the DFW Asian American Citizen Council declaring May as American Heritage Month.

**10.** Present a **Proclamation Declaring May as Motorcycle Awareness Month.**

Mayor Miller presented a proclamation to Connie Thompson of the Texas Abate and Texas Motorcycles declaring May as Motorcycle Awareness Month.

**PUBLIC FORUM**

**11.** **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.

Mike Miller, 1020 Terry Way of Carrollton, stated that

**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. 12 – 16. Second by Councilmember Hayden. The vote was cast 7-0 in favor of the motion.**

**BIDS AND PURCHASES**

***12.** Consider approval of Bid # 07-030 for **Firefighter Self-Contained Breathing Apparatus to Casco Industries** in an amount not to exceed $450,000.00.

***13.** Consider approval of Bid # 07-028 for **Irrigation Inspections** to various vendors as recommended by staff for an amount not to exceed $44,000.00.

**CONTRACTS AND AGREEMENTS**

***14.** Consider authorizing the City Manager to approve a **Design Contract with Nathan D Maier Consulting Engineers Inc. for the Design of Furneaux Creek Phase 5 (Reach FF)** in an amount not to exceed $493,950.00.

***15.** Consider authorizing the City Manager to approve **Contract with Whole Environmental to Demolish the Structures at the Foxworth-Galbraith Property, 1109 S. Main Street** in an amount of $99,600.15.

***16.** Consider authorizing the City Manager to approve a **Contract with Intercon Environmental to Demolish the Structures at the Thomas Center, 1620 North Denton Drive** in an amount not to exceed $75,500.00.

## PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION

17. Hold a public hearing and consider an **Ordinance Amending SUP-174 for Century Production**. The 3.2-acre site is located at the northeast corner of Belmeade Drive and Tarpley Road and is zoned (LI) Light Industrial District with SUP-174 for manufacturing of soap and detergents. Case No. 04-07SUP1 Century Production/David Carpenter.

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 Williams moved to close the public hearing and Approve Case No. 04-07SUP1 Century Production. Seconded by Councilmember Hayden. The vote was cast 7-0.**

18. Hold a public hearing and consider a **Resolution Amending the Comprehensive Plan** and the Future Land Use Map to designate an 8.7-acre site for Single-Family Attached uses in lieu of Medium Intensity Commercial uses. The site is located on the west side of Old Denton Road, south of Carrollton Parkway. Case No. 03-07MD2 Villas Borghese (Comp Plan)/Joe Angelone.

Lori Levy, Planning Manager presented the case.

Keith Hamilton, the developer on the project, stated he was present to answer any questions Council may have.

Mayor Miller opened the public hearing.

Stephen Duran, 4417 Ramona Street, Carrollton, stated that he has lived in Carrollton for 20 years and the neighborhood for 5 years. He is concerned with some of the issues with the new townhomes. He also believes that the traffic issue should be taken into consideration for this project. He states that his property value has already suffered from the apartments being across the street and with the new town homes coming in his value will go down again. He believes that there are things that Council could require of the developer for the new project to help keep his neighborhood values stable and high.

Steve Edwards, 4420 Wyandotte Street, Carrollton, stated that he was speaking on behalf of the neighborhood the Estates of Indian Creek. The neighborhood is worried about the location of the project and other issues with the project. The neighborhood is not happy with the Planning and Zoning Commissions considerations and procedures. The neighborhood brought a list of stipulations that they would like see to happen if the Council approves the project. The stipulation would be a screening wall to separate their neighborhood with the proposed townhomes.

The following people registered in opposition to the item but did not wish to speak:

Joe Berryman, 1017 Delaware Drive, Carrollton
Anshuman Tewari, 1000 Caddo Dr, Carrollton
Sid Majumdar, 1001 Caddo Drive, Carrollton
Hemchand Kuchvicuitan, 1004 Caddo Drive, Carrollton

Jose Iturralde, 4412 Wyandotte Street, Carrollton
Sajeen Muraeidharan, 4401 Ramona Street, Carrollton
Sunil, Walvekar, 1069 Delaware Street, Carrollton
Diev Hoans, 1020 Caddo Drive, Carrollton
Ajithkumar Veetil, 1037 Delaware Drive, Carrollton
Sasi Pullara, 1041 Delaware Drive, Carrollton
Leyo Joseph, 1024 Caddo, Carrollton
Rajeev Kulam, 4413 Ramona Street, Carrollton
Dan Godfrey, 1021 Caddo Drive, Carrollton
Jose Joseph, 1012 Caddo Drive, Carrollton
Fransisco Cardiel, 1020 Delaware Drive, Carrollton
Philip George, 1016 Delaware Drive, Carrollton
Naren Sahdd, 4409 Ramona Street, Carrollton
Nathan Elliot, 1036 Caddo Drive, Carrollton
Sanjay Shah, 4404 Wyandotte Street
P. Louc, 1020 Caddo Drive, Carrollton
Priyadarshi Das, 4405 Ramona Street, Carrollton
Amarjit Singh, 1016 Caddo Drive, Carrollton

**Councilmember Hayden moved to close the public hearing and Approve Case No. 03-07MD2 Villas Borghese (Comp Plan). Seconded by Councilmember Simons. The vote was cast 5-2, Councilmembers Malone and Mahalik voted no.**

19. Hold a public hearing and consider an **Ordinance Amending PD-123 for the (SF-TH) Single-Family Townhouse District** with modified development standards. The 8.7-acre site is located on the west side of Old Denton Road, south of Carrollton Parkway and is zoned PD-123 for the (LR-2) Local Retail District. Case No. 03-07Z1 Villas Borghese/Joe Angelone.

Lori Levy, Planning Manager presented the case.

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

**Councilmember Simons moved to close the public hearing and Approve Case No. 03-07Z1 Villas Borghese. Seconded by Councilmember Hayden. The vote was cast 5-2, Councilmembers Malone and Mahalik voted no.**

20. Hold a public hearing and consider a **Resolution Amending the Comprehensive Plan** and the Future Land Use Map to designate a 4.3-acre site for Single-Family Attached uses in lieu of Medium Intensity Commercial uses. The site is located on the north side of Keller Springs Road, west of Marsh Lane. Case No. 03-07MD3 Cityview (Comp Plan)/Bryan Klein.

Lori Levy, Planning Manager presented the case.

The applicant, Bryan Klein gave Council background information on the project and opened up the discussion for questions.

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

**Councilmember Marchant moved to close the public hearing and Approve Case No. 03-07MD3 Cityview (Comp Plan). Seconded by Councilmember Simons. The vote was cast 7-0.**

21. Hold a public hearing and consider an **Ordinance approving a Planned Development District for the (SF-TH) Single-Family Townhouse District** with modified development standards. The 4.3-acre site is located on the north side of Keller Springs Road, west of Marsh Lane and is zoned (LR-2) Local Retail District. Case No. 03-07Z2 Cityview/Bryan Klein.

Lori Levy, Planning Manager presented the case.

Mayor Miller opened the public hearing.

Bernard Shaw, 3102 Maple Avenue, Carrollton, stated that he represents the shopping center that is directly in front of this planned development. He wanted to make sure that the zoning for his property will stay the same and not change.

Lori Levy stated that the zoning would not change for the surrounding properties. Council was only making decisions on the property listed.

**Councilmember Marchant moved to close the public hearing and Approve Case No. 03-07Z2 Cityview with the following stipulations: 1. Ornamental Iron in lieu of wrought iron in all such references as it relates to screening/fences; 2. Chimneys for fireplaces, where provided, shall be brick to the upper termination on end housing units only, and only if the fireplaces are located on an exterior wall of the structure; 3. With the exception of the private driveways that front upon the stained concrete streets as shown on the attached concept plan, the remaining private driveways shall have a minimum 4-foot strip, ribbon or panel of stained and stamped concrete with flexibility so as to be compatible with the architecture, garage door placement and layout; 4. The detention pond adjacent to Marsh Lane shall be located behind the fence (on the west side of the fence) to the extent that the design of the detention pond allows and as approved by Public Works; 5. The required screening walls along both Marsh Lane and Keller Springs Road shall be 4' masonry with 2' black, ornamental iron. Seconded by Councilmember Simons. The vote was cast 4-3, Councilmember Hayden, Malone and Weidinger voted no.**

22. Hold a public hearing and consider an ordinance **Amending the Comprehensive Plan and the Transportation Plan** to establish new street categories in Transit Center Districts. Case No. 04-07MD3 (TOD) Transportation Plan Amendment/City of Carrollton.

Lori Levy, Planning Manager presented the case.

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

**Councilmember Simons moved to close the public hearing and Approve Case No. 04-07MD3 Transportation Plan Amendment. Seconded by Councilmember Weidinger. The vote was cast 7-0.**

***Mayor Miller adjourned the meeting at 8:36 p.m.***

***Mayor Miller reconvened the Worksession at***

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

**5.** Briefing on **Code Enforcement Program.**

Scott Hudson, Interim Director of Environmental Services stated that this worksession item is to brief the City Council on the current status and strategies of the Code Enforcement Program. The briefing entailed a review of the program elements, performance targets and staffing levels. Emphasis was given to night and weekend enforcement response and to strategic considerations should additional resources become available.

**7.** Discuss **Proposed Sign Code Amendments.**

Ravi Shah, Director of Development services stated that the City of Carrollton regulates the placement of signs on buildings and private property through the use of sign regulations. The Sign Code was adopted by ordinance #1278 in 1986 in order to regulate signs within the city limits and is updated on a regular basis to advance public interest and enhance business needs. These regulations are intended to reduce and control visual clutter and sign blight.

Staff has proposed certain amendments to the Sign Code as part of an overall initiative to modify development standards that align with community sustainability and current trends. These also include potential solutions and responses to the feedback received from the retail round table committee regarding signage along PGBT.

These amendments to the Sign Code will enhance the sustainability of the community by reducing visual blight and providing for a more equitable application of the code. In addition, these changes will require aesthetic improvements to freestanding signs.

Staff presented this information to the Council for feedback and receive direction to proceed with developing prescriptive standards based on the proposed initiatives.

**6.** Discuss **Appointments to Various Boards and Commissions.**

Council tabled this discussion to the May 15 City Council Meeting.

_____
Becky Miller, Mayor

ATTEST:

_____
Ashley D. Mitchell, City Secretary

Agenda Item No. 11

**CC MEETING: JULY 17, 2007**

**DATE:** July 10, 2007

**TO:** Leonard Martin, City Manager

**FROM:** Vince Priolo, Purchasing Manager

**SUBJ.:** **BID AWARD FOR TREE TRIMMING (REBID)**

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**BACKGROUND:** The tree trimming service to be purchased from this bid award will be for miscellaneous service as needed at all city parks, facilities, and right-of-ways. A bid was originally processed for this service in February, 2007, but the vendor that was awarded the bid award has reneged on the agreement so we processed a new sealed bid.

Bids were advertised and received from twelve vendors of which eleven responded and one provided a no bid.

**FINANCIAL IMPLICATIONS:** The service on **Bid #07-040** will be purchased from budgeted funds for the cost centers and amounts as listed below:

| COST CENTER | LINE ITEM | BUDGET AMOUNT |
|---|---|---|
| PARKS MAINTENANCE | 61190 – OTHER PROF. SERVICES | $ 60,000.00 |

**RECOMMENDATION/ACTION DESIRED:** Staff recommends that the bid award meeting all specifications be awarded to Asplundth Tree Experts as primary and Elite Tree Service as secondary for an amount not to exceed $60,000.00. Elite Tree Service is a smaller company and can only provide a limited number of crews.

Note: The bid from Golden Tree should be excluded from consideration as they were the company that reneged on the previous agreement. The bid from TLG Tree Care should also be excluded because they are a very new firm with little history, few references, and our contact with this company presented us with customer service problems when he worked at Golden Tree.

ATTACHMENTS: Tabulation sheet

## Bid #07-040 TREE TRIMMING AND SERVICE

| TREE TRIMMING | Elite Tree Service | TLG Tree Care | Asplundth Tree Expert Company | Golden Tree |
|---|---|---|---|---|
| 2 man crew (1) tree climber- (1) ground man | $ 78.00 | $ 85.00 | $ 96.00 | $ 93.75 |
| 3 man crew (2) tree climbers- (1) ground man | $ 122.00 | $ 118.75 | $ 118.50 | $ 140.62 |
| 4 man crew (2) tree climbers- (2) ground man | $ 160.00 | $ 150.00 | $ 137.00 | $ 187.50 |
| **TREE REMOVAL** | | | | |
| 2 man crew (1) tree climber- (1) ground man | $ 78.00 | $ 85.00 | $ 96.00 | $ 93.75 |
| 3 man crew (2) tree climber- (1) ground man | $ 122.00 | $ 118.75 | $ 118.50 | $ 140.62 |
| 4 man crew (2) tree climbers- (2) ground man | $ 160.00 | $ 150.00 | $ 137.00 | $ 187.50 |
| Stump grinding | $ 3.00 | $ 2.25 | $ 3.25 | $ 2.01 |
| Disposal Fee | $ 30.00 | $ 10.50 | $ 40.00 | - |
| Hourly rate for additional help | $ 35.00 | $ 15.00 | $ 25.50 | $ 46.89 |

| TREE TRIMMING | Horton Tree Service | Forest Hills | Big Bird Tree Service | Davey Tree & Lawn |
|---|---|---|---|---|
| 2 man crew (1) tree climber- (1) ground man | $ 105.50 | $ 115.00 | $ 110.00 | $ 124.00 |
| 3 man crew (2) tree climbers- (1) ground man | $ 152.50 | $ 170.00 | $ 130.00 | $ 186.00 |
| 4 man crew (2) tree climbers- (2) ground man | $ 187.50 | $ 228.00 | $ 160.00 | $ 248.00 |
| **TREE REMOVAL** | | | | |
| 2 man crew (1) tree climber- (1) ground man | $ 122.50 | $ 132.00 | $ 115.00 | $ 124.00 |
| 3 man crew (2) tree climber- (1) ground man | $ 187.50 | $ 182.00 | $ 145.00 | $ 186.00 |
| 4 man crew (2) tree climbers- (2) ground man | $ 254.00 | $ 240.00 | $ 165.00 | $ 248.00 |
| Stump grinding | $ 4.50 | $ 5.25 | $ 2.00 | $ 4.00 |
| Disposal Fee | $ 40.00 | $ 78.00 | $ 2.00 | $ 50.00 |
| Hourly rate for additional help | $ 45.00 | $ 57.00 | $ 25.00 | $ 62.00 |

| TREE TRIMMING | Bartlett Tree Experts | Capo, Inc. | World Class Trees |
|---|---|---|---|
| 2 man crew (1) tree climber- (1) ground man | $ 151.55 | $ 150.00 | $ 210.00 |
| 3 man crew (2) tree climbers- (1) ground man | $ 220.83 | $ 225.00 | $ 235.00 |
| 4 man crew (2) tree climbers- (2) ground man | $ 285.78 | $ 300.00 | |
| **TREE REMOVAL** | | | |
| 2 man crew (1) tree climber- (1) ground man | $ 151.55 | $ 180.00 | $ 275.00 |
| 3 man crew (2) tree climber- (1) ground man | $ 220.83 | $ 270.00 | $ 294.00 |
| 4 man crew (2) tree climbers- (2) ground man | $ 285.78 | $ 360.00 | |
| Stump grinding | $ 10.83 | $ 1.00 | $ 3.85 |
| Disposal Fee | $ 10.83 | $ 15.00 | $ 100.00 |
| Hourly rate for additional help | $ 70.36 | $ 75.00 | |

Agenda Item No. 12

**CC MEETING: JULY 17, 2007**

**DATE:** July 6, 2007

**TO:** Leonard Martin, City Manager

**FROM:** Scott Hudson, Director of Environmental Services

**SUBJECT: ASBESTOS ABATEMENT AND DEMOLITION OF 1000 PARK CIRCLE**

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**BACKGROUND:** The Parks Maintenance Building located at 1000 Park Circle is a city owned parks maintenance facility that has been relocated to the Sandy Lake Facility. It is scheduled for demolition to make way for redevelopment in the area.

The abatement and demolition of the site requires the services of a state certified asbestos contractor and a demolition contractor. There are different purchasing procedures for this type of service. One procedure uses the bid award through the Texas Building and Procurement Commission (TBPC). The city is a member of TBPC, and as a member is allowed to access TBPC's contract through the city's ongoing inter-local agreement. Texas law authorizes this process so that the city can save the time of developing specifications and avoid the duplication of the competitive bidding process.

The TBPC bid award was awarded to three vendors in April 2006 for the Texas Department of Transportation (TxDOT). The three vendors were invited to provide a quote on the Parks Maintenance Facility asbestos abatement and demolition based on their bid specifications to TxDOT. Intercon Environmental submitted the lowest quote amount of $25,001.00.

**FINANCIAL IMPLICATIONS:** The asbestos abatement and demolition will be purchased from budgeted funds from the parks relocation capital project fund.

**RECOMMENDATION/ACTION DESIRED:** Staff recommends approval to award the contract for asbestos abatement and to demolish the structure at the Parks Maintenance property, 1000 Park Circle to Intercon Environmental using our interlocal agreement with the Texas Building and Procurement Commission for a total amount of $25,001.00.

**ATTACHMENTS:** None

CARROLLTON TEXAS

Agenda Item No. 13

**CC MEETING: July 17, 2007**

**DATE:** July 12, 2007

**TO:** Leonard Martin, City Manager

**FROM:** Cesar Molina, Director of Engineering

**SUBJECT: RED LIGHT ELECTRONIC ENFORCEMENT (RLEE) ADVISORY COMMITTEE**

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**BACKGROUND:**
Senate Bill 1119 signed by the governor in June 2007, established a law that governs the establishment of red light running programs in the state of Texas. One of the provisions of the new law is that a committee of citizens, individual appointed by the each council member must be created called the Red Light Electronic Enforcement (RLEE) Advisory Committee. The purpose of this committee is to review and advise the city council on the installation and operation of photographic traffic signal enforcement systems. Our interpretation of this section is that before we select any locations for red light enforcements, staff needs to take the locations to this committee. The committee has only advisory capacity.

Staff goal is to have the committee in place by August to allow staff to take the proposed locations to the committee in early August. Staff is targeting bring the contract with the selected red light enforcement vendor to Council in the August meetings so that they may authorize the city manager to enter into a contract with vendor before August 31st.

To comply with the new state law, City Council must individually appoint members to this committee. For the sake of expediency, Staff is suggesting that the current Traffic Advisory Committee members be select to initially serve on this new committee. Obviously, council members may select any other individuals but the existing members have already been screened by the city secretary's office which usually takes 2 weeks and these individuals already have some background in hearing traffic related issues. State law does not specify the size of the committee, so staff is initially assuming 8 members (one per council member and mayor). At this time, there are only seven members serving on TAC. Therefore, staff is suggesting that council only appoint 7 members at this time and allow the committee to function with one vacancy. The final member will be selected through the normal boards and commission member selection process and this should be completed by September.

The following names are suggested for your consideration:
Tom Higggins
Benjamin Zuniga
David Hobbs
James Pipkin
Muthu Seshadri
Alana Constantine
Cathy Henesey

**STAFF RECOMMENDATION/ACTION DESIRED:**
Create the RLEE advisory committee.

**ATTACHMENTS:**
Ordinance

**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF CARROLLTON AMENDING CHAPTER 34 OF THE CARROLLTON CITY CODE, CREATING A CITIZEN ADVISORY COMMITTEE RELATED TO PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT, CONTAINING A SAVINGS CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1

Chapter 34 of the Carrollton City Code is amended to read as follows:

Sec. 34.117. Created; composition; appointment of members.

There is hereby created and established for the city, a Citizen Advisory Committee related to photographic traffic signal enforcement, called the Committee, composed of eight (8) members appointed by the City Council.

A. Qualifications of members.

Each member of the Committee shall have the qualifications specified by the City Charter.

B. Terms of members

The members of the Committee shall be appointed for two (2) year terms.

C. Filling of vacancies

All vacancies on the Committee shall be filled as they occur in the same manner as original appointments.

D. Staff assistance.

The Committee shall be assisted in its work by the staff of the Transportation Department, with other city departments providing support as needed.

E. Powers and duties generally

The powers and duties of the Committee shall be those established in Chapter 707 of the Texas Transportation Code.

SECTION 2

Savings Clause. That Chapter 34 of the Code of Ordinances, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3

That this ordinance shall become effective immediately from and after its passage.

PASSED AND APPROVED _____, 2007.

City of Carrollton, Texas

By:_____
Becky Miller, Mayor

ATTEST:

_____
City Secretary

Approved as to form:

_____
City Attorney

Agenda Item No. 14

**CC MEETING: JULY 17, 2007**

**DATE:** July 12, 2007

**TO:** Leonard Martin

**FROM:** Ashley D. Mitchell, City Secretary

**SUBJECT: APPOINTING MEMBERS TO THE RED LIGHT ELECTRONIC ENFORCEMENT (RLEE) ADVISORY COMMITTEE**

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**BACKGROUND:**
To comply with the new state law, City Council must individually appoint members to the Red Light Electronic Enforcement (RLEE) Advisory Committee. For the sake of expediency, Staff is suggesting that the current Traffic Advisory Committee members be select to initially serve on this new committee. Obviously, council members may select any other individuals but the existing members have already been screened by the city secretary's office which usually takes 2 weeks and these individuals already have some background in hearing traffic related issues. State law does not specify the size of the committee, so staff is initially assuming 8 members (one per council member and mayor). At this time, there are only seven members serving on TAC. Therefore, staff is suggesting that council only appoint 7 members at this time and allow the committee to function with one vacancy. The final member will be selected through the normal boards and commission member selection process and this should be completed by September.

The following names are suggested for your consideration:
Tom Higggins
Benjamin Zuniga
David Hobbs
James Pipkin
Muthu Seshadri
Alana Constantine
Cathy Henesey

**FINANCIAL IMPLICATIONS:**
None

**STAFF RECOMMENDATION/ACTION DESIRED:**
None

**ATTACHMENTS:**
Resolution

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY OF CARROLLTON, TEXAS, APPOINTING MEMBERS TO SERVE ON THE RED LIGHT ELECTRONIC ENFORCEMENT (RLEE) ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS:**

**SECTION 1**

That the following are appointed to serve on the Red Light Electronic Enforcement (RLEE) Advisory Committee at the pleasure of the City Council for the term specified or from the date qualified to serve until their successors are appointed and qualified to serve.

| | |
|---|---|
| Tom Higggins | October 31, 2008 |
| Benjamin Zuniga | October 31, 2007 |
| David Hobbs | October 31, 2008 |
| James Pipkin | October 31, 2007 |
| Muthu Seshadri | October 31, 2007 |
| Alana Constantine | October 31, 2008 |
| Cathy Henesey | October 31, 2008 |

**SECTION 2**

That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 17th day of July, 2007.

CITY OF CARROLLTON, TEXAS

_____
Becky Miller, Mayor

ATTEST:

_____
Ashley D. Mitchell, City Secretary

Approved as to form:

_____
R. Clayton Hutchins, City Attorney

CARROLLTON TEXAS

Agenda Item No. 15

**CC MEETING: July 17, 2007**

**DATE:** July 12, 2007

**TO:** Leonard Martin, City Manager

**FROM:** Ashley D. Mitchell, City Secretary

**SUBJECT: MAYOR PRO TEM AND DEPUTY MAYOR PTO TEM APPOINTMENT**

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**BACKGROUND:**
Each year after the General Election, the City Council appoints a new Mayor Pro Tem and Deputy Mayor Pro Tem. In accordance with Sec. 2.05 of the City Charter, the Council shall elect from among the Council members, a Mayor Pro Tempore who shall act as mayor during the absence or disability of the mayor.

In June 2006, the Governance Policy was amended to allow for a Deputy Mayor Pro Tem. The Deputy mayor pro-tem is to serve at the pleasure of the council and shall represent the city at ceremonial functions in the event the mayor and mayor pro-tem are absent, unavailable, or disabled from performing their duties. In the event both the mayor and mayor pro-tem are physically prevented from performing their official duties in a disaster or other event that necessitates an elected official perform duties required by law, the council shall convene at the earliest possible time and appoint the deputy mayor pro-tem to serve temporarily as mayor pro-tem until such time as the mayor or original mayor pro-tem are available and capable of resuming the duties of office.

**FINANCIAL IMPLICATIONS:**
None

**STAFF RECOMMENDATION/ACTION DESIRED:**
Staff recommends that Council select a member to serve as Mayor Pro Tem and Deputy Mayor Tem until May 2008.

**ATTACHMENTS:**
Resolution

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS ELECTING A MAYOR PRO TEM PURSUANT TO SECTION 2.05 OF THE CITY CHARTER.**

**WHEREAS,** Section 2.05 of the Carrollton City Charter provides that the Council shall elect from among the Council members, a Mayor Pro Tempore who shall act as mayor during the absence or disability of the mayor, and;

**WHEREAS,** The Council Governance Policy And Rules of Procedure, Section IV provides that the Council shall elect from among the Council members a Deputy Mayor Pro Tempore who shall represent the city at ceremonial functions in the event the mayor and mayor pro-tem are absent, unavailable, or disabled from performing their duties. In the event both the mayor and mayor pro-tem are physically prevented from performing their official duties in a disaster or other event that necessitates an elected official perform duties required by law, the council shall convene at the earliest possible time and appoint a deputy mayor pro-tem to serve temporarily as mayor pro-tem until such time as the mayor or original mayor pro-tem are available and capable of resuming the duties of office.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, STATE OF TEXAS:**

**Section 1.**

That _____is hereby elected Mayor Pro Tem until May 2008; and shall act as Mayor during the disability or absence of the Mayor, or when directed by the Council if the Mayor refuses to act, and in this capacity shall have all the rights conferred upon the Mayor.

**Section 2.**

That _____is hereby elected Deputy Mayor Pro Tem until May 2008; and shall represent the city at ceremonial functions in the event the mayor and mayor pro-tem are absent, unavailable, or disabled from performing their duties. In the event both the mayor and mayor pro-tem are physically prevented from performing their official duties in a disaster or other event that necessitates an elected official perform duties required by law, the council shall convene at the earliest possible time and appoint a deputy mayor pro-tem to serve temporarily as mayor pro-tem until such time as the mayor or original mayor pro-tem are available and capable of resuming the duties of office.

**DULY PASSED AND APPROVED** by the City Council of the City of Carrollton, Texas this _____ day of _____, _____.

CITY OF CARROLLTON, TEXAS

_____
Becky Miller
Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Ashley D. Mitchell, City Secretary

_____
R. Clayton Hutchins, Asst. City Attorney