

**CARROLLTON CITY COUNCIL
WORKSESSION AND REGULAR MEETING**

AUGUST 19, 2008

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, August 19, 2008, at 5:45 p.m. with the following members present: Mayor Ron Branson, Mayor Pro Tem Matthew Marchant, Deputy Mayor Pro Terry Simons, Councilmembers Tim Hayden, John Mahalik, Pat Malone, Larry Williams and Herb Weidinger. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy and Bob Scott, Director of Managed Competition Tom Guilfooy, Workforce Services Director Erin Rinehart, City Attorney Clayton Hutchins and City Secretary Ashley D. Mitchell.

***** PRE-MEETING *****

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.

***** EXECUTIVE SESSION *****

4. Council convened in **Executive Session at 5:57 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 551.076** to discuss security matters.
 - **Section 551.087** to discuss Economic Development.
5. Council **reconvened in open session at 6:30 p.m.** to consider action, if any, on matters discussed in the Executive Session.

***** WORKSESSION *****

COUNCIL BRIEFING ROOM

6. Briefing on **Government Medical Security Services.**

Dr. A.J. Kirk gave a short presentation to Council regarding the Government Emergency Medical Security Services.

7. Briefing on **The Proposed Implementation Of A Recycling Rewards Program From Allied Waste Services.**

The city of Carrollton is provided residential solid waste services from Allied Waste Services (AWS), which include recycling collection every other week by a comingled automated cart process.

At the July 9, 2008 work session Council considered an offer from AWS to enter into a recycle rewards program to encourage recycling. Council directed staff to proceed in developing an implementation strategy making Carrollton the first city in Texas to participate in this program.

Council discussed implementation of a residential waste recycling rewards program.

Mayor Branson recessed the Worksession at 6:50 p.m.

INVOCATION was led by Councilmember Williams

PLEDGE OF ALLEGIANCE was led by Councilmember Simons.

PRESENTATIONS

14. Present a **Proclamation Declaring August 19, 2008 as Kathi Rayborn Day.**

Mayor Branson presented the proclamation. Kathi Rayborn has been associated with the City of Carrollton Athletics Division and has been a highly successful Carrollton Aqua Racers swim coach for 15 years. She has done an outstanding job working with the youth in our community and has touched many lives with her strength and character. She is moving away and we want to recognize her for her many years of contribution and service.

15. Present a **Proclamation Declaring September 20, 2008 as Pink On The Square Day.**

Mayor Branson presented the proclamation.

16. Presentation of **Life Saving Awards To The Fire Department.**

Chief Murphy stated that the Fire Department would like to present three Department members with Life Saving Awards for their life saving actions during an EMS incident.

Lifesaving Awards – Engine 113 - B Shift

On June 23, 2008 Carrollton Engine 113 and Addison Medic 102 were dispatched to a choking person. While responding the crews were informed that CPD Officers were on the scene and that the choking person was blue and not breathing. Upon Engine 113's arrival the crew found CPD Officers Chevallier and Kirk performing rescue efforts on the unconscious patient. Sub Apparatus Operator/Paramedic Brent McAdams immediately checked the patient for the presence of a foreign object in the patient's airway.

McAdams, with the assistance of Captain Steve Keller and Apparatus Operator Brett Bates, was able to use the McGill forceps and remove a large amount of food from the patient's airway. Once this procedure was completed the patient began to breathe. The patient was transported to the hospital by Addison Medic 102, accompanied by

Carrollton personnel, where he regained consciousness. The patient was later released from the hospital without any neurological complications

The Fire Department would also like to recognize Carrollton Police Officers Chevallier and Kirk for their exemplary service during the incident.

17. Recognition of **Twenty-Five Years Of Service For Officer Jeff Moore.**

Chief James recognized Officer Jeff Moore for his twenty-five years of service to the City and the citizens of Carrollton.

OFFICER JEFF MOORE

Summary of Assignments:

- June 1983 to October 1985, Police Officer, Patrol Operations
- October 1985 to March 2001, Investigator, CID – Crime Scene Search
- March 2001 to October 2007, Police Officer, Fiscal Affairs
- October 2007 to present, Police Officer, Crime Prevention

Summary of Service Awards and Recognitions:

- Safe Driving Award
- Firearms Proficiency Award
- Master Peace Officer License
- Officer of the Year – 1993
- Meritorious Conduct Award – 1995
- Officer of the Year – 2004
- Over 60 commendation letters for various actions

On June 14, 1983 Jeff Moore began his employment with the City of Carrollton. He attended the North Texas Council of Governments Regional Police Academy in Arlington along with Officer Roy Rhodes who is here with us tonight as well. After Academy graduation, In-Service Training and a period of instruction in the field with a Field Training Officer, Jeff was assigned to a patrol shift to begin his career as a Police Officer. Jeff came to Carrollton PD with some prior experience as an Officer, having served as a Reserve Deputy in the Dallas County Sherriff's Office. Jeff continued his education at University of Texas, Arlington where he graduated with a 3.81 GPA. Interestingly enough Jeff finished High School in 3 years by testing out on most of his core classes and spent the rest of his time in a magnet program for film production.

Jeff Moore did not spend much time in patrol as he was reassigned along with the late Officer Pete Peterson to create a Crime Scene Search Section of the Police Department. Jeff and Pete created the operations of this new section from the ground up and nurtured the program into the respected unit it is today. During his time in Crime Scene, Jeff worked numerous high profile cases which were cleared and solved due to his outstanding skills as a crime scene investigator. It came time in Jeff's career to move on and he was reassigned to the Fiscal Affairs Section where he managed the budget, did the purchasing, and maintained inventory for the police department. During Jeff's tenure in Fiscal Affairs we noticed his canny ability to repair broken things and he quickly became the go-to guy to salvage equipment that in the past might have been discarded thus saving us money. Jeff reached a point during his time in Fiscal Affairs that he wanted to do something new and transferred to the Crime Prevention Section where he serves the citizens today. Jeff along with fellow Officer Travis Johnston work daily with our

citizens to provide prevention information, security assessments, and manage our Citizen assisted resources.

Jeff has been married to Diane for 23 years. Jeff and Diane have two children Ryan 17, and Lauren 16, both who are students at Hebron High School. I believe they will agree Jeff is a good natured person with a great sense of humor. Jeff is well respected by all that know him and is considered a very knowledgeable and resourceful Officer at the Police Department.

The City of Carrollton and the Carrollton Police Department wish to express to Jeff Moore their heart felt thanks and appreciation for his 25 years of service to this community.

18. Recognition of Twenty-Five Years Of Service For Officer Roy Rhodes.

Chief James recognized Officer Roy Rhodes for his twenty-five years of service to the City and citizens of Carrollton.

Summary of Assignments:

- July 1983 to September 1983, Police Officer, Training Status
- September 1983 to November 1986, Police Officer, Patrol Operations
- November 1986 to December 1997, Investigator, Criminal Investigations
- December 1997 to Present, Police Officer, Patrol Operations

Summary of Service Awards and Recognitions:

- Service Club Officer Award
- Officer of the Year 2002
- Meritorious Conduct Award
- Safe Driving Award
- Firearms Proficiency Award
- Master Peace Officer State Certification
- Field Training Officer

Roy began his career as a police officer in September of 1979 in Weirton, West Virginia. He began his career with the Carrollton Police Department on September 23, 1983. Roy spent just over 2 years in Patrol. Then he transferred into the Criminal Investigations Division. There he spent 10 years as an investigator where he specialized in Crimes Against Persons. During those years Roy became a dependable and experienced investigator. He received several commendations from inside the department for his work but also commendations from other police agencies and victims of crimes for the work he did and the attitude he displayed.

Roy has 125 commendations in his file. They range from commendations for his attitude and assistance with patrol calls, to his persistence and investigative ability on several homicide cases. He has also received a commendation from the District Attorney for his work and testimony on a case.

Roy is married to Debbie and they have one child, Danielle. They make their home in Carrollton.

Roy is known around the Police Department as the king of the “one-liners” as he can come up with one in almost any situation. Sometimes they are a hit and sometimes they are a miss but they are always Roy. Some examples are:

1. Roy reported a cow loose in a roadway. A short time later he reported over the radio that he was able to “STEER” it back to the pasture.
2. While investigating a theft, he said that I'm glad to see that we are "EXHAUSTING" all possible leads to catch these catalytic converter thieves.
3. And once as he passed by an office packed full of sergeants, "I haven't seen this many STRIPES since I was at the zoo."

But here is an example of how Roy exemplifies the Carrollton difference.

A lady in town came to the Police Department and asked the front desk officer for help. She had a 25 year old autistic son. He had been acting up, yelling profanities in the yard and at school. He's much bigger than she is and when she told him she was going to call the police he physically would not let her leave the table. She's getting scared and feeling like she's at the end of her rope. She started to break down at the front desk. Her question was basically, do we have any programs that could help her with him?

The front desk officer did what he could for her and she left. He also told Roy Rhodes about the encounter. Roy stopped by the residence a few days later and met the autistic man. He visited with him for about 30 minutes. Roy found that he was a very high functioning autistic and he was honest about his past behavior against his mother. Roy gave him three written suggestions to follow and listed them on the back of his business card. The young autistic man agreed to try to do better.

About 3 weeks later, Roy contacted the mother to check on the situation. She advised that her son is doing much better and credits Carrollton Police, and specifically Officer Roy Rhodes, for reaching out to her family.

Roy has worked for a number of supervisors over the years, and while reviewing his evaluations, consistency in his performance was obvious. But one supervisor said it best; Officer Rhodes is a Professional Law Enforcement Officer.

Roy is energetic, enthusiastic, and consistent in his 25 year tenure. He is as well respected officer of the Carrollton Police Department.

PUBLIC FORUM

19. **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.

None.

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.*)

Mayor Pro Tem Malone moved to approve Agenda Items No. 20-24. Second by Councilmember Simons. The vote was cast 7-0 in favor of the motion.

CONTRACTS AND AGREEMENTS

- *20. Consider authorizing the City Manager to **Approve An Agreement For Professional Services For The Enterprise Work/Asset Management System Project** In An Amount Not To Exceed \$238,000.
- *21. Consider authorizing the City Manager to **Approve Change Order No. 3 For Furneaux Creek Segment 3** In An Amount Of \$56,430.00 For A Revised Contract Amount Not To Exceed \$4,576,990.00.
- *22. Consider Authorizing The City Manager To **Approve A Contract With Jacobs Carter Burgess Engineers For Professional Engineering Services For The Development Of Erosion Control Construction Plans For Furneaux Creek FD And FE (Section 6)** In An Amount Not To Exceed \$75,750.00.

RESOLUTIONS

- *23. Consider a **Resolution Authorizing The City Manager To Extend The Incentive Agreement With Carrollton Asian Town Center, L.P.**
- *24. Consider a **Resolution Authorizing The Investment Officer's Quarterly Report For Quarter Ended June 30, 2008.**

PUBLIC HEARING -INDIVIDUAL CONSIDERATION

- 25. Consider **Setting The Proposed Property Tax Rate for Tax Year 2008, Setting The Public Hearing Date For The Proposed Fiscal Year 2008-09 Budget And Setting The Date For Consideration Of Approvals Of The Proposed Tax Rate And Budget.**

Deputy Mayor Pro Tem Mahalik made a motion to set the proposed property tax rate for tax year 2008 at 61.7875 cents per \$100 of valuation, setting the public hearing for the proposed Fiscal Year 2008-09 Budget on the September 2nd, 2008 5:45 p.m. City Council Meeting agenda, and placing consideration for approval of the proposed tax rate and budget on the September 16th, 2008 5:45 p.m. City Council Meeting agenda. Councilmember Weidinger second the motion. The vote was cast 7-0 in favor of the motion.

Mayor Branson adjourned the meeting at 7:27 p.m. and reconvened the Worksession.

8. Discuss Fiscal Year 2009 Proposed Budget.

Mr. Scott stated that on April 15, 2008, staff presented to City Council the Multi-year (five-year) Budget and Financial Forecast beginning the budget preparation process for the Fiscal Year 2008-09 Budget.

The Fiscal Year 2008-09 Preliminary Budget was distributed to City Council on August 1, 2008. On August 5, 2008, a City Council work session was held to provide City Council an opportunity for questions and deliberation. The Decisions Points for the Administrative Services and Utility Funds were accidentally omitted from the Preliminary Budget. These two pages are attached for City Council's review.

On August 7, 2008, staff received the effective and rollback tax calculations from the Dallas County Tax Office. The effective tax rate is \$.618825 and the rollback tax rate is \$.660414. As the proposed tax rate of \$.617875 is less than both of those rates, there are no public hearing requirements to adopt the tax rate. However, per Local Government Code Chapter 102. Municipal Budget, as the Proposed Budget will raise more revenue from property taxes than in the previous year, there is a requirement to hold one public hearing on the Proposed Budget.

Prior to that public hearing the following is required:

1. At least 15 days prior to the public hearing and 30 days prior to the levy of the tax, file the proposed budget with the Municipal Clerk and post it to the website with a cover containing the following language in 18 font:
"This budget will raise more total property taxes than last year's budget by \$1,215,007, a 2.18% increase, and of that amount \$611,992 is tax revenue to be raised from new property added to the tax roll this year."
2. Publish a notice for a public hearing on the Proposed Budget with the same wording as above 10 to 30 days prior to the public hearing.

Additionally, on September 16, 2008, Council must have a separate vote to ratify the property tax increase in addition to the votes on the budget and tax rate.

This public hearing on the Proposed Budget is planned for September 2, 2008. The second public hearing planned for September 9, 2008 is no longer necessary as the proposed tax rate is less than the lower of the effective and rollback tax rates. However, if Council desires a second public hearing it could be held on September 9, 2008 or before the adoption of the budget and tax rate on September 16, 2008.

The Proposed Budget will be prepared based on the Preliminary Budget. This Proposed Budget will be filed with the City Secretary and posted to the City website by August 18, 2008 in accordance with the requirements of the Local Government Code. The notice for the public hearing on September 2, 2008 will be published by August 23, 2008.

Councilmember Marchant proposed the following modifications to the FY08-09 Budget:

- Increase ambulance fees 4% to cover new protocols requiring additional medical equipment and supplies as well as increases in fuel charges.

- Add a new fee for recovery from hazardous materials responses for natural gas lines cut by contractors.
- Adjust the apartment inspection fee to \$13 per unit or \$250 minimum.
- Add a new fee of \$50 for single-family rental inspection.
- Add a new fee for food service worker certification based on number of employees per establishment.
- Add a new fee for repeat inspections of continued property violations of \$40 per hour.
- Include Library book club kits as part of the items for circulation.
- Increase the non-resident fees at Rosemeade pool to \$6.
- Increase the ATMOS gas franchise fee from 4% to 4.2%.
- Add a school resource officer with total recurring and non-recurring costs in Fiscal Year 2008-09 of \$100,918. Full-year costs for Fiscal Year 2009-10 would be \$70,286.
- Adjust pay schedule for dispatchers for total recurring costs in Fiscal Year 2008-09 of \$41,244. Full-year costs for Fiscal Year 2009-10 would be \$54,992.
- Include funding for homeland security supplies and equipment for a total recurring cost of \$3,000.
- Provide certification pay for dispatchers. Total recurring costs in Fiscal Year 2008-09 would be \$6,750 with full-year costs for Fiscal Year 2009-10 of \$9,000.
- Add a police sergeant for Transit Oriented Development (TOD). Total recurring and non-recurring costs for Fiscal Year 2008-09 would be \$87,542 with full-year costs for Fiscal Year 2009-10 of \$104,943.
- Include 20 year step pay for police officers for a total of \$16,438 recurring in Fiscal Year 2008-09 and full-year costs of \$21,917 in Fiscal Year 2009-10.

Council concurred with his proposal and directed staff to hold an additional public hearing on September 16.

9. Discuss **Economic Development Public Relations/Branding/Logo Consultant.**

TOD Manager Peter Braster and Economic Development Director Brad Mink stated that at the Council's summer retreat, staff presented a proposal to engage an economic development public relations/branding consultant to work on the City's behalf. Staff recommended hiring Development Counsellors International (DCI). The Council asked staff to interview DCI's references and investigate other firms that could also accomplish these tasks.

A community branding and logo update program can build upon the excitement and anticipation of the arrival of light rail transit and transit-oriented development in Carrollton, and help create a new image for the city.

Staff presented the proposal for hiring a public relations/branding/logo consultant and Council concurred.

10. Discuss **Joining Effort To Expedite Construction Of Cotton Belt Commuter Rail Line.**

Mr. Martin stated that the Cotton Belt rail line is in the DART 2030 Plan. The cities of Richardson & Addison have been working to build a coalition of DART cities along the line to request the NCTCOG Regional Transportation Council (RTC) to seek ways to expedite the construction of the line to the 2012 to 2013 time frame using a combination of funding sources.

We have been asked to send a letter to the RTC asking that organization to begin work on expediting construction of the Cotton Belt Line by working with DART, the Trinity Railway Express, DFW International Airport and other interest groups.

Whenever the Cotton Belt Line is opened will contribute significantly to the city's TOD efforts as well as improve the sustainability of the DFW region. Expediting the opening will have a very positive impact on the City of Carrollton.

Council authorized the Mayor to send a letter of support to the NCTCOG Regional Transportation Council.

11. Discuss **City Council Term Limits.**

Council discussed placing an item on the May 2009 ballot to repeal term limits. Councilmembers Marchant, Hayden, Williams and Weidinger felt that the voters made their decision on 2001 when they approved term limits and they did not feel that this item needed to be placed on the ballot.

12. Update from the **Illegal Immigration Task Force Sub-Committee.**

Randy Pennington stated that the Council sub-committee met on Friday, August 15 and came up with the following:

Mission:

The task force is charged to accomplish the following:

- Determine the scope and extent of illegal immigration in the City of Carrollton
- Recommend actions the City of Carrollton legally can and should take to:
 - Address the challenges created by illegal immigrants who might live and work in Carrollton
 - Assist property and business owners with tools to ensure compliance with existing laws and regulations
 - Assist residents in assimilating to and succeeding in a culturally diverse community

Scope:

- The task force will begin work in late September/early October 2008.
- The target date for a final report to Council is February 1, 2009.
- The task force will set its own meeting schedule, but it should be anticipated that meetings will occur at least twice per month.

Membership Criteria:

- The ideal task force member will be rational and open minded.
- Task force members should reflect the broad diversity of Carrollton in terms of race, ethnicity, gender, age, and geographic mix of the community. Business owners, home owner association members, and previous members of boards and commissions should be considered along with new faces that do not have a history of volunteering within the City.
- The ideal task force member will be respected across the broad spectrum of the community, and his/her presence will not create controversy or hinder the group from completing its charge.

Task Force Size and Membership:

- The task force will be limited to 16 individuals.
- The Chair and Vice Chair will be selected by the Council from the overall task force membership.
- Task force members will be selected using the following process:
- Council members will recommend five individuals as potential members
- Council will select sixteen members from the list of forty nominees on Tuesday, August 19, 2008.
- The task force Chair and Vice-Chair will be selected from the list of sixteen task force members.

Desired deliverables to Council:

- An honest evaluation of concerns. What are the concerns in the community? How big a problem do we have? What is the level of concern within the community?
- A review of what other cities are doing and how effective they are at addressing this issue.
- Recommendations for actions based on what we legally can and cannot do.
- A tool/program/process to assist property and business owners to easily and effectively comply with existing laws and regulations.
- A tool/program/process to assist immigrants in understanding and assimilating into the community

The task force should operate in a manner that:

- Is fact-based rather than anecdotal.
- Devotes time and resources to investigating and learning the issues rather than making quick recommendations.
- Focuses on the broad issue of illegal immigration and not one specific group.
- Does not alienate people in the process – be respectful and inclusive.

Councilmember Marchant stated that he thought a Council Sub-Committee could do the job of the task force. Council concurred. The Council sub-committee will be Mayor Branson, Councilmembers Weidinger, Simons and Williams.

13. Discuss Future Agenda Items.

None.

Mayor Branson adjourned the Worksession at 8:48 p.m.

ATTEST:

Ashley D. Mitchell, City Secretary

Ronald F. Branson, Mayor