CARROLLTON CITY COUNCIL
REGULAR MEETING and WORKSESSION MINUTES

JULY 10, 2007

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, July 10, 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 Marc Guy and Bob Scott, Director of Managed Competition Tom Guilfoy, Workforce Services Director Erin Kasal, City Attorney Clayton Hutchins and Administrative Services Manager/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.

4. Council convened in **Executive Session at 6:11 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.
    - **Carrollton Properties v. City of Carrollton**
- **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 **reconvened in open session at 6:28 p.m.** No action was taken.

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

6. Discuss **Allied Waste Contract Addendum.**

Mr. Martin stated that Allied Waste has experienced problems staying on schedule, especially with bulk waste collection, since the start of service with the company. Each time, the company issued an apology and pledged to do better. In 2005, a rate increase of 40 cents per customer per month was granted with the commitment that more equipment would be provided for Carrollton and that all bulk would be collected on the scheduled date.

Recently Allied fell behind by as much as 3-4 weeks with the collection of waste. After sending a letter to corporate headquarters complaining about the situation and notifying them of possible cancellation of the contract, the city was cleared of existing brush.

Residents have lost confidence in contacting Allied's customer service center and have begun to contact our Resolution Center instead seeking solutions to service problems. This places a burden on our staff needlessly.

Allied corporate officers have pledge to solve both issues and are agreeable to a contract addendum that provides financial incentives to them to perform up to expectations. Attached is the addendum for consideration. It provides:

- Allied will send a letter of apology to Carrollton residents signed by a corporate officer;
- Substantial daily penalties for failure to complete routes unless problems outside the control of Allied prevent such completion;
- Payments to the City for handling excess calls, including a declining schedule that enables Allied to improve their customer service operation.

If approved, this contract addendum should solve the problems of delayed collections and reduce the impact on our Resolution Center.

Councilmember Malone stated that the trucks are running across the edge of her driveway and she would like that to stop.

Mayor Pro Tem Williams stated that he appreciated the gentlemen from Allied attending the meeting and the concerted effort they have made to clean up the city and the willingness to talk to the City Manager about the concessions that have been brought to council. Mr. Williams stated that he is not in favor of the contract amendment. Allied has failed us five times and only responds in crisis. The promises that have been made in the past have not held true. Trash has become the main issue throughout the city and that is not acceptable. The citizens deserve better service than this.

7. Discuss **Budget Calendar Update & Budget Planning**.

Bob Scott, Chief Financial Officer/Assistant City Manager stated that as part of the Council worksession on the Multi-year Budget and Financial Forecast held March 20, 2007, the budget calendar for the Fiscal Year 2008 Budget process was presented. As National Night Out falls on August 7th this year, this Budget Calendar called for three special Council meetings. This calendar had the following dates for Council meetings:

July 31st (Tuesday) – **Special** Meeting – Worksession – Preliminary Budget Presentation
August 6th (Monday) – **Special** Meeting – Worksession – Preliminary Budget Deliberation
August 14th (Tuesday) – Regular Meeting – Votes setting the proposed tax rate, public hearing dates and date for approval of the proposed tax rate and budget.
August 28th (Tuesday) – **Special** Meeting – 1st Public Hearing on proposed budget and tax rate
September 4th (Tuesday) – Regular Meeting – 2nd Public Hearing on proposed budget and tax rate
September 18th (Tuesday) – Regular Meeting – Adopt budget and tax rate

Since that meeting, we have re-visited the Budget Calendar and determined with some changes, all meetings and required notifications can be accomplished with only two special meetings. This revised calendar would have the following dates for Council meetings.

August 6th (Monday) – **Special** Meeting – Worksession – Preliminary Budget Presentation
August 14th (Tuesday) – Regular Meeting – Worksession – Preliminary Budget Deliberation
August 21st (Tuesday) – Regular Meeting – Votes setting the proposed tax rate, public hearing dates and date for approval of the proposed tax rate and budget.
September 4th (Tuesday) – Regular Meeting – 1st Public Hearing on proposed budget and tax rate
September 11th (Tuesday) – **Special** Meeting – 2nd Public Hearing on proposed budget and tax rate
September 18th (Tuesday) – Regular Meeting – Adopt budget and tax rate

In addition, staff would like to update the council on progress made on the budget to date including:

- Revised revenue forecast for 2008
- Potential budget impacts of recently passed Legislation
- Status of follow up items from the March 20, 2007 Worksession
- Update on the status of the compensation study

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

INVOCATION by City Attorney Clayton Hutchins.

PLEDGE OF ALLEGIANCE by Boy Scout Troop 734.

PRESENTATIONS

9. Present a **Proclamation Declaring July as *Smart Irrigation Month*.**

Mayor Miller issued a Proclamation declaring July as Mart Irrigation Month. Kevin Pike, Manager of Water Quality and Production and Chair of the Water Conservation Committee accepted the proclamation. Smart Irrigation Month is an initiative developed by the Irrigation Association and the Environmental Protection Agency's WaterSense program. The initiative is designed to educate the public about the benefits of water-saving practices, products, and services. The Environmental Protection Agency (EPA) launched WaterSense in 2006 to promote water efficiency and enhance the market for water-efficient technologies by helping customers easily identify products and services that meet EPA's criteria for performance and efficiency.

WaterSense promotes water-efficient irrigation practices by partnering with irrigation professionals who have been certified through a WaterSense labeled certification program, thereby demonstrating knowledge of plant/water relationships, appropriate landscape design and scheduling for water efficiency, and other issues related to water budget and use.

Nationwide, landscape irrigation is estimated to account for roughly one-third of all residential water use. Smart irrigation practices use less water and can promote healthy lawns and reduced water bills.

The Irrigation Association designed July as Smart Irrigation Month to draw attention to efficient irrigation technology and techniques and the need to use water wisely.

PUBLIC FORUM

10. **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.

There were 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.)***

Items 18 and 19 were removed from the agenda.

Mayor Pro Tem Williams moved approval of Consent Agenda Item No. 11 – 14 and 16 – 17 and Approval of a settlement agreement for Carrollton Properties as discussed in Executive Session. Second by Councilmember Hayden. The vote was cast 7-0 in favor of the motion.

MINUTES

***11.** Consider approval of the **June 19, 2007 Minutes.**

BIDS AND PURCHASES

***12.** Consider approval of Bid # 07-034 for **Water & Sewer Supply Materials to Various Vendors** in an amount not to exceed $150,000.00.

***13.** Consider approval of Bid #07-037 for **Pool Chemicals to Aqua-Rec, Inc.** in an amount not to exceed $45,000.00.

***14.** Consider approval of Bid #07-036 for **Fertilizer Materials for the Parks Department to Various Vendors** in an amount not to exceed $ 170,000.00.

ORDINANCES

***16.** **C**onsider an ordinance **Establishing a Temporary 35 MPH Speed Limit for Old Denton Road from Whitlock Lane to President George Bush Turnpike.**

***17.** Consider an ordinance **Removing the Temporary 30 MPH Speed Limit for Kelly Boulevard from Keller Springs Road to Trinity Mills Road.**

RESOLUTIONS

~~***18.** Consider a resolution **Amending the Operating and Capital Budget For the Fiscal Year October 1, 2006 Through September 30,2007, Reallocating General Fund Fund Balance To The Operating Budget And Incorporating A Transfer Of Funds From The General Fund to a Capital Project Fund In the General Capital Budget For the Acquisition of A Municipal Court System.**~~

~~***19.** Consider a resolution **Authorizing the City Manager to Enter Into Contracts With Tyler Technology For Implementation Of A Court Software System In An Amount Not to Exceed $570,266.00, Brazos Technology For Implementation Of An Electronic citation Issuance System For An Amount Not To Exceed $177,860.00, Orion Communications For Implementation Of An Automated Officer/Docket Scheduling System For An Amount Not To Exceed $9,770.00, Perceptive Software For A Document Imaging System Not $98,191.00 And With Premis Consulting Group For Consulting Services Not To Exceed $53,856.00** to make a total cost of $909,943.00.~~

Removed for separate consideration:

CONTRACTS AND AGREEMENTS

***15**. Consider an **Addendum To The Contract With Allied Waste Services.**

Councilmember Hayden moved approval of an Addendum to the Contract with Allied Waste Services. Second by Councilmember Mahalik. The vote was cast 6-1 in favor of the motion, Mayor Pro Tem Williams voted no.

Mayor Pro Tem Williams stated that he was not in favor of the contract amendment. On four separate occasions Allied did not hold up their end of their contract and the citizens have not received the type of service that they deserved.

PUBLIC HEARINGS

20. Hold a public hearing and consider approval of a **Resolution Suspending ATMOS's Interim GRIP Rate Adjustments.**

Mayor Miller opened the public hearing.

Jeanne Hooker of Atmos Energy stated that the city should deny it instead of suspending the rates. That way it could go before the Railroad Commission.

Patricia Carlisle, 1907 Kensington registered her support of the item.

Councilmember Hayden moved to close the public hearing and Approve a Resolution Suspending ATMOS's Interim GRIP Rate Adjustments. Seconded by Councilmember Weidinger. The vote was cast 7-0.

21. Hold a public hearing and consider an ordinance approving a **Special Use Permit for motorcycle rental**. The 3,500 square foot lease space is located on the west side of IH-35E, north of Crosby Road and is zoned (FWY) Freeway District with the "I-35E" Overlay District. Case No. 06-07SUP2 Sport Ryder Rentals/Charles McMurry.

Lori Levy, Planning Manager presented the case.

Mayor Miller opened the public hearing.

Charles McMurray, 7917 Heatherbrook Drive of North Richland Hills stated that he was representing the applicant.

Wayne Murphy, 5128 Runyon Drive registered his support of this item.

Councilmember Simons moved to close the public hearing and approve Case No. 06-07SUP2 Sport Ryder Rentals. Seconded by Councilmember Hayden. The vote was cast 7-0.

22. Hold a public hearing and consider an ordinance approving a **Special Use Permit for motorcycle repair**. The 0.3-acre site is located on the west side of Broadway, south of Old Denton Road, and is zoned (FWY) Freeway District with the "I-35E" Overlay District. Case No. 06-07SUP3 Dallas Chop Shop/David Davis.

Lori Levy, Planning Manager presented the case.

Mayor Miller opened the public hearing.

Matt Dihel, 1711 Broadway stated that he was representing the applicant in this case.

Carolyn Howell, 1005 Granview Drive of Lewisville stated that she is in favor of this item.

Councilmember Simons moved to close the public hearing and approve Case No. 06-07SUP3 Dallas Chop Shop. Seconded by Councilmember Marchant. The vote was cast 7-0.

Mayor Miller adjourned the meeting and reconvened the Worksession at 7:31 p.m.

7. Discuss **Budget Calendar Update & Budget Planning (Cont.)**.

Mr. Scott requested feedback on:

- Decision Packets to be included in Preliminary Budget - A consensus of the city Council requested to still have decision packages and continue to look for areas that can be cut because of inefficient operations of changing citizen needs.
- Community Service funding applications – Council stated that they wanted to see the applications and not go to committee
- Specific budget briefing topics – There were none.

- Any additional budget priorities – There were none.

8. Discuss **Selection of Mayor Pro Tem.**

Council concurred to keep the process of appointing the Mayor Pro Tem as the same and to appoint Matthew Marchant as Mayor Pro Tem at the next meeting.

Mayor Miller adjourned the meeting at 8:30 p.m.

ATTEST:

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Ashley D. Mitchell, City Secretary Becky Miller, Mayor