CARROLLTON CITY COUNCIL WORKSESSION AND REGULAR MEETING

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, October 14, 2008, at 5:45 p.m. with the following members present: Mayor Ron Branson, Mayor Pro Tem Pat Malone, Deputy Mayor Pro Tem John Mahalik, Councilmembers Tim Hayden, Larry Williams and Herb Weidinger. Also present were City Manager Leonard Martin, Assistant City Managers Beth Bormann, Marc Guy and Bob Scott, Director of Managed Competition Tom Guilfoy, Workforce Services Director Erin Rinehart, City Attorney Clayton Hutchins and Deputy City Secretary Laura M. Bell.

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.

* * * * WORKSESSION * * * * COUNCIL BRIEFING ROOM

6. Discuss an Electric Power Contract With Cities Aggregation Power Project, Inc. (CAPP).

The City is a member of the Cities Aggregation Power Project ("CAPP"), a non-profit political subdivision corporation aggregator. Created in 2001 in anticipation of the deregulation of the Texas retail electric market, CAPP pools members' electric power needs in order to negotiate lower, more stable prices through bulk purchasing. CAPP is run by a voluntary 10 member Board of Directors, comprised entirely of city employees and city officials. CAPP and its sister political subdivision corporation aggregator, South Texas Aggregation Project, Inc. ("STAP"), have more than 150 political subdivision members that purchase in excess of one billion kWh annually. Together CAPP and STAP have member savings that have surpassed \$100 million since the Texas electric market deregulated in 2002. CAPP has entered into a Power Purchase Agreement ("PPA") with Luminant Generation Company LLC, Big Brown Power Company, LLC and Oak Grove Management Company, LLC (collectively, "Luminant") for approximately 150 MW of baseload power from seven different units over a 24-year period. CAPP has entered into the contract on behalf of all CAPP members and STAP members that are willing to be allocated a portion of approximately 150 MW, corresponding to each participating member's energy consumption as a percentage of all participating members' consumption. The attached ordinance commits the City to purchasing electric power to satisfy a portion of its annual energy needs (approximately 70%) through the CAPP PPA for up to 24 years from CAPP and to pay a capacity payment equal to its proportionate amount of the debt service obligation associated with CAPP's prepayment of PPA capacity costs. The ordinance approves the Energy Sales Contract between CAPP and the City (the "Member Contract") and authorizes the City officers and employees as may be appropriate to take all actions necessary to carry out the terms of this ordinance and the Member Contract.

Although CAPP member savings are significant, the price volatility in the market makes it difficult for CAPP members to accurately budget for power expenditures from year to year. This is because power contract options made available to retail customers like CAPP, regardless of source, have been priced as if the energy was produced exclusively from natural gas-fired plants. The price of natural gas is extremely volatile. Energy experts, including the Chairman of the Public Utility Commission of Texas, agree that this trend will continue over the long term. In 2005, the CAPP Board authorized its consultants to find alternatives to purchasing the entirety of CAPP power requirements in a market that links the price of all energy to natural gas prices. The CAPP long-term contract to be approved by this ordinance is a result of these efforts. Contracting for a 24year commitment of lignite/coal-fired capacity at a fixed price (with slight escalation over the term of the contract) to serve a portion of members' power requirements will lower overall energy costs and provide political subdivisions with an ability to more accurately predict and stabilize the impact of energy prices on annual budgets. The CAPP long-term contract allows for better, more fiscally responsible budgets resulting from the stable and predictable long term energy costs that will be available to CAPP members through the baseload contract. Taxpayers benefit because CAPP member cities do not have to cut services or pass higher energy costs on through higher taxes when electricity prices experience volatility and spiking because of fluctuating market prices.

This ordinance approves the CAPP Member Contract that commits the City to purchasing electric power to satisfy approximately 70% of its annual energy needs through the CAPP PPA for up to 24 years and to pay a capacity payment equal to its proportionate amount of the debt service obligation associated with CAPP's prepayment of PPA capacity costs. The ordinance acknowledges review of the Member Contract and the Disclosure Statement and authorizes the City Manager, city officer or city employee as may be appropriate to sign or modify the Member Contract and to take all necessary actions to carry out the terms of the ordinance, the Member Contract, and Disclosure Statement. The Member Contract approved by this ordinance makes certain that capacity payments (debt service obligation) payable by the City will be public property finance contractual obligations pursuant to Texas Local Government Code Chapter 271, Subchapter A, secured by a pledge of such member's ad valorem taxes, which will be assigned to support debt issued by CAPP to pay the capacity costs of the PPA.

The attached ordinance commits the City to purchasing electric power to satisfy a portion of its annual energy needs (approximately 70%) through the CAPP PPA for up to 24 years from CAPP and to pay a capacity payment equal to its proportionate amount of the debt service obligation associated with CAPP's prepayment of PPA capacity costs. The City's allocated total maximum capacity payment is \$8,884,000.00 (total maximum monthly capacity payment is \$61,000.00). The blended rate (PPA + wrap contract) average cost is .07 - .08/kWh. For every cent we are under the market rate, we expect to save approximately \$264,000. Monthly debt service and energy payments will be made from existing utility budgets. Debt service reimbursement will be made from each fund/department using the electricity.

Council recommended to think about the information presented and go over their decisions at the next meeting.

Mayor Branson adjourned the worksession at 7:00pm to go into the regular meeting.

INVOCATION by Tony Rawlins of Carrollton Church of Jesus Christ Latter Day Saints

PLEDGE OF ALLEGIANCE by Scout Troop 1202

PUBLIC FORUM

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.)

Councilmember Weidinger moved to close the public hearings and approve Consent Agenda items 12-20. Deputy Mayor Pro Tem Mahalik seconded the motion. The motion passed with a vote of 7-0.

BIDS AND PURCHASES

- *12. Consider Approval Of Renewal Of An Excess Public Entity Liability And Purchase Of Crime Policy.
- *13. Consider <u>Authorizing The City Manager To Purchase Services From The Texas</u>

 <u>Department Of Information resources For Gartner Inc. To Provide An Assessment And Long Term Plan for Technology Service Delivery To The City Of Carrollton.</u>

CONTRACTS AND AGREEMENTS

- *14. Consider Authorizing The City Manager To Approve A Contract Amendment #1 With Stainback Public/Private Real Estate (SPPRE) For Additional Real Estate Development Partnership Advisory Services In The Amount of \$67,000.00 For A Revised Contract Amount Not To Exceed \$167,000.00.
- *15. Consider Authorizing The City Manager To <u>Approve A Contract With RKM Utility</u> <u>Services, Inc. For Standridge Drive</u> In An Amount Not To Exceed \$1,245,572.00.

RESOLUTIONS

- *16. Consider A <u>Resolution For The Intent To Reimburse For The Design And Construction Of An Animal Shelter</u> In An Amount Not To Exceed \$3,400,000.00.
- *17. Consider A Resolution Changing The Individuals Authorized To Invest Funds And Make Withdrawals From The Public Funds Investment Pool Known As "LOGIC".
- *18. Consider A Resolution Denying Oncor's 2008 Rate Increase.

*19. Consider A <u>Resolution Authorizing The City Manager As Senior Administrator Of</u>
The Identity Theft Prevention Program.

PUBLIC HEARINGS - CONSENT AGENDA

(Items listed under the "Public Hearing Consent Agenda" have received a unanimous recommendation for approval by the Planning & Zoning Commission, and the city has received no written opposition to the cases at the date of the posting of the agenda. However, any person is welcome to speak on any of these agenda items by completing a "Request to Speak" card prior to the meeting. Otherwise, the items will be considered without deliberation. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately.)

*20. Hold A Public Hearing And Consider An Ordinance Approving An Amendment To Special Use Permit No. 344 To Reassess The Appropriateness Of The Existing Special Use Permit Allowing A Private Fine Arts School. The Property Is Located At The Southwest Corner Of Clint And Walnut Streets. The 0.6-Acre Site Is Currently Zoned PD-169 For The (O-2) Office District With SUP-344 For A Private Fine Arts School. Case No. 09-08SUP3 Sunray SUP Reassessment.

PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION

21. Hold a <u>Public Hearing On The Municipal Setting Designation (MSD) Application</u>
<u>For The Former Dub Thompson Landfill</u> Located At The Southeast Corner Of Belt Line Road & Luna Road.

Scott Hudson made a presentation of the draft ordinance for the MSD application. The were no cards for public input and the public hearing was closed.

22. Hold A Public Hearing And Consider An <u>Ordinance Approving A Special Use Permit</u>

<u>To Allow An Automobile Repair Garage</u>. The 2.204-Acre Site Is Located On The
West Side Of The Southbound S.H. 121 Frontage Road, Approximately 550 Feet North
Of Hebron Parkway And Is Zoned PD-124 For The (LR-2) Local Retail District. Case
No. 09-08SUP1 Christian Bros. Automotive.

Lori Levy, Planning Manager stated this is a request for approval of a Special Use Permit to allow for an Automobile Repair Service or Garage. The 2.204-acre site is located on the west side of the southbound S.H. 121 frontage road, approximately 550 feet north of Hebron Parkway and is zoned PD-124 for the (LR-2) Local Retail District.

On September 4, 2008 the Planning and Zoning Commission recommended APPROVAL with amended stipulations. The attached ordinance reflects the Commission's action. Although, no written opposition has been filed, the request did not receive a unanimous vote of approval. Therefore, this request has been placed on the agenda under Public Hearings for Individual Consideration.

Councilmember Marchant questioned what type of doors were used on the building. The doors are 3 tiered. It's a commercial door painted to look nice. The windows are on top. Councilmember Marchant wanted staff to make sure that the ordinance stipulated that these exact type of doors, those in the pictures presented, are installed. Ms. Levy agreed that the stipulations would help mitigate any questions that may come up later in the process.

Deputy Mayor Pro Tem Mahalik stated that he is impressed with the same named business in a neighboring town as it looks very professional and clean. He stated that he

wants to make sure that cars were put inside at night. He believes that this business will be good for Carrollton.

Mayor Pro Tem Malone asked if they would get to the point where they would sell cars from that site. The applicant stated that they do not allow that to happen at their sites.

Councilmember Marchant moved to close the public hearing and approve Case No. 09-08SUP1 Christian Bros. Automotive with the mentioned stipulations about the doors on the garage area. Deputy Mayor Pro Tem Mahalik seconded the motion. The vote was cast 7-0 in favor of the motion.

23. Hold A Public Hearing And Consider A Resolution Approving An Amendment To

The Comprehensive Plan And The Future Land Use Map To Change A 4.86-Acre

Tract From Medium Intensity Office Uses To Mixed Uses. The Property Is Located
On The East Side Of Dozier Road, South Of Parker (FM 544) Road And Is Currently
Zoned PD-170 For the (CC) Corporate Commercial District With SUP-316 For The
Outside Storage Of Landscape, Fencing, Plants, RV's, Construction Equipment, Cabinet
Assembly And Related Office Uses. Case No. 08-08MD1 Dozier Place (Comp Plan).

Lori Levy, Planning Manager, stated this is a request for an amendment to the Comprehensive Plan and the Future Land Use Map to change a 4.86-acre tract from Medium Intensity Office uses to Mixed-Uses. The property is located on the east side of Dozier Road, south of Parker (FM 544) Road and is currently zoned PD-170 for the (CC) Corporate Commercial District with SUP-316 for the outside storage of landscape, fencing, plants, RV's, construction equipment, cabinet assembly and related office uses. The applicant has also submitted a zoning request, Case No. 08-08Z2, for the subject property and that request is a companion item on this agenda.

On September 4, 2008, the Planning and Zoning Commission recommended APPROVAL with stipulations. The attached resolution reflects the Commission's action. Although, no written opposition has been filed, the request did not receive a unanimous vote of approval. Therefore, this request has been placed on the agenda under Public Hearings for Individual Consideration.

Mayor Pro Tem Malone asked how the structure is fixed with the lofts on top and warehouse on bottom. She referred to the colored picture given to Council. That picture is the end cap of the building from Dozier Road. She stated that she doesn't think she's ever seen anything look like this in Carrollton. She asked if the applicant was planning on warehouses on the bottom and people living on top or loft areas for other uses. The applicant stated that they will offer the combination of both offices, loft areas, mixed uses. It's an attempt to offer an opportunity to the market of a compatible use with an understanding that the resident in this place doesn't want a typical apartment. Ms. Malone asked if this structure will hold up after 20 years. The applicant stated that they are setting the building up to be self-maintained as much as possible.

Councilmember Marchant asked where has this type of building worked. The applicant stated that he has not done this before but is understanding that this is very successful in California. He stated that the Addison area has had success with this type of mixed use also. Councilmember Marchant stated that this is a different type of mixed use they have seen in the past. He asked if this building will have convenants or an association to take care of the building and grounds. The applicant stated that absolutely on an association. Councilmember Marchant asked where the landscaping on Dozier was on the pictures provided. Ms. Levy stated that there is landscaping on Dozier and the applicants will work with the Arborist to have the proper landscaping on that area. Councilmember

Marchant asked if the pockets of green on the plans is where the dentention pond would be. It would be landscaped area according to the applicant. Councilmember Marchant also asked about the clock tower that was mentioned on the plan. Ms. Levy stated that the clock tower is near the detention area and straight back. The applicant didn't want to be bound by putting the clock tower on the property as the plans state may instead of shall. The language is made so staff can allow them to do it, but it is not a stipulation that the applicant do it. Councilmember Marchant asked if it can read clock tower or other architectural item shall be there. The applicant stated that the clock tower was originally set on the plan as an iconic element. They do not want to build a wood frame product. They want concrete and steel with wood above for the residential area. That has escalated the costs about \$10 a foot. They would rather have it has a feature they can work in if possible but not something that is necessary. That would be in phase 2.

Councilmember Weidinger asked the applicant if any type of food operation will be in that area. Ms. Levy stated that item before Council tonight doesn't allow any type of retail. To allow that, it will be another item in the future. The applicant stated that the types of retail in there are neighborhood oriented. Maybe a sandwich shop but not much else.

Councilmember Williams stated that the development is very interesting and not like anything in town already. It's unique and will hopefully find those who want that type of building.

Mayor Pro Tem Malone moved to close the public hearing and approve Case No. 08-08MD1 Dozier Place (Comp Plan). Councilmember Williams seconded the motion. The motion passed with a vote of 7-0 in favor of the motion.

24. Hold A Public Hearing And Consider An Ordinance Approving An Amendment To
PD-170 For Mixed-Uses With Modified Development Standards. The 4.8636-Acre
Tract Of Land Is Located On The East Side Of Dozier Road, South Of Parker (FM 544)
Road. The Property Is Currently Zoned PD-170 For The (CC) Corporate Commercial
District With SUP-316 For The Outside Storage Of Landscaping, Fencing, Plants, RVs,
Construction Equipment, Cabinet Assembly And Related Office Uses. Case No. 0808Z2 Dozier Place.

This is a request for an amendment to PD-170 for mixed-uses with modified development standards on a 4.8636-acre tract of land located on the east side of Dozier Road, south of Parker (FM 544) Road. The property is currently zoned PD-170 for the (CC) Corporate Commercial District with SUP-316 for the outside storage of landscape, fencing, plants, RV's, construction equipment, cabinet assembly and related office uses. A Comprehensive Plan Amendment request, Case No. 08-08MD1, is a companion item on this agenda.

On September 4, 2008, the Planning and Zoning Commission recommended APPROVAL with amended stipulations. The attached ordinance reflects the Commission's action. Although, no written opposition has been filed, the request did not receive a unanimous vote of approval. Therefore, this request has been placed on the agenda under Public Hearings for Individual Consideration.

Councilmember Williams moved to close the public hearing and approve Case No. 08-08Z2 Dozier Place. Councilmember Weidinger seconded the motion. The motion passed with a vote of 7-0 in favor of the motion.

Mayor Branson adjourned the meeting at 8:05 pm.

Council reconvened worksession at 8:09 pm.

7. Demonstration of **Public Interactive City Map.**

Dan Jensen, GIS Coordinator, gave a brief demonstration of the new interactive city map available online. Council agreed that the map was very informational and a wonderful addition to the website.

7. Discuss Request To Pay Fees For Computer Monitors Collected At The Texas Recycles Day.

Sharon Goddard of Keep Carrollton Beautiful requests that the city reimburse the cost of recycling computer monitors collected at the November 15, 2008 Texas Recycles Day event at Newman Smith High School. Computer Monitors are considered hazardous waste and are not collected with normal trash pick up. There is no longer a market for these devices and recycling firms no longer accept them for free. Carrollton residential customers have been allowed to dispose of monitors at the Dallas County Hazardous Waste Collection Center for no charge but only on an individual basis. Allied Waste pays Dallas County for Carrollton's hazardous waste collections based on a per use basis.

Leonard Martin, City Manager stated to council that last year for this project, the vendor Keep Carrollton Beautiful used, invoiced the city for the number of monitors that were recycled. He stated that there does need to be some clarification with Keep Carrollton Beautiful because the city has a contract with the organization for a fixed amount each year yet the city gets special requests throughout the year to fund more projects. Mr. Martin stated that council may want to decide to add a specific amount to the yearly contract to cover the costs of this event so there is no confusion when requests like this come up.

Mayor Pro Tem Malone asked if this vendor goes to all the computer recycling events. Mr. Martin stated that this was only for the Texas Recycles Day that was requested. The city already offers free recycling of computers for citizens. The vendor that Keep Carrollton Beautiful uses will accept computers at their location for free also. This is a charge they give for this event when they come for the monitors. Mayor Pro Tem Malone asked if this event was just for the city. Mr. Martin stated that he would think it was for whoever showed up.

Councilmember Hayden stated that this should be rolled into the contract in the future to eliminate the individual requests for separate funds to cover events. Assistant City Manager Beth Bormann stated that with the community services contract request next year, council will have two years history of payments for this event and can gauge how much to add to the contract to cover these expenses in the future.

Mayor Pro Tem Malone stated that she thought the recycling was free. Mr. Martin stated that if the CPU is recycled it is free. But if a monitor is recycled the charges begin. Mr. Martin stated that the vendor takes the CPU apart and sells the parts out of it and make money out of that.

Councilmember Hayden stated that the idea is that soon the big monitors will go away and they won't have to recycle those any longer.

Council agreed to pay the invoice from the vendor this year for the Texas Recycles Day and roll this cost into the contracts in the future years.

9. Discuss **Appointments To The Boards & Commission Vacancies.**

Deputy City Secretary Laura Bell stated that Council is being asked to review application for all City Boards and Commissions. Once the nominations have been made, resolutions will be placed on the October 21 Consent agenda for formal action. Once approved, the applicant will be mailed notification of the status of their application. Copies of the appointees' application will be forwarded to the respective staff liaison.

Council made their recommendations during the Worksession.

10. Discuss Future Agenda Items.

Deputy Mayor Pro Tem requested that a joint meeting with Lewisville ISD be set up for after the new year.

Mayor Ron Branson also requested staff to get in touch with the City of Frisco for a joint meeting with their council after the new year.

Mayor Branson adjourned the worksession at 9:20 pm.

ATTEST:		
Laura M. Bell, Deputy City Secretary	Ronald F. Branson, Mayor	