CARROLLTON CITY COUNCIL
WORKSESSION AND REGULAR MEETING

SEPTEMBER 16, 2008

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, September 16, 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 Marc Guy and Bob Scott, Director of Managed Competition Tom Guilfoy, 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 6:10 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.

5. Council **reconvened in open session at 7:10 p.m.** to consider action, if any, on matters discussed in the Executive Session.

INVOCATION was led by John Jobb, Community Bent Tree Church.

PLEDGE OF ALLEGIANCE was led by Councilmember Williams.

PRESENTATIONS

12. Recognition of **AICPA Outstanding CPA in Government Award For Bob Scott.**

Mr. Martin stated that on August 18, 2008, at the American Institute of Certified Public Accountants (AICPA) 25th Annual National Governmental Accounting and Auditing Update Conference our own Bob Scott was awarded the AICPA's 2008 Outstanding CPA in Government Award. The award recognizes CPAs working in the state and local government who have made significant contributions to increased efficiency and

effectiveness of governmental organizations and to the growth and enhancement of the profession.

While Bob has made many contributions over the years to the government finance profession, his nomination specifically recognized his recent work with the Texas Municipal Retirement System (TMRS) and the coordination of a shared actuarial service contract that assisted Texas governments in implementing the Governmental Accounting Standards Board's new standard on Other Post Employment Benefits.

13. Present a **Proclamation Declaring October 2008 as *Disability Employment Awareness Month.***

Cathy Coangelo of the Alliance for Agency Executives Serving People with Disabilities was presented a proclamation declaring October as Disability Employment Awareness Month.

PUBLIC FORUM

14. **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.

Thomas Keen, 2001 Bryan Street, #1250, Dallas stated that Had a comment about the city's policy and procedures with regard to staff or council initiated proposals? It is good for the city to identify a problem within the city, and it is good for the city to want to do something about that problem, but would suggest at the outset that the thing to do would be to contact the area or business that you are having a problem with to see if there could be something worked out on a reasonable basis. If staff is imitating a proposal and come up with all kids of good rules that appear good on paper and present those to the Council in the form of an ordinance and it is on the Consent Agenda and the first notice that those effected by the ordinance get is of the council meeting when the ordinance is considered and then they are not allowed to speak because it is on the Consent Agenda, that is a problem. When people are not told that they are about to be clubbed over the head, they can't take precautions and try to work out the problem. This is a problem with the City Council rules and not the Texas Open Meetings Act. Mr. Keene said that there are several options you can take in a situation like this. You can forbid the industry completely from your city if you think that industry is a problem, you can regulate that industry, or you can try to communicate with the people you believe are causing the problem to see if there are some options other than regulations. The appropriate thing to do is meet with that business and try to find a middle ground. It is a much more appropriate way than adopting an ordinance that nobody knows about and can't speak about on a consent agenda item and are likely to get a measured response but a predictable response of litigation over something that could have been completely avoided by some communication.

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 to approve Agenda Items No. 15-24 and 26-29. Second by Councilmember Marchant. The vote was cast 7-0 in favor of the motion.

BIDS AND PURCHASES

***15.** Consider **Approval Of Bid #08-042 For The Purchase Of Seven Police Pursuit Motorcycles From American Eagle Harley Davidson** In An Amount Not To Exceed $115,493.00.

***16.** Consider **Approval Of Bid #08-041 For The Purchase Of Water Meters From Various Vendors** In An Amount Not To Exceed $132,000.00.

***17.** Consider **Approval Of An Agreement To Repair Or Replace Roofs On Various City Facilities With Benco Roofing Through An Interlocal Agreement With Buyboard** In An Amount To Not Exceed $126,878.00.

CONTRACTS AND AGREEMENTS

***18.** Consider Authorizing The City Manager To **Enter Into A Contract With The Cities Of Addison and Farmers Branch, Senior Adult Services And Project Lifesaver International.**

***19.** Consider Authorizing The City Manager To **Approve An Extension To The Interlocal Agreement With Dallas County To Continue Carrollton's Participation In The Dallas Area Household Hazardous Waste Network.**

***20.** Consider Authorizing The City Manager To **Approve A Construction Contract Agreement With Texas WaterWorks (Robax Corporation) For The Construction Of The Rosemeade Aquatic Facility Phase II Project** In An Amount Not To Exceed $1,432,251.00.

ORDINANCES

***21.** Consider An **Ordinance Approving A Negotiated Resolution Between The Atmos Cities Steering Committee And Atmos Energy Corporation.**

***22.** Consider **Ordinances Amending Chapter 31, The Comprehensive Fee Schedule, To Include Various Fee Adjustments As Included In The Fiscal Year 2008-09 Budget.**

***23.** Consider An **Ordinance Regulating Hotel Operations.**

***24.** Consider An **Ordinance Authorizing Updated Service Credits, Increase In Retirement Annuities, Discontinuance OF Supplemental Death Benefits, And Future Service Contributions.**

RESOLUTIONS

***26.** Consider A **Resolution Authorizing The City Manager To Enter Into An Agreement With Senior Adult Services For Services Provided To Carrollton Citizens For The 2008-09 Fiscal Year** In An Amount Not Exceed $147,500.00.

***27.** Consider A **Resolution Authorizing The City Manager To Establish A Retiree Health Savings Plan, Sevelop An Administrative Policy For The Plan, Establish Age Based Premiums For The participants Who Wish To Remain On The City's Health Plan Upon Retirement, Enter Into A Contract With ICMA Retirement Corporation For The Administration Of The Plan And Investment Of Plan Assets.**

***28.** Consider A **Resolution To Change The Individuals Authorized To Invest Funds And Make Withdrawals From The Public Funds Investment Pool Known As "Texpool".**

***29.** Consider A **Resolution Requesting A Longer Amortization Period And Establishing A Policy For Voluntary Contributions To Texas Municipal Retirement System That Will Improve Funded Status And Reduce The Length Of The Amortization Period Below Forty Years Without Increasing Mandatory Contributions.**

Council considered the following item separately:

***25.** Consider A **Resolution Authorizing The City Manager To Enter Into An Agreement With Metrocrest Social Service Center For Services Provided To Carrollton Citizens For The 2008-09 Fiscal Year** In An Amount Not To Exceed $88,500.00.

Councilmember Mahalik moved to approve Agenda Item No. 25. Second by Councilmember Weidinger. The vote was cast 6-1 in favor of the motion, Mayor Pro Tem Malone voted no.

PUBLIC HEARING -INDIVIDUAL CONSIDERATION

30. Conduct an **Additional Public Hearing On The Proposed Operating And Capital Budget For The Fiscal Year October 1, 2008 Through September 30, 2009.**

No action was required for this item

OTHER BUSINESS

31. Consider An **Ordinance Adopting And Approving An Operating And Capital Budget For The City of Carrollton, Making Appropriations Therefore For The Fiscal Year October 1, 2008 Through September 30, 2009.**

Councilmember Simons moved to approve an Ordinance Adopting And Approving An Operating And Capital Budget For The City of Carrollton, Making Appropriations Therefore For The Fiscal Year October 1, 2008 Through September 30, 2009. Second by Councilmember Marchant. The vote was cast 6-1 in favor of the motion, Mayor Pro Tem Malone voted no.

32. Consider A **Resolution Ratifying The Property Tax Increase Reflected In The Fiscal Year 2008-2009 Operating Budget.**

Mayor Pro Tem Malone moved to approve a Resolution Ratifying The Property Tax Increase Reflected In The Fiscal Year 2008-2009 Operating Budget. Second by Councilmember Weidinger. The vote was cast 7-0 in favor of the motion.

33. Consider An **Ordinance Establishing The Tax Rate And The Tax Levy For The City of Carrollton For The Tax Year 2008 Upon The Taxable Property In The City of Carrollton In Conformity With The Laws Of The State Of Texas And The City.**

Councilmember Weidinger moved to approve an Ordinance Establishing The Tax Rate And The Tax Levy For The City of Carrollton For The Tax Year 2008 Upon The Taxable Property In The City of Carrollton In Conformity With The Laws Of The State Of Texas And The City. Second by Councilmember Mahalik. The vote was cast 7-0 in favor of the motion.

Mayor Branson adjourned the meeting and reconvened the Worksession at 7:34 p.m.

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

6. Discuss the **Proposed Construction Contract For The Rosemeade and Thomas Pool Improvements.**
No Discussion.

7. Discuss **Fiscal Year 2009 Proposed Budget.**

No Discussion.

8. Discuss **Proposed Rezoning of PD-169 (Belt Line Road Corridor).**

Christopher Barton, Senior Planner stated that PD-169 includes both sides of Belt Line Road from Josey Lane to Erie Street (on the north side) and Myers Street (on the south side). The current ordinance for PD-169 was enacted in 2003, and was one of the outcomes of the Carrollton Renaissance Initiative. In June 2008, staff began analyzing the effect and administration of PD-169, in order to determine its continued appropriateness and efficacy.

On August 5, 2008, staff made a presentation to the Redevelopment Sub-committee regarding findings and recommendations. The Sub-committee recommended that the presentation be made to the full City Council for direction.

As part of that approval, staff will ask City Council to schedule a joint public hearing with the Planning and Zoning Commission, in order to complete the proposed zoning change in a prompt manner. A joint public hearing will also allow formal notice of the proposed zoning change to be made by placing a paid advertisement in the legal notices section of a local newspaper instead of mailing formal notices to the approximately 250 property owners in the subject area and adjacent to it.

There are no financial implications on current or future operating budgets regarding the zoning request itself. However, staff may recommend future programs to "partner" with landowners to improve the appearance of the area.

This project is a City Council strategic goal aimed at improving the visual character of the Belt Line Road corridor west of Josey Lane, which serves as an important entryway into Carrollton and the future Downtown Carrollton Station TOD area.

9. Discuss **Amendments to the City Council Governance Policy.**

Ms. Mitchell stated that at the City Council Strategic Planning Session in July, Council directed staff to make changes to the Governance Policy. Staff made the following changes:

5.7 Members of the Council shall conduct an orientation for new council members

Is amended to read:

4.7 Staff shall conduct an orientation for new council members.

10.2 In order that Boards, Commissions and Committees may accomplish their tasks free of political influence, it is preferable that City Council members not attend the meetings of Boards, Commissions and Committees. If a City Council member should attend a meeting of a Board, Commission or Committee, the member shall not take part in the meeting nor address the board in any manner whether by questions or statements. A City Council member shall not attempt to influence the decisions of Boards, Commissions and Committees either directly or indirectly nor express an opinion to a Board, Commission or Committee about its actions unless at a City Council meeting.
Is amended to read:

9.3 In order that Boards, Commissions and Committees should accomplish their tasks free of political influence. If a City Council member should attend a meeting of a Board, Commission or Committee, the member shall not take part in the meeting. A City Council member shall not attempt to influence the decisions of Boards, Commissions and Committees either directly or indirectly nor express an opinion to a Board, Commission or Committee about its actions unless at a City Council meeting.

Staff also did some renumbering of the sections and included the Council Travel Policy and a Code of Ethics.

10. Discuss the **2009 Council Meeting Calendar.**

Ms. Mitchell stated that every year in September, Council sets the meeting for the next year. Most months fall in accordance to the first and third Tuesday meeting schedule. The months where the dates need to be moved for council travel conflicts or holiday conflicts will need to be discussed.

Council made the following changes.

Second meeting in March will be March 24.

Second meeting in October will be October 20.

11. Discuss **Future Agenda Items.**

ATTEST:

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Ashley D. Mitchell, City Secretary Pat Malone, Mayor Pro Tem