

**CARROLLTON CITY COUNCIL  
REGULAR WORKSESSION AND MEETING  
JULY 26, 2016**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, July 26, 2016 at 5:45 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Doug Hrbacek, Deputy Mayor Pro Tem Steve Babick, Councilmembers Bob Garza, Anthony Wilder, Glen Blanscet, John Sutter and James Lawrence. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy, Bob Scott, and Erin Rinehart, City Attorney Meredith Ladd and City Secretary Laurie Garber.

**5:45 P.M. – COUNCIL BRIEFING ROOM**

**\*\*\*PRE-MEETING/EXECUTIVE SESSION\*\*\***

Mayor Marchant called the meeting to order at 5:45 p.m.

- 1. Receive information and discuss Consent Agenda.**

**\*\*\*WORKSESSION\*\*\***

**ADDENDUM**

**Discuss Brush Collection Issues and Waste Management Contract.**

Mayor Marchant stated the item was placed on the agenda due to feedback being received from citizens about concerns regarding brush and bulky item collections. Asst City Manager Erin Rinehart provided a recap of what transpired since the July 3 storm. She advised that Waste Management (WM) has continued to add trucks for the pickup of storm debris and communicated an expectation to be complete by Friday, July 29. She reviewed the increase in the number of calls in the month of July and the contract penalties. She stated that WM was advised on July 18 that penalties would be imposed for anything that remains past July 22. She added that the City would reimburse WM for the costs for the additional trucks for storm cleanup as included in the contract. Lastly she reviewed the termination clause in the contract. City Manager Leonard Martin stated that staff let WM know on Monday, July 25 that this was a breach of contract, issued a 30 day notice and asked how they would provide a remedy in the future that this does not occur again. Councilmember Sutter asked about the status of the pickups this week and Ms. Rinehart stated they have not heard widespread Monday, Tuesday, Wednesday complaints. Councilmember Babick stated he was concerned that Tuesday was not done and was also concerned that their process is broken and that the magnitude of the problem was under scoped by WM.

Rick Losa, Waste Management Director of Public Sector, stated they were sensitive and disappointed as well with the last three weeks. He explained that they did a visual survey of the area on July 5 to estimate the level of clean up they might be faced with and noted that citizens react differently to storms; some begin cleanup immediately while some don't begin putting stuff at the curb until contractors can be hired. He also addressed the trigger point for assessing the City with additional costs due to storm clean up and stated that to this day, they still don't know if they have hit the 20% overage point addressed in the contract.

Mayor Marchant stated that what was unusual to him was that he had a commitment 8 days ago that resulted in only two trucks. He felt his phone call to WM was the time for the additional trucks. He stated it was just not doing business the right way. He stated he appreciates the explanation but the disappointment was in the lack of reaction to address the City's call and concerns.

There being no questions for WM by Council members, Mayor Marchant suggested the Council meet in executive session to discuss legal strategies regarding the contract. Councilmember Sutter noted that with the delay in removing the debris, many residents would have dead and damaged grass.

**4. Discuss The Carrollton Vector Control Program Relating To Mosquito-Borne Illnesses.**

Mayor Marchant complimented Scott Hudson for doing a good job staying on top of the science and applying a thoughtful approach.

Environmental Services Director Scott Hudson began the presentation talking about how the Zika virus spreads and noting that it is not a major focus at this point. He discussed West Nile Virus which is a disease that cycles between birds and mosquitoes; humans who get the disease are a dead-end host because humans do not transmit the disease. He reviewed control programs and the door-to-door awareness campaign. He reviewed the 2016 data for Carrollton showing positive traps, mosquito abundance and he discussed the vector index. He stated the City was at a flex point where the County suggest that the City consider ramping up the spraying which he explained staff was conducting ground based spraying with a little more intensity. He discussed the resolution under consideration to approve an Interlocal Agreement for \$188,000 which would provide for four aerial applications. Leonard Martin stated that the resolution could include parameters that must be met prior to him giving a letter to proceed. Scott Hudson recommended approval of the resolution. Discussion was held with regard to triggers for aerial spraying; arguments in favor and against aerial spraying; and effectiveness. Mayor Marchant suggested pulling the resolution from the agenda and considering it again at the August 2 meeting.

Mayor Marchant recessed the Worksession at 7:05 pm to convene the Regular Meeting.

**\*\*\*REGULAR MEETING\*\*\***

Mayor Marchant called the Regular Meeting to order at 7:14 p.m.

**INVOCATION – Councilmember Glen Blanscet**

**PLEDGE OF ALLEGIANCE – Mayor Pro Tem Doug Hrbacek**

**PUBLIC FORUM**

**8. Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.** 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 between 2 and 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.

Rafael Ferrer, Jr., 1304 Barclay Drive, addressed the Council with regard to an adverse experience he had with the court system.

Bobby Kim, 3044 Old Denton Road, talked about his businesses particularly discussing his BBQ business and why he chose Carrollton for his business.

Shirley Tarpley, 1507 Milam Way, addressed the Council about her observations regarding Breakers Korean BBQ restaurant and their interaction with the staff.

### 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 Marchant advised that Items 12 and 13 was removed from the consent agenda.

**Mayor Pro Tem Hrbacek moved approval of Consent Agenda Items 9-11 and 14-15; second by Deputy Mayor Pro Tem Babick. The motion was approved with a unanimous 7-0 vote.**

### MINUTES

**\*9. Consider Approval Of The July 12, 2016 Regular Meeting Minutes.**

### BIDS & PURCHASES

**\*10. Consider Approval Of The Purchase Of Police Uniform Items And Concealable Body Armor For The Police Department From 'Red The Uniform Tailor' Through An Interlocal Agreement With The City Of Frisco.**

**\*11. Consider Approval Of An Emergency Procurement Of Services For The Interbasin Wastewater Lift Station Submersible Raw Wastewater Pumps Located At 4573 North Josey Lane.**

### RESOLUTIONS

~~**\*12. Consider Authorizing The City Manager To Approve Amendment #3 With The Texas Department Of Transportation (TxDOT) For Additional Funding For The Trinity Mills Road Reconstruction Project (Willowgate Drive To Midway Road) In An Amount Of \$937,863.45, For A Revised Contract Amount Of \$3,889,847.87.**~~

~~**\*13. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With Dallas County Health And Human Services For Contingent Mosquito Control Services Including Aerial Application Of Mosquitocide At A Cost Not To Exceed \$188,000.00.**~~

**\*14. Consider A Resolution Acknowledging A Petition To Annex Three Tracts Of Land Totaling Approximately 35.6 Acres Of Land Located Along The South Side Of Parker Road (FM 544) Approximately 1,100 Feet East Of Plano Parkway And Near The Intersection Of Dozier Road; Directing The Development Of A Service Plan For The Proposed Annexation; Setting Dates For The Required Public Hearings; Directing The Publication Of Such Public Hearings And Providing An Effective Date. Case No. 07-16MD3 Villas at Parker, Phase 2. Case Coordinator: Loren Shapiro.**

**\*15. Consider A Resolution Revising The Single-Family Rehabilitation Incentive Policy In The Neighborhood Empowerment Zones.**

## **ADJOURNMENT**

Mayor Marchant adjourned the meeting at 7:37 p.m.

### **\*\*\*WORKSESSION\*\*\***

Mayor Marchant reconvened the Worksession at 7:47 p.m.

#### **5. Discuss Escrow Disbursement For Parks At Raiford.**

Director of Engineering Cesar Molina introduced the item noting that in 2012 the City sold land to Arcadia for \$2.25M and a development agreement was entered into which kept \$1M of the proceeds with the title company for the construction of the Cemetery Hill bridge and the stabilization of the north-south tributary. He provided a brief history of the initial work and the status in 2015. He reviewed a summary of the initial understanding which was that the city would pay Arcadia \$770,000 and retain \$230,000 for the cost of city improvements and the current status. Staff acknowledged the developer added additional amenities and value to the city including a donation of one lot. He asked for Council direction.

Deputy Mayor Pro Tem Babick stated his recollection was as described by Cesar Molina. Mayor Marchant suggested the legalities of the contract be discussed in Executive Session.

### **\*\*\*EXECUTIVE SESSION \*\*\***

2. Council convened in **Executive Session at 7:59 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 551.087** to discuss Economic Development

3. Council reconvened in **open session at 9:16 p.m.** to consider action, if any, on matters discussed in the Executive Session.

Mayor Marchant announced that with regard to brush collection issues and the Waste Management contract direction was given to the City Manager to issue a letter of non-compliance with the expectation to gain immediate compliance and receive an update at the August 2 meeting. With regard to escrow disbursement for Parks at Raiford direction to staff was to seek to execute a contract

amendment memorializing a reimbursement in the amount of \$885,000; after considering the different circumstances the City feels confident that staff was upholding the letter and intent of the Council's decision through the redevelopment and the Council meeting, however looking at the contributions of the developer, this feels like a good capturing of the business relationship and captures the amount of money that's been spent in the public domain. He stated there was no other action from the Executive Session.

**6. Discuss Applications For The Leadership Metrocrest Program.**

Mayor Marchant reviewed past practices and budgeted funds. He opened the floor for nominations. Nominees were City Secretary/Administrative Services Manager Laurie Garber and Asst. Police Chief Derick Miller. Mayor Marchant suggested other nominations be brought forward quickly.

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

Mayor Marchant adjourned the meeting at 9:28 p.m.

**ATTEST:**

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Laurie Garber, City Secretary

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Matthew Marchant, Mayor