

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

February 23, 2016

Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254 5:30 PM Executive
Session & Dinner

6:00 PM Work Session 7:30 PM Regular Meeting

Present: Arfsten; Carpenter; Heape; Hughes; Mayor Meier; Moore; Wilcox

Executive Session

1. Closed (executive) session of the Addison City Council pursuant to:

Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, pertaining to

- **Past Separation Agreements**

Council convened into Executive Session at 5:32 pm.

Council adjourned from Executive Session at 5:59 pm.

No action taken.

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2. **RECONVENE INTO REGULAR SESSION:** In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matter discussed in Executive Session.
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WORK SESSION

3. Discuss The **Proposed Increase To The Addison Airport Fuel Flowage Fee To Be Effective April 1, 2016.**

Deputy City Manager, Cheryl Delaney, presented the item to Council.

Ms. Delaney presented the history of the fee, the impact on the budget and the costs at neighboring airports.

Council had a few clarifying questions. This item has a companion item on the Consent Agenda for approval.

4. Discuss The **Replacement Of The Proposed 2016 Police Patrol Fleet.**

Director of General Services & Events, Mark Acevedo, presented the item to Council.

Mr. Acevedo stated that staff did research on the different types of SUV's that could be used for patrol vehicles. Mr. Acevedo showed slides denoting the cost for each vehicle including purchase price, cost to upgrade to Police unit and cost for resale, if available.

Mr. Acevedo presented the information to Council showing that the Ford PPV vehicles was the most cost effective choice. These vehicles were also within the budgeted amount for the Town.

Council asked some clarifying questions and thanked Mr. Acevedo for the information.

The item will come back to Council at a future meeting for action.

5. Discuss The **2016 Taste Addison Special Event.**

Director of General Services & Events, Mark Acevedo, stated that the Taste Addison event will return this year. He stated staff has worked hard to take the successful parts of the Fork & Cork event and merge them with the successful parts of the Taste Addison event. Mr. Acevedo gave Council a general overview of the activities planned for the event. The headliner for the concert on Saturday night will be The Band Perry. Staff is very excited to see what type of crowd this headliner draws to the event.

Shelbi Stofer, Senior Special Events Coordinator, presented the printed material that will be used for advertising the function. The logo shows a fork and a guitar as prominent images.

Council member Bruce Arfsten asked if there would be hotel packages available for this event. Mr. Acevedo stated that General Services & Events will work with the Economic Development department to create packages with the surrounding hotels and those packages will be promoted on the website and in printed material.

Council member Ivan Hughes asked if there would be VIP packages available as in the past with Fork & Cork. Mr. Acevedo stated that there will be a special guest area with the same feel as Fork & Cork but it will be different. There will be the chef interaction spots, but at a different level than Fork & Cork.

Council member Dale Wilcox asked if there are money management practices in place for this event to ensure that all expenses and revenues are accounted for. Mr. Acevedo stated that the same practices used at the 2015 Oktoberfest will be in place.

Some of those practices were new to that event and some have been in place at every event. Staff is confident in the practices in place.

Council discussed the ticket pricing. Mr. Acevedo stated that there is two ticket prices for the whole event, one for children and the other for adults. The special events within the event will be an extra charge. Children under 4 are free. The carnival tickets are a separate fee at the carnival area.

Staff will return in late April for an update and refresher to Council on this event.

REGULAR MEETING

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

6. Public Comment.

The City Council invites citizens to address the City Council on any topic not on this agenda. Please fill out a **City Council Appearance Card** and submit it to a city staff member prior to Public Participation. Speakers are allowed **up to three (3) minutes per speaker** with **fifteen (15) total minutes** on items of interest or concern and not on items that are on the current agenda. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. The Council may choose to place the item on a future agenda.

SPEAKERS:

Michael Jackson, 14632 Lexis Ave Addison, stated he had questions regarding the decision making process in regards to the Fuel Flowage Fee proposal for the Airport. He also stated he had questions regarding the development possibilities for the southeast quadrant of the airport. Appropriate staff will meet with Mr. Jackson regarding his questions.

Bill Signs, 4035 Rive Lane Addison, stated he would like Council to be able to give the citizens an update on the litigation in regards to the turbine and water tower issue. He stated he realized there have been several Executive Sessions regarding this item. He would like Council to be able to respond to the questions he had in regards to the bid process for the project, the former City Manager's role in the mediation process and the next steps.

Consent Agenda:

All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.

Council member Ivan Hughes requested to pull Item #7 from the Consent Agenda.

Mayor Pro Tem Janelle Moore requested to pull Item #9 from the Consent Agenda.

Council member Bruce Arfsten requested to pull Item #14 from the Consent Agenda.

Mayor Meier requested to pull Item #15 from the Consent Agenda.

The motion was made to approve Items 8, 10, 11, 12 & 13 as presented.

Motion made by Moore

Seconded by Heape

Voting AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier, Moore, Wilcox

Passed

7. Consider **Approval Of The February 9, 2016 Regular Work Session & Meeting Minutes.**

Council member Ivan Hughes stated that he had provided City Secretary Laura Bell some changes on the minutes. Many of these changes were due to the fact that the minute software scrambled the wording on motions. One change however was on Item #15 regarding the signage for the Open Carry language. The motion should read that Council stated they wished to have signs stating that Open Carry was prohibited during Open Meetings in the Town. Concealed Carry will not be prohibited.

City Secretary Bell agreed that these changes were possible and would be consistent with the intent of the Council. The changes will be reflected in the signed minutes.

Motion made by Hughes Seconded by Arfsten

Voting AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier, Moore, Wilcox

Passed

8. Consider A **Resolution Adopting A Public Information Act Policy For The Town Of Addison.**

9. Consider A **Resolution Increasing The Public Fuel Flowage Fee From \$0.12 To \$0.14 And The Non-Public Fuel Flowage Fee From \$0.20 To \$0.22 At Addison Airport Effective April 1, 2016.**

Mayor Pro Tem Janelle Moore stated that she would like Council to consider tabling this item. She stated that she still anticipates an April 1, 2016, start date for the increase. However, she believes that more time to speak to all tenants at the Airport would be beneficial. She would suggest tabling the item until the March 8th, 2016 meeting or no later than the last meeting in March.

City Manager Wes Pierson requested the City Attorney Brenda McDonald give guidance on the motion in regards to the need for a date specific for this item.

City Attorney Brenda McDonald stated because this item did not need to be posted as notice in the paper, there was no need to be date specific.

Mayor Pro Tem Moore moved to table this item to a future Council meeting to allow for communication with more Airport tenants.

Motion made by Moore Seconded by Heape

Voting AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier, Moore, Wilcox

Passed

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10. Consider A **Resolution Authorizing The Town Of Addison To Designate Representatives To The TexPool Local Government Investment Pool.**

 11. Consider A **Resolution Authorizing The Town To Designate Representatives To The TexStar Investment Pool To Transact Business On Behalf Of The Town Of Addison.**

 12. Consider A **Resolution Designating Representatives To The Local Government Investment Cooperative To Transact Business On Behalf Of The Town Of Addison.**

 13. Consider Authorizing The City Manager To **Enter Into A Contract With HALFF Associates, Inc., For Design And Survey Services For Winnwood Pond Dredging Project** In An Amount Not To Exceed \$62,300.00.

 14. Consider And Approve Authorizing The City Manager To Approve Final Payment To Pavecon Public Works, LP, For **The Rehabilitation of Addison Road** In An Amount Not To Exceed \$149,096.47.

Council member Bruce Arfsten stated that he wished to pull this item to receive clarification from Staff on the repairs done to Addison Road.

Council member Arfsten stated that he noticed failures in the road and didn't know if the issues were with current project or previous projects. He wanted to make sure that final payment wasn't being given if there were still issues with the project. He would like to know staff's thoughts on the work and issues that are still present.

Assistant Director of Infrastructure Services, Jason Shroyer, stated that the issues were not with this project. The area that had been referenced had been tested for base failure and staff was working to get those issues addressed. These type of issues will have to be addressed on a case by case basis and staff will stay on top of those issues. The current issue brought to staff's attention has already been addressed with a contractor. The work would have been completed if the weather hadn't changed so significantly in the last few days. Mr. Shroyer stated that issues like this will pop up through the life cycle of this project. They are not the result of the contractors work.

Mayor Meier discussed that this project wasn't buying a new road. The road was fixed as best could within the budget parameters staff had. There will be some underlying issues that will still need to be addressed.

Mr. Shroyer stated that staff will determine which items are warranty issues and which items are new issues. Other options for this road will be brought forward during budget discussions. The opportunity to make significant changes to the road will be dependent on the funds available.

Council member Bruce Arfsten moved to approve the item as presented.

Motion made by Arfsten Seconded by Hughes

Voting AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier, Moore, Wilcox

Passed

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15. Consider A **Resolution Authorizing The City Manager To Enter Into A Grant Funding Agreement With The Cavanaugh Flight Museum** In An Amount Not To Exceed \$50,000.00.

Mayor Meier stated that he pulled this item to ask Council to consider adding an additional liaison to the Community Partners Bureau to cover the Cavanaugh Museum. This would be consistent with other liaisons appointed to other non-profit organizations supported by the Town.

Council agreed that this would be in line with the other appointments. Council also agreed to allow the Council liaisons, Council member Arfsten and Hughes, appoint that liaison as done with the other non-profit liaisons.

Mayor Meier moved to approve the item as presented and allow the liaison to be appointed under the Community Partners.

Motion made by Mayor Meier Seconded by Carpenter

Voting AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier, Moore, Wilcox

Passed

Regular Items

16. Presentation By Mr. Larry Kanter Of Kanter Financial Forensics, LLC **Regarding Status Of Engagement For Work Authorized By Council On November 2014.**

Mr. Kanter, Kanter Financial Forensics, LLC, presented the item to Council.

Mr. Kanter began his presentation with a review of his professional background.

Mr. Kanter stated his services were retained by Council in April 2014. Council determined it was a good time to look at the Town's accounting systems and financial controls to assist the Town Manager into her new role. Mr. Kanter stated he was not retained to perform a fraud investigation and has not performed one for the

Town. He stated the scope was to only comment on accounting systems and controls. He stated the Town lacked the basics of a well-defined accounting system.

Mr. Kanter stated that in July 2014 he issued the first set of recommendations. These recommendations included Purchasing, Procurement, Accounts Payable, Processing, Banking, Fixed Assets, Payroll, Cash receipt processing and staffing. The report contained 12 separate recommendations that identified vulnerabilities that required the Town's immediate attention. Mr.

Kanter stated that deficiencies were so severe, the recommendations were to take immediate actions to strengthen Town controls.

Mr. Kanter also stated that originally he was met with great resistance from upper management and staff. He stated that once the new Interim Town Manager began, the reception was completely different and there was no resistance from staff.

Council asked some clarifying questions.

City Manager, Wes Pierson, asked Mr. Kanter if the original resistance was due to a question of a need to comply with state laws to view certain documents at the Court and Police Department.

Mr. Kanter stated that he did not believe that was the reason behind the resistance.

Mr. Kanter advised Council that he would require an additional \$23,850 to complete the project. This amount would allow him to revisit every recommendation made and make a final report on each. He stated that new processes and software has been implemented since his first report. He needs to go and analyze those areas again.

Mr. Kanter acknowledged that the current staff is very easy to work with and seem very willing to help him gather information and paperwork needed for this project.

Council agreed to direct the City Manager to authorize the expense of the additional \$23,850 to complete the project.

17. Present And Discuss **The Crisis Communication Contract.**

Director of Public Communication, Mary Rosenbleeth, presented the item to Council.

Ms. Rosenbleeth stated that this item was to present the newest members of the Communication Team to Council.

She stated that the last six months have included a formation of a committee to review responses to a RFQ for Crisis Communication services, interviews of the responsive companies, face to face interview with one finalist and finally an agreement with GrayHair PR. She stated that this function has historically been outsourced because it is an important function of the Town and requires a specialized expertise.

Mr. Reg Rowe, Dan Reed and Ed Martel introduced themselves to Council.

No action taken.

Council recessed for a break at 9:00 pm.

Council reconvened into the Regular Meeting at 9:10 pm.

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18. Discuss and Consider A **Resolution Authorizing The City Manager To Enter Into A Contract With Texas Coalition For Affordable Power (TCAP) To Provide Electricity For The Town For January 1, 2018 through December 31, 2022.**

Interim CFO, Scott Neils, presented the item to Council.

Mr. Neils stated that this item was to help lock in the charges for energy costs for the Town for 2018 through 2022. Mr. Neils stated that the current agreement with TCAP is for 7.44 cents per kwh. The proposed agreement would be for a charge no greater than 4.1 cents per kwh. This will net the Town approximately \$400,000 in energy savings.

Mr. Neils stated that there are three options for the Council to consider.

Option 1 was the fixed price as just described.

Option 2 was for peak energy pricing. Mr. Neils stated that the rates for this option are enough to offset the risk involved with this option. Option 3 was for a layer fixed pricing and peak energy pricing with a renewable energy portion.

Mr. Neils stated that staff would recommend Option 1 for the Town.

Mr. Neils also stated that staff recommends the three people who would need to be authorized to sign the agreement would be City Manager Wes Pierson or Deputy City Manager Cheryl Delaney or Executive Director of TCAP, Jay Doegey.

Council agreed with the staff recommendations.

Council member Bruce Arfsten made the motion to approve as recommended by staff.

Motion made by Arfsten Seconded by Carpenter

Voting AYE: Arfsten, Carpenter, Heape, Hughes, Mayor Meier, Moore,
Wilcox

Passed

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19. Presentation And Discussion Of The **Finance Department Quarterly Financial Review Of The Town For The Quarter Ended December 31, 2015.**

Interim CFO, Scott Neils, presented the item to Council.

Mr. Neils presented the first quarter balances and accruals to Council. Mr. Neils stated that new software that is in place will help with budgeting and reporting to Council these quarterly items. Mr. Neils reminded Council that sales tax numbers are always given two months in arrears. So the numbers are for October sales.

Council had a few clarifying questions. No action taken.

20. Present And Discuss The **Consolidated Dispatch And The Simulcast Radio System Projects.**

Director of Information Technology, Hamid Khaleghipour and Police Chief Paul Spencer presented the item to Council.

Mr. Khaleghipour began the presentation with a history of the project to Council. He stated that this project is very complex. He stated that the overall project is under budget at this time. The excess funds available could be used for future projects that he would bring to Council in the future.

Chief Spencer stated that he would give Council an update on the dispatch center move and the radio project. He stated that Addison dispatch is scheduled to move into the new facility on March 3. This would be after the City of Farmers Branch moves into the center.

Chief Spencer stated that the old radios are currently being used. He stated that after a breakdown in the new radios last month, the cities told Harris to go back and fix the issues. The cities are optimistic that the glitches will be worked out and the radio project will proceed.

Council reiterated support for the shared services concept and appreciation for the staff time and dedication for these projects.

Mayor Meier clarified that the radio project and the dispatch center are two separate projects. Each project is being run at the same time because of the shared services concept for both.

Mayor Meier stated there is a high level of confidence in the dispatch center and that Harris will work through the technical issues for the radios.

No action taken.

21. Present And Discuss **Policing Protocols For Underperforming Hotels.**

Police Chief Paul Spencer presented the item to Council.

Chief Spencer stated that this item was to inform Council of the enforcement effort put into place since May of 2015. He stated that the focus of this effort was to be more educational and promote crime prevention to address the criminal activity. He stated a proactive enforcing method was lacking when he was appointed Interim Chief last year.

Chief Spencer stated when he was appointed Interim Chief he was given direction to be more proactive and study all policies and procedures. He stated that the data gathered on the new efforts should allow the department to allocate resources effectively.

Chief Spencer stated that he would advise the public that the statistics will rise because of the concerted efforts of the department. He stated that because of more policing and effective practices, the department understands the why and how of this increase and they have a plan to deal with it accordingly.

Council stated they are happy with the proactive approach. They

thanked Chief Spencer for the informative update.

No action taken.

22. Present And Discuss The **Town of Addison Police Department's 2015 Racial Profiling Report.**

Police Chief Paul Spencer presented the item to Council.

Chief Spencer stated that this report was required by State law. The department is required to give Council a report on the summary and analysis of their racial profiling data. Chief Spencer stated that the department enlists the help of the UNT Criminal Justice department to complete this report. He stated that this is the 7th year UNT has helped.

Chief Spencer stated he was provided with the following findings:

The Town of Addison Police Department was found to be in full compliance with the following:

- Racial profiling policies
- Training and education regarding racial profiling
- On public education regarding the complaint procedures
- On collection of racial profiling data
- No methodologically conclusive indications of systemic racial profiling by the department
- Applicable state laws in regards to prohibition of racial profiling
- Reporting to the Texas Commission on Law Enforcement and Education

Chief Spencer stated that this is the 5th year with no complaints of racial profiling. He stated that the Town's racial profiling complaint process is very transparent.

Council thanked Chief Spencer for the report.

Council member Arfsten asked Chief Spencer about the body cameras the officers use. Chief Spencer stated that the 100% of the officers use the body cameras. He stated since the cameras are starting to get old in the technology aspect, there will be discussions soon to update the technology and then to replace the cameras.

This will all be done within the budget process. No action taken.

Adjourn Meeting

Mayor Meier adjourned the meeting at 9:59 pm.

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Mayor-Todd Meier

Attest:

City Secretary-Laura M. Bell