



# City of Rowlett

## Meeting Minutes

### City Council

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.*

Tuesday, May 18, 2010

5:30 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**Present:** Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

**Absent:** Mayor Harper

**1. CALL TO ORDER**

Mayor Pro Tem Maggiotto called the meeting to order at 5:30 p.m.

**2. EXECUTIVE SESSION**

Convened into Executive Session at 5:30 p.m.

**2A.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) and to consult with the City Attorney regarding potential litigation; Kenneth Mullins. (10 minutes)

**2B.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) and to consult with the City Attorney to deliberate on effect of automatic resignation under Section 3.08 of the City Charter as relating to Cindy Rushing. (10 minutes)

This item was removed from Executive Session and discussed in Work Session.

The City Attorney stated Councilmember Rushing should continue serving as Councilmember Place Two until her predecessor is sworn into office.

Councilmember Rushing's City email will be reinstated and her information will be put back on the website.

A member of Council stated Section 3.08 in the City Charter is null and void; the City Attorney disagreed.

Stated Section 3.08 should be reviewed at the next City Charter Review.

**3. WORK SESSION ITEMS (5:50 P.M.)**

Convened into open session.

**3A. Joint meeting with the Senior Advisory Board. (10 minutes)**

Bobbie Jo Kelly, Chair of the Senior Advisory Board, introduced the members of the Board in attendance. Spoke concerning the Board's projects and activities including computer classes, Senior Resource Directory, Senior Health Fair, Senior Housing Sub-Committee and numerous other activities.

**3B. Update on Environmental Noise Assessment regarding sound levels of Industrial District. (20 minutes)**

Staff gave a brief background regarding the sound levels of the Industrial District. Stated two sound meters were placed in the Industrial District; the meters were used to take readings in residential and industrial locations. Discussed the two-week period of noise level testing. Stated no one was notified as to the dates of the testing to avoid contaminating the sound study.

Stated during the study period, the sound exceedance does not support that one of the sources in the Industrial District was a source of the excess noise.

Council asked if sound monitoring would continue.

Staff stated there would be continuous random sound surveys.

The Environmental Noise Assessment will be available on the City's website.

**3C. Hear Second Quarter Investment Report for March 31, 2010. (10 minutes)**

Staff gave a brief presentation regarding the Second Quarter Investment Report for March 31, 2010.

**3D. Discuss amending Ordinance Number ORD-27-09, representing the 2009-2010 Fiscal Year Budget, by allocating funds with the budget; and emergency contracts for repairs at Westside Lift Station to PJC Utility Contractors, Inc. in the amount of two hundred seventy-five thousand five hundred eighty-four dollars and eighty cents (\$275,584.80) for construction work necessary to by-pass pump flows at Westside Lift Station and to lower the existing twenty-four inch (24") force main; and to Red River Pumps in the amount of one hundred twenty-nine thousand nine hundred sixty-four dollars and ninety cents (\$129,964.90) to provide temporary pumping to bypass the Westside Lift Station; and discuss the additional contracts/purchase orders as required to engage specialty service companies in the amount of four hundred eighty-six thousand four hundred fifty dollars and thirty cents (\$486,450.30) to rehabilitate the Westside Lift Station and provide cleaning and inspection services for the influent lines and manholes for a grand total of eight hundred ninety-two thousand dollars (\$892,000). (30 minutes)**

Staff gave a brief history of the Westside Lift Station and spoke regarding the damage at the Westside Lift Station. Stated the lift station must have repairs or the hydrogen sulfide will continue to damage the lift station.

Briefly spoke regarding the modifications that will be needed to create a bypass around the Westside Lift Station.

Spoke regarding the need to use Wright Construction Company in place of PJC Utility Contractors, Inc. as PJC Utility Contractors, Inc. could not secure a bond.

Council voiced concern regarding where funds for this repair would come from.

The funds are being transferred from the Rowlett Road Pump Station 2, Phase 1.

Staff requests this item be removed from the Consent Agenda to clarify the change in contractors.

Council asked if there were other areas of the City where capacity and ability is lacking.

Staff stated the majority of the other stations within the City, with the exception of the Rowlett Road Lift Station that is under construction, are single pumping stations that receive flows from smaller areas.

**3E. Discuss amending Ordinance Number ORD-27-09, representing the 2009-2010 Fiscal Year Budget, by allocating funds within the budget which is attached hereto and incorporated herein**

by reference as Exhibit A; and approving Change Order Number 4 in the amount of eighty-eight thousand five hundred seventy dollars and seventy cents (\$88,570.70) to the contract with Tiseo Paving, Inc for the Princeton Road Reconstruction Project and authorizing the Mayor to execute such change order. (30 minutes)

Staff spoke regarding the reconstruction of Princeton Road and the lack of proper trench compaction on the storm sewer system. Spoke regarding replacing the northbound concrete panels.

**4. DISCUSS CONSENT AGENDA ITEMS**

Items 10K, 10M and 10N were removed from the Consent Agenda to be considered individually.

**CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)**

Convened into the Council Chambers at 7:35 p.m.

**5. INVOCATION**

The invocation was led by Pastor Tom Hadley, Crown of Life Lutheran Church.

**6. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Maggiotto.

**7. TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by Mayor Pro Tem Maggiotto.

**8. PRESENTATIONS AND PROCLAMATIONS**

**8A. Proclamation recognizing Alyssa Carriere, Amy Jenkins and Eunique Jones for achieving the Girl Scouts Gold Award.**

Proclamations were presented to Ms. Carriere and Ms. Jones by Councilmember Rushing. Ms. Jenkins was not able to attend the meeting.

**8B. Presentation to the winners of the Rowlett Woman's Club Scholarship.**

Councilmember Rushing presented Bethany Winn and Caroline Whitlow with scholarships from the Rowlett Woman's Club for their achievements.

**8C. Proclamation recognizing the month of May as National Motorcycle Awareness Month.**

Councilmember Phillips presented a proclamation recognizing National Motorcycle Awareness Month.

**8D. Proclamation recognizing the week of May 22 - 28 as National Boating Safety week.**

Councilmember Kilgore presented a proclamation recognizing National Boating Safety Week.

**8E. Proclamation recognizing the week of May 16 – 22, 2010 as National Emergency Medical Services Week.**

Deputy Mayor Pro Tem Gottel presented Chief Harris and numerous fire personnel with a proclamation to recognize National Emergency Medical Services Week.

**8F. Proclamation recognizing the week of May 16 – 22, 2010 as National Public Works Week.**

Councilmember Jackson presented a proclamation recognizing National Public Works Week to numerous public works personnel.

**8G. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest, and Items of Community Interests.**

City Manager Humble gave a brief update to the Council on the various activities in the City including the opening of the Wet Zone on May 22<sup>nd</sup>, the Memorial Day Ceremony on May 29<sup>th</sup>, and Early Voting for the June 12, 2010 Run-off Election will begin on June 1<sup>st</sup>.

**9. CITIZENS' INPUT**

1. Sandy Daniels, 1902 Prairie Creek Trail, Garland – spoke regarding Share the Road Signs to bring awareness to motorcycle safety.

**10. CONSENT AGENDA**

Items 10K, 10M and 10N were removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 10A.** Consider approving minutes from the May 4, 2010 Regular Council Meeting.

**This item was approved on the Consent Agenda.**

- 10B.** Consider a resolution exercising the one-year renewal option for the purchase of uniforms for Fire Rescue in the unit amounts bid per section to Flat Rate Printing & Promotions for Section I and Safety and Security International for Sections II, III, and IV in an estimated annual amount of twenty-two thousand dollars (\$22,000).

**This item was approved as RES-039-10 on the Consent Agenda.**

- 10C.** Consider a resolution exercising the first of three one-year renewals for the purchase of emergency medical supplies and medication for Fire Rescue to Bound Tree Medical in the unit prices bid and in an estimated annual amount of fifty thousand dollars (\$50,000) through the interlocal purchasing agreement with the City of Cedar Hill as per contract renewal pricing 2010.

**This item was approved as RES-040-10 on the Consent Agenda.**

- 10D.** Consider a resolution awarding a bid for Section III mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid with an estimated annual amount of one hundred five thousand six hundred dollars (\$105,600) for the Parks Department.

**This item was approved as RES-041-10 on the Consent Agenda.**

- 10E.** Consider a resolution awarding a bid for Section II mowing services to Bio Landscape & Maintenance, Incorporated in the unit amounts bid with an estimated annual amount of one hundred twenty-eight thousand four hundred ninety dollars (\$128,490) for the Parks Department.

**This item was approved as RES-042-10 on the Consent Agenda.**

- 10F.** Consider approving and amending the Code of Ordinances by amending the Graffiti Ordinance Amendment Section 22-253 and 22-254 to reflect provisions required by HB 2086.

**This item was approved as ORD-010-10 on the Consent Agenda.**

- 10G.** Consider amending the Code of Ordinances by amending Section 22-121 of Article III ("Weeds, Wild Growth and Other Unwholesome, Unsightly or Other Dangerous Conditions") of Chapter 22 ("Environment") to add a new subsection (b) providing for the prevention of vegetation of excessive height on agricultural property within 20 feet adjacent roadways and occupied properties.

**This item was approved as ORD-011-10 on the Consent Agenda.**

- 10H.** Consider a resolution approving an Advance Funding Agreement for Project Funds Held in the State Highway 121 Subaccount – City Street Improvement Off-System Project with the Texas Department of Transportation for the funding of Merritt Road Widening Project and authorizing the Mayor to execute said agreement.

**This item was approved as RES-043-10 on the Consent Agenda.**

- 10I.** Consider a resolution awarding the proposal for warrant collection services for Municipal Court to Gila Corporation d/b/a Municipal Services Bureau (MSB), authorizing the execution of the contract and authorizing the addition of the statutory 30% warrant fee.

**This item was approved as RES-044-10 on the Consent Agenda.**

- 10J.** Consider approving a resolution amending the Master Fee Schedule authorizing the addition of a collection fee in the amount of thirty percent (30%) on unpaid debts and accounts receivable in accordance with and pursuant to Article 103.0031, Texas Code of Criminal Procedure, as amended for Municipal Court.

**This item was approved as RES-045-10 on the Consent Agenda.**

- 10K.** Consider an ordinance amending Ordinance Number ORD-27-09, representing the 2009-2010 Fiscal Year Budget, by allocating funds within the budget; and approving emergency contracts for repairs at Westside Lift Station to PJC Utility Contractor, Inc. in the amount of two hundred seventy-five thousand five hundred eighty-four dollars and eighty cents (\$275,584.80) for construction work necessary to by-pass pump flows at Westside Lift Station and to lower the existing twenty-four inch (24") force main; and to Red River Pumps in the amount of one hundred twenty-nine thousand nine hundred sixty-four dollars and ninety cents (\$129,964.90) to

provide temporary pumping to bypass the Westside Lift Station; and authorizing additional contracts/purchase orders as required to engage specialty service companies in the amount of four hundred eighty-six thousand four hundred fifty dollars and thirty cents (\$486,450.30) to rehabilitate the Westside Lift Station and provide cleaning and inspection services for the influent lines and manholes for a grand total of eight hundred ninety-two thousand dollars (\$892,000.00); and authorizing the Mayor to execute the Standard Public Works Construction contract for said services; and authorizing the City Manager to issue purchase orders for said services to prevent failure of the station.

Mayor Pro Tem Maggiotto read the item into the record.

**A motion was made by Councilmember Phillips, seconded by Deputy Mayor Pro Tem Gottel to approve the emergency contacts for emergency repairs but to replace PJC Utility Contractor, Inc. with Wright Construction Company. This item was approved as ORD-012-10 on the Consent Agenda. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore**

**Absent: 1 – Mayor Harper**

- 10L.** Consider an ordinance amending Ordinance Number ORD-27-09, representing the 2009-2010 Fiscal Year Budget, by allocating funds within the budget; and approving Change Order Number 4 in the amount of eighty-eight thousand five hundred seventy dollars and seventy cents (\$88,570.70) to the contract with Tiseo Paving, Inc for the Princeton Road Reconstruction Project and authorizing the Mayor to execute such change order.

**This item was approved as ORD-013-10 on the Consent Agenda.**

- 10M.** Consider a resolution appointing Councilmember Todd W. Gottel as Mayor Pro Tem as prescribed in the City Charter.

Mayor Pro Tem Maggiotto read Items 10M and 10N into the record.

**A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Phillips to table Items 10M and 10N until a future Council meeting. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore**

**Absent: 1 – Mayor Harper**

- 10N.** Consider a resolution appointing Councilmember Patrick Jackson as Deputy Mayor Pro Tem as prescribed in the City Charter.

The motion for this item was included with Item 10M.

**Passed The Consent Agenda**

**A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Rushing, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore**

**Absent: 1 – Mayor Harper**

**11. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 11A.** Consider a resolution canvassing the votes to declare the results of the general election held Saturday, May 8, 2010 for Mayor and Councilmembers for Places Two, Four and Six.

Mayor Pro Tem Maggiotto read the item into the record.

City Secretary read the election results into the record.

<b>REGISTERED VOTERS</b>	<b>BALLOTS CAST</b>	<b>% OF VOTERS</b>
33,469	1,673	5.00%

That the following number of votes were cast for the following named candidates for the office of Mayor to-wit:

NAME	EARLY VOTING	ELECTION DAY	TOTAL VOTES	% OF VOTES
John E. Harper	631	547	1,178	71.35%
Cindy Rushing	257	216	473	28.65%

That the following number of votes were cast for the following named candidates for the office of Councilmember Place Two to-wit:

NAME	EARLY VOTING	ELECTION DAY	TOTAL VOTES	% OF VOTES
Jerry Berggren	224	269	493	32.39%
Donna Davis	439	294	733	48.16%
Robert Kittrell	160	136	296	19.45%

It appearing that no one received a majority of the votes cast for the office of Councilmember Place Two. Donna Davis with 48.16% and Jerry Berggren with 32.39% are hereby declared to be placed on the ballot for the runoff election to be held on June 12, 2010.

That the following number of votes were cast for the following named candidates for the office of Councilmember Place Four, to-wit:

NAME	EARLY VOTING	ELECTION DAY	TOTAL VOTES	% OF VOTES
Todd W. Gottel	721	550	1,271	100.00%

That the following number of votes were cast for the following named candidates for the office of Councilmember Place Six to-wit:

NAME	EARLY VOTING	ELECTION DAY	TOTAL VOTES	% OF VOTES
Ron Miller	251	199	450	29.07%
Michael Gallops	232	231	463	29.91%
Randy Mays	176	180	356	23.00%
Nicholas Kreekon	164	115	279	18.02%

It appearing that no one received a majority of the votes cast for the office of Councilmember Place Six. Michael Gallops with 29.91% and Ron Miller with 29.07% are hereby declared to be placed on the ballot for the runoff election to be held on June 12, 2010.

A motion was made by Councilmember Phillips, seconded by Deputy Mayor Pro Tem Gottel to canvass the votes as read. This item was approved as RES-046-10. The motion carried by the following vote:

**Ayes: 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore**

**Absent: 1 – Mayor Harper**

- 11B. Consider approving an Order calling the Run-off Election for Saturday, June 12, 2010 to elect Councilmembers for Place Two and Place Six.

Mayor Pro Tem Maggiotto read the item into the record.

A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Phillips to approve an Order calling the Run-off Election. The motion carried by the following vote:

**Ayes: 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore**

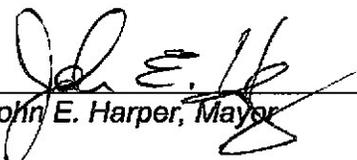
**Absent: 1 – Mayor Harper**

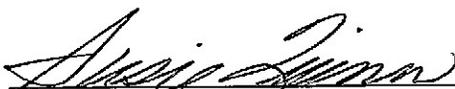
**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

No actions were taken following the Executive Session.

12. **ADJOURNMENT**

Mayor Pro Tem Maggiotto adjourned the meeting at 8:31 p.m.

  
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John E. Harper, Mayor

  
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Susie Quinn, City Secretary

Date Amended: July 6, 2010