



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, September 21, 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 Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember Kilgore

Absent: Councilmember Gallops

1. **CALL TO ORDER**

Mayor Harper called the meeting to order at 5:30 p.m.

CONVENE INTO EXECUTIVE SESSION

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

2. **EXECUTIVE SESSION**

- 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 pending litigation; Site Concrete. (10 minutes)

RECONVENE INTO OPEN SESSION

Reconvene into open session at 5:47 p.m.

3. **WORK SESSION ITEMS (5:30 P.M.)**

3A. Discuss proposed changes to the Boards and Commissions Handbook. (15 minutes)

Staff presented Council with proposed changes for the Boards and Commissions Handbook.

The changes that were proposed included:

- To add the Volunteer Fair as an annual event; and
- To require mandatory Open Meeting Act training within 45 days of a regular or alternate member appointment and/or reappointment; and to require additional training for Board of Adjustment and the Planning and Zoning Commission; and
- To abolish the Youth Advisory Council; and allow non-voting youth applicants to participate in the other boards and commissions; and
- To assign Council liaisons to the various boards and commissions; and
- To fill a vacant regular member position, the alternate that has the greatest tenure will be appointed as a regular member and the newly vacant alternate member positions will be appointed by the Council

3B. Discuss possible changes to election voting locations for Rockwall County - Rowlett registered voters. (20 minutes)

Staff presented Council with the possible changes to the election voting locations for Rockwall County Rowlett registered voters. Stated in State and National Elections, residents must vote within the county in which they reside; voters can only cross the "county-line" during City Elections.

Staff was directed to continue to contract with Dallas County Elections.

3C. Discuss policy regarding due dates and penalty dates for utility bills. (30 minutes)

Staff gave Council a brief explanation regarding the due dates and penalty dates for utility bills. Stated staff has received requests from small businesses, teachers and senior citizens to change the policy as their utility billing cycle does not coincide with their income checks. Staff offered three solutions. First, being a due date change. Second, a once-per-year penalty exemption. And lastly, changing the penalty date.

Staff stated any change in the due date or penalty date shifts a portion of the cost of utility services from the customers who are unable to pay in a timely manner to those who can pay in a timely manner.

Council asked if there was potential to provide additional penalty dates.

Staff stated it's not common for cities to have more than two billing cycle; and the billing zones are based geographically; therefore, it may not help the customers to change billing cycles.

Council stated it might be prudent to find out the cost of changing the billing cycles. Council asked the difference between a 30-day penalty cycle and a 30-day billing cycle and the different costs associated with late payments. Council asked the number of customers that are on a fixed income.

Staff was directed to bring this item back for further review.

4. DISCUSS CONSENT AGENDA ITEMS

Items 10H and 10L items 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 7:30 p.m.

5. INVOCATION

The invocation was led by Chris Fields, Missionary to West Africa.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

7. TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by Mayor Harper.

8. PRESENTATIONS AND PROCLAMATIONS

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

Mayor Harper gave a brief update to the Council on the various activities in the City including a letter received regarding the invocations at City Council meetings; traffic situation with the road construction; named the Belinda Loveland Memorial Committee as an ad hoc committee to complete their objective by April; the first meeting of the Belinda Loveland Memorial Committee will meet on September 27th at the Rowlett Community Centre at 4:00 p.m.; the September 28th Special City Council Work Session and Meeting; the Rowlett Chamber will host a golf tournament on September 30th; board and commission appointments will be made at the

October 5th Council meeting; the Veterans' Day Memorial Ceremony will be on November 11th; and the Texas Legislature will convene into session on January 11th.

9. CITIZENS' INPUT

1. Cindy Rushing – 6305 Joel Court, Rowlett – Spoke regarding the conduct of the Council.
2. Chris Pick – 3809 Castle, Rowlett – Spoke regarding comments that were made regarding staff and emails that were sent by a member of the Council.
3. Laurieann Dygowski – 7242 Liberty Grove, Rowlett – Spoke regarding emails that were sent by a member of the Council and the conduct of the Council.
4. Karen Scholz – 7206 Timberline, Rowlett – Spoke regarding the conservative nature of the budget.
5. Dretha Burris – 5313 Alazan Bay Drive, Rowlett – Spoke regarding the conduct of the Council.
6. Richard Bacon – 7801 Pebble Beach, Rowlett – Spoke regarding the conservative nature of the budget.
7. Fred Witzell – 7609 Coral Way, Rowlett – Spoke against the discontinuation of the invocation and spoke regarding the conservative nature of the budget.
8. Jeff Sheldon – 7242 Liberty Grove, Rowlett – Spoke regarding the conservative nature of the budget and the City's vision.

10. CONSENT AGENDA

Items 10H and 10L items were removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 10A.** Consider approving minutes from the August 31, 2010 City Council Joint Work Session Meeting and the September 7, 2010 Regular Council Meeting.

This item was approved on the Consent Agenda.

- 10B.** Consider a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code, Emergency Services and Utilities sections of the Master Fee Schedule.

This item was approved as RES-076-10 on the Consent Agenda.

- 10C. Consider a resolution amending the City's Financial and Fiscal Policies financial policies regarding operating reserve levels.

This item was approved as RES-077-10 on the Consent Agenda.

- 10D. Consider an ordinance amending the Fiscal Year 2009-2010 Budget.
This item was approved as ORD-21-10 on the Consent Agenda.

- 10E. Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's third rate review mechanism filing.

This item was approved as ORD-022-10 on the Consent Agenda.

- 10F. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with Dallas County for Household Hazardous Waste for FY 2011.

This item was approved as RES-078-10 on the Consent Agenda.

- 10G. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with Dallas County for Mosquito Ground Control for FY 2011.

This item was approved as RES-079-10 on the Consent Agenda.

- 10H. Consider a resolution awarding the bid for the purchase of one hundred Nexlink desktop computers to Compuquick, Incorporated in the amount of seventy-eight thousand five hundred dollars (\$78,500) and authorizing the City Manager, after City Attorney approval, to execute a three year lease purchase finance agreement with Branch Banking and Trust Company ("BB&T") in the amount of eighty thousand three hundred seventy-nine dollars (\$80,379) utilizing an interest rate of 2.12%.

This item was removed from the Consent Agenda to be considered individually.

Mayor Harper read the item into the record.

Staff answered questions regarding the cost of the computers.

A motion was made Councilmember Phillips, seconded by Deputy Mayor Pro Tem Jackson to approve the resolution as read. This item was approved as RES-080-10. The motion carried by the following vote:

Ayes: 6 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember Kilgore

Absent: 1 – Councilmember Gallops

- 10I.** Consider a resolution awarding the bid for the purchase of two 2011 Mack GU713 dump trucks to East Texas Mack Sales, LLC in the amount of one hundred twenty-six thousand two hundred fifty dollars (\$126,250) per unit for a grand total of two hundred fifty-two thousand five hundred dollars (\$252,500) for Public Works and Utilities through the interlocal cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (BuyBoard) including the trade-in of three pieces of equipment in the amount of seven thousand two hundred dollars (\$7,200) resulting in a net expenditure of two hundred forty-five thousand three hundred dollars (\$245,300).

This item was approved as RES-081-10 on the Consent Agenda.

- 10J.** Consider a resolution awarding the bid for the purchase of a new John Deere 444K wheel loader with a Grapple rake bucket to RDO Equipment Company in the amount of one hundred fifty-eight thousand three hundred ninety-seven dollars (\$158,397) for Public Works and Utilities through the interlocal cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC) including the trade-in of seven pieces of equipment in the amount of seventy-six thousand eight hundred dollars (\$76,800) resulting in a net expenditure of eighty-one thousand five hundred ninety-seven dollars (\$81,597).

This item was approved as RES-082-10 on the Consent Agenda.

- 10K.** Consider a resolution awarding the bid for the purchase of a used 2008 Caterpillar CB-24 asphalt roller to HOLT CAT in the amount of twenty-five thousand five hundred fifteen dollars (\$25,515) with extended three year warranty in the amount of one thousand three hundred sixty dollars (\$1,360) for a grand total of twenty-six thousand eight hundred seventy-five dollars (\$26,875) for Public Works and authorizing the City Manager to issue purchase orders pursuant to approval.

This item was approved as RES-083-10 on the Consent Agenda.

- 10L.** Consider a resolution awarding the bid for a seven-year lease purchase financing of Public Works equipment to Branch Banking and Trust Company ("BB&T") in the amount of three hundred one thousand four hundred seventy dollars and eighty-two cents (\$301,470.82) utilizing an interest rate of 2.34% and authorizing the City Manager, after City Attorney approval, to execute the necessary documents.

This item was removed from the Consent Agenda to be considered individually.

Mayor Harper read the item into the record.

A member of Council commented on the dollar figure that would need to be in the budget for the next seven years.

A motion was made Councilmember Kilgore, seconded by Councilmember Phillips to approve the resolution as read. This item was approved as RES-084-10. The motion carried by the following vote:

Ayes: 6 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember Kilgore

Absent: 1 – Councilmember Gallops

- 10M.** Consider an ordinance amending the Code of Ordinances of the City of Rowlett, Texas by amending Chapter 78 (“Buildings and Building Regulations”) to add a new Article XII, to be entitled “Wind Energy Systems,” to provide regulations for wind energy systems.

This item was approved as ORD-023-10 on the Consent Agenda.

Passed The Consent Agenda

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

Ayes: 6 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember Kilgore

Absent: 1 – Councilmember Gallops

11. ITEMS FOR INDIVIDUAL CONSIDERATION

- 11A.** Consider an ordinance approving and adopting the budget for Fiscal Year 2010-2011.

Mayor Harper read the item into the record.

Several members of Council spoke regarding the proposed budget.

A three-part motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Kilgore to approve the budget as proposed; to move the surplus from the 2010 Budget into the Innovations Fund and authorize funding in the following items: Fire truck leases - \$100,120, Law enforcement software - \$75,192, Fire house software - \$10,912, SCBA replacement - \$18,000, Jaws of life - \$35,000, TMRS increase - \$107,615, Planning study - \$100,000, Special Events - \$40,985, Extra median mowing - \$34,050, Landscaping at City entrances - \$25,000, and the Rowlett Local Stimulus Fund - \$24,000; and freeze all remaining surplus in the Innovations Fund until such time that Council will authorize any expenditures at the request of the City Manager. This item was approved as ORD-024-10. The motion carried by the following vote:

Ayes: 5 – Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember Kilgore

Noes: 1 – Mayor Harper

Absent: 1 – Councilmember Gallops

- 11B. Consider an ordinance approving and adopting the proposed ad valorem tax rate of \$0.747173 per \$100 of taxable value for FY 2010-2011.

Mayor Harper read the item into the record.

A motion was made Mayor Pro Tem Gottel, seconded by Deputy Mayor Pro Tem Jackson to approve the ordinance as read. This item was approved as ORD-025-10. The motion carried by the following vote:

Ayes: 6 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember Kilgore

Absent: 1 – Councilmember Gallops

- 11C. Conduct a public hearing and consider approving an ordinance for a Planned Development (PD) application for a single-family residential development. The subject property is located on the west side of Scenic Drive approximately 200 feet north of Nottingham Court and approximately 125 feet south of Fairmont Circle, being 12.90± acres, in the W. Crabtree Survey, Abstract 60, Rockwall County. (Case Number PD10-450)

Mayor Harper read the item into the record.

Staff gave a presentation regarding the Planned Development.

The public hearing opened at 9:13 p.m. and closed at 9:22 p.m. with one person speaking.

Charlie Shearer, 1200 West State Street, Garland – Spoke in favor of the proposed Planned Development.

A motion was made Mayor Pro Tem Gottel, seconded by Councilmember Kilgore to approve the ordinance as read. This item was approved as ORD-026-10. The motion carried by the following vote:

Ayes: 6 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis and Councilmember Kilgore

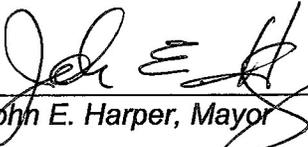
Absent: 1 – Councilmember Gallops

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

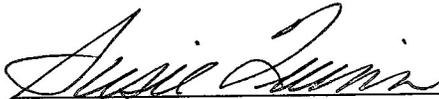
No actions followed the Executive Session item.

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 9:23 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: October 5, 2010