



City of Rowlett
Meeting Minutes
City Council

4000 Main Street
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Rowlett, TX 75030-0099
www.rowlett.com

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Tuesday, January 19, 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 Maggiotto, Deputy Mayor Pro Tem Gattel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

1. CALL TO ORDER

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

CONVENE INTO EXECUTIVE SESSION

The City Council 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 (Consultation with the City Attorney), to discuss legal issues involving the Hinton Landfill. (20 minutes)
- 2B.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (legal advice) to deliberate on duties and functions of Municipal Court. (15 minutes)
- 2C.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.074(a)(1), (Personnel), to deliberate the duties of the City Attorney. (15 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:28 p.m.

3. WORK SESSION ITEMS (6:00 P.M.)

- 3A. Reconsideration of the prior motion on December 15, 2009 to place the City Attorney in a supervisory position over the City Prosecutor. (20 minutes)

This item followed Item 3B.

Spoke regarding the efficiency and effectiveness of the Municipal Courts operations. Stated there were not objective measures for the Court officials. Stated at the December 15, 2009 City Council meeting, Council agreed to place the Municipal Prosecutor under the supervision of the City Attorney. Stated at the January 5, 2010 City Council meeting, the topic was discussed again. The City Attorney has requested that he not be in position of supervising.

Stated the City Attorney will be removed from direct supervision for the time being.

Staff stated the Stakeholders Committee will include the Presiding Judge, the Associate Judge, the City Prosecutor, the City Manager, the Court Administrator, the City Attorney, Deputy Mayor Pro Tem Gottel and Councilmember Kilgore. The purpose of the committee will be to look at how the municipal court functions, to allow the City Council from this process to gain the matrix to manage the personnel, to create benchmarks that will allow the City Council to be more effective in its customer service, and to provide a good experience for the citizens when they go through the courts system.

Stated the study will take approximately 60 days to complete.

A member of Council requested that Paul Liston be added to the Stakeholders Committee.

- 3B. Discussion of the alley funding survey results. (15 minutes)

This item followed Item 3D.

Staff gave a brief history of the alley funding survey. Stated a total of 18,643 surveys were mailed with the residents water bills and received back 2,409 responses for an approximate 13% return; the survey deadline was December 31, 2009.

Council stated by doing a mail survey, the cost is less expensive and the City will receive a greater number of responses.

3C. Update on City of Garland's Hinton Landfill. (20 minutes)

This item was presented first during the Work Session.

Staff gave a brief history of the Hinton Landfill. Stated a letter was mailed to the Waterview residents. Stated there have been two TECQ inspections at the landfill and both results found the landfill in compliance.

Stated the City of Garland set a meeting for February 4, 2010 to meet with the City of Rowlett and the Waterview residents; stated that meeting date conflicts with the City's Town Hall meeting and the City of Garland has been asked to choose a different date.

Stated the City will hire a third-party consultant to monitor the air quality from the perspective of toxicity.

Staff stated the City of Garland indicated they would honor the commitment to meet with the Waterview Homeowners Association and its citizens and share the outcome of the study that was conducted in December, the outcome of the two TCEQ inspections and the EPA inspection.

Concerns were stated regarding the investments that the City of Rowlett and the residents of Waterview have made.

3D. Discussion on the long-term strategy for the Wet Zone Waterpark. (30 minutes)

This item followed Item 3C.

Staff stated for the 2009 season, the Wet Zone did not go over the \$100,000 subsidy.

Asked that no decision be made at this time regarding the long-term viability for the Wet Zone. Stated the Wet Zone Manager has a good strategy relative to the expenses and the revenues of the Wet Zone. Stated staff would like to focus on the market of the Wet Zone; stated staff would like to not focus on cutting expenses but instead, match revenues with expenses.

Stated the hours of operation will be on the next Council agenda.

4. DISCUSS CONSENT AGENDA ITEMS

Items 10E and 10H were removed from the Consent Agenda to be considered individually. And Item 10F was removed from the agenda for further study.

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

Convened into the Council Chambers at 7:36 p.m.

5. INVOCATION

The invocation was led by Pastor Thomas D. Richards, Lakeside Pentecostal Church.

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 the website being streamed live on RTN16, the local stimulus package, the winter algae bloom in Lake Lavon, the air testing near the Hinton Landfill, the City's new website is scheduled to be unveiled on March 1st, the Town Hall Meeting is scheduled for February 4th at the Community Centre, the Little Sweetheart Dance is scheduled for February 5th at the Community Centre, the Eggstraordinary Egg Hunt is scheduled for February 27th, the last day to register to vote in the May 8th Election is April 8th, and the Rowlett Diversity Day is scheduled for April 24th at the Community Centre.

8B. State of the City Address.

This item followed the Consent Agenda.

Mayor Harper presented a PowerPoint Presentation for the State of the City Address.

Mayor Harper spoke concerning where the City was in 2007 and where it presently is. Stated the focus of the City Council should be communication with citizens, the City's financial position and operations, and the City's economic efforts. Stated there has not been a city property tax increase for the last three years. Stated the bond rating has improved from 'A' to 'AA'.

Mayor Harper stated the City's focus on economic development would involve investing in the future of Rowlett, recruiting and retaining local businesses, attracting quality commercial and residential development and adding and enhancing amenities in the City. The City has fought for two planned major economic engines, began neighborhood revitalizations, continuing the development of parks and trails, updating infrastructure in a 'managed' way, enforcing reasonable codes with empathy, reaching out to major developers and partnering with the Rowlett Chamber of Commerce.

In the City's efforts to promote economic development, investments were made in neighborhood roads and alleys, and leaning utility poles were straightened. Progress has been made for the Coyle House to be renovated into a living museum. Downtown Main Street has been promoted with the numerous special events on Main Street.

Stated even with the economic situation through the State, Rowlett had an increase in local job growth and in the commercial tax base.

Spoke concerning the Dallas Area Rapid Transit (DART) Blue Line, the President George Bush Turnpike (PGBT), the Merritt Road Expansion, the Waterfront Entertainment District, the Rowlett City Center at Waters Edge, and various improvement and rehabilitation projects throughout the City.

Mayor Harper proposed several things he would like to see implemented in 2010. He would like to establish unified election date site, seek a sole Rockwall County Commissioner to represent Rowlett, post the City check register on line, update the Strategic Plan with broad citizen participation, establish a citizen committee to review how the City is charging for water, sewage, and refuse collection, and will propose no tax increases and no utility increases.

Mayor Harper stated he is excited about the City's future.

9. CITIZENS' INPUT

1. Ron Couche, 3114 Clearwood Lane, spoke concerning the water pressure in his home.
2. Nicholas Kreekon, 6502 Warwick Drive, spoke concerning City taxes and fees.

10. CONSENT AGENDA

Items 10E and 10H were removed from the Consent Agenda to be considered individually. And Item 10F was removed from the agenda for further study.

City Secretary read the items into the record.

- 10A. Consider approving minutes from the January 5, 2010 Regular Council Meeting.**

This item was approved on the Consent Agenda.

- 10B.** Consider a resolution approving the second of three one-year extension options with American National Bank of Texas to provide banking services for the City of Rowlett and authorizing the City Manager to execute the necessary documents for said services.

This item was approved as RES-005-10 on the Consent Agenda.

- 10C.** Consider a resolution authorizing Task Order Number 7-CA to the approved professional services agreement with Cheatham & Associates, Incorporated for the engineering design of the refurbishing of the Merritt Road ground storage tanks in the amount of forty-four thousand five hundred twenty dollars and no cents (\$44,520.00).

This item was approved as RES-006-10 on the Consent Agenda.

- 10D.** Consider a resolution authorizing Task Order Number 8-CA to the approved professional services agreement with Cheatham & Associates, Incorporated for the review and analysis of the City's water distribution system model to enhance minimum system pressure in the amount of thirty-seven thousand six hundred forty dollars and no cents (\$37,640.00).

This item was approved as RES-007-10 on the Consent Agenda.

- 10E.** Consider a resolution approving an amended Communication Facilities License Agreement with Verizon Wireless for the installation and operation of antennas and cables to provide telecommunication services at the Chiesa Road Water Tower, and authorizing the City Manager to sign. The subject property is located on a 3.346± acre tract of land situated in the Charles D. Merrell Survey, Abstract No. 957, Dallas County.

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

Mayor Harper read the item into the record and removed himself from the dais. Mayor Pro Tem Maggiotto presided over this item.

Mayor Harper filed an Affidavit of Conflict of Interest with the City Secretary.

A motion was made by Councilmember Rushing, seconded by Councilmember Phillips to approve the resolution. This item was adopted as RES-008-10. 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

Abstain: 1 – Mayor Harper

- 10F. Consider a resolution approving the purchase of the repair of the precast concrete wall to Superior Concrete Products in the unit amounts bid attached hereto and incorporated herein by reference as Exhibit A in an amount not to exceed sixty-eight thousand three hundred sixty-eight dollars and thirty cents (\$68,368.30).

This item was removed from the agenda for further study.

- 10G. Consider a resolution authorizing the final acceptance for the 2009 Bi-annual Contract Concrete Repair/Maintenance and to release of retainage in the amount of one hundred fifty-eight thousand eight hundred ninety-five dollars and sixty-seven cents (\$158,895.67) plus the accrued interest on the retainage to F & F Concrete, LLC.

This item was approved as RES-009-10 on the Consent Agenda.

- 10H. Reconsideration of the prior motion on December 15, 2009 to place the City Attorney in a supervisory position over the City Prosecutor.

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

Mayor Harper read the item into the record.

Councilmember Kilgore made a presentation to the City Council.

Councilmember Kilgore brought up the issue that the public is asking questions. He discussed the percentage of cases going to trial, the backlog of cases and the spike in the prosecutor's bill. He also mentioned the Code of Criminal Procedure, technical issues, customer satisfaction, and the question as to who can supervise the courts.

Following the presentation Mayor Harper asked the City Manager and City Attorney to respond to the remarks at a future Council meeting. The Mayor inquired if Councilmember Kilgore is a trial attorney, to which Councilmember Kilgore answered in the affirmative.

A motion was made by Councilmember Kilgore, seconded by Mayor Pro Tem Maggiotto to remove the City Attorney as having supervisory oversight of the Municipal Prosecutor and return the responsibility to City Council. The motion carried by the following vote.

Ayes: 5 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, and Councilmember Kilgore

Noes: 2 – Mayor Harper and Councilmember Jackson

Passed The Consent Agenda

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

Ayes: 7 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottle, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

11. ITEMS FOR INDIVIDUAL CONSIDERATION

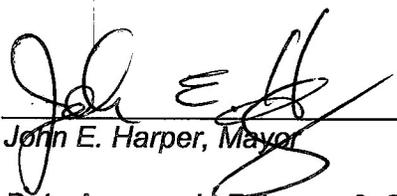
There were no items for individual consideration.

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

No action followed the Executive Session.

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 9:45 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: February 2, 2010