



**City of Rowlett
Meeting Minutes
City Council**

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

Tuesday, April 7, 2009

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.

1. CALL TO ORDER

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

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

Mayor Pro Tem Gottel joined the meeting during the Executive Session.

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 Advice) to consult with the City Attorney regarding Rowlett Road Phase 1 Project. (15 minutes)

2B. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Advice) to consult with the City Attorney regarding Kenwood Heights Project. (15 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:09 p.m.

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

3A. Discussion of policy statement on how to manage customer expectations with separate political subdivisions about going "above & beyond" what the responsible agencies are willing to do. (10 minutes)

Lynda Humble, City Manager, spoke concerning how the City would work with other political subdivisions that were doing business in the City of Rowlett. Stated a policy

statement has been drafted from previous work sessions and if revisions are needed, a revised final resolution will be brought before Council on April 21, 2009.

Council recommended adding a fourth bullet with an affirmative statement stating the City of Rowlett recognizes that the political subdivisions and their contractors will adhere to Federal, State, County and local ordinances and guidelines.

Another member of Council recommended a change in the wording for the second bullet from "However, no Rowlett public official shall make promises or commitments..." to "No Rowlett public official has the authority to make promises or commitments..."

Staff stated this would be applied and used to provide a framework for the citizens to understand what role the City of Rowlett has with other political subdivisions for which the City is equal to and have no authority over; this provides expectations to the citizenry.

Council suggested adding a disclaimer to each press release associated with a major project.

3B. Discuss a potential local economic stimulus plan. (30 minutes)

Katie Corder, Assistant City Manager, gave a brief history of this agenda item. Ms. Corder presented a PowerPoint presentation entitled "Local Economic Stimulus Plan – April 7, 2009 (13 slides).

Research

- Lancaster, California
 - 5 programs
 - Shop and Dine Program
- Other local entities:
 - Carrollton and Garland, Texas
 - Tracy and Riverside County, California
 - Newark, New Jersey
 - Alleghney County, Pennsylvania

Citizen Focus

- Unemployment Rate
 - 2008 annual – 4.8%
 - February 2009 – 6.5%
 - National Rate – 8.5%
 - *Source: Texas Workforce Commission, Bureau of Labor Statistics*
- Community Needs
- Business Community Needs

Shop Rowlett Campaign

- Shop Rowlett
- Dine Rowlett
- Play Rowlett
- Umbrella communication and marketing campaign
- City website
- Logo

- Link all of our programs

Job Resource Website

- Job View database
 - Texas Workforce Commission
 - Direct Employers Association (DEA Labor Exchange)
- Links to job search related sites
- Local links
- Advertising programs through Library
 - Interviewing
 - Resume writing
 - Career tests
 - <http://www.cityofirving.org/library/job-center.html>

Business Focus

- Encourage residents to Shop in Rowlett
- Encourage regionally to come to Rowlett
- Promote our local businesses
- Leverage city's marketing
 - \$300-\$15,000 advertising in *Dallas Morning News*

Coupon Website

- Printable coupons
- Six month duration
 - May 1 – November 1
- Partner with Chamber of Commerce for long-term solution

Promote Existing Programs

- City's Bid List
- City's Preferred Vendor List
- Downtown Event Series

Communication Tools

- Letter to all businesses
- News Releases
- City website
- RTN 16
- Infomercials
 - RTN 16
 - Streaming video
- Monthly online newsletter
- Quarterly newsletter (direct mail)
- ENEWS
- Partnerships

Future Expansion

- Street Banners
 - Shop Rowlett
 - Dine Rowlett
 - Play Rowlett
- Chamber of Commerce partnership

- Retailer Partnership

Meetings have been scheduled with area businesses to invest with this endeavor.

Staff was questioned regarding feedback from the small businesses in the community.

Staff stated they have not received feedback from the small businesses.

3C. Hear update regarding Councilmember Patrick Jackson's recent National League of Cities (NLC) Conference attended on March 14 through March 17, 2009. (10 minutes)

Councilmember Jackson gave a brief presentation regarding his recent attendance at the NLC Conference. The PowerPoint presentation entitled "Key NCL Messages – Congressional City Conference – March 14-18, 2009 (11 slides).

Messages in Brief

- Now is the moment for cities to do their part in economic recovery; cities stand ready and are moving quickly to use the resources effectively.
- The country also needs to look beyond recovery to other pressing initiatives that will make our nation stronger.
- We have entered into a new era of partnership between cities and the federal government, but more work must be done.

The Schedule

- Monday – March 16, 2009
 - 9:00 a.m. – 10:30 a.m. Opening General Session (attended)
 - Speakers: Kathleen M. Novak, Chris Matthews and Susan M. Collins
 - 3:30 p.m. – 4:30 p.m. General Session (attended)
 - Speakers: Stephen Chu, Lisa P. Jackson and Eric Holder
- Tuesday – March 17, 2009
 - 9:00 a.m. – 10:15 a.m. General Session (attended)
 - Speakers: Shaun Donovan and Ray LaHood
 - 3:30 p.m. – 4:30 p.m. Closing General Session (conflict)
 - Speakers: Valerie Jarrett and Janet Napolitano

Other Meetings

- 3:30 p.m. on Tuesday, March 17, 2009 – Meeting with Senator Kay Bailey Hutchison and Senator John Cornyn

Discussions

- **ECONOMIC RECOVERY:** Now is the moment for cities to do their part in economic recovery; cities stand ready and are moving quickly to use the resources effectively.
 - With the resources now available, cities are moving urgently on this unprecedented opportunity for change and growth.
- **LEGISLATIVE PRIORITIES:** The country needs to look beyond recovery to other pressing initiatives to make our nation stronger. Such as:
 - Health care reform: NLC is calling on the federal government to reform our country's healthcare system with improved costs controls and access to affordable options for all our citizens, especially the 46 million who are uninsured today.

- Transportation reform: Transportation resources in the recovery act are a mere down-payment on what is needed. NLC is calling for a transportation system that is fully-funded and fully recognizes the central role of transportation to local economies and the unique perspective of local leaders in shaping and implementing that system.
- The country needs to look beyond recovery to other pressing initiatives to make our nation stronger. Such as:
 - Sustainability: Cities and towns are actively pursuing initiatives to conserve energy, reduce greenhouse gas emissions, and protect the environment in other ways. NLC calls on Congress and the Administration to support local efforts by providing funds for the Energy Efficiency and Block Grant Program.
 - Housing reform: NLC continues to insist that the federal government lead the way in stabilizing the housing market and in investing in neighborhoods that have been hard hit by foreclosures.
- NEW PARTNERSHIP: We have entered a new era of partnership between cities and the federal government.
 - Local and federal government relations are in a new era and improving, but the federal government must avoid policies imposing disproportionate responsibility on local government, such as mandatory collective bargaining.
 - A membership benefit in NLC can save residents money in partnership with CVS pharmacies.
 - Savings are for the residents (an average of 20% off retail prescription prices) and are at NO costs to the city!
 - The National League of Cities (NLC) Prescription Discount Card program is administered by CVS Caremark, an experienced prescription discount card provider who has administered these programs since 1992. The city must be a member in good standing of NLC to sponsor the program.
- Retail Survey: Cities Report Main Street Retailers Shutting Down
 - 64% of city officials report retail sales are down
 - 57% say stores are closing at a faster rate
 - 75% report that declining revenue is a local concern
 - 70% report poor retail sales and store closings have negative impact on their businesses
 - 66% collaborating with business community to deal with critical local challenges
 - 33% are working with other local governments and community groups in their region

View Interview

- <http://www.tvworldwide.com/showclip.cfm?id=10811&clip=2>

3D. Discuss policy with regard to Councilmembers requests for records. (5 minutes)

Susie Quinn, City Secretary, briefly went over the history of this item.

Council stated as long as everyone is up-to-date on the issues, hard copies of requests would not be necessary.

The improved policy will be to forward any and all requests for hard copies to the full Council. Councilmembers will have twenty-four (24) hours to respond as to their desire to receive the copies or not. If a response is not received it will be presumed to be a "no" for the requested documents.

3E. Discussion of the contract for operation of the Downtown Farmer's Market. (10 minutes)

Katie Corder, Assistant City Manager, gave a brief overview of the operation of the Downtown Farmer's Market.

The proposed agreement ensures a 30-day termination clause that was directed by the City Council; allows multiple vendors to operate the facility; and protects the Downtown Association from profiting from the use of the property; only the vendors are to make a profit.

Council asked that modifications be made to paragraph seven (7); and the annual fee was raised from \$1 to \$5 to cover the cost of insurance on the property.

3F. Discuss adoption of a policy on the Rights of Way Acquisition Process. (15 minutes)

Staff stated the policy should be in place and understandable before any right-of-way acquisitions are made. Staff emphasized three (3) points in the policy. First, stated a policy would need to be established to require a minimum setback for residential areas.

Council asked for clarification if there was not enough room for a proper setback.

Staff stated the value of the property would be affected and could result in purchasing the entire piece of property.

The second item emphasized the City providing data or basis for appraisals to the property owner prior to an offer being made; also, the Texas Department of Transportation brochure entitled "Purchase of Right of Way by Counties and Cities" will be provided to the property owners. (A copy shall be kept on file by the City Secretary.)

Third, staff spoke concerning the formula used to figure the administrative settlement for the purchase of property.

Council suggested changing the word in Item 2 from "target" to "subject", and questioned how close Item 9 mirrors federal guidelines.

Staff stated the guidelines are followed closely.

Another member of Council stated the wording in Item 6a and Item 6b is not clear; asked if the policy would be to always have both or if there would be an option to use either or.

Staff stated if the property is a corner clip or a temporary easement, the initial value of the property will be used from the Dallas Central Appraisal District or the Rockwall County Appraisal District files; however, if the taking of the parcel is more complex, a professional appraisal will be sought.

It was suggested that following Item 6a, “, or” or “, and/or” should be inserted. This shows there is a mix or match ability; otherwise, it could be read to require the City to do both options.

Staff stated unless otherwise noted, under Item 10, the Valuation Committee will consist of the City Manager, the Assistant City Manager, the Public Works Director, and the City Engineer.

4. DISCUSS CONSENT AGENDA ITEMS

Item 10G was pulled from the Consent Agenda to be considered individually.

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

Convened into regular session at 7:31 p.m.

5. INVOCATION

The invocation was led by Pastor Kent Cox, Crossroads Baptist 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. Proclamation for Eagle Scout Sean Kennedy.

Mayor Harper presented Eagle Scout Sean Kennedy with a proclamation for his achievement.

8B. Proclamation for National Public Safety Telecommunicators Week April 12-18, 2009.

Mayor Harper presented John Ellison, Director of Support Services, with a proclamation to recognize the City's emergency dispatchers.

8C. Hear presentation of the Monthly Financial Report for the period ending February 28, 2009.

Brian Funderburk, Director of Financial Services, presented a PowerPoint presentation entitled “City of Rowlett – Financial Report – February 28, 2009” (13 slides).

Overview

- City has earned \$42.7 million for the year, representing 55.4% of the amended operating budget of \$77.1 million.
- City has spent \$31.6 million for the year, representing 40.3% of the amended operating budget of \$78.3 million.
- City has spent \$5.0 million in capital improvements and has \$8.3 million committed off the amended capital budget of \$60.3 million.

Revenue Trends

- Sales taxes have earned \$1.4 million, down 1.7% compared to FY 07-08 and 6.1% below target for the first four months of the year.
- We will not receive the February returns until approximately April 10th but are projected to be 3.3% below last year.
- Property taxes total \$23.5 million, an increase of 2.1% compared to FY 07-08 and -0.4% below target.
- Given the signs of economic stress, staff is projecting a 1% decline in the historical collection rates.
- Water revenues total \$3.9 million, an increase of 6.9% over FY 07-08 but 4.2% below target.
- Sewer revenues totaled \$3.7 million, an increase of 3.6% over FY 07-08 and 1.8% above target.
- Revenues that are expected to be lower for the year include:
- Electric franchise fees are \$87,688 or 20.0% below target; however, according to Oncor, the second quarter fee may be up 2.0% but has indicated that overall, revenues will be down for the year.
- Fines & forfeitures are \$164,572 or 21.1% below target.
- Construction related licenses and permits are \$37,147 or 35.0% below target, primarily due to reduced residential building permits.
- Total interest earnings have already exceeded the entire budget for the year; however, much of that is in the capital bond funds. The operating funds are \$113,155 or 39.4% below target.

Budget Targets

- Overall, revenues are \$0.4 million or 0.9% lower than the target thru February 28th primarily due to the timing of property tax collections and lower sales tax projections.
- Expenditures are \$2.2 million or 6.5% lower than the target primarily due to lower operating costs in the General and Water/Sewer Funds.

Summary

- The past six months have been extremely challenging as the nation has reeled from back-to-back negative economic news.
- And, the economy has shed jobs and businesses have closed at historically high rates.
- While Rowlett has fared better than most, our crystal ball remains cloudy and we are maintaining a cautious outlook for the year. As a result, staff projects a revenue shortfall this year.
- Staff will present a proposal to address the shortfall on April 21st. The adoption of the plan will amend the budget for FY 2008-09.

8D. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest.

Mayor Harper gave a brief update regarding the Budget Retreat which occurred on April 4 – 5, 2009; the preparations being made for the FY2009-2010 Budget; the Proposed Budget will be presented to the Council on August 4, 2009; and the Bond Committee is currently working on recommendations for the bond election.

Spoke concerning major projects including the President George Bush Turnpike Eastern Extension (PGBT); the Coyle House renovation; the interconnector road at Merritt Road and Liberty Grove Road will be completed in two (2) phases; and the Dallas Area Rapid Transportation (DART) Blue Line Extension Groundbreaking Ceremony will occur on Thursday, April 9th at 10:30 a.m. behind Big Star Burger. Spoke concerning Rowlett Road Phase II and Phase III; concrete repair; Miller Road Phase II; and Princeton Road construction.

Spoke concerning operational issues including upcoming special election; and the American Recovery and Reinvestment Act (Federal Stimulus) funding opportunities.

Spoke concerning the Dallas Regional Mobility Coalition; staff presentation on April 17th in Frisco for the Best Practices Conference; Mayor's Prayer Breakfast on May 7th at 7:00 a.m. in Rockwall at City Hall; and Mayor's Prayer Breakfast on May 7th at 7:00 p.m. at Church in the City.

Mayor Harper mentioned the City of Rowlett has been selected as a finalist for the All-America City Award.

9. CITIZENS' INPUT

No one spoke during Citizens' Input.

10. CONSENT AGENDA

The following may be acted upon in one motion. A City Council member or a Citizen may request items be removed from the Consent Agenda for individual consideration.

Item 10G was pulled from the Consent Agenda to be considered individually.

10A. Consider approving minutes from the March 17, 2009 Regular Council Meeting.

This Matter was approved on the Consent Agenda.

10B. Consider a resolution amending the Master Fee Schedule to include the new Texas Alcoholic Beverage Commission (TABC) permit fees, which were effective January 1, 2009.

This Matter was approved as RES-040-09 on the Consent Agenda.

- 10C. Consider a resolution approving an inter-local cooperation agreement with the City of Duncanville for cooperative bid and purchase of goods and services.

This Matter was approved as RES-041-09 on the Consent Agenda.

- 10D. Consider a resolution approving an inter-local cooperation agreement with the City of Mesquite for cooperative bid and purchase of goods and services.

This Matter was approved as RES-042-09 on the Consent Agenda.

- 10E. Consider a resolution approving Task Order Number 3-HVJ in the amount of forty-four thousand dollars and no cents (\$44,000) to the approved professional services agreement with HVJ Associates, Incorporated to provide construction materials quality control testing and inspections for the 2009 Concrete Repair and Maintenance projects.

This Matter was approved as RES-043-09 on the Consent Agenda.

- 10F. Consider a resolution awarding the bid for the purchase of fire protective clothing (bunker gear) for Fire Rescue in the unit amounts bid and an estimated annual amount of twenty-five thousand two hundred thirty dollars (\$25,230) from Casco Industries through the inter-local purchasing agreement with the City of Richardson.

This Matter was approved as RES-044-09 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Rushing, seconded by Councilmember Jackson, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

- 10G. Consider a resolution approving a lease agreement for operation of the Downtown Farmer's Market.

Mayor Harper read the item into the record.

Mayor Harper stated "I don't know that we need discussion; I think the Mayor Pro Tem had a motion to make."

Mayor Pro Tem Gottel replied "Yes, sir, I do. I would like to make the motion that we adopt a resolution and authorize the Mayor to enter into a lease agreement, subject to the approval of the City Attorney with the Downtown Association for operation of the Farmer's Market for five dollars (\$5.00) per year."

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Jackson, that this matter be adopted as RES-045-09. The motion carried by the following vote:

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

11. ITEMS FOR INDIVIDUAL CONSIDERATION

- 11A.** Receive public comment and consider a resolution approving a Community Facilities License Agreement with AT&T Mobility Texas, LLC for the installation and operation of antennas and cables to provide telecommunication services at the Martha Lane Water Tower, and authorizing the City Manager to sign.

Mayor Harper read the item into the record.

Katie Corder, Assistant City Manager stated "This is a license agreement for telecommunications services by AT&T at the Martha Lane Water Tower. As opposed to many of the agreements that we would normally bring forward, these antennas and all of the equipment is existing as this is a renewal agreement. In September 1994, the City and Metroplex Telephone Company entered into a fifteen (15) year tower lease agreement, which will expire on September 6th of this year. The City currently receives \$529 per month in lease payments or a little over \$6,300 annually. City staff and AT&T have negotiated a new agreement that brings...the agreement brings similar terms and conditions as recent telecommunication agreements that the City has approved. It also will bring the coax and associated equipment into current design standards, which will mean that the coaxes on the water towers will be painted the same color as the water tower for aesthetic purposes. The new agreement is for five (5) years with two (2) extensions of five (5) years each, totaling fifteen (15) years and has a rental rate of \$2,500 monthly or \$30,000 annually. This will bring in a net revenue increase of \$23,640 for next fiscal year's budget. This agenda item does require a public comment period and I'm happy to answer any questions you may have."

Mayor Harper stated "Before we go into the public comment, let's ask Council, do you have any questions or comments? Anyone in the audience wish to make a comment on this particular proposal? You're welcome to come forward if you do."

The public comment portion opened and closed at 8:12 p.m. with no one speaking.

A motion was made by Councilmember Phillips, seconded by Deputy Mayor Pro Tem Maggiotto, that this matter be adopted as RES-046-09. The motion carried by the following vote:

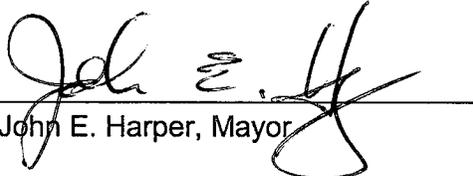
Ayes: 7- Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

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

No action was taken following the Executive Session.

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:13 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: April 21, 2009