



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, June 2, 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.

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 §551.087 (Economic Development) to seek legal advice and to deliberate on the sell or vacation of surplus property near SH 66 and Scenic Drive. (ROW for Silverlake Dr) (15 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 5:45 p.m.

3. WORK SESSION ITEMS (5:40 P.M.)

- 3A. Annual joint meeting with Economic Development Advisory Board. (10 minutes)

Greg Simms, Chairman of the Economic Development Advisory Board, brought forth a PowerPoint presentation entitled "Rowlett City Council and Economic Development Advisory Board Joint Meeting – June 2, 2009" (4 slides).

Economic Development Advisory Board members

- Greg Sims, Chairman
- Mayor John Harper, Vice Chairman
- Dr. James Fowler
- Councilmember Todd Gottel
- Drew Howard
- John Spor
- Robin Tomberlin
- Lary Glick, Ex-officio
- Mary Alice Ethridge, Ex-officio
- Dr. Gary Reeves, Ex-officio
- Lynda Humble, Ex-officio

Economic Development Advisory Board Accomplishments

- Hosted Various Brokers
 - Colliers International
 - Greenway Investment
- Members Visited local businesses
 - StoreDecor
 - Archer Optics
- Reviewed future develop
 - Project Primo
 - Waterview Plaza
- Created sub-committee for "Rowlett Allies Day"
 - Event to bring Development Community to Rowlett in September

Future Role of the Economic Development Advisory Board

- Hosting forums with the Development Community
- Work with Chamber of Commerce to create a mentoring program
- Build upon "Rowlett Allies Day"

3B. Presentation on the North Texas Municipal Water District by James Parks, Executive Director. (20 minutes)

James Parks, Executive Director of the North Texas Municipal Water District (NTMWD) presented a PowerPoint presentation entitled "NTMWD Overview – June 2, 2009" (24 slides).

Major North Texas Water Providers

NTMWD Treated Water Service Area

NTMWD Raw Water Supply Sources

NTMWD Lake Levels - May 26, 2009

Lake	Conservation Pool	Level	Difference	% of Capacity
Lavon	492.00	492.71	+0.71	>100.00
Chapman	440.00	440.16	+0.16	>100.00
Texoma	615.00	626.76	+11.76	>100.00
Tawakoni	437.50	437.68	+0.18	>100.00

Source of Data – TWDB Website

DFW Annual Precipitation

State Water Planning

Region C Water Planning Area

- Region C represents the Metroplex and surrounding area
- All or part of 16 counties
- About ¼ of Texas' population
- 90% of water use for municipal
- 90% is surface water

Unit Costs of Potentially Feasible Strategies

Sources of Water Available to Region C in 2060

- Current Surface Water – 29%
- Current Groundwater – 29%
- Conservation and Reuse – 28%
- New Groundwater – 0%
- Connect Existing Supplies – 23%
- New Reservoirs – 18%

2007 State Water Plan for NTMWD

“2007 State Water Plan for NTMWD”

Project Status - Major Water Management Strategies

Strategy	Supply (Ac Ft/Yr)	Online (Year)
Lower Boise d’Arc Creek Reservoir	123,000	2020
Additional Lake Texoma	113,000	2020
Marvin Nichols Reservoir	174,840	2030
Toledo Bend Reservoir	200,000	2050
Oklahoma	Pending	Pending

Figure 4E.7 – Potentially Feasible Strategies for NTMWD

Water Rights Available for 2009 (ac-ft/yr)

- Lavon – 118,670 (increased by 14,670 in 2009)
- Chapman – 57,214
- Texoma – 93,864
- Wilson Creek – 40,541
- East Fork – 42,000 (on-line in 2008)
- Tawakoni – 50,000 (on-line in 2008)
- Total Available – 402,289
- Total Water Rights Used in 2008 – 296,293

Regional Wastewater System

- Regional WWTP/Capacity
 - Wilson Creek WWTP – 48.00 MGD
 - Rowlett Creek WWTP – 24.00 MGD
 - South Mesquite WWTP – 25.00 MGD
 - Floyd Branch WWTP – 4.75 MGD
- Sewer System WWTP
 - Entities Served: Crandall, Farmersville, Frisco, Heath, Murphy, Rockwall, Royse City, Seagoville, Seis Lagos U.D., and Wylie
 - Total Number of Plants: 16
 - Total Treatment Capacity: 20.6 MGD
- Regional Wastewater Treatment Plants (WWTP)
 - Total Treatment Capacity: 122.3 MGD
 - Members Served: Allen, Forney, Frisco, McKinney, Mesquite, Plano, Princeton, and Richardson
 - Customers Served: Fairview, Melissa, and Parker

Regional System

- South Mesquite WWTP
- Wilson Creek WWTP
- Floyd Branch WWTP
- Rowlett Creek WWTP

2009

- 16 Plants
- 150 Personnel
- 122.3 MGD System-wide Capacity
- \$65.5 Million Budget

Solid Waste System

- Entities Served: Allen, Frisco, McKinney, Plano, Richardson, and the Surrounding Region
- Transfer Stations: 3
- Transfer Station Throughput: 3,670 tons/day

- Landfill: 121 Regional Disposal Facility
 - Site Capacity – 60 Megatons
 - Site Area – 1,400 Acres
 - Area – 450 Acres
 - Planning Horizon – 40 Years

Custer Road Transfer Station

Parkway Transfer Station

121 Regional Disposal Facility - NTMWD

Gave a brief overview of the NTMWD. Stated the projected population for the NTMWD to service in the next fifty (50) years is approximately 1.7M – 3.8M.

Encouraged the City to continue to relay the message concerning the “wise” use of water.

Council asked if there would be an opportunity for the City of Rowlett to become a member city.

Mr. Parks briefly went through the procedure for a member city annexation.

Council asked if there would be a chance where the historical peak water amounts would be reset so the City is not paying for water that is not consumed.

Mr. Parks replied the City is paying for facilities that are ready to meet the City’s needs based on the City’s highest previous peak of water usage. Stated the contract is used to manage the peaks so the system is managed and water is not wasted.

Council stated the NTMWD system model should motivate conservation and reward those cities that conserve and enable NTMWD to sell the unused water.

3C. Discussion and action on designation of a Councilmember(s) to attend the All America City competition in Florida. (10 minutes)

Mayor Harper stated Lake Pointe Hospital provided an additional donation so that Councilmember Rushing could attend the All America City competition in Florida. It was noted that Mayor Harper will provide his own transportation to the competition.

Mayor Pro Tem Gottel stated Eric Evans from Lake Pointe Hospital was extremely generous in their giving in supporting the City.

3D. Discussion of the application for funding through the Energy Efficiency and Conservation Block Grant. (15 minutes)

It was stated the City could receive approximately \$482,000 through the Energy Efficiency and Conservation Block Grant.

Staff stated the City has one hundred ten (110) air conditioning systems within the City's facilities and sixty-three (63) of those systems are over ten (10) years old. Stated the average life of an air conditioning system is approximately ten (10) years. Stated the grant money comes at an opportune time for the City but the application requires the City to adopt an Energy Efficiency Conservation Strategy. Stated once the Conservation Strategy is approved by the Council, the application can be submitted to the Department of Energy for the grant.

Staff stated they are in hopes of having the federal money doubled by Oncor money; therefore, completing Phase 1 and beginning energy conservation measures on City Hall.

Council unanimously agreed to move forward with the Conservation Strategy.

3E. Presentation of Animal Shelter Policies and Procedure changes to resolve conflicts, vagueness, and lack of standard guidelines. (15 minutes)

Keri Samford, Director of Planning and Community Development, gave a PowerPoint Presentation entitled "Rowlett Animal Shelter Policies and Procedures" (10 slides).

Purpose

- Identify areas of conflict and vagueness within policies and procedures.
- Determine if there is a lack of standard guidelines for certain issues.
- Develop a standardized communications model to provide a higher level of customer service (internal and external).

Approach

- Multiple meetings held with staff to discuss all issues.
- Evaluated all policies and procedures and made changes where necessary.
- Conducted audit of Animal Shelter records.
- Staff committed to common goals of providing quality customer service and transparency.

Actions and Outcomes

- Revised policy regarding reports of lost pets:
 - All reports taken by phone will be logged into a written phone record.
 - A separate entry will be entered for every call, even if it is for a pet that was previously reported.
 - Reports will be reviewed daily in an attempt to match reports to animals in the Shelter.
 - All persons reporting lost pets will be told to come to the Shelter every day to look for their pet.

- Communication
 - Shelter Staff will notify Supervisory Staff immediately regarding any potentially controversial situations.
 - Provides the opportunity for Supervisory Staff to become involved quickly in an effort to resolve the situation.

Found Pets

- New web page has been created to provide information on pets that have been found and brought to the Shelter.
- Web page will have a link where photos will be displayed of lost pets that have been brought to the Shelter within last five days.
- A link to the Found Pets Page has been placed on the City of Rowlett Home Page.

Results

- Three lost pets have been reunited with their owners as a direct result of the new Found Pet web page.

Council asked for an update in sixty (60) days.

Staff stated future record audits will encompass a month's time and will be performed routinely.

- 3F. Discussion on a city wide uniform Senior Citizen age classification for fees and services. (15 minutes)

Tim Hightshoe, Park Division Manager, requested direction from the Council regarding the city wide uniform Senior Citizen age classification. Staff recommended proceeding with Option 2. This would use the existing age classification of 65 as identified for Senior Citizen Tax Stabilization and establish the senior age at 60 for all other associated fees and services.

Staff stated all citizens that are currently registered in a program, or on an advisory board with age requirements or have a membership that are between the age of 55 – 59 will be grandfathered on the programs with the current discount given.

Council unanimously agreed to recommend Option 2.

- 3G. Discussion of a draft ordinance limiting the authority of Homeowner Associations to regulate and/or prohibit installation and operation of residential wind energy and solar energy systems. (15 minutes)

Keri Samford, Director of Planning and Community Development, gave a PowerPoint Presentation entitled "Homeowner Associations (HOA) Draft Ordinance" (4 slides).

Background

- The City currently does not address wind energy systems and is considering regulating these devices for residential use.
- Many HOAs limit or prohibit the installation of accessory structures and alterations to the exterior of residences, including the installation and operation of wind & solar energy systems.
- The draft ordinance would apply to HOAs established after the date of adoption of this ordinance and would limit the authority of these HOAs to regulate and/or prohibit the installation and operation of alternative-energy systems.

A member of Council stated the HOA should make the ultimate decision as to regulating or prohibiting the installation of such systems. Another member of Council stated the intent of the City is to create a framework where existing and future residents can deploy systems that will take advantage of environmental conservation. A different member of Council stated it was up to the City to mandate the standards for the future.

Council directed staff to review the Solar Rights Act in Florida and define what is an artificial obstacle.

4. DISCUSS CONSENT AGENDA ITEMS

No 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 7:40 p.m.

5. INVOCATION

The invocation was led by Pastor Kason Huddleston, The River 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.** Proclamations recognizing the Arts and Humanities Commission Writing Contest winners.

Mayor Harper presented each winner of the 2009 Arts and Humanities Commission Writing Contest with a proclamation. Mary Drayer, Vice-Chair of the Arts and Humanities Commission, presented checks to the first place winners.

- 8B.** Proclamation recognizing Meredith Nelson for achieving the Girl Scout Gold Award.

Mayor Harper presented Meredith Nelson with a proclamation.

- 8C.** Proclamation recognizing Kilian Cooley for achieving the Eagle Scout Award.

Mayor Harper presented Kilian Cooley with a proclamation.

- 8D.** Presentation to Mayor John E. Harper from Men of Honor & Ladies of Honor Ministry.

Mayor Pro Tem Gottel introduced Tony Rorie, Founder of the Men of Honor & Ladies of Honor Ministry. Mr. Rorie and members of the ministry presented Mayor Harper with The Hero Award and an embroidered shirt.

Mayor Harper thanked Mr. and Mrs. Rorie and the youth that presented him with the award. Mayor Harper encouraged the young men and young ladies to continue with their values, beliefs and growth.

- 8E.** Hear presentation of the Monthly Financial Report for the period ending April 30, 2009.

Brian Funderburk, Director of Financial Services, presented the Monthly Financial Report. Stated since the fiscal year began, the City has earned \$51M and has spent \$45M. Stated the sales taxes are down 2.2% compared to fiscal year 2007-2008 and ½% above the revised target for the first six (6) months of the fiscal year. Stated property taxes have increased by 2% over fiscal year 2007-2008 and barely below the revised target, but are still projecting a 1% decline in the historical collection rates for the year. Water Revenues increased 7.8% over fiscal year 2007-2008 and 1.6% below the revised target. Sewer Revenues increased 4.5% over fiscal year 2007-2008 and 1.3% above the revised target. Stated the net affect of amending the Operating Budget on April 21, 2009, reduced the revenues by \$2M and the expenditures by \$2.1M which increased the projected ending reserves by \$108,000; as a result, the target budget in all comparative data has been revised. Overall the revenues are \$0.3M higher than the target and the overall expenditures are \$0.7M lower than the target. Stated the Finance department will continue to monitor the economic situation.

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

Mayor Harper briefly gave an update regarding the City's financial position. Stated every proposed expenditure will be scrutinized and challenged. Stated the minimums in the City's reserves have been met. Stated the City anticipates a 2.6% decline in property taxes for next fiscal year. Stated the budget will be adopted on September 15, 2009; the Bond Committee's recommendations will be received during the month of June 2009. Staff will analyze the recommendations in July or August; the staff analysis will be reviewed in August and a determination will be made as to what items will be on the election ballot.

Spoke regarding major projects. Stated all segments of the President George Bush Turnpike (PGBT) project are under construction; stated work will begin in July on the bridge pilings in Lake Ray Hubbard. Spoke concerning the Dallas Area Rapid Transit (DART) Blue Line Extension; the Rowlett City Center at Water's Edge Project; and the Elgin B. Robertson Park.

Spoke regarding operational issues. Stated the enforcement of the smoking ban will begin on June 20, 2009; the All America City Competition will take place in Florida on June 18-19, 2009; and there will be a public viewing and send off of the All America City delegation on June 15, 2009 at 7:30 p.m. at the Rowlett Community Centre; the City of Rowlett's Local Stimulus Package information is available on the City's website; and Oncor has announced a refunding of their weatherization program to help residents save money by lessening energy consumption.

Mayor Harper expressed thanks to Marine Sergeant Tim Lee who spoke during the Memorial Day Ceremony at Veterans Park; spoke at the Rowlett Health and Rehabilitation Center's Veterans Homecoming; and the Downtown Rowlett Farmer's Market Ribbon Cutting on May 23rd.

9. CITIZENS' INPUT

1. David Brooks, 8006 Edenmore, Rowlett, spoke concerning the increase in revenues from fines and fees.

10. CONSENT AGENDA

Mayor Harper explained the procedure regarding the Consent Agenda and the rights of each Councilmember and each citizen to have any consent agenda item removed to be considered individually.

No items were removed from the Consent Agenda to be considered individually.

City Secretary read items into the record.

- 10A.** Consider approving minutes from the May 19, 2009 Regular Council Meeting.

This Matter was approved on the Consent Agenda.

- 10B. Consider a resolution approving Task Order Number 3-TER to the approved professional services agreement with Terracon plus a 10% contingency to provide materials testing in the amount of thirty-two thousand seven hundred dollars and no cents (\$32,700.00).

This Matter was approved as RES-067-09 on the Consent Agenda.

- 10C. Consider a resolution awarding the base bid for the Delia Street Water, Drainage, and Street Improvements as part of a Community Development Block Grant (CDBG) to Jim Bowman Construction Company, LP in the amount totaling four hundred seventy-five thousand seven hundred four dollars and sixty-one cents (\$475,704.61) and approving a contingency amount of seventy-one thousand three hundred fifty-five dollars and fifty-three cents (\$71,355.53) (15%) for a total project budget of five hundred forty-seven thousand sixty dollars and fourteen cents (\$547,060.14) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

This Matter was approved as RES-068-09 on the Consent Agenda.

- 10D. Consider a resolution supporting an Energy Efficiency Strategy and Energy Conservation Block Grant Application submittal.

This Matter was approved as RES-069-09 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 be approved 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

11. ITEMS FOR INDIVIDUAL CONSIDERATION

Mayor Harper read the item into the record.

- 11A. Conduct a public hearing and adopt an ordinance amending the Code of Ordinances on the proposed text amendments to the Rowlett Development Code.

Keri Samford, Director of Planning and Community Development stated "Tonight, we're here implementing the Rowlett Development Code and going through it. We had the opportunity to

look at conflicts that arise and vagueness within the Code. With this, staff put in a great amount of time on meetings with the City Attorney to look at these issues and clarify the process and part of that is to clarify the authority of the Board of Adjustment, the City Council, the Planning and Zoning Commission. We had many, many hours and many meetings to do this. During this time, we identified some of the places in the Code where consistency changes are required. For example, 'exception' was listed in the Development Code. There was nothing that defined what 'exception' was so we had to go through and take that and make it into 'waiver', 'modification', or 'deviation'. So we searched the entire Development Code identifying all of those places and making those corrections. We wanted to make sure that the proper board or commission was hearing variances, for example, or a modification. So we went through and did all of those things. For transparency sake tonight, we have...one thing I do want to go back and say, the Council, the Board of Adjustment, and the Planning and Zoning Commission put in a great amount of time on this, as well, and had a joint meeting to discuss all of the changes in theory that are here tonight. That's what we're bringing forward to you. With that, if you have any questions or clarifications...we also wanted to show transparency during this process so staff came across something that had a spelling error, for example. We actually included that in here to make sure that you see everything that we're changing."

Mayor Harper stated "Good, thank you, Keri. Before we open the public hearing, are there any questions? None."

The public hearing opened and closed at 8:31 p.m. with no one speaking.

Mayor Harper stated "Council, you've had a chance to see those proposed changes, are there any questions or comments?"

Councilmember Rushing stated "A question was asked today on page 185 about a word that was possibly misspelled. My computer will not open up so that I can get the answer to my email."

Mayor Harper replied "I think that was the one on 'vacation'."

Councilmember Rushing stated "Vacating instead of vacation. Okay, that was my only question."

A motion was made by Councilmember Rushing, seconded by Councilmember Jackson, that this matter be adopted as ORD-016-09. The motion carried by the following vote:

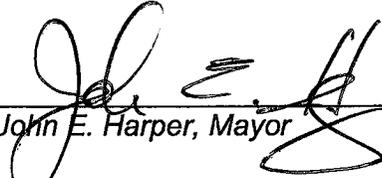
Ayes: 7 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

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

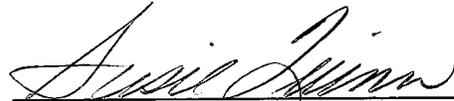
No action was taken following the Executive Session.

12. **ADJOURNMENT**

Mayor Harper adjourned the meeting at 8:33 p.m.



John E. Harper, Mayor
Date Approved: June 16, 2009



Susie Quinn, City Secretary