



**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.*

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Tuesday, August 4, 2009

5:30 P.M.

Municipal Building – 4000 Main Street

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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 Gottel, 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.

Immediately following the call to order, Mayor Harper recessed the meeting so the City Council could attend the visitation services for former Mayor Buddy Wall.

**CONVENE INTO EXECUTIVE SESSION**

The Executive Session portion of this meeting has been postponed until the August 18, 2009 City Council meeting.

**2. EXECUTIVE SESSION**

- 2A.** The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 and §551.087 to seek legal advice and to deliberate on economic development incentives and financial prospects for property located at or around Pecan Grove Park. (10 minutes)

**RECONVENE INTO OPEN SESSION**

Reconvened from recess into open session at 7:00 p.m.

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

**3A. Presentation of the Budget for Fiscal Year 2010. (100 minutes)**

City Manager Humble presented the Budget Memo, a 35 page document noting the difficulty in financial forecasting because of the economical change the nation has experienced this past year. A contingency plan has been created in the event the economy is slower in rebounding than predicted. Challenges included mid-year changes. The final certified values have been received and it appears a 1% decrease for the coming year. Stated building permits will continue to decline. Stated grant funds and PEG are being separated for more transparency; specific use is another reason for separating funds.

Discussion followed regarding reorganization and relocation of different positions throughout the City.

**4. DISCUSS CONSENT AGENDA ITEMS**

Item10C was pulled from the Consent Agenda to be considered individually.

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

The meeting convened into the Council Chambers at 8:35 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. Proclamation to recognize Marquise Goodwin for extraordinary success in the 5A State Championship.**

Mayor Harper presented Marquise Goodwin with a proclamation.

- 8B. Proclamation to recognize the members of the Rowlett Men's Track and Field Team and Coach Nanez for winning the 5A State Championship for a second consecutive year.

Mayor Harper presented each team member and coach with a proclamation.

Coach Nanez introduced the team members that were present during the meeting (Diamonte Blake, Kyle Clemons, Marquise Goodwin, Jake Hebert, Deion Imade, Dexter Imade, Hilbert Jackson, Robert Malczewski, Nick Nanez and Carl Perrymon).

- 8C. 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.

9. **CITIZENS' INPUT**

1. Jerry Daniel, 5050 Dexham Road, Suite H, Rowlett, spoke concerning carports.
2. Perry Gonzales, 2402 Woodrow Way, Rowlett, apologized for having a carport built without a building permit.

10. **CONSENT AGENDA**

The City Secretary read the items into the record.

- 10A. Consider approving minutes from the July 21, 2009 Regular Council Meeting.

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

- 10B. Consider a resolution creating or revising certain fees in the Master Fee Schedule for private development civil engineering plan review and construction inspection associated with Engineering Division activities in application of the Rowlett Development Code.

**This Matter was approved at RES-092-09 on the Consent Agenda.**

- 10C. Consider an ordinance to adopt a Water Management Plan.

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

Mayor Harper read the item into the record.

Concerns were voiced concerning several terms in the Plan.

A motion was made by Councilmember Kilgore, seconded by Deputy Mayor Pro Tem Gottel, to approve the resolution with the following amendments. All references are to the Plan as submitted in the latest submission to the Council. On page 8-1, paragraph 8.2, third bullet item: strike the term 'precipitation or'; on page 9-2, under requirements: strike the term 'during precipitation or'; on page 9-3, under requirements: strike the term 'during precipitation or'; on page 9-4, under requirements, seventh bullet item: strike the entire bullet item 'no outdoor watering during precipitation'; on page 11-10, fourth bullet item: add an additional or fifth bullet item or sub-item: 'prohibit outdoor watering during any period of precipitation'; and under Appendix E, page E-1, paragraph B.2.b: strike 'during any form of precipitation' and substitute 'at temperatures below 40°F'. This Matter was adopted as ORD-021-09. The motion carried by the following vote:

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

- 10D. Consider a resolution approving a Professional Services Agreement with United States Right of Way, Incorporated for the acquisition of the right-of-way for the Miller Road, Phase 2 Street Improvements in the amount of forty-two thousand two hundred fifty dollars and no cents (\$42,250).

This Matter was adopted as RES-093-09 on the Consent Agenda.

#### Passed The Consent Agenda

A motion was made by Deputy 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:** 7 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

#### 11. ITEMS FOR INDIVIDUAL CONSIDERATION

- 11A. Consider a resolution directing placement of a proposal to adopt the maximum tax rate and schedule two public hearings.

Mayor Harper read the item into the record.

**A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Rushing, to approve the resolution and to schedule two public hearings for August 18, 2009 and September 1, 2009 to deliberate the current tax rate of \$0.747173 cents. This Matter was adopted as RES-094-09. The motion carried by the following vote:**

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

- 11B.** Consider an ordinance amending Ordinance Number ORD-026-08, representing the 2008-2009 Fiscal Year Budget, and awarding the Base Bid Part A, Base Bid Part B, for the construction of the Rowlett Road Lift Station and the Main Street Lift Station and Force Main; and Alternate Bids AA1, and AA2, for a standby generator and chemical odor control at the Rowlett Road Lift Station, and Alternate Bids BA1, and BA2 for a standby generator and chemical odor control at the Main Street Lift Station, to Legacy Contracting, LP in the amount totaling two million seven hundred fifty-three thousand, four hundred ninety-seven dollars and no cents (\$2,753,497.00) and approving a contingency of ten percent (10%) in an amount of two hundred seventy-five thousand, three hundred fifty dollars and no cents (\$275,350.00), and a potential early completion bonus, if earned, of ninety-nine thousand, two hundred dollars (\$99,200) for a total project budget of three million one hundred twenty-eight thousand, forty-seven dollars and no cents (\$3,128,047.00) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

**This item was pulled from the agenda to be considered at a later date.**

- 11C.** Receive public comment and consider a resolution approving a Communication Facility License Agreement with Clear Wireless, LLC for the installation, housing, and operation of three antenna facilities and associated equipment and cables and to lease property to provide telecommunication services at Fire Station #1 located at 3800 Miller Road, Fire Station #3 located at 8000 Princeton Road, and Chiesa Road Water Tower located at 2901 Chiesa Road, and authorize the City Manager to sign.

Mayor Harper read the item into the record.

No public comments were made.

A member of Council voiced concern that the escalator amount was too low given the economic environment. Stated should the agreement be renewed, the escalator amount would need to be addressed and adjusted to be closer to the inflation rate.

A motion was made by Councilmember Phillips, seconded by Councilmember Jackson, to approve the resolution. This Matter was adopted as RES-095-09. The motion carried by the following vote:

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

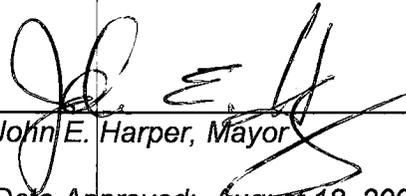
**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

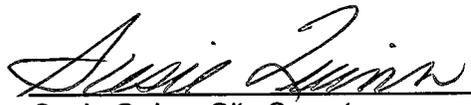
**12. ADJOURNMENT**

Mayor Harper adjourned the regular portion of the meeting at 9:31 p.m.

The Council reconvened into the Work Session at 9:35 p.m. to continue discussing the Budget for Fiscal Year 2010.

Mayor Harper adjourned the Work Session at 10:29 p.m.

  
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John E. Harper, Mayor  
Date Approved: August 18, 2009

  
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Susie Quinn, City Secretary