



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, August 18, 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.

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 5:32 p.m.

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:32 p.m.

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. (15 minutes)

2B. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney regarding the tree removal permit, tree survey/ preservation plan waiver, and tree replacement fee waiver for property located at the southeast corner of Kirby Road and Lakeview Parkway. (10 minutes)

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Phillips, to consider the September 9, 2008 waivers of the tree survey and tree

mitigation/replacement fees granted by the Planning and Zoning Commission to Greenway Investments for the property located at Kirby Road and Lakeview Parkway as ultra vires and; therefore, null and void. 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

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:15 p.m.

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

- 3A.** Discussion regarding application for a Councilmember to attend the Leadership Rowlett XIX - Class of 2010 which is sponsored by the Rowlett Chamber of Commerce and other Council travel considerations. (5 minutes)

Council came to a consensus to monitor themselves as to their travel; stated the travel should serve the community and the Council, and should provide a return on the investment.

- 3B.** Discuss taping and rebroadcasting Planning and Zoning Commission meetings for RTN16/Streaming video. (5 minutes)

Council stated the rebroadcasting of the Planning and Zoning Commission meetings would provide communication for the citizens of Rowlett.

Staff stated the expanded content would cost \$1,400 per year.

Council came to a consensus to move forward with adding the Planning and Zoning Commission meetings on RTN16/Streaming video.

Council also requested the Planning and Zoning Commission's packets be available on the website.

- 3C.** Discuss general election choices and new laws as approved by the 81st State Legislature. (15 minutes)

This item followed Item 4.

City Secretary gave a brief overview to the Council regarding the new election laws and the pros and cons for the potential to change the election date. Stated the City Charter mandates the City to have May elections; changing the election date would require a City Charter change. The Charter will be eligible to be changed in November 2010.

Spoke concerning the various election locations for early voting and Election Day.

3D. Discuss proposed changes in Animal Redemption and Adoption Fees. (15 minutes)

Staff brought forth recommendations from the Animal Shelter Advisory Board to change the Animal Redemption and Adoption Fees to encourage residents to register their animals with the City.

3E. Discuss amending the Animal Tethering Ordinance. (10 minutes)

Staff brought forth information regarding amending the ordinance.

3F. Discuss changes to utility cut-off procedures. (10 minutes)

Staff stated by having daily utility cut-offs, this would allow better management of the process resulting in fewer dropped calls, reduced the number of calls per day and more attention can be given to the reconnect list. Stated the City intends to communicate these changes to the public by adding a note to the utility bill that is mailed on August 31st and September 15th, by using the website, by including an envelope stuffer, by changing the language in the delinquency notice, by adding language to WebQA, and by modifying the voice language in TeleWorks to alert customers of the change.

3G. Hear Quarterly Investment Report for period ended June 30, 2009. (10 minutes)

Staff briefly gave an overview of the Quarterly Investment Report.

Council spoke regarding bond investments; asked how staff determined how well the financial management company was performing.

Staff stated a benchmark has been established to determine the management company's performance.

4. DISCUSS CONSENT AGENDA ITEMS

This item followed Item 3B.

Items 10D and 10K were clarified for the Council and Item 10L was removed from the agenda to be consider at a future date.

Item 3C followed Item 4.

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

Convened into the Council Chamber at 7:30 p.m.

5. INVOCATION

The invocation was led by Pastor Craig Schill, Lake Cities Community Church.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Webelos Scouts Pack 244.

7. TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by Webelos Scouts Pack 244.

8. PRESENTATIONS AND PROCLAMATIONS

8A. (ADDENDUM) Proclamation in remembrance of former Mayor H. K. "Buddy" Wall.

The family of Mayor H. K. "Buddy" Wall was presented with a proclamation and a City of Rowlett flag in his remembrance.

8A. Hear presentation of the Third Quarter Financial Report for Fiscal Year 2008-2009 from the City Manager.

Brian Funderburk, Director of Financial Services, gave a brief presentation regarding the Third Quarter Financial Report.

8B. 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. Harold Brody, 4317 Founders Drive, Rowlett – spoke concerning the budget

10. CONSENT AGENDA

City Secretary read the items into the record.

- 10A.** Consider approving minutes from the August 4, 2009 Regular Council Meeting and the August 10, 2009 Budget Work Session Meeting.

This Matter was approved on the Consent Agenda.

- 10B.** Consider an ordinance amending the Code of Ordinances by Amending Section 2-256 of Division 10-A (“Senior Advisory Board”) of Article II (“Boards, Committees, Commissions”) of Chapter 2 (“Administration”) to establish term of office of one-year for alternates to the Senior Advisory Board.

This Matter was approved as ORD-22-09 on the Consent Agenda.

- 10C.** Consider a resolution accepting a donation of ten thousand dollars (\$10,000) to the Rowlett Public Library from the Friends of the Rowlett Library, Inc., a non-profit corporation, to sponsor 2009 library programs.

This Matter was approved as RES-096-09 on the Consent Agenda.

- 10D.** Consider a resolution awarding a bid for printing and mailing services for the City of Rowlett to DataProse, Inc. in the unit amounts bid through the inter-local agreement with the City of Garland and in an estimated annual amount of one hundred and forty-one thousand dollars (\$141,000); authorizing the City Manager to enter into a supplemental agreement attached hereto and incorporated herein by reference as Exhibit A.

This Matter was approved as RES-097-09 on the Consent Agenda.

- 10E.** Consider a resolution authorizing the second successive one-year option with Pattillo, Brown, & Hill, L.L.P. for independent auditing services in an amount not to exceed sixty-six thousand dollars (\$66,000) for the City of Rowlett; authorizing the City Manager to execute said engagement letter attached hereto and incorporated herein by reference as Exhibit A.

This Matter was approved as RES-098-09 on the Consent Agenda.

- 10F.** Consider an ordinance approving the negotiated agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be reasonable; approving Atmos proof of revenues; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to Atmos and legal counsel.

This Matter was approved as ORD-023-09 on the Consent Agenda.

- 10G.** Consider a resolution entering into a master interlocal cooperative purchasing agreement between Dallas County and the City of Rowlett for the City's continued use of Dallas County contracts for the acquisition of various goods and services and authorize the City Manager to execute the agreement attached hereto and incorporated herein by reference as Exhibit A.

This Matter was approved as RES-099-09 on the Consent Agenda.

- 10H.** Consider a resolution authorizing approval to enter into an interlocal radio system usage agreement with the City of Garland to continue using its Public Safety 800 MHz Radio System, and authorizing the City Manager to execute the agreement.

This Matter was approved as RES-100-09 on the Consent Agenda.

- 10I.** Consider a resolution approving the sixty month lease of two multi-function digital copier/printer/scanners for Police Records and Police Criminal Investigations Division to Konica Minolta in the amount of thirty-six thousand two hundred eleven dollars and twenty cents (\$36,211.20) utilizing the State of Texas DIR contract as attached hereto and incorporated by reference as Exhibit A and Exhibit B.

This Matter was approved as RES-101-09 on the Consent Agenda.

- 10J.** Consider an ordinance to amend Chapter 6 Animals, Section 79 Revocation and 80 Appeals Process for Animal Registration.

This Matter was approved as ORD-024-09 on the Consent Agenda.

- 10K.** Consider a resolution approving Task Authorization 2-PA (Exhibit A) to the approved professional services agreement with Pipeline Analysis, LLC to provide sanitary sewer flow monitoring and analysis in the amount of one hundred fourteen thousand one hundred twenty-six dollars and no cents (\$114,126.00).

This Matter was approved as RES-102-09 on the Consent Agenda.

- 10L.** Consider a resolution approving a Professional Services Agreement with E3 Engineering to provide management and oversight of the Capital Improvement Plan in an amount not to exceed seventy thousand dollars (\$70,000).

This item was removed from the agenda to be considered at a future date.

Passed The Consent Agenda

A motion was made by Councilmember Rushing, 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.** Conduct a public hearing on the proposed budget for Fiscal Year 2009-2010.

Mayor Harper read the item into the record.

The public hearing opened and closed at 8:15 p.m. with no one speaking.

- 11B.** Conduct a public hearing on the ad valorem tax rate for Fiscal Year 2009-2010.

Mayor Harper read the item into the record.

The public hearing opened and closed at 8:16 p.m. with no one speaking.

- 11C.** 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.

Mayor Harper read the item into the record.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Rushing, to approve the ordinance. This Matter was adopted as ORD-025-09. The motion carried by the following vote:

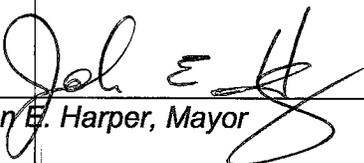
Ayes: 7 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

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

Action was taken on Item 2B (please see Item 2B for the motion).

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:24 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: September 1, 2009