



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, December 15, 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 5:30 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, §551.074(a)(1), (Personnel), to deliberate the duties of the City Attorney. (30 minutes)

A motion was made by Mayor Pro Tem Maggiotto, seconded by Deputy Mayor Pro Tem Gottel to direct the City Attorney, David Berman, to assume supervisory authority and responsibility over the City's Municipal Prosecutor.

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

- 2B.** 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 economic development incentives and financial prospects for Primo Plaza. (15 minutes)
- 2C.** 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 economic development incentives and financial prospects for property located at or around Pecan Grove Park. (10 minutes)
- 2D.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) to deliberate on duties and functions of Municipal Court. (30 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 7:08 p.m.

3. WORK SESSION ITEMS (7:00 P.M.)

- 3A.** Joint meeting with the Library Advisory Board. (10 minutes)

Library Advisory Board Chair, Pat Harris, provided the Council with a briefing on the Advisory Board's accomplishments and future goals.

The City Council thanked the Library Advisory Board for their dedication and hard work.

- 3B.** Update on the funding for the DART Art and Design project. (10 minutes)

Staff updated the Council with regard to the DART Art and Design Project on the new DART rail stations. Staff explained three different options. Stated an agreement would be presented to the City Council in January.

City Council came to a consensus regarding the 1/3 - 2/3 matching funds split with funds not to exceed \$42,902.

The majority of the City Council was pleased with the outcome; one member was not pleased with the payment percentage because of the amount of money that has been contributed to DART for the last twenty years.

4. DISCUSS CONSENT AGENDA ITEMS

Item 10B was removed at the request of staff.

Items 10C, 10D, 10E, 10J and 10M 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 7:34 p.m.

5. INVOCATION

The invocation was led by Pastor Sam Seward, Living Faith Community Fellowship.

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 recognizing Tyler McKnight for achieving the rank of Eagle Scout.

Mayor Harper presented Eagle Scout Tyler McKnight with a proclamation for his achievement.

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 including the City of Garland landfill issues, the moving of the Dallas Area Rapid Transit Light Rail train tracks to preserve additional trees in the Dexham neighborhood, the President George Bush Turnpike, major construction projects, thanking the Rowlett Women's Club for the tour of homes, and reminded everyone to support the Rowlett Needy Children's Fund.

9. CITIZENS' INPUT

1. Kim Stefani – 3204 Bouvier Street – Spoke concerning the condition of Bouvier Street.
2. Patty Stefani – 3204 Bouvier Street – Spoke concerning the condition of Bouvier Street.

10. CONSENT AGENDA

Item 10B was removed at the request of staff.

Items 10C, 10D, 10E, 10J and 10M were removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 10A.** Consider approving minutes from the December 1, 2009 Regular Council Meeting.

This item was approved on the Consent Agenda.

- 10B.** Consider a resolution amending the Master Fee Schedule for credit card processing fees and water meter fees.

This item was deferred until a future meeting.

- 10C.** Consider a resolution awarding a proposal for an Interactive Voice Response (IVR) system in the amount of seventy-six thousand nine hundred fifty dollars (\$76,950) to Tele-Works, Inc. through the interlocal agreement with the City of Irving and authorize the City Manager to execute the necessary documents for said purchase after City Attorney approval.

This item was pulled for individual consideration.

Mayor Harper read the item into the record.

Staff made a brief presentation regarding the Interactive Voice Response (IVR) system and its potential benefits to the City.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Phillips, to approve the resolution. This item was adopted as RES-154-09. The motion carried by the following vote:

Ayes: 6 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, and Councilmember Jackson

Noes: 1 – Councilmember Kilgore

- 10D. Consider a resolution awarding a proposal to Entech Sales and Service, Inc., to replace air conditioning units in City Buildings in an amount not to exceed four hundred fifty-eight thousand seven hundred sixty dollars (\$458,760) through the interlocal cooperative purchase agreement with the Texas Local Government Purchasing Cooperative (BuyBoard) and authorizing the City Manager to execute the necessary documents for said purchase.

This item was pulled for individual consideration.

Mayor Harper read the item into the record.

Staff briefly spoke regarding the reasoning behind using the Texas Local Government Purchasing Cooperative (BuyBoard) for the replacing of air conditioning units in City buildings. Stated since a BuyBoard was proposed, a formal bid process was not done that would include local businesses. Staff stated they would review the process to make sure they are good stewards with the taxpayers' dollars and to provide an opportunity for local vendors.

Council stated we should take advantage of the opportunities for local businesses to compete and win the City's business; stated a little inefficiency is acceptable.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Phillips, to table this item until staff returns with a competitive bid analysis. 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

- 10E. Consider a resolution authorizing the City Manager to enter into an economic development incentive agreement with Denisio Malo (Primo Plaza) for the development of a 10,000 square foot retail strip center.

This item was pulled for individual consideration.

Mayor Harper read the item into the record.

Staff gave a brief overview of the proposed incentive agreement. Staff clarified the impact fees in the Council packet were calculated incorrectly and the correct amount should read \$21,999.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Phillips, to approve the entering into an Economic Development Incentive Agreement with Deniso Malo (Primo Plaza) for the development of a 10,000 square foot retail strip center with the amendment that under Exhibit A, Section 2, Subnote A that the amount of \$116,546 be changed to \$21,999. This item was adopted as RES-155-09. 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

- 10F.** Consider a resolution approving Change Order Number 5 to the contract with J&T Excavating in the amount of fifty-three thousand five hundred seven dollars and forty-five cents (\$53,507.45) and authorizing the final acceptance of the improvements and release of retainage for a final payment in the amount of ninety-one thousand three hundred sixty-six dollars and fifty-seven cents (\$91,366.57) for the 2007 Alley Reconstruction.

This item was approved as RES-156-09 on the Consent Agenda.

- 10G.** Consider a resolution authorizing the final acceptance of public improvements for Colonial Bank development located on Lot 1, Block A of the Tallal Addition.

This item was approved as RES-157-09 on the Consent Agenda.

- 10H.** Consider a resolution awarding the annual bid for concrete repair/replacement for streets to Platinum Paving in the amount of one million three hundred seventy-three thousand six hundred twenty-five dollars (\$1,373,625) and authorizing the Mayor to execute the Standard Public Works Construction contract for said service.

This item was approved as RES-158-09 on the Consent Agenda.

- 10I.** Consider a resolution awarding the annual bid for concrete repair/replacement for alleys to F & F Concrete LLC in the amount of eight hundred twelve thousand nine hundred fifty-nine dollars (\$812,959) and authorizing the Mayor to execute the Standard Public Works Construction contract for said service.

This item was approved as RES-159-09 on the Consent Agenda.

- 10J.** Consider a resolution approving a Right of Entry and Use agreement with the Dallas Area Rapid Transit for construction of Richards Street improvements to Melcer Drive.

This item was pulled for individual consideration.

Mayor Harper read the item into the record.

Staff made a brief presentation regarding this item. Stated the agreement provides the Dallas Area Rapid Transit a legal vehicle to be on the City's right-of-way to construct a roadway at their expense and in compliance with the City's construction standards and requirements.

A motion was made by Councilmember Rushing, seconded by Deputy Mayor Pro Tem Gottel, to approve the resolution. This item was adopted as RES-160-09. 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

- 10K.** Consider a resolution entering into an interlocal agreement with Dallas County for the purpose of repairing and resurfacing various roadways on the thoroughfare plan identified as a Type B road project as further described as Exhibit A Project Description which Dallas County will reimburse the City in an amount not to exceed one hundred nineteen thousand four hundred fifty-six dollars and fifty cents (\$119,456.50) for said project.

This item was approved as RES-161-09 on the Consent Agenda.

- 10L.** Consider approving a resolution entering into an interlocal agreement with the City of Lewisville for cooperative purchasing of goods and services.

This item was approved as RES-162-09 on the Consent Agenda.

- 10M.** Consider a resolution approving a professional services agreement to Quimby McCoy Preservation Architecture, LLP to provide architectural services for the adaptive reuse of the James E. Coyle House Farmstead for an estimated amount not to exceed fifty-two thousand two hundred and twenty dollars (\$52,220) and authorizing the City Manager to execute such documents necessary to enter into such agreement.

This item was pulled for individual consideration.

Mayor Harper read the item into the record.

David Berman, City Attorney requested acceptance of the agreement with minor changes and asked that the motion include approval by the City Attorney.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Deputy Mayor Pro Tem Gottel, to approve the professional services agreement with Quimby McCoy Preservation Architecture, LLP to provide architectural services for the adaptive reuse of the James E. Coyle House Farmstead for an estimated amount not to exceed \$52,220 and authorizing the City Manager to execute a documents necessary to enter into such agreement such that it also is approved by the City Attorney. This item was adopted as RES-163-09. 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

- 10N.** Consider a resolution supporting the funding of the Dallas Area Rapid Transit's Art and Design Project in an amount not to exceed forty-two thousand nine hundred two dollars (\$42,902).

This item was approved as RES-164-09 on the Consent Agenda.

- 10O.** Consider an ordinance to remove the statutory maximum contribution rate limit for the Texas Municipal Retirement System.

This item was approved as ORD-038-09 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 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

There were no items for individual consideration.

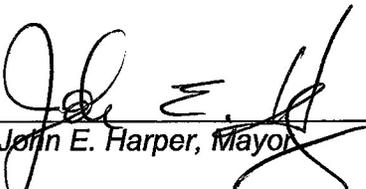
TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

Action was taken following Item 2A (please see Item 2A for the motion and vote count). No action was taken following the Executive Session for Items 2B, 2C and 2D.

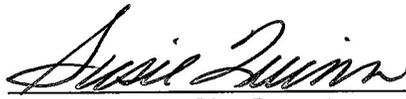
12. ADJOURNMENT

Mayor Harper wished everyone Season Greetings and a Happy New Year.

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



John E. Harper, Mayor
Date Approved: January 5, 2010



Susie Quinn, City Secretary