



City of Rowlett Meeting Minutes City Council

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Tuesday, February 5, 2008

5:30 PM

Municipal Building - 4000 Main Street

As authorized by Section 551.071(2) 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 5:31 p.m.

Present: Mayor Harper, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

CONVENE INTO EXECUTIVE SESSION

The City Council convened into closed session at 5:32 p.m.

2. EXECUTIVE SESSION

2A The City Council shall convene into executive session pursuant to § 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice regarding the terms of an Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation concerning the Eastern Extension of the President George Bush Turnpike / State Highway 190. (5 minutes)

2B The City Council shall convene into executive session pursuant to § 551.071 of the TEXAS GOVERNMENT CODE, to seek legal advice from the City Attorney and discuss litigation related to CITY OF ROWLETT vs. SITE CONCRETE.

RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 6:04 p.m.

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

Mayor updated the Council regarding the February 7th Town Hall Meeting; the February 12th DART Board Meeting and the Special City Council Work Session Meeting; the Veteran's Park Rededication on February 16th; Reception for Congressman Ralph Hall to be held on February 17th; Reception for Congressman Sam Johnson to be held on February 20th; Point Royal Estates Groundbreaking Ceremony to be held on February 19th;

latest "Rowlett on the Move" to be released February 19th; construction will begin this summer for the President George Bush Turnpike with the first segment completed in July 2010; on May 1st, a Mayor's Prayer Breakfast will be held at Rockwall's City Place at 8:00 a.m. with Dr. Ken Cooper being the guest speaker.

3A Joint meeting with Arts and Humanities Commission. (15 minutes)

Hugo Martinez spoke regarding the goals and objectives of the Arts and Humanities Commission; the success of the previous art shows; the need for better dialogue with the Public Information Office; spoke regarding different programs for the city including a future annual event, "Westshore and More".

Council voiced concern regarding the funding for the project "Westshore and More".

Mr. Martinez stated the Commission would have to attract corporate sponsorship.

Council asked what indoor facilities the Commission is using within the City limits.

Mr. Martinez stated the Community Centre and the Library for the art displays; the high school auditorium for concerts; and the local Methodist church.

Council stated the City plans to have a bond election in November 2009; the Arts and Humanities Commission was invited to appear on the monthly news show, "Rowlett on the Move" in March or April.

3B Update to the Capital Improvement Plan (CIP) construction projects. (15 minutes)

Staff updated the Council regarding the major road constructions; some construction delays due to cold fronts that have moved through the area; and spoke regarding several different road projects.

3C Discussion with Oncor Electric Delivery regarding the lighting service tariff pursuant to the Energy Policy Act of 2005. (10 minutes)

Bill Harper, Oncor Electric Delivery, stated the ballast for mercury vapor street lights will no longer be available as of January 1, 2008; therefore, a tariff revision was filed on December 11, 2007 to comply with the Energy Policy Act of 2005. Mr. Harper indicated that Oncor would replace the mercury vapor street lights with high pressure sodium street lights as they are more energy efficient and the cost of the lights will be cheaper.

Council voiced concern regarding the reduction in wattage.

Mr. Harper stated the new bulbs would have more lumens; emphasized the old bulbs will be replaced as they fail.

Council will vote on the ordinance at the February 19, 2008 City Council meeting.

3D Discuss Financial Report for First Quarter of Fiscal Year 2007-2008. (10 minutes)

Staff briefly went over the Financial Report for the First Quarter of Fiscal Year 2007-2008; emphasizing lower revenues for property taxes, red light camera fines; and water and sewer revenues. Spoke regarding the expenditures being on target. Emphasized the City utilizes a monthly target tool designed to draw attention to areas that may need additional analysis or follow-up; therefore, the Financial Reports may be artificially better or gloomier than what it is actually.

Council asked if the sum of money the tax revenues for the TIF District will be reduced with NTTA acquiring property in the TIF District.

Staff did not have the dollar amount at this time.

Council asked the amount of sales tax the City received for the Christmas season.

Staff stated they will not know the amount until February 13th.

Council questioned staff regarding the red light revenue; staff will be adjusting the budget to remove the surplus because it will not be realized.

Staff stated they would be looking at other issues to meet the target.

Council asked if there were any issues with reaching the General Reserves 10% goal at the end of the year.

Staff stated there would not be a problem in reaching the goal.

Council questioned staff regarding the Texas Municipal Retirement System (TMRS) contributions.

Staff stated the changes to TMRS will not go into effect until January 2009.

Council asked the City Manager about the savings for the lapsed salaries.

3E Hear Quarterly Investment Report for period ended December 31, 2007. (10 minutes)

Staff updated the Council regarding the Quarterly Investment Report for the period ending December 31, 2007.

Council explained arbitrage and why the City is not allowed to make 8% interest; and Council questioned the net of fees paid to the investment advisors.

3F Presentation and discussion of 2008 Citizens' Survey Questionnaire. (15 minutes)

Staff discussed the 2008 Citizens' Survey Questionnaire.

Council asked for the type of guidance the City looks for from the university.

Staff stated the focus is on operational delivery, yet to be diverse in the questions.

Council asked which questions are the new questions and which are repeated; stated the citizen will be tired of answering questions once the entire 51 question survey is completed; a 20 minute survey is too long; and questioned the method of selecting citizens to participate in the survey.

Staff stated they will get reliable information through the professional survey.

3G

Discussion of the agreement with Gary Osier Presents Entertainment, Inc. for the procurement of headline entertainment for the Festival of Freedom. (10 minutes)

Staff stated that in order to be efficient with City funds, the Festival of Freedom will be a 2-day event and the cost for the entertainment will not exceed \$70,000.

Council questioned why a Christian rock group was not considered this year.

Staff stated to secure a Christian band the alcohol sales will need to be eliminated.

Council asked how the decisions for the musical groups were made.

Staff stated the Gary Osier provides a list of musicians and City staff decides; and surveys are also taken after the Festival of Freedom.

Council spoke concerning the City charging the people to attend to concert.

Staff stated they are evaluating whether to charge admission or to continue to charge for the concert tickets.

Council stated they would like to see citizens participate in the Festival; and did not want to charge admission for the Festival of Freedom.

3H

Discussion of the Mayors DFW Best Practices conference.

Mayor Harper discussed the different presentations that the City can present at the conference to be held in April in Frisco.

4. DISCUSS REGULAR SESSION ITEMS

Items 9D and 9E were asked to be pulled from the Consent Agenda to be individually considered.

Work Session adjourned at 7:40 p.m.

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

Convened in the Council Chambers at 7:47 p.m.

Call to Order at 7:47 p.m.

5. INVOCATION

The invocation was led by Pastor Scott Brazell, Heritage Church of Christ.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

7. PRESENTATIONS AND PROCLAMATIONS

7A Update from the Mayor. (5 minutes)

Mayor Harper updated the Council with the efforts being made with DART to bring a light-rail station to Rowlett; there are still unresolved issues regarding the elevated rail over Rowlett Road; the North Texas Tollway Authority (NTTA) will be responsible for building the eastern extension of the President George Bush Turnpike (PGBT) through Rowlett to Interstate 30; and the first segment of turnpike will be open July 2010 and the entire turnpike, including the bridge over Lake Ray Hubbard, will be completed no later than October 2011.

7B Update from the City Manager. (15 minutes)

Craig Owens brought forth a PowerPoint presentation for the City Manager's Update. Results for Rowlett: Report on Progress and Activities (46 page PowerPoint presentation).

Top Priorities

- *Neighborhood Quality*
- *Economic Development*
- *Environment*
- *Transportation*
- *Public Safety*
- *Recreation and Learning*

Neighborhood Quality

- *Neighborhood Quality*
- *To provide neighborhood-based services to the residents of Rowlett, in order to protect the value, appeal, and quality of homes and businesses in our community.*
- *Top 5 violations - visual impact*

<u>January-08</u>	<u>Closed Issues</u>	<u>Open Issues</u>
High Grass and Weeds	24	13
Junk Vehicles	54	17
Fences in Disrepair	50	62
Outside Storage/Junk and Debris	139	97
Tree Limbs blocking sidewalks, streets, and signs	23	7

- *Staff gave presentation to joint work session of P&Z and Council:*
 - *Tuesday, January 29*
 - *Regarding Neighborhood Revitalization Strategies*
- *A new Code Enforcement Contracting Company was hired and began operations in late December 2007; 4D Property Maintenance.*
- *Completed training the first batch of VIPS volunteers in Proactive Code Enforcement.*

- *Created a Proactive Enforcement (PACE) sign:*
 - *Sign will be placed at the entrances of Neighborhoods during the proactive enforcement process.*
 - *Sign is to inform the citizens that Proactive Enforcement is taking place in their neighborhood.*
- *Created a VIPS - Courtesy Violation Notice Enforcement Procedures Flow chart to be utilized by VIPS when:*
 - *Courtesy Violation Notices are issued*
 - *Document the violations in the Citizen Action Center*
 - *For follow-up inspections*
- *Created a Standard Code Enforcement Procedures Flow Chart to be utilized by Code Officers for uniform enforcement of codes.*
- *Met with the Keep Rowlett Beautiful Board:*
 - *Discussed partnership in Community Volunteer Programs.*
 - *KRB agreed to maintain the list of all the volunteer groups.*
 - *Act as a liaison for citizens needing help and the volunteers.*

Economic Development

- *Economic Development*
 - *To provide economic development services to our existing businesses, prospective business and community, in order to attract investment to the City of Rowlett, and to promote a sustainable, vibrant economy.*
- *Talked with the representatives from Zaxby's who want to open a restaurant:*
 - *Are similar to the Chic-fil-a concept.*
 - *Plan is to redevelop some underutilized property on Lakeview Parkway.*
 - *A pre-submittal meeting has been held.*
 - *The Brookshire's building has a contract pending with Aldi Grocery Store for the site*
 - *Economic Development Advisory Board reviewed an incentive application for Tatiano's restaurant.*
 - *Pre-submittal meeting was held for their location at the northwest corner of Lakeview Parkway and Scenic Drive.*
- *Development Plans submitted for Expo Towers (4-story mixed use with rooftop restaurant).*
- *Met with representatives who want to develop a retail center on southwest corner of Lakeview Parkway and Chiesa Road.*
- *Grading permits have been issued for Colonial Bank and National Tire and Battery, both on Lakeview Parkway.*
- *Family Video is close to opening on Rowlett Road and 7-Eleven is under construction.*
- *Interviewed candidates for the Economic Development Director position.*

Environment

- *Environment*
 - *To provide and promote environmental resource management services in order to ensure health and welfare, and to preserve the environment for our community.*
- *Facilities Division of Public Works entered into an agreement with Oncor Electric Delivery to participate in the "CitySmart" program:*
 - *This program provides free support through:*
 - *Energy performance benchmarking.*
 - *Energy master planning.*
 - *Cash incentives for projects that result in peak electricity demand savings in our facilities.*
 - *This program is not offered openly:*
 - *Rowlett is one of the first jurisdictions in the Oncor system to participate.*
 - *More information will be provided as we move through the program.*

- *Trial run performed on Water Distribution System:*
 - *Needed to see how the system operates with the SH 66/Eula Drive Water Tower off line.*
 - *Tower was off line for 3 days and maintained good water pressure throughout the city.*
 - *Will be monitoring the system more frequently and running some of the pumps manually in order to help maintain pressure.*
 - *Contractor starts maintenance work February 4.*
 - *Tower will be off line approximately 3 months.*
 - *Martha Lane Water Tower is almost complete.*
 - *Should be back in service in a couple of weeks.*
 - *Jet Crew is working on one subdivision at a time, jetting the sewer main lines.*
 - *Valve and Hydrant Crew is working on one subdivision at a time, exercising the water valves and servicing all of the fire hydrants.*
 - *Pump and Motor Crew is working on the 3 water booster stations and the 25 lift stations doing preventative maintenance and yearly servicing of all of the overhead electric cranes.*

Transportation

- *Transportation*
 - *To provide transportation services to our citizens and visitors, to ensure safe, efficient transportation options for the movement of people and goods through the City of Rowlett and surrounding areas.*
- *Project Delivery*
 - *DART*
 - *DART Chairwoman Shaw visits Rowlett for tour.*
 - *Mayor and City Manager hosted a special visit by Lynn Flint Shaw, former Chairwoman for DART Board of Directors.*
 - *Thursday, January 24, 2008 at 1 pm.*
 - *Took a walking tour of the proposed location of the DART Blue Line light rail station.*
 - *Rowlett delegation attended DART Board Committee Meeting*
 - *Tuesday, January 22, 2008.*
 - *More than 25 people from Rowlett attended the standing-room-only meeting in support of the Mayor's efforts.*
 - *All wore Rowlett name tags, stating "Keep it on Track in Rowlett!"*
 - *Others wore royal blue shirts representing the Blue Line.*
- *Project Delivery*
 - *NTTA*
 - *Staff and councilmembers attended an Open House Public Meeting*
 - *Tuesday, January 29, 2008 from 5 pm - 8 pm*
 - *Plaza Theater, 521 W. State Street, Garland*
 - *Discussed design and operational changes to the proposed President George Bush Turnpike Eastern Extension project:*
 - *Conversion to all electronic tolls from the original toll booth.*
 - *Some minor additional turn lanes to add capacity.*
 - *Displays were available for public viewing.*
 - *Project study team members were present to answer questions.*
- *CIP Update: Word on the Street*
 - *Kenwood Heights Update:*
 - *Paving has begun on Kenwood Drive.*
 - *The waterline has been installed along Kenwood Drive to Cypress Drive and is in service.*
 - *Waterline is installed on Kenwood Drive to Maple Lane.*
 - *Work also continues on the channel between Cypress Drive and Maple Lane.*
 - *The contractor has begun the excavation and sub-grade preparation for the new paving for Kenwood Drive from Wal-Mart to Maple Lane.*

- *Kenwood Drive will remain closed until at least February 2008.*
- *Project is 11% complete.*
- *Point Royal Estates Update:*
 - *The sanitary sewer along Point Royal is complete.*
 - *The storm drain along Point Royal is near completion.*
 - *The waterline is complete along Point Royal.*
 - *Franchise utility conflicts are being resolved without delaying the project.*
 - *Contractor will begin removing old pavement on Point Royal and begin sub-grade preparation in February.*
 - *Contractor is currently working on the sanitary sewer lines along Cedar View and Ashe Bend.*
 - *Project is 10% complete.*
- *Miller Road Phase 1 Update:*
 - *Project delay is due to addition of \$2M of underground water/sewer lines, underground utility conflicts and unfavorable weather conditions.*
 - *Contractor has installed concrete paving along Rowlett Road for the western and northern lanes.*
 - *Contractor is in the process of installing driveways to adjacent properties in these locations.*
 - *When the concrete has cured, the contractor will restore the parkway so traffic can be switched to the new pavement and open all lanes on Rowlett Road.*
 - *Traffic is scheduled to be switched on Miller Road by mid February.*
 - *Project is 66 % complete.*
- *Miller Road Phase 2 Update:*
 - *From C.A. Roan Road to Dalrock Road will be four-lanes with divided concrete and underground storm drainage.*
 - *Approved in the Dallas County Major Capital Improvement Program and City share the cost equally with the County.*
 - *Estimated construction start in 2009.*
- *Rowlett Road Update:*
 - *All three phases of reconstruction are being coordinated with DART and NTTA to minimize traffic delays and congestion during construction of PGBT EE and DART Blue Line.*
 - *Phase 1:*
 - *Estimated completion date June 2008.*
 - *6 lanes from SH 66 to Century Drive.*
 - *Project is 30% complete.*
- *Rowlett Road Update:*
 - *All three phases of reconstruction are being coordinated with DART and NTTA to minimize traffic delays and congestion during construction of PGBT EE and DART Blue Line*
 - *Phase 2:*
 - *Estimated completion December 2011.*
 - *6 lanes from Century Drive to Miller Road.*
 - *Phase 3:*
 - *Construction begins May 2008.*
 - *Estimated completion October 2009.*
 - *4 lanes South of Miller Road to Lake Ray Hubbard.*
- *Hickox Road Update:*
 - *Phase 2:*
 - *Reconstruction from Toler Road to Merritt Road.*
 - *Reconstructed to a 4-lane divided concrete road with underground storm drain system.*
 - *Estimated construction start: February 2009*
 - *Phase 3*
 - *Reconstruction from Merritt Road to the end of Misty Lane.*

- *Hickox will be reconstructed to a standard residential 2-lane concrete road with underground storm drain system.*
 - *Estimated construction start: April 2009*
 - **Concrete/Asphalt Street Reconstruction:**
 - *The work is complete for:*
 - *Brookside*
 - *Lofland*
 - *University*
 - *Knightsbridge*
 - *Halifax*
 - *Below are the approximate beginning/completion dates for the remaining asphalt construction projects:*
- | <u>Project</u> | <u>Begin Date</u> | <u>Completion Date</u> |
|---------------------------|-------------------|------------------------|
| <i>Dexham Road</i> | <i>May-08</i> | <i>May-08</i> |
| <i>Liberty Grove Road</i> | <i>Underway</i> | <i>Mar-08</i> |
| <i>N. Dalrock Road</i> | <i>Underway</i> | <i>Feb-08</i> |
- **Alley Improvement Projects:**
 - *Plans are being reviewed by the Engineering Staff to prepare for bidding; app. \$2M.*
 - *Should occur sometime in March 2008.*
 - *Alleys included are:*
 - *Brownlee*
 - *Chesham*
 - *College Park*
 - *Deerwood*
 - *Grant*
 - *Highgate*
 - *Mariner*
 - *Mediterranean*
 - *Pebble Beach*
 - *Vernon*
 - *Willowbrook*
 - **Railroad Crossing Improvements:**
 - *Dallas, Garland, Northeastern Railroad (DGNO) will repair tracks in Rowlett.*
 - *DGNO will give the City 2 weeks notice prior to repairs.*
 - *City will supply a message board to inform public and address alternate routes.*
 - *Locations to be repaired:*
 - *Miller Road*
 - *Will be raised to meet existing pavement.*
 - *The asphalt pavement between the tracks will be replaced.*
 - *Dalrock Road, south of Chiesa Road and Dexham Road.*

Public Safety

- **Public Safety**
 - *To provide public safety services to the City of Rowlett citizens and visitors in order to reduce crime, injury, and damage to property and the environment.*
- **Responsive and Effective Emergency Services**
 - *Police Response Times Comparison: All Calls*
 - *Police Response Times Comparison: Priority 1 Calls*
- **Fire Rescue:**
 - *Initiated list of CPR trainers through CERT; classes to be scheduled.*
 - *Fire Rescue response trailer is nearing completion.*
 - *Will be put into service this month.*
 - *Carries all below grade and heavy rescue equipment.*
 - *Working with Public Works to coordinate wild land interface fire support.*
 - *CPR Class registration underway for March 1 class.*

- *Responsive and Effective Emergency Services*
 - *Fire Rescue: Structure Fires - Property Loss*
 - *Fire Rescue: Response Times*
 - *Fire Rescue: All Medic Units in Use*
 - *Fire Rescue: Structure Fires*
 - *Fire Rescue: Fire Containment*
- *Responsive and Effective Emergency Services*
 - *Animal Control Division worked three animal bite cases for the month of January 2008:*
 - *All three bite cases involved dogs.*
 - *Were minor in nature.*
 - *None were Pitt Bulls.*
 - *Full staffing has caught up on entering all report data.*
 - *Animal Control responded to six noise complaints in January 2008:*
 - *All current and pending complaints have been responded to by either:*
 - *Warning notices given to the residences.*
 - *A formal warning notice sent by mail.*
 - *A citation being issued on behalf of the complainant.*
 - *Environmental Health was involved in a multijurisdictional investigation with Dallas County and the Texas Dept. of Health.*
 - *Two Mobile Food inspections were completed.*
 - *Work is about 50% complete on creating external tags for Mobile Food Vendors.*
 - *Project will be complete by mid-February 2008.*

Recreation and Learning

- *Recreation & Learning*
 - *To provide cultural, entertainment and recreation services to the residents, businesses, and visitors of the City of Rowlett, in order to encourage a healthy, active community.*
- *Community Centre*
 - *Upcoming events:*
 - *Sweetheart Dance; Starry, Starry Night*
 - *Friday February 8, 7-9:30 pm*
 - *\$40/couple \$15 each additional couple*
 - *Includes light snacks, photograph, limo ride, dancing, contests and prizes*
 - *Senior Health Clinic*
 - *Rowlett Fire Rescue and Parks & Recreation are working together to provide Senior Health Checks at the Rowlett Community Centre.*
 - *Second Tuesdays of the month from 8:30 am -10:30 am.*
 - *First clinic will be on Tuesday, February 12, 2008.*
 - *Wet Zone*
 - *Registrations began Friday, February 1 at wetzonewaterpark.com for:*
 - *Swim lessons*
 - *Group rentals*
 - *Birthday rentals*
 - *Park rentals*
 - *Other Events:*
 - *Re-dedication of Veterans Park ceremony:*
 - *February 16, 2008 at 2pm.*
 - *American flag pole will be dedicated to Congressman Johnson.*
 - *Plaque will be presented to the Congressman and placed at the flag pole.*
 - *Flying Field update:*
 - *City is in full compliance with RCAMA Agreement.*

- All site improvements required by agreement are complete.
- Parks Advisory Board will review annual fee amount and make recommendation to Council by March.
- First site audit performed January 26 - all 4 pilots were in full compliance.
- Will continue site audits.
- Library
 - Upcoming Children's Activities:
 - Saturday, February 9, 3 pm, open for all ages to make valentines.
 - Saturday, February 16, 3 pm, children kindergarten and older can enter the world of "Toy Story"; play alien claw, space walk and giant Mr. Potato Head.

Other Activities

- Town Hall meeting set for Thursday, February 7 at Rowlett Community Centre starting at 7pm.
- Free income tax counseling and preparation, sponsored by AARP, available again this year at:
 - Rowlett Library ~ 9:30 am to 2 pm on Saturdays, now through April 12.
 - Rowlett Community Centre ~ 9 am to 1 pm on Wednesdays, starting February 6 through April 9.
- The Animal Control Staff has been working with the SPCA:
 - Transferring adoptable animals for their off site adoptions events.
 - Program is very successful in placing animals that we can no longer hold due to space constraint.
- Building Inspections staff working with the estates of two substandard buildings, one on Hickox Road and the other on Chiesa Road.
- Began airing the following programs on RTN16:
 - January 17 DART Meeting held in Rowlett Council Chambers.
 - Aired everyday at 8 am and 8:30 pm thru February 12.
 - January 22 Work Session Meeting - "Discussion of the City's Utility Rates".
 - Aired Tuesdays 6:30 am & 7 pm in the "Special Meeting" time slot thru February 5.
- Sent post card invitations to Point Royal Neighborhood residents:
 - Capital Improvements Ceremony on Tuesday, February 19, 3pm.
 - Posted event on City Web site, RTN16.
 - Sent news release and placed extra post cards in city buildings.
- Completed a new display at the Rowlett Public Library depicting a 3-D example of "Construction of a Street".
- Placed four more "Zoo" construction signs in the streets:
 - One sign has two monkeys that say "Hang in there, progress is on the way!"
 - The other has two lions that say "Progress is on the way and we're not LION!"

7C

Hear presentation of the First Quarterly Financial Report for fiscal year 2007-2008 from the City Manager.

City Manager made a presentation of the First Quarterly Financial Report for fiscal year 2007 - 2008.

City of Rowlett's Quarterly Financial Report dated December 31, 2007 (12 page PowerPoint presentation).

*Highlights of December 31, 2007
Quarterly Financial Report*

- Overview
- Revenue Trends
- Budget Matters

- Reserves

Overview

- City has earned \$21.2 million through the first quarter, representing 27.6% of the amended operating budget of \$76.8 million.
- City has spent \$13.9 million for the year, representing 18.2% of the amended operating budget of \$76.3 million.
- City has spent \$4.3 million in capital improvements and has \$26.5 million committed off the amended capital budget of \$77.7 million.

Revenue Trends

- Sales taxes have earned \$639,483 million, an increase of 8.9% compared to FY 06-07 but 3.4% below target for the first two months of the year.
- These results are reported net of sales tax rebates.
- Property taxes totaled \$9.7 million, a decrease of 15.1% compared to FY 06-07 and 18.2% below target for the first quarter of the year.
- This is expected to be a timing issue that will be made up in January and February.
- Water revenues totaled \$2.3 million, an increase of 0.2% over FY 06-07 but 7.8% below target for the first quarter of the year.
- Sewer revenues totaled \$2.2 million, a decrease of 4.1% over FY 06-07 and 3.9% below target for the first quarter of the year.

Budget Matters

- Revenues are \$2.6 million or 10.9% lower than the first quarter target primarily due to lagging property tax collections, and reduced water/sewer sales and red light camera fines.
- Expenditures are \$261,520 or 1.9% higher than the target for the first quarter primarily due to the timing of debt service payments and operating costs in the General and Fleet Services Funds.
- The only item currently on Budget Watch is the Red Light Camera Fines. Revenues are expected to be 30%-40% below that projected for the fiscal year.
- A budget amendment adjusting Red Light Camera Fines and a myriad of other issues is scheduled for February 19th.

8. CITIZENS' INPUT

1. Gloria Vandergriff, 7160 North Dallas Parkway, spoke regarding Oncor Energy Star and home builders incentives.
2. Jerry Carter, 3321 S. Broadway, spoke regarding the residential green building program and asked for a delay in the implementation of the program.
3. Paul Cauduro, 5816 West Plano Parkway, spoke regarding the residential green building program and asked the Council to adopt sustainable building practices for its own facilities and all non-residential construction in Rowlett.

9. 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.

Items 9D and 9E were pulled from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 9A Consider approving minutes from the January 15, 2008 Regular Council Meeting.

This Matter was approved on the Consent Agenda.

- 9B Consider a resolution approving Change Order Number 2 in the amount of sixty-seven thousand six hundred fifty-one dollars and no cents (\$67,651.00) to the contract with the Classic Protective Coating, Incorporated for the for the refurbishment and re-painting of the 750,000 gallon Martha Lane Elevated Water Storage Tank and the one million gallon Eula Drive Elevated Water Storage Tanks.

This Matter was adopted as RES-006-08 on the Consent Agenda.

- 9C Consider a resolution approving the payment for telephone hardware maintenance for the Information Technology Division to ICS Telephones in the amount of twenty-six thousand one hundred thirty-three dollars (\$26,133).

This Matter was adopted as RES-007-08 on the Consent Agenda.

- 9D Consider an ordinance approving a settlement agreement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Mid-Tex Division ("Atmos" or "Company") regarding the Company's intent to change gas rates in all cities exercising original jurisdiction, including the City of Rowlett.

Mayor Harper read the item into the record.

Ann Honza, Financial Services Assistant Director stated "As this is presented, it is an ordinance approving a settlement agreement between Atmos Cities Steering Committee and Atmos, the company. This is...the city is a member of the Atmos Cities Steering Committee and we're one (1) of one hundred and fifty-one (151) cities in Texas that are members of this group. We've been a member of this group for a number of years and have been involved in a number of rate cases against Atmos and its predecessor companies. The City actually acts as a consumer advocate to keep natural gas rates reasonable for our residents. On September 20, 2007, Atmos filed the with the City the company's Statement of Intent to increase natural gas rates system-wide by approximately \$52 million dollars; the City suspended the effective date of October 25th to work with other cities to analyze the schedules and evidence offered by Atmos to support its request to increase rates. Atmos has requested seven (7) natural gas rate increases for customers in the area since 2004. So it has become a regular process for us. During the time that the City has retained original jurisdiction in this case and that was the result of that suspension, consultants working on behalf of the Steering Committee members have investigated the support for the company's requested rate increase; while the evidence does not support the \$52 million dollar increase requested by the company, the Steering Committee consultants agree that the company can justify an increase in the revenues of at least eight million dollars (\$8,000,000) and there's a reasonably high probability that the Railroad Commission would award an increase of at least ten million (\$10,000,000).. So there are several things to be gained from approving this. Just briefly a few of those, it reverses the rate design decisions that unfairly impact the residential rate payers; it does away with the piecemeal rate making problems inherent to the GRIPS surcharge process which has come to this group a number of times over the last few years. It eliminates exposure to potential court reversal of the multi-million dollar Poly-1 Pipe disallowance; that issue is on appeal at this time. It also avoids unnecessary and potential negative consequences of the Railroad Commission

rate review. I'd like to point out that the fiscal impact is equal to rate increases on the City gas usage and represents an 80% decrease from the increase that was requested by Atmos. Although there's no direct impact to the City, one of the things that I wanted to show you...we have a comparison of customer impacts by class. Residential customers, if they currently had a monthly bill of \$54.99, originally Atmos had requested an increase of approximately 3.77¢ or a change of \$2.08 for that particular deal. With this negotiated settlement, that rate increase is only 20¢ or .37%. For the commercial customer there's a little bit larger increase but again, considerably less than what we would have had with the original filing from Atmos. Instead of having a \$296.15 bill, we would have had a \$305.36 bill or an increase of 9.21% and with the settlement agreement that monthly bill will only go up to \$299.60 or a change of \$3.48 or 1.18%. And we have very little industrial and transport in the City so I won't go into those."

Mayor Harper stated "So if I hear you correctly, the rate increase is .37% for residential and a little over 1% for commercial, is that correct?"

Ms. Honza replied "That's correct."

Mayor Harper stated "And this is a negotiated rate far less than what was requested."

Ms. Honza replied "Right."

Mayor Harper stated "Council, any questions?"

A motion was made by Councilmember Mays, seconded by Deputy Mayor Pro Tem Gottel, that this matter be adopted as ORD-003-08. The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggioletto, Councilmember Mays and Mayor Pro Tem Rushing

9E

Consider a resolution approving a purchase and sale agreement for the acquisition of 2.767 acres of property located at 2909 Century Drive for the construction of the Main Street Lift Station in the amount of two hundred fifteen thousand dollars (\$215,000) and authorizing the Mayor to execute such agreement.

Mayor Harper read the item into the record.

Shawn Poe, City Engineer stated "The purchase to sell contract that was included in the agenda did not include two (2) changes that the seller had proposed in which our City Attorney subsequently approved. Basically the seller requested that the City pay one-half the survey fees and one-half the basic owner titles policy. We didn't see any issue with that so we request that you approve that based on the amendment to that agreement."

Joe Gorfida, City Attorney stated "Go ahead and reference the section number."

Mr. Poe stated "That's section 3 on page 3."

Mayor Harper stated "Anything else Mr. Poe?"

Mr. Poe replied "No, sir."

Mayor Harper stated "Council, any questions or comments?"

A motion was made by Councilmember Alberts, seconded by Mayor Pro Tem Rushing, that this matter be adopted as amended as RES-012-08 The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

- 9F** Consider a resolution authorizing the Mayor to execute a Notice of Intent to the Texas Commission on Environmental Quality (TCEQ) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the Texas Pollutant Discharge Elimination System (TPDES) Phase II MS4 General Permit.

This Matter was adopted as RES-008-08 on the Consent Agenda.

- 9G** Consider a resolution authorizing entering into an interlocal agreement between North Central Texas Council of Government (NCTCOG), Dallas Morning News and the City of Rowlett for reduced recruitment advertising rates.

This Matter was adopted as RES-009-08 on the Consent Agenda.

- 9H** Consider a resolution authorizing payment in the amount of seventy-nine thousand three hundred eighty dollars and no cents (\$79,380) to Dallas, Garland, & Northeastern Railroad, Inc. (DGNO) for the removal and installation of the railroad crossing and at the intersection of the DART railroad and Rowlett Road.

This Matter was adopted as RES-010-08 on the Consent Agenda.

- 9I** Consider a resolution authorizing the City Manager to enter into an agreement with Gary Osier Presents Entertainment, Inc., for the procurement of headline entertainment for Rowlett's Fourteenth Annual Festival of Freedom in an amount not to exceed seventy thousand dollars (\$70,000).

This Matter was adopted as RES-011-08 on the Consent Agenda.

- 9J** Consider an ordinance calling the general election to elect Councilmembers for Place 1, Place 3, and Place 5.

This Matter was approved as ORD-002-08 on the Consent Agenda.

Passed The Consent Agenda

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

Ayes: 6 - Mayor Harper, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

10. ITEMS FOR INDIVIDUAL CONSIDERATION

10A Consider an ordinance creating a Residential Green Building Program by adopting the Environmental Protection Agency EnergyStar Program Standards.

Mayor Harper read item into the record.

Keri Samford, Planning and Community Development Director stated "At the Joint Work Session with the City Council and the Planning and Zoning Commission on October 30, 2007, the EnergyStar Program was discussed and there had been much research long before that; in particular by Councilmember Maggiotto. It was directed to the Planning and Zoning Commission to take public comment which was done at their December 11, 2007, January 8, 2008, and January 22, 2008 meetings. At that time, comments were taken; mostly from the Homebuilders Association, where we received their comments similar to what they said tonight. After listening to the comments in the public hearing, the Planning and Zoning Commission recommended adoption...or recommended to the City Council to look at adopting a Residential Energy Conservation Program. And they approved that 7 - 0. If there's any questions, I'll be happy to...I know Councilmember Maggiotto will have a presentation as well."

Mayor Harper stated "I'd like to ask Councilmember Maggiotto if I could have you do a presentation, would you be willing to do that? If you'd move to the podium please sir. Councilmember Maggiotto is the moving force behind this particular agenda item and has a long history of researching the issue. So if you would please, we'll turn the podium over to you."

Councilmember Maggiotto stated "Thank you, Mayor. As stated by Ms. Samford, we have been looking at this program for at least 4 - 4 ½ years. The original program was adopted and implemented in May 2001 by the City of Frisco and a lot of what I'm going to present to you is gleaned from various presentations made at city conferences. But what we're trying to do here is to have a high-level presentation so that the citizens can understand what we're trying to accomplish. We have before us tonight a Green Building Program and it's to address a sustainable, more economical and more environmentally responsible approach to how we build our homes here in Rowlett."

Councilmember Maggiotto brought forth a PowerPoint presentation for Item 10A. Rowlett Green Building Program (15 page PowerPoint presentation):

Background

- *21st Century Regional Challenges*
 - *Population & Pollution*
 - *Air and water quality*
 - *Mobility (traffic congestion)*
 - *Water*

- Consumption & Cost increasing
- Energy (gas and electricity)
- Consumption & Cost increasing

Being Part of the Regional Solution

- *Commit to Resource Efficiency by providing functional, adaptable, and sustainable building and site designs that use water, energy, and material resources effectively and efficiently.*
 - *Position new city facilities to meet the challenges of the 21st Century*
 - *Operational cost reduction*
 - *Create a competitive edge for our citizens w.r.t. cost of living*
 - *Lower the cost of ownership by increasing the resource efficiency of our new homes which reduces resource consumption.*

Rowlett Residential Green Building Program

- *Energy Efficiency*
- *Water Conservation*
- *Indoor Air Quality*
- *Waste Recycling*

Energy Efficiency

- *Adoption of the EPA's EnergyStar™ Program as the minimum standard*
 - *Homes must score a 83 or lower on the Home Energy Rating System (HERS)*
- *Third Party Verified city*
 - *No extra cost for the city*

Water Conservation

- *Stage 3 Drought Tolerant Landscape Option(s)*
- *Information in Models on Water Conservation*
- *Landscape Beds Mulched*
- *EvapoTranspiration (ET) Based Controllers on each lot.*
- *Zoned Irrigation Systems*
- *Individual tree irrigation systems*

Indoor Air Quality

- *Minimum standard for indoor air quality of single-family home shall be ASHRAE Standard 62.2 or as may be amended.*
- *Carpets, cushions and carpet adhesives shall carry the Carpet & Rug Institute (CRI) Green Label*
- *Range Hood Vented to Outside*
- *Ducts Must be Sealed with Mastic*
- *Requirements for Total Duct Leakage*
- *Exterior Ventilation Requirement*
- *Central Vacuum (if installed) Vents to Outside*

Waste Recycling

- *Recycle Construction Waste (Brick and Lumber)*

Benefits to Rowlett Home Buyers

- *Energy Efficient Mortgages*
- *Lower monthly utility costs*
- *Mortgage payment will remain the same, energy costs are rising*
- *Mortgage interest is tax deductible, utility costs are not*
- *Higher resale value*

Benefits to Rowlett Home Buyers

- *Improved durability and comfort*
- *Reduced maintenance*
- *Healthier indoor environment*

Example Impacts -Frisco's Residential Green Building Program

- *CO2 Avoided ? 13,698 tons*
- *NOX Avoided ? 39.19 tons*
- *SO2 Avoided ? 42.56 tons*
- *Average kWh savings ? 4,650/house per year*

- *Utility savings per year/per home ? \$436 (life time cost savings on a 30-yr mortgage = \$13,080)*

Costs

- *In June of 2003, City of Frisco reported estimated costs to be ~\$1,500 to \$3,750 extra per home.*
- *As more homes have been built costs have decreased.*
- *In December of 2005, Frisco reported costs being negligible as "green building programs" around the country have flourished.*

Who Builds

- *As of April 2001, there were 154 builders in the City of Frisco. City of Frisco in 2001 was first city in the nation to adopt the EnergyStar™ Program.*
- *Crestmark, DR Horton, Grand Homes, Mercedes, Pulte, US Homes, etc (see listing)*
- *City of Austin*
- *Habitat for Humanity (<http://oikos.com/esb/48/habitat.html>)*
- *San Antonio, Texas*
- *According to the EPA, there are 571 EnergyStar™ builders in the State of Texas (see <http://www.energystar.gov> then "Find Local Homebuilders")*
- *City of Fairview adopted a Green Building Program in May 2004 similar to the City of Frisco's.*

Think Globally...by Acting Locally

- *For the City*
 - *Consider L.E.E.D. for all new Government facilities.*
 - *Leadership in Energy and Environmental Design*
 - *For Rowlett Citizens-Adopt the Residential EnergyStar Program*
 - *Complimentary to the International Energy & Conservation Code (IECC) 2000 adopted by all cities in Texas*

City of Rowlett's Commitment

- *Rowlett's Residential Green Building Program is designed to ensure a higher quality of life for its citizens. This program focuses on several areas including: waste reduction, pollution reduction, water conservation, energy conservation, and sustainable development. By making the standards of this program mandatory, we hope to give future generations the legacy of environmental sensitivity, functionally efficient homes, and a commitment to conservation.*

Mayor Harper stated "Mr. Alberts, you've asked to speak."

Councilmember Alberts stated "I'd love to give the Republican counterpoint for this."

Mayor Harper stated "No, no, no mention of partisan politics; this is Super Tuesday."

Councilmember Alberts replied "Yes, it is Mayor. I guess the inconvenient truth about this is that government works best when government affects the least. I have an older home; my home is 13 or 14 years old. I know one of the councilmembers had one of the same era home and is purchasing another home that is far more energy efficient than our vintage of home and as I buy replacement appliances for my home, I try to buy more energy efficient ones. But the jest in that is that's my choice. They're building more efficient homes now because it makes good market sense to do so; they're doing that without us telling them what they have to do. What's before us tonight tells our citizens what they can plant, what they can't plant and basically just gets into their life of free market economy. I believe...Mr. Carter talked about having a think tank or focus group, well the best focus group is the market. The market will tell you what needs to happen. I'm a conservationist, I really am. I can see the need for that, but when we implemented our water conservation program, we didn't tell people that they couldn't use as much water as they wanted to. We told them that if you did, then this is what's going...we encouraged them, we incentivized them to use less. One of the speakers talked about the incentives that Oncor gives to builders to encourage them to do this level of improvements and rewards the builders for doing that. And I think

that's the way a free market should work. The other speaker spoke that if we actually passed this that would go away; that won't be an option to the builders that are here. I just think that taking options away from our citizens is not the right way to do business. I already don't like having to flush twice as it is; you know the federal government did that to me. But I think that if we allow the market to drive this effort, the better. Mr. Maggiotto and I, we're on the same page when it comes to conservation...we just have different philosophy on how you implement it. I believe the government shouldn't do it; I believe the citizens should do it themselves. Thank you, Mayor."

Mayor Harper stated "Thank you, Mr. Alberts. Anyone else wish to make any comments? Mayor Pro Tem."

Mayor Pro Tem Rushing stated "Yes, Mayor. I think that the ability for the builders to bring this option forward to the citizens of Rowlett has been there for years and they haven't chosen to do it. I have two (2) children that both own D. R. Horton homes; one (1) was built in Frisco and they got the EnergyStar. The one in Rowlett was requested and the builder said 'I don't have to do it in Rowlett so I'm not going to.' Couldn't even get it if they wanted to. Again, I think this is something that should have been done several years ago. We don't have that many more homes to build. Anything that is currently platted is grandfathered in, so we're only talking about new subdivisions anyway. I think we ought to do it for the citizens of this City. Thank you."

Councilmember Alberts stated "I was going to comment on what the Mayor Pro Tem said that, in fact, as I said, they are making more energy efficient homes now than they were back then. It's not a question that they're not doing it, they are doing it and the market is dictating the level of energy efficiency that makes economic sense for them and also economic sense for the citizens. And I can tell you, speaking for the homeowners that I've dealt with, if I wanted to put something extra in my home, the builder will put it in. I can guarantee you, they'll do that. They make mark it up three (3) times but they'll do it. It's just a question of economics. It's what makes sense and you're point being that we don't have that many out there this is going to affect, then why are we doing it? If it's not to just get a flash in the pan PR something going on, I don't know what it is. So I'm curious as to what the motivation is anyway."

Mayor Harper stated "Ms. Samford, can I ask you a couple of questions? If you would take the podium again please. Thank you, Mr. Alberts."

Councilmember Alberts replied "Thank you, Mayor."

Mayor Harper stated "Again, review for us what the Planning and Zoning Commission did with this question."

Ms. Samford replied "The process, they actually held three (3) public comment periods; took input from citizens and the home builder community; they recommend that the City Council adopt an energy conservation program and then at their last meeting, I believe it was, that they recommended green building programs similar to the City of Frisco's EnergyStar Program, a landscaping program similar to the one discussed at their meeting. What happened is that we had some more items under the landscaping, for example, where irrigation is required, then require the ET, the EvapoTranspiration controllers and those items associated with the landscaping where required. And that's what they passed on."

Mayor Harper stated "And how did the Commissioners vote on that recommendation?"

Ms. Samford replied "It was 7 - 0."

Mayor Harper stated "Councilmember Maggiotto, you are our liaison to Planning and Zoning; one of the things that I would request of you, regardless of the outcome of the pending vote, is to do work with Planning and Zoning Commission because what is before us isn't the total answer. It is a piece of the final answer, should we pass it, but more importantly, we heard from the Home Builder Association, we've heard from others. I think Mr. Alberts is saying it as well, that we need some continued conversation in this area. I don't know where we form the right ad hoc committee or whether it should be a sub-committee of Planning and Zoning; what I would like you to do in your council liaison capacity, is to continue this conversation with Planning and Zoning and again, that's regardless of the outcome of the pending vote. Mr. Alberts, do you have anything else you wanted to say sir?"

Councilmember Alberts replied "Yes, Mayor. As it's presented this evening, if this initiative as presented this evening, which I believe over-reaches where I think we want to go, future residents of Rowlett won't have a choice on the type of landscaping they can put in. They won't have a choice on the type of irrigation system they can put in. And I don't...if we do nothing else we need to replace that 'shall' with 'encourage'. We can encourage people to put in the level Stage 3 drought landscaping; we can encourage them to put in this equipment which is not free and not require people...not build these people's house for them here at the dais. I just don't think that's right. I don't think that's what America is about and I certainly don't think that's what Rowlett should be about."

Mayor Harper stated "Okay. Thank you very much. My final comment, Council, if you want to weigh in, feel free to do so. We've done a number of issues that we weren't certain about, this may be one of those. I think what we do is we move forward with the best information available to us in the best interest of the citizens of Rowlett in mind. In my short tenure as Mayor, I've seen us move forward and then gather information while moving forward, which caused us to pause and reflect and perhaps even come back and make a change. I've seen us do that. I don't know if that's what you would have in mind Mr. Alberts. I gather that you would like us not to move forward based on some of your comments, on the other hand, I am one who believes that making an action doesn't mean we cannot undo that action should we get new information that causes us to say 'we may have moved too quickly back then'. That's another reason why Mr. Maggiotto, I hope you continue your conversations with the Planning and Zoning Commission, because as I see that group, although they're charged with really doing P&Z work, which is kind of paralegal, but they are also experts at building, most of them. And we need their insight and their intellect on these kinds of questions. So that's my final comment. We'll give the opportunity for anyone else before I seek a motion. Mr. Alberts, anything else?"

Councilmember Alberts replied "Yes, Mayor. Just a quick question for staff. Under this initiative that we have before us this evening, for our existing residents and citizens out there if they were to do extensive over 50% type of remodeling and renovations, would this new restrictions fall onto them?"

Ms. Samford stated "I think currently it's for new home construction but that may be something we would have to look to our attorney and ask on that. But right now, it's just for new home construction."

Mayor Harper stated "That would be a future amendment."

Mr. Gorfida stated "Unplatted."

Councilmember Alberts stated "So it would just be those that are unplatted now?"

Mr. Gorfida stated "Unplatted."

Councilmember Alberts stated "Just a point of clarification Mayor, thank you."

Mayor Harper stated "Thank you, Mr. Alberts and Mr. Gorfida as well. If there are no more questions, then may I ask for a motion?"

Councilmember Maggiotto stated "Thank you, Mayor. Before I make a motion, for clarification, staff has a set of landscape requirements that are adhered to already by a home builder and the conversations and the documentation that has been compiled by the City of Frisco is extensive. Extensive to the point where meeting these requirements of Stage 3 drought tolerant landscape there are many, many options that are available to the homeowner. The homeowner or home builder today does not walk in and literally decide what kind of landscape; they follow a city ordinance as to what they can plant and what they can't plant. And this is really no different. But understand that the amount of work, the number of meetings, we have a litany of meetings that have been conducted by the City of Frisco with the Home Builders Association, the Home Raters Association, the Heating Ventilation and Air Conditioning Association; the list goes on and on. We're talking about Builder Task Force Meetings. I think you're always going to have a minority that decent but the experience that we see from the City of Frisco is that they do have consensus; they are profitable and they are building communities in the City of Frisco that are in the price ranges that we see here normally. With that Mayor, I just want to remind you that as the price of energy climbs higher, more home buyers are looking for ways to cut their own utility consumption. Conserving on home utility bills is not a liberal versus conservative idea. It's not a debate about that. The matter really before us is good sense and in some cases financial survival. The point is, energy conservation is not a liberal idea in the political sense. In deed we're talking about saving money, making our homes more comfortable, and finally, just being practical. And with that Mayor, I would move that we pass the Rowlett Green Building Program as presented by staff with all the attachments thereto."

Mayor Harper stated "Mr. Maggiotto, your motion is to approve the ordinance creating a Residential Green Building Program by adopting the Environmental Protection Agency EnergyStar Program standards. Is that correct, sir?"

Councilmember Maggiotto replied "Yes, sir."

Mayor Harper stated "Is there a second to that motion?"

Mayor Pro Tem Rushing replied "Yes, sir. I'll second."

Mayor Harper stated "Mayor Pro Tem seconds. We'll we call to question, please?"

Councilmember Alberts stated "Quick comment, Mayor."

Mayor Harper stated "Yes, sir."

Councilmember Alberts stated "Just on what Mr. Maggiotto said. I agree with him; the only part I disagree on is that saving energy is not a liberal idea. Telling people that's got to do it, is. Thank you, Mayor."

Mayor Harper replied "Thank you, Mr. Alberts."

A motion was made by Councilmember Maggiotto, seconded by Mayor Pro Tem Rushing, that this matter be adopted as ORD-004-08. The motion carried by the following vote:

Ayes: 5 - Mayor Harper, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

Noes: 1 - Councilmember Alberts

10B

Consider a resolution establishing a Charter Review Commission to act for a period of six (6) months, and defining the scope of its review.

Mayor Harper read item into the record.

Mayor Harper stated "You have the item before you and what we're talking about doing, in this instance, is to invoke what we already have in our City Charter, which is that every five (5) years, we review our City Charter...no greater than every five (5) years we review the City Charter to assure that it is up to date according to the interests, needs and wants of our citizens. The way we go about doing that is to form a Charter Review Commission. By City Charter, seven (7) citizens are appointed by the City Council to be members to review the City Charter and the City Council also defines the scope of that review. So what we're looking at in this instance is a resolution which will establish that we will have a Charter Review Commission in compliance...in conjunction with the City Charter that is existing now and that the scope of its review will be comprehensive or all encompassing. We're not limiting the scope at all; we're allowing the individuals that we will appoint to this Commission to seek best practices and based upon those best practices, make recommendations to the City Council and then those City Council recommendations are passed on in the form of a ballot resolution for the citizens of Rowlett to consider, to approve or disapprove. Mr. Owens, you look like you want to make a comment? So that's what we have before us as my understanding. Okay, any questions or comments on the part of Council? That being the case, we seek a motion."

A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Alberts, that this matter be adopted as RES-013-08. The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

10C

Consider appointments to the Charter Revision Commission for 2008 to comply with Section 12.03 of the City Charter.

Mayor Harper read item into the record.

Mayor Harper stated "Council, I'd like to suggest a process for us to follow. First of all, we've had some experience with this and it always hasn't gone well with regard to our nominations for these positions."

Councilmember Alberts stated "Mayor, may I suggest? This is the Charter Review Commission and the process for the Charter Review Commission is that each Councilmember appoints his or her representative on the Commission."

Mayor Harper replied "I don't believe that's accurate, Mr. Alberts. Where is that in the City Charter?"

Councilmember Alberts stated "Mayor, I've participated in a couple of these and I can

tell you that..."

Mayor Harper stated "Where is it in the City Charter; it says the Council will appoint?"

Councilmember Alberts replied "It says the 'Council appoint' and the process the Council uses to do that is that each Councilmember appoints..."

Mayor Harper stated "That's not your decision to make Mr. Alberts. I'm suggesting a different approach to this."

Councilmember Alberts stated "I can tell you; historically that's how it's done..."

Mayor Harper stated "The approach that we've been using..."

Councilmember Alberts continued "so that each Councilmember has a representative on..."

Mayor Harper stated "No, no, sir. Point of order, Mr. Alberts. That's not how it is always done and we're going to follow the City Charter rule which says the Council, as a body, shall appoint."

Councilmember Alberts replied "No, it doesn't say 'as a body', sir. It says the 'Council'."

Mayor Harper stated "It says the 'Council'."

Councilmember Alberts stated "That's correct. And my method does that. The method that's been done in the past does that."

Mayor Harper stated "It's my floor now unless you want to say more, Mr. Alberts."

Councilmember Alberts replied "No, Mayor."

Mayor Harper stated "Thank you."

Councilmember Alberts stated "I assumed..."

Mayor Harper stated "And what I'm going to suggest is a process; the Council can accept or reject that process, is that we will make nominations for each of the seven (7) places on the Charter Review Commission. And I suggest that we not nominate more than two (2) individuals at a time to each place and we'll vote on each place as we've done in the past. So Council, do you have any major objections to that process?"

Councilmember Alberts replied "I do, Mayor. I think that we should go back to the way it's historically been done."

Mayor Harper stated "And do you have a legal bases for that, Mr. Alberts?"

Councilmember Alberts replied "No, Mayor, I don't have presence to do what you're doing either. My method, as was done by under the Charter, was legal and was the way it was done in the past."

Mayor Harper stated "So what I'm suggesting is not illegal then?"

Councilmember Alberts replied "What you're suggesting is not illegal, it's just allows a simple majority of the Council to create the whole Council."

Mayor Harper stated "We are elected at-large. I don't really want to debate but I do want to make this comment. I respect your opinion, I really do, but we are elected at-large, Mr. Alberts. We're not elected by district. We represent as a body the entire City of Rowlett."

Councilmember Alberts replied "I understand."

Mayor Harper continued "I think that we, as a Council, must act as a body to represent all 55,000 citizens of Rowlett."

Councilmember Alberts stated "Mayor."

Mayor Harper continued "What you're suggesting is a district approach."

Councilmember Alberts replied "No, Mayor."

Mayor Harper stated "Yes, you are, sir and I am suggesting that we approach this instead for the greater good of all of our citizens."

Councilmember Alberts stated "Mayor, what I'm suggesting is an elected representative approach where as each elected representative at-large has a known representative on the City Charter."

Mayor Harper replied "Mr. Gorfida, may I proceed with what I have suggested to Council?"

Mr. Gorfida stated "As long as the decision at the end of the night is that the City Council appoints a Charter Review Commission."

Mayor Harper replied "Okay, thank you."

Mr. Gorfida stated "That is what it states in the Charter."

Councilmember Alberts stated "Mayor."

Mr. Gorfida stated "The City Council shall appoint a Charter Review Commission."

Councilmember Alberts stated "That is correct. Would you agree that both methods do that?"

Mr. Gorfida replied "There are several different methods that appoint a Charter Review Commission."

Mayor Harper stated "Council, how do we wish to proceed? Are you okay with my process of two (2) nominations per position? Mayor Pro Tem?"

Mayor Pro Tem Rushing replied "Yes, Mayor. I don't have a problem with that. It gives Mr. Alberts a chance to nominate seven (7) different people."

Councilmember Alberts stated "If the Mayor wants to suggest and change the way it's been historically been done, it certainly is prerogative that Council can..."

Mayor Harper stated "We've changed quite a few things that have historically been done, Mr. Alberts."

Councilmember Alberts stated "Mayor, I haven't always voiced in opposition of that, but I

feel pretty strongly about this."

Mayor Harper stated "I understand that, sir. I feel very strongly myself, so I'm seeking Council consensus on the process that I am suggesting to you. Is there anyone who wishes to speak against it other than Mr. Alberts? Is there anyone who wishes to speak in favor other than myself? Mr. Gottel."

Deputy Mayor Pro Tem Gottel stated "The process that we've set up in the past, at least this is my opinion, seems to have worked. You know, I don't think any process is perfect but I certainly believe that the process that we've had in place has certainly done well."

Councilmember Alberts stated "If I can make myself clear; I'm not challenging the process that we do for normal boards and commissions."

Mayor Harper stated "Let's have Mr. Gottel finish; he has the floor please. Point of Order."

Deputy Mayor Pro Tem Gottel stated "That's really all that I have to say is that, you know."

Councilmember Alberts stated "I apologize."

Deputy Mayor Pro Tem Gottel replied "No, its okay."

Mayor Harper stated "Mr. Alberts, again."

Councilmember Alberts stated "I'm not challenging the way we normally do boards and commissions, I'm not doing that. What I'm saying is when its something as vitally important as our Constitution, that the full representative government of which I'm one of them is guaranteed representation on that Commission."

Mayor Harper replied "And you'll be given that opportunity as a member of this Council to nominate and vote for individuals."

Councilmember Alberts stated "I would ask anybody."

Mayor Harper stated "Let's proceed."

Councilmember Alberts stated "Mayor."

Mayor Harper stated "I think we've had enough conversation unless Mr. Gorfida tells us we can't proceed, I think a Point of Order is necessary for us to move on. Mr. Gorfida, may we proceed?"

Mr. Gorfida stated "The Council needs to make a decision on how they want to appoint the members of the Charter Review Commission."

Mayor Harper stated "Does that require a motion?"

Mr. Gorfida replied "You may just have a discussion as to what method it is that you would like to use to appoint."

Mayor Harper stated "Is that not what we've had?"

Mr. Gorfida replied "If you want to take it...I don't know if it was a discussion."

Councilmember Alberts stated "I'd like to continue that discussion, Mayor."

Mayor Harper stated "Point of Order, please. Mayor Pro Tem, are you in favor of the two (2) nominations per?"

Mayor Pro Tem Rushing replied "Yes."

Councilmember Alberts stated "Mayor, Point of Order, before you poll the Council, if I may make a statement? If I could ask."

Mayor Harper stated "Mr. Alberts, you've dominated this conversation. We've been extremely fair with you; would you please let me go through and poll each Councilmember?"

Councilmember Alberts stated "Mr. Mayor, if it wasn't for me, we wouldn't even be having this conversation."

Mayor Harper stated "There will be a Point of Order that I will make please. I preside at this particular meeting; I'm going to go through each individual."

Councilmember Alberts stated "I understand, Mayor."

Mayor Harper replied "Thank you very much. Mayor Pro Tem."

Mayor Pro Tem Rushing stated "Yes, Mayor, I..."

Councilmember Alberts stated "Mr. Mayor, Point of Order. I would ask that before you poll the Council in a voting method that you allow me to make discussion."

Mayor Harper stated "Mr. Alberts."

Councilmember Alberts continued "Under Roberts Rules."

Mayor Harper stated "You have dominated the discussion of this issue. We know exactly where you stand. There's no need for us to be going over the same information. Do you have new information?"

Councilmember Alberts replied "I do, I have a question of the Council."

Mayor Harper stated "Give us new information."

Councilmember Alberts stated "I would ask the Council to tell me what the disadvantage is of a full representative appointment?"

Mayor Harper stated "We're seeking a question about the nomination process."

Councilmember Alberts replied "And I want to know what the disadvantages of doing it my way...I mean the historical way."

Mayor Harper stated "I really believe that all you're doing is wasting our time with this kind of."

Councilmember Alberts stated "I'm sorry, Mayor; I'll pass."

what you want to hear from each Councilperson, what they think is the disadvantage?"

Councilmember Alberts stated "I just asked, Mayor. That's all. I'll be quiet; I don't want to waste anybody's time."

Mayor Harper replied "Well, I think you are; at least in my opinion. Mr. Maggiotto, what disadvantage do you see in using the process that your Mayor has recommended?"

Councilmember Maggiotto stated "Mayor, I see no disadvantage to either process. I would agree with the City Attorney as a consensus for the City Council whether it be a motion or discussion, we currently select all boards and commissions in a total vote, if you will, for each place. There is no delineation with each member of the Council selecting a person for a particular position. In fact, in 2006, the Council removed that delineation for the Youth Advisory Commission such that all boards and commissions are voted on by the body of the Council. So as a matter of consistency, I would just assume to proceed in that manner."

Mayor Harper stated "Thank you. Mr. Alberts, I'll skip you for the moment. Mr. Mays."

Councilmember Mays stated "I believe that we should just continue what we've been doing with voting as a group of body on the boards and commissions."

Mayor Harper replied "Thank you, sir. Mr. Gottel."

Deputy Mayor Pro Tem Gottel stated "I heard the comments that I said before and I also agree with Mr. Maggiotto comments as well."

Mayor Harper stated "Mayor Pro Tem."

Mayor Pro Tem Rushing stated "As I was saying earlier, you have a chance to vote on each member. You have a chance of seven (7) times. I enjoy being given that option and not only having the right to select the one (1) person; so I agree with the entire Council."

Mayor Harper stated "Back to my original statement, Mr. Alberts, do you have anything you wish to say?"

Councilmember Alberts replied "No, Mayor. I just...you what, if everyone has a representative on the Charter Review Committee, which is not like any other standing committee, then I can't see the resistance to doing it how its historically been done. I just don't understand it, Mayor. I really don't. I would be in support of the Mayor appointing two (2) people since Mr. Alsup is not present this evening. I could certainly support that."

Mayor Harper stated "I appreciate that but I really do want this body to make the appointments. Back to my original recommendation, it is my opinion that the last time we appointed individuals to boards and commissions; it wasn't the most efficient process that we followed because we were making multiple nominations and there was a good deal of confusion about who we were actually voting on. What I would propose to the Council is that we consider each place on the Charter Review Commission, one by one, and we limit the nominations to two (2) so that through the process there could be fourteen (14) individuals nominated for the Charter Review Commission. I will be certain that each of you is given an opportunity to make a nomination. If that is acceptable to everyone, silence is consent. That being the case, I will call for nomination for the Chair of the Charter Review Commission."

Chair position:

Jeff Sheldon was appointed, by acclamation, as the Chair of the Commission.

Scott Airitam was appointed, by acclamation, as a member of the Commission.

Nominations were made for the second member position:

William Barber (received 5 votes); David Bryan (received 1 vote)

Nominations were made for the third member position:

Donna Davis (received 5 votes); David Bryan (received 1 vote)

Nominations were made for the fourth member position:

David Bryan (received 1 vote); Brent Hutson (received 5 votes)

Bobby Wright was appointed, by acclamation, as a member of the Commission.

Nominations were made for the sixth member position:

David Bryan (received 1 vote); Roger Tomberlin (received 5 votes)

The members of the Commission are:

Jeff Sheldon, Chair

Scott Airitam

William Barber

Donna Davis

Brent Hutson

Bobby Wright

Roger Tomberlin

Mayor Harper stated "My congratulations to each of those, particularly to you Mr. Sheldon. I know that we have had some conversation about organization so we have a very limited amount of time because we do want to put this on the November ballot. When we start looking at the timelines that we have for doing that, you basically will have somewhere between four (4) and four and one-half (4 ½) months to complete your work. So there's a lot to be done and we thank you so much as a citizen-volunteer doing this. This is a very, very important task before you and the six (6) individuals that were appointed this evening to the Charter Review Commission."

Deputy Mayor Pro Tem Gottel stated "Point of Order."

Mayor Harper replied "Yes."

Deputy Mayor Pro Tem Gottel stated "Just for clarification purposes, I don't know if it makes a difference, it really doesn't at the end...in terms of the end result but I'd actually had a conversation with David Bryan at just a general public function and he'd indicated at some point in the future they're probably going to be moving."

Mayor Harper replied "Is that right?"

Deputy Mayor Pro Tem Gottel stated "Yes, sir. And so I don't know how that...I mean, it certainly doesn't affect our vote tonight, but that was the conversation."

Mayor Harper stated "Were you aware of that Mr. Alberts?"

Councilmember Alberts replied "Yes, sir. I'm aware of that. In the coming years, they may move to Ft. Worth. That was our conversation and I asked him to be my representative on the Charter Committee and he agreed to do so."

Mayor Harper stated "Thank you both for that information."

10D

Consider appointments to all of the various boards and commissions as listed by Resolution No. 10-19-04I, Resolution No. RES-138-06 and Ordinance No. ORD-027-07.

Mayor read item into the record.

Mayor Harper stated "Ms. Quinn, you'd be helping us if you could tell us exactly which ones we'll be voting on."

Ms. Quinn replied "For our Arts and Humanities, we have three (3) alternate member but we only have one (1) application. For Board of Adjustment, we have one (1) regular member and several applications. Library Advisory, one (1) regular member open and then seven (7) for the Youth Advisory but no applications."

Mayor Harper stated "With that being the case, why don't we begin with the Arts and Humanities Commission; there are three (3) alternate positions, I believe I heard you say?"

Arts and Humanities Commission:

Three (3) alternate member positions are available to be filled for the Arts and Humanities Commission.

Sally Kilgore was appointed, by acclamation, as an Alternate member.

Board of Adjustment:

One (1) Regular member position is available to be filled for the Board of Adjustment.

Joe Charles was appointed, by acclamation, as a Regular member.

One (1) Alternate member position is available to be filled for the Board of Adjustment since Mr. Charles was moved from an Alternate member to a Regular member.

William Vehon, Jr. was appointed, by acclamation, as an Alternate member.

Library Advisory Board:

One (1) Regular member position is available to be filled for the Library Advisory Board:

Ginny Thomas was appointed, by acclamation, as a Regular member.

One (1) Alternate member position is available to be filled for the Library Advisory Board since Ms. Thomas was moved from an Alternate member to a Regular member.

No applications were received for appointment to the Library Advisory Board so the Alternate member position will remain vacant.

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

No actions were taken during the Executive Session.

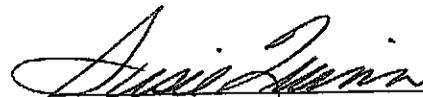
11. ADJOURNMENT

Mayor Pro Tem Rushing stated "I have just a quick announcement. We do have a poster contest for the children of the City, grade K - 6th grade that will be for them to depict their impression of Severe Weather Awareness Week. This was a poster contest that...this is the second annual year; it is co-sponsored by the City's Emergency Management department, the CERT organization, and the Artists 'Round Texas group. The young people will start to see these applications in their school tomorrow, as well as, here at City Hall, the Library, the Community Centre, and the Chamber of Commerce. And I would encourage people to have their children draw posters so that they can be judged and we'll give the awards here at the meeting on March 4, 2008."

Mayor Harper adjourned the meeting at 9:41 p.m.



John E. Harper, Mayor
Date Approved: March 18, 2008



Susie Quinn, City Secretary