



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, July 1, 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 5:30 p.m.

Present: Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:30 p.m.

2. EXECUTIVE SESSION

- 2.-A. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 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)
- 2.-B. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 and §551.072 to discuss with the City Attorney potential litigation, real property deliberations and acquisition of property to wit: Elgin B. Robertson Park. (5 minutes)
- 2.-C. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 and §551.072 to seek legal advice from the City Attorney and to discuss the bid, auction, or sale of city owned property located between Kirby Road and Rowlett Road. (10 minutes)
- 2.-D. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney regarding the Oncor Electric Delivery Notice of Intent to file a rate review and potential litigation. (5 minutes)

- 2.-E. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney and discuss the franchise agreement with Oncor Electric Delivery and Oncor's performance. (10 minutes)
- 2.-F. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney regarding performance issues under the IESI Solid Waste Disposal and Collection contract. (10 minutes)
- 2.-G. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071, legal advice, and §551.087, economic development, to seek legal advice from the City Attorney and discuss litigation regarding economic development issues and to discuss financial offers and incentives to business prospects. (10 minutes)
- 2.-H. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney and discuss legal issues related to the Rowlett Road - Phase I Project. (5 minutes)
- 2.-I. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney and discuss litigation related to CITY OF ROWLETT vs. SITE CONCRETE. (5 minutes)

RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 7:09 p.m.

3. WORK SESSION ITEMS (6:30 P.M.)

- 3.-A. Update from the Mayor. (15 minutes)

Mayor Harper thanked the staff and volunteers for the time spent making the 14th Annual Festival of Freedom a success; thanked Interim City Manager George Harris for his leadership.

- 3.-B. Update from the City Manager. (15 minutes)

This item will be presented at the July 15, 2008 Council meeting.

- 3.-C. Discuss the proposed Charter revisions as presented by the Charter Review Commission. (10 minutes)

City Attorney stated at the conclusion of the June 24, 2008 meeting the charge was to adjust the Charter Review Commission's recommendations and produce a document that

outlines the results of the Joint Meeting; stated the ballot language will be ready by the July 15, 2008 Council meeting.

Ten (10) propositions have been recommended by the Charter Review Commission and an additional three (3) amendments that can be done administratively.

Council asked City Secretary questions regarding the ballot.

City Secretary stated if the City chooses to have thirteen (13) propositions then a separate ballot may be necessary at both locations (Dallas County and Rockwall County).

Council requested the election cost figures and ballot language to be presented to the Council on July 15, 2008.

3.-D. Discussion on the formation of a Bond Committee. (5 minutes)

Mayor Pro Tem Gottel has been appointed to lead the Bond Committee; Michael Gallops has been selected as the Vice Chairman of the Bond Committee; other members will be selected at the July 15, 2008 Council meeting.

Applications for the Bond Committee will be accepted until July 8, 2008.

3.-E. Presentation of an Emergency Response and Evacuation Briefing. (10 minutes)

Robert Lafaye, Emergency Management Coordinator, made a brief presentation regarding the Emergency Response and Evacuation.

Council asked when the last time this program was practiced.

Staff stated in November 2007 although the volunteers were not included.

At this time, Council asked the Interim City Manager George Harris to update the Council regarding the incident that happened at The Wet Zone on June 27, 2008.

4. DISCUSS REGULAR SESSION ITEMS

Deputy Mayor Pro Tem Maggiotto requested Item 9B be removed from the Consent Agenda.

Mayor Pro Tem Gottel requested Item 9C to be removed from the Consent Agenda.

Work Session adjourned at 7:37 p.m.

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

Convened in the Council Chambers at 7:45 p.m.

5. INVOCATION

The invocation was led by Elder Engleburg Toney, Rock of Ages Seventh Day Adventist Church.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

7. PRESENTATIONS AND PROCLAMATIONS**7.-A. Update from the Mayor.**

This item followed Item 7D.

Mayor Harper welcomed George Harris as the Interim City Manager for the City; briefly updated the Council regarding the search for the new City Manager; the President George Bush Turnpike (PGBT) Eastern Extension news; the North Texas Tollway Authority is to execute an agreement this week to begin the PGBT; Dallas Area Rapid Transit (DART) Blue Line Extension is moving forward; the Charter Review Commission has completed their recommendations; the budget review process is scheduled for July 28th, August 4th, August 11th, and August 18th; the first public hearing for the budget will be on September 2nd; the second public hearing for the budget will be on September 16th; and spoke regarding Budgeting for Outcomes.

7.-B. Proclamation for Eagle Scout Austin Brewster.

This item was presented first during this portion of the meeting.

Mayor Harper presented a proclamation to Eagle Scout Austin Brewster.

Mayor Harper mentioned the former City Manager Craig Owens had also been an Eagle Scout.

7.-C. Proclamation to recognize National Recreation and Parks Month.

Mayor Harper presented a proclamation to Heath Olinger, Recreation Division Manager and Mauralee Boersma, Recreation Programmer.

Ms. Boersma invited all citizens to partake in the different Parks Department events.

7.-D. Public Recognition of Claude Causey's 10-year employment service with the City of Rowlett.

Mayor Harper congratulated Mr. Causey for his ten (10) years of employment.

8. CITIZENS' INPUT

There were no speakers during Citizens' Input.

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 9B and 9C were removed from the Consent Agenda to be considered individually.

City Secretary read items into the record.

9.-A. Consider approving minutes from the June 17, 2008 Regular Council Meeting.

This Matter was approved on the Consent Agenda.

9.-B. Consider a resolution amending the Master Fee Schedule to change the Safe Sitter's registration fee and to display the current ambulance charges currently in use.

Mayor Harper read the item into the record.

Deputy Mayor Pro Tem Maggiotto stated "I'd like to add as I talked about during the Work Session; I'd like to propose a motion to accept the Master Fee Schedule Exhibit A as presented in our work packet and to amend the non-resident transport fee such that it reflects a \$600 charge instead of a \$550 charge."

Mayor Harper stated "Thank you, Mr. Maggiotto. Before I ask for a motion, staff do you want to react to that. Is there anyone who wishes to make a presentation of any sort? What we have before us is to accept the proposal as presented and as I understand it, what we're doing in this proposal is to change the safe sitters' registration fee. I can't recall the exact change, Mr. Harris."

Mr. Harris replied "It was a change from \$20 to \$30; we have a new program with new materials and there's an increase cost to the City. So it is to recover that cost."

Mayor Harper stated "And it also memorializes, if you will, the charges that we have had in place, currently have in place, for ambulance charges. Now what Mr. Maggiotto is asking is that the non-resident fee which is currently at \$550 be increased to \$600 in line with that being charged by the City of Dallas. Do I have that right, Mr. Maggiotto?"

Deputy Mayor Pro Tem Maggiotto replied "Yes, Mayor."

Mayor Harper stated "Do we have a motion, Council?"

Deputy Mayor Pro Tem Maggiotto replied "Yes, Mayor. Motion is to accept the Master Fee Schedule Exhibit A as presented with the amendment to the non-resident transport fee be raised to \$600."

A motion was made by Deputy Mayor Pro Tem Maggiotto, seconded by Councilmember Phillips, that this matter be adopted as RES-072-08 as amended increasing non-residential transport fees from \$550 to \$600. The motion carried by the following vote:

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

9.-C. Consider an ordinance adding a fuel surcharge to rates for refuse services.

Mayor Harper read the item into the record.

Mayor Harper stated "Mr. Gottel, did you ask for this one?"

Mayor Pro Tem Gottel replied "Yes, sir."

Mayor Harper stated "Would you mind speaking to it?"

Mayor Pro Tem Gottel replied "Sure, I just wanted to make it clear, that the citizens understand that this is not a rate increase, per say; it is a fuel surcharge which ultimately results in a rate increase but be very clear that it is a fuel surcharge due to the rising fuel cost, Mayor."

Mayor Harper stated "Thank you, Mr. Gottel. Do you want to make a motion, sir?"

Mayor Pro Tem Gottel stated "I would like to make a motion that we approve the item as read."

Mayor Harper stated "And is there a second?"

Councilmember Kilgore "I'll second. I want to add to what Councilmember Gottel mentioned last council meeting. That this fuel surcharge is part of IESI's contract with the City and they're entitled to make this surcharge as a matter of contractual right."

Mayor Harper stated "Thank you, Mr. Kilgore. So we have a motion made and a second; are there any other comments, questions or concerns?"

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Kilgore, that this matter be adopted as ORD-016-08. The motion carried by the following vote:

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

9.-D. Consider an ordinance amending the Fiscal Year 2007-2008 Budget.

This Matter was approved as ORD-015-08 on the Consent Agenda.

Passed The Consent Agenda

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

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

10. ITEMS FOR INDIVIDUAL CONSIDERATION

10.-A.

Conduct a Public Hearing and consider amending the Code of Ordinances by amending Chapter 77 "Development Code" by amending Section 77-302 by amending Subsection B "Institutional and Public Uses" to provide for regulations for the placement of Telecommunication Antennas and support structures within the City of Rowlett.

Mayor Harper read the item into the record.

Keri Samford, Director of Planning and Community Development stated "Thank you, Mayor and Council. The Planning and Zoning Commission held their public hearing on June 24th to review this ordinance and recommended approval to the City Council. I'll just touch on a few of the highlights. In conjunction with the City Attorney's office reviewing it for federal regulations, as well, we have beefed up and put in a stealth tower requirement, some might call it a disguise requirement, and a definition of that, as well. And we've beefed up some of our nonconforming issues. For example, if a tower is abandoned for six (6) months, then they would have to take it down. I'm available for any questions if you have any."

Mayor Harper asked "And, of course, this is a staff recommendation to approve this change to the ordinance?"

Ms. Samford replied "Yes, sir."

Mayor Harper stated "Council, questions or comments? Do we have a motion? I haven't opened the public hearing yet. Let me do that; we'll open the public hearing. I want to give the citizens in the audience a chance to speak. The public hearing is open (8:22 p.m.) and the purpose of the public hearing is for citizens to speak for or against this proposed Item 10A. I overlooked that and I should have given you the first opportunity rather than Council. So is there anyone who wishes to speak for or against Agenda Item 10A? That being the case, we'll close the public hearing (8:23 p.m.). And now we'll move to the motion and we're back to you Ms. Rushing. Ms. Rushing has made a motion which is to approve 10A as presented. Is there a second to that motion, Council?"

Councilmember Jackson replied "Second."

Mayor Harper stated "Seconded by Mr. Jackson. Are there questions, comments or concerns?"

A motion was made by Councilmember Rushing, seconded by Councilmember Jackson, that this matter be adopted as ORD-017-08. The motion carried by the following vote:

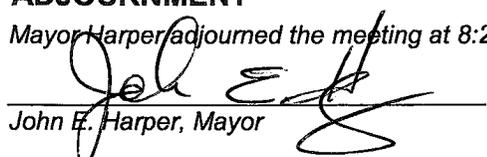
Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottle, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

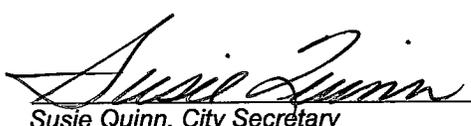
TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

No actions were taken during Executive Session.

11. ADJOURNMENT

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


John E. Harper, Mayor


Susie Quinn, City Secretary

Date Approved: July 15, 2008