



# City of Rowlett Meeting Minutes City Council

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Tuesday, August 5, 2008

5:30 PM

Municipal Building - 4000 Main Street

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As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

## 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, §551.074(a)(1), Personnel, to deliberate the appointment of the City Manager and to consider City Manager search options. (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)

## RECONVENE INTO OPEN SESSION

*The City Council reconvened into open session at 5:55 p.m.*

### 3. WORK SESSION ITEMS (5:45 P.M.)

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

*This item was presented after Item 3E.*

*Mayor Harper presented an update to the City Council regarding the search for a new City Manager.*

*Mayor Harper asked the Interim City Manager George Harris to speak concerning the budget process.*

*Mr. Harris gave a brief overview of the budget process; the first budget presentation was made on July 28th; staff has prioritized the unfunded proposals and combined them into one list; the next Budget Meeting is scheduled for August 11th; and a draft will be presented for the two (2) public hearings to get input from the citizens.*

*Mayor Harper stated the budget process is a three (3) stage process.*

- Phase 1 - City Manager to put together an Operating Budget and a Capital Budget proposal*
- Phase 2 - The City Council is to review the proposal and ask questions*
- Phase 3 - The citizens will be able to participate in two (2) public hearings scheduled for August 19th and September 2nd*

*The adoption of the Operating Budget and Capital Budget will occur on September 16th; and a tax rate must also be adopted by law.*

*Mr. Harris stated there are no layoffs contemplated in this budget, nor is there a tax increase.*

*Mayor Harper continued with his update.*

*Spoke concerning the President George Bush Turnpike (PGBT); the Groundbreaking Ceremony for the PGBT Eastern Extension for August 21st at 9:00 a.m.; and the first segment for the extension has begun.*

*Mayor Pro Tem Gottel brief spoke concerning the Special Events Committee.*

*Mayor Harper stated an Ad Hoc committee will be formed for the All American City Committee.*

*Katie Corder, Assistant City Manager, stated the new committee will be headed by Brad Webber, City Manager Intern; the award is a community driven award; and will apply for the award in March 2009.*

*Mayor Harper continued with his update.*

*Stated a community meeting will be held by DART on August 7th; a budget meeting is scheduled for August 11th; the Annual Transportation Summit is scheduled for August 12th - 15th in Irving; August 20th is the next taping of 'Rowlett On the Move'; the PGBT Groundbreaking Ceremony is scheduled for August 21st; and applications are needed for the upcoming board and commission vacancies.*

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

*This item was presented first during the Work Session.*

*Staff gave a brief update concerning the Capital Improvement Plan (CIP) construction projects.*

*Council asked if the City was accessing liquidated damages for Rowlett Road Phase I.*

*Staff answered in the affirmative.*

*Council commented that no more payment should be made to the contractor until the City is able to meet with the company; and the citizens have lost confidence because of this project.*

*Staff continued the presentation concerning other CIP projects.*

*Council spoke about lateral damage done to screening walls with the Miller Road project; stated that when the project is completed, an assessment will need to be prepared in order that remediation can be done through Dallas County and the contractor.*

*Council asked staff if the overlay cracks on Miller Road are a concern.*

*Staff stated the cracks will be addressed.*

*Staff spoke concerning the interconnect project for President George Bush Turnpike.*

3.-C. Hear Quarterly Investment Report for period ended June 30, 2008. (10 minutes)

*Staff gave a brief overview of the Quarterly Investment Report.*

3.-D. Update on the Bond Committee. (5 minutes)

*Mayor Pro Tem Gottel stated the Bond Committee's first meeting was held on July 21st; stated at this time, all but one sub-committee has had their first meeting.*

3.-E. Discuss an amendment to the 2006 and 2007 Annual Plans for the Community Development Block Grant. (10 minutes)

*Staff thanked the Council for their action at the July 15th Council meeting to amend the plans for the Community Development Block Grant (CDBG); stated there has been no success in getting a response from the City of Garland in reference to receiving information regarding housing assistance matters; and stated Oncor has provided help and information.*

*Council stated they would like to see a proposal that would address housing assistance in some form; stated they are disappointed with not receiving a response from the City of Garland.*

*Staff stated the fund balance would not completely cover the cost of the project.*

**4. DISCUSS REGULAR SESSION ITEMS**

*Items 9C, 9D and 9F will be removed from the Consent Agenda.*

*Work Session adjourned at 7:18 p.m.*

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

*Convened in the Council Chambers at 7:30 p.m.*

**5. INVOCATION**

*The invocation was led by Pastor Thomas D. Richards, Lakeside Pentecostal Church.*

**6. PLEDGE OF ALLEGIANCE**

*Mayor Harper led the Pledge of Allegiance.*

**7. PRESENTATIONS AND PROCLAMATIONS**

**7.-A.** Proclamation recognizing Eagle Scout Robert Dubay.

*Mayor Harper presented Eagle Scout Robert Dubay with a proclamation for his achievement.*

**7.-B.** Proclamations presented to Rowlett's Texas Amateur Athletic Federation (T.A.A.F.) swim and track teams and to recognize the Athlete of the Year.

*Mayor Harper presented a proclamation to each coach, a certificate to each team member, and presented Gabriel Palma with a certificate for being named Athlete of the Year.*

*Each coach had words of praise for their team members.*

**7.-C.** Update from the Mayor.

*This item followed Item 7E.*

*Mayor Harper gave a brief update regarding the search for the new City Manager; the proposed budget and the budget process; the PGBT Eastern Extension Groundbreaking Ceremony on August 21st at 9:00 a.m.; the Bond Committee; the establishing of an ad hoc All American City Award Committee; DART Community meeting is scheduled for August 7th; public hearings for the budget are scheduled for August 19th and September 2nd; next taping of 'Rowlett On the Move' is scheduled for August 20th; appointments will be made for the board and commission during the month of September.*

7.-D. Update of the Fiscal Year 2008-2009 Budget Proposal.

*George Harris, Interim City Manager, gave an update on the status of the Fiscal Year 2008-2009 Budget Proposal.*

*The proposed budget does not include a tax increase; the budget is approximately \$1 million dollars under last year's budget; all reserve funds are met; the first public hearing will be on August 19th and the second public hearing will be on September 2nd; with the adoption of the budget scheduled for September 16th.*

7.-E. Hear presentation of the Third Quarterly Financial Report for Fiscal Year 2007-2008 from the City Manager.

*George Harris, Interim City Manager presented the Quarterly Financial Report, June 30, 2008 (13 page PPT presentation).*

*Highlights of June 30, 2008  
Quarterly Financial Report*

- *Overview*
- *Revenue Trends*
- *Budget Matters*
- *Reserves*

*Overview*

- *City has earned \$60.1 million through the third quarter, representing 79.2% of the amended operating budget of \$75.9 million.*
- *City has spent \$56.7 million for the year, representing 72.7% of the amended operating budget of \$78.0 million.*
- *City has spent \$16.6 million in capital improvements and has \$16.2 million committed off the amended capital budget of \$78.3 million.*

*Revenue Trends*

- *Sales taxes have earned \$2.8 million, an increase of 4.7% compared to FY 06-07 but 2.3% below target for the first eight months of the year.*
- *These results are reported net of sales tax rebates.*
- *Property taxes totaled \$24.3 million, an increase of 6.6% compared to FY 06-07 and 1.5% above target thru the third quarter of the year.*
- *Water revenues totaled \$6.5 million, an increase of 2.5% over FY 06-07 but 12.0% below target thru the third quarter of the year.*
- *July consumption jumped 92.5% and will make up some of this shortfall.*
- *Sewer revenues totaled \$6.4 million, a decrease of 1.3% over FY 06-07 and 3.0% below target thru the third quarter of the year.*

*Budget Matters*

- *Revenues are \$859,271 or 1.4% lower than the target thru June 30th primarily due reduced water/sewer sales net of higher property tax collections.*
- *Expenditures are \$628,853 or 1.1% lower than the target thru June 30th primarily due to lower operating costs in the Water & Sewer Fund net of higher costs in the General and Fleet Services Funds.*
- *Items listed on Budget Watch are Red Light Camera Fines, concerns with the national economy and reduced culture and recreation revenues.*

- *To date, vacancy and other operational savings have made up the revenue shortfall from the Red Light Camera Fines.*

*Reserves*

- *It is estimated that the ending reserve projections indicate that the City will end the year with approximately \$11.4 million in ending reserves, or about 15.8% of expenditures, excluding capital project funds and transfers.*

*Council asked if the City would meet the minimum reserves for the General Fund for the end of the fiscal year.*

*Staff stated in the affirmative.*

*Brian Funderburk, Director of Financial Services, stated currently the target is approximately 10.3% of the fund balance.*

*Item 7C followed this item.*

## 8. CITIZENS' INPUT

1. *Ray Kneggs, Sr. - 10006 Broadmoor Lane - spoke concerning construction on Enterprise Drive*
2. *Gabriel Palma - 2413 Harborview Boulevard - spoke concerning volunteer park restoration.*

## 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 9C, 9D, and 9F were removed from the Consent Agenda to be considered individually.*

*City Secretary read items into the record.*

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

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

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

**This Matter was adopted as RES-075-08 on the Consent Agenda.**

- 9.-C. Consider a resolution approving authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents (\$0.05) per capita to the Atmos Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Ann Honza, Assistant Director of Financial Services, stated "This group, Atmos Cities Steering Committee, was previously the Lone Star Gas Steering Committee. The city itself has been an original member of this group. It was formed in 1996. There have been from time to time per capita assessments to fund the group. This is actually a group that not only benefits the City in participation, but it does benefit the residents, as well. Many of the municipalities in the State of Texas have retained original jurisdiction over gas utility rates and services within the city. As such, we individually would not be able to fight against...not really fight, but I guess discuss with one of the monopolies that service our area. This protects the residents and the City over the natural gas provider monopoly situation that we have in this area and defends the interests, as I said, the residential and commercial customers within the class. There are one hundred fifty-four (154) cities that are members of this Steering Committee and the Committee is actively involved in any rate cases that occur, any appeals, rule makings, and legislative efforts affecting the rates that are imposed on the city. And very recently, this group has been involved in minimizing some of the costs that we have and maximizing our pool towards gas rates. Atmos filed its most recent rate case for \$52 million dollars in September 2007. And the committee actually negotiated this situation and we've got an agreement now where we no longer have to have active rate cases go before the Railroad Commission. We are doing direct negotiation as a group with the company. And we are somewhat pleased with the fact that recently of the four hundred eighty-three (483) cities that are served by Atmos, four hundred eighty-two (482) of those cities did sign in this agreement and we got favorable rates as compared to the one (1) city which did not sign. They went ahead and took their case to the Railroad Commission and they did not get as favorable a rate as the cities did that negotiated that. So, that's a little plug for the group itself. We have eliminated GRIP charges. For those who have been around the Council for a while have heard me several times bring forth items to try to fight GRIP charges which were considered not beneficial to the City and not really related to the cost of the benefit that we were receiving from the gas purchases. And this actually represents a reduction of the last request that we had for an assessment. Its five cents (\$0.05) per capita so it seems like a very small amount but it is roughly \$2,700 for an annual membership. So I'd be glad to answer any questions."

Mayor Harper stated "No questions, no comments? Thank you, Ann. There being no questions or comments, is there a motion?"

**A motion was made by Councilmember Kilgore, seconded by Councilmember Phillips, that this matter be adopted as RES-080-08. 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 a resolution approving Change Order #2 increasing the contract with Platinum Paving Company in the amount of three hundred seventy-five thousand dollars and no cents (\$375,000) (25%) for the repair of alleys and the installation of sidewalk along Liberty Grove.

Mayor Harper read the item into the record.

Patrick Baugh, Director of Public Works and Utilities stated "This item requests your consideration of a proposal to increase the contract amount of our annual concrete contract with Platinum Paving. We currently have a contract valued at \$1.5 million dollars for a panel replacement point repairs. It was brought up by Council that we should use some

*Refuse Fund reserves to help improve some alleys through this same method that helps improve the 60 - 80 PCI street pavement. We're looking at about twenty (20) separate alley projects in this contract and on top of that, we're also looking at providing sidewalks along Liberty Grove for the new elementary school up there. We're limited by State law an increase in a contract amount to twenty-five percent (25%) which is \$335,000 and the \$40,000 additional for the \$375,000 total is the concrete and sidewalk cost and that's out of an escrow account. So those two (2) funds together, the Refuse Fund and the escrow amount will help provide for the improvements there."*

*Mayor Harper stated "Were the unit prices affected, Mr. Baugh?"*

*Mr. Baugh replied "No, sir. Not on this contract and that's an interesting note because the contractor has agreed we had an option on a renewal of the contract; his next contract will be a five percent (5%) increase primarily for the fuel cost."*

*Mayor Harper stated "Good, thank you."*

*Mr. Baugh stated "I'd be glad to answer any questions."*

*Mayor Harper stated "Do we have any comments or any questions? Mr. Maggiotto."*

*Deputy Mayor Pro Tem Maggiotto stated "Thank you, Mayor. Not of staff but to I guess reiterate that this effort, as Mr. Baugh has indicated, there's a continuation of this Council's commitment to being in the neighborhoods and this next fiscal year which we're preparing the budget for, we will continue that effort. We are committed to maintaining our housing values in our residential areas and not forgetting those areas in need. Thank you."*

*Mayor Harper stated "Thank you, Mr. Maggiotto. I do recall one (1) year ago at this time as we were deliberating the Operating budget for our current fiscal year, you were a great champion of investing in the neighborhoods and it has paid off handsomely. So, I understand fully why you want to continue that investment. Thank you very much. Any other comments? Any other questions?"*

**A motion was made by Councilmember Kilgore, seconded by Councilmember Phillips, that this matter be adopted as RES-081-08. 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.-E.

Consider a resolution approving Task Order Number 3-PSI to the approved professional services agreement with Professional Service Industries, Incorporated to provide construction materials quality control testing and inspections for the 2007 Alley Reconstruction projects in the amount of thirty thousand seven hundred eighty-four dollars and no cents (\$30,784.00).

**This Matter was adopted as RES-076-08 on the Consent Agenda.**

9.-F.

Consider a resolution approving Change Order Number 9 in the amount of one hundred eighty thousand one hundred ninety-five dollars and no cents (\$180,195.00) to the contract with North Texas Contracting, Incorporated for the Rowlett Road Reconstruction Phase I.

Mayor Harper read the item into the record.

Shawn Poe, City Engineer, stated "As just stated, this is a change order to the current contract. The current contract, just to give you a little background, included a trench repair method of installation of concrete after the new water line was installed. Once they got into the sub-grade, it was clear that there was need of additional improvements because of the condition of the sub-grade. The current contractor will replace about...we've got provisions for about half the roadway. This change order will provide completion of the rest of the roadway along Enterprise. We do not have the amount of money in the remaining contingency amount to cover this cost, that's why we're bringing it forward to the City Council. Obviously, there are time restraints with our procurement process. I wish we could operate in other means because of time constraints but being that this is the amount of change order, we have to go through this process and that's the reason why the contractor appears to have started and stopped. I wish we could have just turned them loose and get it done; we knew that it had to be done but through our procurement policies, we have to get this approved by Council. We ask that you consider this change order so we can finish the paving on the rest of Enterprise Drive."

Mayor Harper stated "Comments or questions?"

Councilmember Rushing stated "Yes, Mayor. So this will completely re-pave all of Enterprise?"

Mr. Poe answered in the affirmative.

Councilmember Rushing stated "So all of Enterprise from Rowlett Road to the cul-de-sac at the end will have complete new construction?"

Mr. Poe replied "There will be certain areas down at the farther western end that are in good shape that we will not repair in the cul-de-sac area. But the areas that need repair where the cracking is in need of replacement, this will take care of it."

Councilmember Rushing stated "Well, as was spoken earlier. I have had to go to that Post Office every day for the past three (3) weeks because my mailbox was knocked down and yes, it is a problem. And it will be done as quickly as possible and we will have a new Enterprise. Thank you."

Mayor Harper stated "Do you have a timeline for that, Shawn?"

Mr. Poe replied "No, I don't. Not at this time but they will try to concentrate on the entire project and that includes Enterprise as well. We're hoping that once this is executed we can get the stabilization crew on that north side and get it started hopefully next week. So we're looking at probably two (2) to three (3) weeks to get complete."

Mayor Harper stated "Mr. Harris, we still need that in a Work Session. Primarily because of the statements made with regard to the attitude of the contractor toward the City of Rowlett; we need to explore that."

Mr. Harris replied "Mayor, we have a meeting scheduled with the contractor and I understand that we've asked for management of the contracting company to attend also."

Mayor Harper stated "Good, good. Thank you, Mr. Harris. Council, any other questions or comments?"

Deputy Mayor Pro Tem Maggiotto stated "One question."

Mayor Harper stated "Yes, go ahead."

Deputy Mayor Pro Tem Maggiotto stated "Mr. Poe, you did remark that you are going to use the technique to stabilize, i.e. the issue we had on Princeton Road; you are going to use that on this water line?"

Mr. Poe replied "The water line was installed by flowfill so we didn't have any trench consolidation."

Deputy Mayor Pro Tem Maggiotto stated "Thank you."

**A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Rushing, that this matter be adopted as RES-082-08. 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.-G.**

Consider a resolution approving the purchase of Motorola mobile and portable radios in the amount of one-hundred fifty-five thousand five hundred eleven and ninety-three cents (\$155,511.93) from Motorola, Inc. through the inter-local cooperative purchasing agreement with Houston-Galveston Area Council (H-GAC); authorizing the City Manager or designee to issue purchase orders pursuant to approval.

**This Matter was adopted as RES-077-08 on the Consent Agenda.**

**9.-H.**

Consider a resolution authorizing the City Manager to enter into an Economic Development Incentive Agreement with Denisio Malo (Primo Plaza) for the development of a ten thousand (10,000) square foot retail strip center.

**This Matter was adopted as RES-078-08 on the Consent Agenda.**

**9.-I.**

Consider a resolution approving an update to the City Council Rules of Procedure.

**This Matter was adopted as RES-079-08 on the Consent Agenda.**

### **Passed The Consent Agenda**

**A motion was made by Councilmember Rushing, seconded by Councilmember Jackson, including all the preceding items marked as having been 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. Consider a resolution approving the proposition wording for a Special Election to amend the Rowlett City Charter to be held November 4, 2008.

*Mayor Harper read the item into the record.*

*Mayor Harper stated "Do we need a presentation on this? As you all know, we've dealt with the wording; it's been presented to us. If there are no questions on the wording, and no questions on the process, we'll look for a motion. Mr. Maggiotto."*

*Deputy Mayor Pro Tem Maggiotto stated "I guess there's only...this is the one thing that I was going to talk about. On the wording for Proposition...so we have two (2) sets of wording. One is for the ballot and one is a further expansion of that. I guess in terms of email traffic that I've read what is up for what I'm proposing here is a change to Proposition No. 3. For Council's consideration, I had mentioned Proposition No. 3 deals with the compensation of the Mayor and Councilmembers. In our conversations that I attended for that Committee, there was some consideration given to enactment dates. So that it would not be enacted immediately. One of the thoughts was 2011, which would reflect that the implied increase would not affect any current City Councilmember. The second consideration is simply to remove the last six (6) words. And I would leave this up to Council to discuss, Mayor."*

*Mayor Harper stated "What are the last six (6) words that you would remove?"*

*Deputy Mayor Pro Tem Maggiotto replied "'And to remove the annual limit' so that the original..."*

*Mayor Harper stated "I'm looking at the ballot language."*

*Deputy Mayor Pro Tem Maggiotto stated "Well...it's Proposition No. 3 on page 181. Simply states 'the compensation of the Mayor and Councilmembers from a monthly to a per meeting basis'. That would be so."*

*Mayor Harper stated "Do you want us to discuss the either or or?"*

*Deputy Mayor Pro Tem Maggiotto replied "Yes, either or, Mayor."*

*Mayor Harper stated "Okay. And I presume you're looking for reaction from your colleagues. Do we have any reaction to that Council? Ms. Rushing."*

*Councilmember Rushing stated "Yes, Mayor. I did sit on the Charter Review Committee and this has been altered just slightly from what the Charter Review Committee did bring forward. They did leave the amounts as to what it was in our current charter. It was the Council's decision to bring forward this manner but there was also discussion at that time to do it in a manner that would not affect this sitting Council and that has been left off. I would have no objection in it; I don't believe the Committee would to putting that date in there."*

*Mayor Harper stated "Other discussion? Mr. Kilgore."*

*Councilmember Kilgore stated "Have it not to become active until after this Council is no longer sitting is something I raised at the Work Session, so obviously, I would be in favor of it."*

Mayor Harper stated "And anyone else? Let me give you my spin on where this came from because I believe it was I who instigated the discussion of the compensation of the Mayor and Council. To put it into context, Council and for those who might be interested, the dilemma that I find is in attracting good candidates to be your Mayor and to be your Councilmember. There is an expense associated with being your Mayor and your Councilmember and it far exceeds, far exceeds the compensation that the Mayor and the Councilmembers receive. None of us run for office to receive the compensation of...what do we get? I think I receive \$150 a month and Council received \$100 a month. I will not exaggerate when I tell you I spend closer to \$1,000 a month than \$150 a month being your Mayor. And I do it with pleasure. So that was why I asked that we consider the compensation recognizing that future Mayors and future Council men and women need some help. If they're going to be as active as I want them to be as a resident and as a Mayor as I believe you should want them to be, we need to help them with some of the expenses. That was the context in which I asked for the discussion. Many of you will recall that during the discussion in Work Session, I made it quite clear that I was not going to accept the increase because that would tarnish it. I do want the increase though for the Councilmembers and future Mayors. I don't know if we can do it quite that way. You've given us an all or nothing. I'll be happy to just have the Mayor take the brunt of this and the Mayor not receive an increase whereas the Councilmember do. Keep in mind that two (2) years from now, we'll be seeking new Councilmembers. Two (2) of you are term limited, perhaps. We have a question coming up on that as well, but regardless, I do think to attract the kinds of candidates that I believe you want and know that I want, we're going to have to help more with the babysitting costs, with the commuting costs, with the administrative costs, with the communication costs, and on and on. It is enormous expense to do this job correctly and we just need to help future candidates. Having said that, which either or do we want to consider that Mr. Maggiotto has put on the table?"

Deputy Mayor Pro Tem Maggiotto stated "Mayor, I'll just make a motion."

Mayor Harper replied "Please."

Deputy Mayor Pro Tem Maggiotto continued "Two (2) consecutive motions. Question to the City Attorney. If you were to craft language which would be in an effective date of June 1, 2011, how would you propose that in terms of the language currently reflected on the ballot?"

David Berman stated "As you can see, the Proposition reads "Shall Subsections (1) and (2) of Section 3.11 of the Rowlett City Charter be amended to change the compensation of the Mayor and City Councilmembers from a monthly to a per meeting basis and to remove the annual limit, to be effective on and after June 1, 2011." And that would be the language in its entirety that would appear on the ballot."

Deputy Mayor Pro Tem Maggiotto stated "Thank you, Mayor. As perfectly put by our City Attorney, that's my motion."

Councilmember Phillips seconded the motion.

Mayor Harper stated "May I clarify before we vote that what we're voting on here is an amendment to the one (1) proposition and acceptance of all the other propositions as presented. The one (1) Proposition No. 3 will be amended to include an effective date of June 1, 2011. Are we all clear on that? So a 'yes' vote will accept that amendment and every other proposition as presented."

**A motion was made by Deputy Mayor Pro Tem Maggiotto, seconded by Councilmember Phillips, that this matter be adopted as amended as RES-083-08. 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

*Mayor Harper stated "Thank you very much, Mr. Maggiotto for that supplement."*

*Councilmember Rushing stated "Can I make just a brief statement."*

*Mayor Harper replied "Of course, you can."*

*Councilmember Rushing stated "I would just like to thank the Charter Review Committee. They did serve and work on this diligently; they broke up into committees and met more than...sometimes once a week and came forward with these. We did reduce the number and eliminate a few of them that didn't make substantial changes in our Charter to reduce the cost of the election but this will be on our November ballot for the citizens of Rowlett to vote on. I would encourage everyone to vote. We chose that time to try to get a higher voter turnout than we do usually in May but we will have these Charter amendments on the November 2009 ballot; when you go to vote for the President, don't forget your City."*

*Mayor Harper stated "It will be November 2008; you said 2009 but it will be 2008 when this will be on the ballot. I see Mr. Jeffrey Sheldon in the audience. Mr. Sheldon, would you please stand. Mr. Sheldon chaired the Charter Review Commission. Jeff, we want to thank you, genuinely thank you for the work that you and your Commissioners did on particular effort. It's a great improvement over what we have. So thank you very much."*

10.-B.

Conduct a public hearing and consider an ordinance amending the Comprehensive Plan, Comprehensive Zoning Ordinance, and Zoning Map of the City of Rowlett, Texas by amending Planned Development (PD) 11-3-87B to allow for an 11,485 ± sq. ft. Skate Park as an accessory use to the existing church located at 6005 Dalrock Road.

*Mayor Harper read the item into the record.*

*Keri Samford, Director of Planning and Community Development stated "We are here tonight; the applicant requests the planned development be amended to allow for a skate park as an accessory use. This was heard by the Commission at their July 22nd meeting and it was recommended approval by a unanimous vote of 7 - 0. And I am available for any questions that you might have."*

*Mayor Harper stated "Okay, good, thank you. Before I open the public hearing, any questions or comments that the Council would want to make? We will now open the public hearing (8:52 p.m.); the public hearing is for the purpose of hearing from any citizen that wishes to speak for or against the ordinance that has been proposed. Is there anyone who wishes to speak for or against this particular ordinance? Not hearing or seeing anyone, we'll close the public hearing (8:52 p.m.). Again, I'll give you an opportunity to ask for more information before we seek a motion. Council, are you okay? Mr. Kilgore."*

*Councilmember Kilgore stated "I have a question following up on the Commission; there was discussion of any screening around the park and as its proposed its chain-link fence with*

black vinyl which most parts of the country qualifies as simply butt-ugly. The rationale for not putting any living landscaping or other landscaping in there was that in the parking lot process they've taken out irrigation systems. Was there any discussion at the Commission level of putting in something that didn't require irrigation such as xeriscaping or something other than black vinyl that would break the effect of that chain-link fence?"

Ms. Samford replied "There was discussion with the applicant about that. There will be some landscaping and some screening because there is some landscaping on the island that surrounds it. So it won't just be stark. One of the reasons for the chain-link with black coated vinyl is that you want to be able to see into the park. If you have something that is walled off, then you can't always see what is taking place in there even though it will be monitored so it was for a safety purpose that they asked to do that. And they did say that there would be some landscaping on the islands as I said. We did have those discussions about that even with xeriscaping, but you do have to water that in order to get it established. It was discussed but this how we proceeded forward."

Councilmember Kilgore stated "So what we're left with is when you say 'landscaping on the islands', are you talking about the existing landscaping on the islands."

Ms. Samford answered in the affirmative.

Councilmember Kilgore continued "The fence itself will have black vinyl; solid black vinyl? You're talking about..."

Ms. Samford stated "No, sir. It will just...the reason for the black vinyl is instead of having a stark grey galvanized steel look, they felt it was better and we felt it was better if we could minimize the impact of that being black coated vinyl, it was less of a visual impact, if you will, but still allowed them to be able to see into it. It's not the slats that are in there; it still will be exactly like a chain-linked fence except it is see through, it will just be coated in black vinyl."

Mayor Harper stated "Thank you, Keri. Mr. Maggiotto."

**A motion was made by Deputy Mayor Pro Tem Maggiotto, seconded by Councilmember Jackson, that this matter be adopted as ORD-020-08. 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

**10.-C.**

Conduct a public hearing and consider a resolution supporting participation in the Community Development Block Grant (CDBG) program, adopting the 2008 Annual Plan and authorize the City Manager to execute and submit all documentation and certifications to the United States Department of Housing and Urban Development.

Patrick Baugh, Director of Public Works and Utilities, stated "This is the third in a series of public hearings for the Community Development Block Grant (CDBG) program. Two (2) previous hearings were conducted, one at the Community Centre on July 15th and one again at your Council meeting on July 15th. Very few comments were received; most of the comments regarded items for improvements in the community that were not eligible for this program CDBG which primarily benefits low-income persons in the community. So with that, this is a very simple plan we've had over the last few years at the recommendation of

our consultant. Which is to build capital projects which are long-term lives and helps benefits a large number of people for the little bit of money that we received. This year we received \$214,000, which is about the cap with about thirty percent (30%) of that eligible for administrative fees. We probably won't use all of that for that but that leaves about \$185,000 for a project. Staff would recommend that we continue in all of our sub-districts of the downtown areas and the next street in that series would be Delia Street. With that, I'd be glad to take any questions and I request that you open the public hearing."

Mayor Harper stated "I do want to make one point clear or maybe I should put it in the form of a question, Pat. There is a fund balance in CDBG and we as a Mayor and Council, we are expecting a mid-year proposal from you and your staff so that we will be looking at the use of that fund balance on some improvements to our low-income housing."

Mr. Baugh replied "I understand that, sir. I've been working very hard to try to get us a housing assistance program of some sort in conjunction with a neighboring city."

Mayor Harper stated "Terrific. Council, any other questions or comments before I open the public hearing? At this time we'll open the public hearing (8:58 p.m.) to consider the resolution supporting participation in CDBG. Is there anyone who wishes to speak for or against this particular resolution? Seeing and hearing no one, we'll close the public hearing (8:58 p.m.). Council, you have in your packet the exact resolution so we'll call to question at this time Ms. Quinn. We did have a motion, did we not? We need a motion, thank you."

**A motion was made by Deputy Mayor Pro Tem Maggiotto, seconded by Councilmember Jackson, that this matter be adopted as RES-084-08. 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

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

*No actions were taken during the Executive Session.*

## 11. ADJOURNMENT

*Mayor Harper adjourned the meeting at 8:59 p.m.*

  
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John E. Harper, Mayor  
Date Approved: August 19, 2008

  
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Susie Quinn, City Secretary

