



City of Rowlett Meeting Minutes City Council

4000 Main Street
P.O. Box 99
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City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.

Tuesday, August 19, 2008

5:30 PM

Municipal Building - 4000 Main Street

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

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

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

2A 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)

2B 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)

2C 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. (5 minutes)

2D 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 acquisition of real property in the area around Big A Road, Lakeview Parkway, and Industrial Drive for the extension of Freedom Drive. (5 minutes)

- 2E 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. (10 minutes)
- 2F 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. (10 minutes)
- 2G 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 to discuss a proposed agreement with the Cities Aggregation Power Project (CAPP). (10 minutes)
- 2H The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, Section 551.071 to discuss with the City Attorney potential litigation relating to the Wet Zone. (5 minutes)
- 2I 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)

RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 6:40 p.m.

3. WORK SESSION ITEMS (6:15 P.M.)

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

Mayor Harper did not provide an update at this time.

- 3B Joint meeting with DART Representative Mark Enoch. (15 minutes)

This item was the first item during the Work Session.

Mayor Harper introduced DART Representative Mark Enoch.

Mr. Enoch spoke concerning the building process of the DART Blue Line; three companies that are working on the proposal process. Anticipate the response from the proposals by the week of October 6th; stated the rail for the track has been purchased; expects the Blue Line to be completed on time and on budget.

Council voiced concern about the Rowlett Street Crossing. Stated there would not be an elevated track but an at-grade crossing. Spoke regarding the Rowlett station. Mr. Enoch encouraged the City to make a request for a better station. Spoke regarding the Main Street Bridge.

Mr. Enoch spoke concerning the parking issues and parking problems. Stated he was in favor of charging for parking at the DART stations; this would help with the maintenance of the parking lots and provide security at the parking lots; would require legislative changes.

Spoke concerning a possible parking lot on Dalrock Road and Interstate 30.

Council asked when the traffic study was completed on Rowlett Road as the vehicle count is down with the construction.

Staff stated they used the current traffic counts but they also do traffic projections out to 2030 on all warrant studies.

Council asked about flex service between the City of Garland and the City of Rowlett.

Mr. Enoch stated the bus service in Rowlett has not been successful; the ridership is not what they've projected it to be. The flex service is more cost effective as opposed to a fixed service.

3C

Discuss submitting projects for funding through the 2008 Major Capital Improvement Program administered by Dallas County. (10 minutes)

Council asked staff to explain how Dallas County provides funding and what relationship there is to the Regional Transportation Council (RTC).

Staff stated the Major Capital Improvement Program began in the late 1990s when Dallas County decided to get out of the bond financing business of roadway infrastructure projects. Dallas County requires the different communities that want to participate in the program to submit their single most desired project with a 50-50 split and they program that roadway to go to construction in an out-year; in this case it is 2014. Stated it did not have anything to do with the RTC or the funding that they control.

Council asked who pioneered the program.

Staff stated it was pioneered by Colonel Don Holzwarth, the Dallas County Director of Public Works

Council asked if this is how Rowlett Road Phase II would be funded.

Staff stated in the negative.

Asked Council to support the resolution to submit Chiesa Road, just south of Highway 66 to Miller Road, to Dallas County for a four-lane divided roadway.

Council asked why Chiesa Road was chosen for submittal and not Chaha Road.

Staff stated Chiesa Road has a higher traffic count; there are questions with the dynamics of how Chaha Road will be used once the President George Bush Turnpike (PGBT) comes into play. Stated Chiesa Road will continue to act as a major arterial for the north sector getting to Interstate 30.

Council asked staff to comment on two RTC projects, the Miller Road bridges and the Interconnector.

Staff stated both projects are regional toll revenue projects. The revenue is spinoff revenue in excess of maintenance, operation, and construction costs of Highway 121 toll. The projects are scheduled to be approved by the RTC this month and currently appear to be approved. The bridges are fully funded to 80%; it is an 80-20 split. The County has agreed to help with the 20% share, as well as, the City of Garland. The Merritt Road and Liberty Grove Road Interconnector is funded at \$12M for a \$33M project. Staff has received assurance that the rest of the funding will come as PGBT progresses and with excess toll revenue.

Council stated the regional toll revenues that will be coming from the Eastern Extension will be shared by neighboring cities.

3D

Discuss proposed changes to the Boards and Commission Handbook. (15 minutes)

Staff asked for Council's input on the changes they would like to see made to the Boards and Commissions Handbook.

Council stated they agreed to all changes except for:

- Keep term limits as is
- Youth Advisory Council Adult Sponsor should not necessarily have to be a Rowlett resident; educational development for the students is more desirable
- Limit the Youth Advisory Council to two academic terms of the school year; specifically no less than the Spring semester and no more than halfway through the Fall semester
- Requiring the Animal Shelter Advisory Board to meet a minimum of six (6) times per year as opposed to the current three (3) times per year
- Changing the Architectural Board to an ad hoc board when needed
- Addition of an email address line on the application
- Asking on the application form if the applicant has attended a meeting of the board and/or commission that they are interested in becoming a member of
- Mandatory training be completed within forty-five (45) days of appointment or re-appointment
- Add the Tax-Increment Financing Reinvestment Zone No. 1 (TIF Board) should follow the same rules as the other Rowlett boards for Rowlett members

Council stated on September 16th, some applicants may be named to the Boards and Commissions.

3E

Discuss the proposed Graffiti Ordinance amendment. (5 minutes)

Staff presented amendments to the Council regarding additional enforcement options in the ordinance. Staff has met with the Economic Development Advisory Board regarding the abatement issues. The consensus of the Board was not to change the abatement

requirements that are in the current ordinance; that would place responsibility on the property owner.

Council asked if there have been any arrests or any determination of liability for the recent graffiti incidences.

Staff answered in the negative but did state the graffiti cameras are running. Stated there may be additional technology that may suit other locations rather than a tall pole and camera.

Staff stated the City's Soda Blaster cannot be carried onto or loaned to property owners for the cleaning of graffiti. Stated staff is working with Keep Rowlett Beautiful for different options to help with the situation.

3F Discussion and presentation of IESI customer requests. (5 minutes)

Staff discussed the monitoring of IESI's brush and bulky waste pickup requests. Stated IESI has made great progress on their pickups.

Council asked if IESI was falling within the timeline of two (2) weeks.

Staff answered in the affirmative.

Council asked for staff comments on the addition of the new Code Inspector and code compliance.

Staff replied an experience code enforcement officer has been hired and will begin working out in the field within the next two (2) weeks. Stated the City is still on track to work all the neighborhoods of the City within one (1) year regarding the top five (5) complaints.

Council asked when the one (1) year was up; Staff replied it would be up in December.

3G Discussion regarding application to the Leadership Rowlett XVIII - Class of 2009 which is sponsored by the Rowlett Chamber of Commerce. (5 minutes)

Staff stated interests have been shown from the Council to participate in the next Leadership Rowlett class.

Mayor Harper nominated Councilmember Rushing to attend the next class.

4. DISCUSS REGULAR SESSION ITEMS

No items were removed from the Consent Agenda.

Mayor Harper stated Item 10C would not be presented as the address of the property was transposed; this will require the item to be reposted. This item will be brought before the City Council on Tuesday, September 16, 2008.

Work Session adjourned at 7:48 p.m.

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

Convened in the Council Chambers at 7:54 p.m.

5. INVOCATION

The invocation was led by Deacon Brown, Faith Missionary Bible Church.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

7. PRESENTATIONS AND PROCLAMATIONS

7A Update from the Mayor.

Mayor Harper read a proclamation recognizing businesses in the City of Rowlett that are engaged in "greening". A copy of the proclamation will be sent to Mayor Leppert, City of Dallas, for his efforts.

Mayor Harper recognized his grandson, James Wyatt, for being the recipient of three (3) Merit Scholarships at the University of Texas at Dallas.

Mayor Harper made brief announcements regarding the search for a new City Manager; the President George Bush Turnpike (PGBT) Eastern Extension Groundbreaking Ceremony is scheduled for August 21st; and the Dallas Area Rapid Transit (DART) Blue Line Extension.

8. CITIZENS' INPUT

- 1. Barry James - 8205 Chesham Drive - Spoke concerning alley resurfacing.*

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.

No items were removed from the Consent Agenda to be considered individually.

City Secretary read items into the record.

9A Consider approving minutes from the July 28, 2008 Budget Worksession, July 29, 2008 Joint meeting, August 4, 2008 Budget Worksession, and August 5, 2008 Regular Council Meeting.

This Matter was approved on the Consent Agenda.

9B Consider a resolution amending the Master Fee Schedule to establish the IESI fuel surcharge and repealing Ordinance No. ORD-016-08.

This Matter was adopted as RES-085-08 on the Consent Agenda.

- 9C** Consider a resolution authorizing the City Manager to enter into a three year agreement with Software House International (SHI) to purchase Microsoft software in the amount of fifty-four thousand three hundred twenty-five dollars and no cents (\$54,325.00) for the first year through the inter-local purchasing agreement with Texas Comptroller of Public Accounts and the State of Texas Department of Information Resources (DIR), and in a format approved by the City Attorney.

This Matter was adopted as RES-086-08 on the Consent Agenda.

- 9D** Consider a resolution approving the third and final one-year extension options with DataProse, Inc. in an amount not to exceed one hundred sixty-two thousand dollars (\$162,000) for utility bill printing and mailing services, including postage costs, for the City of Rowlett through the inter-local agreement with the City of Plano.

This Matter was adopted as RES-087-08 on the Consent Agenda.

- 9E** Consider a resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for the furnishing, installing, and maintenance of traffic signal preemption equipment along Lakeview Parkway (SH66).

This Matter was adopted as RES-088-08 on the Consent Agenda.

- 9F** Consider a resolution approving Change Order Number 12 to the contract with Austin Bridge & Road, Incorporated in the amount of fifty thousand nine hundred seventy-five dollars and seventy cents (\$50,975.70) and authorizing the final acceptance of the improvements and final payment and release of retainage in the amount of one hundred eighty-five thousand nine hundred seventy dollars and sixty-five cents (\$185,970.65) for the reconstruction of Hickox Road from Rowlett Road to Toler Road.

This Matter was adopted as RES-089-08 on the Consent Agenda.

- 9G** Consider a resolution authorizing staff to submit projects for funding through the 2008 Major Capital Improvement Program administered by Dallas County.

This Matter was adopted as RES-090-08 on the Consent Agenda.

9H Consider a resolution approving an amendment to extend the contract with Southwest General Services of Dallas, LLC for one hundred-eighty (180) days for services to perform billing and collection of emergency medical services for the City of Rowlett.

This Matter was adopted as RES-091-08 on the Consent Agenda.

9I Consider an ordinance amending the Code of Ordinances by Amending Article VII (ABATEMENT OF UNAUTHORIZED VISUAL BLIGHT (GRAFFITI)) OF CHAPTER 22 (ENVIRONMENT).

This Matter was approved as ORD-021-08 on the Consent Agenda.

9J Consider an ordinance calling a Special Election to amend the Rowlett City Charter to be held on Tuesday, November 4, 2008.

This Matter was approved as ORD-022-08 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Phillips, 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

10A Conduct a public hearing on the proposed budget for Fiscal Year 2008-2009.

Mayor Harper read the item into the record.

Mayor Harper stated "Very quickly this evening, what we're going to be having a public hearing on is the City Manager's Proposed Budget for the upcoming fiscal year. There will be more to come from City Council at a later time, but tonight we'll focus on the City Manager's proposal. Mr. Harris, do you have a presentation you'd like to make?"

George Harris, Interim City Manager replied "Yes, Mayor. Thank you. Mayor and Council, the budget was formally presented to the City Council on July 28th and has been posted on the City's website since that time. This document represents a change from previous formats with the introduction of a new budgeting process, Budgeting for Outcomes. Budgeting for outcomes involves setting the price of government and then determining the type of level of service necessary to meet the needs of the citizens at the cost they're willing to pay. The basis for all decision making is delivery of service to meet the needs of the citizens. We were assisted in the process by the results of the 2nd Annual Citizens Survey. Staff members also held four (4) neighborhood public budget meetings to seek additional

input from the public. Input received from City Council throughout the course of the past year, during the Council and Staff retreat, and in the form of the budget guiding principles greatly influenced the decision-making process. I believe the proposed budget for fiscal year 2008 - 2009 is a citizen-centered plan to deliver responsible level of service while promoting economic development and quality of life in the community. For the fourth consecutive year, the property tax rate will be unchanged at \$ 0.747173 per \$100 assessed evaluation. The adopted budget for fiscal year 2007 - 2008 was \$81,639,025; the cap for fiscal year 2008 - 2009 was established by the City Council at \$83,504,449 which included projected employee raises, unfunded mandates, and vendor related increases. Increases in the normal cost of business such as motor vehicle fuels, electricity, healthcare, materials, and supplies were absorbed in the Operating budget. Projected revenues for fiscal year 2008 - 2009 of \$83.3M are not adequate to reach the cap set for the 2008 - 2009 budget; therefore, the proposed budget for 2008 - 2009 is by necessity \$1,138,058 less than the previous year. This reduction is not the results of mandated cuts but rather a result of balancing proposed expenditures to projected revenue. While this reduction represents significant challenges to Staff, it is quite simply a matter of not spending more than we earn. The addition of \$890,738 in property taxes, of which \$293,000 was generated by new construction, and the retirement of approximately \$900,000 in debt service lessened the impact of reduced revenue on the delivery of core services. The budget includes non-public safety raises of four percent (4%) and implementation and funding of the public safety pay plan. As part of the reallocation of funds, some vacant positions have been eliminated or realigned and each position that becomes vacant during the course of the fiscal year will be evaluated before a replacement hire is approved. No demotions or layoffs are included or proposed in the budget for the next fiscal year. The Capital Improvement Program is presented as an intercal part of the budget and it remains substantially unchanged from that presented in the spring of this year. Two (2) Budget Workshops were held with City Staff and City Council and two (2) briefings were held with the City Finance Committee. Tonight, we begin the first of two (2) public hearing. I look forward to input, discussion, and recommendations from the City Council and the citizens. I would like to express my appreciation to Brian Funderburk, Ann Honza, Terri Doby, Evette Whitehead, Donna Huerta, and Katie Corder. I'd also like to thank the department directors, the management team and all the employees throughout the organization for realistic and professional proposals and analysis. And my thanks to the Mayor and City Council for your guidance, advice and support. Thank you very much."

Mayor Harper stated "At this point, we will be opening a public hearing, so formally the public hearing is now open (8:20 p.m.). Is there anyone in the audience who wishes to speak for or against the proposed operating budget from the City Manager? Anyone who wishes to speak? Not hearing or seeing anyone, we'll close the public hearing (8:20 p.m.). A couple of comments for those who are watching on television and those in the audience, this is the first public hearing, there will be another public hearing held on September 2nd. What has happened now is our City Manager has formally proposed his operating budget, the City Council has already reviewed portions of that operating budget and our job now as a Mayor and Council is to put our perspective into play. Everyone brings a different perspective so there's bound to be a few changes that will result as a result of the City Council review. There is discussion at this point in consideration of adding emergency vehicles to the operating budget. Two (2) ambulances or MICU units and four (4) police patrol cars, that might change but I just want to give you a sense of the kinds of things that we're contemplating now that we've had a chance to do a couple of reviews. We're also contemplating some changes with regard to the pay plans that our uniformed employees are on. We're still studying that but we'll bring back some recommendations at our next public hearing which as I said will be on September 2nd. Once we've had two (2) public hearings, we'll make final decisions as a Council and we will propose that and vote on that September 16th when the budget will then be adopted effective on October 1st. Mr. Harris, thank you for your presentation. There's no vote on this Council but do you wish to have any kind of comments before we move to the next agenda item? Hearing none we'll move forward."

10B

Conduct a public hearing on the ad valorem tax rate for Fiscal Year 2008-2009.

Mayor Harper read the item into the record.

Mayor Harper stated "The next agenda item is related to the public hearing on the proposed budget; we're going to have a public hearing on the ad valorem tax rate for next fiscal year. Mr. Funderburk, will you be speaking to that? Come forward please, sir."

Brian Funderburk, Director of Financial Services stated "Mayor, this public hearing is required under State Statute and we have...what we're proposing this year is the same tax rate for the fourth year in a roll. That is \$ 0.747173 per \$100 assessed evaluation. It is interesting this year because of our assessed evaluation even including our new construction, that are effective tax rate and our rollback rate exceed the proposed tax rate. That was not quite expected, although we did expect it to be much lower than it was in prior years so that is the first time that that has happened that I've been here at least and is indicative of the fact that our growth rate has been slowing. So that's all of my comments."

Mayor Harper stated "And for the Council's understanding before we open the public hearing, what we have is an effective tax rate and a rollback tax rate. The rollback tax rate is about eighty cents (\$0.80), is that right Mr. Funderburk?"

Mr. Funderburk replied in the affirmative.

Mayor Harper stated "Now what that means is that we have the ability to move up to that eighty cents (\$0.80) tax rate if we chose to do so; that is not under consideration by the City Manager and I want to quickly add it is not under consideration by the Mayor and Council. I just want everyone to understand the difference between the effective tax rate and the rollback tax rate. Thank you very much, Mr. Funderburk."

Let me now officially open the public hearing on the ad valorem tax rate for fiscal year 2008 - 2009 (8:24 p.m.). Is there anyone in the audience who wishes to speak for or against the ad valorem tax rate that has been proposed? Hearing and seeing none we'll close the public hearing (8:24 p.m.) and Council, is there anyone who wishes to make a comment? Again, there is no vote on this; any comments that anyone would like to add?"

David Berman, City Attorney stated "Before we proceed, I think in connection with the tax rate here, an announcement needs to be made as to when the vote will be taken on it."

Mayor Harper replied "I thought I did say that. We will be voting on the ad valorem tax rate on September 16th at 7:30 p.m. at City Hall."

10C

Consider an ordinance amending the comprehensive plan, comprehensive zoning ordinance, and zoning map by amending Planned Development number 7-16-85 to allow for the installation of argon/neon lighting for the existing hospital located at 6800 Scenic Drive.

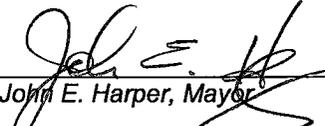
Mayor Harper stated "Now moving to Item 10C, we're not going to take it up this evening, that's being deferred until September 16, 2008; we needed to do a little bit more work on that agenda item but we'll bring it back on September 16th."

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

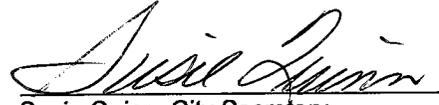
No actions were taken during Executive Session.

11. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:25 p.m.



John E. Harper, Mayor
Date Approved: September 2, 2008



Susie Quinn, City Secretary