



City of Rowlett

Meeting Minutes

City Council

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

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Tuesday, May 19, 2009

5:30 P.M.

Municipal Building – 4000 Main Street

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

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

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

Absent: Deputy Mayor Pro Tem Maggiotto

1. CALL TO ORDER

Mayor Harper called the meeting to order at 5:30 p.m.

CONVENE INTO EXECUTIVE SESSION

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

2. EXECUTIVE SESSION

- 2A. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 and §551.087 to seek legal advice and to deliberate on economic development incentives and financial prospects for property located at or around Pecan Grove Park. (20 minutes)

RECONVENE INTO OPEN SESSION

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

- 3A. Annual joint meeting with Dallas and Rockwall County Commissioners and County Judges. (30 minutes)

This item will be rescheduled for a future meeting.

3B. Update by City Attorney on the Rangra vs. Brown court case. (20 minutes)

David Berman, City Attorney gave a synopsis of the Rangra vs. Brown court case. Mr. Berman instructed the Councilmembers to continue business as usual; stating unilateral communications or communications between one person and another is permissible, but there should never be discussion among a group of four (4) members of the Council as that would constitute a quorum.

Mr. Berman clarified the definition of a daisy chain email. Stated daisy chain emails are not allowed as they constitute a quorum within the chain.

3C. US Census Bureau Presentation by Councilmember Doug Phillips. (15 minutes)

Councilmember Phillips presented a PowerPoint presentation entitled "Census Complete Count – It's in Our Hands" (10 slides).

Core Messages

- It's Easy
 - Shortest questionnaire in Census history
 - Ten questions: name, gender, age, race, ethnicity, relationship, own/rent
 - Will take about ten minutes to complete
- It's Important
 - Census data directly affected how more than \$300 billion per year in federal funding is allocated
 - Will determine government representation for the next 10 years
 - The census will count all residents living in the United States on April 1, 2010
 - The census provides a snapshot of the nation
- It's Safe
 - Answers provided are protected by law and strictly confidential
 - Information collected is used for statistical purposes only
- Committee Leadership
 - Doug Phillips – Chair
 - Katie Corder – Assistant City Manager
 - Keri Samford – Director of Development Services
 - Donna Huerta – PIO
- Committee Charge
 - To influence members of the community to complete the census in a timely manner
 - Utilize their knowledge, influence, and expertise to design and implement a census awareness campaign targeted to the community

- Bring together a cross section of community members whose focus is 2010 census awareness
- Increase cooperation and accuracy with census workers

- Committee Membership
 - Mayor, councilmembers and staff to provide recommendations for membership
 - A slate of members will be assembled from recommendations and resented to Mayor and Council for approval
 - Committee membership should represent a good cross-section of citizens to help communicate the message city-wide

- Next Steps
 - Council to consider supporting resolution
 - Develop marketing plan
 - Recruit citizen involvement
 - Census bureau will staff an information booth at city activities

Councilmember Phillips stated to ensure a broad cross-section of the community, it is recommended to appoint between seven (7) to fifteen (15) citizens to the committee. To implement the program, a list of committee member recommendations will be needed by the end of June or the first of July so that the committee can meet during late August or early September.

There is was a moment of silence due to audio difficulties.

A member of Council asked about the hiring potential between the present time and when the census begins.

William Aston, a Census representative, stated currently in Dallas County approximately seven hundred (700) people have been hired. After the first of the year, the Census Bureau will begin recruiting heavily.

Stated in the fall, verification will take place at soup kitchens, shelters, hotels and motels, jails, prisons, and anything that is other than traditional housing units. Stated the City of Rowlett will fall under the Mesquite office which will hire approximately fifteen hundred (1,500) to eighteen hundred (1,800) people for non-response follow-up.

- 3D. Discuss a proposal for a water and wastewater rate study with Economists.com through the inter-local purchasing agreement with the City of Garland. (15 minutes)

Staff stated the last formal rate study was in 2003. The study was based on a five-year plan and was designed to establish a rate to meet the operational needs, anticipated debt issuance at the time, and capital maintenance; the timeframe for the measured plan has expired.

Stated the periodic rate study is a necessary component to maintain a financial healthy utility system. Recommends a new study to evaluate the needs of the system; the study can assist in establishing a new methodology for passing on sustained rate increases; the study can focus on a multi-year window given the growth anticipated with the construction of President George Bush Turnpike and Dallas Area Rapid Transit Light Rail; and the study can assist in ensuring the capital maintenance needs are met for the aging infrastructure.

Stated the final results of the study are anticipated to be implemented in November 2009 after the budget is adopted in September 2009; however, a phase-in approach can be established to address short-term needs.

Council raised a question regarding revenue bonds. Stated the Bond Committee might possibly recommend revenue bonds in the area of utilities, how would the company incorporate the revenue bonds into their report and analysis?

Staff stated the city would have the study's results in time for the staff preparation.

A member of Council voiced opposition to spending the funds for this study when staff could do the study.

Staff stated with the study, the City will receive a set of options and these options can be incorporated into the plan.

After a consensus, this item was pulled from the Consent Agenda to be considered individually.

4. DISCUSS CONSENT AGENDA ITEMS

Item 10B was removed from the Consent Agenda by staff. Item 10H was pulled to be considered individually.

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

Convened into regular session at 7:32 p.m.

5. INVOCATION

The invocation was led by Pastor Krystle Davis, Church in the City.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

7. TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by Mayor Harper.

8. PRESENTATIONS AND PROCLAMATIONS

8A. Proclamation for recognition of National Safe Boating Week.

Mayor Harper presented a proclamation to Division 5 members Jerry Rice and Brian Kennedy and Division 10 members Charlie Myers and Guillermo Vildosola in honor of National Safe Boating Week.

8B. Proclamation for recognition of National Emergency Medical Services Week.

Mayor Harper presented a proclamation to George Harris, Fire Chief and the EMS workers in attendance, in honor of National Emergency Medical Services Week.

8C. Proclamation for recognition of National Public Works Week.

Mayor Harper presented a proclamation to Patrick Baugh, Director of Public Works/Utilities and Bobby Jacobs, Water/Wastewater Manager, in honor of National Public Works Week.

8D. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest.

Mayor Harper briefly gave an update regarding the City's financial position. Stated the City continues to try to collect revenue collections and will scrutinize each expenditure; appraised values of houses within the City have been mailed out by the appraisal districts.

Stated the President George Bush Turnpike (PGBT) Eastern Extension is proceeding and will be completed in late 2011; the Dallas Area Rapid Transit (DART) Blue Line Extension will be completed in late 2012; and the City has established the DART Station Arts and Design Committee. The City will participate in the DART Quarterly Incentive Program Committee. This committee will review the work of the contractor and determine if the contractor has earned incentives. Stated the Rowlett City Center at Water's Edge Project and the Elgin B. Robertson Park Project are still progressing.

Stated there have been no reported cases of the H1N1 flu in the City of Rowlett. Stated the smoking ban will go into effect after the election results have been canvassed and will begin being enforced on June 20th; stated the Rowlett Local Stimulus Program provides coupons for shopping in Rowlett, the coupons are available at www.rowlettlife.com.

Spoke concerning several dates of interest including Rachel's Rally at 7 p.m. on May 20th at Lakepointe Church in Rockwall; Veteran's Homecoming Ceremony at 2 p.m. on May 22nd at Rowlett Health and Rehabilitation; City of Rowlett Memorial Day Ceremony at 10 a.m. on May 23rd at Veteran's Park with keynote speaker Reverend Tim Lee.

9. CITIZENS' INPUT

1. Gladys Wilkinson, 7809 Defender Lane, spoke concerning solar panels and wind energy.

10. CONSENT AGENDA

Item 10B was removed from the Consent Agenda by staff. Item 10H was pulled to be considered individually.

The City Secretary read the consent agenda items into the record.

- 10A.** Consider approving minutes from the May 5, 2009 Regular Council Meeting and an addition to the April 5, 2009 Budget Retreat Minutes.

This Matter was approved on the Consent Agenda.

- 10B.** Consider a resolution approving the City Council's organizational structure for neighborhood engagement.

This Matter was removed from the Consent Agenda by staff.

- 10C.** Consider a resolution entering into a partnership with the US Census Bureau for the 2010 Census.

This Matter was approved as RES-060-09 on the Consent Agenda.

- 10D.** Consider an ordinance re-affirming the city limit boundaries for the City of Rowlett.

This Matter was approved as ORD-014-09 on the Consent Agenda.

- 10E.** Consider an ordinance amending the Code of Ordinances regarding the fire sprinkler requirements for non-residential occupancies.

This Matter was approved as ORD-015-09 on the Consent Agenda.

- 10F.** Consider a resolution authorizing the Mayor to execute a master professional services agreement with Pipeline Analysis, LLC, for professional engineering and field services as required to provide a Sanitary Sewer Evaluation Survey.

This Matter was approved as RES-061-09 on the Consent Agenda.

- 10G.** Consider a resolution approving Task Order Number 1-PA to the approved professional services agreement with Pipeline Analysis, LLC to provide sanitary sewer flow monitoring and

analysis in the amount of two hundred thousand six hundred dollars and no cents (\$200,600.00).

This Matter was approved as RES-062-09 on the Consent Agenda.

- 10H. Consider a resolution awarding a proposal for a water and wastewater rate study with Economists.com through the inter-local purchasing agreement with the City of Garland.

Mayor Harper read the item into the record.

Councilmember Kilgore stated "Mayor, I'll keep my comments brief as this item was thoroughly discussed, the pros and the cons of it in the work session. Merely to say this is a worthwhile type of study. It advises the staff with a lot of good detailed information. It's all very useful; however, at the end of the day, I think that given the cost of \$38,250, it is not a study that we need at this particular time. In my mind, it comes in the category of 'nice to have'. It's not necessary to have because it has to do with describing how we allocate the various components of our rate structure. At the end of the day, it's going to be what it is. Whatever it cost, that's what you're going to pay. That's the unfortunate fact of life in this situation. The decision whether to put it under column A, B, C or D does not necessarily...it doesn't affect the total bottom line. And the decision how it's going to be allocated under A, B, C or D or whatever how many components there are is a political decision. So regardless of what the study says, at the end of the day, we'll be making those decisions based on political reality at the time and reallocations as we deem fit. Again, it's a useful tool; I personally can see the reason for it. I think it would be a good thing to have but I think under the current situation, I think the \$38,250 could be better spent somewhere else right now and we could do this study later."

Mayor Harper stated "Thank you Mr. Kilgore. Anybody else on Council wish to make a comment? That being the case, do we have a motion?"

A motion was made by Councilmember Jackson, seconded Councilmember Rushing, that this matter be adopted as RES-063-09. The motion carried by the following vote:

Ayes: 4 – Mayor Harper, Councilmember Phillips, Councilmember Rushing, and Councilmember Jackson

Noes: 2 – Mayor Pro Tem Gottel and Councilmember Kilgore

Absent: 1 – Deputy Mayor Pro Tem Maggiotto

- 10I. Consider a resolution recognizing the North Texas Tollway Authority acceptance of the Coyle Farmstead Historical Resources from the relocation contractor, AUI Contractors, Incorporated.

This Matter was approved as RES-064-09 on the Consent Agenda.

10J. Consider a resolution approving an amendment to the Letter of Intent with LSC Group, LLC.

This Matter was approved as RES-065-09 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Phillips, seconded Councilmember Jackson, 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, Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

Absent: 1 – Deputy Mayor Pro Tem Maggiotto

11. ITEMS FOR INDIVIDUAL CONSIDERATION

11A. Consider a resolution canvassing the returns and declaring the results of the Referendum Special Election held on Saturday, May 9, 2009 to consider the repeal of Ordinance Number ORD-003-09.

Mayor Harper read the item into the record.

Mayor Harper asked that the election results be read into the record.

City Secretary read the election results into the record.

Mayor Harper stated "Thank you, Ms. Quinn. Now typically, the way this works is once you canvass the votes, once we vote to accept, which is the canvass, then this would go into effect. The enforcement; however, is going to be delayed and we'll let City Manager Humble tell us about that."

City Manager Humble replied "Thank you, Mayor. We are going to postpone enforcement until June 20th to allow several things to happen. If you will remember when this ordinance was approved in February, we had put together an educational campaign that was anticipated to start in April, about thirty (30) days before the effective date of May 1st. However, that educational campaign was put on hold pending the outcome of this election. So we are going to resume that education campaign in the next thirty (30) days. Letters will be sent to all business owners from Mark Woodruff, who is our Code Enforcement Officer. He's the staff contact and will be the point-person for all enforcement questions relative to the smoking ordinance. This letter will educate the business community on the requirements of the ordinance. The City is

going to include 'No Smoking' stickers to aid in expediting the compliance of this ordinance. These stickers won't be the entire requirement of required signage but will certainly aid in that and will serve as a guide to assist in that. Mark Woodruff will personally visit business owners and managers of the restaurants that currently allow smoking and he will do that prior to June 20th to ensure their awareness, answer any questions, and underscore our enforcement schedule. We will be doing press releases between now and June 20th through the media; an infomercial will air on Rowlett Television Network 16; and we will do E-blasts and various updates to our website so that we can make sure that all of our folks that need to know do know. Effective June 20th, the City will have a zero tolerance policy regarding all complaints. If a violation occurs, the business owner or on-duty manager will be given a citation. Discretion will be used on the part of the officer investigating the complaint about issuing citations to the actual violator. Complaints received prior to June 20th will be treated as an education opportunity by the officer responding to the call to ensure the business owner understands the ordinance and our enforcement approach. If the complaint is received during business hours, you can anticipate that Code Enforcement will respond; after-hour complaints will be addressed by the Police department."

Mayor Harper stated "Thank you very much. Council, before I seek a motion are there any questions or comments that anyone wishes to make? Do we have a motion?"

A motion was made by Councilmember Jackson, seconded Councilmember Kilgore, that this matter be adopted as RES-066-09. The motion carried by the following vote:

Ayes: 6 – Mayor Harper, Mayor Pro Tem Gottle, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

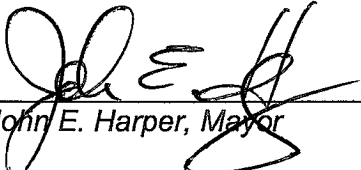
Absent: 1 – Deputy Mayor Pro Tem Maggiotto

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

No action was taken following the Executive Session.

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:06 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: June 2, 2009