



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 7, 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 Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore.

Councilmember Rushing arrived at the Council meeting during Item 3E.

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 the Northeast corner of Lakeview Parkway and Rowlett Road. (10 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:05 p.m.

3. WORK SESSION ITEMS (5:40 P.M.)

- 3A.** Updates from Rockwall County Commissioner Jerry Wimpee (Precinct One) and Commissioner Lorie Grinnan (Precinct Two). (20 minutes)

The Commissioners addressed the various road construction projects; the new library; an Open Space Plan; developing a trail system throughout Rockwall County; the Lake Pointe Medical election site; and the Rockwall County Justice Center.

Council thanked both Commissioners for their willingness to work with the City of Rowlett.

- 3B.** Joint meeting with Traffic and Safety Advisory Commission. (10 minutes)

Melvin Warren, Traffic and Safety Advisory Commission Chairman, presented a PowerPoint presentation to the Council summarizing the Commission's goals; spoke regarding the Commission's area of concerns and interests.

Council voice concern regarding parking on the City streets.

- 3C.** Update on Smoking Ordinance Communication and Outreach Activity. (5 minutes)

Staff gave an update regarding the City's communication and outreach activities. Stated Mark Woodruff, Code Enforcement Officer, has been appointed as the outreach contact. Stated personal contact had been made with approximately 290 area business and each business received an opportunity to discuss any concerns.

- 3D.** Update on Reduction in Force Policy and Procedures. (20 minutes)

Staff stated the weakened economy has created a budget shortfall within the City. Briefly discussed the process which was followed to determine the eliminated positions. Stated those employees affected by the reduction in force will receive a Reduction in Force Package and will receive assistance from the Human Resource Department. Stated meetings will be held with the affected departments to discuss the impact on the department. Stated staff has worked diligently to make a minimal number of reductions as possible.

Council voiced concerns regarding the severance package and the length of time the employee served with the City.

Council gave consensus to staff to move forward as presented.

- 3E.** Presentation and discussion on a replacement fire engine for Rowlett Fire Rescue. (15 minutes)

Staff recommended Council choose Option C to return the vehicle to the lease holder with no penalty in August 2009 and replace it with another engine in the future. Stated the engine has been in service for seven years and is in good shape but future repairs and maintenance will be more expensive.

Council asked staff if the returning of the vehicle could be timed in such a way as to where neither of the reserve engines will not have to be used.

Staff stated the City has two reserve vehicles so there will always be four engines in service within the City.

Council inquired as to the payment of the new vehicle.

Staff stated since an order has not been placed, an exact payment was not known.

Council gave consensus for staff to use Option C.

4. DISCUSS CONSENT AGENDA ITEMS

Item 10H was removed from the Consent Agenda to be considered individually.

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

Convened into the Council Chambers at 7:41 p.m.

5. INVOCATION

The invocation was led by Deputy Mayor Pro Tem Gottel.

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. Update on Economic Development Strategic Plan.

This item followed Item 8B.

Staff presented a PowerPoint presentation to update the Council regarding the Economic Development Strategic Plan.

Council complimented staff on their continued hard work.

8B. Hear presentation of the Monthly Financial Report for the period ending May 31, 2009.

This item was presented prior to Item 8A.

Staff briefed the Council regarding the Monthly Financial Report for the period ending May 31, 2009. Spoke concerning the weakened economy. Stated staff will continue to monitor the economy and will hold down the City's expenses.

8C. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest, and Items of Community Interests.

Mayor Harper gave a brief update to the Council on the various activities in the City.

9. CITIZENS' INPUT

At this time, three-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. No action can be taken by the Council during Citizens' Input.

1. Stanley Pollard, 3110 Sycamore Street, Rowlett spoke concerning the Bond Committee and the North Shore Development.

10. CONSENT AGENDA

The following may be acted upon in one motion. A City Council member or a Citizen may request items be removed from the Consent Agenda for individual consideration.

10A. Consider approving minutes from the May 13, 2009 Special Council Work Session, the June 16, 2009 Regular Council Meeting, and the June 22, 2009 Special Council Work Session.

This Matter was approved on the Consent Agenda.

- 10B.** Consider an ordinance amending Section 2-256 of Division 10-A ("Senior Advisory Board") of Article II ("Boards, Committees, Commissions") of Chapter 2 ("Administration") to raise the minimum age qualification of board members from 55 to 60.

This Matter was approved as ORD-018-09 on the Consent Agenda.

- 10C.** Consider a resolution adopting a new Boards and Commissions Handbook for the City of Rowlett to reclassify the age requirement for appointment to the Senior Advisory Board.

This Matter was approved as RES-074-09 on the Consent Agenda.

- 10D.** Consider a resolution amending the Master Fee Schedule for the City of Rowlett to adjust rates and discounts afforded to Seniors by reclassifying the minimum age requirements.

This Matter was approved as RES-075-09 on the Consent Agenda.

- 10E.** Consider a resolution approving the submission of a Texas Criminal Justice Division grant application to replace current technology for Police in-car mobile computers utilizing funding provided from the U.S. Department of Justice, Justice Assistance Grant Program (JAG) provided through the American Recovery and Reinvestment Act of 2009.

This Matter was approved as RES-076-09 on the Consent Agenda.

- 10F.** Consider a resolution approving a purchase and sale agreement for the sell of 0.353 acres of surplus property owned by the City for the Silverlake Drive right-of-way in the amount of forty-six thousand one hundred forty-six dollars (\$46,146) and authorizing the Mayor to execute such agreement.

This Matter was approved as RES-077-09 on the Consent Agenda.

- 10G.** Consider a resolution accepting the Miller Road, Phase 1 Reconstruction Project improvements and approve a final payment to Dallas County in the amount of two hundred seventy-five thousand three hundred twenty-three dollars and sixty-eight cents (\$275,323.68).

This Matter was approved as RES-078-09 on the Consent Agenda.

- 10H.** Consider a resolution approving a contract with Freese and Nichols Incorporated for professional design services for the Merritt Road Widening Project in an amount of one million,

eight hundred thirteen thousand, thirty-one dollars and no cents (\$1,813,031) and authorizing the Mayor to execute said contract.

This item was removed from the Consent Agenda to be individually considered.

Mayor Harper read the item into the record.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Jackson to approve the contract with Freese and Nichols Incorporated. This Matter was adopted as RES-079-09. The motion carried by the following vote:

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

- 10I. Consider a resolution approving the 2008 Community Development Block Grant Annual Plan Substantial Amendment.

This Matter was approved as RES-080-09 on the Consent Agenda.

- 10J. Consider a resolution authorizing the City Manager to execute a license agreement with Dallas Area Rapid Transit for the purpose of installing a 10-inch force main sanitary sewer line that will run longitudinally five feet inside the southern Right-Of-Way and be located 57.5 feet from the centerline of the North East Garland Line, beginning west of Main Street at Mile Post 746.95; and continuing west for approximately 781 feet to Mile Post 747.10, in Rowlett, Dallas County, Texas.

This Matter was approved as RES-081-09 on the Consent Agenda.

- 10K. Consider a resolution authorizing the final acceptance for the Kenwood Heights, Phase 1 Subdivision Improvements and approving the final payment and release of retainage in the amount of three hundred sixty-nine thousand one hundred thirty-three dollars and five cents (\$369,133.05) to McMahon Contracting, LP.

This Matter was approved as RES-082-09 on the Consent Agenda.

- 10L. Consider an appointment to the Senior Advisory Board to fill the vacancy created by the resignation of a Senior Advisory Board member.

This Matter was approved as RES-083-09 on the Consent Agenda.

Passed The Consent Agenda

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

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

11. ITEMS FOR INDIVIDUAL CONSIDERATION

If a Public Hearing is listed, the City Council will conduct such public hearing to receive comments concerning the specific items listed in the agenda. Any interested persons may appear and offer comments, either orally or in writing; however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views and identical or similar comments through a representative member when possible. Presentations must remain pertinent to the issues being discussed. A person may not assign a portion of his or her time to another speaker.

- 11A. Conduct a public hearing to consider an ordinance granting a Planned Development (PD) zoning application for general retail, office, and associated uses (PD09-425). The subject property is located at 1803 and 1917 Dalrock Road and is a part of the William Crabtree Abstract 346 page 805 Tracts 14 and 15.

Mayor Harper read the item into the record.

The public hearing opened at 8:43 p.m. and closed at 9:44 p.m. with 5 people speaking.

1. Bob Landrum, 2301 Rosser Court, Rowlett, spoke against the item if the development includes a convenience store.
2. Mark Andrews, 1900 Dalrock Road, Rowlett, spoke against the item if the development includes a convenience store.
3. Stanley Pollard, 3110 Sycamore Street, Rowlett, spoke against the item if the development includes a convenience store.
4. Richard Poston, 4601 Old Shepard Place, Plano, spoke in favor of the item.
5. Art Anderson, 5400 Renaissance Tower, Dallas, spoke in favor of the item.

A motion to deny the Matter was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Kilgore. The motion carried by the following vote:

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

- 11B.** Conduct a public hearing requesting citizen input on participation in the Community Development Block Grant (CDBG) Program - 2009 Annual Plan.

Mayor Harper read the item into the record.

Jo Carroll, owner of CPD Success, gave an overview of the annual plan.

Due to technical difficulties, the PowerPoint presentation was not shown during the meeting.

The public hearing opened and closed at 9:49 p.m. with no one speaking.

- 11C.** Consider a resolution awarding the Base Bid A and Alternate Bid B including the waterline for the Rehabilitation of Princeton Road and installation of a 24-inch waterline from Liberty Grove to Dalrock Road to Tiseo Paving Company, Incorporated in the amount totaling three million one hundred fifty-two thousand one hundred forty-five dollars and fifty cents (\$3,152,145.50) and approving a contingency amount of three hundred fifteen thousand two hundred fourteen dollars and fifty-five cents (\$315,214.55) (10%) for a total project budget of three million four hundred sixty-seven thousand three hundred sixty dollars and five cents (\$3,467,360.05) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

Mayor Harper read the item into the record.

A motion was made by Councilmember Phillips, seconded by Councilmember Rushing to approve the resolution. This Matter was adopted as RES-084-09. The motion carried by the following vote:

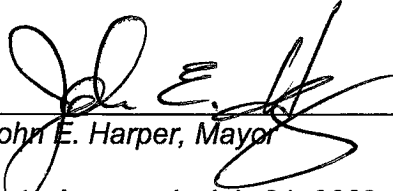
Ayes: 7 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

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 9:52 p.m.



John E. Harper, Mayor
Date Approved: July 21, 2009



Susie Quinn, City Secretary