



# 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 21, 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.**

**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, §551.074(a)(1), Personnel, to deliberate the duties of the City Manager. (45 minutes)

**RECONVENE INTO OPEN SESSION**

Reconvened into open session at 6:10 p.m.

**3. WORK SESSION ITEMS (6:00 P.M.)**

**3A.** Joint meeting with TIF Board. (10 minutes)

Councilmember Rushing, Chair of the Tax-Increment Finance District Board (TIF Board), gave a brief annual report regarding the Board. The Board discussed the need to continue or dissolve and determined that since the Management Districts were not approved in the Legislature, the TIF must continue at least two (2) more years. There were questions regarding the size of the TIF and the legality of dividing it if it were to dissolve. The TIF District includes 1,737.76 acres. The TIF Fund anticipates collecting \$334,069 in the current fiscal year all of which will be used for debt.

- 3B.** Update on the status of the Capital Improvement Plan and preparations for a potential bond election. (5 minutes)

Staff stated the Capital Improvement Plan (CIP) presentation is scheduled to be presented at the August 24, 2009 Budget meeting. On June 22, 2009, the Bond Committee presented Council with a list of the top twenty (20) projects; stated staff is in the process of evaluating the list. Stated the presentation will include: the cash CIP, the maintenance costs and estimated projects costs for the projects that were presented at the June 22, 2009 meeting, and the bonding capacity financing issue.

Council stated they would like the Finance department to consider buying Build America Bonds (BABs) which has been introduced by President Barack Obama as part of the federal stimulus and to determine if this type of bond would be correct for the City.

- 3C.** Update on the status of a beautification program for the City. (5 minutes)

Staff stated the number of citizen email complaints regarding the lack of beautification in the City has increased. Gave an update regarding staff's strategies to increase the aesthetics of the City.

- 3D.** Discussion of Water Management Plan. (15 minutes)

Staff presented an updated Water Management Plan (WMP). Stated the WMP contains a Conservation Plan, a Drought Contingency Plan, and a Water Emergency Plan.

Council asked for clarity in definitions in the WMP.

Stated the water customers are doing a good job with conservation but education is needed to help citizens regulate the water runoff from irrigation systems.

- 3E.** Discuss operational revisions in the Engineering Division of the Public Works Department. (15 minutes)

Staff stated the Engineering Division is trying to manage beyond the capacity of staff. Stated an opportunity to outsource is at hand which will allow staff to focus on the management of projects.

Council requested staff to use the best qualified engineering firm; recommended using several firms on a rotating basis and to include local engineering firms on the rotation list.

**3F. Wet Zone Mid-Season Update. (15 minutes)**

Staff there would be no subsidy in the budget next year for the Wet Zone. Staff stated from February 2009 through May 2009 the expenses were managed and because of that management, the subsidy was well below where it had been in previous years. Stated the Wet Zone is on track with the rest of the amusement and waterparks throughout the industry nationwide.

**4. DISCUSS CONSENT AGENDA ITEMS**

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

**CONVENE INTO THE COUNCIL CHAMBERS (7:30 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. Proclamation to recognize Marquise Goodwin for extraordinary success in state and national track events.**

The proclamation was not presented during the meeting due to a scheduling conflict.

**8B. Proclamation to recognize National Recreation and Parks Month.**

Mayor Harper presented the proclamation to several Parks and Recreation department employees in attendance.

**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**

No one spoke during Citizens' Input.

**10. CONSENT AGENDA**

**10A. Consider approving minutes from the July 7, 2009 Regular Council Meeting.**

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

**10B. Consider an ordinance amending Sections 42-104 and 42-105 of the Rowlett Code of Ordinances in Chapter 42 ("Parks and Recreation"), by replacing Sections 42-104 and 42-105.**

**This Matter was approved as ORD-019-09 on the Consent Agenda.**

**10C. Consider an ordinance amending the Rowlett Code of Ordinances by amending Chapter 6, Animals, Article II., Animal Shelter by replacing Section 6-41 (b), in its entirety.**

**This Matter was approved as ORD-020-09 on the Consent Agenda.**

**10D. Consider a resolution approving an agreement for arbitrage rebate compliance services to First Southwest Asset Management, Inc. through the inter-local purchasing agreement with the City of Duncanville.**

**This Matter was approved as RES-085-09 on the Consent Agenda.**

**10E. Consider a resolution approving payment in an amount not to exceed thirty-five thousand thirty-two dollars (\$35,032) to the City of Garland for the 800 megahertz radio system usage by the City of Rowlett's Public Safety Departments.**

**This Matter was approved as RES-086-09 on the Consent Agenda.**

- 10F. Consider a resolution approving Task Order Number 3-FUG in the amount of thirty-three thousand six hundred twenty-four dollars and thirty-three cents (\$33,624.33) to the approved professional services agreement with Fugro Consultants, Incorporated to provide construction materials and geotechnical testing and inspections for the Rowlett Road Lift Station and Main Street Lift Station Projects.

**This Matter was approved as RES-087-09 on the Consent Agenda.**

- 10G. Consider a resolution approving Task Order Number 3-RONE in the amount of fifty-six thousand six hundred ninety-five dollars and fifty cents (\$56,695.50) to the approved professional services agreement with Rone Engineering, LTD to provide construction materials and geotechnical testing and inspections for the Princeton Road Rehabilitation and 24-inch Waterline Project.

**This Matter was approved as RES-088-09 on the Consent Agenda.**

- 10H. Consider a resolution approving a Professional Services Agreement with United States Right of Way, Incorporated for the acquisition of the right-of-way and easements for the Rowlett Road, Phase 2 Street Improvements project in the amount of forty-seven thousand nine hundred fifty dollars and no cents (\$47,950).

**This Matter was approved as RES-089-09 on the Consent Agenda.**

#### **Passed The Consent Agenda**

**A motion was made by Mayor Pro Tem Maggiotto, seconded by Deputy Mayor Pro Tem Gottel, 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**

- 11A. Conduct a public hearing and consider a resolution supporting participation in the Community Development Block Grant (CDBG) program, adopting the 2009 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.

The public hearing opened and closed at 7:54 p.m. with no one speaking.

**A motion was made by Councilmember Rushing, seconded by Councilmember Jackson to approve the resolution. This Matter was adopted as RES-090-09. 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**

- 11B.** Consider a resolution awarding the Base Bid and Additive Alternate Bid for the Kenwood Heights, Phase 2 Subdivision Improvements to Conatser Construction, Incorporated in the amount totaling five million seven hundred sixty-five thousand thirty dollars and no cents (\$5,765,030.00) and approving a contingency amount of eight hundred sixty-four thousand seven hundred fifty-four dollars and fifty cents (\$864,754.50) (15%) for a total project budget of six million six hundred twenty-nine thousand seven hundred eighty-four dollars and fifty cents (\$6,629,784.50) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

**A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Phillips to approve the resolution. This Matter was adopted as RES-091-09. The motion carried by the following vote:**

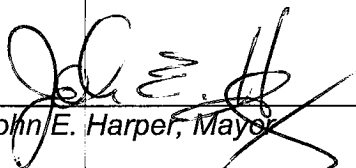
**Ayes: 7 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore**

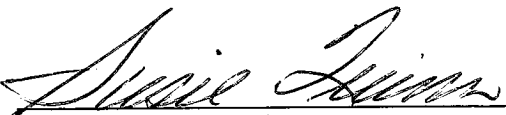
**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

No action was taken following the Executive Session.

**12. ADJOURNMENT**

Mayor Harper adjourned the meeting at 8:01 p.m.

  
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John E. Harper, Mayor

  
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Susie Quinn, City Secretary

Date Approved: August 4, 2009