



# 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.*

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Tuesday, September 15, 2009

5:30 P.M.

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.

**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 (Personnel) to deliberate the appointment of public officers (board and commission members). (30 minutes)

**RECONVENE INTO OPEN SESSION**

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

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

- 3A.** Discuss Tree Mitigation. (30 minutes)

This item followed Item 3B.

Staff stated additional clarification is needed regarding the policy issues revolving around the tree mitigation. Stated Council would want to take immediate action and revise the ordinances so that City Council has approval authority on tree mitigation involving three (3) or more trees that are six (6) inch caliper or larger; and secondly, to determine what the ordinance should be relative to Chapter 77 and Chapter 98 in the Code of Ordinances.

Staff recommends the following immediate action:

- City Council to have the authority to make modifications which would include consideration or recommendations from the Planning and Zoning Commission and/or the Parks and Recreation Advisory Board.
- Allow some reduction or elimination of any reforestation fees.
- Set the time of the payment or repayment of the fees.
- Remove and resolve any conflicts between Chapter 77 and Chapter 98.

Council stated the emphasis need to remain on this being a tree preservation ordinance and not a replacement ordinance. Stated the decision should be on a case by case basis and not by a rigid formula. Stated the staff should be able to negotiate and achieve tree-related resolutions. Stated developers should not be able to buy themselves out unless considered as the only possible last resort. Stated remediation should be immediate. Stated timelines should be established. Stated a policy is needed so that developers will know what is expected but one that is not harsh or rigid that would keep developers away.

Staff stated if the developer has some creativity, then the City will have flexibility.

**3B. Discuss Community Centre Policy Manual, Facility Rental and Use Policy, Membership and Room Rental Fees. (30 minutes)**

This item followed Item 3D.

Council stated the City is greatly subsidizing the Community Centre; suggested the creation of a small group to study the marketing of the facility to make it competitive.

Staff stated they had a marketing plan but stated it would be helpful to know the amount of subsidy that was to be removed. Stated the City can't compete with private industry but must be comparable with other cities.

Council suggested the City Manager to engage with Deputy Mayor Pro Tem Gottel to review the marketing plan.

Item 3A followed this item.

**3C. Discuss Sports Association Sponsorship Policy. (10 minutes)**

This item was presented first during the Work Session.

Staff brought forth a PowerPoint presentation explaining the Sports Association Sponsorship Policy.

**3D. Discuss Sport Field Reservation/Allocation and Use Policy. (5 minutes)**

This item followed Item 3C.

Staff brought forth a PowerPoint presentation explaining the Sports Field Reservation/Allocation and Use Policy.

Item 3B followed this item.

**4. DISCUSS CONSENT AGENDA ITEMS**

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

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

Convened into regular session at 7:30 p.m.

**5. INVOCATION**

The invocation was led by Reverend Tom Hadley, Crown of Life Lutheran Church.

**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.** Presentation of the Texas Amateur Athletic Federation – Proclamation to the Rowlett Predators Swim Team, Rowlett Speed Racers Track Team, and Rowlett Xtreme Speed Track Team and recognition of TAAF "Games of Texas" Qualifiers in Swimming and Track & Field.

Mayor Harper presented a proclamation to each team and the team coaches presented each team member with a certificate.

- 8B.** 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**

City Secretary read the items into the record.

- 10A.** Consider approving minutes from the September 1, 2009 Regular Council Meeting.

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

- 10B.** Consider a resolution amending the Master Fee Schedule for Utility Rates (water, sewer and refuse), Rowlett Community Centre's Membership Fees, Facility Rental Fees, Library Room Rental Rates, Animal Redemption Rates, Emergency Service Fees, and various fees in the Fire Prevention and Protection section.

**This Matter was approved as RES-110-09 on the Consent Agenda.**

- 10C.** Consider a resolution authorizing and approving the City's Financial and Fiscal Policies, the City's Investment Policy and the Approved Brokers/Dealers List as presented by the City's Investment Advisors.

**This Matter was approved as RES-111-09 on the Consent Agenda.**

- 10D. Consider a resolution replacing Resolution Number RES-105-09 and repealing it in its entirety and awarding a bid for the purchase and installation of computer network hardware, software, and services for computer server consolidation to NWN Corporation in the amount of one hundred five thousand one hundred one dollars and ninety cents (\$105,101.90) attached hereto and incorporated herein by reference as Exhibit A through the interlocal purchasing agreement with the Texas Comptroller of Public Accounts and the State of Texas Department of Information Resources (DIR) and authorize the City Manager to execute the Statement of Work as attached hereto and incorporated herein by reference as Exhibit B and enter into a three (3) year municipal lease purchase agreement with Baystone Financial Group/Kansas State Bank of Manhattan in the amount of seven thousand five hundred fifty-three dollars and thirty five cents (\$7,553.35) through the Houston-Galveston Area Council (H-GAC) resulting in a net sum of one hundred twelve thousand six hundred fifty-five dollars and twenty-six cents (\$112,655.26) attached hereto and incorporated herein by reference as Exhibit C and D.

**This Matter was approved as RES-112-09 on the Consent Agenda.**

- 10E. Consider a resolution approving an amendment to the three year agreement for the purchase of Microsoft Enterprise Software through the inter-local purchasing agreement with the Texas Comptroller of Public Accounts and the State of Texas Department of Information Resources (DIR), replacing Software House International (SHI) contract DIR-SDD-198 with Dell Marketing, LP contract DIR-SDD-1014, and approving the addition of Microsoft E-CAL Suites to the Enterprise Agreement with Dell Marketing, LP for Microsoft Full Platform Enterprise Agreement for software licensing in an amount not to exceed one hundred ninety-two thousand six hundred ninety-five dollars and eighteen cents (\$192,695.18) for the three year term; authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said services.

**This Matter was approved as RES-113-09 on the Consent Agenda.**

- 10F. Consider a resolution approving a three year lease purchase agreement for the financing of two ambulance remounts in the amount of one hundred fifty-two thousand six hundred twenty-five dollars (\$152,625) plus three hundred dollars (\$300) H-GAC administrative fee resulting in an amount financed of one hundred fifty-two thousand nine hundred twenty-five dollars (\$152,925) with annual payments of fifty-four thousand four hundred twenty-nine dollars and ninety cents (\$54,429.90) with Baystone Financial/Kansas State Bank of Manhattan attached hereto and incorporated herein by reference as Exhibit A through the interlocal agreement with Houston-Galveston Area Council (H-GAC) and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for this transaction.

**This Matter was approved as RES-114-09 on the Consent Agenda.**

- 10G. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with Dallas County for Household Hazardous Waste for Fiscal Year 2010.

**This Matter was approved as RES-115-09 on the Consent Agenda.**

10H. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with Dallas County for Mosquito Ground Control for FY 2010.

**This Matter was approved as RES-116-09 on the Consent Agenda.**

10I. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Garland for Public Health Services for FY 2010 and FY 2011.

**This Matter was approved as RES-117-09 on the Consent Agenda.**

10J. Consider a resolution approving the Texas Department of Transportation Traffic Safety Program grant agreement for the Fiscal Year 2010 Click It Or Ticket Mobilization in the amount of twenty thousand dollars and cents (\$20,000.00); and authorize the City Manager to execute appropriate documents.

**This Matter was approved as RES-118-09 on the Consent Agenda.**

10K. Consider a resolution approving the wireless service agreement between the City of Rowlett and Sprint Spectrum L.P.

**This Matter was approved as RES-119-09 on the Consent Agenda.**

10L. Consider a resolution approving the Rowlett Community Centre Policy Manual changes.

**This Matter was approved as RES-120-09 on the Consent Agenda.**

10M. Consider a resolution approving the Facility Rental and Use Policy changes.

**This Matter was approved as RES-121-09 on the Consent Agenda.**

10N. Consider a resolution approving the Sports Association Sponsorship Policy.

**This Matter was approved as RES-122-09 on the Consent Agenda.**

10O. Consider a resolution approving the Sport Field Reservation/Allocation and Use Policy.

**This Matter was approved as RES-123-09 on the Consent Agenda.**

10P. Consider a resolution awarding the bid for litter collection and restroom cleaning services for specified City park facilities to Allworld Clean in the unit amounts bid and in an estimated annual amount of forty-five thousand ninety dollars and twenty-four cents (\$45,090.24) attached hereto and incorporated herein by reference as Exhibit A.

**This Matter was approved as RES-124-09 on the Consent Agenda.**

- 10Q.** Consider a resolution authorizing the final acceptance for the Reconstruction of Rowlett Road, Phase 1 and approving the final payment and release of retainage in the amount of one hundred sixty-eight thousand nine hundred fifty dollars and fifty-five cents (\$168,950.55) to North Texas Contracting, Incorporated.

**This Matter was approved as RES-125-09 on the Consent Agenda.**

- 10R.** Consider a resolution approving a Professional Services Agreement with Bureau Veritas North America, Inc. to provide plan review and inspection services of commercial and residential construction projects for the City of Rowlett.

**This Matter was approved as RES-126-09 on the Consent Agenda.**

- 10S.** Consider a resolution approving a one-year Professional Services Agreement with E3 Engineering to provide management and oversight of the City of Rowlett Capital Improvement Plan in an amount not to exceed seventy thousand dollars (\$70,000).

**This Matter was approved as RES-127-09 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**

- 11A.** Consider an ordinance approving and adopting the budget for Fiscal Year 2009-2010.

Mayor Harper read the item into the record.

Brian Funderburk, Director of Finance and Administration, gave a brief presentation regarding the budget.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Deputy Mayor Pro Tem Gottel to adopt the budget with several changes to the budget. First, to increase the Utility Fund Excess Reserve from a minimum of 15% to 25%. Second, to move \$607,000 from the Utility Fund Excess Reserve to the cash CIP to put more funds into the Concrete Section Replacement and also to move the second year of the Fence Remediation Program up into the next fiscal year. Third, that Alternative Number One be adopted on the Utility Rates for a full cost recovery to go into effect on October 1, 2009. Lastly, to defer spending of the Innovation Fund for the first six (6) months of the next fiscal year.

Mayor Harper stated each change to the proposed budget would be voted on separately.

First, to increase the Utility Fund Excess Reserve from a minimum of 15% to 25%.

**Ayes:** 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

**Noes:** 1 – Mayor Harper

Second, to move \$607,000 from the Utility Fund Excess Reserve to the cash CIP to put more funds into the Concrete Section Replacement and also to move the second year of the Fence Remediation Program up into the next fiscal year.

**Ayes:** 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

**Noes:** 1 – Mayor Harper

Third, that Alternative Number One be adopted on the Utility Rates for a full cost recovery to go into effect on October 1, 2009.

**Ayes:** 5 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, and Councilmember Kilgore

**Noes:** 2 – Mayor Harper and Councilmember Jackson

Lastly, to defer spending of the Innovation Fund for the first six (6) months of the next fiscal year.



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

**A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Jackson, to accept the budget as presented with the four (4) amendments (3 approved favorably, 1 failed). This Matter was adopted as ORD-27-09. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore**

**Noes: 1 – Mayor Harper**

- 11B. Consider an ordinance approving and adopting the proposed ad valorem tax rate of \$0.747173 per \$100 of taxable value for FY 2009-2010.**

Mayor Harper read the item into the record.

Brian Funderburk, Director of Finance and Administration, gave a brief presentation regarding the ad valorem tax rate.

**A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Rushing, to adopt the proposed ad valorem tax rate of \$0.747173 per \$100 of taxable value for Fiscal Year 2009-2010. This Matter was adopted as ORD-028-09. 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**

- 11C. Consider an ordinance amending the Fiscal Year 2008-2009 Budget.**

Mayor Harper read the item into the record.

Brian Funderburk, Director of Finance and Administration, gave a brief presentation regarding amending the Fiscal Year 2008-2009 Budget.

**A motion was made by Councilmember Phillips, seconded by Councilmember Rushing, to approve the Ordinance. This Matter was adopted as ORD-029-09. 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**

**11D.** Consider appointments to all of the various boards and commissions as listed by Resolution Number RES-074-09.

Mayor Harper read the item into the record.

Animal Shelter Advisory Board:

Three (3) regular member positions and two (2) alternate member positions are available to be filled for the Animal Shelter Advisory Board.

The Regular member appointees for the Animal Shelter Advisory Board are (in alphabetical order):

Scott New  
Tim Pace  
Dr. Lori Trahan

Alternate member position:

The Alternate member appointees for the Animal Shelter Advisory Board are:

Steven Fischer  
Lynn Hooper

Arts and Humanities Commission:

Four (4) regular member positions and two (2) alternate member positions are available to be filled for the Arts and Humanities Commission.

The Regular member appointees for the Arts and Humanities Commission are (in alphabetical order):

Mary Lee Drayer  
Jerry Hickman  
Kris Kriofske  
Leila McNeil

Alternate member position:

No alternate members were appointed to the Arts and Humanities Commission.

Board of Adjustment:

Four (4) regular member positions and four (4) alternate member positions are available to be filled for the Board of Adjustment.

The Regular member appointees for the Board of Adjustment are (in alphabetical order):

Jerry Galloway  
Charles Lee  
Michael Lucas  
Juan Vasquez

The Alternate member appointees for the Board of Adjustment are (in alphabetical order):

Kennedy Bruce  
Jarvis Morgan  
Raymond Moyer  
Carl Pankratz

Economic Development Advisory Board:

One (1) regular member position is available to be filled for the Economic Development Advisory Board.

The Regular member appointee for the Economic Development Advisory Board is:

Robin Tomberlin

Golf Advisory Board:

Three (3) regular member positions and two (2) alternate member positions are available to be filled for the Golf Advisory Board.

The Regular member appointees for the Golf Advisory Board are (in alphabetical order):

Larry Glick  
Vincent Leal  
Brad Marshall

The Alternate member appointees for the Golf Advisory Board are (in alphabetical order):

Mark Garcia  
Steven Ritchey

Library Advisory Board:

Two (2) regular member positions and two (2) alternate member positions are available to be filled for the Library Advisory Board.

The Regular member appointees for the Library Advisory Board are (in alphabetical order):

Mary Baldwin  
Ginny Thomas

The Alternate member appointees for the Library Advisory Board are (in alphabetical order):

Penny Graham

Julie Plummer

Parks and Recreation Advisory Board:

Four (4) regular member positions and three (3) alternate member positions are available to be filled for the Parks and Recreation Advisory Board.

The Regular member appointees for the Parks and Recreation Advisory Board are (in alphabetical order):

Debby Bobbitt  
Lonnie Cornwell  
Ron Miller  
Sonya Sacker

The Alternate member appointees for the Parks and Recreation Advisory Board are (in alphabetical order):

Matt Grubisich  
Erica Moss  
Denise Penn

Planning and Zoning Commission:

Three (3) regular member positions and two (2) alternate member positions are available to be filled for the Planning and Zoning Commission.

The Regular member appointees for the Planning and Zoning Commission are (in alphabetical order):

Joe Charles  
Chris Cigainero  
Rick Sheffield

The Alternate member appointees for the Planning and Zoning Commission are (in alphabetical order):

Karl Crawley  
Robert Kittrell

Senior Advisory Board:

Four (4) regular member positions and two (2) alternate member positions are available to be filled for the Senior Advisory Board.

The Regular member appointees for the Senior Advisory Board are (in alphabetical order):

Jerome Grossie  
Clarence James  
Bonnie Patterson

Susan Turek

The Alternate member appointee for the Senior Advisory Board is:  
Mavis Graham

Tax-Increment Financing District:

Two (2) regular member positions are available to be filled for the Tax-Increment Financing District.

The Regular member appointees for the Tax-Increment Financing District are (in alphabetical order):

Jerry Berggren  
Walt Parker

Traffic and Safety Advisory Commission:

Three (3) regular member positions and two (2) alternate member positions are available to be filled for the Traffic and Safety Advisory Commission.

The Regular member appointees for the Traffic and Safety Advisory Commission are (in alphabetical order):

William Barber  
James Moseley  
Cel Ololo

The Alternate member appointees for the Traffic and Safety Advisory Commission are (in alphabetical order):

Paul Jokisch  
Nicholas Kreekon

Youth Advisory Council:

One (1) regular member position and four (4) alternate member positions are available to be filled for the Youth Advisory Council.

No members were appointed to the Youth Advisory Council.

**A motion was made by Councilmember Rushing, seconded by Councilmember Jackson, to appoint the named citizens to the various boards and commissions. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore**

**Noes: 1 – Mayor Harper**

- 11E.** Conduct a Public Hearing and consider an ordinance amending the comprehensive zoning ordinance and take appropriate action on a Planned Development (PD) application to for the expansion of the garden center use from the originally approved Special Use Permit (SUP) (Ord. 6-18-85A). The subject property is located at 5518 Liberty Grove Road and is a part of Thomas Lumley Abstract 789 page 886.

Mayor Harper read the item into the record.

The public hearing opened at 8:57 p.m. and closed 8:58 p.m. with one person speaking.

1. Joe Covington, 2808 Weems Way – spoke in favor of the ordinance.

**A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Kilgore, to approve the Ordinance as read and to include C-2 zoning. This Matter was adopted as ORD-030-09. The motion carried by the following vote:**

**Ayes: 6 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Jackson, and Councilmember Kilgore**

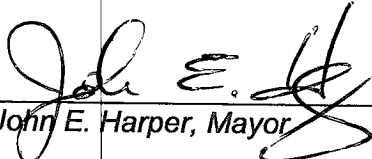
**Noes: 1 – Councilmember Rushing**

**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 9:02 p.m.

  
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John E. Harper, Mayor

  
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Susie Quinn, City Secretary

Date Approved: October 20, 2009