



City of Rowlett Meeting Minutes City Council

4000 Main Street
P.O. Box 99
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www.rowlett.com

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Tuesday, March 17, 2009

5:45 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 5:45 p.m.

Excused: Councilmember Jackson

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

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:45 p.m.

2. EXECUTIVE SESSION

2-A 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 GOFF vs. BICKERSTAFF and business regulations. (20 minutes)

2-B 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. (10 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:15 p.m.

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

3-A Joint meeting with the Golf Advisory Board. (10 minutes)

Larry Glick, Golf Advisory Board Chair gave a brief summary of the projections and the condition of the Waterview Golf Course; spoke concerning the golf course tree plan and the golf course ponds; the golf course will host continue to the Region 4A Golf Championship. The Board made a presentation to the Bond Parks Sub-Committee concerning new lights for the driving range, reworking the Par 3 course, fulfilling Phase 2 of the tree plan, and enclosing the club house.

Stated it was conceivable over the next five (5) years that the payments from American Golf will exceed the cost of the bond payments by about \$400,000. During the next budget meeting, would like to propose a contingency fund for tree replacement.

Council asked if the golf course was recognized or ranked.

Mr. Glick stated reviews are expected from the Dallas Morning News and Avid Golfer magazine later this year. Stated he is hoping to be one of the Top 20 golf courses in the Metroplex.

3-B Discuss the citizen survey. (10 minutes)

Staff gave a brief history of the prior citizen surveys. Stated since the two previous surveys did not have a dramatic change, it is believed the survey should be conducted every other year instead of annually. Stated the market pool is shrinking because of the telephone situation (fewer land lines and more cell phones). Staff asked to suspend the survey this year to consider a better way to access the citizens.

A consensus was reached with the members of the City Council to suspend the survey this year.

3-C Discuss the proposed Communications Plan for the May 9, 2009 election. (15 minutes)

Staff stated they will immediately launch a communications plan to provide clarification to Rowlett citizens as to where they can vote in the May Election for the smoking referendum. Stated communications will be sent out via the City's water bills, the Quarterly Newsletter, the City website, the City cable access, the E-News subscriptions, the media, and signage at the polling places for the Rockwall Independent School District locations.

3-D Presentation and discussion of fire sprinkler requirements for commercial and residential occupancies. (15 minutes)

Staff briefly discussed the history of the fire sprinkler requirements in the City, as well as, House Bill 1511 (H.B. 1511). Staff recommended to the Council to wait to see if H.B. 1511 passes before a new residential sprinkler ordinance is considered.

Council stated there is a significant decrease to the amount of damage from fires because of sprinkler systems in commercial structures.

Staff stated fire sprinklers save property and lives. Stated currently the City's ordinance requires sprinklers in both commercial and residential structures greater than 5,000 square feet (sq.ft.) Stated currently there has been an increase in structures just below the 5,000 sq.ft. level. Would like to bring before the Council a proposal to lower the commercial fire sprinkler ordinance to 500 sq. ft.; this would allow the miscellaneous storage sheds and outbuildings to come into compliance and create a safer atmosphere.

Council stated there will be pushback from builders due to the expense of installing the sprinkler systems.

Staff stated studies have shown a savings on the fire insurance premiums that pays back the cost of the sprinkler system; also, the City now does not require a vault to be built for the backflow preventive devices and valves.

A consensus was reached with the Council to not act on a change to residential and staff will bring a proposal to the Council to change the commercial.

Council asked if there was an ordinance that would allow the City to require sprinkler systems in a residence if the residence is a certain distance from a hydrant.

Staff answered no.

Council asked if this should be considered.

Staff stated they could research the question.

3-E

Discuss the suggested concept of a local stimulus plan. (15 minutes)

Staff brought forth information regarding the City of Lancaster, California and the creation of a local stimulus plan. Staff requested feedback from the Council as to their interest in implementing and funding a local stimulus package.

Karen McPhail, co-owner of Lily B's on Main, spoke concerning the innovated idea from Lancaster, California.

Council directed staff to meet with the Chamber of Commerce, to engage the Economic Development office with the retention perspective for communication, and additional information as to the mechanics of the Lancaster, California program.

4. DISCUSS REGULAR SESSION ITEMS

Items 10J, 10K, 10L, and 10M were pulled for individual consideration.

Council received clarification on several agenda items.

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 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

- 8-A** Presentation of Police Lifesaving Award to Rowlett Police Officers Jeffrey Norris, Christopher Sawyer, and Bill Hoedebeck.

Mayor Harper, Police Chief Walling, and Assistant Chief Evans presented Police Lifesaving Awards to Rowlett Police Officers Jeffrey Norris, Christopher Sawyer, and Bill Hoedebeck. Mayor Harper thanked the Rowlett Women's Club for their donation of two (2) Automatic External Defibrillators (AED), as well as, the donation of four (4) AED units from Lake Pointe Medical Center.

- 8-B** Receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2008, which includes the independent auditors' report.

Brian Funderburk, Director of Financial Services, gave a brief overview of the Comprehensive Annual Financial Report and introduced John Manning, Audit Partner from Pattillo Brown & Hill LLP to present the auditors' report.

Mr. Manning stated the City received an "Unqualified Opinion" level of assurance, which of the four (4) types of opinions that can be received; the Unqualified Opinion is the highest level of assurance. Briefly gave an overview of the auditors' report and the government auditing standards.

Mayor Harper mentioned the City's bond rating has increased from A+ to AA-.

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

Mayor Harper gave a brief update regarding the City's sales and property taxes. Spoke regarding the Coyle House Renovation; the Interconnector Road from Merritt Road to Liberty Grove; and the improvements on Merritt Road.

Spoke concerning several road construction and alley projects. Spoke concerning the Bond Committee and their continued research. Stated a plan will be made public during the summer months. Spoke concerning the early voting information for the May 9th Election and future legislative bills to create three (3) separate Management Districts for economic development.

Spoke concerning several dates of interest including a new edition of Rowlett on the Lake, On the Move airing on March 20th; the Regional Meeting of Mayors and City Managers in Dallas to be held on March 23rd; the Rowlett Road Phase II Community Meeting

scheduled for March 26th at 7:00 p.m. in the City Council Chamber; a City Council Joint Meeting with the Planning and Zoning Commission and the Board of Adjustment is scheduled for March 31st at the Community Centre; a Council Retreat is scheduled for April 4th and April 5th to consider budget adjustments for the current fiscal year; and the DART Blue Line Extension Groundbreaking Ceremony is scheduled for April 9th at 10:00 a.m. at the corner of Coyle Street and Commerce Street.

9. CITIZENS' INPUT

No one spoke during Citizens' Input.

10. 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.

Items 10J, 10K, 10L, and 10M were pulled for individual consideration.

City Secretary read items into the record.

- 10-A Consider approving minutes from the March 3, 2009 Regular Council Meeting and the March 9, 2009 Special Council Meeting.

This Matter was approved on the Consent Agenda.

- 10-B Consider an ordinance repealing Ordinance 12-2-97C in its entirety and amending the Rowlett Code of Ordinances to add a new Article IV ("9-1-1 Emergency Service Fee") to Chapter 62 ("Telecommunications"), providing for definitions and providing for fees and regulations for Emergency 9-1-1 Service provided by Telecommunications Providers.

This Matter was approved as ORD-006-09 on the Consent Agenda.

- 10-C Consider a resolution amending the Master Fee Schedule to include the 9-1-1 Emergency Service Fees.

This Matter was approved as RES-031-09 on the Consent Agenda.

- 10-D Consider an ordinance amending the Code of Ordinances by amending the definition of "Director of Traffic Control" in Section 66-1 ("Definitions") to designate the Director of Public Works as the Director of Traffic Control and by amending Division 3 ("Stop Streets") in Section 66-82 to require compliance with official traffic control devices and to ratify existing traffic control devices.

This Matter was approved as ORD-007-09 on the Consent Agenda.

- 10-E Consider an ordinance, amending the Rowlett Code of Ordinances by amending Chapter 10, Businesses, by amending section 10-143(c) by deleting the references to the fees being in Appendix A of the Code of Ordinances.

This Matter was approved as ORD-008-09 on the Consent Agenda.

- 10-F Consider an ordinance amending Subdivision III ("Discharge Regulations") of Division III ("Industrial Wastes") of Article III ("Sanitary Sewer System") of Chapter 70 ("Utilities") of the Code of Ordinances of the City of Rowlett.

This Matter was approved as ORD-009-09 on the Consent Agenda.

- 10-G Consider a resolution approving a Facilities Agreement with Inder Sangha for the construction of approximately 267 feet of 12-inch water line starting at approximately the intersection of Princeton Road and Liberty Grove Road and heading north along the dedicated Princeton Road rights-of-way terminating at approximately 267 feet.

This Matter was approved as RES-032-09 on the Consent Agenda.

- 10-H Consider a resolution approving the forty-eight (48) month lease of two copiers for the Development Services Department and Municipal Court to Konica Minolta in the amount of forty-three thousand twenty-two dollars and forty cents (\$43,022.40) for a term of forty-eight (48) months utilizing the State of Texas DIR Contract.

This Matter was approved as RES-033-09 on the Consent Agenda.

- 10-I Consider a resolution awarding the bid for Section I mowing services for the Code Enforcement Division to 3-D Mowing Services in the unit amounts bid and an estimated annual amount of eighty-five thousand dollars (\$85,000) as provided herein beginning on April 15, 2009.

This Matter was approved as RES-034-09 on the Consent Agenda.

- 10-J Consider a resolution awarding the bid for a six-month concrete repair/replacement contract to F & F Concrete LLC in the unit amounts bid per category and an estimated amount of one million five hundred thousand dollars (\$1,500,000).

Items 10J and 10K?"

David Berman, City Attorney replied "Sure, if you want to."

Mayor Harper stated "Okay, I'd like to do that. I'm going to read Items 10J and 10K into the record and then Pat, we'll have you make a presentation on both of those. And you'll understand after the presentation why we're going to consider the two (2) of them together."

Mayor Harper read Items 10J and 10K into the record.

Patrick Baugh, Director of Public Works and Utilities stated "I think this is great that you've put both of these projects together because they are sister projects that help our road program overall. Within our program of road maintenance, we have assessed or rated all of our streets on a 100-point scale, as you know, and we call that our Pavement Condition Index (PCI). Within that program, we have what we like to call the 'keep the good streets good'. We think what's good is an 80 PCI score or better. And we know that those that are less than 60 PCI need to be reconstructed or replaced almost in its entirety. So, towards our efforts of keeping the good streets good, these two (2) contracts will allow us to concentrate on those streets that are between 60 PCI and 80 PCI scoring. It improves about fifty (50) streets in total...actually more than fifty (50) streets, we believe, in a six (6) months timeframe. It will be a very busy summer for us. It is a \$3M total project. The two (2) contractors have been reviewed, their references checked, and all good comments on those. One (1) contractor has promised to deliver additional crews out here just for expediency and I have watched Tri-Con, they are a local contractor, and I have watched them build some streets. I am certainly glad they did get the low bid on this, so with that, your honor, I request that the Council approve both of these items."

Mayor Harper stated "I want to make one (1) more comment, Pat, before we open it up for more discussion. Looking at the staff report that you provided to us for these two (2) agenda items, there are actually fifty-two (52) streets in the City that are going to be given attention through these two (2) contracts, and in addition to that, four (4) of our major thoroughfares. Dalrock Road, Dexham Road, Rowlett Road, and Waterview Parkway will all be given attention from these two (2) projects. I think it's extraordinary, Council, that we're going to do that much, fifty-two (52) streets, four (4) thoroughfares in the next six (6) months at a cost of \$3M. Good work there, Pat. I'm very pleased to see that happening."

Council, any questions or comments for Mr. Baugh?"

(For clarification purposes, the motion for Item 10J was inclusive of Item 10K, as well.)

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Phillips, that this matter be adopted as RES-036-09. The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing and Councilmember Kilgore

Excused: 1 - Councilmember Jackson

10-K

Consider a resolution awarding the bid for a six-month concrete repair/replacement contract, part B, to Tri-Con Services, Incorporated in the unit amounts bid per category and an estimated amount of one million five hundred thousand dollars (\$1,500,000).

This item was considered jointly with Item 10J.

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Phillips, that this matter be adopted as RES-037-09. The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing and Councilmember Kilgore

Excused: 1 - Councilmember Jackson

10-L

Consider a resolution awarding the bid for the Rowlett Road, Phase 3 Rehabilitation to Tri-Con Services, Incorporated in the amount of two million two hundred four thousand six hundred thirty dollars and forty-five cents (\$2,204,630.45) and approving a contingency amount of two hundred twenty thousand four hundred sixty-three dollars and five cents (\$220,463.05) (10%) for a total project budget of two million four hundred twenty-five thousand ninety-three dollars and five cents (\$2,425,093.05) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

Mayor Harper read the item into the record.

Patrick Baugh, Director of Public Works and Utilities stated "You did mention our new contract and that new contract does establish liquidated damages at a significant rate. And in fact on this project, the liquidated damages, we think the value of that road being closed longer than the contract is worth \$1550 per day and it also provides an incentive for the contract to finish early at the same amount of \$1550 per day for a maximum of \$99,000. So, if this nine (9) month contract was to see early completion of those two (2) months early, the contractor would benefit greatly and so would our citizens."

Mayor Harper replied "Good, I like that concept; I've used it in other places myself and I've seen it used other places very successfully. It does require some vigilance on the part of the inspectors, on the other hand, it can really be rewarding for everybody concerned, a win-win situation."

Any other comments, Council? Questions? Mr. Maggiotto."

Deputy Mayor Pro Tem Maggiotto stated "Thank you, Mayor. Just to have Mr. Baugh expand a little bit on the nature of this particular project. This combined project having a waterline component, as well as, concrete. He also might want to talk a little bit about the other things you're doing with respect to Phase III."

Mr. Baugh stated "I know some of the things that we've talked about in Council. This project was initially scheduled for complete reconstruct, complete rebuild, replace the entire pavement. We looked at alternatives to that and we did find a better way to do that and a less expensive way to do that. A waterline is included that will help our south Rowlett Road customers there in the Toler Bay area with their water pressure and volume issues. So it is a great project in many different aspects."

Mayor Harper stated "The thing that attracted me as I was reading about this one, Pat, is the fact that we're including sidewalks. And that's very important to our residents."

They want the sidewalks and we're going to give them some sidewalks as part of this project. Anything else, Mr. Maggiotto?"

Deputy Mayor Pro Tem Maggiotto replied "No, thank you, Mayor."

Mayor Harper stated "Ms. Rushing?"

Councilmember Rushing stated "You told us that Tri-Con is a local company?"

Mr. Baugh answered in the affirmative.

Councilmember Rushing continued "Well, now if we'd just make all those workers live in the City and spend their money in the City, we'd get it all back. That would be our economic stimulus package."

Mr. Baugh replied "I believe they'll be working and living right down there on Rowlett Road for those nine (9) months."

Mayor Harper stated "We're all studying the economic concept of an economic multiplier and wanting to see it work for our City."

Councilmember Rushing stated "It is good though that we do have a local contractor doing this."

Mayor Harper stated "Pat, refresh my memory, by going to this method for Phase III, we saved a substantial amount of money over total reconstruction. Do you recall what that number was?"

Mr. Baugh replied "I do not, but I'm sure it was well over \$1M."

Mayor Harper stated "As I remember, it was close to \$2M saved by our design change, so that in itself is extraordinary. And again, the bidding conditions have improved greatly. This project came in \$300,000 less than it was before. I'm trying to get Brian Funderburk to let me spend that \$300,000 but he tells me its bond money and it has to be used for a very specific purpose. He's very difficult to deal with on these matters. Anyway, congratulations and good work."

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Rushing, that this matter be adopted as RES-038-09. The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing and Councilmember Kilgore

Excused: 1 - Councilmember Jackson

10-M

Consider a resolution authorizing the Mayor to enter into an agreement with Curtco, Inc. for services for the placement of rubberized crack seal material in the amount of two hundred seventy-one thousand seven hundred dollars (\$271,700) through the inter-local cooperative purchase agreement with the City of Arlington.

Mayor Harper read the item into the record.

Patrick Baugh, Director of Public Works and Utilities stated "In the continuing saga of keeping the good streets good, once we move these streets up to that 80-plus PCI score, we need to maintain them and the primary way to maintain those is to control the moisture getting in the streets and under the pavement in particular. And the way we do that is by sealing any cracks that are in the concrete streets, all concrete cracks, particularly on our soils and so this program allows a very aggressive and accelerated approach to that, and we'll be able to get all of the street cracks sealed probably within a year's time. Even though this contract won't do all of them, our crews will take up where they leave off and get the rest of them finished."

Mayor Harper stated "And if I recall correctly, this process extends the life of the road by five (5) years."

Mr. Baugh stated "Well, it will certainly help."

Mayor Harper stated "Again, coming out of the packet was a piece of information; you'll be able to treat one hundred thirty (130) miles of pavement. That's extraordinary; those of you that are watching and those of you that are present, we will bring one hundred thirty (130) miles of our roads up to speed by sealing the cracks that we encounter whether concrete or asphalt."

Mr. Baugh stated "Yes, sir."

Mayor Harper stated "Very good. Any other questions or comments for Mr. Baugh? Mr. Maggiotto?"

Deputy Mayor Pro Tem Maggiotto stated "Just a clarification and an at-a-boy. For the citizens, I noticed that on my street we have a series of white slashes on seams on the curb. Is that an indication of where the crack seals will be applied?"

Mr. Baugh answered "Could be."

Deputy Mayor Pro Tem Maggiotto stated "Could be? And also Mayor, in our audience is Mr. Webber of our Streets Department and Mr. Jacobs of our Water Department. I want to extend a special thanks for your attendance and obviously your due diligence to the programs that we're incorporating here and improving."

Mr. Baugh replied "They're the ones that do the work, thank you for that."

Mr. Harper stated "Good teamwork; good teamwork indeed. Council, do we have a motion?"

A motion was made by Councilmember Phillips, seconded by Councilmember Rushing, that this matter was adopted as RES-035-09. The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing and Councilmember Kilgore

Excused: 1 - Councilmember Jackson

10-N

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 sanitary sewer crossing the NE Garland Line at Business Hwy 66, Mile Post 746.80; then becoming a 12-inch line running longitudinally to the tracks within the Southern Railroad ROW to Rowlett Road, Mile Post 746.70.

This Matter was approved as RES-039-09 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Phillips, seconded by Councilmember Rushing, 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, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing and Councilmember Kilgore

Excused: 1 - Councilmember Jackson

11. ITEMS FOR INDIVIDUAL CONSIDERATION

11-A

Conduct the second of two public hearings and consider an ordinance approving an administrative amendment to Article XI, Section 11.06 of the City Charter to correct the word "statues" to "statutes" in the sentence.

Mayor Harper stated "This is a two part process. We're going to have a public hearing and then we're going to consider an ordinance. This is the second of two (2) public hearings that are required and you might recall in the first public hearing that what we're doing is correcting an administrative error, a scrivener error it is called, in which we're going to change the word 'statues' to 'statutes'. That will be in Article XI, Section 11.06 of the City Charter."

Mayor Harper read the item into the record.

The public hearing opened and closed and 8:26 p.m. with no one speaking.

Mayor Harper stated "And now we move to approve the ordinance which will itself approve an administrative amendment to the City Charter. Is there any discussion needed or a presentation needed? Hearing none, is there a motion?"

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Rushing, that this matter be adopted as ORD-010-09. The motion carried by the following vote:

Ayes: 6 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing and Councilmember Kilgore

Excused: 1 - Councilmember Jackson

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 8:27 p.m.



John E. Harper, Mayor
Date Approved: April 7, 2009



Susie Quinn, City Secretary