



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, October 20, 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, §551.071 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. (15 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:04 p.m.

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

- 3A.** Discussion of the selection process for the Company that will provide the design, implementation and technical support of the City's new web site. (15 minutes)

Item 3A followed Item 3C.

Consensus was reached by Council to pull Consent Agenda Item 10F to modify the motion to include commitment remediation language.

- 3B.** Discussion of a potential local economic stimulus plan. (20 minutes)

Consensus was reached to move forward with a local economic stimulus plan.

- 3C.** Discussion of the preferred alignment of the Merritt Road Widening Project. (30 minutes)

This item was discussed prior to Item 3A.

A PowerPoint presentation was made by Freese and Nichols, Inc. (FNI) Merritt Road was divided into two phases, Phase 1A and Phase 2A. Four Merritt Road alignment options for each phase were explained and FNI recommended for Phase 1A and Phase 2A Option 2. Council consensus was to hear from the citizens in Citizens' Input and work with the City Manager following the meeting.

- 3D.** Discussion of an alley funding survey question in the City's utility bills. (15 minutes)

Consensus was reached to ask one survey question regarding alley funding and must include the fee to be incurred would be \$1.87 per month per utility bill. Finance is to verify the amount.

- 3E.** Discussion of proposed Wind Energy Systems Ordinance. (15 minutes)

This item was deferred to the October 27, 2009 Joint Council and Planning and Zoning Commission Work Session.

4. DISCUSS CONSENT AGENDA ITEMS

Items 10F, 10G, 10M and 10O were removed from the Consent Agenda to be considered individually.

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

Convened into the Council Chambers at 7:36 p.m.

5. INVOCATION

The invocation was led by Reverend David Hale, Still Water Community 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 Police Lifesaving Awards to Rowlett Police Officer Reid Smith and Communication Officer Angela Webb.

Mayor Harper and Assistant Police Chief Lamar Evans presented the Police Lifesaving Awards to Officer Reid Smith and Communication Officer Angela Webb.

8B. Hear presentation of the Monthly Financial report for the period ending August 31, 2009.

Staff briefed the Council regarding the Monthly Financial Report for the period ending August 31, 2009. Spoke concerning the weakened economy. Staff stated they are comfortable that the revenue projections will hold for the remainder of the year and additional adjustments should not be necessary for the year. Staff will continue to monitor the economy in relation to the City's revenues and 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

1. Elizabeth Hart – 3709 Castle Drive – spoke in favor of Option 4, regarding the Merritt Road Project.

2. Perry Abney – 9958 Merritt Road – spoke in favor of Option 4, regarding the Merritt Road Project.
3. Rob Hughes – 9838 Merritt Road – spoke in favor of Options 2 and 4, regarding the Merritt Road Project.
4. Chip Jones – 9751A Merritt Road – spoke in favor of Option 2, regarding the Merritt Road Project.
5. Kenneth Mullins – 3014 Dogwood Trail – spoke regarding damage to property due to utility easement.

10. CONSENT AGENDA

Items 10F, 10G, 10M and 10O were removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 10A.** Consider approving minutes from the September 15, 2009 Regular Council Meeting and the October 6, 2009 Regular Council Meeting.

This item was approved on the Consent Agenda.

- 10B.** Consider a resolution approving an amendment to the City's Financial and Fiscal Policies.

This item was approved as RES-128-09 on the Consent Agenda.

- 10C.** Consider a resolution approving the payment for computer software maintenance for the Police Department to VisionAir in the amount of eighty-eight thousand three hundred sixteen dollars and seventeen cents (\$88,316.17) and authorizing the City Manager to execute the necessary documents to continue said services.

This item was approved as RES-129-09 on the Consent Agenda.

- 10D.** Consider a resolution approving the payment for computer software maintenance for City departments to SunGard H T E, Inc. in the amount of ninety-four thousand eight hundred seventy dollars and forty cents (\$94,870.40) and authorizing the City Manager to execute the necessary documents to continue said services.

This item was approved as RES-130-09 on the Consent Agenda.

- 10E. Consider an ordinance amending the Code of Ordinances by amending Article I ("In General") of Chapter 6 ("Animals") to amend Section 6-2 by adding new definitions, and to amend Section 6-8 to establish regulations that prohibit the tethering of dogs.

This item was approved as ORD-031-09 on the Consent Agenda.

- 10F. Consider a resolution awarding a proposal for design and implementation of new website services for the City of Rowlett in the amount of eighty thousand three hundred forty dollars (\$80,340) to Icon Enterprises, Inc., d/b/a CivicPlus through the interlocal agreement with the City of Cedar Hill and authorize the City Manager to enter into an agreement attached hereto and incorporated herein by reference as Exhibit A.

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

Mayor Harper read the item into the record.

A motion was made by Councilmember Phillips, seconded by Mayor Pro Tem Maggiotto, to approve the item with a caveat that the agreement not be executed by the City Manager until specific commitment remediation language is in place and approved by the City Attorney. This item was adopted as RES-131-09. The motion carried by the following vote:

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

Noes: 1 – Councilmember Kilgore

- 10G. Consider extension of the Economic Development Incentive Agreement with Inder Sangha, owner of Waterview Plaza.

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

Mayor Harper read the item into the record.

A motion was made by Councilmember Kilgore, seconded by Mayor Pro Tem Maggiotto, to approve the agreement authorizing and approving a one-year extension to the original incentive agreement with Inder Sangha as reflected in the First Amendment to Economic Incentive Agreement, Exhibit A, with the following change to paragraph 3.1b, October 28, 2011 shall be changed to October 28, 2010. The purpose of the change being to conform the amendment to the timeframe for the original agreement subject to further renewals if economic circumstances warrant it. This item was adopted as AGR-001-09. 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

10H. Consider a resolution awarding the annual bid for motor fuel to Martin Eagle Oil Company, Incorporated in the unit amounts bid for transporting and delivery per fuel gallon and type attached hereto and incorporated herein by reference as Exhibit A and in an estimated annual amount of three hundred twenty-two thousand two hundred fifty-two dollars (\$322,252).

This item was approved as RES-132-09 on the Consent Agenda.

10I. Consider a resolution awarding the annual bid for street sweeping and collection services to Mister Sweeper LP in the unit prices bid as attached hereto and incorporated herein by reference as Exhibit A and in an estimated annual amount of thirty thousand dollars (\$30,000) for the City of Rowlett.

This item was approved as RES-133-09 on the Consent Agenda.

10J. Consider a resolution authorizing the final acceptance of public improvements for the Church Of The Nazarene development located on Lot 1R, Block 1 of the Church Of The Nazarene Addition.

This item was approved as RES-134-09 on the Consent Agenda.

10K. Consider a resolution approving Task Order Number 4-FUG in the amount of ninety-seven thousand dollars and no cents (\$97,000.00) to the approved professional services agreement with Fugro Consultants, Incorporated to provide construction materials and geotechnical testing and inspections for the Kenwood Heights Subdivision Improvements Phase II Project.

This item was approved as RES-135-09 on the Consent Agenda.

10L. Consider an ordinance vacating and abandoning a portion of Silverlake Drive.

This item was approved as ORD-032-09 on the Consent Agenda.

10M. Consider a resolution authorizing the City Manager to execute a staging area agreement with the Mica Corporation for the use of a construction staging area on approximately 1 acre City owned property located at the northeast corner of Kirby Road and Miller Heights Drive,

generally described as: 4700 Kirby Road being 71 ± acres in the Thomas Lumley abstract number 789 PG 563, for construction of the extension of the President George Bush Turnpike.

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

Mayor Harper read the item into the record.

A motion was made by Councilmember Kilgore, seconded by Councilmember Phillips, to authorize the City Manager to execute a Staging Area Agreement with the Mica Corporation for use of a construction staging area on approximately 1 acre of City owned property located at the northeast corner of Kirby Road and Miller Heights identified as 4700 Kirby Road as outlined in Exhibit A, Temporary Use Agreement, for the uses and in the manner requested by Mica Corporation in their letter of September 10, 2009 with further understanding that said agreement does not include operation of a concrete or asphalt batch plant. This item was adopted as RES-136-09. 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

- 10N. Consider a resolution amending the lease agreement with the Downtown Rowlett Association for operation of the Farmer's Market.

This item was approved as RES-137-09 on the Consent Agenda.

- 10O. Consider a resolution approving a service rate adjustment of 0.7% to the IESI Corporation solid waste collection contract.

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

Mayor Harper read the item into the record.

A motion was made by Councilmember Phillips, seconded by Councilmember Kilgore, to approve the resolution as read. This item was adopted as RES-138-09. The motion carried by the following vote:

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

Noes: 1 – Mayor Pro Tem Maggiotto

- 10P. Consider approval of employment agreement with the City Secretary and authorizing the Mayor to execute the agreement.

This Employment Agreement was approved as AGR-002-09 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Rushing, 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: 6 – Mayor Harper, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

Noes: 1 – Mayor Pro Tem Maggiotto

11. ITEMS FOR INDIVIDUAL CONSIDERATION

- 11A. Conduct a public hearing and consider an ordinance amending Chapter 77 (“Development Code”) to revise regulations for Tree Preservation and Mitigation; and revise the definition of “Planning Director”.

Mayor Harper read the item into the record.

The public hearing opened and closed at 8:39 p.m. with no one speaking.

A motion was made by Mayor Pro Tem Maggiotto, seconded by Councilmember Jackson, to approve the ordinance. This item was adopted as ORD-033-09. The motion carried by the following vote:

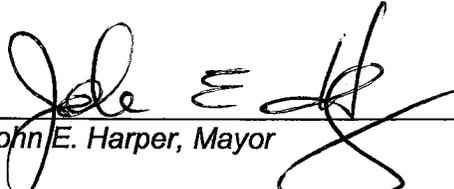
Ayes: 7 – Mayor Harper, Mayor Pro Tem Maggiotto, Deputy Mayor Pro Tem Gottel, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson, and Councilmember Kilgore

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

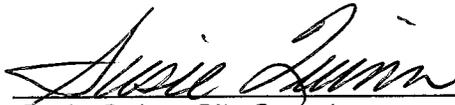
No action was taken following the Executive Session.

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:42 p.m.



John E. Harper, Mayor
Date Approved: November 3, 2009



Susie Quinn, City Secretary