



# 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, March 4, 2008

5:30 PM

Municipal Building - 4000 Main Street

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As authorized by Section 551.071(2) 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 5:30 p.m.*

**Present:** Mayor Harper, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

## CONVENE INTO EXECUTIVE SESSION

*The City Council convened into closed session at 5:30 p.m.*

## 2. EXECUTIVE SESSION

- 2A** The City Council shall convene into executive session pursuant to §551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney regarding the upcoming special election under Chapter 143, Texas Local Government Code, and the State Civil Service Statutes. (10 minutes)
- 2B** The City Council shall convene into executive session pursuant to §551.071 and §551.072 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney and to discuss acquisition of real property in the area around Big A Road, Lakeview Parkway, and Industrial Drive for the extension of Freedom Drive. (10 minutes)
- 2C** The City Council shall convene into executive session pursuant to §551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney to discuss dedication of an easement to Atmos Energy in the area of Miller Heights Drive and Kirby Road. (5 minutes)
- 2D** The City Council shall convene into executive session pursuant to § 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice regarding the terms of an Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation concerning the Eastern Extension of the President George Bush Turnpike / State Highway 190. (5 minutes)

- 2E The City Council shall convene into executive session pursuant to § 551.071 of the TEXAS GOVERNMENT CODE for consultation with the City Attorney and under § 551.072 regarding possible right-of-way acquisitions and funding options with Dallas Area Rapid Transit (DART). (5 minutes)

### RECONVENE INTO OPEN SESSION

*The City Council reconvened into open session at 6:33 p.m.*

### 3. WORK SESSION ITEMS (6:30 P.M.)

- 3A Update from the Mayor. (5 minutes)

*Mayor Harper discussed this item during Item 7B of the regular session.*

- 3B Discuss additional work under the Reynolds Asphalt Company contract and provide direction to staff. (10 minutes)

*This item was discussed first during the Work Session.*

*Staff asked for direction concerning the use of the savings from the Reynolds Asphalt Company road work that has been completed; staff would like to include Castle Drive and north Chiesa Road for candidates for road improvements.*

*Council stated that it was a good savings and it would in turn improve the roads; and voiced concerns regarding the toll heavy trucking caused on the roadways.*

*Staff stated they would ask the Traffic and Safety Committee to look at the heavy trucking on the roadway.*

*Council asked if there was a warranty on the roadwork on Dexham Road with all the heavy industrial trucks using it during all the construction.*

*Staff replied in the negative as far as the contractor was concerned; hoping to have all the excavation traffic finished before paving begins on Dexham Road.*

- 3C Discuss the organization's employee uniform policy. (10 minutes)

*Staff stated the purpose of this item was to give an overview of the uniform policy that would apply to all departments.*

*Council asked what the City provides in addition to providing uniforms (dry cleaning service); are the additional services offered to the Police, Fire and Public Works employees?*

*Staff stated only the Police officers receive dry cleaning of their uniforms.*

*Council stated the policy did not standardize the cleaning of the uniforms; asked if staff wanted the policy to be separate for the Police uniforms?*

*Staff stated they hadn't looked closely at that portion; trying to standardize within each department as compared to other cities.*

*Council asked if staff has examined providing an allowance instead of in-kind uniforms.*

*Staff stated by insuring that the dollars spent go to the uniforms themselves and the replacements, when the used uniforms are received back.*

*Council voiced a concern that there is an inconsistency with the Police officers and the other employees.*

*Staff stated annually the cost to dry clean the police officers and crossing guard uniforms is \$12,500.*

#### 4. DISCUSS REGULAR SESSION ITEMS

*Items 9C and 9H were asked to be pulled from the Consent Agenda to be individually considered.*

*Councilmember Alberts stated "I will be officially abstaining from Item 9A."*

*Work Session adjourned at 7:25 p.m.*

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

*Convened in the Council Chambers at 7:35 p.m.*

*Mayor Harper called the meeting to order at 7:40 p.m.*

#### 5. INVOCATION

*The invocation was led by Bishop Miller Johnson, New Life Fellowship Church of Rowlett.*

#### 6. PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was led by Mayor Harper.*

#### 7. PRESENTATIONS AND PROCLAMATIONS

7A Presentation of the winners in the Severe Weather Awareness Poster Contest.

*Mayor Pro Tem Rushing presented the winners of the Severe Weather Awareness Poster Contest various awards.*

7B Update from the Mayor.

*Mayor Harper updated the citizens regarding two (2) additional roads that will be added to the asphalt road project; the employee uniform policy; the financial position of the City; the health condition of former Mayor Buddy Wall; the February 21st Economic Development Advisory Board; the February 26th DART Board Meeting; and the Rockwall County Planning Consortium.*

7C

Update from the City Manager.

*This item was presented during the Work Session.*

*Craig Owens brought forth a PowerPoint presentation for the City Manager's Update. Results for Rowlett: Report on Progress and Activities (40 page PowerPoint presentation).*

**Top Priorities**

- Neighborhood Quality
- Economic Development
- Culture and Recreation
- Environment
- Transportation
- Public Safety

**Neighborhood Quality**

- *To provide neighborhood-based services to the residents of Rowlett, in order to protect the value, appeal, and quality of homes and businesses in our community.*
- *Top 5 violations (Tier 1) - Closed Issues for January & February 2008*

	January		February	
	1 - 15	16 - 31	1 - 15	16 - 29
High Grass and Weeds (over 12")	18	10	6	
Junk Vehicles	31	24	17	
Fences in Disrepair	28	27	66	
Outside Storage/Junk and Debris	27	21	29	
Trash, Debris or Junk on Property	59	46	117	
<b>TOTAL</b>	<b>163</b>	<b>128</b>	<b>235</b>	

- *Staff created interactive web site for Public Improvement District program*
  - *Went live last week, <http://gisweb.rowletttx.org/CodeEnf/Pace.htm>*
  - *PID program brochures are being printed*
  - *Neighborhood meetings will be conducted to inform residents*
- *VIPS is continuing Proactive Code Enforcement sweeps in the following subdivisions:*
  - *Lakeside Village and Lakeshore Park Estates*
- *Continuing Proactive Code Enforcement sweeps in the following subdivisions:*
  - *North East Quadrant: Shady Acres, Lakeview Meadows*
  - *North West Quadrant: Springfield*
  - *South East Quadrant: Vue Du Lac, College Park*
  - *South West Quadrant: Lakeland Heights*

*Council asked if the signage should be bilingual.*

*Staff stated the signage hasn't been an issue.*

*Council asked if the backyards were being looked at because of violations.*

*Staff answered in the affirmative if it is a visible public area.*

- *Pet Vaccination Clinics for March 2008*
  - *March 1, 15 and 29*
  - *Saturdays, 2:30 to 4:30*

- *Animal Services*
  - *Statistics for 2008:*

	<u>January</u>	<u>February</u>
<i>Impoundments</i>	130	
<i>Return to owner</i>	33	
<i>Adoptions</i>	54	
<i>Warning Citations</i>	71	
<i>Animal Bites</i>	3	

#### *Economic Development*

- *To provide economic development services to our existing businesses, prospective business and community, in order to attract investment to the City of Rowlett, and to promote a sustainable, vibrant economy.*
- *New Director hired*
  - *Ben White, starting date 3/17/08*
- *Staff met with development company:*
  - *About a mixed use development on the waterfront*
  - *Four restaurants have signed letters of intent*
  - *Includes a 65 - 80 room hotel with a conference center and amphitheater*
- *Staff met with owner of restaurant group:*
  - *Looking for a location in our downtown area*
  - *Have five or six different concepts including Italian, Cajun, American, and Mexican styles*
- *Staff met with local business looking for location to expand*

#### *Culture and Recreation*

- *To provide cultural, entertainment and recreation services to the residents, businesses, and visitors of the City of Rowlett, in order to encourage a healthy, active community.*
- *Community Centre/Pecan Grove Park*
  - *Breakfast with the Easter Bunny*
    - *Friday, March 14 starting at 9 AM*
    - *Pre-registration required thru RCC*
    - *Fee is \$10 per child; ages 2 - 6*
  - *Eggstraordinary Egg Hunt - held for 8 years at Pecan Grove Park*
    - *Saturday, March 15 starting at 10AM*
    - *Free event for children ages 2 - 10*
    - *Enjoy face painting, balloon art, bounce houses, music, visiting with Easter Bunny*
- *Library*
  - *New early voting location for Rowlett*
    - *During 1st week of early voting 88 new library cards were issued*
  - *Events:*
    - *March 6, 7 PM - Shakespeare Man*
    - *March 8, 3 PM - storyteller Dan Gibson*
    - *March 15, 3 PM - Celebrate St. Patrick's Day with crafts, games, and food - for children kindergarten and up*

#### *Environment*

- *To provide and promote environmental resource management services in order to ensure health and welfare, and to preserve the environment for our community.*
- *SH66/Eula Drive Water Tower:*
  - *Exterior and Interior has been sandblasted*
  - *Primer is being installed*
  - *Residents notified of possible varying water pressure during process*
  - *Work will take approximately 3 months*

- *March Clean-Up Campaign*
  - *Northeast corner of Miller Heights and Kirby Rd.*
  - *Started March 1 through end of month*
  - *10AM - 6PM, Sunday - Saturday*
  - *First Saturday results: gates opened at 10:00 am on Saturday and by noon all twelve (12) industrial roll-off containers (dumpsters) full.*
- *DART sponsored a Transit Oriented Development "Mega-Mixer" on Saturday March 1, 2008*
  - *Introduce local community leaders to planners, designers, developers and investors interested in implementing and continuing urban concepts centered on the light rail transit opportunities for sustainable development*
- *Rowlett has been welcomed into the Oncor "CitySmart" program*
  - *Staff is busy gathering information for the establishment of energy consumption baseline*
  - *From that, the program goal is to identify power demand reduction strategies*
  - *Implement those strategies with financial incentives paid by Oncor*
- *Freese and Nichols representatives*
  - *Continue working on Water Master Plan with oversight from city staff*
  - *To identify cost effective strategies to improve water pressure to customers*

#### *Transportation*

- *To provide transportation services to our citizens and visitors, to ensure safe, efficient transportation options for the movement of people and goods through the City of Rowlett and surrounding areas.*
- *DART*
  - *Staff and Mayor attended monthly DART meeting, Tuesday, February 26*
  - *DART completed 20 year Financial Plan*
  - *Will be sending to all member cities for review*
  - *Plan includes, within the delivery date of December 2012, the Blue Line extension to the Rowlett Downtown Station*
- *NTTA*
  - *Coyle House*
    - *Staff met with NTTA, Rowlett Historical Society, members of Coyle family last week began Interpretive Plan process for relocation*
    - *City should receive a draft by early summer*
    - *Preparing for move to Pecan Grove Park*
- *TxDOT/NTTA/RTC*
  - *Austin TxDOT headquarters has pulled the funding from the bridge and interchange of the PGBT-EE and IH-30 in response to statewide funding shortfalls*
  - *The Regional Transportation Council is expected to pick up the project funding through Regional Toll Revenues and be reimbursed through the facility's annual revenues*
- *CIP Update: Word on the Street*
  - *Kenwood Heights Update:*
    - *One half of Kenwood Dr. is paved*
    - *Waterline has been installed along Kenwood Dr. to Cypress Dr. and is in service*
    - *Kenwood Dr. will remain closed until at least February 2008*
    - *Project is 20% complete*
  - *Point Royal Estates Update:*
    - *The sanitary sewer along Point Royal is complete*
    - *The storm drain along Point Royal is complete*
    - *The waterline is complete along Point Royal*
    - *Contractor is currently working on the sanitary sewer lines along Cedar View and Ashe Bend*
    - *Project is 25% complete*

- **Miller Road Phase 1 Update:**
  - Contractor has installed concrete paving along Rowlett Rd. for the western and northern lanes
  - Traffic has been switched to those lanes
  - Contractor has installed driveways to adjacent properties in these locations
  - Work will now begin on the final quadrant of Rowlett Rd. and the southern lanes of Miller Rd.

Council asked that information regarding the most recent storms be added to the update.

- Estimated completion date - July 2008
- Project is 66 % complete
- **Rowlett Road Update:**
  - All three phases of reconstruction are being coordinated with DART and NTTA to minimize traffic delays and congestion during construction of PGBT EE and DART Blue Line
  - **Phase 1:**
    - Traffic continues to be reduced to one lane on Main St. west of Rowlett Rd.; using flaggers 8am - 5pm Mon. - Fri.; one-way on weekends and after 5pm on weekdays
    - Switch traffic on March 14
    - 6 lanes from SH 66 to Century Dr.
    - Contract deadline has expired. City has notified contractor and will begin to assess liquidated damages.
  - Estimated project completion date - June 2008
  - Project is 37% complete

Council asked if the 37% complete was based upon payments.

Staff stated that it was based on payouts.

- **Rowlett Road Update:**
  - **Phase 2:**
    - Estimated completion December 2011
    - 6 lanes from Century Dr. to Miller Rd.
  - **Phase 3:**
    - Construction begins May 2008 to rehabilitate existing pavement
    - Estimated completion October 2009
    - 4 lanes South of Miller Rd. to Lake Ray Hubbard
- **Concrete/Asphalt Street Reconstruction:**
  - Overlay work is complete for:
    - Merritt Road
    - Miller Road
    - Chaha Road
    - Old Rowlett Road
    - Main Street
    - Dalrock Road north of Princeton
  - Below are the approximate beginning/completion dates for the remaining asphalt construction projects
 

<u>Project</u>	<u>Begin Date</u>	<u>Completion Date</u>
Dexham Rd.	Underway	May 08
Liberty Grove Rd.	Underway	March 08
N. Dalrock Rd.	Underway	February 08
  - Concrete pavement repair projects:
 

University	In Progress
------------	-------------

- |  |          |             |  |
|--|----------|-------------|--|
|  | Faulkner | In Progress |  |
|  | Harbor   | In Progress |  |
- Alley Improvement Projects:
    - Plans are being reviewed by the Engineering Staff to prepare for bidding; app. \$2M
    - Should occur in early March 2008
    - Alleys included are:
 

Brownlee	Grant	Pebble Beach
Chesham	Highgate	Vernon
College Park	Mariner	Willowbrook
Deerwood	Mediterranean	

Council asked if the bidding would occur in March 2008.

Staff answered in the affirmative.

Council asked staff when the citizens could expect the work to begin and to finish.

Staff answered in May 2008 once the project has been awarded.

- Railroad Crossing Improvements:
  - Miller Rd.
  - Dalrock Rd.
  - Dexham Rd.
  - Expect delays - alternate routes will be marked

#### Public Safety

- To provide public safety services to the City of Rowlett citizens and visitors in order to reduce crime, injury, and damage to property and the environment.
- Police Response Times Comparison: All Calls
- Police Response Times Comparison: Priority 1 Calls
- Fire Rescue:
  - In the process of testing applicants for three open positions
    - 94 applicants are testing for these positions
  - Almost complete putting a back-up radio system in place
    - Will temporarily serve as emergency communications during Garland 800 MHZ trunking failure
  - Sending the last four firefighters to Swift Water training in March
    - Will complete our ability to respond to any swift water incident
- Fire Rescue: Structure Fires - Property Loss
- Fire Rescue: Response Times
- Fire Rescue: All Medic Units in Use
- Fire Rescue: Structure Fires
- Fire Rescue: Fire Containment

Council asked if the fire and police statistics were within standards.

Staff answered to the affirmative.

#### Other Activities

- Financial Update
  - Auditors have completed fieldwork for the fiscal year ending September 30, 2007
  - Comprehensive Annual Financial Report will be complete in the next few weeks
  - Will present results at April 1 Council meeting

*Council stated the financial times are uncertain; voiced concern regarding finances.*

- *Began airing the February "Rowlett On the Move"*
- *Began airing "news flashes" on RTN16 about recent Fire Rescue retirements, construction projects and NTTA kickoff ceremony for the PGBT; more to come*

*Council asked if the schedule for the Public Improvement District (PID) has been established.*

*Staff stated the city-owned screening walls and HOA screening walls have been identified; the schedule is currently being worked on.*

## 8. CITIZENS' INPUT

1. *William Barber, 3002 Live Oak Drive, spoke concerning the Charter Review Commission.*
2. *Jerry Gossett, 3106 Suzanne Drive, spoke concerning the budget and the civil service issue.*
3. *Mark Petrick, 9605 Waterview Parkway, spoke concerning the civil service issue.*

## 9. 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 9C and 9H were pulled from the Consent Agenda to be considered individually.*

*City Secretary read the items into the record.*

9A

Consider approving minutes from the January 22, 2008 Special Worksession and January 29, 2008 Joint Worksession Meeting with Council and Planning and Zoning.

**A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Alberts, that this matter be approved. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Harper, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

**Abstentions:** 1 - Councilmember Alberts

9B

Consider a resolution approving a Supplement to the Discretionary Service Agreement for street lighting service by and between Oncor Electric Delivery Company and the City of Rowlett for the Miller Road street lighting from Rowlett Road to Dexham Road in the amount of twenty-seven thousand two hundred four dollars and no cents (\$27,204.00).

This Matter was adopted as RES-021-08 on the Consent Agenda.

9C

Consider a resolution authorizing the second one-year renewal option of American Commercial Building Maintenance Services, LLC (ACBMS, LLC) for litter collection and restroom cleaning services for city park facilities in the unit amounts bid and

an estimated annual amount of forty-one thousand five hundred four dollars and thirty-two cents (\$41,504.32) beginning on April 9, 2008 for the Parks and Recreation Department.

*This item was pulled and will be brought back before the Council on March 18, 2008.*

- 9D Consider a resolution awarding a contract in the amount of seventy-three thousand eight hundred fifty-nine dollars and forty cents (\$73,859.40) and approving a contingency amount of five thousand dollars (\$5,000.00) for a total award of seventy-eight thousand eight hundred fifty-nine dollars and forty cents (\$78,859.40) for the construction of an 8-inch sanitary sewer line along and across the DART right-of-way at Gordon Smith Drive to A & M Construction Utilities, Inc. and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

**This Matter was adopted as RES-022-08 on the Consent Agenda.**

- 9E Consider a resolution entering into an inter-local cooperation agreement with the City of DeSoto for cooperative bid and purchase of goods and services.

**This Matter was adopted as RES-023-08 on the Consent Agenda.**

- 9F Consider a resolution awarding the annual bid for the purchase of uniforms to the lowest bidders meeting specifications in the unit amounts bid per line item in Section I, II, III, and Addendum I as shown in Exhibit A for the Police Department.

**This Matter was adopted as RES-024-08 on the Consent Agenda.**

- 9G Consider a resolution awarding the annual bid for the purchase of work uniforms for the services departments in the unit amounts bid per line item to the lowest bidders meeting specifications as indicated in Exhibit A and an annual amount not to exceed forty-four thousand five hundred and fifty-seven dollars (\$44,557) and reject the bids for Galeton jackets.

**This Matter was adopted as RES-025-08 on the Consent Agenda.**

- 9H Consider an ordinance amending Ordinance No. 03-02-04C to modify residential and nonresidential, roadway, water, and wastewater impact fees.

*Mayor Harper read the item into the record.*

*Pat Baugh, Public Works/Utilities Director stated "The impact fees are a way to recover capital costs and authorized by State law. For sometime, as you develop a capital*

*improvement plan specifically for impact fees, there's a fee that's set as the maximum recoverable under that plan and cities can charge up to 50% of that maximum fee without doing extensive studies. We have typically set a lower fee, particularly on the residential at 25% of the maximum fee. This notice was published to allow you to adopt a fee for residential; to take it to that 50% of the maximum fee. I'd be glad to answer any questions."*

*Mayor Harper stated "One clarification for me and then I'll open it up to Council. The 50%, that's our cap, we can't go beyond that?"*

*Mr. Baugh replied "That's true unless you do extensive studies and we're not prepared to do that at this time."*

*Mayor Harper stated "I see, okay. Council, we have this before us. Any questions or comments? Mr. Alberts."*

*Councilmember Alberts stated "Yes, Mayor. Thank you. When last we spoke Mr. Baugh, we had talked about advertising to the general public in the newspaper, we'd advertise the 50% number."*

*Mr. Baugh replied "That's correct."*

*Councilmember Alberts continued "We didn't necessarily make the general public aware that we were doubling from 25% to 50%, correct?"*

*Mr. Baugh replied "That's correct."*

*Councilmember Alberts stated "And we did not re-advertise, correct?"*

*Mr. Baugh answered "No, we did not."*

*Councilmember Alberts stated "Okay, very good. Thank you, Mayor."*

*Mayor Harper stated "Thank you, Mr. Alberts. Any other questions or comments? Go ahead, Mr. Maggiotto."*

*Councilmember Maggiotto stated "Thank you, Mayor. I guess I'm at a point...bringing the conversation to date. We've discussed in the past the amount of capital investment that the City is in the process of making and will continue to make in the future; and what these impact fees are an assessment against future residents. And it goes to paying a portion of the investment that the residents that are already here have already made. So I'm in favor of making a motion to consider the ordinance amending Ordinance 03-02-04C to modify the residential roadway, waterway, and wastewater impact fees to a level of 50%."*

**A motion was made by Councilmember Maggiotto, seconded by Mayor Pro Tem Rushing, that this matter be adopted as ORD-008-08. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Harper, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

**Noes:** 1 - Councilmember Alberts

91 Consider a resolution entering into a joint election contract with Dallas County.

This Matter was adopted as RES-026-08 on the Consent Agenda.

### Passed The Consent Agenda

A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Alberts, 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, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

## 10. ITEMS FOR INDIVIDUAL CONSIDERATION

10A Consider an ordinance calling a special election in Rowlett on Saturday, May 10, 2008 to consider the following proposition: "Adoption of the fire fighters' and police officers' civil service law."

*Mayor Harper read the item into the record.*

*Mayor Harper stated "Let me make a couple comments on this and we'll open up for conversation. My understanding of this particular agenda item is that we have no choice but to approve it according to law that exists now. The Mayor and Council must establish an election and the process that we've gone through is this. On Monday, February 25, the City Secretary received petitions from Rowlett citizens titled 'A Petition Requesting an Election to Adopt Texas Local Government Code Chapter 143 Municipal Civil Service for the Police Officers and Firefighters of the City of Rowlett, Texas'. The City Secretary and her staff then reviewed each signature on the petition to confirm that the rules for an election as presented in the City Charter were followed. Last week, the number of required signatures, 10% of those voting in the last local election, or about three hundred sixty (360) were confirmed by the City Secretary. So, as I said, Chapter 143 of the Texas Government Code compels an election when a required number of petition signatories are confirmed. And it also requires that the election be held on the first uniform election date that occurs after the petition is filed. The election date under consideration is May 10, 2008. We could put it off until November but I think we're ready for May 10th so we'll consider May 10th as the date. And if a majority of those voting in May support the adoption of civil service for the police officers and firefighters, it will take effect on the first day of the new fiscal year, which will be October 1, 2008. Any questions on my introductory remarks? Mr. Owens, I think you said you had a presentation. Would you present that please?"*

*Mr. Owens stated "Thanks, Mayor. Mayor, in addition to the comments in the staff report and your comments that you just made related the petition and the election process. I wanted to briefly summarize the content and issues related to Chapter 143 Civil Service and operational changes it will bring if adopted."*

*Mayor Harper replied "Sure."*

*Mr. Owens continued "Though we learned of this initiative only a short time ago, we have had the opportunity to gather some information and do some analysis. I hope this helps*

to serve as an initial base of information to help not only the City Council but also the residents as they begin to understand the issue that will be presented for their consideration.

Civil Services originally implemented in American government was designed to fight cronyism, patronage, nepotism, and corruption in government employment in the late 1800s and early 1900s. Such governmental abuses were common and governmental reformers looked for systems to keep this kind of corruption out of the critical government service provision. Over the years a number of federal, state, and local laws have been implemented that helped reduce these kind of corrupted practices and served to gain confidence of the public and public servants. It adhered professional standards and conduct in a more open and transparent political and administrative environment. As a reform tool, Civil Service has become less frequently utilized in favor of merit systems that help provide a performance connection between the capabilities, talents, and performance of individual employees and the needs of the citizens and taxpayers. In Texas, the Civil Service system continues to be offered under the State statutes as an option. In the DFW area, a number of cities have adopted civil service over the past several decades and have maintained these systems. Some of these cities include: Balch Springs, Carrollton, Cleburne, DeSoto, Duncanville, Garland, Grand Prairie, Mesquite, Plano, and Terrell. The organized labor groups representing some of the Rowlett employees in police and fire rescue have circulated petitions to residents to place this before all of the voters for their consideration. This begins a process of public discussion that will conclude with a vote in May. Should Civil Service be adopted in Rowlett, the city will be required to institute a number of bureaucratic fixtures to comply with State statutes. Among these are: appointment of a Civil Service Commission, appointment of a Civil Service Director, institution of State designed and mandated hiring processes and record keeping, and institution of State mandated tenure system for pay. All rules and regulations related to hiring, promotion, discipline, and termination will be in accordance with State law versus the City of Rowlett. The City of Rowlett will be bound to fund and follow any changes that occur at the State related to these personnel matters. One such rule adds five (5) additional days of sick leave per year to civil service employees. This cost is estimated to be \$213,000 annually, increasing over time. Additional Civil Service statute rules require a higher pay out of unused sick leave that will increase budget liabilities in an estimated amount of \$243,000. Other costs include implementation and legal processing fees of \$50,000 in addition to the cost of personnel required to administer the bureaucratic processes and participate in arbitration. These costs are preliminary but we believe in talking with the cities which have operated with Civil Service and looking at our historical experience and existing payroll are close to what we will experience. We've prepared a facts sheet that helps layout comparative information and summarize the Civil Service proposal and the changes it will bring if approved. We'll make this information available on the website at [www.rowlett.com](http://www.rowlett.com) and we'll be sending out additional information related to this issue to help voters make an informed decision. If you or any residents have questions about this proposal or the impact Civil Service will have in Rowlett, you're encouraged to contact myself, Deputy City Manager George Harris, Human Resource Manager Shante Jordan, Police Chief Matt Walling, or Acting Fire Chief Randy Howell. I hope this overview has clarified some of the major points of this proposal. As more questions come out we will be offering additional information."

Mayor Harper stated "Good. Thank you, Mr. Owens. Council, any questions or comments for Mr. Owens? Mr. Gottel, go ahead."

Deputy Mayor Pro Tem Gottel stated "I just have a question. I forgot a calculator to keep up with some of the numbers but if I'm adding right, what you're telling me is if we would...or if the citizens implement Civil Service, we have a cost roughly associated with that of about \$500,000 a year?"

Mr. Owens replied "No, on the first year it would be and probably more like \$275,000 on an annual basis...estimated."

Deputy Mayor Pro Tem Gottel stated "Okay. And what kind of tax implication would that have if we were to equate that to additional property tax? I mean a tax increase basically is what it boils down to but what kind of implication?"

Mr. Owens replied "I believe a penny on our property taxes is about \$300,000 a year."

Deputy Mayor Pro Tem Gottel stated "Okay. I'll hold off on my other questions at this time."

Mayor Harper stated "Okay. Does anybody else wish to make a comment or ask some questions? You mentioned cronyism and I guess that means is as I read Chapter 143 in preparation for this evening, it talked about protecting our police officers and firefighters from political influence. Is that how you also see cronyism?"

Mr. Owens replied "I do and I was really...on a historical perspective, at the turn of the previous century and the foundations of it."

Mayor Harper stated "You know, I'm new to the Council but in the last three (3) years have there been any issue with cronyism?"

Mr. Owens replied "No, not in Rowlett that I'm aware of."

Mayor Harper stated "Okay. Police Chief Walling, how about you? Have you seen any evidence of that?"

Matt Walling, Police Chief replied "No, sir. I have not."

Mayor Harper stated "Okay. And likewise, we don't have Chief Wright here but Chief Howell?"

Randy Howell, Acting Fire Chief replied "No, sir. I have not."

Mayor Harper stated "Okay. The other part of 143, as I recall, talks about granting of tenure to our police officers and our firefighters. I come from a university background, as you all know, and I was tenured. Which meant that I had academic freedom and it was something that was important in the university setting since I was a professor. Is that the same meaning for our firefighters and police officers that they can't be fired? Is it permanent employment?"

Mr. Owens replied "There are a number of provisions that we go through in that process and that's what this does. It puts into place a number of processes that would...before termination would happen."

Mayor Harper stated "Okay. The other thing that I heard, I'm picking up from Mr. Petrick, the idea that we don't have an issue. I regularly and routinely review all of our personnel transactions as does the rest of the Council, I presume. And I look at such things as our turnover. I look at such things as our terminations and why we have those terminations. You report that to us monthly. My recollection, correct me if I'm wrong about this, but our turnover is extraordinarily low throughout all of the City and for police and fire it would be even more extraordinarily low. Am I accurate?"

Mr. Owens answered "Yes, in comparison with other cities I'd say we are. Rough numbers in 2007, police was about 2% and fire was about 5%."

Mayor Harper stated "So there's no problem with retaining our officers, police officers or firefighters? If you have that kind of low retention."

Mr. Owens stated "These are good. "

Mayor Harper stated "And supports the notion that there isn't any undo influence on the part of the Fire Chief or on the part of the Police Chief. Mr. Gottel."

Deputy Mayor Pro Tem Gottel stated "I just have one (1) quick question. I just want to make sure that I was clear. In the Work Session as we talked about...earlier you gave your City Update and my understanding is we have currently three (3) open fire positions. Is that correct?"

Mr. Owens replied "Yes."

Deputy Mayor Pro Tem Gottel continued "And we had ninety-four (94) applications. Is that correct?"

Mr. Owen replied "Yes."

Mayor Harper stated "Well, picking up on that, we have some open police officer positions too. I think there are five (5). Is that correct?"

Mr. Owens replied "It sounds correct?"

Mayor Harper stated "Chief Walling, do we have five (5) positions open at this time?"

Chief Walling replied "Four (4) or five (5)."

Mayor Harper stated "Four (4) or five (5). And that is in line with other cities or is it not?"

Chief Walling replied "Most cities in the Metroplex have openings, yes."

Mayor Harper stated "Okay."

Chief Walling continued "I'm not aware of any agency that doesn't have one or more openings."

Mayor Harper stated "In addition to a university background, I have a military background; I can't hold a job. And as you all know, I spent twenty (20) years in the Air Force and I do know that when we take a look at...I've lost my train of thought. What I really want to say is that we don't have...if I'm understanding again the numbers correctly, if you have five (5) or four (4) positions open and every other city has four (4) or five (5) positions open Chief and my military friends who continuously write me and remind me of what's going on across the oceans in the Iran and Afghanistan, they tell me the reasons that we have so many openings is due to the fact that so many of our fine young men and women are serving in the military. Is that accurate Chief or City Manager?"

Mr. Owens replied "I think that's having an effect."

Chief Walling replied "I think that definitely addresses some of the openings."

Mayor Harper stated "Okay. Well, I'm just trying to understand what the problem is. I think someone else said that. We had a 20-year retirement, we have a pay increase that the Mayor and the majority of the Council have spoken to, we don't have any evidence of cronyism, we have very low turnover, and we're inline with other cities. civil service cities in

*terms of vacancies and the number of applicants. So we're still struggling with what the problem is and we're being asked to spend \$500,000. Which amounts to a two penny (2¢) per \$100 tax increase?"*

*Mr. Funderburk replied "Each cent is about \$315,000."*

*Mayor Harper stated "So about a one cent (1¢) tax increase. Okay. Plus the first initial investment of, I think I heard you say \$250,000?"*

*Mr. Owens replied "\$243,000."*

*Mayor Harper stated "\$243,000, okay. Anyone else have a question? I have a couple of more. I hate to dominate. Chief Walling, if the Civil Service comes into play there is now a bureaucratic layer in between you and your police officers. Is that correct?"*

*Chief Walling replied "If the Civil Service takes effect?"*

*Mayor Harper replied "Yes, as I understood from the City Manager, there is going to be a three (3) person Civil Service Commission, and a Director of Civil Service. Who by the way, will be a new employee, is that right?"*

*Mr. Owens replied "Maybe."*

*Mayor Harper stated "Maybe?"*

*Mr. Owens stated "There will be a staffing configuration we'd have to..."*

*Mayor Harper stated "Okay. So Chief, what I'm really asking is based upon your many years of experience with Civil Service, do you have the same level of control over your officers as you had without Civil Service?"*

*Chief Walling replied "I think the biggest difference is in disciplinary."*

*Mayor Harper stated "Disciplinary. How many involuntary terminations have there been of police and fire over the last say three (3) years?"*

*Chief Walling replied "Sir, I know there has been one (1) last year; I can get that information for you."*

*Mayor Harper stated "Okay. Well, I mean if it's not a serious issue, I think you would know that. And this doesn't apply to anyone else does it? It's just the police and fire?"*

*Mr. Owens replied "That's correct."*

*Mayor Harper stated "So you would have a two-tier system; one set of employment rules for our police and fire and another set of employment rules for the other city employees?"*

*Mr. Owens replied "That is correct."*

*Mayor Harper stated "Okay. Does that mean we can give different salary increases to one group or the other?"*

*Mr. Owens replied "I don't know that there is any prohibition from that."*

Mr. Owens replied "I don't know that there is any prohibition from that."

Mayor Harper stated "All right. Council, I'm done. Any other questions?"

Councilmember Alberts replied "Just a motion, Mayor."

Mayor Harper stated "Call the question; I need a motion."

Councilmember Alberts stated "Mr. Mayor, I make a motion that we approve the ordinance calling the election as presented."

Mayor Harper stated "Thank you. Second? And a second by Mr. Gottel. Call the question please, ma'am. I'm deliberating. As I understand it, this is something we're compelled by law and if I were not to follow through I'm subject to legal action on a personal basis."

David Berman, City Attorney, answered "Correct."

A motion was made by Councilmember Alberts, seconded by Deputy Mayor Pro Tem Gottel, that this matter be adopted as ORD-009-08. The motion carried by the following vote:

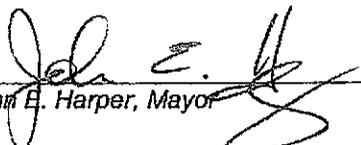
**Ayes:** 6 - Mayor Harper, Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Councilmember Mays and Mayor Pro Tem Rushing

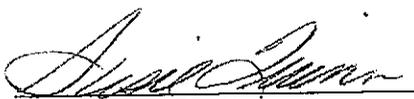
#### TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

No actions were taken during the Executive Session.

#### 11. ADJOURNMENT

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

  
John E. Harper, Mayor  
Date Approved: April 1, 2008

  
Susie Quinn, City Secretary