



# City of Rowlett Meeting Minutes City Council

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Tuesday, May 20, 2008

5:30 PM

Municipal Building - 4000 Main Street

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 5:32 p.m.*

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

## CONVENE INTO EXECUTIVE SESSION

*The meeting convened into Executive Session at 5:32 p.m.*

## 2. EXECUTIVE SESSION

- 2.-A. At the request of the City Manager, the City Council shall convene into executive session pursuant to the TEXAS LOCAL GOVERNMENT CODE, §551.074(a) (1), Personnel, to deliberate the duties of the City Manager. (15 minutes)
- 2.-B. 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). (10 minutes)
- 2.-C. 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 the bid, auction, or sale of city owned property located between Kirby Road and Rowlett Road. (10 minutes)
- 2.-D. 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 regarding Texas A&M Commerce. (5 minutes)

- 2.-E. The City Council shall convene into executive session pursuant to §551.071 and §551.072 of the TEXAS GOVERNMENT CODE to discuss with the City Attorney potential litigation, real property deliberations and acquisition of property to wit: Elgin B. Robertson Park. (5 minutes)
- 2.-F. 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)

### RECONVENE INTO OPEN SESSION

*The meeting reconvened into open session at 6:55 p.m.*

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

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

*This item was presented during the regular session.*

- 3.-B. Discuss possible increase in temporary fuel surcharge for IESI Corporation contract. (10 minutes)

*Staff brought forth information concerning the effect the possible fuel surcharge increase for residential and commercial accounts.*

*Council requested the percentage of the increase amounts to adjust for the fuel surcharge.*

*Staff responded; felt this increase is large compared to the increase in 2005.*

*Council requested staff to conduct a rate analysis and to bring an action item back to the Council on June 3, 2008.*

- 3.-C. Update and discussion on the sports user fees and sports user agreements. (10 minutes)

*Staff stated the user agreements would create a positive situation with both the sports associations and the City; briefly summarized the requirements for the associations; and spoke concerning the fee schedule.*

*Council stated the user agreements will create a level playing field, stronger relationships, more ideas and suggestions, and a full understanding of the goals of the associations.*

*Staff explained the per-participant fee to the Council.*

*Council questioned staff regarding the cost recovery should there be a decrease in the participation level; and voiced concerns regarding revenues.*

**3.-D. Discuss nomination to DART Board for 2008. (5 minutes)**

*Staff stated the appointment would be a two-year appointment.*

*By consensus, Council stated the appointment of former Mayor Mark Enoch should be made at the June 3, 2008 Council meeting.*

**3.-E. Discuss Regional Toll Revenue program of the Regional Transportation Council. (5 minutes)**

*Staff stated continuing conversations will occur to promote the consideration of local projects; and the Merritt Road Interconnector Project was not prioritized for funding.*

*Council stated that it appears the interconnector road will be funded.*

**3.-F. Status report on the May 27th plans for the seating of the City Council. (5 minutes)**

*Staff stated the Special Council meeting will occur on Tuesday, May 27th at 5:30 p.m. in the City Council Chambers.*

**3.-G. Status report regarding a Rockwall County Early Voting Site for the upcoming November election. (5 minutes)**

*Staff stated the addition of an early voting site at Lakepointe Hospital will be a win-win situation for both the City of Rowlett and Rockwall County; and the involved cost will primarily be to Rockwall County.*

*Council asked the cost to the City of Rowlett by expanding to this voting site.*

*Staff will provide a status update after July 1, 2008.*

**3.-H. Update on the President George Bush Turnpike Groundbreaking Ceremony. (5 minutes)**

*Staff summarized the June 11, 2008 Groundbreaking Ceremony.*

- 3.-I. Update on the status of the All-America City Award application process.  
(5 minutes)

*Staff presented the Council with a time-line to follow for the application process. Stated work will begin once the committee has been named.*

*Council asked what was involved with the naming of the committee.*

*Staff replied to the Council; stated the committee will need to be ready by the end of June.*

#### 4. DISCUSS REGULAR SESSION ITEMS

*Council questioned staff concerning Items.*

*Items 9C and 9D were removed from the Consent Agenda to be individually considered.*

*Work Session adjourned at 7:52 p.m.*

*Convened in the Council Chambers at 8:09 p.m.*

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

*Mayor Harper convened into the Council Chambers at 8:09 p.m.*

**Excused:** Councilmember Mays

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

#### 5. INVOCATION

*The invocation was led by Reverend Steve Leatherwood, First Baptist Church of Rowlett.*

#### 6. PLEDGE OF ALLEGIANCE

*The Posting of the Colors and the Pledge of Allegiance were led by the Rowlett Color Guard.*

#### 7. PRESENTATIONS AND PROCLAMATIONS

- 7.-A. Update from the Mayor.

*This item followed Item 7E.*

*Mayor Harper updated the Council and citizens regarding several significant events affecting the City. They include the Rowlett Chamber of Commerce Awards Banquet; an update regarding the President George Bush Turnpike (PGBT); the PGBT Groundbreaking Ceremony will occur on June 11th at 10:00 a.m. at Pecan Grove Park; the DART Light Rail Extension Public Hearing has been set for June 4th at 7:00 p.m. at City Hall; the City's financial situation; the City Council and the City's Executive Team will attend a retreat at Cooper Lodge from June 6 - 7, 2008; the Bond Election Survey is located on the City's website; the November 2008 Bond Program for Rockwall County; the active progression of the Charter Review Commission; the Special Council Meeting on May 27th at 5:30 p.m. to administer the Oaths of Office for the newly elected Councilmembers; and the Town Hall meeting on June 5, 2008 at 7:00 p.m.; the June 28 - 29, 2008 Festival of Freedom Event; the new Rowlett Video On Demand.*

**7.-B.** Proclamation for Eagle Scout Cory Krol.

*This proclamation will be presented at the June 3, 2008 City Council meeting.*

**7.-C.** Proclamation for recognition of National Public Works Week May 18-24, 2008.

*Mayor Harper presented a proclamation to the Public Works/Utilities department.*

**7.-D.** Presentation of Distinguished Budget Presentation Award from the Government Finance Officer's Association of the United States and Canada.

*Mayor Harper recognized Brian Funderburk, Director of Financial Services, and Terri Doby, Budget Officer, for their achievements.*

*At this time, the outgoing Councilmembers were recognized for their services.*

**7.-E.** Update from the City Manager.

*This item followed the Citizens' Input section.*

*Craig Owens brought forth a PowerPoint presentation for the Results for Rowlett: Report on Progress and Activities, May 20, 2008 (34 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 January thru April*
- *Neighborhood Quality Update*
  - *Updated Code Enforcement ongoing inspection page map and web page*
  - *Two inspections for Point Royal HOA pool*
    - *It is secure, covered, and re-filled*
- *Animal Services*
  - *Rowlett Animal Shelter participated in the 14th Annual Pet Adopt-A-Thon ~ Saturday ~ May 3*
    - *Over 300 visitors and 23 adoptions*
  - *Low-Cost Rabies Vaccination Clinic*
    - *Saturday ~ May 17 ~ 2:30 - 4:30 PM*
    - *\$5 per cat or dog*

*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.*

- *Economic Development Update*
  - *Working with local restaurant on possible expansion; resolving issues*
  - *Economic Development presentation at Biz-n-Perks meeting with Chamber of Commerce*
  - *Met with local business owner interested in investing in an entertainment development*
  - *Meeting with potential investors for the downtown TOD*
  - *Hosted representatives from various commercial real estate firms*
  - *Continuing to work with developer interested in developing downtown TOD and Waterfront*
  - *National Tire & Battery, Goodyear, Andrews Building, Target pad sites ~ work on-going for these projects*
  - *The following pre-submittal meetings were held:*
    - *Preliminary meeting held with developer*
      - *Regarding potential mixed-use development in Downtown District*
    - *Met with representatives from Waterford Estates*
      - *Residential development north of Miller and east of Kirby*
      - *Regarding converting the development to a gated-access community with private streets*
  - *Planning Staff*
    - *Attending the "Value of Design" event in Arlington on May 28*
    - *Made presentation to Keep Rowlett Beautiful (KRB) board May 12 ~ grant from KRB to City for Main Street beautification projects*

#### *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.*
- *Parks/Recreation Opportunities*
  - *User contracts under review with athletic associations*
  - *Mowing information letter sent to citizens*
  - *Developing Park Condition Index*
  - *One time chemical treatment for weeds ~ Dalrock/Hwy 66 medians*
  - *Wet Zone opened May 17*
    - *Began advertising campaign for the 2008 Wet Zone season*
    - *Including the Splash, an email marketing campaign*
  - *Movies in the Park*
    - *Total of 260 attended on May 9 + 10 dogs*
    - *Next movie ~ May 30 ~ August Rush*
- *Libraries and Learning*
  - *Cloth book bags with library logo available now*
  - *Suggested donation ~ \$8.00*
  - *Program sponsored by Library Advisory Board*
  - *Summer Reading Program ~ June 10 - August 2*
  - *Friends of the Rowlett Public Library, Inc. gave a generous donation making special programs and performers possible*
  - *Area businesses providing coupons for prizes:*

<i>MacDonalds</i>	<i>Texas Skatium</i>	<i>Cici's Pizza</i>
<i>Whataburger</i>	<i>Family Café</i>	<i>Chicken Express</i>
<i>Chick-fil-A</i>	<i>Bowlarama</i>	
  - *2nd Annual Parent-Child Tea Party ~ May 10*
    - *42 in attendance*

#### *Environment*

- *To provide and promote environmental resource management services in order to ensure health and welfare, and to preserve the environment for our community.*

- *Refurbished pressure tank at Rowlett Road Water Station*
  - *Refurbishing should help with water pressure in Lakes of Springfield area*
- *Rowlett hosting a Basic Water Operation course*
  - *Taught by TEEX ~ May 28-30 ~ Community Centre*
  - *People signed up to attend from other cities*
- *Crews continue routine maintenance*
  - *Exercising valves and fire hydrants*
  - *Preventative maintenance at all stations*
  - *Jetting sewer lines*

#### *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*
  - *Has open period to receive design build proposals on Blue Line to Rowlett*
  - *City staff is meeting frequently with DART project staff*
- *NTTA*
  - *Staff identified sanitary sewer cost savings for NTTA*
    - *Should be recognized in a future change order*
  - *Groundbreaking Ceremony for Eastern Extension of PGBT*
    - *Wednesday ~ June 11 ~ 10AM ~ RCC in Gym A*
  - *NTTA sponsoring Annual Partnership Luncheon*
    - *Wednesday ~ June 11 ~ 11:30AM ~ RCC*
    - *NTTA will make a brief presentation on the Eastern Extension*
- *CIP Update: Word on the Street*
  - *Kenwood Heights:*
    - *The contractor has installed the sanitary sewer line from Long Branch to Maple.*
    - *Work continues on the channel between Cypress and Maple.*
    - *The contractor has paved 90% of Kenwood from Wal-Mart to Maple.*
    - *The remaining pavement installation of Kenwood scheduled to be finished this week.*
    - *Kenwood remains closed until the end of June 2008.*
    - *Estimated completion date - November 2008*
    - *Project is 30% complete*
  - *Point Royal Estates:*
    - *The contractor is installing the sub-grade lime stabilization on Point Royal and beginning the paving process.*
    - *The sanitary sewer, waterline, and storm drain along Point Royal, Ashe Bend, and Cedar Hill are complete.*
    - *The franchise utility conflicts have been resolved with minimal delay to the project.*
    - *The utility work has begun on Elm Crest and Pecan and will be complete near the end of May.*
    - *Estimated completion date - December 2008*
    - *Project is 34% complete*
- *Miller Road Phase 1:*
  - *Miller Rd. @ Rowlett Rd. will be open May 22, weather permitting*
  - *The contractor has completed 80% of the paving for the eastbound lanes.*
  - *The remainder of the paving that needs to be installed is for the turn lanes and intersections with the side streets and alleys.*
  - *The contractor will continue to install the paving at the intersections of side streets as well as begin the installation of the concrete sidewalks and retaining walls.*
  - *Estimated completion date - July 2008*
  - *Project is 82% complete*
- *Rowlett Road Phase 1:*

- The driveways and most of the sidewalk on the southbound lanes are complete.
- The lime stabilization is complete for the northbound lanes and the contractor has begun the cement stabilization process.
- Paving installation is planned to begin the week of May 19.
- The completion date has been moved to the end of July to factor in inclement weather.
- Estimated project completion date - July 2008
- Project is 57% complete
- Asphalt and Concrete Street Reconstruction:  
(reconstruction includes asphalt for asphalt & concrete for concrete)
- Work complete:
 

Merritt Rd.	Old Rowlett Rd.	Schrade Rd.	Dexham Rd.
Miller Rd.	Main St.	S. Chiesa Rd.	South Chiesa Rd.
Chaha Rd.	Liberty Grove Rd.	Schrade Rd.	Garner Rd.
Pecan Ln.	Dalrock Rd.	Castle Rd.	
- Asphalt and Concrete Street Reconstruction:
- Work in progress:
  - N. Chiesa Rd ~ contractor started paving north end and is app. 80% complete; drainage work completed by City crews
- Improvements to begin May 19 on:
 

Toler	Elm Grove	Big A
Liberty Grove	Vinson	
- Alley Improvement Projects:
  - Plans are complete and project has been bid
  - Awarded by Council on May 6 to J & T Excavating
  - Construction is planned to begin July after a neighborhood meeting is held in June.
  - Alleys included are:
 

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

#### 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.
- Public Safety Update
- Police:
  - 4th Annual Bicycle Rodeo ~ held Saturday, May 17 ~ app \*\* children participated in the event
  - Rowlett Women's Club donated 2 AEDs (Automated Electronic Defibrillator)
    - Will be placed in first responder police cars
    - Brings total # of AEDs to 6 deployed by police department
  - Police Officer Recruit test held May 3
    - 28 applicants participated
    - 4 failed written test
    - 4 others failed physical agility test
    - 18 applicants continuing through background process
  - Updated 2008 Crimes data on the ArcIMS web site for March
  - Completed 2007 Crime Incident Monthly Hot Spots map
  - Police Reported Accidents: All Accidents
  - Police Reported Accidents: Injury Accidents
  - Police Response Times Comparison: All Calls
  - Police Response Times Comparison: Priority 1 Calls

- *Fire Rescue*
- *Fire Rescue: Structure Fires - Property Loss*
- *Fire Rescue: Response Times*
- *Fire Rescue: Number of Structure Fires*
- *Fire Rescue: Percentage/Fire Containment*

#### *Other Activities*

- *Community Budget meetings scheduled for June*
  - *June 16 ~ 7 p.m. ~ Rowlett Community Centre ~ 5300 Main St.*
  - *June 18 ~ 7 p.m. ~ Waterview Golf Clubhouse ~ 9509 Waterview Pkwy.*
  - *June 23 ~ 7 p.m. ~ Fire Station #4 ~ 6800 Rowlett Rd.*
  - *June 24 ~ 7 p.m. ~ Cullins-Lakepointe Elementary School ~ 5701 Scenic Dr.*
- *Annual Partnership Luncheon w/Chamber of Commerce*
  - *June 11 ~ RCC ~ 11:30AM*
- *14th Annual Festival of Freedom*
  - *Secured a \$25,000 sponsorship from Oncor*
  - *Oncor will be the presenting Sponsor for the Festival*
  - *Oncor will showcase a new interactive trailer & give away CFL light bulbs to every person visiting the learning center (trailer)*
- *Launched publicity for streaming video service*
  - *Video archive will be populated within a few weeks*
  - *Let staff know if any technical difficulties are experienced*
- *2nd Annual Great GISD BBQ Smackdown ~ May 7*
  - *City Manager Craig Owens and Mayor John Harper won 1st place for brisket with the help and secret recipe from Deputy City Manager George Harris*
- *Donations:*
  - *\$500.00 ~ Stephen R. Pardue for Bicycle Rodeo*
  - *\$375.00 ~ Robert & Robin Watson for Animal Shelter*
  - *2 AEDs ~ Rowlett Women's Club for PD*

## **8. CITIZENS' INPUT**

*This item followed Item 7A.*

*Mayor Harper explained the procedure for Citizens' Input.*

- 1. Lonnie Comwell - 4106 Baywatch Drive, Rowlett - Spoke concerning the Rowlett Skate Park.*
- 2. Chanel Scott - 7306 Kingston Drive, Rowlett - Spoke concerning the Rowlett Skate Park.*
- 3. Chase Duckworth - 3706 Dennis Street, Rowlett - Spoke concerning the Rowlett Skate Park.*
- 4. Vicki Childre - 134 Sharp Road, Gunter, Texas - Spoke concerning the Rowlett Skate Park.*
- 5. Kirk Davies - 8509 Abbey Court, Rowlett - Spoke concerning the Rowlett Skate Park.*
- 6. Kyle Hampton - 8405 Coventry, Rowlett - Spoke concerning the Rowlett Skate Park.*
- 7. Wyatt Peacock - 3001 Kyle Road, Rowlett - Spoke concerning the Rowlett Skate Park.*

*At this time, Item 7E was presented.*

## **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.*

*Council pulled Items 9C and 9D from the Consent Agenda to be considered individually; Item 9E was requested to be pulled for individual consideration by citizen, Ken Middaugh.*

*City Secretary read Items 9A and 9B into the record.*

- 9.-A. Consider approving minutes from the May 6, 2008 Regular Council Meeting.

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

- 9.-B. Consider a resolution revoking bid award to Forest Hills Lawn Service for Section III mowing services for Parks and award the bid to the second low bidder, Lawn & Landscape Management in the unit amounts bid and in an estimated annual amount of sixty thousand two hundred eighty-seven dollars and forty cents (\$60,287.40).

**This Matter was adopted as RES-055-08 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:** 5 - Mayor Harper, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto, Mayor Pro Tem Rushing and Councilmember Alberts

**Excused:** 1 - Councilmember Mays

- 9.-C. Consider a resolution approving the sale of personal property for the Skate Zone equipment to the Rockwall Church of the Rock a/k/a Christian City Church a/k/a Church in the City for and in consideration of ten dollars (\$10.00) and authorizing the City Manager to execute all documents necessary.

*City Secretary read Item 9C into the record.*

*Katie Corder, Assistant City Manager stated "Good evening, I just want to give you some background on this issue. In December 2007, city staff made a presentation to the Parks and Recreation Advisory Board with an analysis and options for the Skate Zone and recommended closing the Skate Zone. Over the past few years the City has seen an increasing trend in police calls for service to the area and damage to the Skate Zone facility. Both of these trends have also led to decreased number of days that the Skate Zone has been open. At the time and currently, the Skate Zone is closed due to needing approximately seven thousand dollars (\$7,000) in repairs to the equipment. At that time, the Parks and Recreation Advisory Board made the decision to table the issue and formed a subcommittee to review options for the Skate Zone. In February of this year, Church in the City approached the City of Rowlett with an alternative for the Skate Zone. The church had heard the City was considering closing the Skate Zone and wanted to see if the City would be interested in donating the equipment for the church to run a similar skating facility on their property. On March 12th, City staff brought this concept before the Parks and Recreation Advisory Board for direction before meeting with the church. The board was receptive to the approach and named some concerns for city staff to address with the church including*

public use, hours of operation, and adult supervision. The proposed agreement before you tonight is the outcome of city staff's meeting with the church; the proposed agreement does address terms and conditions addressing concerns with the Right of First Refusal clause, the number of skate hour operation, adult supervision, and moving costs. That is in your packet for consideration. Additionally, the Church in the City has provided a draft of the policies and procedures that they plan to implement, if the proposal goes through, to serve as a guide for how they would run a similar facility on their property. If this agenda item is approved, the City would transfer ownership responsibility, maintenance, and liability for the Skate Zone to Church in the City. A larger issue for consideration tonight is not just the immediate costs of repairs at the Skate Zone but rather is this a service that should continue to be provided by the City or should a similar service be provided to the public by a private organization. I do have one (1) correction to the agenda item. If this is approved an amendment to the Planned Development would be needed; originally I thought this could be completed by the end of June, but after further review it looks like by the time it would be able to be put in front of Planning and Zoning for consideration and the City Council for consideration, it probably would be mid-July. On last Wednesday, on May 14th, the Parks and Recreation Advisory Board considered this issue and recommended to the City Council that we not approve the resolution; that the City Council table this issue until a further study can be conducted by the Parks and Recreation Advisory Board. Pastor David Tebeau and Pastor Crystal Davis from Church in the City are also in the audience tonight if the Council has any questions."

Mayor Harper replied "Thank you, Ms. Corder. Council, do we have any questions for Ms. Corder? Mr. Gottel...we'll start with Mayor Pro Tem."

Mayor Pro Tem Rushing stated "Yes, I had some questions. Well, first of all, I believe you said seven thousand dollars (\$7,000) and you meant seventeen thousand dollars (\$17,000)"

Ms. Corder replied "Seventeen thousand dollars (\$17,000), yes. Thank you for the correction."

Mayor Pro Tem Rushing stated "Yes, I have some questions for the representatives from the church."

Mayor Harper stated "Would that person come forward? Welcome to you both. Mayor Pro Tem."

Mayor Pro Tem Rushing stated "First of all, I would encourage everyone to read the entire document that is in the agenda packet; it is available on the website so anyone can look at the information that we've had to review on this transaction that may or may not take place. But I did have some questions, in the document it referred to a membership card. Would anyone be eligible for a membership card? And is it simply an identification card or actually a membership card?"

Pastor Davis replied "Yes, ma'am. That is actually a membership card for the skate park itself; it's kind of like you have a health card when you go and join a health club. We would check every participant in our database and issue them a membership card so that when they would come and sign in each time, we could keep a record of who's attending and who's on our property."

Mayor Pro Tem Rushing stated "Okay, so there would be no cost for a membership card, it would just be something that's issued to each person as an identification means so you could double check your data base to make sure they had a parent's liability waiver on file and things like that."

*Pastor Davis replied "Yes, ma'am. Just for security reason."*

*Mayor Pro Tem Rushing stated "Just an identification card. Do you have any idea when you'd be able to open the skate park back up to the public? And would it actually be open to the public or just to your membership?"*

*Pastor Davis replied "It actually will be open to the public; we want to team together with the community and the participants in the community but it depends on when the...if the policy would go through. Would you say maybe three (3) weeks."*

*Pastor Tebeau stated "I just heard that there is a Planning and Zoning issue. We would need to move the property first. Second, we would pay for repairs and then we would make every attempt to do it as quickly as possible. But we would also fence it; we're planning to put a fence around it for security and protection."*

*Mayor Pro Tem Rushing stated "And you would have adult supervision on the premises at all times when it is open to the public?"*

*Pastor Tebeau replied "Yes, we'd have our pastors and adults from the church; they would all be background checked and they would be there anytime the skate park was open."*

*Pastor Davis stated "Can I make one (1) more comment on that?"*

*Mayor Pro Tem Rushing replied "Sure."*

*Pastor Davis continued "We also want to team together with the community. So if there were some parents that would like to supervise, as well, they do not have to attend our church; they could attend any church. But as long as they were able to have a background check ran through Church in the City, they would be eligible to participate and supervise as well."*

*Mayor Pro Tem Rushing stated "So basically there would be no restrictions to the public; anyone could come to this park, they wouldn't have to meet any requirements of the church or anything like that. It would be open to the public. They would just have to have a record on file with you and obtain their membership card."*

*Pastor Davis replied "Yes, ma'am."*

*Mayor Pro Tem Rushing stated "Okay. Mr. Gottel, any other questions."*

*Mayor Harper stated "Deputy."*

*Deputy Mayor Pro Tem Gottel replied "You asked them all."*

*Mayor Pro Tem Rushing stated "I got all of them?"*

*Mayor Harper stated "That doesn't happen all the time. Other members of the Council, Mr. Alberts? Mr. Maggiotto's first."*

*Councilmember Maggiotto stated "You talked about an identification card and so doing you would have a database; would that database be used for religious purposes to promote or to invite members using that facility?"*

*Pastor Davis replied "No, not at all. It would be a separate database. It would be strictly*

*for the park itself because I imagine that you probably have a lot of participants who attend different churches as well. We're going to welcome everyone."*

*Councilmember Maggiotto replied "Thank you."*

*Mayor Harper stated "Mr. Alberts."*

*Councilmember Alberts replied "Thank you, Mayor. Just a quick question for the folks there. Are your efforts to open up a skate park contingent on scavenging from us?"*

*Pastor Tebeau stated "We already have an existing skate park; it's portable; it's a smaller system and we operate it on Wednesday nights for our own church youth and have plans to continue to operate that. And we have operated that for about six (6) months. And we just heard about this and thought it was an opportunity to expand the park that we already have and to offer it to a wider base in the community."*

*Councilmember Alberts stated "What's the monetary benefit for you going through this effort with us? What do you benefit from as far as dollars?"*

*Pastor Tebeau replied "Well..."*

*Councilmember Alberts stated "You going to have to spend ten dollars (\$10) what are you going to get for it?"*

*Pastor Tebeau replied "We're going to get skate park equipment, which is repairable; and that we'll offer our present users, as well as, community users a skate park that they can have, if the alternative is not to have one, then they would have that skate park repaired..."*

*Councilmember Alberts stated "The alternative is to buy I guess equal equipment, correct? I guess what I'm asking is what is the value of the equipment that you'll be getting from us?"*

*Pastor Davis stated "I can comment on that. Actually the equipment that you guys have is better than what we have at this time. How this initially came up is we were running our skate park, like we do on Wednesday nights and we have kids from the community that come. They were talking that the skate park in Rowlett, which is the bigger equipment obviously because it's not portable, was closed down and was going to be done away with. So we wanted to come in and just say that 'hey, if it was closed down because of vandalism or lack of supervision, we would be willing to take that over and run a similar program insuring supervision and all of that we could as a medium between the kids skating and there not being a problem with vandalism and all that; so that's how this all came together in the first place."*

*Councilmember Alberts replied "Okay, thank you. Mayor, my position on this is that I'm going to echo what Mr. Cornwell said during Citizens' Input; I believe we do have a capital investment there and the seventeen thousand dollars (\$17,000) based on the age of the facility in there, to me is just funded appreciation to me."*

*Mayor Harper stated "Sure."*

*Councilmember Alberts continued "That's just maintenance we need to do. Neglect is not a form of maintenance and I think that was a good idea when we decided to offer this service to our community. It is right. You've got the skate park and Bahama Bucks and where else are you going to go. That's basically it for that age group that we have here in Rowlett. I'd like to see us to pursue...allowing as we've read in the entire packet, we've got efforts out*

there where people just want a little time. Give it some time and we'll come up with some funds to help the City do this. I think the City needs to continue to make an investment in this. I think it's sad that it's closed down right now; I really do. I think it should have been, at least in my opinion, brought to the forefront to the Council that we had an issue there that we're really having a problem. Because I know that I really didn't delve into it until I saw the packet. Out of sight, out of mind. I go by there and there are people out there doing stuff; so I assumed they were doing their thing. So, I'd like to see us not pursue this avenue at this time."

Mayor Harper stated "Anything else, Mr. Alberts?"

Councilmember Alberts replied "No, Mayor, I know you have some comments."

Mayor Harper stated "I'm going to have a few; anyone else? Mayor Pro Tem."

Mayor Pro Tem Rushing replied "Yes, if I could ask one more question. If you don't get the equipment that we have, are you going to look for equipment somewhere else to still expand your park? In other words, if we don't donate the equipment to you now, is our chance to do that going to pass by and you're going to buy equipment somewhere else anyway?"

Councilmember Alberts stated "That's what I was trying to get to Mayor Pro Tem."

Pastor Tebeau replied "We do not have additional equipment in our budget at this time but Pastor Davis has the option to ask for an expansion of the equipment and I believe its popular; it's been very popular in usage and then we'll probably expand our skate park regardless of the equipment from Rowlett."

Mayor Pro Tem Rushing stated "But not necessarily right away. If we didn't make this decision for sixty (60) days you may still be in need of equipment?"

Pastor Davis replied "Yes, I don't see us in sixty (60) days buying the equipment that you guys have. So, we don't have the money; we always want to expand our skate park but there's no way that we have the money. But I just want to say the initial thing was not to try to expand our skate park, it was trying to salvage doing away with the equipment so that the skaters could have a place to skate."

Mayor Harper stated "Deputy."

Deputy Mayor Pro Tem Gottel stated "Thank you. First of all, to the both of you, thank you very much for the offer. I know it's a lot from the standpoint to operate a ministry and to be able to expand and be able to take something like that and be willing to step up and say let's build this park. The struggle I have, and this is not directed at you guys, but is from the standpoint of what do we do with the equipment? The park, we've put a significant investment into the park and I sense just based on the turnout this evening and the few emails that we got that there's definitely strong interests in that. I personally would be willing to consider a short, a very short extension if the folks would be willing to...if they were able to raise the funding. The real issue at this point, and I hate to keep going back to finances, is the fact that if we had the money sitting there we would have fixed it by now but there are a lot of other priorities in the City that we struggle with and that's just the financial piece and there's of course some other aspects as well. So, that's really all that I have to say at this point. If that's something that we're willing to consider as a Council, again, maybe a very short extension as Cindy had mentioned, maybe a sixty (60) day type window where they'll have the ability to go out and raise some funding if they can meet a certain criteria with the understanding that if they could not meet that then it would automatically default to the church at that price. Would something like that be acceptable? I'm not negotiating."

Mayor Harper stated "No deliberations. I have some questions for Ms. Corder if you're done Mr. Gottel."

Deputy Mayor Pro Tem Gottel replied "Sure, yes sir."

Mayor Harper stated "How about at this end, are we all set? Okay. Ms. Corder, how long has the Skate Zone been closed?"

Ms. Corder replied "I believe over six (6) months."

Mayor Harper stated "Six (6) months. Why was it closed?"

Ms. Corder replied "The number of the ramps and other equipment needed repairs."

Mayor Harper stated "From use or vandalism? I heard someone mention vandalism."

Ms. Corder replied "I'll ask Tim Hightshoe to come help me with this."

Mayor Harper stated "Welcome."

Tim Hightshoe, Parks Division Manager, stated "Most of the repairs to the park itself are due to use, wear, and tear. The majority of the vandalism that we've had at that facility has been primarily at the building; mostly graffiti and stuff like that, but the ramps themselves are wear and tear."

Mayor Harper stated "We heard someone mention earlier that the seventeen thousand dollars (\$17,000) figure was way high over the true estimate. Do you agree with that?"

Mr. Hightshoe replied "Well, when I was checking into the figures, I contacted a representative from the company that had originally sold the City the property and that's where I got the estimate from. That source was mentioned earlier and the product is over seas. No research was done on a different product; I just stuck with what the primary manufacturer had."

Mayor Harper stated "Could a different product be used based on your experience?"

Mr. Hightshoe replied "I have not researched that but that may be a possibility."

Mayor Harper stated "Sure. Katie, I have a couple of other questions. What if we don't sell this Skate Zone equipment? What if the City keeps it? What's going to be the disposition of that property? It's been closed for six (6) months, what do you think is going to happen?"

Ms. Corder replied "If this is not approved tonight, it will go back to the Parks and Recreation Advisory Board and their subcommittee and look at other alternatives that we have."

Mayor Harper stated "What alternatives are there? It's going to have to come back to us for a decision. What alternative might be brought back to us if we don't approve this tonight?"

Ms. Corder replied "The alternative is that if we want to keep running the skate park is to fix the equipment to where we can open it again."

Mayor Harper stated "So you would propose that seventeen thousand dollars (\$17,000) be invested?"

Ms. Corder replied "That's the options that we would need to look into is where that money would come from and what options the City may have."

Mayor Harper stated "I saw a statement made by somebody that they thought the skate organization, I think that's how it was referred to was a skating organization, could raise fifty percent (50%) of the funds. That's eight thousand five hundred dollars (\$8,500). What would be the source of them raising those dollars?"

Ms. Corder replied "I do not know; I don't have any of the knowledge on the skating organization or where they may be able to raise that money from."

Mr. Hightshoe stated "Can I make a comment?"

Mayor Harper replied "Yes, please."

Mr. Hightshoe stated "In some conversations that I've had, I know that there was conversation taking place that they might try to raise these funds through other skating organizations and possibly doing some type of exhibition and tournament type things."

Mayor Harper stated "So the capital investment would be eighty-five hundred dollars (\$8,500). Do we provide supervision of the skate park?"

Ms. Corder replied "No, we do not."

Mayor Harper stated "So that would be something that would be different if this were to be sold as it has been proposed?"

Ms. Corder answered in the affirmative.

Mayor Harper stated "How much revenue do we get from the Skate Zone right now?"

Ms. Corder replied "We do not receive any revenue from the Skate Zone."

Mayor Harper stated "You get no money from it at all."

Ms. Corder replied "No."

Mayor Harper stated "I understand the Police department recommends that this be closed. Is that correct?"

Ms. Corder replied "Yes, they do. They have received, if I remember correctly, since 2007 about eighty (80) to one hundred (100) calls for service to this location."

Mayor Harper stated "Thank you. Council, any other questions?"

Councilmember Alberts stated "Mayor, I just heard from staff that the bulk cost of the repairs is caused by normal wear and tear. Is that correct?"

Mr. Hightshoe replied in the affirmative.

Councilmember Alberts stated "Do you know how much we've put into maintenance in this? I'm not going to trip you up with that but you know, if it's normal wear and tear then that falls under maintenance. And maybe I'm looking at the wrong people, maybe the people who

are responsible for not doing this maintenance is not here anymore but I'll ask the City Managers, why haven't we've been maintaining this equipment? Because that's what I hear is that its just normal wear and tear. We invest in a facility; we invest in capital; we invest in a benefit for our citizens and all we have to do is maintain it."

Mr. Owens replied "Right, well my understanding was that it got up to a place where it needed more investment than normal maintenance would do. We'd have to start ordering and replacing parts; we'd have to do an overhaul. It's been in use for quite some time; we're doing the normal maintenance over time but every once in a while you have to refresh the facility and we've got to that point and really considering the vandalism issues, considering the costs that it's had; the trouble that we've had with it, now is a...we need to hold off. Especially considering some of the other needs of the City; now is a time to hold off this decision before we make a seventeen thousand dollar (\$17,000) or a twelve thousand dollar (\$12,000) investment."

Councilmember Alberts stated "What I see here is staff made that decision six (6) months ago. Staff made the decision six (6) months ago to stop offering this service for our citizens. That's what happened. Now, unless you're telling me that we had in the budget...we actually had an estimate to bring this equipment up to code; obviously, it didn't happen over night...normal wear and tear. So you know, staff made the decision to close this thing down. And as far as I know, no one informed at least this Councilmember that we decided to not offer this service to our citizens six (6) months ago. Is that correct?"

Mr. Owens replied "I'd have to review our records and the reports that I've handed out to give you the accurate answer on that. We didn't bring it up as a major issue; we didn't post a separate agenda items for that kind of update. I fell confident that somewhere along the way we mentioned it."

Councilmember Alberts stated "It was policy of this Council to offer that service to our citizens. The policy is for you to offer that service to our citizens. Now as soon as that service ceased being operational, this Council would need to deliberate that from a policy standpoint and I know that hasn't been on an agenda. So, I guess what I'm saying is that operationally we can do things to keep our citizens safe but from a policy standpoint, when we change service levels, that comes from this body. I'm not telling you City Charter 101 but I'm a little concerned about the fact that we've gone six (6) months with that service not being offered for normal wear and tear and maintenance. Thank you, Mayor."

Mayor Harper stated "Thank you, Mr. Alberts. Just to add to what you have to say, I do think that the City Manager prioritizes day in and day out what needs to be done and to some extent does triage so I understand his decision. To my recollection and I may be wrong about this, Mr. Owens, but I do recall it being discussed, not very deeply, but I do recall it being discussed. And I think the recommendation as I recall came forward from the Police department or with Police department backing saying this was something we needed to do because of the incidents that were taking place at that site. I may be wrong; we'll confirm all of that, not to worry. One more; okay Deputy; go ahead."

Deputy Mayor Pro Tem Gattel stated "This is actually for the pastor of the church. If it is approved this evening, what was the timeline in terms of pending other approval; how quickly was your target to open the facility to all of the residents?"

Pastor Tebeau replied "We are looking at approximately sixty (60) days to build a fence, to prepare the area, and to schedule...interact with the existing skate community and just see what kind of hours we can post to have open, in addition to what we have in our initial policy."

Deputy Mayor Pro Tem Gattel stated "Thank you."

Mayor Harper stated "David, while you're up there, let me just ask you a couple more questions. I wasn't going to do that but since you're at the podium. I wanted to be clear on the agreement that has been negotiated between you and City staff at this point. We would transfer the ownership of the property to, I'm going to use the corporate 'you' if you don't mind, we'll transfer the property to you and for that you will bring it up to standards, you'll put a fence around it, you'll provide supervision, you won't charge anything for the use of it, you'll do background checks on those doing supervisions, you'll do somewhat of a check at least on those who are utilizing it, specifically getting parental permission where it is required and for that we're asking ten dollars (\$10) but you'll be investing significantly more than that. Do I have that right?"

Pastor Tebeau replied "That's correct. We will also offer a concession stand having some moderate amount of refreshments available for purchase."

Mayor Harper stated "And for you, Mr. Owens, my understanding from what I'm interpreting, so I'm asking the question not making a statement, but I don't get the impression that this is going to compete well with other important needs for capital investments. Is that accurate?"

Mr. Owens replied "That is, Mayor. And that was one of the things that we considered when we were faced with making an investment. What is the number of people served? What's the cost of providing that service compared to the other recreational activities we have...the broad range of recreational activities we have? And this one was certainly higher for the number of participants."

Mayor Harper stated "Okay, you want to have one more statement, Mayor Pro Tem?"

Mayor Pro Tem Rushing stated "I think that in many instances we find ourselves needing to partner with different sports associations to provide a service and different activities for the youth in our community. Not that the taxpayers can't take on a burden for themselves in all instances, just that it makes it more easily accessible for us to provide more services to more people by partnering with private organizations. I think this gives us an opportunity to do that; keep this facility available to the youth in our City and youth that come from other cities. On the petition that we saw there were signatures from many other cities. Young people do come from Mesquite, Rockwall, Royse City and other nearby cities to our facility to use it. This would give an opportunity to open this back up quickly and make it accessible to the youth in our City."

A member of the audience stated "Two days a week; just two days a week."

Mayor Harper stated "Please; we're through with Citizens' Input."

Mayor Pro Tem Rushing stated "But one of the things we strive is the opportunities for the youth in our City; the supervision to give them good guidance; to make sure they're not injured on City property, and we're not able to do that in this facility in the condition it's in now without a huge expense. Thank you."

Mayor Harper stated "Mayor Pro Tem, do we have a motion?"

Mayor Pro Tem Rushing replied "Yes, Mayor. I make a motion to approve Item 9C as provided in our agenda packet."

Mayor Harper stated "All right. And is there a second to that motion? There is a second by Mr. Gottel. Please call the question, Ms. Quinn."

Councilmember Alberts stated "Mr. Mayor, I make a motion."

Mayor Harper replied "You make a counter-motion?"

Councilmember Alberts stated "I make a counter-motion to table this item until a date certain on July 15th, that would be the sixty (60) days, that would also address some of the Council's thoughts and certainly some of the thoughts in the audience and the skateboard users of allowing them to come up and identifying additional funds to help do the rehabilitation of the equipment out there so that we can keep it under the same guides; so it is enjoyed more days of the week. Anyway, I think it's a good idea. I think Mr. Gottel had a good idea and at the suggestion of Mayor Pro Tem to table this for sixty (60) days to allow them at least...to afford them the opportunity. It's not going away, the church has already said that they're not going to go away and the ten dollar (\$10) offer will still be on the table in sixty (60) days and I would urge the Council to table this until July 15th."

Mayor Harper replied "Mr. Alberts, would you allow a friendly amendment, if there is such a thing to a counter-motion, I'm not sure?"

Councilmember Alberts stated "I don't think you can second it Mayor, but sure."

Mayor Harper replied "I cannot second it, I'm well aware of that. I'm suggesting thirty (30) days instead of sixty (60). The reason for that, Mr. Alberts, if we go in that direction, this has been going on for much too long and I'd like to get some closure. I think these issues that we're talking about have been in existence since December of last year. I'm not confident that the funds can be raised. I am not confident that the problems that brought us to this point are going to be turned around in sixty (60) days or ninety (90) days or one hundred twenty (120) days. But I do want to give them the opportunity to test the water. If you'll accept a thirty (30) day, I'd be pleased."

Councilmember Alberts stated "Always a compromiser, Mayor. I would accept July 1st which would be forty-five (45) days and I think that would give the group time enough to mobilize. I don't want to set them up to fail and say you have thirty (30) days from today."

Mayor Harper replied "I understand."

Councilmember Alberts continued "I don't want them to come up with five hundred dollars (\$500) or one thousand dollars (\$1,000), I'd like for them to come up with as much money as they can. And I think it will take them a little bit of time to mobilize to do that."

Mayor Harper replied "Again, the statement that was made was eighty-five hundred (\$8,500); that's the target in my mind. At any rate, thank you. We have a motion, now a counter-motion of a forty-five (45) day delay, July 1st."

Councilmember Alberts stated "A date certain July 1st."

Mayor Harper continued "Is there a second to that motion?"

Deputy Mayor Pro Tem Gottel stated "I will second."

Mayor Harper stated "A second by Mr. Gottel. Mr. Attorney, can we have a second by a seconder?"

David Berman, City Attorney, replied "It's a privilege motion."

Councilmember Alberts stated "It's a privilege motion and anybody can jump at it."

Mr. Berman stated "It's a privilege motion and the second takes precedence over the main motion on the floor."

Mayor Harper stated "So what we have now is a motion and a second to defer this for forty-five (45) days until July 1st. The correct wording of that Ms. Quinn, we'll get later if needed, and so it is time to call that question. Is everyone clear on what we're voting on? A vote 'yes' will delay this for forty-five (45) days; a vote 'no' will end that counter-motion. Mr. Maggiotto."

Councilmember Maggiotto replied "I have a question for staff. What was talked about was a fifty percent (50%) contribution. Does staff have the budget right now to match that?"

Ms. Corder replied "I'd have to look into it; this probably is an issue that Park Pro Rata funding could cover if the Council wants to proceed that way."

Mayor Harper stated "We haven't had our CIP review yet, so not to interfere but..."

Ms. Corder stated "But I can have that information by July 1st."

Mayor Harper stated "Not to interfere but we but we've got to do a total review."

Councilmember Maggiotto stated "I think that brings up the point I'm trying to make, Mayor. One of the points that I brought up very early on as referenced in the Attachment 3 is that there was consensus among the users, Park board, and staff that the long-term objective of any organization or any asset is sustainability. And when we discussed quality of equipment, the consensus was that aluminum, steel, and concrete, something similar to the edge up in Allen has as opposed to something that we can or have to continually maintain. And so I guess I'm reopening the thought of what is the big picture? What's the end result of this effort as an asset? And it's not a temporary fix to something that we have to re-visit three (3) or four (4) years down the road or something that represents a fifty percent (50%) contribution and then we get to the point where the City has a listing of priorities in the Parks system that it does not get funded and then we're back in the same boat. And in the next forty-five (45) days, you're not going to be able to make that determination. And so I'm...here's the other point too. The removal of the equipment does not mean the City is not interested in a long-term solution for a skate park. That's never been part of the conversation. The conversation has been about the cost and maintenance of the equipment, the uniqueness of the equipment, and the issues that we have with the Police response call. That later point has not been solved. And so we've migrated the discussion to the point where we're talking about short-term issues that don't address the long-term goal I think the skating community, the Parks staff...Parks staff would love to have an asset that doesn't need to be maintained. That's concrete and steel; similar to what the edge up in Allen does. We've talked about a bond program. Having a skate park; raising funding for that. That's the big picture. That's something everyone would buy into but what we're trying to do now is put a band-aid on something and we think that the existence of that wooden equipment means something more when in fact it doesn't represent a commitment from the City of Rowlett to not provide that service ever; or to remove it. Right now for six (6) months, there's been no service. Okay. So to me it's the long-term sustainability question and not whether you give folks thirty (30) days, forty-five (45) days, or sixty (60) days; you still have the hurdle which is where's the other fifty percent (50%) coming? And would that make the cuts in the CIP based on the priorities? And staff has already commented multiple times that the priorities, as the City Manager alluded to, are better uses for our assets, for our funds. So, not to throw another monkey-wrench into this wheel but I think we've kind of confused things."

Mayor Harper stated "Council, we really have debated this at length. Mr. Alberts wants to speak and I'll allow everyone else one more round if they wish but then we really do need to call to question."

Councilmember Alberts stated "Just very quickly, Mayor. I appreciate Mr. Maggiotto's money-wrench that he is throwing into this. Its view from thirty thousand (30,000) feet is certainly warranted but it's not the question that we have tonight. Having a fire sale on our equipment and saying 'well, you know what, we need to get rid of it because we don't have what Allen has'. That just doesn't make any sense. All the forty-five (45) days does is afford the community out there to show support for this facility. If they don't show their support, then you make that decision forty-five (45) days later. You can still sell the equipment but at least it affords those young people out there to go out in the community and have car washes, and have whatever they want to do. I'm not going to manage them on that but it certainly gives them the opportunity to enlist support in the community to save this facility that we have a heavy investment in."

Mayor Harper stated "But to make it clear, and this will be my last comment, everyday people make decisions about sunk investments, sunk assets. How many dollars do you continue to invest to make something worthwhile? At some point in every business and in every family the decision is I've spent all that I intend to spend on this. It's no longer the highest priority. It's no longer the highest and best use of my limited resources. I think that's really the question that this Council is facing right now. Are we at the point where we are willing to invest something more? And as much as I would like to say to the sports organization, 'go raise \$8,500', why haven't they done it already? This is not a new issue; it's been going on since December. It's been discussed, since I know about, since December. So while I'm sensitive and sympathetic, I am not at all optimistic. I happen to be a realist. I happen to be a person who says this is how the world operates. And the way the world is operating right now is we made an investment of one hundred thousand dollars (\$100,000) that maybe wasn't a wise investment. Now we have found someone to take this investment off of our hands. That's going on everyday in this community. Right now all across our land with foreclosed mortgages by the way. Now we are lucky to have someone such as David and Crystal who are willing to step up and take this off our hands. It is my belief that if they don't step up and take it off our hands nothing, nothing will happen because as I know the Capital Improvement Program it simply does not match up to other very pressing needs, very pressing needs. And much as I am in sympathy, the fact that the skating community would have an alternative site that is supervised, that is secure, and the City is not paying for, it rings well to me. I do not want to deny the skating community anything but I don't, as an elected representative of the City, feel that this is the proper use of tax money any longer. And it rings very true to me that the Police department says shut it down. That's it. Let's call the vote. What we are voting on a 'yes' vote will bring this back to the first City Council session in July; July 1st. So this will come back for final consideration on July 1st if it is a 'yes' vote. If it is a 'no' vote, we will go back to the first motion. So, please call the question. And the motion does not carry; it is 2 - 2."

Councilmember Alberts stated "Actually abstention is a positive vote, sir."

Mayor Harper stated "Is that correct, Mr. Attorney? We had this once before where it wasn't."

Mr. Berman replied "I knew this was going to happen one of these days. I don't know if we have an ordinance or a rule of procedure that indicates that when an abstention is invoked it is a positive vote. There is a debate among many cities that in the absence of an ordinance, falling back on Robert's Rules of Order; some people believe the Robert's Rules of Order says that an abstention is in fact a vote in favor of the main motion when in fact Robert's Rules of Order really doesn't say that. It simply says an abstention is no vote at all."

Mayor Harper stated "This is what you have taught me in past events that it is no vote at all; which means that we had four (4) votes and it tied 2 - 2; which means it fails. So what's your ruling?"

Mr. Berman replied "There has been no successful vote on the motion to table. Another motion to table could be made or you as the Chair will bring it back to the main motion that Mayor Pro Tem Rushing made."

Mayor Harper stated "So then my ruling that the motion failed is one that you support as our legal counsel?"

Councilmember Alberts stated "The motion didn't fail."

Mr. Berman stated "The motion didn't pass; it simply didn't pass."

Councilmember Alberts stated "I would present it again Mayor as the same motion and ask for another second."

Mayor Harper stated "You won't allow me to go back to the main motion?"

Councilmember Alberts replied "No, I want to go ahead and do my privilege motion to table this until July 1st."

Mayor Harper stated "So we're going to do that again? The very same vote."

Councilmember Alberts stated "If I can get a second."

Mayor Harper replied "If you can get a second."

Councilmember Alberts replied "Yes, sir."

Mayor Harper stated "So we've had a 2 - 2 abstention and now we're going to do a second bite of the apple. Is there a second to Mr. Alberts' privileged motion? Hearing no second; it fails for a lack of a second. We now go to our primary motion. The primary motion is to sell this property immediately as presented in the motion. A 'yes' vote indicates that we will do the agenda item as listed; a 'no' vote indicates that it fails."

**A motion was made by Mayor Pro Tem Rushing, seconded by Deputy Mayor Pro Tem Gottel, that this matter be adopted as RES-056-08. The motion carried by the following vote:**

**Ayes:** 4 - Mayor Harper, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto and Mayor Pro Tem Rushing

**Noes:** 1 - Councilmember Alberts

**Excused:** 1 - Councilmember Mays

Mayor Pro Tem Rushing stated "I would encourage the skaters in the City to work with the church; the church has openly said if they have more volunteers they'd keep the park open more hours. It is an option for you to have the park, to keep it open, to use it at your will. Thank you."

9.-D.

Consider a resolution amending the Master Fee Schedule to adjust the sports association fees for resident and non-resident sports users.

*City Secretary read the item into the record.*

*Ms. Corder stated "Mayor and Council, this item was discussed in the Work Session tonight in conjunction with the discussion on the Sports User Agreement. The fees presented before you tonight are an accumulation of the work of the Sports User Forum and the Parks and Recreation Advisory Board. Very briefly, the proposed fees for each of the five (5) associations, along with the concession fees for the three (3) associations that provide concessions are outlined in the packet. It is moving to a per-participant fee for all of the youth sports associations rather than a team fee. In addition, the proposed fees are moving to adding a non-residential fee in conjunction with the residential fee. I'd be happy to answer any questions if you have any."*

*Mayor Harper stated "Thank you, Katie. Mayor Pro Tem, any comments?"*

*Mayor Pro Tem Rushing replied "No questions."*

*Mayor Harper stated "Deputy?"*

*Deputy Mayor Pro Tem Gottel replied "No, sir."*

*Mayor Harper stated "Mr. Maggiotto, Mr. Alberts? I actually am the one who asked to have this for discussion. I only want to make a point. And the point is that this is a two-part resolution. We're looking at sports user agreements and I want to compliment and congratulate Councilman Maggiotto for the leadership he provided to bring us to the point of having some consistency in the way we do agreements for sports users. That's a major accomplishment and I know you've put a lot of work into that. Thank you very much. The other part of that motion though is that we'll be adopting fees for the sports users and the net effect of those fees as Ms. Corder just said, will be changing from a team charge to a participant charge and it brings a total of three hundred dollars (\$300) in additional revenue. My concern is this, when we started the process of looking at sports user fees about ten (10) or twelve (12) months ago, it was with the idea of getting enough revenue into the City that we could support...we could cover the expenses being incurred without putting all of the burden on the sports users. Well what we discovered in that process was that there was no consistency in the way we were asking individual groups to pay for their portion of expenses incurred. We're bringing about some of that reason now but I do need to put the Council and the citizens on notice, that it is my opinion that when we do our budget preparation for next fiscal year, and that begins just as soon as we swear the three (3) new councilmembers in. That's their first order of business for them is to start paying attention to the budget process. When we do the budget process during the months of June, July, August, and half of September, we're going to have to have additional revenues from sports user fees. Three hundred dollars (\$300) is not anywhere near what is needed to cover our costs, our forecasted costs that will increase significantly over the next eighteen (18) months. So while I am fine with the sports user association; in fact, I'm more than fine, I'm grateful, Mr. Maggiotto, I am disappointed that we're looking to establish that there will be no fee increase but in fact all we're saying is the fee increase is put off until fiscal year if I have my way. All right, thank you. Any other questions or comments? Do we have a motion?"*

**A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Mayor Pro Tem Rushing, that this matter be approved as RES-057-08. The motion carried by the following vote:**

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

**Excused:** 1 - Councilmember Mays

- 9.-E. Consider a resolution amending the Master Fee Schedule to include proposed fee increases for senior adults at the Rowlett Community Centre.

*City Secretary read the item into the record.*

*Ms. Corder stated "At the City Council meeting on December 18, 2007, City Council considered due fees for the annual memberships at the Rowlett Community Centre. At that time, fees for senior adults were not considered. This item has been presented to the Parks and Recreation Advisory Board and the Senior Advisory Board on a number of occasions. With working with the Senior Advisory Board, City staff has identified that seniors are a unique niche in this facility because there are two (2) different market segments. One for working out and using all of the racquetball courts and the workout equipment in the facility; and the second market segment includes seniors that are primarily interested in senior activities at the Centre, as well as, the walking track. Therefore, we've worked on developing two (2) different membership fees. One would be called Activity Fee which would just be for the senior activities and the walking track. The second would be a Senior Individual Pass which would be used at the entire facility. The Senior Advisory Board recommended the City Council approve the fees as identified in your packet with one (1) exception that City staff wants to add. There is already a non-residential fee for adults using the entire facility at one hundred forty-four dollars (\$144) and for consistency and clarity, City staff also recommends that the Council consider adding a non-residential fee of one hundred forty-four dollars (\$144) a year for senior adults."*

*Mayor Harper stated "Thank you, Katie. Mr. Middaugh, would you like to speak either as the Chair of the Senior Advisory Board or as a citizen?"*

*Ken Middaugh, Senior Advisory Board Chair, replied "Thank you, I'll certainly try; I didn't come prepared to do this. I apologize; I didn't quite understand part of it."*

*Mayor Harper stated "I understand only too well."*

*Mr. Middaugh stated "I'm working from memory at this moment and at my age, that's a dangerous thing to do. We did, as a board, recommend not to increase the fees for senior citizens. Is that what I just heard from Ms. Corder."*

*Ms. Corder replied "Yes, to keep them consistent with what they are now and those are the fees outlined in the packet."*

*Mayor Harper stated "As I understand it, Mr. Middaugh, the fees will remain the same but for the non-residents; and it is projected to bring in an addition one thousand two hundred eighty-four dollars (\$1,284) in new revenues."*

*Mr. Middaugh replied "That could be; we didn't have that information at hand. What we had was the net revenue was going to be something like nine hundred fifty dollars (\$950)."*

*Mayor Harper stated "Can you reconcile that Ms. Corder?"*

*Ms. Corder responded "Yes, the twelve hundred and eighty-four dollars (\$1,284) is the net difference between Option 1 and Option 2 in your packet. Any increase in revenue from adopting these fees would primarily come from an increase number in memberships and including and increased number since we would now have non-residential fees."*

*Mayor Harper stated "So that agrees with the nine hundred fifty dollars (\$950) that you're aware of Mr. Middaugh?"*

Mr. Middaugh replied "It probably does, thank you. So what we're saying right here, as I understand it, is we're not going to increase seniors' fees?"

Mayor Harper stated "The proposal before us does not increase the fees."

Mr. Middaugh replied "Okay; in reading Item 9E up there, it's talking about an increase; it's a little confusing."

Mayor Harper stated "We go to the Master Fee Schedule and we'll record the increases for the non-residents; is that right, Ms. Corder? The increased fees are for the non-residents?"

Ms. Corder replied "For non-residential senior individual pass only, yes."

Mr. Middaugh stated "Thank you; that was all I have to say."

Mayor Harper stated "Council, I hear some side talk over here. Is there something you want to say?"

Deputy Mayor Pro Tem Gottel stated "I think just to be clear we're proposing in the next budget year as a small increase, not in this budget year. That's my understanding."

Mayor Harper stated "Is that the effective date? I want to be clear myself. Is it effective next fiscal year or is it effective now?"

Ms. Corder replied "No, this would be effective now."

Mayor Harper stated "Now; that's what I thought."

Councilmember Alberts stated "Mayor."

Mayor Harper replied "Mr. Alberts."

Councilmember Alberts stated "Thank you, Mayor. So if have seniors in Garland that want to come over here and hang around with our guys over here, we're going to charge them one hundred forty dollars (\$140)?"

Ms. Corder replied "If they want to use the full facility including the workout equipment, it would be one hundred forty-four dollars (\$144) annually. If non-residential seniors want to participate in activities or use the walking track, it would be ten dollars (\$10) annually."

Councilmember Alberts stated "Okay."

Mayor Harper stated "Any other comments? Okay, thank you Council. Do we have a motion?"

**A motion was made by Councilmember Alberts, seconded by Deputy Mayor Pro Tem Gottel, that this matter be approved as RES-058-08. The motion carried by the following vote:**

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

**Excused:** 1 - Councilmember Mays

**10. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 10.-A. Consider a resolution canvassing the votes to declare the results of the general election held Saturday, May 10, 2008 for Councilmembers for Places One, Three and Five.

*City Secretary read the item into the record.*

*Mayor Harper stated "Okay, we have this resolution before us to declare the results of the General Election; are there any comments or questions?"*

*Mayor Pro Tem Rushing stated "No, Mayor, I'd like to make a motion that we..."*

*Councilmember Alberts stated "Shouldn't that be read into the record?"*

*Mayor Pro Tem Rushing continued "Pass it as read."*

*Mayor Harper stated "We have a motion made to..."*

*Councilmember Alberts stated "We can't; it's supposed to be read into the record."*

*Mr. Berman stated "Yes, in order to canvass, you simply read the results."*

*Mayor Harper replied "Oh, I don't have those results in front of me. Can I ask the City Secretary to do that?"*

*Mr. Berman stated "Yes, they should be printed in the packet."*

*City Secretary read the General Election results into the record.*

**Councilmember Place One to wit:**

<b>Name</b>	<b>Total Votes</b>
Doug Phillips	1,270
Ceaser Hancock	899

**Councilmember Place Three to wit:**

<b>Name</b>	<b>Total Votes</b>
Patrick Jackson	1,099
Ronnie Howell	1,094

**Councilmember Place Five to wit:**

<b>Name</b>	<b>Total Votes</b>
Chris Kilgore	1,482
Al Alberts	869

*Mayor Harper stated "Now Mayor Pro Tem, you're motion is?"*

*Mayor Pro Tem Rushing replied "To accept the results as read by the City Secretary."*

**A motion was made by Mayor Pro Tem Rushing, seconded by Councilmember Alberts, that this matter be approved as RES-059-08. The motion carried by the following vote:**

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

**Excused:** 1 - Councilmember Mays

**10.-B.**

Consider a resolution canvassing the returns and declaring the results of the Special Election held on May 10, 2008 for the adoption of the firefighters' and police officers' civil service law.

*City Secretary read the item and the Special Election results into the record.*

**Proposition for the adoption of the fire fighters' and police officers' civil service law to wit:**

<b>Name</b>	<b>Total Votes</b>
FOR	954
AGAINST	1,634

*Mayor Harper stated "Do we have a motion Council?"*

**A motion was made by Mayor Pro Tem Rushing, seconded by Deputy Mayor Pro Tem Gottel, that this matter be approved as RES-060-08. The motion carried by the following vote:**

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

**Excused:** 1 - Councilmember Mays

## **RECOGNITION OF SERVICES AND PRESENTATIONS TO OUTGOING CITY COUNCILMEMBERS**

*This item followed Item 7D.*

*Mayor Harper stated "We were going to wait until the very end to recognize two (2) of our outgoing Councilmembers. One (1) of our Councilmembers, Mr. Randy Mays, has had some medical trouble in the last week, we won't go into great detail, but he's not very comfortable right now. And I said 'Randy, we don't need to have you sit through a regular session of our City Council meeting if you're not feeling good. Let's go ahead and do our recognition of you as our outgoing Councilmember now.' So we're going to do that and then followed by Mr. Alberts. I'd like to say a few comments on each and then I'll give them the opportunity to come forward or you can speak from the dais; whatever you would like to do. We have beautiful plaques for both of them."*

*Mayor Harper read the inscription on the plaque for Councilmember Randy Mays.*

Mayor Harper continued "I happen to know that while Mr. Mays has done a great job, he did not do it alone. And I can't say that the City Council was responsible for the successes of Mr. Mays as a councilman, but rather his family and his closest friends. There are a couple of them in the audience; would you all come forward? Just stand behind me for a few moments while I speak about Randy and then I'll give you the plaque; you have to earn it; you have to listen to my words first.

Randy has only served for one (1) year but he has made quite a difference, a significant difference. Whenever you wanted to know 'what do the people think', you go to Randy and he's already talked to them and he brought to us, if you don't mind my phrase 'a real common sense' approach to decision-making. He's given us a year of his time; I think his wife wants him back. He understands the commitment that it takes to be a very effective City Councilmember. One of his closest friends, in addition to the plaque that I'll be giving to Randy, has brought a memorial. So, Mr. Mark Petrick, I'll give you the podium to speak."

Mr. Petrick stated "Mayor, thank you very much. Well, ladies and gentlemen, it's been a very eventful journey as a friend and a close member of the Mays family. When Mr. Mays approached us and said he was going to run for City Council, I said 'why?' And his response was 'I want to get in touch with the people and I want to save the City money.' And who could argue with that? It has been a privilege to be part of Mr. Mays' political run; in fact, when the results came in he scored I believe in the mid-sixty percentile; as far as the popular vote and we were really excited. His grassroots effort, home to home, pavement to sidewalk, and sidewalk to door really paid off and we're very proud of him. And with that said, we'd love to present you with this picture of the City Council and basically you look just like the picture. Congratulations."

Councilmember Mays replied "Thank you, sir. I won't make a long speech; I just want to say that it's been quite an adventure for me and I really appreciate the support I've had from the citizens here and it was a unique experience in my life. Thank you."

Mrs. Mays stated "Thank you everyone; we appreciate it."

Mayor Harper stated "That's a short speech; you can speak longer than that."

Mrs. Mays replied "Oh, I can but I don't want to take up a lot of time as you're already running late."

Mayor Harper replied "Yes, we are; yes, we are."

Mrs. Mays replied "Thank you."

Mayor Harper stated "It is also my privilege to recognize outgoing Councilmember, Mr. Al Alberts. You can't think about Rowlett without thinking about Mr. Al Alberts. Al, would you come forward, please.

Mayor Harper read the inscription on the plaque for Councilmember Al Alberts.

Presented to

Al Alberts

For Devoted and Untiring Service  
Place 5, Councilmember  
May 1, 1999 to May 10, 2008

99-00	Deputy Mayor Pro Tem
00-01	Mayor Pro Tem
01-02	Mayor Pro Tem
02-03	Councilmember
03-04	Mayor Pro Tem
04-05	Councilmember
05-06	Mayor Pro Tem
06-07	Mayor Pro Tem
07-08	Councilmember

On Behalf of the Citizens  
Of Rowlett

For the Betterment of the Community

Mayor Harper continued "This doesn't include the service that you've given to this City working on boards and commission, as well. Al has been a great servant, a great public servant to this City and I want to say on behalf of the Council, your colleagues, as well as, the citizens of Rowlett, we appreciate everything you have done for us, Al."

Councilmember Alberts stated "I just have a few words because I've had a lot of words over the last nine (9) years. The only constant is change; and we certainly have experienced change here in Rowlett. When I first got on the Council, William Jefferson Clinton was in the middle of his second term; Highway 66 was an asphalt road. There was no Tom Thumb; there was no Albertsons down there; it was easy to put political signs up because they were all vacant fields. Home Depot wasn't here; Wal-Mart wasn't here. In fact, we didn't even have an Economic Development Advisory Board then, let alone a Traffic and Safety Committee. These are all things that I'm proud of doing. When I look around, I see my town. I see the town that I got to participate in building. Not alone, but was part of a good team to get it done. I'm leaving the Council in good hands; I told Chris, I've told everybody, that I would vote for Chris except he was running against me. He's a good man; he's smart and he cares about the City. And he'll do a good term for us up here. Again, I just want to thank the community for giving me the trust of serving for nine (9) years. It's truly unprecedented; it's been a lot of work but I'll tell you what, it's been fun too and I've enjoyed it. Thanks."

Mayor Harper stated "You've got another hour's worth of work to do Mr. Alberts."

Councilmember Alberts replied "I'm here, sir."

Mayor Harper stated "All right, here we go. Let us go ahead and move now into the update from the Mayor that was scheduled at the beginning."

At this time, Mayor Harper proceeded with Item 7A.

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

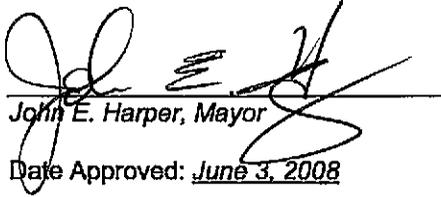
No actions were taken during the Executive Session.

## 11. ADJOURNMENT

Mayor Harper stated "We have already recognized the outgoing City Councilmembers; Mr. Alberts, again, my personal expression of thanks to you for all of your service. I have a great deal of respect for you sir."

*Mayor Harper adjourned the meeting at 10:02 p.m.*

**RECEPTION WILL FOLLOW ADJOURNMENT**

  
John E. Harper, Mayor  
Date Approved: June 3, 2008

  
Susie Quinn, City Secretary