



City of Rowlett Action Minutes City Council

4000 Main Street
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www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.

Tuesday, December 2, 2008

5:00 PM

Municipal Building - 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

Mayor Harper called the meeting to order at 5:06 p.m.

Excused: Councilmember Phillips

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

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:07 p.m.

2. EXECUTIVE SESSION

2-A The City Council shall convene into executive session pursuant to the TEXAS LOCAL GOVERNMENT CODE, §551.074(a) (1), Personnel, to deliberate the appointment and duties of the City Manager. (25 minutes)

2-B The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney and to discuss a proposed agreement with the Cities Aggregation Power Project (CAPP). (10 minutes)

RECONVENE INTO OPEN SESSION

3. WORK SESSION ITEMS (5:30 P.M.)

3-A Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest. (10 minutes)

- 3-B Joint Work Session with Animal Shelter Advisory Board. (10 minutes)
- 3-C Presentation of Screening Wall Cost, the Condition Assessment Study, and leaning utility poles. (35 minutes)
- 3-D Update on more than one Proactive Code Enforcement (PACE) sweep per year. (20 minutes)
- 3-E Hear and discuss the findings and recommendations of the traffic analysis study and alignment study for Chaha Road from Rowlett Road to Kirby. (15 minutes)
- 3-F Discuss the design of a 24-inch waterline along Princeton Road from Liberty Grove Road to Dalrock Road as part of the Princeton Road Rehabilitation project. (10 minutes)
- 3-G Discuss the hiring of a Drainage Engineer. (10 minutes)
- 3-H Discuss Board and Commission Handbook. (5 minutes)

4. DISCUSS REGULAR SESSION ITEMS

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

Convened into regular session at 7:36 p.m.

5. INVOCATION

The invocation was led by Pastor Craig Schill, Lake Cities Community Church.

6. PLEDGE OF ALLEGIANCE

Mayor Harper led the Pledge of Allegiance.

7. TEXAS PLEDGE OF ALLEGIANCE

Mayor Harper led the Texas Pledge of Allegiance.

8. PRESENTATIONS AND PROCLAMATIONS

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

9. CITIZENS' INPUT

1. *Stanley Pollard - 3110 Sycamore Street*
2. *Susan Turek - 7301 Alissa Drive*

10. CONSENT AGENDA

- 10-A Consider approving minutes from the November 13, Special Council Meeting and November 18, 2008 Regular Council Meeting.

This Matter was approved on the Consent Agenda.

- 10-B Consider a resolution approving the Boards and Commission Handbook.

This Matter was approved as RES-151-08 on the Consent Agenda.

- 10-C Consider an ordinance adopting amendments to the Home Rule Charter approved by voters of the City of Rowlett at the November 4, 2008 election.

This Matter was approved as ORD-053-08 on the Consent Agenda.

- 10-D Consider a resolution approving policy to require an annual performance review for all City Officers.

This Matter was approved as RES-152-08 on the Consent Agenda.

- 10-E** Consider a resolution to adopt a policy for charter amendment elections to coincide with state and national election cycles and to appoint a charter review commission every four (4) years.

This Matter was approved as RES-153-08 on the Consent Agenda.

- 10-F** Consider a resolution approving a purchase and sale agreement for the acquisition of 0.670 acres of property located at 4020 Lakeview Parkway for the reconstruction of Martin Drive from Lakeview Parkway to Industrial Street in the amount of seven hundred thousand dollars (\$700,000) and authorizing the Mayor to execute such agreement.

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Jackson, that this matter be adopted as amended to not exceed \$705,000 as RES-156-08. The motion carried by the following vote:

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

Excused: 1 - Councilmember Phillips

- 10-G** Consider a resolution authorizing the final acceptance of the improvements for the Phase II Waterview Drainage Improvements project and approving the final payment and release of retainage in the amount of seventy-one thousand seven dollars and seventy-two cents (\$71,007.72) to American Golf Corporation for the portion of the work performed by Johnson Golf Course Construction, Inc, subject to approval by the City Attorney.

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Rushing, that this matter be adopted as RES-157-08. The motion carried by the following vote:

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

Excused: 1 - Councilmember Phillips

- 10-H** Consider a resolution approving Change Order Number 7 in the amount of twenty-one thousand two hundred sixty-two dollars and eighteen cents (\$21,262.18) to the contract with McMahon Contracting, LP for the Kenwood Heights, Phase 1 subdivision reconstruction project.

This Matter was approved as RES-154-08 on the Consent Agenda.

- 10-I Consider a resolution directing City staff to proceed with the design of Chaha Road from east of Rowlett Road to south of Kirby Road.

This Matter was approved as RES-155-07 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Rushing, seconded by Councilmember Jackson, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

Excused: 1 - Councilmember Phillips

11. ITEMS FOR INDIVIDUAL CONSIDERATION

- 11-A Conduct the first of two public hearings to consider an administrative amendment to Article VI, Section 6.04(1)(A) of the City Charter to delete the word "every" from the last, final sentence.

The public hearing opened and closed at 8:20 p.m. with no one speaking.

- 11-B Consider an ordinance approving a 24-year electric power contract with Cities Aggregation Power Project, Inc. (CAPP), providing capacity payments as public property finance contractual obligations of the City, and pledging and levying an ad valorem tax for the payment of these capacity payments.

A motion was made by Councilmember Rushing, seconded by Councilmember Kilgore, that this matter be denied. The motion carried by the following vote:

Ayes: 5 - Mayor Harper, Mayor Pro Tem Gottel, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

Noes: 1 - Deputy Mayor Pro Tem Maggiotto

Excused: 1 - Councilmember Phillips

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

No action was taken during either Executive Session.

12. ADJOURNMENT

Mayor Harper adjourned the meeting at 10:48 p.m.