



# City of Rowlett

## Meeting Minutes

### City Council

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

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

---

Tuesday, November 16, 2010

5:30 P.M.

Municipal Building – 4000 Main Street

---

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

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

**Present: Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

**1. CALL TO ORDER**

Mayor Harper called the meeting to order at 5:30 p.m.

**CONVENE INTO EXECUTIVE SESSION**

Convened into Executive Session at 5:30 p.m.

**2. EXECUTIVE SESSION (5:30 P.M.)**

**2A.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Legal Consultation) to consult with the City Attorney regarding invocations at Rowlett City Council meetings. (20 minutes)

**2B.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.074 (Personnel) to deliberate on the duties of the City Manager, communications between City Council and Staff. (30 minutes)

**RECONVENE INTO OPEN SESSION**

Reconvened into open session at 6:30 p.m.

**3. WORK SESSION ITEMS (5:50 P.M.)**

**3A. Discuss renaming Wedgewood Park to Kenwood Heights Park. (10 minutes)**

Staff gave a brief history of Wedgewood Park.

A member of Council stated the revitalization of Kenwood Heights has changed the entire look of the community; stated the property owners in the neighborhood have pride in their homes; stated developing the park and changing the name of the park will give a sense of community and ownership in the neighborhood.

The topic of donations was discussed regarding the commitment fee as required by KaBoom!

A member of Council ask if there was a policy as to how to name parks; a member of Council brought up the idea of corporate sponsorship; a member of Council stated one consideration to keep in mind is the level of fairness to all corporations.

Council stated a policy will need to be addressed regarding corporate sponsorship.

**3B. Discuss the possibility of abandoning Berryman Road. (15 minutes)**

Staff spoke regarding the history of Berryman Road. Stated if the road was abandoned, the road would be divided equally among the two adjacent property owners.

Council asked if there was access to the property behind the two properties on Berryman Road.

Staff stated the property behind the two properties on Berryman Road had access from Larkin Lane.

Staff stated if the property is abandoned, the property could stay as it is and not have to be brought up to compliance.

Council came to a consensus that definite expectations are needed as to what will be required of the property owners and the property should be sold for the cost of the legal fee.

**3C. Discuss conducting a third party investigation of dog bite incident. (20 minutes)**

This item followed Item 3E.

A report with four questions and five recommendations was presented to the Council. A member of Council stated the legal action that was followed regarding the dog bite incident is not being questioned but would like to review the policies and ordinances for the safety of the citizens.

Upon review of the recommendations, Council came to a consensus to move forward with the following recommendations:

- Request the City of Rowlett Animal Shelter Advisory Board and City Staff to review the City of Rowlett [Code of] Ordinances and update it where needed to be in full compliance with State of Texas laws.
- Request the City of Rowlett Animal Shelter Advisory Board to recommend any changes to the City of Rowlett [Code of] Ordinances to implement "best practices" that they find in use at other animal shelters.
- Direct the City staff to investigate a "no kill" policy for the Rowlett Animal Shelter and report to the Mayor and Council their findings.
- Conduct a public hearing to consider any proposed changes to the City of Rowlett [Code of] Ordinances, Chapter Six.

**3D. Discuss planning for regional Grand Opening of President George Bush Turnpike Eastern Extension. (15 minutes)**

This item followed Item 3B.

Staff stated the planning of this event is in its early stages; spoke regarding some of the challenges including having a 5K run, a motorcycle toy drive, and make the event a daylong event.

Council asked if the Chamber of Commerce and civic clubs will be involved.

Staff stated the Chamber of Commerce and civic clubs will play a large role in the event.

This topic will be discussed at future meetings.

**3E. City Manager's Update to include I-30 Accident on November 5, 2010; Merritt Road Closure; Construction Update and Street Closures; Utility Bill payment dates. (20 minutes)**

City Manager Humble gave a brief update to the Council regarding the listed topics.

Item 3C followed this item.

**4. DISCUSS CONSENT AGENDA ITEMS**

Item 10C was removed from the Consent Agenda to be considered individually.

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

Convened into the regular session at 7:55 p.m.

**5. INVOCATION**

The invocation was led by Mayor Pro Tem Gottel.

**6. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Harper.

**7. TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by Mayor Harper.

**8. PRESENTATIONS AND PROCLAMATIONS**

**8A.** Proclamation recognizing the month of November as Texas Adoption Month.

Mayor Harper presented Councilmember Gallops with a proclamation recognizing the month of November as Texas Adoption Month.

**8B.** Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interests.

Mayor Harper gave a brief update to the Council on the various activities in the City including the successful Veterans Day Ceremony on November 11<sup>th</sup>; the Comprehensive Plan Steering Committee; the Master Park Plan development; the new procedure for having invocations at City Council meetings; the Main Street Holiday Parade and Festival and will take place on November 20<sup>th</sup> at 10 a.m.; the morning of December 4<sup>th</sup> will begin the construction of Wedgewood Park and the ribbon cutting will occur at 2:30 p.m.; and January 11<sup>th</sup> is the beginning of the new Legislation Session in Austin.

**9. CITIZENS' INPUT**

1. Robert and Robin Watson, 10718 St. Annes Drive, Rowlett – Spoke regarding a dog bite incident.
2. Jerry Berggren, 1417 Sherwood, Rowlett – Spoke regarding the cost of pensions.
3. Wayne Baxter, 8713 Vernon, Rowlett – Spoke regarding renaming a City park.

**10. CONSENT AGENDA**

Item 10C and Item 10J (citizen request) were removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 10A. Consider approving minutes from the November 2, 2010 Regular City Council Meeting.

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

- 10B. Consider cancelling the December 21, 2010 Council meeting.

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

- 10C. Consider a 12-month extension of the Economic Development Incentive Agreement with Inder Sangha, owner of Waterview Plaza.

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

Mayor Harper read the item into the record.

A member of Council asked for the timeline for the construction to begin.

Ms. Sangha stated construction will begin in 2011; stated the funding issues result from the financial issues with the banks.

Staff stated the incentives are to only waive impact fees.

A member of Council stated he would be more comfortable if there was a definite commitment and not a vague promise that construction will begin.

Ms. Sangha stated that construction would definitely occur on the property in 2011.

Staff stated the owners will not receive the incentive to waive the impact fees if they do not have a certificate of occupancy within the terms of the Incentive Agreement.

Clarification was made stating if the incentive agreement is extended this evening, the owner must have the building completed and the building must be occupied within twelve months from today in order to receive the incentive.

**A motion was made by Councilmember Phillips, seconded by Councilmember Kilgore, to approve the item as read. This item was adopted as RES-099-10. The motion carried by the following vote:**

**Ayes: 6 – Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

**Noes: 1 – Mayor Harper**

- 10D.** Consider a resolution authorizing the final acceptance of public improvements for Oral Surgery Center located on Lot 1, Block A, Oral Surgery Center Addition, 9101 Lakeview Parkway.

**This item was approved as RES-100-10 on the Consent Agenda.**

- 10E.** Consider a resolution authorizing the final acceptance of the Kenwood Heights Improvements Phase II, approving reconciliation Change Order Number 7 in the amount of two hundred fifty-three thousand seven hundred thirty-seven dollars and thirty-three cents (\$253,737.33), the release of retainage, and payment of the early completion bonus for a final payment in the amount of six hundred ninety-six thousand six hundred fifty dollars and forty-two cents (\$696,650.42) plus the accrued interest on the retainage to Conatser Construction TX, LP.

**This item was approved as RES-101-10 on the Consent Agenda.**

- 10F.** Consider a resolution approving Task Order Number 9-TNP to the approved Professional Services Agreement with Teague Nall & Perkins, Incorporated for the engineering design for drainage culvert repairs at Chiesa Road and Penridge Circle and sidewalk improvements along Chiesa Road from Woodside to Schrade Road in the amount of seventy thousand dollars and no cents (\$70,000).

**This item was approved as RES-102-10 on the Consent Agenda.**

- 10G.** Consider a resolution awarding a bid for the replacement of eleven air conditioning unit replacements for City buildings to Enviro Engineering L.L.C. in the amount of one hundred four thousand one hundred thirty-six dollars (\$104,136) and authorizing the execution of necessary documents for said purchase and installation.

**This item was approved as RES-103-10 on the Consent Agenda.**

- 10H.** Consider a resolution exercising the renewal option of CSG Systems Incorporated for the printing, mail processing, and NetBill Lite for electronic bill presentment and payment services in the unit amounts bid and in an estimated annual amount of one hundred sixty-six thousand one hundred sixty-four dollars (\$166,164) through the Interlocal Agreement with the City of Garland;

authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said services.

**This item was approved as RES-104-10 on the Consent Agenda.**

- 10I. Consider a resolution entering into an Interlocal Agreement with the City of North Richland Hills for cooperative purchasing of goods and materials.

**This item was approved as RES-105-10 on the Consent Agenda.**

- 10J. Consider a resolution renaming Wedgewood Park to Kenwood Heights Park.

This item was removed from the Consent Agenda, at the request of a citizen, to be considered individually.

Mayor Harper read the item into the record.

Wayne Baxter, the citizen that requested this item be removed, left the meeting prior to this item. Mayor Pro Tem Gottel spoke for Mr. Baxter on this item.

Stated the improvements have been made in Kenwood Heights; the neighborhood has been cleaned up. Stated the renaming of Wedgewood Park is a celebration to the entire revitalized Kenwood Heights neighborhood.

Stated specific donations were made to specifically be used for the building of this park.

**A motion was made by Mayor Pro Tem Gottel, seconded by Deputy Mayor Pro Tem Jackson, to approve the item as read. This item was adopted as RES-106-10. The motion carried by the following vote:**

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

**Noes: 1 – Councilmember Gallops**

- 10K. Consider a resolution awarding a bid to APAC-Texas, Incorporated for the purchase of hot mix asphalt in the unit amounts bid and an annual amount not to exceed ninety thousand dollars (\$90,000) through the Interlocal Cooperative Purchasing Agreement with Dallas County for road materials for the Street Department.

**This item was approved as RES-107-10 on the Consent Agenda.**

- 10L. Consider a resolution allowing a 60-day extension of a Temporary Use Permit (TUP) for a temporary modular building during construction of permanent facilities on-site for Lake Pointe Medical Center located at 6800 Scenic Drive.

**This item was approved as RES-108-10 on the Consent Agenda.**

#### **Passed The Consent Agenda**

**A motion was made by Councilmember Phillips, seconded by Deputy Mayor Pro Tem Jackson, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:**

**Ayes: 7 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

#### **11. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 11A. Consider a resolution approving an agreement with American Golf releasing the parties from the 2006 Settlement Agreement.

Mayor Harper read the item into the record.

This item was pulled for consideration in the future.

Council asked if the City had a release from American Golf since this item was pulled for consideration in the future.

Staff stated the legal representatives for American Golf asked for clarification on some aspects of the wording in the release; therefore, causing the delay to the approving of the agreement.

- 11B. Consider approval of City Council process for invocations.

Mayor Harper read the item into the record.

Council stated invocations will continue but a process will be in place.

**A motion was made by Deputy Mayor Pro Tem Jackson, seconded by Mayor Pro Tem Gottel, to approve the item as read. The motion carried by the following vote:**

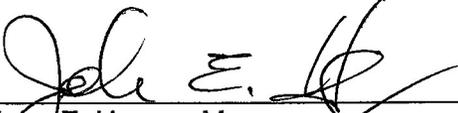
**Ayes: 7 – Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

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

No action was taken following the Executive Session.

**12. ADJOURNMENT**

Mayor Harper adjourned the meeting at 8:39 p.m.

  
\_\_\_\_\_  
John E. Harper, Mayor  
Date Approved: December 7, 2010

  
\_\_\_\_\_  
Susie Quinn, City Secretary