



City of Rowlett
Council Minutes
City Council

4000 Main Street
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Tuesday, February 15, 2011

5:00 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 5:00 p.m.

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:00 p.m.

2. EXECUTIVE SESSION (5:00 P.M.)

- 2A.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) and §551.087 (Economic Development Negotiations) to seek legal advice and to deliberate on economic development incentives and financial prospects for property located at or around Pecan Grove Park. (15 minutes)
- 2B.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) and §551.087 (Economic Development Negotiations) to seek legal advice and to deliberate on economic development incentives and financial prospects for property located at or around Miller Road and Roan Road. (15 minutes)

- 2C. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) and §551.072 (Real Property) to seek legal advice and to deliberate the acquisition/transfer of land for right-of-way located at or around Merritt Road. (15 minutes)
- 2D. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice regarding an addendum to the Professional Services Agreement with United States Right of Way, Incorporated for the acquisition of the right-of-way and easements for Merritt Road. (5 minutes)
- 2E. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice regarding a tax sale by Dallas County. (5 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:00 p.m.

3. WORK SESSION ITEMS (5:55 P.M.)

- 3A. Discuss Traffic and Safety Commission's recommendations on the Toler Road traffic concerns. (30 minutes)

Staff gave opening remarks and turned the presentation over to Melvin Warren, Chair of the Traffic and Safety Commission.

Stated the Commission recommended to the Council to use speed cushions, thus allowing emergency vehicle to proceed to an emergency without interruption. Stated the engineering firm, Lee Engineering, recommended speed cushions are placed every 400 feet for a total of 14 cushions for a cost of approximately \$60,000 - \$80,000.

Council applauded the Toler Road residents as they followed the correct steps to promote change.

Council stated safety is a key issue but concerned as to how the money would be funded.

Staff recommended using the Cash CIP fund. Stated the road needs to be striped to enforce laws.

It was noted the residents would be interested in creating a Public Improvement District.

Two members of Council voiced concerns that adding cushions to Toler Road will cause other streets to want cushions. Stated they would be acceptable with fewer speed cushions and recommended one cushion every ¼ mile.

It was stated that the spacing of the cushions is essential to be effective.

A majority of the Council was in favor of moving forward with the speed cushions on Toler Road. Council asked for a vacancy savings analysis to possibly fund the cost of this project.

- 3B.** Updated February 3, 2011 - Discuss approving emergency contracts for cleaning and inspection of the Eastside Lift Station Force Main under Lake Ray Hubbard to Wright Construction Company, Inc. in the amount of thirty-six thousand six hundred eighty-one dollars and sixty-nine cents (\$36,681.69) plus a 25% contingency for a total amount of forty-five thousand eight hundred fifty-two dollars and eleven cents (\$45,852.11) for construction work necessary to provide access roads and installing connections to the force main for the installation of cleaning and inspection equipment and to Brown O'Brien Sewer Specialties in the amount of thirty-two thousand three hundred seventy-seven dollars and zero cents (\$32,377.00) plus a 75% contingency for a total amount of fifty-six thousand six hundred fifty-nine dollars and seventy-five cents (\$56,659.75) to clean and televise the force main and provide a report. (15 minutes)

Staff gave a brief history of the Eastside Lift Station.

A member of Council asked about the cost to replace the sewage line across the lake.

Staff replied it would cost approximately \$5 million. Staff presented a PowerPoint presentation explaining the procedure.

- 3C.** Update on the Wet Zone Operation and Facility Modifications. (20 minutes)

Staff presented an update concerning the operations of the Wet Zone and facility modifications. Stated the park focuses on the age range of 7 to 12 years old; suggested the removal of the Krrplunk due to safety and maintenance/structural issues.

A recommendation was made to close off the waterslide and to move forward with removing the water feature.

Council came to a consensus to close off and remove the waterslide. Staff will update Council with the method of disposal.

Item 3E followed this item.

3D. City Manager's Operational Update to include: Street Construction Projects. (10 minutes)

This item followed Item 3E.

City Manager Humble gave a brief update to the Council regarding Asphalt Rehabilitation Project on Shipp Road, Stanford Street and Garner Road; sweeper trucks are currently moving through the City to clean up the sand used on the roads; the lane closures at the construction intersection of Rowlett Road at Main Street; the Rowlett Road railroad closure has been postponed to at least May 1st; and the construction on the President George Bush Turnpike has been delayed with the inclement weather.

Item 4 followed this item.

3E. Presentation of the Police Department's Annual Traffic Contact Report for 2010. (10 minutes)

This item followed Item 3C.

Staff gave a presentation regarding the City's Annual Traffic Contact Report for 2010.

A member of Council asked how the results of the collected data will be used in the future.

Staff stated the use of the results are unknown at this time.

Item 3D followed this item.

3F. Proposal to Celebrate and Commemorate the opening of the President George Bush Turnpike Eastern Extension. (10 minutes)

This item followed Item 3H.

Staff discussed the concepts and processes regarding the celebration of the opening of the turnpike. Stated the purpose of the event is to plan a community celebration, with the citizens at the core, to commemorate the project.

Stated kick-off events will include a breakfast, a road rally, a motorcycle rally, a food drive and a scavenger hunt ending with an evening community concert.

Council gave consensus to move forward with a food drive, to endorse a motorcycle rally and the use of pace cars on the turnpike, a scavenger hunt and a signature event in each City.

3G. Review Survey questions and process for Rowlett. My Community. My Money. My Choice. (45 minutes)

Staff gave a presentation regarding this item. Stated the City can't lose sight of what makes Rowlett unique. Stated difficult choices are on the horizon and decisions must be made now to accommodate for the future. The goal of this process is to educate the citizens and see how they would like their tax dollars spent.

Spoke regarding the different aspects of the four teams and the different marketing examples.

Several recommendations were made by the Council for clarification and citizen understanding.

Following this item, Mayor Pro Tem Gottel adjourned the meeting (10:40 p.m.).

3H. Discuss recent ice event and its impact on IESI's ability to collect garbage. (20 minutes)

At this time, Council reconvened back into the Work Session (8:50 p.m.). Mayor Harper left the meeting and Mayor Pro Tem Gottel took over the proceedings.

Members of Council thanked IESI for their efforts during the difficult ice event.

Item 3F followed this item.

4. DISCUSS CONSENT AGENDA ITEMS

Item 7K was removed from the Consent Agenda to be considered individually.

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

Convened into the Council Chambers at 7:30 p.m.

INVOCATION

The invocation was led by Reverend Jan Davis, First United Methodist Church of Rowlett.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by Mayor Harper.

5. PRESENTATIONS AND PROCLAMATIONS

5A. Proclamation recognizing February 20 – February 26, 2011 as Engineer's Week.

Mayor Harper presented Dennis Abraham, City Engineer and Tom Harris, Assistant City Engineer, with a proclamation recognizing Engineer's Week.

5B. Hear presentation of the Monthly Financial Report for the period ending December 31, 2010.

Staff presented the Monthly Financial Report for the period ending December 31, 2010.

5C. Mayor's State of the City Address.

Mayor Harper gave a brief update including the Toler Road traffic concerns; the IESI credit refund for missed service during the inclement weather situation; the Federal and State operating budgets; the May 14th General Election; filing for a place on the ballot ends March 14th; the Fire/Rescue Achievement Ceremony will occur on February 17th; the February edition of *Rowlett On the Water, On the Move* will tape on February 18th; the Leadership North Texas members will be traveling to Austin on February 22nd; a Regional Meeting with other elected officials will occur on February 24th; and a Special City Council Work Session will occur on February 28th.

At this time, Mayor Harper moved to Item 6.

Following the Consent Agenda, Mayor Harper presented the State of the City Address.

Mayor Harper presented a PowerPoint presentation for the State of the City Address.

Mayor Harper spoke concerning how the City has led the way in North Texas with the use of technology to communicate with its citizens. Stated the City was recognized by *Money Magazine* as Number 24 on their listing of America's Best Small Cities in 2010. The City's financial position, its housing, its schools and its quality of life were noted. Spoke regarding the City being one of 59 cities in the State of Texas to receive the Texas State Comptroller's Gold Transparency Leadership Circle Award.

Mayor Harper stated commercial growth is important to the City. In the City's effort to promote economic development, a new law has been requested in the Texas Legislature calling for the creation of three Municipal Management Districts to better oversee targeted development in Rowlett.

Spoke concerning the President George Bush Turnpike Eastern Extension, Dallas Area Rapid Transit Blue Line and various improvement and rehabilitation projects throughout the City.

Stated the long range financial plan for the City should include a reduction in current spending and reallocation of those limited resources to the highest and best use to serve Rowlett citizens. Spoke about creating a partnership related to the City employee healthcare and retirement plan.

Mayor Harper proposed several things he would like to see implemented in the future. He would like to see a residency requirement for each Council place, established goals for doing business with minority and women-owned enterprises, seek a Sister Cities International membership, term limit changes for the City's Boards and Commissions, the creation of a Teen Court in Rowlett, the creation of an Internal Auditor or Inspector General that reports directly to the Mayor and City Council regarding City operations and the adoption of a "no-kill" policy at the Rowlett Animal Shelter.

Mayor Harper announced that Vernon Schrade and Lorene Coyle Schrade will donate \$150,000 towards the exterior renovation of the Coyle House Project.

Mayor Harper thanked the citizens for the opportunity to serve as Mayor of Rowlett.

6. CITIZENS' INPUT

1. Lloyd Osborn, 3114 Toler Road, Rowlett – Spoke concerning Toler Road in favor of traffic cushions.
2. Ed Gamlin, 3109 Toler Road, Rowlett – Spoke concerning Toler Road in favor of traffic cushions.

7. CONSENT AGENDA

Item 7K was removed from the Consent Agenda to be considered individually.

City Secretary read the items into the record.

- 7A.** Consider approving minutes from the January 11, 2011 Special Council Work Session and the January 18, 2011 Regular Council Meeting.

This item was approved on the Consent Agenda.

- 7B.** Consider approving an Order calling the General Election for Saturday, May 14, 2011 to elect Councilmembers for Place One, Place Three and Place Five and any possible resulting run-off election to be held on Saturday, June 18, 2011.

This item was approved on the Consent Agenda.

- 7C. Consider a resolution awarding the annual bid for the crack seal program to Cholla Pavement Maintenance, Incorporated in an estimated annual amount of one hundred seven thousand eight hundred fifty dollars (\$107,850) as work is required for the City of Rowlett Street Department and authorizing the execution of the necessary documents for said purchase.

This item was approved as RES-010-11 on the Consent Agenda.

- 7D. Updated February 3, 2011 - Consider a resolution approving emergency contracts for cleaning and inspection of the Eastside Lift Station Force Main under Lake Ray Hubbard to Wright Construction Company, Inc. in the amount of thirty-six thousand six hundred eighty-one dollars and sixty-nine cents (\$36,681.69) plus a 25% contingency for a total amount of forty-five thousand eight hundred fifty-two dollars and eleven cents (\$45,852.11) for construction work necessary to provide access roads and installing connections to the force main for the installation of cleaning and inspection equipment and to Brown O'Brien Sewer Specialties in the amount of thirty-two thousand three hundred seventy-seven dollars and zero cents (\$32,377.00) plus a 75% contingency for a total amount of fifty-six thousand six hundred fifty-nine dollars and seventy-five cents (\$56,659.75) to clean and televise the force main and provide a report resulting in a project grand total of one hundred two thousand five hundred eleven dollars and eighty-six cents (\$102,511.86).

This item was approved as RES-011-11 on the Consent Agenda.

- 7E. Consider a resolution suspending the March 3, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel for the Steering Committee.

This item was approved as RES-012-11 on the Consent Agenda.

- 7F. Consider a resolution approving Addendum 1 to the Professional Services Agreement with United States Right of Way, Incorporated for the acquisition of the right-of-way and easements for the Merritt Road, Phase 1 Street Reconstruction Project in the amount of sixty-three thousand six hundred fifty dollars and no cents (\$63,650.00).

This item was approved as RES-013-11 on the Consent Agenda.

- 7G. Consider a resolution requesting improvements to Interstate 35 East as designed by the Texas Department of Transportation to be fully funded and implemented for the full project length from Interstate Highway 635 in Dallas County to U. S. Highway 380 in Denton County.

This item was approved as RES-014-11 on the Consent Agenda.

- 7H. Consider a resolution consenting to the sale of two tax foreclosure properties by Dallas County on the City's behalf for an amount less than the accumulated taxes, penalties, interest costs and other charges owed on the properties.

This item was approved as RES-015-11 on the Consent Agenda.

- 7I. Consider a resolution approving the Rowlett Public Library Policy Manual.

This item was approved as RES-016-11 on the Consent Agenda.

- 7J. Consider a resolution accepting the Rowlett Police Department 2010 Annual Traffic Contact Report.

This item was approved as RES-017-11 on the Consent Agenda.

- 7K. Consider an ordinance amending the Code of Ordinance, Article III ("Trucks") of Chapter 66 ("Traffic and Vehicles"), replacing Sections 66-161, 66-162 and 66-163, and adding Section 66-164, to revise regulations on the operation of trucks and commercial motor vehicles within the City to designate Dalrock Road as an interim truck route during the construction of Rowlett Road Phase II.

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

Mayor Harper read the item into the record.

A member of Council stated the interim truck route was satisfactory but to have Dalrock Road designated as a permanent truck route would be unacceptable.

A member of Council asked if the "interim truck route" could be terminated with the completion of Rowlett Road Phase 2 or the completion of the President George Bush Turnpike (PGBT), whichever occurs first.

Staff stated there was not a known safety reason to not allow the use of PGBT; but that access was the only issue.

A motion was made by Councilmember Kilgore, seconded by Mayor Pro Tem Gottel, to approve this item with the following revision: Section 66-162, Truck Routes Established, (4) to read "Dalrock Road from its southern city limits to Lakeview Parkway (State Highway 66) temporarily until the completion of the existing Rowlett Road Phase 2 Project or the President George Bush Turnpike Eastern Extension whichever occurs first, which temporary truck routes shall terminate effective upon the posting of signage prohibiting truck traffic on this portion of said roadway. This item was adopted as ORD-002-11. 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

- 7L. Consider a resolution approving a change order in the amount of forty-nine thousand dollars (\$49,000) to APAC-Texas, Incorporated for additional asphalt overlay services and authorizing the Mayor to execute the necessary documents for said services.

This item was approved as RES-018-11 on the Consent Agenda.

- 7M. Consider a resolution authorizing final acceptance of a Fire Lane Easement and Sanitary Sewer Easement associated with the Dalrock Crossing Addition. The subject property is located approximately at the southeast corner of State Highway 66 and Dalrock Road, being 6.8 ± acres, in the Josiah Hart Survey, Abstract Number 111, City of Rowlett, Rockwall County, further described as Dalrock Crossing Phase I and II. (Case Number PP10-491)

This item was approved as RES-019-11 on the Consent Agenda.

- 7N. Consider a resolution authorizing final acceptance of three Sanitary Sewer Easements associated with tracts of land situated in the Margaret J. Riley Survey, Abstract No. 1261, Lots 1, 2 and 3, Block 1 Toler Ridge, an Addition in the City of Rowlett, Texas according to the Plat thereof recorded in Volume 78002, Page 1943, Map Records, Dallas County, Texas.

This item was approved as RES-020-11 on the Consent Agenda.

- 7O. Consider a letter of understanding for a land swap agreement between North Texas Municipal Water District, Arcadia Land Partners Ltd., and City of Rowlett regarding a portion of the Merritt Road Project south of the City's north city limit line.

This item was approved on the Consent Agenda (It has been assigned Agreement Number AGR-001-11.).

Passed The Consent Agenda

A motion was made by Councilmember Phillips, seconded by Mayor Pro Tem Gottel, 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

Following the Consent Agenda, the Mayor presented the State of the City Address.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

There were no items for individual consideration.

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

No action followed the Executive Session.

At this time, Council reconvened back into the Work Session (8:50 p.m.) with Item 3H. Mayor Harper left the meeting and Mayor Pro Tem Gottel took over the proceedings.

9. ADJOURNMENT

Mayor Pro Tem Gottel adjourned the meeting at 10:40 p.m.



John E. Harper, Mayor



Susie Quinn, City Secretary

Date Approved: March 1, 2011