



# City of Rowlett

## Meeting Agenda

### City Council

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

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Tuesday, March 1, 2011

5:30 P.M.

Municipal Building – 4000 Main Street

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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.)**

Deputy Mayor Pro Tem Jackson left the Executive Session at 5:50 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 pending litigation; Comfort Suites. (10 minutes)

**2B.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to consult with the City Attorney regarding settlement of pending litigation between City of Rowlett and Songer Construction. (10 minutes)

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Davis, to adopt a resolution for the City Manager to sign a compromised settlement agreement on the City's behalf in the Songer Construction case in accordance with the Texas Municipal League Intergovernmental Risk Pool's recommendation. This item was adopted as RES-032-11. The motion carried by the following vote:

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

**Absent: 1 – Deputy Mayor Pro Tem Jackson**

- 2C. 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 development incentives and financial prospects for the Lakehill Addition. (20 minutes)
  
- 2D. The City Council shall convene into Executive Session pursuant to the TEXAS LOCAL GOVERNMENT CODE, Section §551.074(a)(1), (Personnel) to deliberate the duties of the Municipal Judge, Juvenile Judge and Prosecutor. (30 minutes)

#### **RECONVENE INTO OPEN SESSION**

Reconvened into open session at 6:25 p.m.

#### **3. WORK SESSION ITEMS (6:40 P.M.)**

- 3A. Discuss and provide feedback on a request from Tower Custom Homes, LLC to convert the Waterford Estates Subdivision from a public development to a private development. The subject property is located on the north side of Miller Road approximately 1,697 feet east of Kirby Road, being 3.5 ± acres, in the Thomas Lumley Survey, Abstract Number 789, City of Rowlett, Dallas County, Texas, further described as the Waterford Estates Subdivision. (15 minutes)

Staff gave a brief history of this item.

A member of Council stated a gated community has appeal but wants to make sure the City would not receive the private streets back in the future.

Staff stated there are safety nets written into the Code to address the issue if a Homeowners Association dissolves.

Staff stated if the subdivision does change to a private development, the long term effect would save the City in the future years.

A member of Council asked for the requirements regarding a gated community.

Staff stated an Amenity Plan would be brought to the Council with the requirements including additional landscaping and the type of lockbox on the entry gate to allow emergency vehicles access.

Council came to a consensus that consistency is required and were in favor of Option 2: support the conversion to a private street subdivision.

**3B. City of Rowlett Storm Water Management Plan Update. (20 minutes)**

Staff gave a presentation regarding the Plan Update. Stated there are six minimum control measures including Public Education and Outreach, Public Participation/Involvement, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Runoff Control and Pollution Prevention/Good Housekeeping. Spoke regarding the completed, the in-progress, the remaining portions and the annual reporting of the control measures.

**3C. Discuss the date and agenda for an upcoming Town Hall Meeting. (10 minutes)**

Staff and Council discussed having the next Town Hall meeting on Thursday, April 7<sup>th</sup>; the agenda, location and time will be determined later.

**3D. Hear First Quarter Investment Report for December 31, 2010. (10 minutes)**

Staff gave a brief presentation regarding the First Quarter Investment Report.

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

City Manager Humble gave a brief update to the Council on various street construction projects including the Dallas Area Rapid Transit (DART) construction and lane closures; Coyle Street is closed for another four weeks for utilities construction; the Rowlett Road Construction Phase 2 bid opening is March 11<sup>th</sup>; the Merritt Road is 100% designed, plans are being finalized and an estimated start date will be in July 2011; the President George Bush Turnpike (PGBT) service roads will be completed from Industrial Street to Main Street; approximately mid-June, the northbound and southbound frontage roads from Liberty Grove Road and SH66 will be opened; and various street overlay projects.

**4. DISCUSS CONSENT AGENDA ITEMS**

Item 7L 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 Councilmember Michael Gallops.

**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.** Proclamations recognizing the 2011 Rowlett Arts and Humanities Commission Young Artists Exhibit winners.

This item followed Item 5C.

Mayor Harper, Jerry Barshop and Jerry Hickman presented each winner with a proclamation and a check for their achievements.

- 5B.** Proclamation recognizing the combined competition team of Rowlett and Parker County CERT members who participated and took First Place in the Harris County CERT Rodeo.

Mayor Pro Tem Gottle presented the CERT team with a proclamation.

- 5C.** Accept a generous donation from Mr. and Mrs. Vernon Schrade for the Coyle Farmstead Stabilization.

This item was presented prior to Item 5A.

Mayor Harper accepted a generous check from Mr. and Mrs. Vernon Schrade in the amount of \$150,000 for the Coyle Farmstead Stabilization and in return presented Mr. and Mrs. Schrade with an acceptance letter.

**5D. 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 generous donation from Mr. and Mrs. Vernon Schrade for the renovation of the Coyle Farmstead; the key items in the State Legislature; the next Town Hall meeting will occur on April 7<sup>th</sup>; the ROCK Program created by the late Judge Belinda Loveland will continue helping at-risk children; candidate applications are still being accepted for the May 14<sup>th</sup> General Election; the March 3<sup>rd</sup> Outreach for Community 2050 will occur at the Rowlett Community Centre; the March 10<sup>th</sup> DART Community Meeting will occur at the Rowlett City Hall; the March 23<sup>rd</sup> DART Rail Groundbreaking Ceremony will occur at the site of the new rail station; and the March 26<sup>th</sup> Rowlett Diversity Day Event will occur at the Rowlett Community Centre.

City Manager Humble stated in June, the north and south bound service lane between Liberty Grove Road and SH66 along the President George Bush Turnpike will open.

**6. CITIZENS' INPUT**

No one spoke during the Citizens' Input.

**7. CONSENT AGENDA**

Item 7L was removed from the Consent Agenda to be considered individually. Item 7N was removed from the Consent Agenda to be considered individually at the request of a citizen.

City Secretary read the items into the record.

**7A. Consider approving minutes from the February 15, 2011 Regular City Council Meeting.**

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

**7B. Consider a resolution approving a joint election agreement and election services contract with Dallas County for the May 14, 2011 and the possible June 18, 2011 run-off elections.**

**This item was approved as RES-021-11 on the Consent Agenda.**

- 7C. Consider an ordinance amending the Code of Ordinances, to repeal subpart (B) of Section 10-32 of Article II ("Alcoholic Beverages") of Chapter 10 ("Businesses"), to repeal the prohibition against the sale of beer for On-Premise consumption after 12:00 midnight.

**This item was approved as ORD-003-11 on the Consent Agenda.**

- 7D. Consider a resolution authorizing the City Manager to execute a Professional Services Agreement with Hellmuth, Obata & Kassabaum, LP (HOK) to provide Professional Planning Services.

**This item was approved as RES-022-11 on the Consent Agenda.**

- 7E. Consider a resolution approving a policy which establishes an optional due date for utility bills for certain qualified customers.

**This item was approved as RES-023-11 on the Consent Agenda.**

- 7F. Consider a resolution approving the third and last one-year renewal option with American National Bank of Texas for depository services for the City under the same terms and conditions as the Memorandum of Understanding and authorizing the City Manager to execute the necessary documents for said services.

**This item was approved as RES-024-11 on the Consent Agenda.**

- 7G. Consider a resolution exercising the first of four one-year renewal options for Section III mowing services to Carruthers Landscape Management, Incorporated in the unit amounts bid with an estimated annual amount of one hundred five thousand six hundred dollars (\$105,600) for the Parks Department.

**This item was approved as RES-025-11 on the Consent Agenda.**

- 7H. Consider a resolution exercising the first of four one-year renewal options for Section II mowing services to Bio Landscape & Maintenance, Incorporated in the unit amounts bid with an estimated annual amount of one hundred twenty-eight thousand four hundred ninety dollars (\$128,490) for the Parks Department.

**This item was approved as RES-026-11 on the Consent Agenda.**

- 7I. Consider a resolution authorizing final acceptance of the 2010 Contract Concrete Repair/Maintenance of Streets and the release of retainage in the amount of eighty-eight thousand six hundred seventy-six dollars and thirty-four cents (\$88,676.34) plus accrued interest on the retainage to Platinum Paving; and authorizing the Mayor to execute the necessary documents.

**This item was approved as RES-027-11 on the Consent Agenda.**

- 7J. Consider a resolution authorizing a Tree Survey/Preservation Plan and accompanying Tree Removal Permit for the Lakehill Addition, located on the east side of Dexham Road approximately 115 feet south of Foxwood Drive.

**This item was approved as RES-028-11 on the Consent Agenda.**

- 7K. Consider a resolution accepting a donation from Mr. and Mrs. Vernon Schrade for the Coyle House.

**This item was approved as RES-029-11 on the Consent Agenda.**

- 7L. Consider an ordinance approving and adopting the Five-Year Capital Improvements Plan for the Fiscal Years ending 2011-2015.

The item was removed from the Consent Agenda. This item followed Item 7N.

Mayor Harper read the item into the record.

Mayor Harper stated the Council was brief during the February 28<sup>th</sup> Special Work Session and a minor change was made.

**A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Phillips, to amend the ordinance with the following modification to move \$745,640 from the Miller/Chiesa Intersection Improvement Project to the Unallocated Fund balance. This item was adopted as ORD-004-11. The motion carried by the following vote:**

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

**Absent: 1 – Deputy Mayor Pro Tem Jackson**

7M. Consider a resolution authorizing final acceptance of emergency repairs at Westside Lift Station and approving the release of retainage for a final payment in the amount of fifty thousand five hundred ninety-four dollars and twenty-seven cents (\$50,594.27) plus accrued interest on the retainage to Wright Construction Company; and approving Change Order Number 2 in the amount of fifty-three thousand one hundred seventy-eight dollars and nine cents (\$53,178.09), and Reconciliation Change Order Number 3 in the amount of fifty-four thousand one hundred twenty dollars and fourteen cents (\$54,120.14) and the release of retainage for a final payment in the amount of one hundred thirty-five thousand nine hundred dollars and fifty-three cents (\$135,900.53) plus the accrued interest on the retainage to Fuquay; and approving Change Order Number 2 in the amount of eighty-eight thousand six hundred thirty-two dollars and no cents (\$88,632.00) and final payment in the amount of eighty-eight thousand six hundred thirty-two dollars and no cents (\$88,632.00) to Red River Pump Specialties.

**This item was approved as RES-030-11 on the Consent Agenda.**

7N. Consider a resolution approving an agreement with Schrickel, Rollins and Associates, Inc. in the amount of sixty-two thousand seven hundred fifty dollars (\$62,750) for architectural services for Katy Railroad Park Master Plan and Design.

This item was removed from the Consent Agenda at the request of a citizen. This item followed the voting on the Consent Agenda.

Mayor Harper read the item into the record.

1. Gregory Craig, 1914 Stallion Circle, Rowlett – Spoke regarding the Katy Railroad Park; requested the Council not put this item on the back burner but to move forward in completing the park.

**A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Phillips, to approve this item as read. This item was adopted as RES-031-11. The motion carried by the following vote:**

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

**Absent: 1 – Deputy Mayor Pro Tem Jackson**

**Passed The Consent Agenda**

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

**Ayes: 6 – Mayor Harper, Mayor Pro Tem Gottel, Councilmember Phillips,  
Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**  
**Absent: 1 – Deputy Mayor Pro Tem Jackson**

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

**8A.** Consider appointments to the Animal Shelter Advisory Board, the Library Advisory Board, the Parks and Recreation Advisory Board, the Senior Advisory Board and the Traffic and Safety Advisory Commission.

Mayor Harper read the item into the record.

This item was deferred to a future Council meeting.

**8B.** Consider a resolution for a Development Agreement for Lakehill Addition, a single-family residential development. The subject property is located on the east side of Dexham Road approximately 115 feet south of Foxwood Drive, being 71.445 +/- acres, in the Reason Crist Survey, Abstract 225, Dallas County.

Mayor Harper read the item into the record.

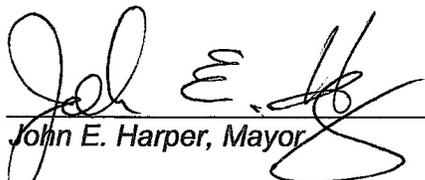
This item was deferred to a future Council meeting.

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

Action was taken on Item 2B. Please see that item for the motion and votes.

**9. ADJOURNMENT**

Mayor Harper adjourned the meeting at 8:23 p.m.

  
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John E. Harper, Mayor

  
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Susie Quinn, City Secretary

Date Approved: March 15, 2011