



**City of Rowlett  
Meeting Minutes  
City Council**

4000 Main Street  
Rowlett, TX 75088  
www.rowlett.com

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Tuesday, August 21, 2012

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 Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Kilgore**

**1. CALL TO ORDER**

Mayor Gottel called the meeting to order at 5:31 p.m.

**CONVENE INTO EXECUTIVE SESSION**

**2. EXECUTIVE SESSION**

There were no Executive Session items.

**RECONVENE INTO OPEN SESSION**

Convened into the Work Session at 5:31 p.m.

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

- 3A.** Discuss the issuance and sale of City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2012, totaling \$8.645 million. (20 minutes)

Staff proposed to issue \$8.5 million in bonds as it has identified that in FY2013 and FY2015 there are scheduled reductions in debt service. Stated in FY2013, there is an estimated scheduled decline of approximately \$580,000 and another decline in FY2015. This provides an opportunity for the City to issue additional debt without having to increase rates.

The primary reason to issue the revenue bonds is for seven projects, with the majority of the projects being located in the west side of the City in the upper pressure plane.

Stated when staff proposed the budget it was anticipated the average annual debt service would be between \$582,000 and \$585,000. Stated when the bonds were priced, the average debt service changed to \$570,000 with a total interest cost of 2.98%. This will change the structure of the agreement and the issue amount will change from \$8.645 million to \$8.525 million.

Boyd London, representative from First Southwest, spoke regarding the importance of bond ratings. Stated quality credits are demanding the low interest rates.

A member of Council posed the question of improvements in infrastructure being reflected in the overall rating.

Staff answered in the affirmative.

Staff stated the bond raters do ask about infrastructure management. Further stated the City did not have to sell bond insurance to get a better bond rating. This will save the City over \$100,000 over the life of the bonds.

**3B. Update and discussion regarding operations of the Animal Shelter. (60 minutes)**

Staff gave a brief history of this item. Stated the Animal Shelter Advisory Board (ASAB) was charged to:

- Review City ordinances to ensure compliance with State law.
- Determine best practices used at other animal shelters.
- Investigate a no-kill shelter.
- Report findings back to City Council.

During the meetings that followed, the ASAB was addressed by the City Attorney and representatives from Strategic Government Resources (SGR). The ASAB redefined certain terms within the City ordinances and came to a consensus that while it would be ideal to have a no-kill shelter, the existing shelter is not large enough, does not have the funding or staffing to support a no-kill shelter.

Spoke concerning the Shelter Assessment conducted by SGR. Stated the assessment reviewed the current state of shelter, the budget, staffing, the policies and procedures, management, and animal welfare and enforcement. At the conclusion of the assessment, staff

received 46 recommendations; 12 strengths and attributes were identified; and staff implemented 90% of recommendations to-date.

Spoke regarding the Shelter's successful live release rate. Stated to date, the current live release rate is 77.5%.

A member of Council questioned staff regarding the euthanasia methods used by the City.

John Teel, consultant with SGR, stated the City strictly uses sodium pentobarbital injections, utilizes a two member team to verify the correct animal is being euthanized, and all medications are administered by a Certified Euthanasia Technician.

Staff spoke regarding the different partnerships and rescue groups the Shelter utilizes to place the animals. Stated staff no longer accepts owner surrendered animals if the Shelter is at full capacity.

The Texas Department of State Health Services Zoonosis Control and a licensed Veterinarian Inspector conducted three unannounced shelter inspections. Each inspection received the highest rating of satisfactory.

Staff spoke regarding the Shelter's hours of operations. The consultant spoke as to why it is important for the Shelter to be opened only after it has been completely cleaned. Staff gave an illustration of what it takes to clean and open the Shelter on time. Stated staff has had the conversation as to how to expand the Shelter's hours. It was noted that there is an issue with manpower.

A member of Council asked if the hours of the Shelter could be shifted.

Staff stated it is not a matter of shifting hours, it is a capacity issue. Further stated the Shelter cannot be opened until it is clean.

A member of Council asked what times the customers come into the Shelter; asked for the City to investigate when the most customers come to the Shelter.

Staff stated it depends on the situations and circumstances.

A member of Council questioned staff regarding animal fostering and registration.

Staff stated currently the City does not know which citizens are foster families.

Spoke concerning how valuable volunteers are to the Shelter. The volunteers help by cleaning the shelter, walking the dogs and being companions to the animals.

The Friends of the Rowlett Animal Shelter contacted staff to report that they will soon be in a position where they could co-host off-site adoptions.

A member of Council asked the percentage of adoptions are made from residents.

Staff stated those adopting are coming from numerous cities. Further stated social media makes it easier to locate an animal to adopt.

The consultants with SGR gave a brief update on their assessment as to how the Shelter compared to other benchmark cities including expenditures per capita and raw live release rates. After visiting the Shelter, it was noted that the employees of the Shelter have heart and desire to do right by the animals. They provide good customer service, the shelter is clean and the volunteers work with the staff.

**3C. Update from staff on the Waste Management Implementation. (20 minutes)**

Staff gave a brief background on this item. The implementation process began almost immediately after the approval of the new solid waste vendor. Staff and Waste Management are working to cover all logistics and potential issues prior to the actual start date to ensure the best service possible to the citizens of Rowlett. To date, staff and Waste Management have participated in 13 implementation meetings. Each meeting has allowed staff to keep abreast of all progress and possible challenges during the transition process.

Stated new trucks and equipment have been ordered. The Final Routing Map has been provided by Waste Management. This map identified neighborhoods affected by changing trash days (Champion Lakes and Spinnaker Cove residents – from Friday pick-up to Wednesday pick-up). The Education and Communication Campaign includes: a start-up flyer, information posted on the City's website, media announcements, public service announcements on RTN16, press release and working with the Chamber of Commerce.

City officials, Waste Management and the Chamber of Commerce will host a Ribbon Cutting Event in front of City Hall on Wednesday, August 29<sup>th</sup> at 10:00 am.

Polycart deliveries begin September 4<sup>th</sup>. Staff will utilize Blackboard Connect to inform citizens when to expect their Waste Management polycarts and information on when they should begin using the carts. Additionally, citizens will receive a Blackboard connect call notifying them of a date and time to place IESI polycart(s) out for collection.

**3D. Update and discussion regarding aerial spraying of mosquitoes. (20 minutes)**

The update for this item was included with to Item 5C during the regular meeting.

**3E. Discuss anti-idling implementation plan. (10 minutes)**

Staff stated in May 2009, the City approved an ordinance agreeing to implement and enforce the State of Texas' rule regarding locally enforced motor vehicle idling limitations and to enter into a memorandum of agreement with the Texas Commission on Environmental Quality (TCEQ) to enforce this rule. As part of the agreement, the City was supposed to send an implementation plan to North Central Texas Council of Governments (NCTCOG) within 45 days of signing the ordinance. It was recently brought to staff's attention that the implementation plan was never submitted. Staff spoke regarding the TCEQ idling restrictions and exemptions. Stated the City will begin public education and outreach no later than September 1<sup>st</sup>. Compliance will be monitored on a complaint basis. The Police Department will handle the enforcement of idling regulations. All complaints will be reported to the NCTCOG for their regional tracking.

- 3F. Staff from the Planning Division will provide an update regarding the Realize Rowlett 2020 Phase II process. (10 minutes)

Spoke concerning the August 9<sup>th</sup> Advisory Committee meeting and the August 16<sup>th</sup> meeting with staff. The Blue Ribbon Committee will meeting during the week of September 4 – 7. Staff will work through a mock planning case the weeks of October 4-18 to ensure everything works smoothly. The final public hearings will occur on October 23<sup>rd</sup> and November 6<sup>th</sup>.

**4. DISCUSS CONSENT AGENDA ITEMS**

No items were removed from the Consent Agenda to be discussed individually.

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

Convened into the Council Chambers at 7:37 p.m.

**INVOCATION**

The invocation was led by Daniel Hancock, Connection Community Church.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Gottel.

**TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by Councilmember Kilgore.

## **5. PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Presenting a Certificate of Recognition to Whitney Laning for his achieving the credential of "Certified in Volunteer Administration" at the request of Deputy Mayor Pro Tem Gallops.

Deputy Mayor Pro Tem Gallops presented Whitney Laning with a proclamation for his achievement.

- 5B.** Hear presentation of the Monthly Financial report for the period ending June 30, 2012.

Staff gave a presentation regarding the Monthly Financial report for the period ending June 30, 2012. Spoke regarding Revenues, Sales Taxes; Property Taxes; Water Fees; Sewer Fees; Expenditures and various Funds.

- 5C.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interests.

Members of Council and Management gave a brief update to the Council on the various activities in the City including the continuation of the mosquito ground spraying; the City's opting in favor of aerial spraying for mosquitoes; the precautions that need to be taken to reduce exposure to the West Nile Virus; the deadline to receive applications for Boards or Commissions is Thursday, September 6<sup>th</sup>; the Low Cost Animal Vaccination Clinic will be held at the Animal Shelter on September 8<sup>th</sup> and 22<sup>nd</sup> beginning at 12:30 p.m.; fall registration has begun for Parks and Recreation classes and programs; the Rowlett Community Centre will host the Movies on Main Events on September 7<sup>th</sup>, 14<sup>th</sup> and 21<sup>st</sup> beginning at 6:30 p.m. in the upstairs gym; the Rowlett Library will host All About Australia on September 12<sup>th</sup> beginning at 7:00 p.m., Ballet Folklorico on September 15<sup>th</sup> beginning at 2:00 p.m. at the Rowlett Community Centre, Tax Seminar on September 20<sup>th</sup> beginning at 6:00 p.m., and Talk Like a Pirate on September 22<sup>nd</sup> beginning at 2:00 p.m.; City offices will be closed on Monday, September 3<sup>rd</sup> to observe Labor Day; and beginning the week of October 1<sup>st</sup>, Waste Management will begin solid waste collection services for the City.

City Manager Humble spoke concerning the results of the August 20<sup>th</sup> Emergency Council Meeting. Stated the aerial spraying that occurred during the evening hours of Monday, August 20<sup>th</sup> should not have happened and was not authorized by the City of Rowlett.

## **6. CITIZENS' INPUT**

1. Tonya Torske, 4005 Toler Road, Rowlett – Spoke regarding her disappointment in the outcome of the August 20<sup>th</sup> Emergency Council Meeting.
2. Jennifer Glick, 3010 Weems Way, Rowlett – Spoke regarding the effects of aerial spraying.

3. Jeffrey Sheldon, 7242 Liberty Grove Road, Rowlett – Spoke regarding the effects of aerial spraying.

## 7. CONSENT AGENDA

No items were removed from the Consent Agenda to be considered individually.

The Interim City Secretary read the items into the record.

- 7A. Consider approving minutes from the August 7, 2012 City Council Regular Meeting.

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

- 7B. Consider action to approve a resolution for contract renewals of employee benefits for Fiscal Year 2012-2013 to Aetna in the estimated amount of one hundred thirty-eight thousand four hundred eighty-four dollars (\$138,484) for Third Party Administration Medical Services, to Aetna for Individual and Aggregate Stop Loss Insurance in the amount of three hundred eighty thousand eight hundred fifteen dollars (\$380,815), to Aetna in the estimated amount of nine thousand nine hundred thirty-six dollars (\$9,936) for Section 125/Cafeteria Plan Administration, to Special Insurance Services, Inc. for GAP insurance in the estimated amount of one hundred forty-four thousand six hundred eighteen dollars (\$144,618), to Delta Dental for dental insurance in the estimated amount of two hundred seven thousand one hundred fifty-six dollars (\$207,156), to CIGNA for life accidental death insurance, optional life and accidental death insurance, long-term disability and optional short-term disability in the estimated amount of ninety-nine thousand six hundred five dollars (\$99,605), to Alliance Workplace Partners in the estimated amount of six thousand five hundred eighty-nine dollars (\$6,589) for an Employee Assistance Program, Optional Vision Insurance to Block Vision in the amount of twenty-four thousand five hundred twenty-one dollars (\$24,521), to Compass for educated consumerism services in the estimated amount of eighteen thousand three hundred dollars (\$18,300), and to authorize the City Manager to execute all necessary documents.

**This item was approved as RES-084-12 on the Consent Agenda.**

- 7C. Consider action to approve a resolution increasing the costs for cell phone services to AT&T Mobility for FY2012 by fifteen thousand eight hundred seventy-six dollars (\$15,876) and an annual amount not to exceed sixty-three thousand five hundred seventy-nine dollars (\$63,579).

**This item was approved as RES-085-12 on the Consent Agenda.**

- 7D. Consider an Interlocal Cooperation Agreement between Rockwall County and the City of Rowlett regarding municipal judge services.

**This item was approved as RES-086-12 on the Consent Agenda.**

- 7E. Consideration and action on hiring City Secretary.

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

### **Passed The Consent Agenda**

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

**Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Kilgore**

### **8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A. Consider adoption of an ordinance authorizing the issuance and sale of City of Rowlett, Texas Waterworks and Sewer System Revenue Bonds, Series 2012; providing an effective date; and enacting other provisions relating to the subject.

Mayor Gottel read the item into the record.

Staff gave a presentation regarding this item. Stated Revenue bonds pledge the revenue stream of the source backing the debt, such as water and sewer revenues. As a result, they are not contingent upon property taxes. Due to the timing, lower interest rates and the City not having to issue bond insurance, the proposed bond amount have been reduced from \$8.645 million to \$8.525 million.

**A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Davis, to approve the item as read. This item was adopted as ORD-020-12. The motion carried by the following vote:**

**Ayes: 7 Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Kilgore**

**8B.** Conduct a public hearing on the ad valorem tax rate for Fiscal Year 2012-2013.

Staff gave a brief presentation on this item. Stated the calculated 2013 Rollback Tax Rate is 0.808908 and the 2013 Effective Tax Rate is 0.758891. The City proposes to keep the same tax rate of 0.747173.

The public hearing opened and closed at 8:12 p.m. with no one speaking.

The second public hearing will occur on Tuesday, September 4, 2012.

**8C.** Conduct a public hearing (1<sup>st</sup>) on the proposed budget for Fiscal Year 2012-2013.

Staff gave a brief presentation on this item. Stated the City utilizes a five-year sustainability budget, as well as a five-year financial model. The property tax rate will remain unchanged for the 8<sup>th</sup> straight year.

The public hearing opened and closed at 8:17 p.m. with no one speaking.

The second public hearing will occur on Tuesday, September 4, 2012.

**8D.** Conduct a public hearing on aerial spraying for mosquitoes, consider and act on approving participation in the Dallas County Aerial Spraying Program, and consider and act on extending the Declaration of Emergency beyond a period of seven days following the effective date of the Initial Proclamation.

No action was taken by the City Council as this item was discussed and voted on during the August 20, 2012 Emergency Council Meeting.

A member of Council commented on the action taken by Dallas County and the company responsible for the aerial spraying.

**8E.** Remove the item from the table, continue a public hearing and consider approving an ordinance to rezone the subject property from an existing Mixed-Use North Shore (MU-NS) zoning district to a Planned Development zoning district with an underlying zoning district of Single Family Residential 5/15 (SF-5) to accommodate both residential and commercial uses, for a 58.83 +/- acre tract of real property located on the south side of Liberty Grove Road approximately 200-foot east of the intersection of Merritt Road and Liberty Grove Road. (PD11-550)

Staff provided a PowerPoint presentation and spoke regarding the approval criteria for the project. A detailed history of the proposal was discussed including the existing zoning and economic history.

Staff stated an ongoing theme and strategic plan for this area and subject property from inception with the 190 Corridor Study in 1995 through the "Rowlett Next" Economic Development Plan in 2007 to the Realize Rowlett 2020 Comprehensive Plan in 2011:

- Diversify and enhance the area's job base for Rowlett's citizens
- Ensure economic benefits are returned to City
- Maintain sites that can be used for expanding and relocating businesses
- Ensure managed growth corridors to support private business investment

Stated the North Shore Commercial District will play a key role in Rowlett's future. City leaders envision the property as a master planned community with a balance of employment-generating uses and high-end amenities in a campus setting.

Anne Ricker, consultant with Ricker-Cunningham spoke regarding Realize Rowlett 2020 Phase II including:

- Protect the vision
- Raise standards of development
- Capitalize on existing and forecasted demographic changes
- Improve City's fiscal position

Ms. Ricker continued her presentation with discussion on land inventory, community return on investment, and current zoning versus Realize Rowlett 2020. The Realize Rowlett 2020 intent for the northern area of the City includes:

- Area will be a commercial "address" in the City
- This segment of President George Bush Turnpike (PGBT) will be a road within a business park rather than a regional corridor
- It will be "double-loaded" in the spirit of sound community planning
- The value of individual parcels in the area will be higher in a planned environment
- Additional infrastructure will be needed to offset the lack of a service road
- Near-term opportunities for commercial uses will be on the east side of PGBT, where the infrastructure is currently in place to support it
- Commercial development of all types – office, industrial and retail – will want to be as close to PGBT frontage as possible given its visibility

Ms. Ricker brought the following considerations to the City Council:

- Given the vision for Downtown, it is likely that existing industrial uses will eventually need to relocate, and other than this area, there are few if any other locations within the City that could accommodate them.
- The City is currently experiencing the fiscal impact of building a bedroom community with largely a single type of residential product – fiscal year 2010's annual decline in revenue from property tax values was 2.5%; it declined further in 2011, 2012 and 2013 by an additional 2.0%, 1.5% and 1.5%, respectively.
- There will be no form-based code in this location at the conclusion of Realize Rowlett 2020 – Phase ii. There are no controls to ensure that the quality of development and mix of commercial will be consistent with citizens' vision.

- The vision for this area of the City has been studied and expressed for more than a decade and that vision does not include residential in this location. While a new look is needed, the existing vision does not identify residential in this location.

A member of Council questioned the consultant regarding the relation of this project compared to the 2.2% commercial land inventory.

Comments were made by a Council member as regards to the features of the property being more suitable for residential development. A member of Council questioned staff regarding any variations of the proposed development compared to form-based codes.

Staff continued with the presentation. Spoke regarding the previous concept plan that was submitted and the new proposed concept plan and gave a detailed overview of zoning standards.

Comments by members of Council included land inventory; decrease in residential property values; and the cost to support City services.

Ms. Ricker stated every decision will have an impact; the City must make an effort to encourage growth; and the City should demand the best use for the land; Stated the standards for a business potential have not yet been determined.

Staff stated the community has waited decades for the arrival of PGBT and DART. Stated when Realize Rowlett 2020 Phase 2 is adopted there will be an accompanying piece, Realize Rowlett 2020 Phase 3. Phase 3 will be the economic development component piece that will bring Phase 2 to life. Stated a rolling five-year strategy will give the vision life.

Additional comments by a member of Council included economic development takes time to establish; stated it requires fortitude to not take the easy way. Further stated the property has been zoned commercial for years.

The public hearing opened at 9:38 p.m. and closed at 9:57 p.m. with one person speaking.

1. Jim Douglas, developer, 2309 Avenue K, Suite 100, Plano – Spoke concerning the project and responded to the concerns that were voiced.

A member of Council stated the right for this particular property is speculative; it is a great residential property with long-term benefits if done right. Stated the property has the ability to be a private residential property with good topography. Stated changing the zoning would not be abandoning the "plan"; if done right, it could be advantageous for the City. Another member of Council stated it is too soon to lose the vision as the PGBT has been opened for only eight months.

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Gallops, to deny the zoning request. The motion carried by the following vote:

**Ayes: 4 Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Davis, and Councilmember Pankratz**

**Noes: 3 Mayor Gottel, Councilmember Miller and Councilmember Kilgore**

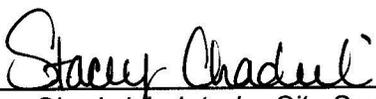
**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

There were no Executive Session items.

9. **ADJOURNMENT**

Mayor Gottel adjourned the meeting at 10:04 p.m.

  
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Todd W. Gottel, Mayor

  
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Stacey Chadwick, Interim City Secretary

Date Approved: September 4, 2012