



# City of Rowlett

## Meeting Minutes

### City Council

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

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Tuesday, April 5, 2011

6:05 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 Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops

**Absent:** Mayor Harper

**1. CALL TO ORDER**

Mayor Pro Tem Gottel called the meeting to order at 6:05 p.m.

**CONVENE INTO EXECUTIVE SESSION**

Convened into Executive Session at 6:05 p.m.

**2. EXECUTIVE SESSION (6:05 P.M.)**

- 2A.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice pertaining to open space dedication and park pro rata provisions for the Lakehill Addition. (10 minutes)

**RECONVENE INTO OPEN SESSION**

Reconvened into open session at 6:15 p.m. Due to the large citizen turnout, the Work Session was moved from the City Hall Conference Room to the Council Chambers.

**3. WORK SESSION ITEMS (6:15 P.M.)**

- 3A.** Mayor's update to Council regarding the 4<sup>th</sup> Annual Transportation Conference held in Washington D.C. from March 8, 2011 through March 12, 2011. (10 minutes)

Due to the Mayor's absence, this item will be placed on the next agenda.

- 3B.** Discuss recommended tribute by the Judge Belinda Loveland Memorial Committee. (15 minutes)

Karen Schultz explained that the ROCK program was reinstated in March. She stated committee members Becky Sebastian and Marilyn Harrison were present but Tiffany Karns, who is heading the ROCK program is traveling. Kim Loveland has set up the [www.LovelandRock.org](http://www.LovelandRock.org) website, a non-profit program which explains the purpose of the ROCK program. Currently, 17 middle school students in addition to 30 high school students are participating. The goal is to continue to work with the Garland Independent School District to change the Liberty Grove Elementary School name to the Belinda Loveland Elementary School.

- 3C.** Consider the cancellation/postponement of the upcoming Town Hall Meeting. (15 minutes)

Following various Councilmembers discussion of this item, consensus was reached to postpone the Town Hall Meeting until after the Saturday, May 14, 2011 Election. The agenda for the April 7, 2011 Town Hall Meeting was discussed, reaching consensus that Town Hall Meetings should be for the citizens with more time devoted to them speaking rather than Council speaking. Town Hall meetings are supposed to be designed to allow the citizens to express their views and engage in dialog with the Council. The Town Hall meeting agenda should be a work session item to allow Council input before posting the agenda. Citizens were encouraged to contact Councilmembers to discuss items they would be interested in discussing at a Town Hall meeting.

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

City Manager Humble updated the Council on the following:

- 100% design plans from Freese and Nichols are being reviewed for the Merritt Road Project with Right-of-Way acquisitions upcoming and a couple of items should be on the next agenda for discussion.
- Bids for Rowlett Road Phase II which will extend from Miller to Century Drive have been received and opened and should be on the April 19, 2011 agenda for consideration.
- Inconvenienced businesses, residents and motorists public will be invited to public meetings in late May when all of this is finalized to explain the details of the project.

- NTTA continues to be on target to open the service roads to one-way traffic north and south between Liberty Grove and Miller on May 1, 2011, as long as the weather continues to cooperate
- Rowlett Road closure for DART Light Rail which was tentatively scheduled for the 2<sup>nd</sup> week in June may be postponed. Hopefully, more information will be forthcoming at the next meeting. That closing has to be completed before the beginning of the Rowlett Road Phase II project.

**3E. Deliberation on Mayor's request for an external investigation on the possibility of City employee(s) providing email addresses to outside sources. (10 minutes)**

City Manager Humble stated that on March 27, 2011 an email was received from the Mayor requesting an investigation. Upon questioning the individual who stated the information came from "city sources" it has been determined that the information was not private email addresses from a city employee. Therefore, the City Manager will not be investigating. However, the City Council by Charter, may request an investigation. Following Council discussion, consensus of the Council was reached and no investigation will be sought.

**4. DISCUSS CONSENT AGENDA ITEMS**

No items were removed from the Consent Agenda and 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 Dretha Burris from First United Methodist Church in Rowlett.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilmember Phillips.

**TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by Councilmember Kilgore.

**5. PRESENTATIONS AND PROCLAMATIONS**

**5A.** Administration of Oaths of Office and personal remarks from Associate Municipal Judge Pamela Liston, Alternate Associate Judge Rick Schimmel and City Prosecutor Felicita Amy Thomas. Judge Lokken administered the Oaths of Office to Associate Judge Pam Liston and Alternate Associate Judge Rick Schimmel. Associate Judge Pam Liston administered the Oath of Office to City Prosecutor Felicita Amy Thomas.

**5B.** Proclamation recognizing the month of April as National Organ Donor Awareness Month.

Councilmember Kilgore presented Tangela Petrick with a proclamation in recognizing the month of April as National Organ Donor Awareness Month.

**5C.** Proclamation recognizing the month of April as National Child Abuse Prevention Month.

Councilmember Gallops recognized the month of April as National Child Abuse Prevention Month.

**5D.** Proclamation recognizing the week of April 10-16, 2011 as National Public Safety Telecommunicators Week.

Councilmember Phillips presented Police Chief Matt Walling and Director of Support Services John Ellison with a proclamation recognizing National Public Safety Telecommunicators Week.

**5E.** Proclamation recognizing the week of April 10 – 16, 2011 as National Library Week.

Assistant City Manager Funderburk presented Library Advisory Board Chair Pat Harris with a proclamation recognizing National Library Week.

**5F.** Presentation of 2010 Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

Assistant City Manager Funderburk recognized the Rowlett Public Library with the 2010 Achievement of Excellence in Libraries Award and presented the plaque to Librarian Amanda Frady.

**5G.** Receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2010, which includes the independent auditors' report.

Staff spoke regarding the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2010.

John Manning, a representative from Pattillo, Brown and Hill gave an overview of the report.

**5H. Update from the Mayor: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interests.**

Mayor Pro Tem Gottel gave a brief update to the Council on the various activities in the City including thanking staff for their work on the 2<sup>nd</sup> Annual Diversity Day Event that occurred on March 26<sup>th</sup>; the 2<sup>nd</sup> Annual Senior Health Fair that occurred on April 5<sup>th</sup>; April 14<sup>th</sup> is the last day to register to vote for the May 14<sup>th</sup> Election; the Rowlett Chamber of Commerce will sponsor a Candidate Forum on April 13<sup>th</sup> at 11:30 a.m. at the Rowlett Community Centre; the Eggstraordinary Egg Hunt will occur April 16<sup>th</sup> beginning at 10 a.m. on the front lawn of the Library on Main Street; the Easter Pup-apalooza will occur on April 17<sup>th</sup> at 2 p.m. at Pecan Grove Park; and the Rockwall County Judge Hogan will host a Town Hall Meeting on April 28 beginning at 7 p.m. at the Rowlett Community Centre.

**6. CITIZENS' INPUT**

1. Jeff Sheldon, 7242 Liberty Grove, Rowlett – Spoke concerning the Democratic Party Council Election Forum.
2. Ceaser Hancock, 2909 Chaha Road, Rowlett – Spoke concerning the recent events with the Mayor and City Council.
3. Richard Lavender, 6810 Overbrook Drive, Parker – Spoke concerning the recent events with the Mayor and City Council.
4. Gaylyn Beckham, 9313 Willard, Rowlett – Spoke concerning the leadership of City Manager Lynda Humble.

**7. CONSENT AGENDA**

No items were removed from the Consent Agenda and considered individually.

City Secretary read the items into the record.

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

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

- 7B. Consider a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code, Emergency Services and Utilities sections of the Master Fee Schedule.

**This item was approved as RES-043-11 on the Consent Agenda.**

- 7C. Consider a resolution approving Task Order 5-FUG in the amount of ninety-three thousand eight hundred seventy-two dollars and ninety cents (\$93,872.90) with Fugro Consultants, Incorporated to provide construction materials testing for the Merritt Road Interconnector Project.

**This item was approved as RES-044-11 on the Consent Agenda.**

- 7D. Consider a resolution authorizing approval of Change Order Number 3 in the amount of one thousand one hundred seventy-two dollars and sixty-seven cents (\$1,172.67), final acceptance of the 2010 Concrete Repair/Maintenance Program of Alleys, and the release of retainage to F & F Concrete, LLC in the amount of eighty-four thousand three hundred twenty-seven dollars and fifty-four cents (\$84,327.54) for a grand total of eighty-five thousand five hundred dollars and twenty-one cents (\$85,500.21) plus accrued interest on the retainage; and authorizing the execution of the necessary documents.

**This item was approved as RES-045-11 on the Consent Agenda.**

- 7E. Consider a resolution exercising the first of two one-year renewal options for the annual contract for screening wall repair and maintenance in an estimated annual amount of fifty thousand dollars (\$50,000) to Ratliff Hardscape LTD for the City of Rowlett Street Department and authorizing the execution of the necessary documents for said one-year extension.

**This item was approved as RES-046-11 on the Consent Agenda.**

- 7F. Consider a resolution allowing a 10-day extension of a Temporary Use Permit application for the use of a temporary modular building during renovation of existing facilities on-site. The subject property is located at 8405 Lakeview Parkway, Suite 220, within the Dalrock Sixty Six Subdivision, Lot 2, Block 1, Dallas County, Texas. (Case Number TUP11-497)

**This item was approved as RES-047-11 on the Consent Agenda.**

- 7G. Consider a resolution approving an Interlocal Agreement between the City of Rowlett and Rockwall County establishing Rowlett's subdivision plat approval authority over Rowlett's extra-territorial jurisdiction in Rockwall County.

This item was approved as RES-048-11 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: 6 – Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Jackson, Councilmember Phillips, Councilmember Davis, Councilmember Kilgore and Councilmember Gallops**

**Absent: 1 – Mayor Harper**

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A.** Conduct a public hearing and consider amending Planned Development (PD) Ordinance 3-1-94B to update Use Regulations pertaining to "Outdoor Storage, Display and Sales". The subject property is the Dalrock Sixty Six Addition, generally located on the northwest corner of Lakeview Parkway (SH 66) and Dalrock Road. (Case Number PD10-496)

This item followed Item 8D and a short break.

Mayor Pro Tem Gottel read the item into the record.

Staff made a brief presentation regarding this item.

Council asked about the detailed documents the residents within the 200-foot radius would receive; requested more detail for the citizens.

The public hearing opened and closed with no one speaking.

A motion was made by Councilmember Phillips, seconded by Councilmember Gallops, to approve this item as read. This item was adopted as ORD-006-11. 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**

**Absent: 1 – Mayor Harper**

- 8B.** Conduct a public hearing and consider approving an ordinance amending Planned Development Ordinance 007-07 in order to revise drainage provisions by replacing Exhibit "D" with a new exhibit to provide for final drainage plans. The subject property is located at the southwest Corner of Chiesa Road and Liberty Grove Road, further described as Lake Valley Estates Phase II. (Case Number PD11-504)

Mayor Pro Tem Gottel read the item into the record.

Staff made a brief presentation.

The public hearing opened and closed with no one speaking.

**A motion was made by Deputy Mayor Pro Tem Jackson, seconded by Councilmember Phillips, to approve this item as read. This item was adopted as ORD-007-11. 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**

**Absent: 1 – Mayor Harper**

- 8C.** 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 Pro Tem Gottel read the item into the record. At the request of Councilmember Kilgore, each Board's slate was voted on individually.

Animal Shelter Advisory Board:

One alternate member position is available to be filled for the Animal Shelter Advisory Board.

Alternate member position:

The Alternate member appointee for the Animal Shelter Advisory Board is:

Mollie McCollom-Miles, Alternate 2

**A motion was made by Councilmember Phillips, seconded by Councilmember Davis, to approve the presented slate of appointments to Animal Shelter Advisory Board. 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**

**Absent: 1 – Mayor Harper**

Library Advisory Board:

One alternate member position is available to be filled for the Library Advisory Board.

Alternate 1 position not filled due to lack of application.

Parks and Recreation Advisory Board:

One regular member position and three alternate member positions are available to be filled for the Parks and Recreation Advisory Board.

The Regular member appointee for the Parks and Recreation Advisory Board is:

Sharon Starks, Member 3

Alternate member positions:

The Alternate member appointees for the Parks and Recreation Advisory Board are:

Rhetta Bowers, Alternate 1

John Macatee, Jr., Alternate 2

Alternate 3 position not filled due to lack of application.

**A motion was made by Councilmember Phillips, seconded by Councilmember Davis, to approve the presented slate of appointments to the Parks and Recreation Advisory Board. 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**

**Absent: 1 – Mayor Harper**

Senior Advisory Board:

Two alternate member positions are available to be filled for the Senior Advisory Board.

Alternate member positions:

The Alternate member appointees for the Senior Advisory Board are:

Della Vickers, Alternate 1

Alternate 2 position not filled due to lack of application.

**A motion was made by Councilmember Phillips, seconded by Councilmember Davis, to approve the presented slate of appointments to the Senior Advisory Board. 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**

**Absent: 1 – Mayor Harper**

Traffic and Safety Advisory Commission:

One alternate member position is available to be filled for the Traffic and Safety Advisory Commission.

Alternate member position:

The Alternate member appointee for the Traffic and Safety Advisory Commission is:

LeDeitra Adkins, Alternate 2

**A motion was made by Councilmember Phillips, seconded by Councilmember Davis, to approve the presented slate of appointments to the Traffic and Safety Advisory Commission. 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**

**Absent: 1 – Mayor Harper**

- 8D.** Consideration and action regarding communications and actions of mayor, town hall meetings, and external/public communications.

This item was presented prior to Item 8A.

Mayor Pro Tem Gottel read the item into the record.

Each member of Council voiced their thoughts and concerns regarding this item.

Mayor Pro Tem Gottel opened the floor for citizens' input.

1. Laurieann Dygowski, 7242 Liberty Grove, Rowlett – Spoke concerning the recent events with the Mayor and City Council.
2. Gladys Wilkinson, 7809 Defender Lane, Rowlett - Spoke concerning the recent events with the Mayor and City Council.
3. Don Moore, 4417 Vista Creek, Rowlett - Spoke concerning the recent events with the Mayor and City Council.
4. Fred Witzell, 7609 Coral Way, Rowlett - Spoke concerning the recent events with the Mayor and City Council.
5. Jeff Sheldon, 7242 Liberty Grove, Rowlett – Spoke concerning his appreciation for the Council.

**A motion was made by Councilmember Phillips, seconded by Councilmember Davis, to place an Executive Session item on the April 19, 2011 meeting agenda to discuss censorship and reprimand. 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**

**Absent: 1 – Mayor Harper**

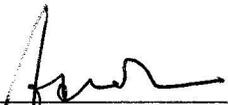
There was a five minute break following this item.

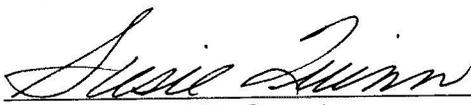
**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

No action followed the Executive Session.

**6. ADJOURNMENT**

Mayor Pro Tem Gottel adjourned the meeting at 10:19 p.m.

  
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Todd Gottel, Mayor Pro Tem

  
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Susie Quinn, City Secretary

Date Approved: April 19, 2011