



**City of Rowlett**  
**Meeting Minutes**  
**City Council**

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

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Tuesday, June 5, 2012

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

**1. CALL TO ORDER**

Mayor Pro Tem Phillips called the meeting to order at 5:30 p.m.

**CONVENE INTO EXECUTIVE SESSION**

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

Mayor Gottel arrived at the meeting at 5:32 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 (Consultation with Attorney) to consult with the City Attorney regarding the Landis vs. City of Rowlett case. (15 minutes)

**RECONVENE INTO OPEN SESSION**

Reconvened into open session at 5:56 p.m.

**3. WORK SESSION ITEMS (5:45 P.M.)**

- 3A.** Discuss appointing a representative to the Dallas Area Rapid Transit (DART) Board of Directors. (10 minutes)

Staff stated the current representative, Mark Enoch, has represented the City of Rowlett well.

A consensus was reached by the Council to reappoint Mr. Enoch as the City's DART Board of Directors representative.

- 3B.** Discuss the adoption of an ordinance to authorize the issuance of City of Rowlett, Texas, General Obligation Refunding Bonds, Series 2012. (15 minutes)

Staff stated the budget savings for issuing the refund bonds will be \$2,058,294 which translates to a Present Value savings of approximately 9.4%. Stated this is great news for the City.

- 3C.** Discuss the City of Rowlett's participation in the Tax Increment Reinvestment Zone Number One and TIF Board recommendation to modify the City of Rowlett's participation. (20 minutes)

Staff gave the history of this item. Stated other taxing entities chose not to participate with the City of Rowlett. Staff indicated three distinct issues with the TIF. First, the size of the TIF district may have deterred participation from other districts. As a result, Rowlett is the only participant providing funds. The \$20 million originally estimated to be spent for the President George Bush Turnpike (PGBT) right-of-way will not happen now. This means that fully half of the planned spending of \$41.0 million will not occur in accordance with the final project plan and financing plan. Second, it is strategically located in such a manner that the vast majority of all growth in the City of Rowlett over the next 10-15 years could occur within its borders, diverting dollars to the TIF and away from the General Fund. Only sales taxes and fees from these new developments will be available for operations and maintenance. And finally, in June, 2012, the Texas Legislature approved the creation of three Municipal Management Districts in the 82<sup>nd</sup> Legislative Session, all of which are within the TIF boundaries. These economic development tools are much more comprehensive and enticing to developers due to the flexibility it provides to install public infrastructure and amenities.

On April 10, 2012, the TIF Board took up this issue and evaluated the needs of the City and the TIF district in light of the approval of the three new Municipal Management Districts. The questions the Board considered were as follows:

- Do we amend the City of Rowlett's participation rate? If so, how much?
- Do we defer any action until revenues are sufficient to cover at least the existing debt service?

After discussion, the TIF Board recommended unanimously to reduce the existing participation rate to 0%, effective for the fiscal year beginning October 1, 2012.

Staff stated the advantages of modifying the participation rate are:

- There are no contractual obligations or legal encumbrances on the TIF district at this time making the modification to the participation rate possible.
- City retains flexibility to adjust the rate as needed (i.e. City Council may adjust rate in the future).
- Reducing the participation rate is an easier decision, made by ordinance, versus amending the boundaries or eliminating the district due to the legal requirements necessary to recreate the district if desirable again in the future.

Staff clarified that changing the participation rate at any time takes a full fiscal year to go into effect.

**3D. Hear First Quarter Investment Report for March 31, 2012. (10 minutes)**

Stated they will continue to follow the prudent investment strategies that have safely provided the City with favorable long-term performance during the period of historically low interest rates while preserving the principal of City investments. Stated the quarter was dismal for investments.

**3E. Hear and discuss the impact on Rowlett Nature Trail Park due to the construction of Miller Road between Rowlett and Garland. (25 minutes)**

Staff brought forth a brief history of this item. Stated this project is a regional construction project. Stated the impact to the Nature Trail will be minimal and the Parks and Recreation Advisory Board fully recommend moving forward with this project.

Trevor Castillo, a representative with Civil Consulting Group, spoke concerning the project as a whole. Stated the Regional Tollway Revenue will be funding 80% of the project cost.

Spoke concerning the PowerPoint presentation. The proposed project would consist of four 12-foot wide travel lanes, a 32-foot wide raised median, two 15-foot wide parkways, and curb and gutter. The parkway would consist of a 10-foot wide sidewalk along the south side of Miller Road and a 5-foot wide sidewalk along the north side of Miller Road. The proposed 10-foot wide sidewalk along Miller Road would provide connectivity from the Woodland Basin Nature Area (Garland) to the Rowlett Creek Greenbelt (Rowlett). A designated 10-foot wide left turn lane at Dexham Road is proposed. The proposed bridge is 1,200 feet long (fifteen 80-foot spans) and would span both Rowlett Creek and Old Rowlett Creek. The existing Rowlett Creek Main Channel will be widened and armored to protect the creek banks and reduce erosion. The proposed improvements would eliminate a bottleneck that is created by the two-lane facility from 0.25 mile east of Centerville Road to Dexham Road. To accommodate the proposed roadway widening, bridge replacement, and creek improvements, approximately 0.29 acres of

the Rowlett Nature Trail Park property will be utilized as roadway/drainage easement and 0.41 acres will be utilized as a temporary construction easement. Because a portion of the proposed project impacts dedicated public park land, a public hearing regarding the project is required.

Staff stated in the early planning stages, biking trail sections were added for future trail connectors.

Mr. Castillo stated the median would be raised and grass would be planted; stated the City would be free to landscape should they chose to.

Mr. Castillo stated according to Section 26.001 of the Texas Parks and Wildlife Code, a department, agency, political subdivision, county or municipality of the state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park, recreation area, scientific area, wildlife refuge, or historic site, unless the municipality, acting through its duly authorized governing body or office, determines that:

1. There is no feasible and prudent alternative to the use or taking of such land; and
2. The program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking.
3. A public hearing must be held to afford the public to make comments.

A member of Council asked if the current fencing to the park would be placed.

Mr. Castillo answered in the affirmative stating the fencing would be replaced with a similar material.

Stated the construction will begin in stages beginning fiscal year 2013.

The City Attorney was asked if this item could be removed from the Consent Agenda in order to have the public hearing and still meet the intent of the law even though the public hearing was advertised but not posted.

The City Attorney answered in the affirmative.

A member of Council stated public comments would be accepted tonight and the public hearing would occur on June 19<sup>th</sup>.

- 3F. Staff from the Planning Division will provide the City Council with an update on the North Central Texas Council of Government (NCTCOG) Downtown Sustainability Grant. (60 minutes)

Staff spoke regarding the background of this item. Stated the City submitted a Downtown Mixed Use Development Project for consideration by the North Central Texas Council of Governments (NCTCOG) and received \$1.6 million in grant funding, with \$1,350,000.00 funded by local funds,

and the remaining amount paid for by the City of Rowlett – an 80% / 20% split. The \$1.6 million primarily went to the realignment and construction of Martin Drive from Highway 66 to Coyle Street. In 2009, the NCTCOG reallocated \$2.5 million from a previously funded DART park and ride location at Dalrock Road and Interstate 30, since it was no longer a viable project, to the Downtown Mixed Use Project. Due to the President George Bush Turnpike (PGBT) eastern extension construction, NCTCOG granted the City numerous extensions to use the funds. Staff requested one last extension to allow for the completion of the Realize Rowlett 2020 downtown planning effort in order to ensure that any improvements made utilizing the grant funds would be in accordance with the proposed vision for downtown. However, NCTCOG was unable to grant an additional extension and has set a deadline of June 30, 2012 for the City to determine how the funds will be utilized and a deadline of December 31, 2012 for the design to be completed and construction substantially underway. To that end, staff from the Planning, Engineering, Public Works and Economic Development Divisions began working fervently with the Realize Rowlett 2020 Phase II consultant team, primarily the representatives from Kimley-Horn, who are under contract, to provide the transportation component of the initiative, in order to prioritize possible projects that will meet the stringent requirements of the grant and further the vision for the downtown area, all while working within the confines of the December 2012 deadline. Staff has been working closely with NCTCOG representatives to ensure that all proposed improvements are within the scope of the grant funding.

Staff spoke regarding eligible and ineligible uses of the grant funding.

The originally proposal approved in 2006 showed Martin Drive connecting all the way to Main Street. However, there was not enough original funding to make the connection a reality. As part of the additional \$2.5 million, staff proposes to make the Martin Drive connection to Main Street. This connection is important for several reasons. First, this connection will provide a vital pedestrian and vehicular linkage to the heart of the downtown area and a clear visual focal point for visitors leaving the DART station. Staff and the consultant team debated several layouts for the road design and the terminus at Main Street. However, in the end since it is unknown how the Library and the vacant City owned property behind the Library may redevelop in the future, staff deems it best to provide a direct connection that could be extended in the future to allow deeper development throughout the site. To end the road with a traffic circle or something of that nature, while visually appealing could limit development in the future; this is not in the City's best interest. In addition, NCTCOG can audit the improvements in the future, so the City cannot risk making an improvement that may have to be removed with future development. If that situation occurred, then the City could be required to pay that portion of the grant funding back. The proposed layout can accommodate a variety of development proposals in the future. This proposed improvement is also ideal because it will occur solely on City owned property, which is a stipulation of the grant. No additional right-of-way will be required for the proposed connection.

Staff stated this is an opportunity to make Realize Rowlett 2020 a reality.

The obvious consequence of this connection is the need to remove the Historical Society building. However, the City does own the property and the building and will work to ensure the

most seamless transition possible. Staff proposes to provide lease space for the Historical Society at the Coyle House or another City facility for the time being.

A member of Council stated the Historical Society building is in poor shape. Stated the use of the Coyle House would be a natural step to transition to; voiced concern as to whether the Coyle House is habitable.

Staff stated the Coyle House is not currently habitable as a definite use had not been determined. Stated there are funds available in the Coyle House Fund.

A member of Council asked if there was any historical significance of the Historical Society building.

Staff answered in the negative.

A member of Council asked if a portion of the grant money could be used to improve the Coyle House.

Staff answered in the negative.

A unanimous consensus was reached by the Council to remove the Historical Society building and to move towards relocating the Historical Society.

A member of Council voiced concern with extending Martin Drive as the City might possibly have to refund the grant money if the roadway is removed in the future. Stated it is not known what might be built in the future. Stated putting a road in the middle of the small piece of property seriously impacts the flexibility of the property to develop in the future.

Staff stated by the end of October, there will be a street grid in place and the extension of Martin Drive will be a part of that grid. Stated they have begun the effort to start the rendering showing how the development will align the street. Another member of staff spoke regarding Coyle Street and its accessibility standpoint. Stated by removing the Historical Society building, a public space is defined which becomes an amenity.

Discussion moved to the topic of a bicycle trail connecting to the DART station.

Staff stated the correct location for a bicycle trail would be along Main Street, but due to the underground infrastructure, this could ultimately be a risk if the City had to remove the bicycle trail to work on the water and sewer lines.

A member of Council stated the plan is premature and all speculation.

Staff stated the City can invest \$2.5 million dollars to begin to define the area and make it something for the future and risk having to pay the grant money back if the plans do not evolve

or the City can walk away from the grant. Stated the rights-of-way on Martin Drive dictated the profile of the street.

A member of Council suggested putting in a bicycle trail to Herfurth Park.

Staff reiterated that it would be a risk for the City as bicycle trail will have to be removed to fix the water and sewer lines along Main Street.

A member of Council questioned the Economic Development Director if this project could potentially bring development into downtown.

Staff answered in the affirmative. Stated the extension sets the plaza in place and begins to frame the central area to begin attracting developers in that area and does not hinder future development.

Staff stated the consultants developed this plan; stated the ideal location for the pedestrian plaza is the open area by the Farmer's Market.

Members of Council stated the Farmer's Market is not currently located in the most optimum location.

The Council gave consensus to include the Farmer's Market in the pedestrian plaza.

Staff spoke regarding Industrial Street along the DART Park and Ride. Stated acquiring an easement should be possible. Stated this would set the tone for the streetscape along the street. Stated other improvements would include significant landscaping along Martin Drive, Main Street, the proposed segment of Industrial Street and the pedestrian plaza; wayfinding signage throughout downtown (pedestrian and vehicular); pedestrian crosswalks; and utility and construction contingency.

A member of Council requested that space be set aside along State Highway 66 and Martin Drive for a grand entrance.

Staff stated a \$500,000 contingency will be set aside for water and sewer line relocations and realignments.

Consensus was reached to move forward with the Martin Drive extension and for expanding the pedestrian plaza to the roundabout on Main Street.

- 3G. Staff from the Planning Division will provide an update regarding the Realize Rowlett 2020 Phase II process. (15 minutes)

Stated staff has finished the Form-Based Codes staff meetings; spoke regarding upcoming meetings including property owner meetings and public input meetings. Spoke regarding the Framework Plan. Staff clarified the 18-inch floor grade.

**4. DISCUSS CONSENT AGENDA ITEMS**

Items 7C and 7G were pulled from the Consent Agenda to be considered individually.

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

Convened into the Council Chambers at 7:36 p.m.

**INVOCATION**

The invocation was led by Councilmember Gallops.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Phillips.

**TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by Deputy Mayor Pro Tem Kilgore.

**5. PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Presentation of proclamations recognizing the 2012 Rowlett Arts and Humanities Commission Writing Contest winners.

Councilmember Davis presented each Arts and Humanities Commission Writing Contest winner with a proclamation and Kathy Freiheit, Director of Library Services and Mary Drayer, Chair of the Arts and Humanities Commission presented each contest winner with an award check.

- 5B.** 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 twice a week watering restrictions; the public notice from the

Texas Commission on Environmental Quality; the Fire Department will host a Standard American Heart First Aid/CPR Class on Saturday, June 9<sup>th</sup>, please call 972-412-6230 to register; the Wet Zone is now open through August 19<sup>th</sup>; the Animal Shelter will host a low-cost vaccination clinic on June 16<sup>th</sup> and 30<sup>th</sup> beginning at 12:30 p.m.; the Rowlett Library kicked off the Summer Reading Club this week; Movie and Popcorn Days returns to the Library every Thursday in the month of June; and the Library will host Celebrate Star Wars Books on June 30<sup>th</sup> beginning at 2 p.m.

**6. CITIZENS' INPUT**

No one spoke during Citizens' Input.

**7. CONSENT AGENDA**

Items 7C and 7G was pulled from the Consent Agenda to be considered individually.

The Interim City Secretary read the items into the record.

**7A. Consider approving minutes from the May 15, 2012 City Council Regular Meeting.**

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

**7B. Consider and take action on a request for an Alternative Building Materials application. The subject property is located 8548 Chiesa Road, at the southeast corner of Chiesa Road and Liberty Grove Road. (DP12-578).**

**This item was approved as RES-058-12 on the Consent Agenda.**

**7C. Consider approval of a resolution authorizing Dallas County to proceed with the construction of Miller Road from Garland to Rowlett and acknowledging its impact on Rowlett Nature Trail Park.**

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

Mayor Gottel read the item into the record.

Mayor Gottel opened the floor for citizen comments at 8:01 p.m. with no one speaking. Stated a public hearing would be held on June 19, 2012.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Davis, to table this item until June 19, 2012 for the public hearing. The motion carried by the following vote:

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

- 7D. Consider action to approve a resolution authorizing Dallas County to resell tax foreclosed property by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Tax Property Tax Code.

**This item was approved as RES-059-12 on the Consent Agenda.**

- 7E. Consider action to approve a resolution suspending the March 6, 2012, effective date of Atmos Energy Corp., Mid-Tex division ("Atmos Mid-Tex") requested rate change to permit the city time to study the request and to establish reasonable rates; approving cooperation with Atmos Cities Steering Committee ("ACSC") and other cities in the Atmos Mid-Tex service area to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; 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 ACSC's legal counsel.

**This item was approved as RES-060-12 on the Consent Agenda.**

- 7F. Consider a resolution amending the Development Code section of the Master Fee Schedule; specifically as it pertains to temporary sign permit fees and Urban Design Officer fees.

**This item was approved as RES-061-12 on the Consent Agenda.**

- 7G. Consider action to approve a resolution authorizing the final acceptance of the Rowlett Road Improvements Phase II, approving reconciliation Change Order Number 5 in the amount of thirty-three thousand three hundred thirty-nine dollars and thirteen cents (\$33,339.13), and payment of the early completion bonus in the amount of forty thousand dollars and zero cents (\$40,000.00) for a final payment in the amount of seventy-eight thousand six hundred ten dollars and eight cents (\$78,610.08) to Tri-Con Services, Inc.

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

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Davis, to table this item. The motion carried by the following vote:

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

**Passed The Consent Agenda**

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Gallops, including all the preceding items marked as having been approved on the Consent Agenda.

A friendly amendment was presented by Councilmember Pankratz, seconded by Councilmember Miller, to correct the wording in Item 7D to 'Texas Property Tax Code' from 'Tax Property Tax Code'.

Mayor Pro Tem Phillips accepted the friendly amendment. The motion carried by the following vote:

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

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A.** Consider action to adopt an ordinance authorizing the issuance and sale of City of Rowlett, Texas, General Obligation Refunding Bonds; providing for the payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Mayor Gottel read the item into the record.

Staff gave a brief summary on this item.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Gallops, to approve the item as read. This item was adopted as ORD-014-12. The motion carried by the following vote:

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

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

No action was taken following the Executive Session item.

9. **ADJOURNMENT**

Mayor Gottel adjourned the meeting at 8:06 p.m.



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Todd W. Gottel, Mayor



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Stacey Chadwick, Interim City Secretary

Date Approved: June 19, 2012