



City of Rowlett

Meeting Minutes

City Council

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

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Tuesday, June 4, 2013

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 Gallops, Councilmember Dana-Bashian, Councilmember Pankratz, Councilmember Miller, Councilmember Kilgore and Councilmember Elect Bobbitt

1. CALL TO ORDER

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

2. EXECUTIVE SESSION

- 2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives to business prospects that the City may seek to have locate in or near Elgin B. Robertson Park. (30 minutes) (NOTE: THIS EXECUTIVE SESSION WILL NOT OCCUR UNTIL AFTER THE REGULAR MEETING).

This item followed the regular session.

3. WORK SESSION ITEMS

- 3A. Discuss the proposed Planned Development for an Assisted Living facility on the regular agenda, the subject property is located at 7000 Chiesa Road, further described as a 9.36 acre portion of Tract 1.1 of the James Saunders Abstract, No. 1424, Page 035, in the City of Rowlett, Dallas County, Texas. (PD13-652) (30 minutes)

Michele Berry, Planner II, gave an overview of this item. Spoke concerning the traffic on Chiesa Road. Stated current traffic counts on this section of Chiesa Road are 1,748 northbound trips and 2,028 southbound trips per day. This is well under the maximum capacity of 15,000 vehicles per day. A planned traffic signal at Princeton and Liberty Grove will create breaks for those turning west from Chiesa Road onto Liberty Grove Road. Stated traffic from this rezoning would be less than if developed as single family residential subdivision.

Spoke concerning emergency vehicles.

Staff measured water pressure for a week long period at three points near the subject property. Approximate average PSIs were 60, 55, and 48 at these locations.

Spoke concerning lighting issues and the economic impact to the City.

Spoke regarding the rezoning. Stated this rezoning maintains the base zoning district of Single Family 10 and the language is very specific to additional permitted uses. Per the Planned Development, "*the only additional permitted uses shall be retirement home, nursing home, continuing care facility or assisted living facility*". This is designed to allow for changes in the level of care provided to adjust to demographic needs over time.

Staff stated the Planning and Zoning Commission voted 5-2 to recommend approval at their May 14, 2013, meeting, with the condition that large canopy evergreen trees be planted every 50 feet along the eastern property line adjacent to the existing single family development.

A member of Council voiced concern with the landscape buffer, the existing tree line and the primary emergency vehicle response route.

- 3B.** Discuss Parks that failed safety inspections including Kid's Kingdom, Herfurth Park and Equipment at Community Park which requires the removal of Kid's Kingdom from the park playground system. (45 minutes)

Lynda Humble, City Manager, Jermel Stevenson, Director of Parks and Recreation, and David Berman, City Attorney, spoke regarding this item. Stated recently the City had certified playground inspections conducted on all of the City's playgrounds. Four playgrounds, Kids Kingdom, Sherwood Park, Herfurth Park and the equipment at Community Park, failed the inspections. Stated the City has a responsibility to repair playground equipment to safe conditions or to remove the hazards. Stated the safety of the children is the number one priority.

Spoke concerning the exposure to the City. Stated the longer people use the facilities in their current condition, the more likely someone will get hurt, in a bad way. Knowing that the risk exists, the City must move forward to correct the issues.

A member of Council asked staff why these problems were not found earlier.

Staff did not have an answer to the question.

Another member of Council spoke regarding the possible contamination of the soil around the playground support posts.

Staff spoke regarding the specific safety issues for each park as well as the next steps to be taken by the City. Stated with the Council's approval, the City would pledge \$100,000 towards the replacement of Kids Kingdom Park.

Staff spoke to the financial aspect of this issue including the decline in taxable values, sales tax per capita, personal income per capita, total taxes paid per capita, total park acres maintained per Park employee, total Park budget per acre, total employees per 1,000 population, and the budget history of the Parks and Recreation Department.

Staff spoke regarding the inspection reports and showed photos of the problems.

A member of Council stated the hazards did not happen overnight, the Council and staff should have known about this a long time ago.

Staff continued speaking about the inspections report.

A member of Council asked if the City had ever had an external inspection.

Staff replied there was an internal inspector employed by the City and to staff's knowledge; an external inspection had never been performed.

A member of Council asked about the location of the Kids Kingdom time capsule and what are the plans for it.

Staff stated the capsule is located at the entrance and it would be saved.

Mayor Gottel recommended that \$100,000 be set aside in a matching fund; charged the Parks and Recreation Advisory Board to poll the residents on the type of play equipment they would like, what should the new park look like, and where should it be built. In addition, have a fundraising group find sponsors to help raise the necessary funds. Stated the City has an obligation to do the right thing.

Members of Council commented the cost and timeframe for rebuilding the park is unknown; stated this cannot happen again; the safety of the children is of importance; the need for external inspections at parks; the Parks and Recreation Advisory Board should be involved in future decisions; wanted this item to be made more public for transparency and to involve the community.

A majority of the Council agreed with the recommendation made by the Mayor.

- 3C.** Discuss changing the name of the Environmental Learning Center to the Dan Robert's Environmental Learning Center. (15 minutes)

This item will be discussed at the June 18, 2013 City Council Work Session.

- 3D.** Discuss the adoption of a resolution approving and authorizing the execution of the North Central Texas Public Works Mutual Aid Agreement for public works initial response in the event of a catastrophic event. (15 minutes)

This item will be discussed at the June 18, 2013 City Council Work Session.

- 3E.** Discuss transitioning the While You Wait Afterschool Program from a City Sponsored Event to a Boys & Girls Club with City assistance. (10 minutes)

This item will be discussed at the June 18, 2013 City Council Work Session.

4. DISCUSS CONSENT AGENDA ITEMS

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

RECEPTION FOR THE OUTGOING COUNCILMEMBER AND ELECTED COUNCILMEMBERS

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

Convened into the Council Chambers at 7:33 p.m.

INVOCATION

The invocation was led by Pastor Craig Schill, Lake Cities Community Church.

POSTING OF COLORS BY THE ROWLETT POLICE HONOR GUARD, ROWLETT FIRE HONOR GUARD AND ROWLETT FIREFIGHTERS EMERALD SOCIETY PIPES AND DRUMS

The Rowlett Police Honor Guard and the Rowlett Fire Honor Guard posted the colors as the Rowlett Firefighters Emerald Society Pipe and Drums performed.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Rowlett Police Honor Guard and the Rowlett Fire Honor Guard.

TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by the Rowlett Police Honor Guard and the Rowlett Fire Honor Guard.

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Administration of Oaths of Office and personal remarks from Mayor and City Councilmembers, Places Two, Four and Six.

This item followed Item 5C.

Associate Judge Liston administered the oath to Councilmember Dana-Bashian.

Councilmember Dana-Bashian thanked the citizens for their confidence and stated she is honored by their trust in her.

Dr. Larry Ross administered the oath to Councilmember Bobbitt.

Councilmember Bobbitt thanked the citizens for their belief in her.

Whiney Laning and Deb Shinder administered the oath to Deputy Mayor Pro Tem Gallops.

Deputy Mayor Pro Tem Gallops thanked his family for their support and thanked the voters for their trust and support. Deputy Mayor Pro Tem Gallops spoke regarding the dedication and hard work of Mayor Gottel.

Item 5D followed this item.

- 5B.** Recognition of service, presentation and personal remarks from City Councilmember Place Four, Ron Miller.

This item followed the Texas Pledge of Allegiance.

Mayor Gottel thanked Councilmember Miller for his service and presented him with an appreciation plaque.

- 5C.** Presentation to City Councilmember Ron Miller from Representative Burkett for his service to the community.

This item followed Item 5B.

Representative Burkett presented Councilmember Miller with a State Resolution for his service to the community.

Councilmember Miller thanked the citizens and Council for allowing him to serve the community.

At this time, Councilmember Miller stepped down from the dais.

- 5D.** Hear presentation of the Monthly Financial report for the period ending April 30, 2013.

This item followed Item 5A.

Alan Guard, Director of Financial and Information Services, gave a presentation regarding the Monthly Financial report for the period ending April 30, 2013. Spoke regarding Revenues, Sales Taxes; Property Taxes; Water Fees; Sewer Fees; Expenditures and various Funds.

A member of Council asked staff if he anticipated if the surplus in the property tax would be sustained or if it was a timing issue.

Staff stated it is most likely a timing issue and most was paid up front. Stated the City will collect 100% of the property taxes.

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

Mayor Gottel gave a brief update to the Council on the various activities in the City including: the next City Council meeting will be held on Tuesday, June 18th; the next Planning and Zoning Commission meetings will be held on Tuesday, June 11th and 25th; Stage 3 watering restrictions began June 1st; mosquito testing will occur on Wednesdays of each week; the Animal Shelter will host a Low Cost Animal Vaccination Clinic on Saturday, June 15th and 29th beginning at 2:00 p.m., and don't forget to find your new best friend at the Animal Shelter; a Farmers Market will be offered during the Fireworks on Main Celebration; the Fire Department will offer a Safe Sitter Class on Saturday, June 15th at Fire Station 1, registration is required; the Rowlett Library will host the Summer Reading Program – Dig Into Reading! which runs from June 10th – July 30th, come celebrate Superman at an all day event on Saturday, June 15th, Tech Ed will present Twitter on Friday, June 21st beginning at 10:30 a.m., and come celebrate Star Wars on Saturday, June 29th beginning at 2:30 p.m.; and; once again, the City of Rowlett has been named a Playful City USA! 2013, the Parks and Recreation Department will host Fireworks on Main! Rowlett's Annual Summertime Party on Thursday, July 4th beginning at 5:00 p.m. and

featuring Mary Wilson of the Supremes, numerous summer camps, and the Wet Zone opens daily on Friday, June 7th.

Mayor Gottel recognized Michele Berry, Planner II for her service to the City and wished her luck in her new endeavor.

Councilmember Pankratz recognized Ms. Berry for her contributions in the amateur community theater.

6. CITIZENS' INPUT

1. Linda Rodgers, 4902 62nd Avenue Court, University Place, WA – Spoke concerning property located at 6314 Chiesa Road.
2. Caitlyn Emigh, 6006 Azalea Drive, Rowlett – Spoke regarding Kid's Kingdom.
3. Ray Williams, 2301 Shady Oaks Lane, Rowlett – Spoke regarding speeding in his alley.

7. CONSENT AGENDA

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

The City Secretary read the items into the record.

- 7A. Consider approving minutes from the May 21, 2013 City Council Regular Meeting.

This item was approved on the Consent Agenda.

- 7B. Consider action to adopt an ordinance approving and adopting rate schedule "RRM-Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in force in the City for a period of time as specific in the rate schedule.

This item was approved as ORD-016-13 on the Consent Agenda.

- 7C. Consider action to approve a resolution authorizing the final acceptance of the Chiesa Road drainage and sidewalk improvements and the release of retainage in the amount of \$47,913.96 plus accrued interest on the retainage to Irricon Construction and authorizing the Mayor to execute the necessary documents.

This item was approved as RES-049-13 on the Consent Agenda.

- 7D.** Consider action to approve a resolution changing approved financing from Cisco to Key Government Finance, Incorporated for previously-approved equipment purchase for IT equipment in the amount of \$635,194 via a five-year lease/purchase, and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

This item was approved as RES-050-13 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Gallops, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by a unanimous vote of those members present.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A.** Conduct a public hearing and consider approving an ordinance rezoning a property from Single Family 8 and Single Family 10 to a Planned Development Overlay to allow for an Assisted Living Facility. The subject property is located at 7000 Chiesa Road, further described as a 9.36 acre portion of Tract 1.1 of the James Saunders Abstract, No. 1424, Page 035, in the City of Rowlett, Dallas County, Texas. (PD13-652)

Mayor Gottel read the item into the record.

Michele Berry, Planner II, gave a brief history of the item. Stated the planned development would only allow for an assisted living, nursing home, or continuing care type facility. No other uses would be permitted and the base zoning district would remain Single Family 10.

Members of Council spoke regarding the living screen, lighting, vehicular traffic and traffic signal light, water pressure, and emergency services.

The public hearing opened with 20 people speaking.

1. Melissa Pugh, 7318 North Point Drive, Rowlett – Spoke against the location of the facility and traffic issues.
2. Brandon Pugh, 7318 North Point Drive, Rowlett – Spoke against the location of the facility.
3. Scott Judson, 7502 Travelers Crossing, Rowlett – Spoke against the location of the facility.
4. Misty Judson, 7502 Travelers Crossing, Rowlett – Spoke against the location of the facility and traffic issues.
5. Janet Kenney, 1733 Meridian Way, Garland – Spoke against the location of the facility and traffic issues.
6. John Wallace, 6713 Driftwood Lane, Rowlett – Spoke against the location of the facility.
7. Cindy Rushing, 6305 Joel Court, Rowlett – Spoke against the location of the facility and traffic issues.

8. Jeffrey Klima, 6715 Winding Valley Trail, Rowlett – Spoke against the location of the facility.
9. Adam Henning, 8005 Horseshoe Bend, Rowlett – Spoke against the location of the facility.
10. Larry Beckham, 9313 Willard Street, Rowlett – Spoke in favor of this item.
11. Chris Allen, 7001 Westway Drive, Rowlett – Spoke against the location of the facility.
12. Walter Lenheim, 7013 Westway Drive, Rowlett – Spoke against the location of the facility.
13. John Boyd, 7913 Horseshoe Bend, Rowlett – Spoke against the location of the facility and traffic issues.
14. Lisa Putnam, 7017 Westway Drive, Rowlett – Spoke against the location of the facility and traffic issues.
15. Willie Mae Morgan, 5714 Savoy Place #113, Garland – Spoke in favor of this item.
16. Tahlie Carter, 5714 Savoy Place #113, Garland – Spoke in favor of this item.
17. Roger Burrow, 103 N. Goliad, Suite 108, Rockwall – Spoke in favor of this item.
18. Kent Cox, 6510 Marquette, Rowlett – Spoke in favor of this item.
19. Rick Bosworth, 4446 Santa Barbara Drive, Dallas – Applicant for this project; explained the development.
20. Chad Cable, 323 Gilmer, Sulphur Springs – Developer's Consultant; spoke regarding this type of assisted living development.

Mayor Gottel closed the public hearing.

A member of Council questioned the developer as to the monthly cost of residency at the assisted living facility.

Mr. Bosworth replied the average cost per month will be \$3,400 but the base cost would be less, it would depend on the level of care.

Members of Council commented regarding the concerns that were voiced during the public hearing; stated this type of housing is needed within the community.

A member of Council asked that staff address the condition of Chiesa Road and when it is slated for additional development work.

Staff stated Chiesa Road was completed in 2008 as an asphalt road with a subgrade; an expansion to a four-lane roadway has not been scheduled.

A motion was made by Mayor Pro Tem Phillips, amended by Councilmember Pankratz, seconded by Councilmember Kilgore, to approve the item as read with the following addition: to maintaining the existing trees in the tree line along the eastern property line, large canopy evergreen trees shall be planted every 50 feet to ensure screening from the adjacent neighborhood and a living screen shall be provided along the northern property line. The motion carried by a unanimous vote of those members present. This item was adopted as ORD-017-13.

- 8B. Consider action to approve a resolution approving a Community Facilities License Agreement with New Cingular Wireless PCS, LLC for the installation, housing, and operation of a one hundred foot monopole tower and associated antenna and cables and to lease property to provide telecommunication services at 8500 St. Andrews Lane, and authorize the City Manager to sign.

Mayor Gottel read the item into the record.

Brian Funderburk, Assistant City Manager, gave a brief history of the item. The agreement allows for a one hundred foot stealth monopole communication tower to be constructed on the back end of Community Park, along the tree line, just west of the furthest outdoor pavilion and parking lot. The construction of the tower will be the responsibility of Cingular; however, the tower will be dedicated to and the City will own it after construction. The tower is intended to accommodate a total of three wireless carriers, which has the potential to yield a higher annual revenue through leases with other wireless carriers. There are five "canisters" that will hold antennae and equipment. Cingular retains the use of the top three, providing the other two spaces to be utilized by other carriers.

A member of Council asked about the timeline of this project.

Staff stated that Cingular would like to have the project completed within three to four months.

Another member of Council asked how the rent rates compared to the market and asked for explanation regarding the abatement.

Staff replied they surveyed other cities and the City is charging at or above what other cities are charging. Staff spoke to the abatement process.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Pankratz, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as RES-051-13.

The remaining Work Session items (Items 3C, 3D and 3E) will be discussed at the June 18, 2013, Council Meeting.

At this time, the Council reconvened into the Executive Session at 10:32 p.m.

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

No action followed the Executive Session item.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 10:48 p.m.



Todd W. Gottel, Mayor



Laura Hallmark, City Secretary

Date Approved: June 18, 2013