



# CITY OF ROWLETT CITY COUNCIL MINUTES

*Our Vision: A well-planned lakeside community of quality neighborhoods, distinctive amenities, diverse employment, and cultural charm. Rowlett: THE place to live, work and play.*

Tuesday, April 20, 2021

5:00 P.M.

Municipal Building

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 Dana-Bashian, Mayor Pro Tem Grubisich, Deputy Mayor Pro Tem Bell, Councilmember Margolis, Councilmember Sherrill, Councilmember Laning and Councilmember Brown**

**1. CALL TO ORDER**

Mayor Dana-Bashian called the meeting to order at 5:00 p.m.

**2. EXECUTIVE SESSION**

- 2A.** The City Council shall convene into executive session pursuant to the Texas Government Code, §551.074 (Personnel) to deliberate on the evaluation and duties of the City Secretary. (30 minutes) **THIS ITEM WILL BE DISCUSSED FOLLOWING THE REGULAR PORTION OF THE MEETING.**

In Executive Session at 9:00 p.m. Out at 9:14 p.m.

**3. WORK SESSION (5:00 P.M.)\* Times listed are approximate.**

- 3A.** Joint meeting of Board of Adjustment and Council. (30 minutes)

Chris Kizziar, Chair, called their portion of the meeting to order at 5:02 p.m. and introduced members who were present – Ken Romaine, Tony Schmitz, James Moseley, Louis Frisbie and those members not present Samone Skinner, Donna Manhart and Frixmon Michael. He reviewed the roles and responsibilities of the Board, reviewed the cases brought before the Board since last meeting with Council and the new role of the Board as the Building and Standards Commission. Mr. Kizziar adjourned their portion of the meeting at 5:11 p.m.

- 3B.** Hear a presentation from Lee Engineering on a traffic study for two existing horizontal curves on Dalrock Road between Briarcrest Drive and Champion Drive. (45 minutes)

Mayor Dana-Bashian read into the record the following statements received from the public:

1. Tommy Hendry: My property has been damaged 3 times since 11 December 2020. Before that my fence was hit 5 times. The worst was 28 February 2021 when a truck hit our neighbors house and then ran into one of my bedrooms causing over \$50,000.00 worth of damage to my house alone. This was the second time a vehicle has hit my neighbor's house. At a minimum a guardrail on the northbound side of the curve should be installed. Installing curbing on that side would help too. The speed limit should be reduced from 40 miles per hour to 30 miles per hour. I hope you take measures to protect property and citizens along Dalrock. Thank you.
  
2. Robert Jerry Mikulec, 7801 Spinnaker Cove: I love my home and I love the city of Rowlett. On the surface you might see me as concerned resident, registered voter, and loyal taxpayer. But I'm much more than that. I'm a son, a brother, an uncle, a husband, and a new father. The same can be said about this situation that has been brought before all of you today. On the surface, it's a dangerous curve that has caused many accidents. Accidents that have impacted the fences and homes along the curve. But in reality, it is a much more devastating problem. It has deeply affected the quality of life for the residents that live here. It has had an effect on our children, our grandchildren, our siblings, and our parents. We no longer feel, nor are we safe in our own homes. We can no longer let our children or grandchildren play in our own backyards for fear of them being struck by a vehicle. We can no longer have our family come to stay for visits and feel confident that they will be safe sleeping in our bedrooms. We are constantly filled with fear and anxiety anytime the weather changes, or when we hear a vehicle roar around the curve. My next door neighbor had a vehicle tear through their kid's play set, and rip through their kitchen. That's the second time their house has had a vehicle imbedded into it. My other neighbor had a vehicle slam into their guest bedroom. The same room that their grandchildren sleep in when they come visit. I've had one vehicle soar through my backyard less than 15 feet from where my mom and nieces were sleeping when they came to drop off children's clothes for my wife when she was 8 months pregnant. My wife had finally gotten over the stress and fear of hearing every car that passed by when we had another car plunge through our backyard on April 3rd. This time it passed within 15 feet of my wife and my 3 week old daughter. I understand that you have tried to make the curve safer. I see the additional signs, the newer pavement, and the reflective poles that were installed. One reflective pole was thrown against my house with this past wreck. All the reflector accomplished was making it easier to find. I do appreciate all that you have done, but I ask you, no, I must beg you to do more. When this council decides on the necessary improvements, I implore you to think about your loved ones. Think about your kids and grandkids. Think if you'd be content with new signs and reflectors as the only thing standing between them and a vehicle. Please don't wait until someone gets seriously hurt or killed to decide that the city needs to do better. Please make the choice to protect your residents like we are your family. Thank you.
  
3. Jason Rowan: My family has lived in the curve of the 7700 block of Dalrock for 42 years. We've loved the area as it provided a remote feel in the city. However, the traffic on Dalrock

Rd has increased to levels never seen before. Road traffic and speeding cars have gotten out of control. As noted in your agenda item notes, the average speed on this stretch of road now exceeds the speed limit and 16.33% of all vehicle traffic should have gotten tickets. The speed sign was only deployed on the south side of the curve, so this does not take into account the racing that cars perform heading north out of the curve. More importantly, the safety of the homeowners is at stake. The agenda item notes do not comment on the two houses that have been hit in recent months. We had another fence collision this past week that is also not included. Further, it does not take into account the multiple vehicles that have left the roadway into our yards and left of their own recognizance. This unprotected curve is a death waiting to happen. There is no coefficient of friction that prevents DWI, distracted driving, and speeding. Cars are going to continue leaving the surface and someone in Spinnaker Cove is going to pay with their life. We have been told repeatedly that barriers are not the answer. I implore someone to explain that to these families that can no longer sleep nor let their children out to play for fear of a car landing on them. Please make this right. Please lower the speed, enforce it, and provide a safety barrier for our houses. Thank you for your consideration.

4. Ana Ruiz, 7805 spinnaker cove: We moved into the house because we loved the big yard and the space our 4 boys plus dogs had to run. We used to grill out in the back and even started building a fort for our boys. Our house used to be the fun house where their cousins could go out and play with them, but unfortunately every since the 1st accident it has been a nightmare. They are no longer allowed to be outside due to the accidents that have happened. Sleeping in our home hasn't been the same because we don't know if will be awoken in the middle of the night due to another accident. We're too scared to leave for the weekend because God forbid some car hits again. These are things we as home owners shouldn't worry about on a daily. We are no longer comfortable in our own home. There has been 5 accidents in the last 5 months! This shouldn't be something we deal with on a daily! A traffic trailer was put in place and the highest speed it caught was 119 mph! What if that car had hit one the houses? Our house for sure can not afford another hit. We are just asking you to put yourself in our shoes and feel what we feel. This has brought enough stress to my family and me. Home is supposed to be a place where you feel safe but it not longer feels like a safe place for us. Would you be OK if your family was in our place? Would you feel safe? Thank you.
  
5. Charlene Johnson, 7729 Dalrock Rd: I have been a citizen of Rowlett since 1975. I am commenting in regards to 3B, the dangerous curve located in the 7600 block, Dalrock Rd. Rowlett Tx. Whenever I moved here years ago, Dalrock road was not highly traveled. As Rowlett's population has increased from 2,500 to over 62,000 plus residents, and several home additions being built, the road traffic has increased considerably as well as the number of accidents along the curve. Living directly across the street from the homes in the Spinnaker Cove addition that have had considerable damage, one home being hit three times and one home where the vehicle actually embedded inside before coming to a stop, along with several fences that have been destroyed, I have observed the accidents becoming more frequent and more life threatening. Whenever the addition of Spinnaker Cove was being built, the builders of these homes had to have the permission from the City of Rowlett to build the houses close to the street. Now I am asking the City of Rowlett to

step up to the plate and accept some of the responsibility and give my neighbors some safety from this dangerous curve by building them some type of barrier between the busy street and their homes before someone, or the children playing in their own backyard, is killed. Thank you for your time.

6. Dawn Gardner: This is truly a life and death situation for the people that live on this curve. It is only a matter of time before an adult, child or family pet is killed in their own backyard, if not inside their own home. I back up to Dalrock at the entrance of Spinnaker Cove and I can speak to the nightly racing that happens from curve to curve. People driving at high rates of speed, even the police, it is too dangerous at those speeds. People are also unsuspecting of the curve and take it too fast, not paying attention. My suggestions would be speed bumps, concrete guards close to the fence line; or a brick wall barrier along Dalrock. We are fighting for our neighbors lives and action needs to happen now! Appreciate your time and consideration.
7. Carole Dials. Representing neighbor's of Spinnaker Cove Community: To Our Mayor, Police and Traffic Department of Rowlett: We have come together to ask what else needs to happen in our curve for somebody to listen to the numerous accidents that has cost these families for years minus a death. We hashed for help and you put up a speed test pass the curve in the wrong direction. Jesus ....please help these people. We made suggestions of caution lights flashing. Road pavers that have the rattle sound when tires roll over them. Red Reflectors on the fences. The accidents Are in the SHARPEST Point of the CURVE!! Reduce the speed on this street to 25 as you past the daycare to past Spinnaker Cove. Paved side walks also. We have pictures. We know about the meeting for the 20th but we need something more in the meantime. This is our families....what if it was Yours. Sincerely
8. Tony Vergara, 7610 Dalrock Rd: I have owned the property on the 7600 block of Dalrock Rd for over 20 years. In that time I have seen too many accidents to count on the curve in front of my house. However within the past couple of years there seems to be a large increase in the number of accidents. The number of vehicles that are coming down the road has increased and have definitely had an impact on that. So what's to be done about it? Here's what I have observed: The road is higher than the ditch. Once the vehicle's front tires lose contact with the road the driver has no chance of recovering and they go into the ditch or thru the fence into people's yards and in some cases into their homes. Most of the accidents happen at night. The road is poorly lit and people drive too fast. In many cases the drivers are impaired. The city has determined that a guard rail cannot be used because it could launch cars into oncoming traffic. This is just hypothetical. Where are the stats to back this thinking up? What we do know is that vehicles are winding up in people's yards and into their homes. Something must be done before someone gets killed. Signage might help, but all the signage (digital or otherwise) that is placed on the curve is not going to stop the speeding, distracted or drunk driver from flying off the road. There needs to be some type of barrier. I have driven all over Dallas and Rockwall counties and see guard rails everywhere. Why is Rowlett the only city that I am aware of that is taking this stance on guard rails? (And by the way, there are guard rails just a quarter mile away at the creek). Why then are guard rails ok at the creek, but not to protect these homes? If not guard rails, then what else? Curbs?

rolling guard rails? speed humps? Lower the road? What? I'm no engineer but am waiting to hear a suggestion from one that makes sense to me. Lives are at stake. Thank you.

9. Sharon Van Fosson: I live off Dalrock Rd at 8005 and I am sick of the treatment we have been given; we feel shafted. I lived here since 1999 and my grandparents, who inherited the land in the 1960s from my great-grandparents, built this house in 1968. I personally have been affected by cars running off the road and into my yard, one continued on and went through 7818 Creek Wood Dr, which took out my Willow Tree and several Crepe Myrtles. More accidents, cars running off the road or hitting mailboxes, have happened than what you have reported because the drivers call tow trucks and get the cars pulled out or just leave before the police have a chance to be called. In addition, as you "fix" our road you continue to raise it higher and higher; just look at mine & my neighbor's driveways (8009) where the city has poured asphalt on top of our new driveways, which caused them to crack! Our mailboxes up and down Dalrock Rd have been under siege and mine is one of the last ones standing, causing the US Post Office to pull into our driveways just to safely deliver our mail. Once upon a time, Princeton was the side street and Dalrock was the main road but due to the turnpike, the city has decided to pave it and repave it, time and time again! It is time for the city to step up, do the right thing, and put an end to our dangerous road! Thank you.

Gary Enna, Director of Public Works, introduced Josh Smith with Lee Engineering, who reviewed the improvements placed at both curves in January 2020, speeds of cars traveling the curves, crashes reported (before and after improvements) along with their contributing factors, recommendations – keep vehicles on the road, provide for safe recovery and reduce crash severity. Discussion regarding specifics of recommendations in terms of feasibility, time frame and estimated costs; possible short-term options while preparing for long-term solutions. Staff will summarize the details discussed during this conversation and outline next steps the City will be taking and provide to City Council.

**3C.** Discuss COVID 19 and take any necessary action. (20 minutes)

Angie Smith, Deputy City Manager, reviewed the current status, vaccination updated, upcoming events (April – August), reviewed reopening plans for May – June, which are based on the information that is available now – this could change according to the CDC guidelines/recommendations. Discussion regarding Boards and Commissions and when they will return to meeting in person. This will be determined by the individual boards based on member preference, meeting location – accommodation of social distancing recommendations and technical ability to accommodate some in person and some virtual.

**3D.** Hear Report on Winter Storm Event. (45 minutes)

Brian Funderburk, City Manager, provided the summary including the severe weather timeline; the City's advanced preparations; what went well; significant issues for the City organization, businesses and residents; considerations for next time; review of damage to the City's facilities; and the leak adjustment policy for those residents who experienced breaks. ;



Due to time constraints, conclusion of this item will be after the Regular Session.

After the regular session, Mr. Funderburk reviewed recommendations, planning and next steps. Discussion regarding specific items such as generators for buildings, lift stations and traffic signals as well as potential sources for additional funding such as grants.

#### **4. DISCUSS CONSENT AGENDA ITEMS**

Councilmember Margolis requested that Item 7C be pulled for individual consideration.

After a short break at 7:28 p.m., Council reconvened at 7:36 p.m.

**INVOCATION** – Brian Hiatt, Cornerstone Church

**PLEDGES OF ALLEGIANCE** – led by Council

**CONVENE REGULAR SESSION (7:30 P.M.)\*** Times listed are approximate.

#### **5. PRESENTATIONS AND PROCLAMATIONS**

##### **5A.** Presentation recognizing the 2021 Rowlett Arts and Humanities Commission's Young Artist Exhibit winners.

Councilmember Brown and Laura Tschoerner, Director of Library Services, presented the winners and their artwork. Winners announced as follows:

##### **WINNERS FROM THE TWO DIMENSIONAL CATEGORY\***

First Place winners, two-dimensional category:

K-2 grade division: 2<sup>nd</sup> grader Daniel R. for his entry "The Desert"

6-8 grade division: 7<sup>th</sup> grader K. Branson for her entry "Monochrome Woman"

Second Place winners, two-dimensional category:

K-2 grade division: 5<sup>th</sup> grader Samuel R. for his entry "Forest Life"

6-8 grade division: 7<sup>th</sup> grader L. Clay for her entry "Decay"

Third Place winners, two-dimensional category:

6-8 grade division: 8<sup>th</sup> grader G. Pardo for her entry "Geometric Sleepy"

Honorable Mention, two-dimensional category:

6-8 grade division:

7<sup>th</sup> grader Kallie W. for her entry "Fireworks"

6<sup>th</sup> grader Paul W. for his entry "Wizard"

8<sup>th</sup> grader G. Ankersheil for her entry "Bondie"

8<sup>th</sup> grader Ireland G. for her entry "Adele"

8<sup>th</sup> grader K. Thomas for her entry "Bella"

##### **WINNERS FROM THE THREE DIMENSIONAL CATEGORY\***

First Place winner, three-dimensional category:

3-5 grade division: 5<sup>th</sup> grader Emma M. for her entry "Berry Sweet Chocolate Cheesecake"

6-8 grade division: 8<sup>th</sup> grader Addison H. for his entry "Cruzin on a Bike"

9-12 grade division: 12<sup>th</sup> grader P. Muniz for her entry "A Hearty Meal"

Special Needs division:

9-12 grade division - 12<sup>th</sup> grader B. Sanchez for his entry "Sea Monster"

6-8 grade division - 7<sup>th</sup> grader N. Williams for his entry "The Dancer"

Second Place winners, three-dimensional category:

9-12 grade division: 12<sup>th</sup> grader P. Muniz for her entry "Mother's Hand"

Third Place winners, three-dimensional category:

No entries received

Honorable Mention, three-dimensional category:

6-8 grade division:

8<sup>th</sup> grader Colton C. for his entry "Campbell's Soup"

8<sup>th</sup> grader Jonathan S. for his entry "Magritte's Listening Room"

\*Divisions not listed received no entries.

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

Councilmember Sherrill announced Prescription Take Back on Saturday, April 24<sup>th</sup> at the Rowlett Community Centre from 10:00 a.m. to 2:00 p.m. Residents will be able to drive through and drop off prescription medications and "sharps."

Councilmember Brown announced the following Keep Rowlett Beautiful (KRB) events:

- Great American Clean up on April 24<sup>th</sup>
- Electronic recycling/document shredding on May 8<sup>th</sup>

For additional information, visit [www.KeepRowlettBeautiful.org](http://www.KeepRowlettBeautiful.org).

Mayor Dana-Bashian announced that April is "Volunteer Appreciation Month" and while City Council has not been able to hold their annual volunteer appreciation banquet, volunteers have been thanked individually. She wanted to take the opportunity to thank them publicly for their continued service to the community.

Deputy Mayor Pro Tem Bell announced the Kid Fish event Saturday, April 24<sup>th</sup> at Community Park from 9:00 a.m. to 12:00 p.m. and the Cardboard Boat Regatta following at 1:00 p.m. Additional information can be found on the City's website: [Kid Fish! and Rowlett's Cardboard Boat Regatta | Rowlett, TX - Official Website](#).

## **6. CITIZENS' INPUT**

Mayor Dana-Bashian read a comment submitted via email from Chesley McGuire, Rowlett; regarding SH66/Dalrock intersection improvements.

## **7. CONSENT AGENDA**

### **7A. Consider approving the minutes.**

Consider action to approve minutes from the following City Council meeting(s): April 6, 2021 Regular Meeting.

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

**7B. Consider a resolution approving a contract for Wastewater Services.**

Consider action to approve a resolution adopting a new wastewater treatment contract with the City of Garland for Wastewater Services.

**This item was approved on the Consent Agenda as RES-048-21.**

**7C. Consider a resolution approving an Advance Funding Agreement with the Texas Department of Transportation.**

Consider action to approve a resolution approving the terms and conditions of an Advance Funding Agreement by and between the Texas Department of Transportation (TxDOT) and the City of Rowlett, Texas in the amount of \$541,941 for the reconstruction and improvement of the intersection of State Highway 66 and Dalrock Road, and authorizing the Mayor to execute the necessary documents for said services.

**This item was pulled for Individual Consideration.**

Tom Harris, City Engineer, provided the information for this item.

**Motion by Councilmember Sherrill, seconded by Deputy Mayor Pro Tem Bell, to approve the item as presented. The motion passed with a unanimous vote of those members present. This item was approved as RES-049-21.**

**7D. Consider a resolution authorizing an Amended Escrow Agreement.**

Consider action to approve a resolution authorizing the Mayor to execute an Amended Escrow Agreement between the City of Rowlett, Texas, and Beazer Homes Texas LP as financial guaranty to secure the installation of public improvements to serve Bayside Townhomes.

**This item was approved on the Consent Agenda as RES-050-21.**

**7E. Consider a resolution authorizing an Escrow Agreement.**

Consider action to approve a resolution authorizing the Mayor to execute an Escrow Agreement between the City of Rowlett, Texas, and Brookside Lot Venture, Ltd., in the amount of \$143,987.00 as financial guaranty to secure the installation of public improvements to serve the Villas at Long Branch single-family development.

**This item was approved on the Consent Agenda as RES-051-21.**



**7F. Consider a resolution authorizing the Rowlett Business Stimulus Grant Program fourth round expenditure.**

Consider action to approve a resolution authorizing the expenditure of \$93,581.33 for a fourth round of the Rowlett Business Stimulus Grant program.

**This item was approved on the Consent Agenda as RES-052-21.**

**Passed the Consent Agenda**

**A motion was made by Mayor Pro Tem Grubisich, seconded by Councilmember Sherrill, including all the preceding item(s) marked as having been approved on the Consent Agenda. The motion carried with a unanimous vote of those members present.**

**8. INDIVIDUAL CONSIDERATION**

**8A. Consider the adoption of a resolution accepting and approving a preliminary Service and Assessment Plan and preliminary assessment rolls for the Trails at Cottonwood Creek Public Improvement District, calling a public hearing on the levy of special assessments against property in the District and approving all other matters related hereto. The subject site is located at the northeast corner of Vinson Road and Stonewall Road.**

Munal Mauladad, Director of Community Development, presented the information for this item. The applicant and the City's financial advisors were present for additional information.

**Motion by Councilmember Margolis, seconded by Councilmember Brown, to approve the item as presented. The motion passed with a unanimous vote of those members present. This item was approved as RES-053-21.**

Council continued with Work Session Item 3D.

After a short break at 8:56 p.m., Council reconvened in Executive Session at 9:00 p.m.

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

There was no action taken.

**9. ADJOURNMENT**

The meeting adjourned at 9:15 p.m.



Tammy Dana-Bashian, Mayor

Approved on: May 6, 2021



Laura Hallmark, City Secretary

