



**MINUTES REGULAR
COUNCIL MEETING**

Tuesday, May 9, 2017 – 7:00 pm

Police and Courts Building, 100 West Main Street
Royse City, Texas

* Prior to the Regular Council Meeting, at 6:00 pm a quorum of Council Members may or may not attend a social gathering.
* No action of the City Council will take place at this gathering. Council Chambers will be open to the public.
* No action was taken

A. CALL TO ORDER 7:00 PM BY MAYOR NICHOL

Announce the presence of a quorum.

Members Present: Mayor, Janet Nichol
Council Member Place 1, Charles Houk
Mayor Pro Tem, Council Member Place 2, Clay Ellis
Council Member Place 3, Bruce Bradley
Council Member Place 5, James Branch

Members Absent: Council Member Place 4, Matt Wheatley
Council Member, Place 6, Tom Crowley

Staff Present: City Manager, Carl Alsabrook
City Secretary, Deborah Sorensen
City Attorney, Jason Day
Director of Finance, Shannon Raymond
Executive Dir. of Develop. & Community Services, Janet McPherson
Police Chief, Jeff Stapleton
Fire Chief, Rickey Bell
Director of Public Works, Dario Lopez
Director of HR, Tauna Ratliff
Executive Director of Community Development Corp., Larry Lott

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Frankie D gave invocation and led the Pledge of Allegiance.

C. RECOGNITION

1. Recognition of Frankie D for his 58th birthday

Mayor Nichol presented Frankie D with the Key to the City in recognition of his 58th birthday.

D. OATH OF OFFICE

Janet Nichol, Mayor
Charles Houk, Council Member Place 1
Bruce Bradley, Council Member Place 3
James Branch, Council Member Place 5

The Oaths of Office were given by City Secretary, Deborah Sorensen.

E. APPOINT MAYOR PRO TEM

1. Consider and act concerning appointment of Mayor Pro Tem, and any matters related thereto.

Council Member Bradley made a motion to appoint Clay Ellis as Mayor Pro Tem. Council Member Houk seconded the motion. **Motion passed 5-0**

F. CITIZEN PARTICIPATION

Mr. Fletcher 501 New Street – he is concerned about all of the cats and dogs at 517 New Street. He is tired of cleaning up after them.

G. CONSENT AGENDA

1. City Council Minutes: April 25, 2017
2. Purchase of vehicles for Fire, Police and Public Works and authorizing the City Manager to execute a purchase order to Reliable Chevrolet for \$98,257.30.
3. Purchase of two police pursuit vehicles and authorizing the City Manager to execute a purchase order to Sam Pack's Five Star Ford for \$79,344.80.
4. Purchase of equipment for a new Fire Department Tahoe and authorizing the City Manager to execute a purchase order to Pursuit Safety for \$25,765.70.
5. Purchase of a Parks Department vehicle and authorizing the City Manager to execute a purchase order to Caldwell Country for \$29,508.00.
6. Resolution Appointing Dr. Tim Swofford as Health Authority.

Item 6 was removed from the Consent Agenda pursuant to the City Manager's request.

Council Member Houk made a motion to approve the Consent Agenda. Council Member Branch seconded the motion. **Motion passed 5-0.**

H. BUSINESS

1. Consider and act concerning an Ordinance Approving a Negotiated Settlement Regarding 2017 Atmos Mid-Tex Rate Review Mechanism (RRM) Filings, and any matters related thereto.

Jason Day explained that the city is a member of a group of approximately 170 to 180 cities that negotiate the Atmos rates. Originally, Atmos was seeking 46.4 million dollars in additional compensation from rate payers. We protested, along with the other cities, through the rate review mechanism. We negotiated a reduction to 38.8 million.

Council Member Bradley made a motion to approve the negotiated settlement with Atmos. Mayor Pro Tem Ellis seconded the motion. **Motion passed 5-0.**

2. Consider and act concerning award of a bid to WE Build, Inc. and authorizing the City Manager to execute a contract and purchase order for the IH-30/FM 2642 Utility Relocation, Vista Oaks Waterline Extension and FM 2642 Waterline Extension totaling \$957,748.59, and any matters related thereto.

Shannon Raymond stated that the city's portion of the bid is for the utility relocation for the I-30/FM 2642 overpass project. The alternate bid, which is included in the \$957,748.59 price, is for the Vista Oaks waterline extension, which the developer would be responsible for. The intention was that the developer was

to have funded their portion prior to this meeting. They have not done so, however, they have provided all of their wiring information of funds to be paid to the city by Friday. Shannon is requesting that Vista Oaks portion of the bid, alternate bid #1, be awarded separately from the city's bid, in case the developer fails to fund their portion. She recommends the Vista Oaks portion be awarded contingent upon receipt of funds from the developer in the amount of \$162,659.96. If the developer does not fund their portion, then their bid will be withdrawn.

Council Member Houk made a motion to award this project to WE Build, Inc. contingent upon funding of \$162,659.96, being received by the developer no later than May 22, 2017. Mayor Pro Tem Ellis seconded the motion. **Motion passed 5-0.**

3. Consider and act concerning approving a Deposit and Reimbursement Agreement for the Waterscape Public Improvement District (PID), and any matters related thereto.

Shannon Raymond stated this is for the Waterscape subdivision going in along FM 548 South. The PID was approved last year. As part of their Development Agreement, they are permitted to request a bond funding to reimburse them for money provided up front.

Jason Day explained this agreement allows the developer to provide money up front for the improvements and will be repaid out of the PID bonds. The City is not out any money. He added that there is one language change that he is working on and recommends approval contingent upon the change.

Council Member Branch confirmed that the city is not responsible for any of the expenses of Waterscape. It is the developer's responsibility.

Mayor Pro Tem Ellis made a motion to approve the Deposit and Reimburse Agreement contingent upon final changes approved by the City Attorney. Council Member Bradley seconded the motion. **Motion passed 5-0.**

4. Consider and act concerning a Resolution Setting the Date, Time, and Place for Public Hearings on Proposed Voluntary Annexation Located in Rockwall County, and any matters related thereto.

Jason Day explained this property is along FM 548 South on the east side just north of the Waterscape Development. This annexation is needed to get contiguity to the Waterscape Development.

Council Member Branch made a motion to Set the Date, Time, and Place for Public Hearings on Proposed Voluntary Annexation. Council Member Houk seconded the motion. **Motion passed 5-0.**

5. Consider and act concerning a Resolution for acquisition of property rights and possible condemnation, for water easement at the property described in the James Roads Survey, Tract 4-1, Abstract No. 872, also known as 7025 FM 35/Epps Road, Royse City, Texas, and any matters related thereto.

Jason Day stated this property is south of the high school on the east side of FM 35. The easement is for a waterline. All others have given the easement. This waterline is on our Master Plan. Carl Alsbrook added that they have reached a potential resolution; however, it is not final. Jason added that we need this as a back-up in case there is no amicable resolution.

Council Member Branch made a motion to approve the acquisition of property rights and possible condemnation for water easement. Mayor Pro Tem Ellis seconded the motion. **Motion passed 5-0.**

6. Discussion concerning City Manager update: Development, Main Street Car Show May 13th 10 am and awards presented at 2:30 pm, and any matters related thereto.

Carl Alsabrook stated that this morning, he and Mayor Nichol attended the Rockwall County Commissioners Court meeting where Larry Lott was recognized for the outstanding work our CDC has done.

Arby's will be a tenant in Phase 2 of the Wal-Mart Development. He will be at the ICSC, along with Larry Lott and the Mayor, in two weeks.

The Main Street Car Show is this Saturday, beginning at 10 am and awards to be presented at 2:30 pm.

I. RECESS CITY COUNCIL MEETING AT 7:29 PM

J. EXECUTIVE SESSION

Recess into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

Section §551.071 – Consultation with City Attorney and Section §551.074 – Deliberation regarding Personnel Matters

1. Discussion to deliberate the appointment of a Board Member to the North Texas Municipal Water District Board of Directors.
2. Discussion with City Attorney regarding legal status of North Texas Municipal Water District Appointment of Directors legislative bill.
3. Discussion with City Attorney concerning legal annexation issues.

K. CLOSE EXECUTIVE SESSION AT 8:49 PM

L. RECONVENE CITY COUNCIL MEETING AT 8:49 PM

1. Further discussion and possible action from Executive Session concerning the deliberation of the appointment of a Board Member to the North Texas Municipal Water District Board of Directors, and any matters related thereto.

No action taken.

2. Further discussion and possible action from Executive Session concerning the legal status of North Texas Municipal Water District Appointment of Directors legislative bill, and any matters related thereto.

No action taken.

3. Further discussion and possible action from Executive Session concerning legal annexation issues, and any matters related thereto.

No action taken.

N. FUTURE AGENDA ITEMS

1. Consider and/or action to determine and direct City Staff in scheduling topics for discussion at future City Council Meetings, and any matters related thereto.

Mayor Nichol directed Carl Alsabrook to address Mr. Fletcher's concerns.

O. **ADJOURN AT 8:52 PM**

Mayor Pro Tem Ellis made a motion to adjourn the meeting. Council Member Branch seconded the motion. **Motion passed 5-0.**



Janet Nichol, Mayor

ATTEST:



Deborah Sorensen, TRMC, City Secretary

