

City of Rowlett
Public Safety Radio Tower Review,
June 2017
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Wendorf Beward & Partners, LLC

**WENDORF BEWARD
& PARTNERS**

City of Rowlett
Public Safety Tower Review

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Executive Summary

The City of Rowlett (City) built a Public Safety Radio Tower (Tower) on private property by mistake. The mistake was caused by several key sequential errors that compounded the initial and preceding errors. A significant contributing factor was the lack of quality assurance and quality control in City processes and procedures in multiple areas. Multiple errors included misapplication of known information, miscommunication between staff and citizens, and poor attention to detail which all cascaded to the result discovered by the City on March 8, 2017; that the Tower had been built on Lot 1, Block 1, Joy Lutheran Church Addition (Lot 1). Lot 1 was not owned by the City. This activity happened after the City:

- acquired Lot 2 Block 1, Joy Lutheran Church Addition (Lot 2) in 2006;
- developed 70% plus complete Fire Station #2 plans in 2009;
- corrected incorrect filing information at the Dallas County Deed of Records in 2012; obtained
- a survey of Lot 1 in early 2015;
- approved an Interlocal agreement with adjacent cities for a shared radio system in 2015;
- commenced detailed site design for a future Fire Training Facility including the radio tower on Lot 1 in 2015;
- commenced fill and associated silt fence protection around the property in late 2016 and
- commenced Radio Tower construction in February 2017.

Missing quality assurance and quality control processes included:

- poor documentation of property ownership,
- lack of critical review of recommendations prior to governing body approval and
- poor communication of key information as it was received by the City through various processes.

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The City contracted Wendorf Beward and Partners, LLC (WB&P) in April 2017 to determine “...exactly how the decision was made to build the City’s Public Safety Radio Tower on property that was not owned by the City”, and to provide recommendations to prevent occurrences of similar natures from occurring in the future.

This Report details the findings, background, recommendations, interview process and information gained, presentation provided and key documents reproduced in the Appendix. Recommendations for improvements are provided to avoid future similar occurrences.

It should be noted that the conclusions and recommendations contained in this report are based on reviews of city and other owners’ documents, interviews that occurred from April 21 to June 19, 2017 with multiple individuals engaged with the Tower project that are solely the authors' based on his understanding gained through these activities and efforts.

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Assignment Directive for Wendorf Beward & Partners, LLC (WB&P)

Thomas G. Wendorf, P.E., MPA was contacted by David Berman, City Attorney for the City of Rowlett on April 21, 2017. Mr. Berman requested Mr. Wendorf to investigate "...into exactly how the decision was made to build the City's Public Safety Radio Tower on property that was not owned by the City". Clear guidance was provided that all work is to be performed under the auspices of the City Attorney, David Berman, including assisting in the rendition of legal services, that work product is privileged and confidential and strong discretion is required regarding interaction with information sources. Further instruction was received regarding determination of who made the mistake, how the mistake was made, review of relevant documents, interview of relevant people and scheduling time to be in Dallas to meet with City staff and others. Additionally, WB&P was asked to provide recommendations to prevent occurrences of this nature from occurring in the future.

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Summary of Findings

1. The legal description in the original Lot 2 deed was incorrect and did not appear to be checked by knowledgeable personnel resulting in cascading future errors by City staff. November 4, 2006.
2. Assistant Fire Chief Don Poovey made the erroneous decision that the City owned Lot 1 instead of Lot 2. January 2014 to March 31, 2015.
3. Assistant Fire Chief Don Poovey did not communicate clearly and directly enough to Fire Chief Neil Howard and to Battalion Chief Sean Fay (future Assistant Fire Chief Fay) the importance of his recommendation to them to “clear up the ownership through discussions with the City Manager” after Poovey retirement. March 2015.
4. Brian Rhodes of Rhodes Surveying utilized Dallas County Central Appraisal District (DCAD) database to determine property ownership prior to field survey efforts instead of a deed of record search. Rhodes was not contracted for ownership determination. Rhodes utilization of Dallas Central Appraisal District (DCAD) website information was an expedient and poor practice that led to error in ownership determination. February 21, 2015.
5. Fire Chief Neil Howard did not understand that Assistant Fire Chief Don Poovey was trying to determine which property the City owned and his method for resolution was to have Lot 1 “property pins set” by Rhodes Surveying. March 2015.
6. Assistant Fire Chief Don Poovey did not recall that the Fire Station #2 plans developed in 2009 reflected that the Fire Station was to be constructed on Lot 2. January 2014 to March 31, 2015.
7. Fire Chief Neil Howard did not insure that an appropriate Fire Training Center project briefing was done from Assistant Fire Chief Don Poovey to Battalion Chief Sean Fay (future Assistant Fire Chief Fay) prior to Poovey retirement on March 31, 2015. November 2014 to March 31, 2015

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8. Fire Chief Neil Howard did not review or look at the Fire Station #2 plans developed in 2009. This should have been done as part of the preparation process for the Fire Training Center (FTC) design. January 2014 to March 31, 2015.
9. Fire Chief Neil Howard did not ask critical questions regarding the site ownership. January 2014 to March 31, 2015.
10. Assistant City Manager Jim Proce did not ask critical questions regarding the site ownership of Fire Chief Neil Howard when developing the scope of work for Kimley Horn and continuing to professional agreement approval. January to August 7, 2015 to November 10, 2015.
11. Kimley Horn did not ask critical questions regarding the site ownership or background when developing the scope of work with Assistant City Manager Jim Proce. August 2015 to November 2015.
12. Development Services Senior Planner Garrett Langford did not require proof of property ownership from the Fire Department prior to development plan approval as required by City code. August 16, 2016 to October 14, 2016.
13. Development Services Department Director Mark Kurbansade did not thoroughly question Senior Planner Garret Langford's decision to develop an Alternative Landscaping Plan (ALP) for the FTC project. If Langford's decision had been questioned, it could have led to the discovery of the correct property ownership. October 14, 2016 to February 8, 2017.
14. City 311 personnel did not follow up on the Tom Chacko¹ inquiry regarding grading activity. Approximately November 3, 2016.
15. A City official did not notify DCAD of the Affidavit of Deed Correction filing for Lot 2 resulting in incorrect information carrying through to 2015. This contributed to future errors. June 12, 2012.
16. Project reviews of a predetermined format, on a set frequency (monthly, quarterly, semiannually, at budget preparation time, etc.) with the City management team to question project details, status, budget, schedule, scope, etc. should have been required by the City Manager.

¹ Son of and agent for the property owner.

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Background

The City purchased Lot 2 on November 4, 2006 as reflected in the Purchase Agreement attached to the Deed, Exhibit 1. This acquisition was led by Fire Chief Larry Wright². Lot 2 is reflected on Exhibit 2 which is a copy of the Joy Lutheran Church Addition Plat. The Legal Description contained in the Deed erroneously describes the entire Block 1 of the Joy Lutheran Church Addition Plat which contains both Lot 1 and Lot 2 as what was purchased. Lot 2 is shown on Exhibit 3, a copy of the Joy Lutheran Church Addition Plat with the boundary highlighted. The Block 1 Legal Description was used by Dallas Central Appraisal District (DCAD) to describe the ownership in the DCAD database erroneously as the property acquired by the City; this contains both Lot 1 and Lot 2. The real estate industry many times relies on the DCAD records without specifically checking the filed deed of records for correct property ownership. This is an expedient method that is accurate most of the time, but not in all cases, particularly regarding the Lot 1 and Lot 2 situation. DCAD specifically warns users not solely rely on DCAD records for determination of ownership status. This erroneous Legal Description in the initial Lot 2 purchase transaction became the first of many errors that led to the Tower construction on the incorrect property.

On June 12, 2012, the City and Chacko (previous property owner) filed an Affidavit of Deed Correction Exhibit 4, which corrected the initial error in the Lot 2 property purchase by specifically correcting the purchase Legal Description to show Lot 2 as the purchased property. This action served to officially correct the original error. This action did not appear to have been recognized by DCAD as the DCAD site continued to show ownership of both Lot 1 and Lot 2 by the City through at least March 2015 as reflected in Exhibit 5 in the Appendix. Again, the real estate industry many times relies on the DCAD records without specifically checking filed deed of records for correct property ownership. DCAD specifically warns users not to solely rely on DCAD records for determination of ownership status. A City official should have specifically notified DCAD of the filing of the Affidavit of Deed Correction on June 12, 2012. This lack of notification contributed to subsequent errors.

² Based on a telephone interview with former Fire Chief Larry Wright.

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The original intent for the Lot 2 purchase was to site a new, replacement Fire Station #2 on this property. Plans were prepared for this new fire station as reflected in the August 8, 2009 Site Plan sheet, Exhibit 6 in the Appendix. It should be noted that the plans specifically show “Lot 2” as the property for the Fire Station #2. Ultimately this project was deferred due to multiple reasons.

During the period of 2009 to 2014 there was significant turnover in Fire Department leadership³. It appears that sometime in 2014 the concept of using the property originally acquired to build Fire Station #2 transformed to build a Fire Training Center (FTC). Assistant Fire Chief Don Poovey (Poovey) became the focal point and project manager for this effort. Based on an interview on May 25, 2017 with Poovey and corroborating interviews with others, Poovey did not understand which lot (Lot 1 or Lot 2) the City owned. Research of multiple City records and project files uncovered two critical emails from Poovey demonstrating his struggle with the property ownership. After these emails in the records review were two drawings with handwritten notations that indicate Poovey concluded the City owned property to be Lot 1. These are Exhibit 7 in the Appendix.

Mr. Poovey told the writer in the interview of May 25, 2017 that he instructed Mr. Brian Rhodes, RPLS of Rhodes Surveying to specifically “set the property pins for Lot 1”. Mr. Rhodes told the writer in the interview of May 9, 2017 that he thought Mr. Robbin Webber of the City Development Services Department ordered the survey. Rhodes also related that he checked property ownership on DCAD and that it reflected the City owned Lot 1 as reflected in Exhibit 5. Close inspection of the Survey Plat shows “Title and Abstracting Work Furnished by Rowlett Fire Rescue”. This indicates that Rhodes was given Lot 1 as the City owned property. Mr. Rhodes had the survey performed and documented it through reestablishment of property corners and development of the Survey Plat of Lot 1, Block 1 of the Joy Lutheran Church Addition dated February 21, 2015 on Exhibit 8. Poovey stated that he never saw the final Survey Plat due to his

³ Fire Chief Larry Wright retired in October 2012. Assistant Fire Chief Don Poovey was Acting Fire Chief from for the next 6 months (November 2012 to May 2013). Doug Kendrick was Acting Fire Chief from May 2013 to November 2013 and Poovey was returned to Assistant Fire Chief. Fire Chief Neil Howard started work on November 1, 2013. Assistant Fire Chief Don Poovey retired on March 31, 2015. Mr. Sean Fay became the Assistant Fire Chief on April 1, 2015.

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retirement on March 31, 2015. This Survey Plat became the source document and the “understood” City owned property by the Fire Department staff. The Fire Department staff communicated to other City staff and citizens at various times between February 21, 2015, the Tower Survey Plat Date, and March 8, 2017, the Tower Construction Stop Date, that Lot 1 was owned by the City.

Upon Mr. Poovey’s retirement, Mr. Sean Fay became the Assistant Fire Chief. The transition of items to Fay from Poovey occurred approximately from November 1, 2014 to March 31, 2015 as time allowed for them to meet. The transition of the FTC project knowledge appears to have been done informally at a high level without much explanation of detail, especially regarding the FTC project. This “informal” and primarily verbal transmission of critical project information between Poovey and Fay was apparently very high level and lacked significant detail. As time went forward Fay left the City and Fire Chief Howard took on the FTC along with the Radio System implementation. The critical project information Fire Chief Howard acted on was flawed at this point.

Fire Chief Howard relied on Mr. Jim Proce, Assistant City Manager to determine the scope of work for site design services which resulted in the August 7, 2015 Kimley Horn Proposal to the City (Proposal). The development of the scope of services occurred between January 2015 and August 7, 2015. The Proposal, Exhibit 9, specifically stated that Lot 1, Block 1 of the Joy Lutheran Church Subdivision (Lot 1) was to be the FTC location where the Radio Tower was to be located. Howard gave Proce Lot 1 as the City owned property. Proce fully relied on the correctness of this information from Howard. It is important to note that during the interview of May 31, 2017 Fire Chief Howard stated that he never looked at the previously developed Fire Station #2 plans and did not think they would be relevant to the FTC design for various reasons⁴. He did however provide Kimley Horn with Fire Station #4 plans as shown in the Exhibit 9 email.

The Kimley Horn scope of work should have been written towards a “City” rather than a “Developer”. If this had been done, it is likely that Kimley Horn would have been tasked with key

⁴ The Fire Station #2 plans of August 9, 2009 clearly reflect Lot 2 as the City owned property. See Exhibit 6 in the Appendix.

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project information review rather than reliance on information provided by the City (owner) as “correct”. It would have been highly likely that the entire construction mistake would have been avoided and the Tower would have been correctly designed and built on Lot 2. If Kimley Horn had been responsible and the error still occurred, Kimley Horn’s Errors and Omissions resources could have been utilized to correct a subsequent error. As the Kimley Horn document reads, Kimley Horn has no liability from the authors perspective. It should be noted that the Kimley Horn Proposal Task 6 is for “Final Plat” effort that did not occur. If “Final Plat” had occurred, the correct property ownership would have been discovered.⁵

During the Site Design Development Process, Site Design Plans (Plans) were developed by Kimley Horn (KH) in consultation with the Fire Department Staff, primarily Fire Chief Howard and Development Services Department (DSD) staff, primarily Garrett Langford, DSD Senior Planner. Langford was initially under the false working impression that the City owned both Lot 1 and Lot 2 as demonstrated by his email dated August 16, 2016, Exhibit 10, that indicates such. At some point in time he was “corrected” by Howard that the City owned Lot 1. This was demonstrated by the significant effort staff and Kimley Horn invested in developing an Alternative Landscaping Plan (ALP) for Lot 1 as documented by several emails and actions Exhibit 11. This is another critical point where Kimley Horn, Langford or Fire Chief Howard should have been alerted and checked the property ownership by specific deed research.

During the plan development process, it was determined by City staff that Lot 1 required fill dirt to elevate the property. Fill dirt was available at no cost from the Vinyard Development. City staff developed a required Stormwater Pollution Prevention Permit (SWPPP) for this activity that included the requirement to erect a silt fence around the border of the property. The SWPPP process is a TCEQ process that requires specific acknowledgement of the property owner. Exhibit 12, the SWPPP document, was reviewed and it was developed for Lot 1. This is another point where specific research of the Deed Record would have uncovered the property ownership. Public

⁵ Kimley Horn should not be compensated for Task 6 “Final Plat” because it did not occur.

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Works under the supervision of Mark Leal⁶ or Wade Williams⁷ erected the silt fence and installed an entrance culvert to the property to allow trucks to enter and exit the property sometime during October 2016. This activity became the first demonstrable and visible work on the property. The silt fence surrounded Lot 1 and Lot 2; not just Lot 1 as shown in the permit. Trucks brought dirt to the property and began filling Lot 1 and Lot 2, significantly exceeding the permitted limits of the SWPPP permit including notification requirements and other permit parameters.⁸ Tom Chacko, the property owners' son and agent, noticed the activity in a coincidental manner, stopped and talked to Parks Worker Tyler (who was erecting a City Bond Project Sign on Lot 2) on about November 3, 2016 and told Tyler that the "City was placing dirt on his property". Tyler reported that contact to his supervisor Director of Parks and Recreation Angela Smith. Director of Parks and Recreation Smith talked to Fire Chief Neil Howard about this occurrence on November 14, 2016⁹. This "City was placing dirt on his property" statement seems to have been misinterpreted by Fire Chief Howard that Lot 2 was incorrectly receiving fill, not as intended by Chacko that Lot 1 was incorrectly being filled. Fire Chief Howard acted on the information received by restricting activities to Lot 1 for the construction and having the fill removed from Lot 2. At this point property ownership should have been determined by deed record research.

On Monday November 14 or 21 the City Manager, Brian Funderburk called Fire Chief Howard from the field as he was doing a weekly drive through of projects with the Assistant City Manager, Jim Proce to ask about the dirt placement because the area being filled looked much larger than just that required to cover Lot 1; action to move the fill had not been taken at this point. On November 23, 2016, the City Manager discussed the fill issue with Fire Chief Howard; no action had been taken at this point. On December 5, 2016 as a follow up to this observation and discussion, Assistant City Manager Proce emailed Fire Chief Howard and others asking about the quick resolution of the fill, improper placement of the culvert (it was on Lot 2 and not on Lot 1

⁶ Based on interview of Development Services Department Director Kurbansade on May 31, 2016.

⁷ According to City Manager Funderburk, Mark Leal reported to Williams. The author was unable to speak with Williams due to Williams being out on medical leave.

⁸ Activity logs were unavailable for review, it was not possible to determine the individual responsible for inspection for permit compliance. It should be noted that the SWPPP author, Kimley Horn specifically excluded SWPPP inspection per Task 24 of their scope of work.

⁹ See Exhibit 13 for memo and statement.

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that all thought was the City property) and the silt fence adjustments; Exhibit 14. Response was only received from Public Works. Standardized procedures and due diligence to follow up on the questions posed should have been in effect to discover the issues. At a minimum, review of the SWPPP log should have occurred. Public Works subsequently moved the fill from Lot 2 to Lot 1 and the project continued. Again, this was another point at which property ownership should have been questioned. Especially considering the SWPPP permit requirements and the citizen inquiry.

Another email was provided by Tyler Osburn, EIT of Kimley Horn to Fire Chief Howard on December 14, 2016 regarding the cost to provide a wrought iron fence for the Lot 1 site due to buffering requirements between Lot 1 zoned as a commercial use and Lot 2 zoned as a residential use; Exhibit 15. This zoning along with the project cost increase requirement of \$50,000 should again have raised the question of property ownership. Zoning tracks with the property, it was unlikely that the City had purchased a commercial tract; Langford and Tyler along with Fire Chief Howard should have alerted to check the property ownership with deed record research.

Tower construction started on February 8, 2017. The effort commenced with the process of foundation work involving concrete piling installation, concrete flat work and erection of tower steel. Chacko contacted the City on March 5, 2017 as it was clear to him that the City was constructing the Tower on private property owned by Chacko which was Lot 1. Property research was conducted by City staff and the determination was made that the City owned Lot 2 and not Lot 1. Tower construction was halted on March 8, 2017.

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Summary of Recommendations

Rowlett's history of staff turnover mandates a strong, prescriptive, written, well documented record for capital projects be developed and maintained from project inception to completion of a capital project. Significant benefits in management of scope creep, cost control, and completion schedules will be realized when this standardization is done. There are multiple parts to this standardization and embarking on this effort will assist the City in avoiding similar mistakes to those experienced on Public Safety Radio Tower. Recommendations as a result of the Public Safety Tower Review include:

1. Standard Project Reviews should be implemented.
2. Standard Project Information Storage including written baseline and actuals for scope, budget and schedule. This information should be widely viewable to staff with a view to the public.
3. Management Team Review of project status on a recurring and scheduled basis including all aspects of scope, budget and schedule. This should be performed as a critical review to test for weaknesses and gaps.
4. Treat all direct service delivery departments as customers relative to capital projects. Provide staff (City or consultant), capital project leadership and support.
5. All City projects shall go through the same documented process as private projects.
6. Adopt metrics and performance measures for capital project delivery and reporting.
7. Knowledgeable staff should review all property descriptions prior to property purchase or sale.
8. A standard form of agreement for design (engineering and architect) should be developed and utilized for all City public projects. The standard document should hold the consultant responsible for key items, professional standard of care, require errors and omissions coverage and other key design contracting items.

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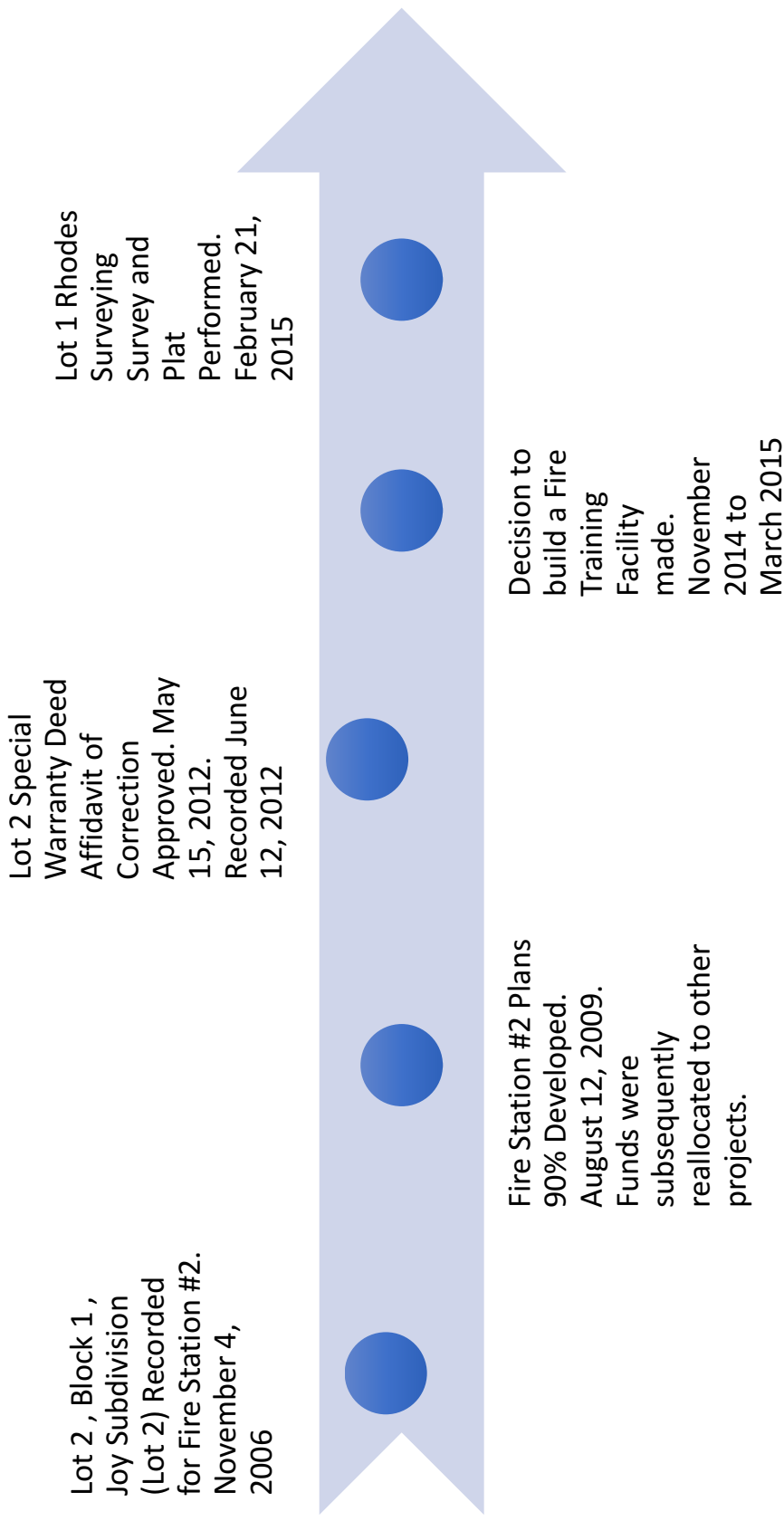
Personell Interviewed		Tabular Summary of Information concerning people interviewed including dates.	
June 20, 2017		discussion synopsis and conclusions	Conclusions
Name/Organization/ Title/Date of Interview	Interview Summary	Interview Summary	Conclusions
Neil Howard, City of Rowlett, Fire Chief, 5/1/17	Shared Fire Department Files, Talked about Fire Training Center, How events unfolded, pointed out issues of concern to Fire Department.	Very concerned. Overloaded by workload. Poor project management records. No scope, budget and schedule document.	
Shawn Poe, PE, CFM, City of Rowlett, Director of Public Works, 5/1/17	Not much involvement due to relatively recent hire date of September 2016. Surprised the Fire Department was managing the project. Provided key contact information for Fire Station #2 efforts. And plan development information.	Not much involvement. Knows a lot about older Fire Department history due to service in fire industry.	
Jim Proce, City of Rowlett, Assistant City Manager, 5/1/17	Provided significant background including emails and correspondence. Provided detail on site drive by with City Manager in November 2016 and perspective on 12/5/16 email.	Very surprised about "wrong lot" construction. Wanted to fix the problem. Relied on Fire Chief Howard for the lot ownership during Kimley Horn scoping process. Poor project management records. Hesitant to press the City Manager on Fire Department and Police Department issues. Poor scoping of project.	
Mike Brodnax, City of Rowlett, Police Chief, 5/2/17	Provided Police Department perspective including the Fire Department leading all efforts, monopole background and "noninvolvement" in siting efforts.	Distanced Police Department from Tower issue. Police Department focus is on radios and the work at the police department.	
Steve Ferrie, City of Rowlett, Lieutenant, 5/2/17	Jointly interviewed with Chief Brodnax.		
Bruce Bernbaum, Bernbaum Magadini Architects, Architect, 5/2/17	Provided Fire Station #2 background and timelines. Forwarded plan set.	Fire Station #2 plans developed to 90% level. Surprised that Fire Station #2 plans not mentioned in any other area. Aware of Tower issue.	
Tim Rogers, City of Rowlett, Public Works, 5/2/17	Provided information on fill placement on Lot 1 and Lot 2 including silt fence erection and access culvert placement. Not sure how silt fence and access culvert placement was determined. Jim Proce and Jim Grabenhorst told him to place culvert on west side (was Lot 2). The erosion control around the property was "visual", there was no map or survey used.	Did what he was instructed to do.	
Marc J. Kurbansade, AICP, City of Rowlett, Director of Development Services, 5/9/17	Provided emails, correspondence and permit information. Discussed permitting process, proof of property ownership and other development details. Also discussed potential recommendations for avoiding similar situations in the future.	Not much personal involvement with the Tower item due to Garrett Langford handling the permitting. Very interested in recommendations to avoid situations in the future.	
Tyler A. Osburn, EIT, Kimley Horn, Engineer, 5/9/17	Interviewed Osburn and Sulkowski together. Ms. Balli, as the firm lawyer observed with minimal interaction. Discussed contracting and scoping effort, how Kimley Horn found out the Tower was on private property and Kimley Horn "Standard of Care" issues including development processes.	Kimley Horn did not ask enough questions during the scoping effort to find out about the previous Fire Station #2 plans, Affidavit of Correction Deed associated with the project and other items. It appears that Kimley Horn took advantage of the City through the contracting process as a "Developer" type of contracting document was utilized. The Engineer of Record was not engaged to the degree necessary to discover incongruities and the Engineer in Training (EIT) was not experienced to detect issues and communication between the 2 concerning issues seemed to have been sparse.	
Nicholas E. Sulkowski, PE, Kimley Horn, Engineer, 5/9/17	Interviewed with Tyler Osburn, EIT		
Melinda Balli, Kimley Horn, Lawyer, 5/9/17	Interviewed with Tyler Osburn, EIT		
Brian Rhodes, Rhodes Surveying, Surveyor, 5/9/17	Discussed survey scope, survey ordering process, check of ownership by Rhodes via DCAD, DCAD ownership printout and general survey practice. Determined that Rhodes was contracted to set lot pins and provide survey plat.	Rhodes was only contracted to survey Lot 1, set property corners and develop survey plat. In this effort Rhodes did a cursory review of property ownership. The practice is set up to produce surveys rapidly.	

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Personell Interviewed		Tabular Summary of Information concerning people interviewed including dates,	
June 20, 2017		discussion synopsis and conclusions	
Name/Organization/ Title/Date of Interview	Interview Summary	Conclusions	
Larry Wright, City of Rowlett, Fire Chief, 5/9/17	Provided background on why Fire Station #2 needed to be replaced, how property was identified, his selection of Bernbaum & Magidini Architects, "Green Nature" of the Fire Station design, City Council decision to go another direction, amount of City staff turnover, assumed would implement Fire Station #2 plans that were developed, very surprised that plans were not reviewed and confirmed by Fire Dept. staff, Don Poovey very knowledgeable, Finance Director Funderburk familiar with property finances but not details of Fire Station #2 design or other nonfinancial details.	Wright identified the need, property, architect and drove the design process for Fire Station #2. He was the leader of this initial effort. When City Council decided not to move forward, there was a "drop" of institutional knowledge when Wright retired. Poovey was handed the Fire Training Center implementation.	
Jim Grabenhorst, City of Rowlett, Economic Development, 5/9/17	Meet and greet only.	Note.	
Don Poovey, City of Rowlett, Assistant Fire Chief, 5/25/17	Discussed background, why Fire Station #2, why FTC, How Lot 1 was determined to be owned by the City, communication to Fay and Howard on straightening out the ownership question on Lot 1 and Lot 2 with the City Manager.	Mr. Poovey did not understand land transactions or deed of records. Ordered Rhodes to survey Lot 1, the wrong property. Did not strongly communicate the need for Fire Chief Howard and Battalion Chief Fay to get the lot ownership issue discussed with the City Manager. Was surprised when shown that the Fire Station #2 plans showed Lot 2 as the city owned lot.	
Brian Funderburk, City of Rowlett, City Manager, 5/31/17	Discussed background, discovery of construction on wrong lot, driveby with Proce in November 2016 and subsequent discussions with Fire Chief Howard, Why Fire Chief Howard was the project manager, investigation at one time to acquire the adjacent lot for back taxes.	Situation was a surprise. More management questioning is required. Was satisfied that Fire Chief Howard could handle the Tower due to previous success with building Fire Stations in McKinney, Texas.	
Marc J. Kurbansade, AICP, City of Rowlett, Director of Development Services, 5/31/17	DSD involvement with fill activity, who at Vinyard gave him instructions, Stop Tower construction date, who moved fill from Lot 2 to Lot 1, Timeline	Stop Tower construction was 3/8/17 at 8 am. Mark Leal with Public Works established entry and SWPPP fencing. Public Works moved all dirt.	
Neil Howard, City of Rowlett, Fire Chief, Fire Chief, 5/31/17	What caused you to believe Lot 1 was owned by the City, Why didn't the emails from Langford raise your attention, Why didn't the email from Proce raise your attention, why didn't the Director of Parks and Recreation discussion raise your attention, Why haven't you brought up the previous Fire Station #2 plans in our discussions?	Don Poovey said that the City owned Lot 1 and the Rhodes survey showed that. Langford never said that the City owned both lots and Howard never saw the emails. In regards to the buffering of the site Howard was focused on what would be best for the citizens and neighborhood. The email from Proce from Howard's perspective did not indicate ownership of anything other than Lot 1. The Director of Parks and Recreation statement was not true; not aware of Tyler Baker statements. In regard to Fire Station #2 did not believe that those plans were relevant to the Fire Training Facility. After being shown the site drawing with Lot 2 indicated, became apparent that the plans were somewhat relevant. Fire Chief Howard throughout his term at Rowlett has been consumed with the Fire Department operations. The FTC capital project was always secondary in nature unless a significant issue developed.	
Garrett Langford, AICP, CNU-A, City of Rowlett, Principal Planner, Department of Development Services, 6/1/17	Discussed permitting and development process for Tower, AIP, why he thought City owned both lots and how that perspective was changed. What he did to determine property ownership.	Did not hold FTC and Tower to the same standard as developers. Should have questioned AIP. Should have required production of the property title.	
Tom Chacko, Property Owner Son, Property Representative, 6/1/17	Discussed Lot 2 sale in 2006, correction deed process, how he discovered city constructing on incorrect lot, his discussion with Parks Staffer in November 2016, his call to city hall with no return call, Lot 1 purchase by City in 2017.	Opportunistic in regards to occurrences, but fair when considering his position of strength. Surprised that city was filling Lot 1 and thought that city would correct issue after his call in to City Hall. Sophisticated real estate investor.	
Jason Grace, Vinyard Contractor, 6/1/17	Provided dirt to the FTC site	No interaction beyond dirt provision. No agreement for fill was executed by the City.	
Clint Richardson, Vinyard Contractor, 6/1/17	Interviewed with Jason Grace	Not much interaction with the City on this effort. Jason led the effort	

Personell Interviewed	
June 20, 2017	Tabular Summary of Information concerning people interviewed including dates,
Name/Organization/ Title/Date of Interview	discussion synopsis and conclusions
Interview	Conclusions
Sean Fay, City of Rowlett, Assistant Fire Chief, 6/9/17	Discussed history of Fire Department, staff transitions, transition of project from Poovey to him, division of work between him and Fire Chief Howard, poor and high level briefing from Poovey to him regarding Fire Training Center. He thought Poovey had figured out the land issue.
Neil Howard, City of Rowlett, Fire Chief, 6/19/17	Reviewed Exhibit 7 - Howard stated the handwritten notes did not appear to be his or Sean Fay's and believed the writing looked like Don Poovey's. Don Poovey decided that the City owned Lot 1.

Tower Timeline



Tower Timeline (cont)

Interlocal Agreement for Public Safety Radio Project. September 1, 2015

DSD Email to Neil Howard, Fire Chief. "...thought that we were developing both lots that the City owns on Schrade for this new facility." Lot Issue Identified. August 16, 2016

DSD Email to Tyler Osburn KH, cc to Neil Howard, Fire Chief. Alternative Landscape Plan (ALP) Required October 14, 2016

Lot 1 "Rowlett Fire Rescue's Training Center" City Council approved on November 10, 2015 (Regarding Letter of Agreement for Professional Services to Kimley Horn (KH) Schrade Road Fire Department Site Development Improvements. Dated August 7, 2015)

DSD Email to Tyler Osburn KH, cc to Neil Howard, Fire Chief. "...thought that we were developing both lots that the City owns on Schrade for this new facility." Lot Issue Identified and broadened. August 23, 2016

Tower Timeline (cont)

Director of Parks and Recreation Discussion with Fire Chief Concerning Citizen Interaction and Subsequent November 3, 2016 (Memo April 21, 2017)

City Manager Discussion with Fire Chief regarding lot fill November 23, 2016 (approx.)



CM called Fire Chief from the field on either Monday, November 14th or 21st inquiring about dirt placement.

ACM email to Fire Chief and others Concerning Schrade Construction Site Improper Placement of temp Driveway, Silt Fence, Fill Dirt. December 5, 2016

Tower Timeline (cont)

Tyler Osburn
Kimley Horn to
Fire Chief
Wrought Iron
Fence Email.
December 14,
2016

Tom Chacko
contacts City to
Notify that Tower
is on his Private
Property March 5,
2017

Tower
Construction
Started on Lot 1.
February 8, 2017

Construction Halted
Due to Citizen
Interaction. Lot 1
determined to be
not owned by the
City. March 8, 2017

City of Rowlett
Public Safety Tower Review

Detailed Tabular Summary of Actions and Activities

1. November 27, 2006 Dallas County Filed and Recorded Document #200600435341 for the purchase of Lot 2, Block 1, Joy Lutheran Church Addition. The original property purchase of Lot 2 contained a key error in “Exhibit A Legal Description of Property” which described the entire Block 1 of the Joy Lutheran Church Addition. This led to Dallas Central Appraisal District (DCAD) recording the purchase as the purchase of the entire Block 1 which includes Lot 1 and Lot 2 into the DCAD records.
2. Rowlett Fire Station #2 Construction Drawings dated August 12, 2009. These plans reflect the original intent of the City to develop a Fire Station for Lot 2. These plans are important because they clearly reflect key information that the Fire Station is to be constructed on Lot 2. Fire Chief Howard knew of the existence of these plans, but never reviewed or looked at them due to his perspective that the plans were not applicable in any way to the Fire Training Center. Fire Chief Howard should have provided these plans to Kimley Horn, designer of the Fire Training Center site in August of 2015. This likely would have promoted knowledgeable research into Lot 1 and Lot 2 ownership which would have resulted in the correct location of the Radio Tower. It is not understood why Mr. Poovey did not understand from the drawings that the correct property was Lot 2.
3. June 12, 2012 Dallas County Filed and Recorded Document #201200168166 for Special Warranty Deed Affidavit of Correction. This document was utilized to correct the key error in the “Exhibit A Legal Description of Property” by

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specifically identifying Lot 2, Block 1, Joy Lutheran Church Addition as the purchased property. This was the appropriate way to address the error. DCAD did not capture this document and the change made. This led to future assumptions by users of the DCAD records that the City still owned both Lot 1 and Lot 2 of the Joy Lutheran Church Addition. The assumption that the corrective action would work was correct and officials should have checked the DCAD records at some point in the future to assure that the correct property ownership was reflected and that all properties were paying the correct property tax.

4. November 3, 2014 to March 31, 2015, Assistant Fire Chief Don Poovey transition of the Fire Training Center Project to future Assistant Fire Chief Sean Fay and Fire Chief Neil Howard due to retirement. During this period, longtime Assistant Fire Chief Don Poovey actively transitioned work items to remaining leadership. The Fire Training Center (previously Fire Station #2) was particularly problematic due to Mr. Poovey's uncertainty as to where the Fire Training Center (FTC) property was located.
5. The property was uniquely nondescript, looked like an open field and to Mr. Poovey looked like a large open area. Mr. Poovey decided that getting a surveyor to "set the property pins" for the tract would clear up all ambiguity. The instructions that he gave Mr. Brian Rhodes, R.P.L.S. was to survey Lot 1, Block 1 of the Joy Lutheran Church Addition. Mr. Rhodes checked the DCAD website which reflected ownership of Lot 1 by the City. Mr. Poovey did not see the resulting Survey Plat dated February 21, 2015 until May 25, 2017 that reflected

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“Title and Abstract Work furnished by Rowlett Fire Rescue”. If Mr. Poovey had seen this, he might have questioned this note and the correct lot would have been identified. This Survey Plat prepared by Rhodes Surveying was subsequently utilized as the source document for ownership of Lot 1, Block 1 of the Joy Lutheran Church Addition by the City.

6. Interlocal Agreement for the Public Safety Radio Project with the Cities of Garland and Mesquite was approved on September 1, 2015.
7. Kimley Horn Letter of Agreement for Professional Services for the Schrade Road Fire Department Site Development Improvements Dated August 7, 2015. The property is specifically identified by address (8491 Schrade Road) and legal description (Lot 1) which provides no doubt as to which property the Fire Rescue Training Center will be located on. City staff, specifically Assistant City Manager Jim Proce, relying on information from Fire Chief Neil Howard, provided the information. Approved November 10, 2015.
8. Rowlett Fire Rescue’s Training Center was approved by City Council on November 10, 2015. 3 months lapsed between the date of the proposal and placement on the City Council agenda. Further quality assurance and quality control activities during this 3-month period might have resulted in discovery of the correct lot.
 - a. If Kimley Horn had been provided the Bernbaum Magadini Architect plans to review, they probably would have picked up the correct lot or at least asked the question.

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- b. Kimley Horn was provided a copy of the Rhodes Survey with a conceptual Fire Training Center site plan superimposed on it. Utilization of the previous Fire Station #2 plans could have led to discovery of the appropriate City owned lot.
 - c. If a replat was required, a title report is typically required for the replat and the ownership issue would have been discovered. When interviewees were asked (Development Services Department, Assistant City Manager and Kimley Horn) about easement dedication the answer was “easements will be dedicated by separate instrument” which is another method used that is acceptable. Unfortunately, this would not have led to the discovery of the Lot 1 ownership.
 - d. Kimley Horn was not contracted to determine or check property ownership.
 - e. In subsequent activities, there were opportunities for Kimley Horn staff to determine that property ownership of Lot 1, Block 1 was not owned by the City, but Kimley Horn staff assigned to the effort did not detect the situation. Kimley Horn staff appear to have been focused completely on the design effort.
9. In an email of August 16, 2016 to Fire Chief Howard, Garrett Langford states: “I mistakenly thought that we were developing both lots that the City owns on Schrade for this new facility. The western lot owned by the City is not being utilized for this project. *As a result, the incompatibility buffer on the west side is not required and therefore you could reduce the number of trees from 21 to 15.*”

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This statement indicates City ownership of Lot 1 and Lot 2. Fire Chief Howard knew that the City owned only one lot at the time. Additional critical questioning should have occurred regarding the ownership of both properties. This should have taken the form of Langford requiring a copy of the title policy in accordance with city ordinance for development. In addition, Langford should have known that the property was not owned by City due to the required notification processes for adjacent property owners of record. Langford's email should have alerted all concerned that there was a problem with the property ownership. The Tower Project should have been stopped until property ownership was determined. This item continued to be an issue through October 14, 2016 and the issue was widened to Kimley Horn staff and others.

10. In an email of October 14, 2016, Langford to Tyler Osburn KH, cc to Neil Howard, Fire Chief regarding an Alternative Landscape Plan (ALP) Langford states "Sorry for not getting back sooner. After speaking with the Chief, disregard my comment regarding the incompatibility buffer along the western property line. Using the Eastern Red Cedars and Wax Myrtle in place of the shrubs will require approval of an alternative landscape plan (ALP). *An ALP requires City Council action upon a recommendation by the Planning and Zoning Commission.*" Before proceeding with this course of action, Langford should have been certain of the property ownership due to the ultimate notification requirements to adjacent property owners. This notification process would have required deed research and if done properly, the Tower project would have been stopped at this point.

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11. Director of Parks and Recreation, Angela Smith, Memo of April 21, 2017 relating “Concerned Citizen Interaction and Subsequent Discussion with Fire Chief November 3, 2016 describes a November 3, 2016 event where Tyler Baker, Parks Department employee, was installing a sign on Schrade Road for the Fire Training Center site. A resident told him “some of the dirt piles were being dumped on his property”. This was reported up to Smith who told Fire Chief Howard on November 14, 2016. This was another opportunity for Fire Chief Howard to check the ownership of the property.
12. City Manager called Fire Chief Howard from the field tour on either Monday November 14 or 21, 2016 inquiring as to why the fill was placed on both properties.
13. City Manager discussed the fill situation with Fire Chief Howard on November 23, 2016.
14. Email of December 5, 2016 from Assistant City Manager Jim Proce to Fire Chief Howard, Director of Public Works Shawn Poe and Wade Williams of Public Works concerning Schrade Construction Site (Tower) improper placement of temporary driveway, silt fence and fill dirt. As a follow up to the site tour that the City Manager and Assistant City Manager did on either November 14, 2016 or November 21, 2016; city management needed answers regarding the improper placement of items, a correction plan, an understanding if the site was surveyed, who was responsible and why the time to get to an understanding of and what went wrong. A request to set up a public meeting was made. Project scope and schedule were also requested. The questions were answered by Wade Williams

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who was not the project manager. When the author read this email, it seemed to be a big issue. All mentioned were interviewed except Wade Williams (out on medical leave) and the others did not believe it was a big issue. Public improvements to private property are strictly prohibited unless specifically authorized by the governing body. This should have been an opportunity to educate staff on the importance of knowing what property the City owns and only working on it. This was a big deal to Jim Proce ACM as he stated, “*can we plan a community meeting...*”. This was another missed opportunity to determine City property ownership.

15. Email of December 14, 2016 from Tyler Osburn, EIT to Fire Chief Howard concerning a wrought iron fence requirement. The email provides the cost for installing a wrought iron fence along the western property line of Lot 1 to avoid going to City Council for an Alternative Landscape Plan (ALP) approval. The wrought iron fence would cost about \$40,000. The ALP was first mentioned August 2016, brought up again in October 2016, mentioned in this email and appears to not be resolved as of January 9, 2017. This was another opportunity for Fire Chief Howard, Langford and Kimley Horn to recognize the property ownership issue. This occurred over a long period of time and could have been readily researched. If the City treated City projects with the same rigor as developer projects, this could have required proof of property ownership by production of the property deed or title report which would have avoided the mistake.

16. Tower construction started on Lot 1 on February 8, 2017.

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17. Tom Chacko, property owner agent contacted the City on March 5, 2017 and demonstrated that the Tower was constructed on private property.
18. Tower construction was halted on March 8, 2017.

Public Safety Radio Tower Review

City of Rowlett

June 20, 2016

Thomas G. Wendorf, P.E. Wendorf Beward & Partners

- Bachelor of Science, Civil Engineering Texas A&M University
- Master's Degree Public Administration - University of Houston
- Texas Licensed Professional Engineer #63078
- Director of Public Works and City Engineer – Missouri City, Texas
- Director of Public Works – City of San Antonio
- Texas Society of Professional Engineer's 2005 Engineer of the Year for the State of Texas
- American Public Works Association – 2004 Top Ten Public Works Leader of the Year
- American Public Works Association Leadership Fellow - 2012
- HNTB Corporation – Project Manager of the Year
- Project Manager for \$3.2B HUD CDBG-DR Disaster Recovery Program for the State of Texas
- Program Manager for the Port Of New York & New Jersey - Superstorm Sandy Recovery
- Institute for Sustainable Infrastructure Envision Specialist

Thomas G. Wendorf, P.E.

Directives

- Work under the auspices of the City Attorney, David Berman
 - *“Assisting in the rendition of legal services”*
 - *“Work product is privileged and confidential”*
- Communication
 - Discretion regarding interaction with information sources
 - Brief phone updates
 - Meetings
- Investigate “...exactly how the decision was made to build the City’s Public Safety Radio Tower on the property not owned by the City.”
 - *“Who made the mistake”*
 - *“How the mistake was made”*
- *“Review relevant documents”*
- *“Interview relevant people”*
 - Schedule time to be in Dallas to meet with City staff and others
- *“Strong need for discretion”*

Presentation Outline

- Overview of Review Process Elements
- Key Items
- Contributing Factors
- Findings
- Additional Items
- Recommendations
- Details

Overview of Review Process Elements

Overview of Review Process Elements

- Reviewed multiple internal and external emails, memos and letters
- Reviewed multiple surveys, plans and plats
- Developed Interview Sheets
- Interviewed 20 People face to face
- Interviewed 2 People by telephone
- Reviewed Annual Budgets 2007 to present
- Reviewed CAFRs 2007 to present
- Developing Key Observations and Conclusions
- Developing Recommendations

Key Items

Key Items

- Key Questions to Answer
 - Who spoke to Rhodes Surveying and instructed Rhodes to do the Survey of Lot 1?
 - Don Poovey, Assistant Fire Chief.
 - Who provided Kimley Horn instruction for the project to be sited on Lot 1?
 - Fire Chief Howard provided the property location, Lot 1; Jim Proce, Assistant City Manager had Lot 1 identified in the scope of work depending on Fire Chief Howard.
 - Who instructed Radio Tower Contractor to build the Radio Tower on Lot 1, Block 1?
 - Fire Chief Howard.

Contributing Factors

Contributing Factors

- Identical street addresses, 8491 Schrade Road.
- DCAD not picking up on Affidavit of Deed Correction filed June 12, 2012.
- Visually very similar lots.
- Not a lot of difference in tracts.
- Unusual coincidental facts.
- Rare and unusual coincidental conditions.

Contributing Factors (cont.)

- Lack of City Staff and Consultants to detect issues or ask critical questions at many points throughout the project delivery.
- Lack of Standard Processes
 - No standard project management
 - Expectations
 - Tools
 - Support
 - No frequent project reviews to bring out issues.
- Much email, not much apparent strong face to face communication.
- Significant City staff turnover.
- Key individuals with significant corporate knowledge leaving the organization without strong corporate knowledge transfer.

Findings

Findings

- The legal description in the original Lot 2 deed was incorrect and did not appear to be checked by knowledgeable personnel resulting in cascading future errors by City staff. November 4, 2006.
- Assistant Fire Chief Don Poovey made the erroneous decision that the City owned Lot 1 instead of Lot 2. January 2014 to March 31, 2015
- Assistant Fire Chief Don Poovey did not communicate clearly and directly enough to Fire Chief Neil Howard and to Battalion Chief Sean Fay (future Assistant Fire Chief Fay) the importance of his recommendation to them to “clear up the ownership through discussions with the City Manager” after Poovey retirement. March 2015
- Brian Rhodes of Rhodes Surveying utilized Dallas County Central Appraisal District (DCAD) database to determine property ownership prior to field survey efforts instead of a deed of record search. Rhodes was not contracted for ownership determination. Rhodes utilization of Dallas Central Appraisal District (DCAD) website information was an expedient and poor practice that led to error in ownership determination. February 21, 2015.

Findings (cont.)

- Fire Chief Neil Howard did not understand that Assistant Fire Chief Don Poovey was trying to determine which property the City owned and his method for resolution was to have Lot 1 “property pins set” by Rhodes Surveying. March 2015
- Assistant Fire Chief Don Poovey did not recall that the Fire Station #2 plans developed in 2009 reflected that the Fire Station was to be constructed on Lot 2. January 2014 to March 31, 2015
- Fire Chief Neil Howard did not insure that appropriate Fire Training Center project briefing was done from Assistant Fire Chief Don Poovey to Battalion Chief Sean Fay (future Assistant Fire Chief Fay) prior to Poovey retirement on March 31, 2015. November 2014 to March 31, 2015
- Fire Chief Neil Howard did not review or look at the Fire Station #2 plans developed in 2009. This should have been done as part of the preparation process for the Fire Training Center (FTC) design. January 2014 to March 31, 2015

Findings (cont.)

- Fire Chief Neil Howard did not ask critical questions regarding the site ownership. January 2014 to March 31, 2015
- Assistant City Manager Jim Proce did not ask critical questions regarding the site ownership of Fire Chief Neil Howard when developing the scope of work for Kimley Horn and continuing to professional agreement approval. January to August 7, 2015 to November 10, 2015
- Kimley Horn did not ask critical questions regarding the site ownership when developing the scope with Assistant City Manager Jim Proce. August 2015 to November 2015
- Development Services Senior Planner Garrett Langford did not require proof of property ownership from the Fire Department prior to development plan approval as required by City code. August 16, 2016 to October 14, 2016

Findings (cont.)

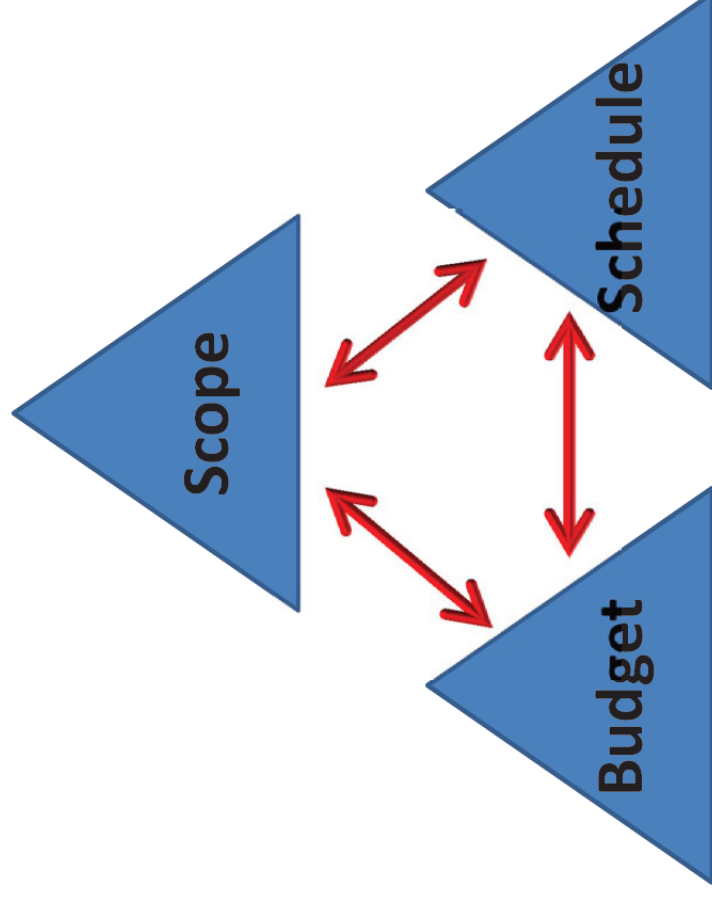
- Development Services Department Director Mark Kurbansade did not thoroughly question Senior Planner Garret Langford decision to develop an Alternative Landscaping Plan (ALP) for the FTC project. If Langford's decision had been questioned, it could have led to the discovery of the correct property ownership. October 14, 2016 to February 8, 2017
- City 311 personnel did not follow up on Tom Chacko inquiry on grading activity. Approximately November 3, 2016.
- A City official did not notify DCAD of the Affidavit of Deed Correction filing for Lot 2 resulting in incorrect information carrying through to 2015. This contributed to future errors. June 12, 2012
- Project reviews of a predetermined format, on a set frequency (monthly, quarterly, semiannually, at budget preparation time, etc.) with the City management team to question project details, status, budget, schedule, scope, etc. should have been required by the City Manager.

Additional Items

Additional Items

- Communication
 - Emails, documents and other communicates that communicate key items that are not emphasized as critical by the sender i.e.
 - ALP email chain that has the underlying that the City owns both lots. This item would not necessarily be fully understood by a non developer, non DSD or non engineering person like the Fire Chief.
 - Filling of both lots email chain does not communicate that there is uncertainty as to which lot the City owns.
 - Incorrect legal description in the original purchase deed was obviously overlooked or not reviewed by the appropriate city staff or consultant.
 - Numerous individuals relied on DCAD for correct property ownership. Some individuals knew that DCAD is not the final determination for ownership and neglected to check further. Some individuals should have realized this as an issue and looked further, but were not required to do so by contractual agreements.

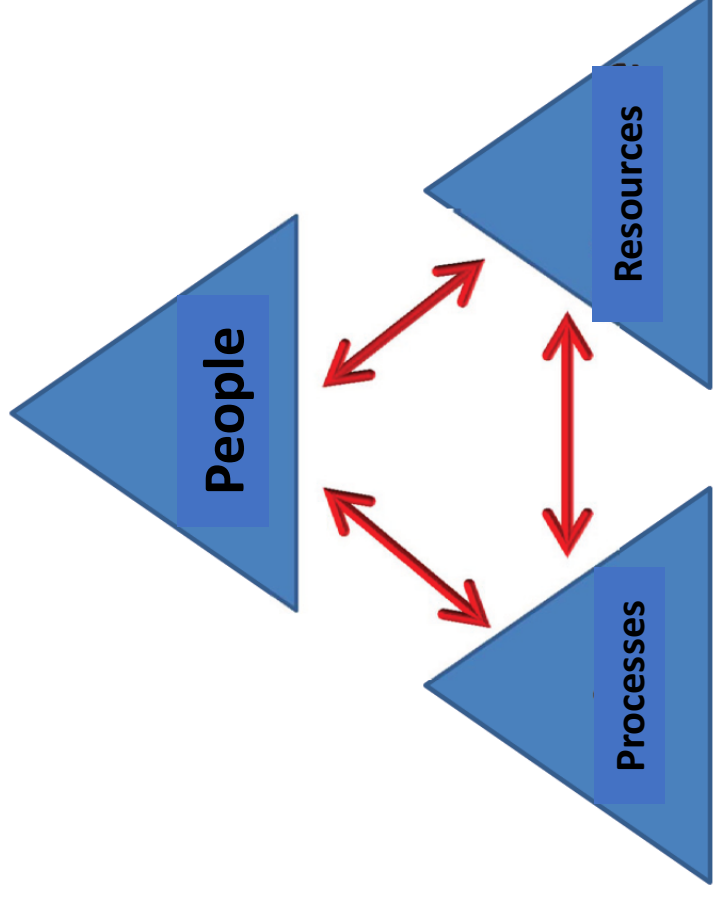
Project Management



Additional Items (cont.)

- Project Management Not Occurring
 - Projects are governed by Scope, Budget and Schedule. Focus appears to have been primarily on Budget. Scope appears to have been focused on at City Council Agenda Items; there is no written scoping statement that I have been able to find. Schedule has not been established. I have not been able to find a base schedule and actual schedule in any area of my review.

Delivery of City Services

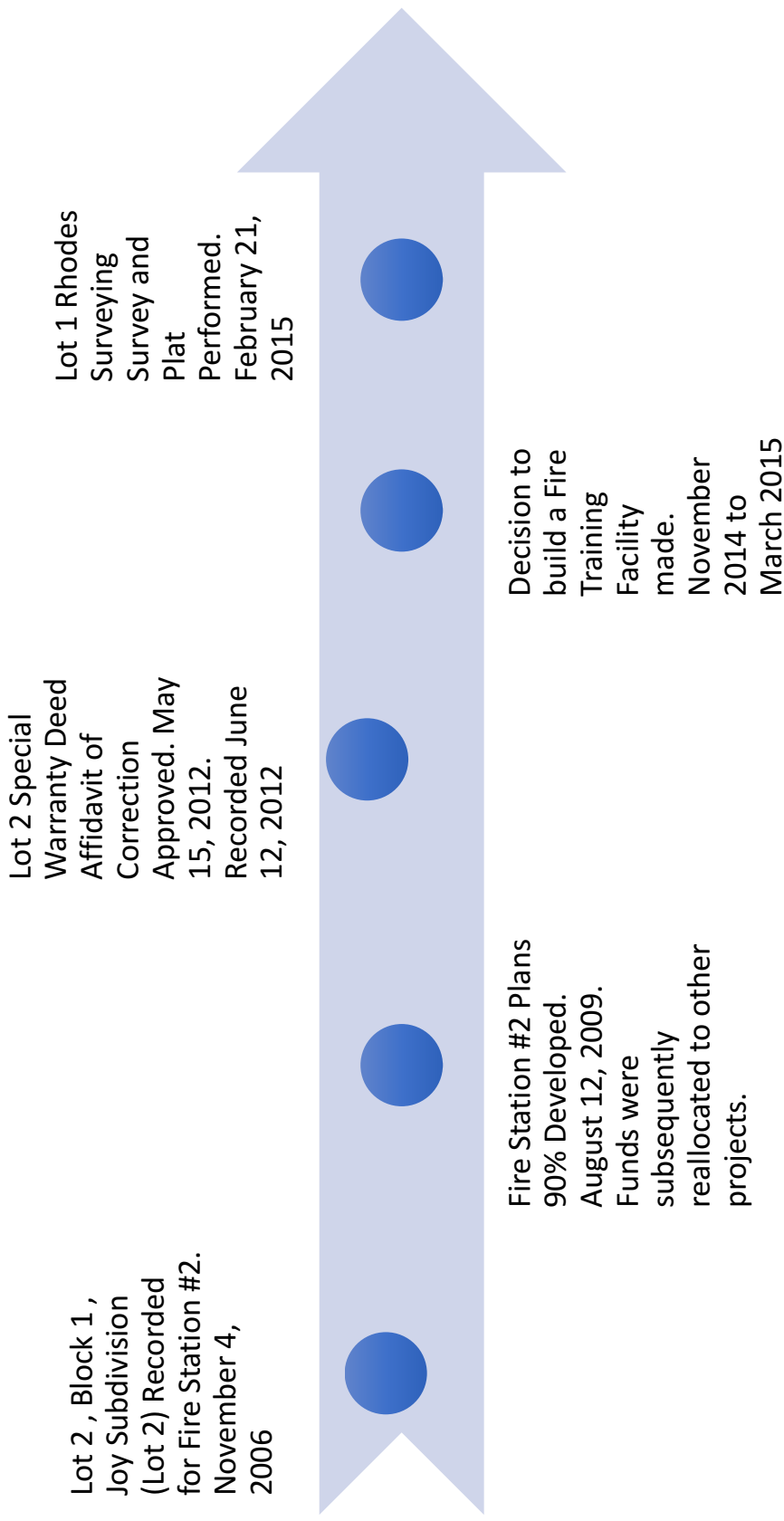


Additional Items (cont.)

- City Services
 - The City delivers services through Staff, Processes and Resources. For the project the Staff appears to have been overcome by various competing activities . Processes for Project Management have been very broad and general with no specific written, detailed scoping statement or schedule. Processes for review and approval by DSD have not been the same as those required of the private sector, which is understandable and led to significant gaps in this project delivery effort.

Tower Timeline

Tower Timeline



Tower Timeline

Interlocal Agreement for Public Safety Radio Project. September 1, 2015

DSD Email to Neil Howard, Fire Chief. "...thought that we were developing both lots that the City owns on Schrade for this new facility." Lot Issue Identified. August 16, 2016

DSD Email to Tyler Osburn KH, cc to Neil Howard, Fire Chief. Alternative Landscape Plan (ALP) Required October 14, 2016

Lot 1 "Rowlett Fire Rescue's Training Center" City Council approved on November 10, 2015 (Regarding Letter of Agreement for Professional Services to Kimley Horn (KH) Schrade Road Fire Department Site Development Improvements. Dated August 7, 2015)

DSD Email to Tyler Osburn KH, cc to Neil Howard, Fire Chief. "...thought that we were developing both lots that the City owns on Schrade for this new facility." Lot Issue Identified and broadened. August 23, 2016

Tower Timeline

Director of Parks and
Recreation Discussion with Fire
Chief Concerning Citizen
Interaction and Subsequent
November 3, 2016 (Memo April
21, 2017)

City Manager
Discussion with
Fire Chief
regarding lot fill
November 23,
2016 (approx.)

CM called Fire Chief
from the field on
either Monday,
November 14th or
21st inquiring about
dirt placement.

ACM email to Fire Chief
and others Concerning
Schrade Construction Site
Improper Placement of
temp Driveway, Silt Fence,
Fill Dirt. December 5,
2016

Tower Timeline

Tyler Osburn
Kimley Horn to
Fire Chief
Wrought Iron
Fence Email.
December 14,
2016

Tom Chacko
contacts City to
Notify that Tower
is on his Private
Property March 5,
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Recommendations

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- Rowlett's history of staff turnover mandates a strong, prescriptive, written, well documented record for capital projects be developed and maintained from project inception to completion of a capital project.
- Significant benefits in management of scope creep, cost control, and completion schedules will be realized when this standardization is done.
- There are multiple parts to this standardization and embarking on this effort will assist the City in avoiding similar mistakes to those experienced on Public Safety Radio Tower.

Recommendations – Action Items

- Standard Project Reviews should be implemented.
- Standard Project Information Storage including written baseline and actual; scope, budget and schedule. This information should be widely viewable to staff with a view to the public.
- Management Team Review of project status on a recurring and scheduled basis including all aspects of scope, budget and schedule. This should be performed as a critical review to test for weaknesses and gaps.
- Treat all direct service delivery departments as customers relative to capital projects. Provide staff (City or consultant), Capital Project leadership and support.

Recommendations – Action Items (cont.)

- All City projects shall go through the same documented process as private projects.
- Adopt metrics and performance measures for CIP delivery and reporting.
- Knowledgeable staff should review all property descriptions prior to property purchase or sale.
- A standard form of agreement for design (engineering and architect) should be developed and utilized for all City public projects. The standard document should hold the consultant responsible for key items, professional standard of care, require errors and omissions coverage and other key design contracting items.

Public Safety Radio Tower Review

City of Rowlett

June 20, 2016

Details

Key Documents – In Appendix

- Exhibit 1 Lot 2 Purchase Documents November 4, 2006
- Exhibit 2 Joy Lutheran Church Addition Subdivision Plat
- Exhibit 3 Lot 2 Boundary indicated on Joy Lutheran Church Addition Subdivision Plat
- Exhibit 4 Affidavit of Deed Correction June 12, 2012
- Exhibit 5 Dallas Central Appraisal District (DCAD) Screenshot of Lot 1 and Lot 2 Ownership March 5, 2015
- Exhibit 6 Fire Station #2 Site Plan indicating Lot 2 as the site August 8, 2009
- Exhibit 7 Assistant Fire Chief Poovey emails and drawings reflecting Lot 1 as the property owned by the City of Rowlett
- Exhibit 8 Rhodes Survey Plat of Lot 1, Block 1, Joy Lutheran Church Subdivision February 21, 2015

Key Documents – In Appendix (cont.)

- Exhibit 9 Kimley Horn Letter of Agreement for Professional Services, Schrade Road Fire
- Department Improvements August 7, 2015
- Exhibit 10 Garret Langford emails regarding Lot 1 and Lot 2 Ownership by City
- Exhibit 11 Alternative Landscaping Plan (ALP) emails
- Exhibit 12 Schrade Road Site Stormwater Pollution Prevention Plan (SWPPP) information
- Exhibit 13 Director of Parks and Recreation Smith Memo concerning November 14, 2016 discussion with Fire Chief Howard
- Exhibit 14 Assistant City Manager Proce email of December 5, 2016
- Exhibit 15 Tyler Osburn Wrought Iron Fence email to Fire Chief Howard

Public Safety Radio Tower Review

City of Rowlett

June 20, 2016

City of Rowlett
Public Safety Tower Review

Appendix of Key Documents

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