



# City of Rowlett

## Meeting Minutes

### City Council

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

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Tuesday, December 4, 2012

5:30 P.M.

Municipal Building – 4000 Main Street

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As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

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

**1. CALL TO ORDER**

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

**2. EXECUTIVE SESSION (5:30 P.M.)**

**CONVENE INTO EXECUTIVE SESSION**

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

- 2A.** The City Council shall convene into Executive Session pursuant to the TEXAS LOCAL GOVERNMENT CODE, §551.074 (Personnel) to deliberate the evaluation and duties of the City Manager. (20 minutes)
- 2B.** The City Council shall convene into Executive Session pursuant to the TEXAS LOCAL GOVERNMENT CODE, §551.074 (Personnel) to deliberate the evaluation and duties of the City Attorney. (20 minutes)
- 2C.** The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice and to discuss settlement of pending litigation, Trent v. City of Rowlett. (15 minutes)

- 2D. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice pertaining to a potential Economic Development Incentive Agreement associated with Builder Services Co. at 2613 Singleton St. in Highpoint Industrial Park. (20 minutes) (NOTE: THIS EXECUTIVE SESSION WILL NOT OCCUR UNTIL AFTER THE REGULAR SESSION.)

This item was discussed following Item 3B beginning at 8:05 p.m.

- 2E. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) and section §551.087 (Economic Development) to seek legal advice and discussion pertaining to Economic Development Incentive initiatives within Downtown. (60 minutes) (NOTE: THIS EXECUTIVE SESSION WILL NOT OCCUR UNTIL AFTER THE REGULAR SESSION.)

This item was discussed following Item 2D beginning at 8:14 p.m.

### **RECONVENE INTO OPEN SESSION**

Reconvened into open session at 6:41 p.m.

### **3. WORK SESSION ITEMS (6:30 P.M.)**

- 3A. Discussion regarding an ordinance requiring ice cream trucks, food trucks and mobile vendors to obtain and clearly display a permit on the vehicle to do business, and to revise regulations regarding door-to-door sales. (25 minutes)

Councilmember Pankratz gave a brief background as to why this item was requested to be placed on the Work Session agenda.

Comments were voiced concerning door-to-door solicitation.

Staff spoke concerning the solicitor process and the proposed changes to the ordinance.

Discussion was held regarding the hours when solicitation could occur.

City Attorney spoke regarding a Supreme Court case that references the First Amendment.

Members of Council spoke regarding the application process and background checks; publicizing the new process; and visible vendor identification.

City Attorney reviewed the updates that will be included in the proposed ordinance, which will be submitted for consideration at the next City Council meeting.

**3B. Discuss 2013 Legislative Agenda. (30 minutes)**

Brian Funderburk, Assistant City Manager, spoke regarding the 2013 Legislative Agenda. Stated that given the economic situation and the State's projected shortfall, every governmental jurisdiction faces the possibility of unfunded mandates. Another threat faced each year regardless of the economy is additional restrictions on the ability of the City to exercise its authority related to development. As a result, the City may wish to approve its own Legislative Agenda for the 83<sup>rd</sup> Legislative Session. Stated even if there are no specific bills that the City would like to file, the Council may wish to consider supporting or endorsing the Legislative Agendas of other government entities.

On February 11-12, 2013, the City of Rowlett will join representatives of the Rowlett Chamber of Commerce for *Rowlett Legislative Days* to visit with our representatives in Austin. Stated this would be a good time to share our concerns and issues about any particular bills being considered or the City's legislative agenda overall.

Stated staff will track the progress of pre-filed bills and will report their progress on a monthly basis. In addition to this action, City staff will prepare a communications piece for legislators and citizens.

Due to the time (7:22 p.m.), the Council proceeded with Item 4 and will continue Item 3B following the regular session.

Continued with Item 3B at 7:55 p.m.

Members of Council specifically directed staff to monitor: unfunded mandate items; large funds that would assist with economic development; anything that would erode the City's tax revenue and the ability to zone; and any red light camera items.

Staff stated the City typically follows the lead of the Texas Municipal League.

Jim Grabenhorst, Director of Economic Development, spoke concerning Rowlett Legislative Days.

Item 2D followed this item.

**4. DISCUSS CONSENT AGENDA ITEMS**

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

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

Convened into the Council Chambers at 7:30 p.m.

## INVOCATION

The invocation was led by Pastor Shane Pruitt, Connection Community Church.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Gottel.

## TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by Mayor Gottel.

## 5. PRESENTATIONS AND PROCLAMATIONS

### 5A. Hear presentation of the Monthly Financial report for the period ending October 31, 2012.

Alan Guard, Director of Financial Services, gave a presentation regarding the Monthly Financial report for the period ending October 31, 2012. Spoke regarding Revenues, Sales Taxes; Property Taxes; Water Fees; Sewer Fees; Expenditures and various Funds.

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

Mayor Gottel gave a brief update to the Council on the various activities in the City including the Planning and Zoning Commission Meeting will be held on Tuesday, December 11<sup>th</sup> at City Hall; the next City Council Meetings will be held on Tuesday, December 18<sup>th</sup> and January 15<sup>th</sup> at City Hall; the January 1<sup>st</sup> City Council Meeting has been cancelled; City offices will be closed for the Christmas Holiday on both Monday, December 24<sup>th</sup> and Tuesday, December 25<sup>th</sup>, and for New Year's Day on January 1<sup>st</sup>; trash service will not run on Christmas Day or New Year's Day but will be delayed one day; the DART Blue Line Rail service began on Monday, December 3<sup>rd</sup>; a Low Cost Animal Vaccination Clinic will be held at the Animal Shelter on Saturday, December 8<sup>th</sup> beginning at 12:30 p.m.; the Animal Shelter would like to thank those who adopted 34 animals to help alleviate the overcrowding at the Shelter; the Rowlett Library will host Home School Book Club for Teens on Wednesday, December 5<sup>th</sup> & 12<sup>th</sup> beginning at 2:00 p.m., Tech Ed: eBay on Thursday, December 6<sup>th</sup> beginning at 6:30pm, Gingerbread House Making on Saturday, December 8<sup>th</sup> beginning at 2:00 p.m., Music with Miss Heather on Saturday, December 15<sup>th</sup> beginning at 2:00 p.m., Hobbit Movie Celebration on Saturday, December 15<sup>th</sup> beginning at 2:00 p.m., Christmas Movie: A Christmas Story on Saturday, December 22<sup>nd</sup> beginning at 10:30 a.m., Library Camp: Book Trailers on Thursday, December 27<sup>th</sup> beginning at 2:00 p.m., and the entry deadline for the 12<sup>th</sup> Annual Young Artists Contest and Exhibit is

Saturday, January 19<sup>th</sup> for artists in Kindergarten through 12<sup>th</sup> grade; and winter registration has begun for the Winter Youth Basketball League.

City Manager Humble spoke regarding the video on RTN16 highlighting all of the DART events.

Councilmember Davis announced the Charter Review Commission held its first meeting on Monday, December 3<sup>rd</sup>, the next Commission meetings will be held on December 10<sup>th</sup> and January 7<sup>th</sup> beginning at 6:00 p.m.

**6. CITIZENS' INPUT**

No one spoke during Citizens' Input.

**7. CONSENT AGENDA**

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

City Secretary read the items into the record.

**7A. Consider approving minutes from the November 20, 2012, City Council Regular Meeting.**

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

**7B. Consider cancelling the January 1, 2012 Council meeting.**

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

**7C. Consider action to approve a resolution exercising the renewal option of CSG Systems Incorporated for the printing, mail processing, and NetBill Lite for electronic bill presentment and payment services in the unit amounts bid and in an estimated annual amount of \$171,119 through the Interlocal Agreement with the City of Garland; and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said services.**

**This item was approved as RES-115-12 on the Consent Agenda.**

**7D. Consider a resolution to approve a Project Specific Agreement (PSA) with Dallas County for the transportation improvements on Miller Road Major Capital Improvement Program (MCIP) Project 27501 from Garland East City Limits to Rowlett West City Limits in the amount of \$621,843.00 and authorizing the Mayor to execute the necessary documents.**

**This item was approved as RES-116-12 on the Consent Agenda.**

- 7E. Consider action to approve a resolution awarding the bid for the seven year lease purchase financing of one 2012 Ford F750 Cab and Chassis with Maintainer 1400 Series Crane for the Waste Water Department to Clayton Holdings, LLC in the amount of \$159,770.24 utilizing an interest rate of 1.61%.

**This item was approved as RES-117-12 on the Consent Agenda.**

- 7F. Consider action to approve a resolution awarding the annual bid for concrete repair/replacement for sidewalks, curbs, gutters, and utility cuts to F & F Concrete LLC in the unit amounts bid and an estimated annual amount of \$374,025 and authorizing the Mayor to execute the Standard Public Works Construction Contract for said service.

**This item was approved as RES-118-12 on the Consent Agenda.**

- 7G. Consider a resolution authorizing the final acceptance of the Merritt Road Water Tank Refurbishing Project and reimbursement of \$1,631.60 for the repair of instrumentation damaged by the contractor and release of the remaining retainage in the amount of \$43,498.40 plus accrued interest on the retainage amount as per Public Works Contract for a project total amount of \$449,668.40 plus the accrued interest on the retainage.

**This item was approved as RES-119-12 on the Consent Agenda.**

#### **Passed The Consent Agenda**

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

#### **8. ITEMS FOR INDIVIDUAL CONSIDERATION**

There were no items for Individual Consideration.

Following a break (7:49 p.m.) the Council reconvened into the Work Session for Item 3B at 7:55 p.m.

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

No actions were taken following the Executive Session items.

9. **ADJOURNMENT**

Mayor Gottel adjourned the meeting at 9:47 p.m.

  
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Todd Gottel, Mayor

  
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Laura Hallmark, City Secretary

Date Approved: December 18, 2012