



City of Rowlett

Action Minutes

City Council

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

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, March 19, 2013

5:30 P.M.

Municipal Building – 4000 Main Street

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

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

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

1. CALL TO ORDER

Mayor Gottel called 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 GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice pertaining to and to discuss pending litigation, City of Rowlett v. Thomas Merritt and City of Rowlett v. Elaine Merritt. (15 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:03 p.m.

3. WORK SESSION ITEMS (5:45 P.M.)

- 3A. Hear First Quarter Investment Report for December 31, 2012. (10 minutes)
- 3B. Discuss proposed text amendments to the Rowlett Development Code as it pertains to the Zoning Districts, Table of Allowed Uses, Landscaping, Accessory Structures, Carports, Solar Panels, Subdivision Regulations, and Signage. (90 minutes)

4. DISCUSS CONSENT AGENDA ITEMS

Items 7C and 7D 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 7:35 p.m.

INVOCATION

The invocation was led by Reverend Steven Leatherwood, First Baptist Church of Rowlett.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the City Council.

TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by the City Council.

5. PRESENTATIONS AND PROCLAMATIONS

- 5A. Presenting a proclamation to the Rowlett High School Lady Eagles Basketball Team for their winning the District Championship. This presentation is made at the request of Councilmember Pankratz.

Councilmember Pankratz presented Head Coach Roland and members of the team with a proclamation.

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

Mayor Gattel gave a brief update to the Council on the various activities in the City including next Planning and Zoning Commission meeting will be held on Tuesday, March 26th; the next City Council meetings will be held on Tuesday, April 2nd and 16th; the March Clean Up Campaign continues and will last the entire month of March; the last day to register to vote in the May Election is Thursday, April 11th; Early Voting for the May Election will begin April 30th – May 7th with May 11th being Election Day; the Animal Shelter will host Low Cost Animal Vaccination Clinics on Saturday, March 23rd, April 6th and April 20th beginning at 2:00 p.m.; the Rowlett Library will host the No Page Unturned Book Club on March 21st beginning at 7:00 p.m., Tech Ed will present Craigslist on Friday, March 22nd beginning at 6:30 p.m. and Electronic Resume Building on Tuesday, April 2nd beginning at 6:30 p.m., Spring Fest in the Library will be held Saturday, March 23rd beginning at 10:00 a.m., and the entry due date for the Annual Writing Contest is Monday, April 29th; the Parks and Recreation Department will host the Eggstraordinary Egg Hunt on Saturday, March 23rd at 10:00 a.m. on the front lawn of City Hall, the Pup-a-Palooza four-legged egg hunt will be held on Sunday, March 24th beginning at 2:00 p.m. at Herfurth Park, and Art Classes are available at the Community Centre, call for further details; the Great American Clean-Up on Saturday, April 13th beginning at 9:00 a.m. in various locations, contact Keep Rowlett Beautiful for further details at 972-463-3929; and the Electronics Recycling Roundup will be held in the Home Depot parking lot on Saturday, April 27th beginning at 9:00 a.m.

The Consent Agenda followed Item 5B.

6. CITIZENS' INPUT

This item followed Item 8B.

1. Shari Petrino, 3501 Lily, Rowlett – Spoke regarding the City's invocation policy.
2. Gerald Spidle, 6317 Hancock Road, Rowlett – Spoke regarding the City's invocation policy.
3. Sammy Walker, 5609 Willowbrook Drive, Rowlett – Spoke regarding the City's invocation policy.
4. Camila Lyon, 5309 Highgate, Rowlett – Spoke regarding the City's invocation policy.
5. Frank Solis, 3212 Kyle Road, Rowlett – Spoke regarding the City's invocation policy.
6. Fran Fletcher, 4317 Duck Pond Lane, Rowlett – Spoke regarding the City's invocation policy.
7. Brownie Sherrill, 10114 Birdie Court, Rowlett – Spoke regarding the City's invocation policy.
8. Kason Huddleston, PO Box 2425, Rowlett – Spoke regarding the City's invocation policy.
9. Monica Phillips, 7810 Killarney Lane, Rowlett – Spoke regarding the City's invocation policy.
10. Tammy Dana-Bashian, 6506 Port Isabel Drive, Rowlett – Spoke regarding the City's invocation policy.
11. Greg Peebles, 3301 Fair Oaks, Rowlett – Spoke regarding the City's invocation policy.
12. Fred Witzell, 7609 Coral Way, Rowlett – Spoke regarding the City's invocation policy.

7. CONSENT AGENDA

Items 7C and 7D were removed from the Consent Agenda to be considered individually.

The City Secretary read the items into the record.

- 7A.** Consider approving minutes from the February 28, 2013, City Council Special Meeting and the March 5, 2013, City Council Regular Meeting.

This item was approved on the Consent Agenda.

- 7B.** Consider action to approve a resolution approving expenditures and awarding the bid to Pursuit Safety, Incorporated in the unit amounts bid and an estimated annual amount of \$90,000 for outfitting City vehicles with equipment and accessories through the Interlocal Agreement with the City of Allen.

This item was approved as RES-031-13 on the Consent Agenda.

- 7C.** Consider action approving a resolution to award the bid for the purchase of pipe bursting equipment for the Utilities Department to Hammerhead Trenchless Equipment in the amount of \$255,049.82 through the Interlocal Cooperative Purchasing Agreement with the Texas Local Government Purchasing Cooperative (BuyBoard).

This item was removed from the Consent Agenda to be considered individually.

Mayor Gottel read the item into the record.

Tim Rogers, Utilities Operation Manager, gave a brief history of this item and explained the benefits this equipment will have on the community with a decrease in service disruption.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Pankratz, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as RES-032-13.

- 7D.** Consider action to approve a resolution awarding the bid for the five year lease purchase financing of pipe bursting equipment for Utilities to U.S. Bancorp Government Leasing & Finance, Incorporated in the amount of \$264,462.60 utilizing an interest rate of 1.51 percent.

This item was removed from the Consent Agenda to be considered individually.

Mayor Gottel read the item into the record.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Miller, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as RES-033-13.

Passed The Consent Agenda

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

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A.** Consider a resolution approving a tree mitigation plan and related tree removal permit application for more than three trees associated with the Mallard Reserve Subdivision. The subject property is 7.7± acres of land located north of Lakeview Parkway on Scenic Road, 430± feet north of Chimneywood Drive, along the west shoreline of Lake Ray Hubbard.

Mayor Gottel read the item into the record.

Erin Jones, Planning Director, gave a brief history of this development. Spoke concerning the Rowlett Development Code policy. Staff can say with confidence that we would have supported the request had it come forward in a legal manner. The removal was required in order to conduct anticipated activities on the site and no reasonable accommodation could be made. The applicant has taken responsibility and is willing to mitigate for the illegally removed trees on site. In addition, they are working through additional fines and/or planting as part of the legal proceedings associated with the illegal removal. Based on the site constraints and for the sake of healthy tree growth, staff is supportive of waiving the remaining mitigation requirements on site. Staff is supportive of waiving the payment of fees in lieu of mitigation and/or off site mitigation in light of the complex history of this site should the Council see fit to do so.

Brad Reid, the applicant, spoke on behalf of M. Christopher Custom Homes. Mr. Reid explained why the protected trees were removed and asked the Council to approve the proposed mitigation; approval for the removal of additional protected trees; for the second mitigation fine to be waived; and for the removal of the citation given to the owner of the company.

A member of Council spoke concerning the City of Rowlett being a Tree City with the purpose of tree preservation, but stated he was opposed to waiving the remaining 30-inch tree mitigation.

Another member of Council asked staff if the developer had access to the grading plans.

Staff answered in the affirmative.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Kilgore, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as RES-034-13.

- 8B.** Consider action to approve a resolution appointing a member to the Tax Increment Financing Reinvestment Zone Number One Board of Directors.

Mayor Gottel read the item into the record.

Brian Funderburk, Assistant City Manager, gave a brief history of this item.

Councilmember Pankratz was nominated to fill the vacant position.

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Gallops, to approve Councilmember Pankratz as a member of the Tax Increment Financing Reinvestment Zone Number One Board of Directors. The motion carried by a unanimous vote of those members present. This item was adopted as RES-035-13.

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

No action was taken following the Executive Session item.

It was noted the continuation of Item 3B will take place at a future work session.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 8:43 p.m.