



**City of Rowlett**  
**Meeting Minutes**  
**City Council**

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

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Tuesday, April 2, 2013

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 Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Pankratz, Councilmember Miller and Councilmember Kilgore**

**Absent: Mayor Gottel**

**1. CALL TO ORDER**

Mayor Pro Tem Phillips called the meeting to order at 5:32 p.m.

**2. EXECUTIVE SESSION**

There were no Executive Session items to discuss.

**3. WORK SESSION ITEMS (5:30 P.M.)**

**3A. Update on 83<sup>rd</sup> Texas Legislative Session. (15 minutes)**

Brian Funderburk, Assistant City Manager spoke regarding this item. Stated as of March 15<sup>th</sup>, the Legislature has filed 5,983 bills and the City will monitor approximately 195 of these bills. Spoke concerning HB1148 and HB1149. HB 1148 relates to the reimbursement of a municipality's expenses in a ratemaking proceeding for electric or gas utilities. Specifically, it eliminates reimbursement for cities that are currently receiving franchise fee payments in excess of the statutory amount. It also eliminates reimbursement for cities unless they have actually made payment to experts for their services. HB 1149 allows a gas utility to eliminate cities' original jurisdiction by simply filing a letter with the Railroad Commission.

On March 20<sup>th</sup>, staff contacted the House State Affairs Committee to register their opposition to this legislation. Staff voiced concern these two bills eliminate significant rights currently held by cities.

Staff will continue to monitor the Marketplace Fairness Act of 2013. This bill is designed to reverse a 1992 US Supreme Court opinion regarding a business being required to collect and remit sales taxes to a state if it has not established a physical presence within that state. This bill was passed by the Senate on March 22, 2013, and will now move to Congress.

Members of Council voiced concern regarding HB 3049 and HB 3052. HB 3049 would provide that, with certain exceptions, every general or special election in the State shall be held on the first Tuesday after the first Monday in November. HB 3052 would provide that a city shall hold its general election on the November uniform election date.

City Manager Humble stated staff will provide a resolution in non-support of HB 3049 and HB 3052 at the April 16<sup>th</sup> meeting for the Council to adopt and will ask the Mayor to draft a letter for the review committee. Should the bills still be before the Committee, staff will provide the Council with contact information for the committee members and would ask the members of Council to contact the committee members.

**3B. Update on the Springfield Estates Drainage Improvements. (15 minutes)**

Jim Proce, Director of Public Works and Development, gave a brief history of this item. Robbin Webber, Street Superintendent, spoke concerning the PowerPoint presentation.

Staff spoke as to the project schedule. Stated the construction should be complete by September 30<sup>th</sup>.

A member of Council voiced concern as to why this project will receive funds as opposed to other projects such as speed cushions or sound walls.

Staff stated the detention facility is a regional detention pond. Stated the subdivision was intentionally platted with a homeowners association (HOA) that was never created. The ponds should have been dedicated as common area space and should have had a process for the HOA to maintain it. What ultimately happened was when the subdivision was finally platted, they took what originally should have been a regional detention pond and divided it in half and assigned it to the property owners on both sides and expected them to be able to maintain the detention pond. Stated the public purpose of the regional detention pond was now in question because the infrastructure was not maintained. Stated given the condition of the infrastructure, the regional detention pond could potentially not function the way it should without significant issues. Stated there were safety issues with the drainage as it relates to children and animals.

Staff stated this project will have a positive effect on the 176 homes that are outside of the subdivision. Spoke concerning engineering plans and water flow. Staff stated they have a great partnership with the neighborhood.

**3C.** Discuss the implantation of microchips in redeemed and adopted animals. (20 minutes)

Joe Tilger, Environmental Services Manager, spoke regarding the item. Stated micro-chipping dogs, cats, and ferrets that have been in permanent or temporary custody of the Shelter, will help to reunite animals with their owners and will reduce the stay of micro-chipped animals in the Shelter's possession. The Animal Shelter Advisory Board, over the course of several meetings, discussed the pet registration program and at the end of the discussions, it made the recommendation that the City keep the current registration ordinance in place but add a requirement that when an animal is impounded, the owner must have the animal implanted with a microchip as part of the redemption process. Stated currently, less than ten percent of the animals that come in the Shelter's possession have valid identification tags.

A member of Council asked if the cost of the microchip was to be passed on to the owner of the animal.

Staff answered in the affirmative for an owner redeemed animal.

Jeff Ochsner, Animal Shelter Supervisor, spoke concerning the City's adoption program.

A member of Council asked why a pet owner would have their pet microchipped, but not register their contact information.

Staff stated the pet could possibly have been registered initially but the information may not have been updated after a move or change of owners.

A member of Council questioned staff regarding the personal property aspect of micro-chipping an animal that is owned but has been taken into custody by the Shelter.

Staff stated when the animal is at-large, you must balance the public health issues and tax dollars spent to collect the animal that was not properly contained. Stated given the number of animals that are collected at-large, the goal is to get that animal returned to its owner, adopted but not euthanized. The public good of micro-chipping offsets the occasional negative that may happen.

A member of Council voiced concerns regarding the presentation versus the staff report.

Consensus was reached to consider the proposed ordinance at a future Council meeting.

**3D.** Discuss IT Technology Status and recommendations. (45 minutes)

Brian Funderburk, Assistant City Manager, spoke as to what the City's Information Technology (IT) consultant was asked to accomplish. Stated the consultant was charged with managing the City's day-to-day IT operation; to determine "Why, after spending so much on technology during the past several years, the City was not receiving the benefits?"; to develop short and long-term recommendations for improvement; and to assist with the evaluation of a new IT leader.

Spoke regarding the sustainability issues including: reserves, Cash CIP, economic development, facilities, obsolete equipment, salaries and benefits, utility maintenance, public amenities, and antiquated technology.

Chip Collins, Interim Information Technology Manager, began his presentation by addressing the current state of the City's technology. Spoke concerning the City's Technology Pyramid. The pyramid's foundation has been largely ignored and is now a liability. Over the past couple of years, the City spent most of IT's technology dollars on applications and personal computers. Spoke as to what a broken foundation means to Rowlett citizens.

Spoke to the "How to Fix" Plan, which includes:

- Identifying opportunities and problems (Status: completed)
- Develop recommendations (Status: completed)
  - Define City's application needs
  - Identify hardware and software relationships/dependencies
- Finalize design and timeline (Status: completed)
  - Develop conceptual design and level of effort
  - Work with "Mainstream" suppliers to develop detailed designs
- Define "Not to Exceed" estimated costs (Status: completed)
- Conduct City Management and Council briefings (Status: in progress)
- Establish consensus to move forward (Status: planned)
- Begin implementation of "FIX" (Status: to be determined)

Stated the overall strategy of the Plan is to maximize technology reliability for the City; plus, position IT to effectively and efficiently support staff and citizens.

Spoke to the City's existing versus proposed network infrastructure. Stated the existing structure is slow, outdated and obsolete; most routers and switches are over seven years of age; lacks redundancy; has limited maintenance agreements; and requires significant support efforts. Spoke to the proposed structure, stating it will provide significant continuity of service; positions City technology for maximum flexibility; and an external managed solution is recommended.

Spoke to the City's servers and telephone system. Spoke to the possible future strategy of the Back Office environment to possibly include Microsoft Office365. This would lower server costs; potentially increase IT productivity and City staff efficiency; would enforce up-to-date products; and decrease data storage costs. He also discussed software applications.

Mr. Funderburk discussed the cost summary of the proposed plan. Stated funding will come from increased sales taxes and vacancy savings in the General Fund, which is expected to total \$547,394 in FY2013.

Mr. Collins concluded the presentation by discussing the recommended timeline for this project.

Members of Council commented on the expense and the foundation of the plan.

A member of Council stated there always seems to be a crisis; asked how much it would cost to take care of the must-repair items.

A member of Council responded by saying the proposal is the must-repair items. Stated staff has tried to reuse and reallocate all of the life out of every asset that we own.

Alan Guard, Director of Finance and Information Services, stated just as there are strategies for fleet and infrastructure built within the budget, going forward, there will be a strategy for IT as well.

A member of Council stated once the plan moves forward, he would like to see comparisons on the various alternatives and their associated costs. For instance, lease versus buy; cloud versus in-house; and outsourcing versus in-house.

Following this item, the Council discussed the Consent Agenda (Item 4).

- 3E. Discuss proposed text amendments to the Rowlett Development Code as it pertains to the Zoning Districts, Table of Allowed Uses, Landscaping, Accessory Structures, Carports, and Solar Panels, Subdivision Regulations, and Signage. (30 minutes)

Council reconvened into the Work Session following the regular meeting (8:41 p.m.)

Michele Berry, Planner II, continued the presentation where the Council concluded at the March 19<sup>th</sup> Work Session.

Spoke concerning Landscaping and plant measurements and living screen standards. Spoke regarding the proposed new language.

Spoke regarding Accessory Uses and Structures. Stated the purpose is to provide updates to regulations regarding accessory structures based on experiences since these rules were adopted over two years ago. Spoke regarding Accessory Buildings (Residential). Currently structures over 500 square feet in residential areas are allowed by right if they meet the masonry standards and other lot coverage and setback requirements that vary based on the zoning district. Neighborhood concerns are generally more related to the size of the structure. Staff proposed all accessory buildings over 500 square feet require a CUP, regardless of materials or lot coverage.

Spoke regarding carports. Language was added and modified to clarify regulations for carports. Any carport over 500 square feet currently requires a CUP. This regulation will stay in place. New language ensures that carports visible from a public street are integrated into the building and that the roof and post materials are similar in type and composition to those of the main structure, which is the intent of the regulations.

A member of Council asked staff to look at the definition of carport again.

Staff spoke concerning solar panels. Stated there is currently no code language regulating solar panels or the structures that support them. Staff recognizes solar panels are a potential source of renewable energy for homeowners and the intent is not to prohibit their use or make the process unduly cumbersome but to maintain community aesthetics and values. As a result, staff proposed set standards to ensure neighborhood compatibility which, if met, allow the applicant to receive a building permit by right. These standards differentiate commercial from residential uses and solar shingles from more traditional panels. If these standards are not met, the applicant will still have the option to apply for a CUP.

A member of Council requested staff not prohibit solar panels on the sides of homes that face adjoining streets.

Spoke concerning signage. Stated the purpose is to provide updates based on experience since signage regulations were adopted about one year ago. Spoke concerning the number of wall or awning signs. Staff proposed that more than one wall or awning sign be allowed provided the combined area does not exceed the allowed area. Spoke concerning the number of menu boards. Staff proposed two per drive thru lane or one per order box (drive-in dining only).

Staff spoke concerning removing old zoning districts and references from previous zonings on five parcels. With the adoption of the Form-based Code and rezoning of the Downtown area on November 6, 2012, the existing Mixed Used Downtown (MU-DT), Mixed Use Transit (MU-TR), and Mixed Use Town Square (MU-TS) Zoning Districts are obsolete. These three districts were created specifically for the downtown area and the area around the DART station. This entire area is now zoned Urban Village under the Form Based Code.

Staff's recommendation is to rezone the properties west of Rowlett Road, which retain mixed use downtown, shown in flecked purple, to General Commercial (C-2). There are two properties in this area. The property north of Main Street is owned by the City and currently houses the Fire Administration Building. The property to the south of Main Street is vacant but is a house that previously served an office function. C-2 Zoning is found along Rowlett Road and this would be a logical change.

Staff recommends changing the three properties south of the newly rezoned district to their base districts. These three properties are in the Oliver Village Sub District of the previous Downtown Zoning. However, they retain a base zoning of Limited Office (O-1), Multi-Family Urban (MF-U), and Institutional Urban (IU). These districts fit the existing uses on the property

– an office, apartments, and a church. Staff recommends removing the reference to the Oliver Village Sub District and reverting to the base zoning.

A member of Council voiced concern as to whether the residents in the Oliver Village Sub District will be able to improve their properties.

Staff answered in the affirmative.

Staff spoke as to the next step in the time table.

#### **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 Deputy Mayor Pro Tem Gallops.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Pro Tem Phillips.

#### **TEXAS PLEDGE OF ALLEGIANCE**

The Texas Pledge of Allegiance was led by the Council.

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

- 5A.** Proclamation recognizing National Public Safety Telecommunicators Week as April 14-20, 2013.

Deputy Mayor Pro Tem Gallops presented a proclamation to Beth English, Emergency Communications Director recognizing National Public Safety Telecommunicators Week.

**5B. Proclamation recognizing the month of April as National Child Abuse Prevention Month.**

Deputy Mayor Pro Tem Gallops recognized National Child Abuse Prevention Month with a proclamation.

**5C. Proclamation recognizing the month of April as National Organ Donor Awareness Month.**

Councilmember Kilgore recognized National Organ Donor Awareness Month with a proclamation.

**5D. Receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2012, which includes the independent auditors' report.**

Brian Funderburk, Assistant City Manager, spoke regarding the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2012.

Jerry Gaither, a representative from Weaver and Tidwell, LLP, gave an overview of the report. Stated the City received an unqualified opinion, the highest level of assurance. Stated there were no material weaknesses in internal control nor any issues or findings relating to compliance with laws and regulations.

**5E. Hear presentation of the Monthly Financial report for the period ending February 28, 2013.**

Alan Guard, Director of Financial and Information Services, gave a presentation regarding the Monthly Financial report for the period ending February 28, 2013. Spoke regarding Revenues, Sales Taxes; Property Taxes; Water Fees; Sewer Fees; Expenditures and various Funds.

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

Mayor Pro Tem Phillips gave a brief update to the Council on the various activities in the City including next Planning and Zoning Commission meeting to be held on Tuesday, April 9<sup>th</sup> has been cancelled, the next meeting will be on April 23<sup>rd</sup>; the next City Council meeting will be held on Tuesday, April 16<sup>th</sup>; the last day to register to vote in the May Election is Thursday, April 11<sup>th</sup>; Early Voting for the May Election will begin April 30<sup>th</sup> – May 7<sup>th</sup> with May 11<sup>th</sup> being Election Day; the Animal Shelter will host Low Cost Animal Vaccination Clinics on Saturday, April 6<sup>th</sup> and April 20<sup>th</sup> beginning at 2:00 p.m.; the Rowlett Library will Drop Everything and Read Day on Friday, April 12<sup>th</sup>, Tech Ed will present Electronic Resume Building on Tuesday, April 19<sup>th</sup> beginning at 10:30 a.m., April 15<sup>th</sup> – 20<sup>th</sup> is National Library Week, the entry due date for the Annual Writing Contest is Monday, April 29<sup>th</sup>, and teen volunteers are needed for the Summer Reading Program, contact Tonya Hartline at 972-463-3922; the Parks and Recreation Department will

host the 4<sup>th</sup> Annual Senior Health Fair on Tuesday, April 9<sup>th</sup> at the Rowlett Community Centre beginning at 9:00 a.m., and the Kid Fish Outdoor Extravaganza on Saturday, April 20<sup>th</sup> at Community Park beginning at 9:00 a.m.; the Great American Clean-Up on Saturday, April 13<sup>th</sup> beginning at 9:00 a.m. in various locations, contact Keep Rowlett Beautiful for further details at 972-463-3929; the Electronics Recycling Roundup will be held in the Home Depot parking lot on Saturday, April 27<sup>th</sup> beginning at 9:00 a.m.; and National Prescription Take Back Day will be held on Saturday, April 27<sup>th</sup> at the Rowlett Community Centre beginning at 10:00 a.m.

## 6. CITIZENS' INPUT

1. Randy Word, 7605 Bridlewood Court, North Richland Hills – Spoke regarding the invocation policy.
2. David Smalley, 4109 Willoughby, Garland – Spoke regarding the invocation policy.
3. L. Aron Nelson, 430 Birchwood Drive, Garland – Spoke regarding the invocation policy.
4. Terry McDonald, 1332 Martin Court, Grapevine – Spoke regarding the invocation policy.
5. Anne Crenshaw, 2709 Lakeway Drive, Rowlett – Spoke regarding the invocation policy.
6. Alex Aguilar, 3308 Auburn, Rowlett – Spoke regarding the invocation policy.
7. Judy Nelson, 4307 Birchwood Drive, Garland – Spoke regarding the invocation policy.
8. Chad Aldridge, 3309 Auburn, Rowlett – Spoke regarding the invocation policy.
9. Susette Geissler, 7318 Birchmont Drive, Rowlett – Spoke regarding the invocation policy.
10. Erin Hurley, 8909 Deerwood Drive, Rowlett – Spoke regarding the invocation policy.
11. John Rigler, 3104 Lakeview Drive, Grapevine – Spoke regarding the invocation policy.
12. LaVerda Feagans, 1356 River Ridge Boulevard, Grand Prairie – Spoke regarding the invocation policy.
13. Ken Romaine, 3001 Larkin, Rowlett – Spoke concerning the invocation policy, encouraged voting, and IT technology recommendations.

## 7. CONSENT AGENDA

No items 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 March 19, 2013, City Council Regular Meeting.

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

- 7B. Consider adopting an ordinance amending the FY 2013 budget to implement the \$2.8M Utility Fund Cash CIP Allocation Plan including the addition of four positions for a utility construction crew.

**This item was approved as ORD-003-13 on the Consent Agenda.**

- 7C. Consider action to approve a resolution awarding the bid for the purchase of emergency medical supplies and medication for Rowlett Fire Rescue to Bound Tree Medical LLC as the primary vendor and Henry Schein Matrix as the alternate vendor in the unit prices bid and in an estimated annual amount of \$65,000 through the Interlocal Purchasing Agreement with the City of Cedar Hill.

**This item was approved as RES-036-13 on the Consent Agenda.**

- 7D. Consider action to approve a resolution to amend Article V, Section 5.2.5 of the Contract Agreement between the City of Rowlett and Tri-Con Services, Inc. for the construction of Merritt Road Paving Improvements such that retainages shall be reduced from the contract rate of ten percent to five percent commencing on the next succeeding pay estimate following approval of this resolution by the Rowlett City Council and authorizing the City Engineer thereafter to provide for five percent retainages in (and releases where appropriate) subsequent pay requests.

**This item was approved as RES-037-13 on the Consent Agenda.**

- 7E. Consider action to approve a resolution terminating the award of the annual bid for motor fuel to Four Sisters Petroleum and awarding the annual bid to the next low bidder of Martin Eagle Oil Company in the unit amounts bid for transporting and delivery per fuel gallon and type and in an estimated annual amount of \$378,322.

**This item was approved as RES-038-13 on the Consent Agenda.**

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

**A motion was made by Deputy Mayor Pro Tem Gallops, seconded by Councilmember Miller, 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 Individual Consideration items to consider.

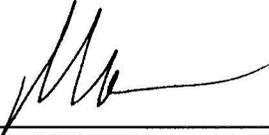
**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

There were no Executive Session items to consider.

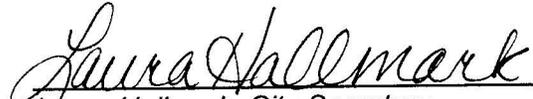
At this time, the Council took a brief break (8:34 p.m.) to reconvene back into the Work Session to continue with Item 3E.

9. ADJOURNMENT

Mayor Pro Tem Phillips adjourned the meeting at 9:00 p.m.



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Doug Phillips, Mayor Pro Tem

  
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Laura Hallmark, City Secretary

Date Approved: April 16, 2013