



City of Rowlett

Action Minutes

City Council

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

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Tuesday, July 2, 2013

6:00 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 Pro Tem Kilgore, Deputy Mayor Pro Tem Gallops, Councilmember Dana-Bashian, Councilmember Pankratz, and Councilmember Bobbitt

Absent: Mayor Gottel and Councilmember Phillips

1. CALL TO ORDER

Mayor Pro Tem Kilgore called the meeting to order at 6:00 p.m.

2. EXECUTIVE SESSION (6:00 P.M.)

2A. The City Council shall convene into Executive Session pursuant to §551.071 of the Texas Government Code (Consultation with Attorney) to seek legal advice from the City Attorney and discuss litigation and a settlement offer related to pending litigation, City of Rowlett v. McEntee Family Limited Partnership. (30 minutes)

2B. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.087 (Economic Development) and §551.071 (Consultation with Attorney) to receive legal advice from the City Attorney and to discuss and deliberate the offer of financial or other incentives in the Northshore District. (30 minutes)

3. WORK SESSION ITEMS (7:00 P.M.)

Convened into the Work Session at 7:00 p.m.

- 3A.** Discuss changing the name of the Environmental Learning Center to the Dan Roberts' Environmental Learning Center. (15 minutes)

4. DISCUSS CONSENT AGENDA ITEMS

Item 7D was 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 the City Council.

TEXAS PLEDGE OF ALLEGIANCE

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

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Proclamation recognizing July as National Parks and Recreation Month.

Councilmember Bobbitt acknowledged Jermel Stevenson, Director of Parks and Recreation and staff with a proclamation recognizing July as National Parks and Recreation Month.

Mr. Stevenson spoke concerning the parks.

Mayor Pro Tem Kilgore, Jermel Stevenson and Angie Smith, Recreation Division Manager, accepted a generous donation for Kids Kingdom Park from Cub Scout Pack 1020 and Boy Scout Troop 1020.

- 5B.** Hear presentation of the Monthly Financial report for the period ending May 31, 2013.

Alan Guard, Director of Financial and Information Services, gave a presentation regarding the Monthly Financial report for the period ending May 31, 2013. Spoke regarding Revenues, Sales Taxes; Property Taxes; Water Fees; Sewer Fees; Expenditures and various Funds.

A member of Council questioned staff if the Stage 3 watering restrictions were factored into the forecast.

Staff stated the forecast is set before the budget year and the forecasts are not changed throughout the year.

City Manager Humble stated the City manages the target by looking at the annual which is set at the beginning of the year and the Stage 3 watering restrictions were factored into the forecast.

5C. 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 Kilgore gave a brief update to the Council on the various activities in the City including: the next City Council meetings will be held on Tuesday, July 16th; Thursday, July 23rd; and Saturday, July 20th; the next Planning and Zoning Commission meetings will be held on Tuesday, July 9th and 23rd; City offices will be closed on Thursday, July 4th, regular trash service will run on July 4th; Stage 3 watering restrictions began June 1st; mosquito testing will occur on Wednesdays of each week; the Animal Shelter will host two Low Cost Animal Vaccination Clinics on Saturday, July 13th and 27th beginning at 2:00 p.m., and don't forget to find your new best friend at the Animal Shelter; a Farmers Market will be offered during the Fireworks on Main Celebration; the Rowlett Library will host the Summer Reading Program – Dig Into Reading! which runs from June 10th – July 30th, and Tech Ed will present Apps for Book Lovers on Tuesday, July 9th beginning at 6:30 p.m.; and the Parks and Recreation Department will host Fireworks on Main! Rowlett's Annual Summertime Party on Thursday, July 4th beginning at 5:00 p.m. and featuring Mary Wilson of the Supremes, numerous summer camps, and the Wet Zone is now open daily.

Mayor Pro Tem Kilgore spoke further regarding back tolls for NTTA and the consequences for not paying your toll charges.

Councilmember Pankratz spoke concerning a fundraiser benefit to rebuilt Kids Kingdom; stated everyone has the ability to directly impact rebuilding the playground.

6. CITIZENS' INPUT

1. Ken Romaine, 3001 Larkin Lane, Rowlett – Spoke concerning the spending of the IT Department.

7. CONSENT AGENDA

Item 7D was removed from the Consent Agenda to be considered individually.

The City Secretary read the items into the record.

- 7A. Consider approving minutes from the June 18, 2013 City Council Regular Meeting.

This item was approved on the Consent Agenda.

- 7B. Consider amending the Code of Ordinances by amending Article VIII ("Impoundment") of Chapter 6 ("Animals") to amend Section 6-275 and Section 6-283 to require that all dogs, cats and ferrets be implanted with a microchip for the purposes of identification prior to redemption or adoption; providing a repealing clause; providing a severability clause; providing a penalty of fine not to exceed the sum of five hundred dollars (\$500) for each offense; and, providing an effective date.

This item was approved as ORD-018-13 on the Consent Agenda.

- 7C. Consider action to approve a resolution awarding the bid to Time Warner Cable for two (2) broadband fiber internet connections for the price of \$6,650 per month (a net increase of \$3,789.57 per month) for a three year term through the interlocal Cooperative Purchasing Agreement with the Texas Comptroller of Public Accounts and the Department of Information Resources (DIR) and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

This item was approved as RES-057-13 on the Consent Agenda.

- 7D. Consider action to approve a resolution awarding the bid to TFE for the purchase of IT servers, storage equipment, licensing and related software in the amount of \$294,050; for five years of maintenance and support services in the amount of \$85,119; and for professional services in the amount of \$116,622 for installation and setup, resulting in a total cost of \$495,791 to modernize and restructure the City's primary data centers through the interlocal cooperative purchasing agreement with the Texas Comptroller of Public Accounts and the Department of Information Resources (DIR) and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

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

Mayor Pro Tem Kilgore read the item into the record.

Staff made a presentation regarding this item. Stated the IT Team requested each vendor to only propose the server solution with appropriate software and professional services. During the final moments of the discussions, CDW/IBM included their SAN's at a very significant cost discount – which the IT Team believed not to accept would have been a disservice to the City. When TFE/Cisco was informed that the City believed the CDW/IBM solution, which included two SAN's, offered a better solution, they requested the opportunity to also propose a storage solution. The IT Team developed an equal “apples to apples” comparison. When completed, the cost comparison showed an approximately \$60,426.52 gap/delta between the two solutions. TFE/Cisco was the lower of the two proposing vendors.

A member of Council asked why these types of expenses are being made.

Staff stated there are two systems that are at the end of their lives and replacement parts are no longer made. It is necessary to replace the systems. Stated with the large buying power of DIR, the City will save a considerable amount of money.

Another member of Council asked if it is standard operating procedure for other cities to use interlocal agreements.

Staff answered for this type of equipment, this is a standard way for cities to operate.

A motion was made by Deputy Mayor Pro Tem Gallops, seconded by Councilmember Dana-Bashian to approve the item as read. The motion carried with a 4 – 1 vote (Councilmember Bobbitt voted against). This item was adopted as RES-058-13.

- 7E.** Consider a resolution approving alternative building materials, specifically concrete based stucco, for a proposed single family home located at 512 Point Royal Drive, being further described as Lot 25, Block A of the Point Royal Estate 3 Addition to the City of Rowlett, TX, Dallas, County (DP13-663).

This item was approved as RES-059-13 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Deputy Mayor Pro Tem Gallops, seconded by Councilmember Pankratz, 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 authorizing the City Manager to enter into an Economic Development incentive agreement with Assisted Living Facility Partners LLP for the development of an assisted living facility located at 7000 Chiesa Road.

Mayor Pro Tem Kilgore read the item into the record.

Jim Grabenhorst, Director of Economic Development, gave a brief presentation. Stated the applicants have requested a waiver of all roadway/streets impact fees associated with Phase 1 of their development in order to offset the cost of said impact fees due to the fact that the City of Rowlett's impact fees are disproportionately higher than surrounding communities. This disproportionately higher impact fee is due to the fact that the City only has two classifications for residential developments (single family and apartments) in the land use categories, which determine the per unit impact fee; while the other cities have multiple categories including a specific category which, is reflective of the actual traffic generated by assisted living facilities as compared to a single family or multifamily development.

Upon receipt of the incentive request, staff conducted an evaluation of the roadway/street impact fees to determine if any capital improvements or facility expansions were necessary or attributable to this development. Staff determined the following in regards to traffic impacts: assisted living and other senior facility uses have little traffic impact as most residents do not drive. Traffic generation from independent senior housing use is generally two-thirds that of single family uses according to publications from the Institute of Traffic Engineers.

A member of Council asked if the reason to waive the impact fees was because the City was above market rate with surround communities.

Staff answered in the affirmative and stated the City's fees put us at a disadvantage.

A member of Council asked if consideration was given to waiver a portion of the fees as opposed to the fees in their entirety.

Staff stated this is the only area where the City is not competitive in nature compared to the surrounding cities.

A member of Council stated a 100% waiver should not be taken lightly and suggested a waiver totaling \$5,246.

A motion was made by Deputy Mayor Pro Tem Gallops, seconded by Councilmember Bobbitt, to approve the item as read. The motion carried with a 4 – 1 vote (Councilmember Pankratz voted against). This item was adopted as RES-060-13.

- 8B.** Conduct a public hearing and consider an ordinance approving a Major Warrant request for property located at 3602 Main Street, to allow the owner/applicant to continue to use the existing structure as a single family residence (MajW 13-665).

Mayor Pro Tem Kilgore read the item into the record.

Erin Jones, Director of Planning, gave a brief presentation. Stated the Realize Rowlett 2020 initiative focused on the need to base development and redevelopment decisions in market realities. Due to the existing number of businesses/residences and non-conforming structures in the Downtown area, redevelopment is likely to be incremental in nature and take place over an extended period of time. In the interim, allowing owners to use their buildings without requiring extensive improvements will help invigorate the downtown area until the market demands redevelopment in conformance with the Form Based Code (FBC) and associated regulating plan. The applicant has conveyed to staff that their ultimate goal is to be able to sell the structure for a use other than residential in the future. However, in order to be able to afford to make the necessary improvements to attract a non-residential user, they are requesting a Major Warrant in order to live in the structure for the time being. Even with the reduced non-conforming restrictions outlined in the FBC, a single family residential use is not permitted by right in the Urban Village District. Furthermore, since the structure has been vacant well over a year staff does not have the authority to reinstate the single family residential use administratively.

The public hearing opened and closed with no one speaking.

A member of Council asked if approving this item will impede future development.

Ms. Jones responded in the negative.

A motion was made by Deputy Mayor Pro Tem Gallops, 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 ORD-019-13.

- 8C.** Conduct a public hearing and consider an ordinance amending the Water's Edge Planned Development, PD048-06 to allow a third, single garage door to face the street for property located at 9700 Dalrock Road, a portion of which is the Water Edge Phase I Addition. (PD13-661)

Mayor Pro Tem Kilgore read the item into the record.

Erin Jones, Director of Planning, gave a brief presentation. Stated as the applicants were progressing through the process and designing floor plans for homes, they began to examine the garage options. Based on the size of the homes, many buyers would like to have a third garage. Per the Planned Development, the homes are all front entry but no garage doors are allowed to face the street.

The applicant proposes to amend the PD in order to allow for a split three car garage, wherein the one car garage will directly face the street and the two car garage portion of the split garage

will still maintain an 'L' or 'J' hook driveway entrance. The third single garage will need to be set back at least 20 feet from the front façade of the home.

The public hearing opened and closed with no one speaking.

A motion was made by Deputy Mayor Pro Tem Gallops, seconded by Councilmember Bobbitt, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as ORD-020-13.

- 8D.** Conduct a public hearing and consider an ordinance for a Special Use Permit for a foot reflexology business, defined as a "Massage Establishment" by the Rowlett Development Code in the Limited Commercial/Retail zoning district for 2,450 square feet of existing leased space at 6501 Dalrock Road, Suite 112. (SUP13-662)

Mayor Pro Tem Kilgore read the item into the record.

Erin Jones, Director of Planning, gave a brief presentation. Stated the applicant and the property owner representative submitted a Certificate of Occupancy application to open a foot reflexology business at the above location. While foot reflexology is not a use listed in the Rowlett Development Code (RDC), Section 77-301.D, the Director of Planning has the authority to make interpretations regarding classification of new or unlisted uses. It has been determined this use most closely falls into the category of "Massage Establishment". Per the amendment to the RDC adopted on May 21, 2013, a Special Use Permit (SUP) is required for a massage establishment in the C-1 zoning district.

The public hearing opened and closed with no one speaking.

A motion was made by Deputy Mayor Pro Tem Gallops, seconded by Councilmember Dana-Bashian, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as ORD-021-13.

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

No actions followed the Executive Session items.

9. ADJOURNMENT

Mayor Pro Tem Kilgore adjourned the meeting at 8:54 p.m.