



City of Rowlett

Meeting 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, November 19, 2013

5:00 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 Gottel, Mayor Pro Tem Kilgore, Deputy Mayor Pro Tem Gallops, Councilmember Phillips, Councilmember Dana-Bashian, Councilmember Pankratz and Councilmember Bobbitt

1. CALL TO ORDER

Mayor Pro Tem Kilgore called the meeting to order at 5:01 p.m. Mayor Gottel arrived at 5:09 p.m.

2. EXECUTIVE SESSION (5:00 P.M.)* Times listed are approximate

Council immediately convened into Executive Session Item 2C, followed by Item 2B. This was followed by the Work Session and then Item 2A.

- 2A.** 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 regarding fiscal modeling and zoning, specifically as it relates to McEntee Ranch, the subject property is generally located west of Liberty Grove Road and east of Larkin Lane and north of Toler Road, being 69.761 + acres situated in the Reason Crist Survey (Dallas County Abstract Number 225), City of Rowlett, Dallas County, Texas. (30 minutes)

In Executive Session at 6:55 p.m. Out at 7:25 p.m.

- 2B.** The City Council shall convene into Executive Session pursuant to the Texas Government Code §551.074 (Personnel), and §551.071 (Consultation with Attorney) to deliberate the appointment and duties of the city manager. (30 minutes)

In Executive Session at 5:14 p.m. Out at 5:44 p.m.

- 2C.** The City Council shall convene into Executive Session pursuant to the Texas Government Code §551.071 (Consultation with City Attorney) to consult with the City Attorney and seek legal advice regarding a settlement offer in pending litigation, City of Rowlett v. Rios. (15 minutes)

In Executive Session at 5:03 p.m. Out at 5:14 p.m.

3. WORK SESSION ITEMS (6:15 P.M.)*

- 3A.** Discuss amending the Master Fee Schedule for rate and fee changes to the Development Code section of the Master Fee Schedule, specifically as it pertains to Engineering and Planning related fees. (15 minutes)

Erin Jones, Director of Development Services, along with Samantha Renz, Regulatory Engineer, explained the proposed changes to the Master Fee Schedule and provided clarification of changes after Council inquiry.

- 3B.** Discuss a development proposal for Equest Therapeutic Horsemanship prior to the applicant seeking a formal zoning change for a 227.9 +/- acre tract of land generally located at the northeast Corner of Vinson Road and Stonewall Road. (30 minutes)

Erin Jones, Director of Development Services, provided background information for the property in which EQuest has expressed an interest. Patrick Bricker, CEO of EQuest presented a video outlining the EQuest program. Council expressed their consensus in support of this development. EQuest will pursue this issue and it will be brought before Council at a later date for consideration.

- 3C.** Discuss July 4th Celebration for 2014. (30 minutes)

Jermel Stevenson, Director of Parks and Recreation, reviewed last year's program and costs and inquired as to Council's direction for this next year. It was the consensus of Council to pursue a "headliner" entertainment act, maintain the quality of the fireworks show, and enlist local talent as opening acts.

4. DISCUSS CONSENT AGENDA ITEMS

CONVENE INTO THE COUNCIL CHAMBERS

Council reconvened at 7:35 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE

Both pledges were led by members of Cub Scout Troop #1020, who were in attendance at the meeting as part of learning about community leaders.

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Presentation of check for funds raised by Herfurth Elementary School to the Rowlett PARDners Foundation for the Kid's Kingdom Rebuild Project.

Councilmembers Bobbitt and Pankratz accepted a check from Herfurth Elementary Students. Funds were collected during a fundraising project held at the school, which included a silent auction of works of art.

- 5B.** Presentation of Proclamation in recognition of American Diabetes Month.

Councilmember Phillips presented the proclamation.

- 5C.** Hear a presentation on the City of Rowlett receiving the Government Finance Officers of American and Canada Certificate for Excellence in Financial Reporting.

Alan Guard, Director of Financial and Information Services, provided background information on this award and the City's receipt of it for the ninth straight year. Mr. Guard introduced the Accounting Staff who are responsible for the reporting, on which this award is based. Those present were: Tara Lopez, Brandie Gustafson, Wendy Badgett, Patricia Saenz, and Amanda Turner.

- 5D.** Hear Fourth Quarter Investment Report for September 30, 2013.

Mr. Guard presented the report.

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

Mayor Gottel announced the following: The next Council meetings will be held Tuesday, December 3rd and 17th; 5:30pm in City Hall Conference Room. The Tuesday, December 10th;

Work Session starts at 6pm in the Annex Conference Room. The Tuesday, November 26th Work Session has been Cancelled. The next Planning and Zoning Commission meetings will be Tuesday, December 10th, 6pm in the City Hall Conference Room. The Tuesday, November 26th meeting has been Cancelled. Stage 3 Water Restrictions are in effect and you may water once every two weeks effective November 1st. Rowlett named #1 Best Small city in America to Move to by real estate research blog, Movoto. Movoto created this list based on demographic & other data collected about cities with populations under 60,000. Sources included: U.S. Census, the Bureau of Labor Statistics, the FBI and their own real estate market data. Six criteria were surveyed: cost of living, crime, median household income, unemployment rate, median home price and homes for sale per capita. Movoto found: Rowlett's 57,703 residents earn a median household income of \$82,466 – 56% more than the national average. Crime in Rowlett is low – 42% below the national average. Homes cost about 19% less than the national average – \$161,400 median list price. One home on the market in Rowlett for every 164 people who live here. Unemployment in Rowlett is 6.3% – 12.5% below the national average. The Animal Shelter will be providing a low-cost vaccine clinic Saturday, November 23rd from 12:30-2:30 p.m. *November is a month of Thanks at the Library!* Recipe Sharing - Saturday, November 23rd, 2:00 p.m. in the Meeting Room - Fun for cooks of all ages! Get together with other cooking enthusiasts for a Recipe Swap. Bring a recipe you recommend. The library will compile a booklet of all the recipes for everyone to try out at home. Free for all ages. The Rowlett Public Library will be closing early on Wednesday, November 27th at 6pm and will be closed both Thursday, November 28th and Friday, November 29th in observation of the Thanksgiving Holiday. Watch for a special event "Trip to the North Pole" on December 7th at 3pm, in correlation with the Rowlett Main Street Fest and Holiday Parade! A very special guest from the North Pole will read Christmas stories, share a special treat and make the holiday season magical! Saturday Movie @ the Library: "The Polar Express" – Saturday, December 7th, 10:30 a.m. Families, kids, tweens and teens are invited to spend a Saturday morning watching a favorite movie and munching on popcorn at the Rowlett Public Library. Free for all ages, popcorn included. Caroling by the Lake Cities Chorale – Saturday, December 7th, 2:00 p.m. Make the season bright with caroling from the Lake Cities Chorale. Join in the fun or just listen as they sing traditional holiday favorites and new arrangements of seasonal classics. The Rowlett Public Library will close at 6 p.m. Monday, December 23rd and be closed Tuesday, December 24th and Wednesday, December 25th in observation of the December Holidays. Library will close at 6 p.m. on Tuesday, December 31st and be closed on Wednesday, January 1st. The Parks and Recreation Department will be hosting the Main Street Fest and Holiday Parade – free admission. Saturday, December 7th; 3:00 – 7:00pm on Main Street. Main Street comes alive with holiday sparkle, including children's activities, letter-writing to Santa, festival-style food, live music, photos with Santa (\$5) and lots of other fun! Make sure you grab your seat early on to watch the Noon Exchange Club's 27th Annual Holiday Parade, 4 – 5pm. Live music, including local school choirs, 3 – 6:30pm. Light Up Main kicks off with a fireworks show at 6:30pm. Parks & Recreation now offers a Sponsorship Catalog, which offers citizens and businesses an innovative opportunity to support our Community Parks. There are many levels to choose from – Bike Rack: \$300-\$600; Park Bench: \$900; etc... Sponsorships are tax deductible. For more information, call 972/412-6170. CITY OFFICES & WASTE MANAGEMENT CLOSED FOR THANKSGIVING. City offices closed Thursday & Friday,

November 28th & 29th. No trash pick-up on Thanksgiving Day, Thursday, November 28th. Trash pick-up will run one day behind, starting pick-up again on Friday, November 29th.

6. CITIZENS' INPUT

Ken Romaine, 3001 Larkin Lane, thanked citizens for their attendance at the fundraiser breakfast for Kids Kingdom, which was held at Applebee's on November 17th. The next breakfast will be on December 15th. The tickets are \$10 each and \$5 will go towards the rebuild of Kids Kingdom. The events are from 7:30am – 10:00am. Contact Wayne Baxter at 972-805-7626 for ticket and additional menu information. Mr. Romaine also commented on the road condition of Larkin Lane.

7. CONSENT AGENDA

7A. Consider approving minutes from the November 5, 2013, City Council Regular Meeting.

This item was approved on the Consent Agenda.

7B. Consider action to approve a resolution entering into an Interlocal Agreement with the City of Wylie for cooperative purchasing of goods and materials.

This item was approved as RES-103-13 on the Consent Agenda.

7C. Consider action to approve a resolution for professional services for plan review and inspections with Bureau Veritas North America, Incorporated in an annual amount not to exceed \$200,000.

This item was approved as RES-104-13 on the Consent Agenda.

7D. Consider action to accept the bid of and award a construction contract to Crescent Constructors, Incorporated for the total base bid in the amount of \$1,187,000 and an early completion bonus budget of \$15,000 for a total project amount of \$1,202,000 for the Castle Drive 24-Inch Water Main Project and authorize the Mayor to execute such agreement.

This item was approved as RES-105-13 on the Consent Agenda.

7E. Consider action to approve a resolution for transfer and dedication of certain right-of-way (ROW) land parcels between the North Texas Tollway Authority and City of Rowlett regarding a portion of the Eastern Extension of the President George Bush Turnpike and authorize the Mayor to execute the necessary documents for said transaction.

This item was approved as RES-106-13 on the Consent Agenda.

- 7F. Consider action to table a public hearing and consideration of an ordinance accepting the City's Impact Fee Study and setting the impact fee rates to the December 3, 2013, regular meeting.

This item was approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember 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 with a unanimous vote of those members present.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A. Consider action to approve a resolution appointing Brian Funderburk as the City Manager of the City of Rowlett, Texas under Section 4.01 of the Rowlett City Charter; approving an employment agreement for such appointment; and authorizing the Mayor to execute the necessary documents.

A motion was made by Councilmember Phillips, seconded by Councilmember Dana-Bashian, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was approved as RES-107-13.

Mr. Funderburk made some personal comments thanking Council and staff for their support.

- 8B. Conduct a public hearing and consider an ordinance approving a Planned Development Ordinance for property generally located west of Liberty Grove Road and east of Larkin Lane and Berryman Road, being 69.761 + acres, for a zoning change from the current Single Family 40 and Mixed Use North Shore zoning district to a Planned Development Zoning Overlay district for the purpose of primarily developing a single family residential development with ancillary garden office uses. (PD13-676)

This item was the last for individual consideration.

Garrett Langford, Principal Planner, presented the background information on this item.

There were 18 speakers during the public hearing who spoke in opposition to this item (except where noted): 1) Meredith Buhrow, 3210 Larkin Lane, Rowlett; 2) Dale Gilyard, 3402 Larkin Lane, Rowlett; 3) Janice Mangurten, 3205 Larkin Lane, Rowlett; 4) Lesley Perry, 3805 Toler Road, Rowlett; 5) Bruce French, 9001 Airport Freeway, North Richland Hills – Applicant (in

favor); 6) Keith Kysek, 3302 Larkin Lane, Rowlett; 7) Lloyd Osborn, 3114 Toler Road, Rowlett; 8) Ron Miller, 7315 Stonemeadow, Rowlett – agent for the owner (in favor); 9) Anthony Berends, 3110 Larkin Lane, Rowlett; 10) David Erickson, 3801 Toler Road, Rowlett; 11) Mark Wienties, 3301 Toler Road, Rowlett; 12) Penny Teter, 4506 Toler Road, Rowlett; 13) Craig Greer, 3201 Toler Road, Rowlett; 14) Leon Huseman, 3201 Larkin Lane, Rowlett; 15) Craig Mervine, 3202 Larkin Lane, Rowlett; 16) Dann Kowalski, 3510 Larkin Lane, Rowlett; 17) Hossain Makvandi, 3602 Larkin Lane, Rowlett; 18) Ken Romaine, 3001 Larkin Lane, Rowlett.

Council discussion regarding the North Shore Master Plan Initiative, which has just begun and the need to do different to get better.

A motion was made by Mayor Pro Tem Kilgore, seconded by Deputy Mayor Pro Tem Gallops, to approve the item as presented. The motion failed due to lack of meeting the Super-Majority* requirement with a vote of 4 in favor (Bobbitt, Gottel, Kilgore, Gallops) and 3 opposed (Phillips, Pankratz, Dana-Bashian).

*Due to more than 20% opposition to the proposal by property owners within the 200 feet notification requirement, this item would require a Super-Majority vote of a minimum of 6 in favor in order to pass.

- 8C.** Conduct a public hearing and consider an ordinance approving a rezoning request for property located at 3100 Merritt Road, to rezone from the existing Planned Development (ORD-052-06) Zoning District to the Urban Village Form Based Zoning District for the purposes of building a pedestrian-oriented, multi-family neighborhood to be governed by the City of Rowlett's Form Based Code. (FA13-673)

Erin Jones, Director of Development Services, along with Arti Harcheker, Urban Design Consultant, presented the background information. The public hearing opened and closed with no speakers. A member of Council commended staff and the developer for this project due to the difficulty with access to the property.

A motion was made by Councilmember Phillips, seconded by Councilmember Pankratz, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was approved as ORD-029-13.

- 8D.** Consider action to adopt an ordinance authorizing the issuance and sale of City of Rowlett, Texas, General Obligation Refunding Bonds, Series 2013; providing for the payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Marti Shew with First Southwest – investment consultants for the City of Rowlett, along with Leroy Grawunder of McCall, Parkhurst & Horton L.L.P. – Bond Counsel for the City, presented

the information regarding the bond sale. When asked, Ms. Shew stated First Southwest continues to monitor the City's debt looking at ways for saving opportunities.

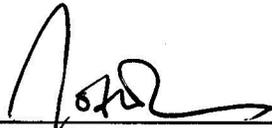
A motion was made by Deputy Mayor Pro Tem Gallops, seconded by Councilmember Phillips, to approve the item as presented. The motion carried with a unanimous vote of those members present. This item was approved as ORD-030-13.

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

No action was taken.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 p.m.



Todd W. Gottel, Mayor



Laura Hallmark, City Secretary

Date Approved: December 3, 2013