



City of Rowlett

Meeting Minutes

City Council

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

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Tuesday, May 15, 2012

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 Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

Absent: Mayor Gottel and Deputy Mayor Pro Tem Kilgore

1. CALL TO ORDER

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

CONVENE INTO EXECUTIVE SESSION

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

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

2A. Consideration and deliberation in closed Executive Session under the Texas Government Code, §551.071 (Consultation with City Attorney) and §551.087 (Economic Development), to discuss commercial information and economic development negotiations for development opportunities on the PGBT corridor at Lakeview Parkway and Merritt/Liberty Grove Interconnector intersections. (20 minutes)

2B. 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 regarding the Garland Public Shooting Range litigation. (10 minutes)

- 2C. The City Council shall convene in Executive Session pursuant to the Texas Government Code, §551.071 (Consultation with City Attorney), to discuss and consider settlement of pending litigation, City of Rowlett v. Michael Merritt. (5 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:55 p.m.

3. WORK SESSION ITEMS (6:05 P.M.)

- 3A. Discuss amending Chapter 50 ("Solid Waste") of the Code of Ordinances to establish the city as the sole provider of solid waste collection, hauling and disposal services and requiring a contract or permit to collect and haul solid waste. (10 minutes)

Staff gave the history of this item. Stated the ordinance wording needed to be clarified to better serve the citizens.

A member of Council questioned the impact on local businesses.

Staff stated the construction companies will be affected regarding roll-off containers; they will have to use the City's solid waste provider.

A member of Council asked if the term 'solid waste' included 'grease traps'.

The City Attorney answered in the affirmative.

- 3B. Discuss a Settlement Agreement and Release to HDR, Inc. for the costs associated with an error and omissions in the construction plans for the Rowlett Road Lift Station which resulted in additional work by Legacy Contracting, LP, for the adjustment of the pump hoist and monorail system and replacement of a sanitary sewer submersible pump in the amount of eighty-three thousand one hundred ninety-one dollars and eighty-seven cents (\$83,191.87) resulting in HDR, Inc. providing settlement costs for said services to the City of Rowlett for the change orders in the Rowlett Road Lift Station Project. (10 minutes)

Staff spoke regarding the error in the design of the construction plans. Stated HDR, Inc. has agreed to pay for the expense of one pump and the changes in the monorail system. Stated the Settlement Agreement would release HDR, Inc. of further obligations.

A member of Council voice concerns as to why the City would not wait to settle until after the project is completely finished.

Staff stated the amount agreed upon covers all of the costs including all corrective modifications.

- 3C. Discuss contracts/purchase orders to replace approximately 825 linear feet of the deteriorated 30-inch Lake Ray Hubbard Outfall Sewer pipeline and associated manholes as required in a total amount not to exceed three hundred thousand dollars and no cents (\$300,000.00) to Wright Construction; and authorizing the Mayor to execute the Standard Public Works Construction Contract for said services; and authorizing the City Manager to issue purchase orders as necessary for said services to prevent complete failure of the pipeline. (20 minutes)

Staff spoke regarding the Chiesa Road/Schrade Road manhole. Spoke regarding three 30-inch pipeline replacement options including: Insituform Cured-In-Place Liner; remove and replace the existing line in its current location; and to put in a parallel line adjacent to the existing 30-inch pipeline. Stated installing the parallel line is the correct replacement option.

Staff stated by closing the previous project on Rowlett Road, money was freed up to cover this repair.

Due to the speed with which this project needs to begin, staff requested the City Manager, with the Mayor's designation, have authorization to execute the necessary paperwork to begin the project.

The Council was in agreement to allow the City Manager to execute the necessary paperwork for this project.

A member of Council asked if installing a parallel line would exacerbate the issues with the current pipeline.

Staff answered in the negative.

Staff stated once this portion of pipeline is replaced, due to the level of deterioration, the additional 925 linear feet should be rehabilitated using cure in place pipe. In addition, TV inspection should be made of the balance of the outfall line to the East Side Lift Station to determine the amount of deterioration along those segments.

Adjourned the Work Session to begin the Regular meeting. Continued discussion following the Consent Agenda (8:51 p.m.).

- 3D. Staff from the Planning Division will provide an update regarding the Realize Rowlett 2020 Phase II process. (10 minutes)

Staff gave a brief update on the process. Stated staff is currently working on upcoming meetings including property owner meetings, public input meetings, the Council Joint meeting,

the Advisory meeting and the Downtown meeting. Spoke concerning the feedback from the Downtown meetings. Spoke concerning setting up a series of internal meetings for Formed-Based Codes (FBC). Stated the final draft of the FBC should be completed in June and will be brought before the Council in July. The Blue-Ribbon Committee will meet between July 12th and the adoption of the FBC. Stated a 3rd Joint Meeting has been added for June 23rd to have a final opportunity to make changes to the FBC. Stated a tour will be scheduled in July.

A member of Council asked if new citizens are getting involved.

Staff answered in the affirmative.

A member of Council stated staff needs to emphasize how much land is left for development.

Staff stated they are emphasizing the amount of the remaining undeveloped land.

3E. Discuss Mid-Year Update of the FY 2012 Workplan. (60 minutes)

Staff spoke regarding the seven goals of the organization. They are as follows:

- Improve Relations with Citizens to Establish Community Good Will and Trust
- Create an Organization that Embraces Innovation and Creates Opportunities to Improve Efficiencies and Effectiveness
- Ensure Citizens Receive the Value of their Investment
- Establish a Customer Centered Organization by Serving Its External and Internal Customers
- Enhance Employee Culture and Morale to Create an Environment Where Employees are Valued and Have a Sense of Pride
- Create a Sustainable Organization Ensuring the Right Resources to the Right Place at the Right Time
- Install a Sense of Pride and Ownership in our Community

Spoke concerning volunteerism; engaging the community; introduced the new members of the Executive Team; the accreditation process for the Parks and Recreation Department, Fire Rescue and the Police Department; software implementations; the State of the Utility System Report; High Tech Accident Mapping equipment; third party building inspections; the process for solid waste collection; the injunction against Garland Public Shooting Range; programs at the Library and the Parks and Recreation Department; the City's financial stewardship; various academies for the citizens of Rowlett; improvements to the Wet Zone; economic growth; advocating for the citizens concerning the President George Bush Turnpike, DART and the While You Wait Afterschool Program; the compensatory time increases for Fire Rescue and Police Department; Realize Rowlett 2020; development code improvements; capital improvement projects; preparing for the Stage 4 watering restrictions; mid-year partial self funding insurance update; the City's Wellness Program; fleet replacement; projects from Leadership Rowlett and the local Boy Scouts; the gazebo donation for Veterans Park from Keep Rowlett Beautiful; and the Safe Routes to School Programs.

Members of Council commented on the many accomplishments; stated the achievements are organizational wide. Expressed praise for the City's efforts to communicate with the community, for acting on problems immediately and for focusing on doing things right.

4. DISCUSS CONSENT AGENDA ITEMS

Item 7H 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 Pastor Steven Leatherwood, First Baptist Church of Rowlett.

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 Mayor Pro Tem Phillips.

5. PRESENTATIONS AND PROCLAMATIONS

5A. Proclamation recognizing the week of May 19 – 25, 2012 as National Safe Boating Week.

Councilmember Pankratz presented the Coast Guard Auxiliary with a proclamation recognizing National Safe Boating Week.

5B. Proclamation recognizing Rowlett CERT Explorer Post 1 for their first place finish in the Dallas Fire Games 2012 Explorer competition on May 5, 2012.

Councilmember Gallops presented the Rowlett CERT Explorer Post 1 members with proclamations recognizing their accomplishment and thanked the members of Fire Station No. 3 for their willingness to provide the necessary training.

5C. Proclamation recognizing the week of May 20 – 26, 2012 as National Public Works Week.

Councilmember Davis presented Director Proce and employees of the Public Works Department with a proclamation recognizing National Public Works Week.

5D. Hear presentation of the Monthly Financial Report for the period ending March 31, 2012.

Staff gave a presentation regarding the Monthly Financial report for the period ending March 31, 2012. Spoke regarding Revenues, Sales Taxes; Property Taxes; Water Fees; Sewer Fees; Expenditures and various Funds.

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

Members of Council and Management gave a brief update to the Council on the various activities in the City including the City of Rowlett being named Playful City USA for the third time; Early Voting for the May 29th Primary Election began May 14th and will continue through May 25th; the Animal Shelter will host a low-cost vaccination clinic on May 19th beginning at 12:30 p.m.; the Wet Zone opens May 19th for weekends only and will open daily on June 4th; the Memorial Day Touch-A-Truck Event will be held on the Downtown Front Lawn on May 26th beginning at 10:30 a.m.; and the Library will host Red, White and Blue in the Library Too! on May 26th beginning at 10:00 a.m.

6. CITIZENS' INPUT

1. Donald Smith, 520 E. Corporate Drive, Lewisville – Spoke concerning Item 7B. Mr. Smith thanked staff for the process in which they handled all of the solid waste vendors and stated it is a privilege that the City has put its trust in Waste Management.
2. Grady Nippert, 1317 Brookfield Drive, Rowlett – Publically thanked Dennis Abraham, City Engineer, for his assistance with an issue.

7. CONSENT AGENDA

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

The Interim City Secretary read the items into the record.

7A. Consider approving minutes from the April 19, 2012 Joint Council Work Session Meeting and the May 1, 2012 City Council Regular Meeting.

This item was approved on the Consent Agenda.

- 7B. Consider action to approve a resolution awarding the proposal to Waste Management Company for solid waste services for the City of Rowlett and authorizing the City Manager to enter into an agreement after City Attorney approval.

This item was approved as RES-051-12 on the Consent Agenda.

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

This item was approved as RES-052-12 on the Consent Agenda.

- 7D. Consider action to approve a resolution awarding the response for medical control and continuing education for Fire Rescue to The Medical Center of Plano and authorizing the City Manager to enter into an agreement for said services.

This item was approved as RES-053-12 on the Consent Agenda.

- 7E. Consider action to approve a resolution awarding the bid for Kyle Road Box Culvert Reconstruction to Platinum Paving for a contract price of six hundred and fifty-eight thousand three hundred and forty-seven dollars and no cents (\$658,347.00) that included bid alternates of seven thousand nine hundred and sixty-five and no cents (\$7,965.00) for trench backfill of storm and sanitary sewer, and approve a total project amount of seven hundred twenty-four thousand one hundred and eighty-one dollars and seventy cents (\$724,181.70) which includes a 10% contingency.

This item was approved as RES-054-12 on the Consent Agenda.

- 7F. Consider an ordinance authorizing contracts/purchase orders to replace approximately 825 linear feet of the deteriorated 30-inch Lake Ray Hubbard Outfall Sewer pipeline and associated manholes as required in a total amount not to exceed three hundred thousand dollars and no cents (\$300,000.00) to Wright Construction; and authorizing the Mayor to execute the Standard Public Works Construction contract for said services; and authorizing the City Manager to issue purchase orders as necessary for said services to prevent complete failure of the pipeline.

This item was approved as ORD-011-12 on the Consent Agenda.

- 7G. Consider action to approve a resolution authorizing the City Manager with approval from City Council to execute a Settlement Agreement and Release to HDR, Inc. for the costs associated with an error and omissions in the construction plans for the Rowlett Road Lift Station which resulted in additional work by Legacy Contracting, LP, for the adjustment of the pump hoist and

monorail system and replacement of a sanitary sewer submersible pump in the amount of eighty-three thousand one hundred ninety-one dollars and eighty-seven cents (\$83,191.87) resulting in HDR, Inc. providing settlement costs for said services to the City of Rowlett for the change orders in the Rowlett Road Lift Station project.

This item was approved as RES-055-12 on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilmember Gallops, seconded by Councilmember Davis, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by the following vote:

Ayes: 5 Mayor Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

Absent: 2 Mayor Gottel and Deputy Mayor Pro Tem Kilgore

- 7H.** Consider action to approve a resolution authorizing the Mayor to sign a Special Warranty Deed Affidavit of Correction in order to correct an incorrect legal description originally approved on October 17, 2006 in conjunction with purchasing property for future fire station #2.

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

Councilmember Pankratz made a motion to accept the agenda item as read with the one exception that the correction affidavit would be modified to replace the word "non-material" with "material" in paragraph 4 of the affidavit, seconded by Councilmember Gallops. This item was approved as RES-056-12 on the Consent Agenda.

Ayes: 5 Mayor Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

Absent: 2 Mayor Gottel and Deputy Mayor Pro Tem Kilgore

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A.** Receive public comment and consider action to adopt a resolution approving a Communications Facilities License Agreement with and the lease of property to New Cingular Wireless PCS, LLC for the installation, housing, and operation of a ninety-five foot monopole tower and associated antenna, cables and ground-based equipment cabinet at 9310 Merritt Road, and authorizing the City Manager to sign.

Mayor Pro Tem Phillips read the item into the record.

Staff gave a brief history on this item.

Public comment opened at 8:18 p.m. and closed at 8:20 p.m. with one person speaking.

1. Jeremy Baldwin, 1901 Rural Lane, Dallas, a representative from Graphic Communications, made himself available to answer any questions.

City Attorney Berman stressed the final design plans must be filed with the City.

Mr. Baldwin ensured the final design plans would be made available to the City.

A motion was made by Councilmember Pankratz, seconded by Councilmember Davis, to approve the item as read. This item was adopted as RES-057-12. The motion carried by the following vote:

Ayes: 5 Mayor Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

Absent: 2 Mayor Gottel and Deputy Mayor Pro Tem Kilgore

- 8B.** Conduct a public hearing and consider approving an ordinance amending Sections of the Rowlett Development Code pertaining to signs, specifically Section 77-512 "Signs", Section 77-906 "Nonconforming signs", and Section 77-1105 "Other terms defined".

Mayor Pro Tem Phillips read the item into the record.

Staff gave a brief history on this item.

The public hearing opened and closed at 8:37 p.m. with no one speaking.

A motion was made by Councilmember Gallops, seconded by Councilmember Davis, to approve the item as read with the inclusion of the recommendation made by the Planning and Zoning Commission to adopt the proposed revision with the change that "No window signage be allowed above the first floor except in multi-level facilities that have direct exterior entries". This item was adopted as ORD-012-12. The motion carried by the following vote:

Ayes: 5 Mayor Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

Absent: 2 Mayor Gottel and Deputy Mayor Pro Tem Kilgore

- 8C. Conduct a public hearing and consider action on a rezoning request to approve revised Planned Development zoning with an underlying Light Manufacturing (M-1) base zoning for property located at 3300 Enterprise Drive, to accommodate the expansion of an existing light manufacturing business at this location. (PD12-581)

Mayor Pro Tem Phillips read the item into the record.

Staff gave a brief history on this item.

The public hearing opened and closed at 8:44 p.m. with no one speaking.

A motion was made by Councilmember Gallops, seconded by Councilmember Pankratz, to approve the item as read. This item was adopted as ORD-013-12. The motion carried by the following vote:

Ayes: 5 Mayor Pro Tem Phillips, Councilmember Davis, Councilmember Pankratz, Councilmember Miller and Councilmember Gallops

Absent: 2 Mayor Gottel and Deputy Mayor Pro Tem Kilgore

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

No actions were taken following the Executive Session items.

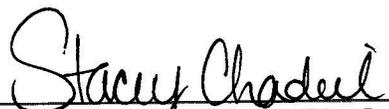
At this time, Council returned to the City Hall Conference Room to continue the Work Session (8:45 p.m.)

9. **ADJOURNMENT**

Mayor Pro Tem Phillips adjourned the meeting at 10:02 p.m.



Doug Phillips, Mayor Pro Tem



Stacey Chadwick, Interim City Secretary

Date Approved: June 5, 2012