



City of Rowlett

Meeting Minutes

City Council

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

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Tuesday, February 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 the meeting 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) and §551.087 (Economic Development) to seek legal advice and discussion pertaining to a potential Economic Development Incentive Agreement with Pat Gerald/Rick Bosworth Partnership located at 7000 Chiesa Road. (20 minutes)
- 2B. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice and discussion pertaining to a facilities agreement for the Trails of Cottonwood Creek as it relates to sewer improvements. (20 minutes)

The Work Session followed this item.

- 2C. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) and §551.087 (Economic Development) to seek legal advice and discussion pertaining to a potential Economic Development Incentive Agreement with Arcadia Realty located at The Homestead at Liberty Grove. (60 minutes) (NOTE: THIS EXECUTIVE SESSION WILL NOT OCCUR UNTIL AFTER THE REGULAR SESSION.)

This item followed the Individual Consideration portion of the meeting. Reconvened into Executive Session at 8:16 p.m.

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:07 p.m.

Councilmember Kilgore arrived at 7:00 p.m.

3. WORK SESSION ITEMS

- 3A. Discussion of the proposed City Charter revisions as presented by the Charter Review Commission. (30 minutes)

Laura Hallmark, City Secretary presented the Council with the recommendations made by the Charter Review Commission. The recommendations include: term limits, the recall process, the addition of the City Prosecutor position and a City Ombudsman position, and conformance with State Law.

The recommendation regarding term limits is based on the following: learning curve, institutional knowledge, long-term planning, regional boards, and eligibility for re-election.

Members of Council did not feel it was the right time for this item to be placed on a ballot.

The recommendation regarding the recall provision is to streamline the recall process.

A majority of the Council did not feel it was the right time for this item to be placed on a ballot.

Staff stated the same recommendations can be revisited at a later date.

A consensus was reached by the majority of Council to revisit the recommendations next year in time to be considered for the May 2014 Election.

3B. Update on July 4th Fireworks on Main Event. (25 minutes)

Jermel Stevenson, Director of Parks and Recreation, gave a brief presentation regarding this item. Spoke regarding tourism as defined within the City, including: Paddle Point Park, the Wet Zone Water Park, Waterview Golf Course and the Downtown Event Series. Spoke regarding the attendance history of the Fireworks on Main Event. Stated the 2013 attendance is projected to be 20,000 visitors with an approximate economic impact of \$105,000 with a return on investment of 350%. Stated the headliner for this event will be Mary Wilson of the Supremes. Staff spoke concerning sponsorship and capitalizing on the headliner.

Item 3D followed this item.

3C. Discuss a resolution authorizing the City Manager to enter into an agreement with Townscape, Inc. for Urban Design Officer (UDO) review fees associated with the implementation of the City of Rowlett Form Based Code in an amount not to exceed \$100,000.00. (15 minutes)

This item followed Item 3F.

Erin Jones, Director of Planning and Zoning, gave a brief presentation of this item. Staff noted on June 5, 2012, the City Council amended the Master Fee Schedule to include a UDO Fee of \$220.00 per hour. The proposed resolution is a formal agreement with Townscape, Inc. for Urban Design Officer review fees associated with the implementation of the City of Rowlett Form Based Code in an amount not to exceed \$100,000.00. Stated the UDO fees are largely a pass through cost. However, there will be instances where staff will have interpretation questions beyond those associated with a particular project.

3D. Discuss a resolution authorizing the City Manager to enter into an agreement with Kimley-Horn and Associates to update the City's Impact Fee study as required by State Law. (30 minutes)

This item followed Item 3B.

Erin Jones, Director of Planning and Zoning, gave a brief presentation of this item. The last detailed study of the City of Rowlett's fees was conducted in 2004. There is a provision in the code that allows cities to "*determine that no update of land use assumptions, CIP, or Impact fees is needed*". This provision allows for an abbreviated public notice process. The City of Rowlett used this provision for the required update in 2008. Per State Law, the City is required to study and update its impact fees again in 2013.

In light of the recent adoption of the Realize Rowlett 2020 Comprehensive Plan and associated Form Based Code rezonings, this required update comes at an ideal time. The City's land use assumptions have changed significantly. These changes will affect the City's water, wastewater, and roadway needs in the future. These needs and the associated projects must be accurately reflected in the study in order to be deemed legally eligible to spend impact fees on. In addition,

in recent months the current impact fee schedule has become a deterrent to development within the City and should be reviewed for the sake of the City's economic development goals. For example, in 2004 and 2008 multifamily developments were not a desired product type within the City. However, now they are considered a target housing type. This is one example of where the City's current impact fees are not in line with surrounding cities, and as such, serve to be a barrier to desired development.

Due to the importance of this project and desired timeline for completion, staff has been working behind the scenes to compile the required land use assumption report necessary to perform the study, compile all relevant water/wastewater studies, traffic counts, etc. This will save a significant amount of time and cost once the contract is executed. With that said, staff anticipates the entire process will take approximately six months. Six months is considered an expedited process, as the public hearing process alone is required by law to take three months.

A member of Council asked if we could review the project costs and possibly receive bulk pricing.

Staff answered in the negative.

- 3E. Consider a funding commitment resolution for a proposed senior community to be constructed in the 5500 block of Old Rowlett Road, City of Rowlett, Dallas County, Texas and authorizing Rowlett 2013 Senior Community, L.P. to apply to the Texas Department of Housing and Community Affairs (TDHCA) Tax Credit Program for funding of such senior community. (20 minutes)

It was noted the correct name of the entity is Rowlett 2012 Senior Community, L.P.

Staff made a brief presentation regarding this item. Stated Churchill Residential is requesting a funding commitment resolution from the City.

Brad Forslund with Churchill Residential, spoke regarding the proposed product and location site. Stated there are 136 planned units, identical to what was proposed in 2012. Spoke regarding the age restriction requirement, as well as deed restrictions and leases. Spoke regarding senior wellness activities and the proposed community's impact on traffic.

Staff spoke as to structure of the resolution, in light of TDHCA's requirements from the competitive standpoint to qualify for the tax credits. Stated the State has changed the requirements relative to receiving competitive points for funding sources for projects. In the past, applicants received competitive points for securing funding through County and Regional Housing Finance Corporations. Under the 2013 TDHCA guidelines, these entities no longer qualify. Only qualified Political Sub-Divisions (City of Rowlett in this case) can provide a funding commitment resolution. The City of Rowlett has a policy for economic development incentives and is authorized under Chapter 380, Texas Local Government Code, to provide economic

development loans and grants to promote economic development and to stimulate business and commercial activity.

Staff continued by stating this resolution is contingent on several items to occur prior to the City entering into an Economic Development Incentive Agreement, including applicant's receipt of commitment of tax credits for the project from TDHCA. It is the City's intent to assign the loan to First Southwest to assume all obligations and liabilities associated with said loan.

A member of Council suggested to staff to use a different word than "loan" as the City is not actually lending money to the entity.

Staff stated the language would be clear in the 380 Agreement.

It was stated that State requirements necessitate this type of resolution structure.

- 3F. Discuss a resolution of the City of Rowlett, Texas amending the City's Policy Statement for Economic Development Incentives. (10 minutes)

Lynda Humble, City Manager, stated this item expands the City's ability to utilize the 380 Agreement in a way that wasn't authorized by law when the resolution was originally created.

Item 3C followed this item.

4. **DISCUSS CONSENT AGENDA ITEMS**

Item 7G 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 7:37 p.m.

INVOCATION

The invocation was led by Mayor Gottel.

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 City Council.

5. PRESENTATIONS AND PROCLAMATIONS

- 5A. Proclamations recognizing the 2013 Rowlett Arts and Humanities Commission Young Artists Exhibit winners.

Councilmember Pankratz, along with Arts and Humanities Commissioners Jerry Hickman and Jerry Barshop, presented proclamations and award checks to the winners of the Youth Artists Exhibit.

- 5B. Proclamation recognizing February 17 through February 23, 2013 as Engineers Week.

Mayor Pro Tem Phillips presented a proclamation recognizing Engineers Week to Tom Harris, Interim City Engineer.

- 5C. Presentation/Recognition of two Police Sergeants promoted on February 14, 2013.

Chief Brodnax recognized Sergeants Greg Baldwin and Kevin Harrelson on their promotions.

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

Mayor Gottel gave a brief update to the Council on the various activities in the City including the next Planning and Zoning Commission meeting will be held on Tuesday, February 26th; the next City Council meetings will be held on Tuesday, March 5th and 19th; the deadline to apply for a place on the 2013 ballot will be Friday, March 1st; the last day to register to vote in the May Election is Thursday, April 11th; the Animal Shelter will host a Pet Adoptathon on Saturday, February 23rd from 10:00 a.m. to 5:00 p.m.; a Low Cost Animal Vaccination Clinic will be held at the Animal Shelter on Saturday, February 23rd beginning at 2:00 p.m.; Warrant Recall Day is Friday, March 1st from 9:00 a.m. to 1:00 p.m.; the Great Texas Warrant Roundup will take place the week March 2nd – 9th; the Rowlett Library will host Tech Ed will present Online Picture Sharing on Wednesday, February 20th beginning at 6:30 p.m., a Celebrating Black History Month event will be held Saturday, February 23rd and March 2nd beginning at 2 p.m.; and the Spring Lakeside Leisure is now available.

6. CITIZENS' INPUT

1. Jennifer Glick, 3010 Weems Way, Rowlett – Spoke concerning the Rowlett Animal Shelter billboard located on the President George Bush Turnpike.

7. CONSENT AGENDA

Item 7G 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 February 5, 2013, City Council Regular Meeting.

This item was approved on the Consent Agenda.

- 7B. Consider action to approve a resolution authorizing the termination of ambulance billing and collection services with Advanced Data Processing, Incorporated (D/B/A ADPI-Intermedix) and authorizing the agreement with Emergicon for EMS billing/collection services and electronic patient care reporting for the City of Rowlett through the Interlocal agreement with the City of Coppell.

This item was approved as RES-015-13 on the Consent Agenda.

- 7C. Consider action to approve a resolution to approve the application for a Texas Criminal Justice Division (CJD) Grant to purchase 20 P25 mobile radios.

This item was approved as RES-016-13 on the Consent Agenda.

- 7D. Consider action to approve a resolution to approve the application for a Texas Criminal Justice Division (CJD) Grant to purchase a Crash Data Retrieval System.

This item was approved as RES-017-13 on the Consent Agenda.

- 7E. Consider action to approve a resolution awarding a bid to APAC-Texas, Incorporated for installation of asphalt level up and overlay street improvements in an annual amount of \$369,309.91 through the Interlocal Cooperative Purchasing Agreement with Dallas County.

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

- 7F. Consider a resolution authorizing the City Manager to enter into an agreement with Townscape, Inc. for Urban Design Officer review fees associated with the implementation of the City of Rowlett Form Based Code in an amount not to exceed \$100,000.00.

This item was approved as RES-019-13 on the Consent Agenda.

- 7G. Consider a resolution approving a facilities agreement for the Trails of Cottonwood Creek as it relates to sewer improvements for property generally located at the northeast Corner of Vinson Road and Stonewall Road, being 227.9± acres situated in the Williams Blevins Survey (Dallas County Abstract Number 8), a part of the M. L. Price Survey (Dallas County Abstract 1115 and Rockwall County Abstract Number 257), a part of the Elisha Price Survey (Dallas County Abstract Number 1114 and Rockwall County Abstract Number 256), a part of the Atkinson Clements Survey (Dallas County Abstract Number 255), City of Rowlett, Dallas and Rockwall County, Texas.

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 Deputy Mayor Pro Tem Gallops, to deny the item as read. The motion carried by the following vote:

Ayes: 5 – Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Pankratz and Councilmember Miller

Abstain: 1 – Councilmember Kilgore

- 7H. Consider a resolution authorizing the City Manager to enter into an agreement with Kimley-Horn and Associates to update the City's Impact Fee study as required by State Law.

This item was approved as RES-020-13 on the Consent Agenda.

- 7I. Consider a funding commitment resolution for a proposed senior community to be constructed in the 5500 block of Old Rowlett Road, City of Rowlett, Dallas County, Texas and authorizing Rowlett 2013 Senior Community, L.P. to apply to the Texas Department of Housing and Community Affairs (TDHCA) Tax Credit Program for funding of such senior community.

This item was approved as RES-021-13 on the Consent Agenda.

- 7J. Consider a resolution of the City of Rowlett, Texas amending the City's Policy Statement for Economic Development Incentives.

This item was approved as RES-022-13 on the Consent Agenda.

- 7K. Consider approving an Order calling the General Election for Saturday, May 11, 2013, to elect the Mayor and Councilmembers for Place Two, Place Four and Place Six and any possible resulting run-off election to be held on Saturday, June 8, 2013.

This item was approved on the Consent Agenda.

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. A correction was noted in Item 7I, correcting the entity name change to Rowlett 2012 Senior Community, L.P. The motion carried by a unanimous vote of those members present.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A. Consider an ordinance calling a Special Election to consider propositions amending the Rowlett City Charter to be held on Saturday, May 11, 2013.

Mayor Gottel read the item into the record.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Pankratz, to withdraw the item from consideration. The motion carried by the following vote:

Ayes: 4 – Mayor Gottel, Mayor Pro Tem Phillips, Councilmember Pankratz and Councilmember Miller

Noes: 2 – Deputy Mayor Pro Tem Gallops and Councilmember Kilgore

At this time (8:09 p.m.), the Council resumed the Executive Session portion of the meeting with Item 2C.

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

No actions were taken following the Executive Session items.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 9:48 p.m.



Todd W. Gottel, Mayor



Laura Hallmark, City Secretary

Date Approved: March 5, 2013