



City of Rowlett

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

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

Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

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.
- 5B.** Presentation of Proclamation in recognition of American Diabetes Month.
- 5C.** Hear a presentation on the City of Rowlett receiving the Government Finance Officers of American and Canada Certificate for Excellence in Financial Reporting.
- 5D.** Hear Fourth Quarter Investment Report for September 30, 2013.
- 5E.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

6. CITIZENS' INPUT

At this time, three-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. No action can be taken by the Council during Citizens' Input.

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.

- 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)

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)

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.

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.