



CITY OF ROWLETT  
CITY COUNCIL  
MEETING MINUTES

*Our Vision: A well-planned lakeside community of quality neighborhoods, distinctive amenities, diverse employment, and cultural charm. Rowlett: THE place to live, work and play.*

Tuesday, January 4, 2022

6:15 P.M.

Municipal Building

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 Dana-Bashian, Mayor Pro Tem Grubisich, Deputy Mayor Pro Tem Sherrill, Councilmember Margolis, Councilmember Laning, Councilmember Bell and Councilmember Brown**

**1. CALL TO ORDER**

Mayor Dana-Bashian called the meeting to order at 6:15 p.m.

**2. EXECUTIVE SESSION**

**2A.** The City Council shall convene into Executive Session pursuant to Texas Government Code, §551.071 (Consultation with Attorney) and §551.087 (Economic Development) to seek legal advice from the City Attorney and to discuss commercial or financial information that the City has received from a business prospect that the Council seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations, regarding the North Shore Center for Commerce and Industry. (30 minutes)

In Executive Session at 6:18 p.m. Out at 6:56 p.m.

**2B.** The City Council shall convene into Executive Session pursuant to Texas Government Code, §551.071 (Consultation with Attorney), to seek legal advice from the City Attorney regarding franchise fees and video streaming services. (15 minutes)

In Executive Session at 6:56 p.m. Out at 7:03 p.m.

**3. WORK SESSION (7:00 P.M.)\* Times listed are approximate.**

City Council may receive public input on the following items:

- 3A.** Discuss the City’s participation in litigation relating to the collection of franchise fees from video streaming service providers, and the engagement of outside counsel. (15 minutes)

In-person comments provided by the following speakers: Debra Shinder

Mayor Pro Tem Grubisich read into the record comments received via email from the following:

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|-------------------|------------------|
| 1. Ken Romain     | 3. Kriss Walcutt |
| 2. Stacey Simikic | 4. Mark Hemphins |

Brian Funderburk, City Manager, provided the information for this item. David Berman, City Attorney, provided additional information. After further discussion, it was the consensus of Council to participate in the legal action. An action item is listed on this meeting’s Consent Agenda.

- 3B.** Discuss the establishment of a Stakeholder Engagement Group to guide, solicit and review public input for the update of the Rowlett Development Code and Form-Based Code. (15 minutes)

Alex Koenig, Planning Manager, and Munal Mauladad, Managing Director of Community Development and Engineering, provided the information for this item. After further discussion, Councilmembers will submit to staff names of individuals who might have an interest in participating. Staff will bring this item back at a future Work Session for more discussion.

**4. DISCUSS CONSENT AGENDA ITEMS**

After a short break at 7:34 p.m., Council reconvened at 7:42 p.m.

**INVOCATION** – Larry Traylor, Church in the City

**PLEDGES OF ALLEGIANCE** – led by Council

**CONVENE REGULAR SESSION (7:30 P.M.)\*** Times listed are approximate.

**5. PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Mayor’s State of the City Address.

Due to unforeseen circumstances, the video was unable to be presented at this meeting. It will be presented at the Chamber of Commerce Luncheon on January 12, 2022 and will be readily available on the City’s website afterwards.

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

Deputy Mayor Pro Tem Sherrill made the following announcements:

The Residential Safe Room Rebate Program helps homeowners who wish to mitigate risk to tornadoes, straight-line winds and hail by installing a residential safe room. Applications being accepted through April 1, 2022. Rebates are considered on a first-come, first-served selection process. This program is not retroactive and applies to qualifying costs up to \$3,000 or 50% – whichever is less.

Are you interested in participating in the Capital projects process? The City Council is now accepting applications for residents who wish to serve on the ad hoc Bond Committee. Deadline is January 28th and interviews will be conducted February 3rd and/or February 5th – depending on the number of applications received.

Planned server maintenance beginning at 6pm, Friday January 14 will affect weekend operations in several City facilities – namely the Rowlett Community Centre, Library and the Animal Shelter. Visit the City's website for more details.

Have you been pondering what it's like on this side of the dais? The upcoming City Council election is May 7th. Positions on the ballot will be Mayor and Councilmember Places 2, 4 and 6. You may request a City Council Candidate Guide from the City Secretary's Office on the City's website. Filing period begins Wednesday, January 19th.

Notify Me is an email subscription to all things City of Rowlett – meeting agendas, minutes, newsletters and special events. You can specify which notifications you wish to receive or sign up for all of them. You could ensure you receive the Friday @ 5, which is chock full of City-related information.

For more information on these and all other City-related events, please visit Rowlett.com or call the Action Center at 972-412-6100.

All City facilities, with the exception of emergency services, will be closed Monday, January 17th in observance of Martin Luther King, Jr. Day. Trash collection will follow the regular schedule.

Councilmember Brown announced the following:

Keep Rowlett Beautiful (KRB) is collecting statistics on Rowlett organizations and volunteer efforts for the submission for the Governor's Community Achievement award. KRB has been a recipient of this award in the past and a large part of that is the tremendous pool of volunteers the City has. Please visit [www.keepprowlettbeautiful.org](http://www.keepprowlettbeautiful.org) or call KRB at 972-463-3929.

Councilmember Bell announced the following:

Free informative presentation sponsored by the Senior Advisory Board, "Say No to Scams," presented by the Rowlett Police and Information Technology Departments is open to everyone and will be held on Tuesday, January 11<sup>th</sup> at 1:00 p.m. at the Rowlett Community Centre. Call 972-412-6170 for more information.

## 6. CITIZENS' INPUT

1. John Skola, Rowlett; garage door Planned Development update
2. Dave Holl, Rowlett; Lakeside Park restrooms

Mayor Pro Tem Grubisich read into the record comments received via email from the following:

1. Terry Millican, Rowlett; 12/14/2021 Planning and Zoning Commission meeting

## **7. CONSENT AGENDA**

### **7A. Consider approving the minutes.**

Consider action to approve minutes from the following City Council meeting(s): December 14, 2021 Special Meeting.

**This item was approved on the Consent Agenda.**

### **7B. Consider a resolution approving legal proceedings for nonpayment of franchise fees.**

Consider action approving a resolution authorizing the City's participation in legal proceedings against video streaming service providers for nonpayment of Franchise Fees, and the engagement of McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC for legal services under a contingent fee contract contingent upon approval of the contract by the Office of the Attorney General of Texas pursuant to Section 2254 of the Texas Government Code.

**This item was approved on the Consent Agenda as RES-001-22.**

### **7C. Consider a resolution approving payment for water service fees.**

Consider action to approve a payment to the Texas Commission on Environmental Quality (TCEQ) for Services to Drinking Water System fees for the City of Rowlett in the amount of \$50,521.45.

**This item was approved on the Consent Agenda as RES-002-22.**

### **7D. Consider a resolution approving the purchase of water meters and associated equipment.**

Consider action to approve a resolution for the purchase of 1,476 Sensus water meters and 864 Meter Transceiver Units (MXUs) from Aqua Metric Sales Company in the amount of \$588,130.86.

**This item was approved on the Consent Agenda as RES-003-22.**

### **7E. Consider a resolution approving the purchase of equipment for the Public Works Department.**

Consider action to approve a resolution accepting the bid of and awarding contracts for the purchase of one EnviroSight Rovver X Camera from Green Equipment Company through BuyBoard Contract #593-19, in the amount of \$144,862; and one 2021 Wachs Single Turner Valve Trailer from E.H. Wachs through BuyBoard Contract #597-19 in the amount of \$69,968.75 for a total amount of \$214,830.75.

**This item was approved on the Consent Agenda as RES-004-22.**

**7F. Consider a resolution approving the purchase of equipment for the Public Works and Parks and Recreation Departments.**

Consider action to approve a resolution approving the purchase of vehicles and equipment in the total amount of \$763,345.60 from the Vehicle and Equipment Replacement Fund (VERF) utilizing BuyBoard, Sourcewell and TIPS contracts and a sole source vendor: one (1) Deutz Tier 4 Vermeer Chipper BC1000XL from Vermeer Texas-Louisiana; two (2) Silent Messenger Board Trailers II-SS IRT from Solar Technology, Inc.; two (2) Bobcat Carts from Bobcat of North Texas – Fort Worth; one (1) 289D3 Compact Track Loader with a Broom and Cold Planer from Holt Caterpillar; one (1) 430 07A Backhoe Loader with a Tilting Ditch Bucket from Holt Caterpillar; one (1) CB2.7 03A Utility Compactor from Holt Caterpillar; one (1) Sullair 185-PE Trailer Pull from Kirby Smith Machinery, Inc; one (1) 305E CR Mini-Excavator from Holt Caterpillar; one (1) 2023 Freightliner M2-106 Chassis with Patcher Units from Freightliner from Austin; and one (1) Kubota Tractor from Kubota Corporation.

**This item was approved on the Consent Agenda as RES-005-22.**

**7G. Consider a resolution approving an agreement for No Refusal Weekends with Rockwall County.**

Consider action approving an Interlocal Cooperation Agreement between Rockwall County and the City of Rowlett regarding municipal judge services.

**This item was approved on the Consent Agenda as RES-006-22.**

**Passed the Consent Agenda**

**A motion was made by Councilmember Margolis, seconded by Councilmember Brown, including all the preceding item(s) marked as having been approved on the Consent Agenda. The motion carried with a unanimous vote of those members present.**

**8. INDIVIDUAL CONSIDERATION**

- 8A.** Conduct a public hearing and consider approval of a request by Adam Shiffer, Skorburg Company, on behalf of property owner Lake Shore Village SF, Ltd., to: 1) Amend the Planned Development to include a requirement that street-facing garage doors shall comprise no more than 50 percent of the total length of a dwelling's façade; 2) Confirm the rezoning of the subject property to Planned Development (PD) District for Single-Family Residential (SF-5) Uses; 3) Amend the Comprehensive Plan; and 4) Amend the zoning map of the City of Rowlett. The

approximately 21.74-acre site is located on the west of Dalrock Road, approximately 750 feet south of Schrade Road, situated in the William Crabtree Survey, Abstract Number 346, in the City of Rowlett, Dallas County, Texas.

Mr. Koenig presented the information for this item. Adam Buczek – applicant, provided additional information. The public hearing opened and closed with the following speakers:

1. J.R. Skola

Mayor Pro Tem Grubisich and Laura Hallmark, City Secretary, read into the record comments received via email from the following:

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|-----------------------------|-------------------|
| 1. Laura Skola              | 4. Dennis O’Riley |
| 2. Dayton Sherman           | 5. Terry Millican |
| 3. Blas and Susanne Herrera |                   |

**A motion was made by Mayor Pro Tem Grubisich, seconded by Deputy Mayor Pro Tem Sherrill, to approve Item 8A as presented. The motion passed with a unanimous vote of those members present. This item was approved as ORD-001-22.**

- 8B.** Conduct a public hearing and consider approval of an ordinance regarding a request by property owner Mohammad Hussain, IRA Harwood LLC., granting a Special Use Permit to allow a convenience store with gas pumps on an approximately 1.25-acre property zoned Limited Commercial/Retail (C-1) District. The subject property is located at the southwest corner of Miller and Chiesa Roads, being Lot 1, Block A of Milam Addition, in the City of Rowlett, Dallas County, Texas.

Ms. Mauladad provided the information for this item. Mohammad Hussain – applicant, provided additional information. The public hearing opened and closed with the following speakers:

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|--------------------|---------------------|------------------|
| 1. Lindsay Kaptain | 4. Jennifer Dickson | 7. Beth Martinez |
| 2. Richard Nored   | 5. Patricia Lawson  | 8. Monica Wilson |
| 3. Dave Holl       | 6. Robert Christian |                  |

Mayor Pro Tem Grubisich and Laura Hallmark, City Secretary, read into the record comments received via email from the following:

- |                     |                                     |                       |
|---------------------|-------------------------------------|-----------------------|
| 1. Jill Reilly      | 8. Maria Garcia                     | 14. Verleda Christian |
| 2. Katherine Rinz   | 9. Roy Perez and<br>Jennifer Harvey | 15. Tacia Enright     |
| 3. Samrawit Abraha  | 10. Gerald Biggers                  | 16. Brad Denney       |
| 4. Charlie Reilly   | 11. Brian McCurry                   | 17. Larry Martinez    |
| 5. Nora Bhatti      | 12. Gia Corsi                       | 18. Reschele Taylor   |
| 6. Karyn Luchi      | 13. Christian Kaptain               |                       |
| 7. Patricia Biggers |                                     |                       |

**A motion was made by Councilmember Brown, seconded by Councilmember Margolis, to DENY the item as presented. The motion passed with a unanimous vote of those members present. This item DID NOT PASS.**

- 8C. Discuss and take action based on recommendation by Court Governance Committee for the appointment of Rosalind Jeffers as an Associate Judge of the Rowlett Municipal Court. (*If item is approved, Oath of Office will follow.*)

**This item was considered first. All remaining items were considered in order.**

Mayor Pro Tem Grubisich presented the information for this item along with fellow Court Governance Committee members, Councilmembers Brown and Margolis.

**A motion was made by Mayor Pro Tem Grubisich, seconded by Councilmember Brown, to approve the item as presented. The motion passed with a unanimous vote of those members present. This item was approved as ORD-002-22.**


Judge Pamela Liston then conducted the Oath of Office for newly appointed Associate Judge Jeffers, who was accompanied by her husband and friend, Former Chief Justice for the Fifth District Court of Appeals at Dallas, Carolyn Wright.

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

There was no action taken.

**9. ADJOURNMENT**

The meeting adjourned at 10:23 p.m.

  
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Tammy Dana-Bashian, Mayor

  
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Laura Hallmark, City Secretary

Approved on: February 1, 2022

