

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 01, 2019 - 5:00 PM

City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. with all council members present (Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, and Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen). Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Attorney Frank Garza. Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting to go into Executive Session.

II. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding purchase, sale or lease of real property in the vicinity of Rockwall Municipal Airport, Downtown, IH-30 service Rd. @ T.L. Townsend, and The Harbor as well as city owned land at Fire Station No. 2 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:33 p.m.

IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

Mayor Pruitt reconvened the public meeting at 6:02p.m. with all seven council members being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Macalik made a motion that the city accept TXDOT's offer for the right-of-way near the IH-30 service road at T.L. Townsend. Councilmember Hohenshelt seconded the motion, which passed unanimously of those present.

Mayor Pro Tem Macalik moved to decline TXDOT's offer for the sale of land near downtown, more specifically at 501 N. Goliad. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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42 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

43 Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.

44 **VII. OPEN FORUM**

45 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and
46 speak at this time. There being no one indicating such, he then closed Open Forum.
47

48 **VIII. CONSENT AGENDA**

- 49 1. Consider approval of the minutes from the June 17, 2019 regular city council meeting, and take
50 any action necessary.
- 51 2. **2019-012** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-
52 Liang Wu of Unison Investment for the approval of an **ordinance** for a zoning change from an
53 Agricultural (AG) District to a Planned Development District for Single Family-1 (SF-1) District
54 land uses on a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract
55 No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on
56 the west side of Stodghill Road [FM-3549] north of the intersection of Stodghill Road [FM-3549]
57 and Cornelius Road, and take any action necessary **(2nd Reading)**.
- 58 3. **2019-013** - Consider a request by Jimmy Strohmeier of Strohmeier Architects, Inc. on behalf
59 of Dan Bobst of J-BR2, LLC for the approval of an **ordinance** for a PD Development Plan within
60 Planned Development District 32 (PD-32), on a 2.893-acre parcel of land identified as Lot 1,
61 Block B, Harbor District Addition, City of Rockwall, Rockwall County, Texas, situated within the
62 Hillside Sub-District of Planned Development District 32 (PD-32), located within the IH-30
63 Overlay (IH-30 OV) District, located at the southwest corner of the intersection of the IH-30
64 frontage road and Sunset Ridge Drive, and take any action necessary **(2nd Reading)**.
- 65 4. Consider approval of an **ordinance** amending the Code of Ordinances in Ch. 18. Fire Prevention
66 and Protection, Article III. Fire Marshal, Sections 18-66 and 18-67, authorizing the Fire Chief to
67 appoint the Fire Marshal, and take any action necessary **(1st reading)**.
- 68 5. Consider approval of a contract for professional engineering services with Birkhoff, Hendricks
69 and Carter, L.L.P. to perform the engineering design services for the East Fork Sanitary Sewer
70 Aerial Crossing Rehabilitation Project in an amount not to exceed \$52,100.00, to be paid for out
71 of 2018-2019 Water and Sanitary Sewer Budget, and take any action necessary.
- 72 6. Consider approval of the professional engineering services contract for BW2 Engineers, Inc. to
73 perform the engineering design services for the St Mary's Street, Bost Street, and Sherman
74 Street Water and Wastewater Replacement Project in an amount not to exceed \$76,000.00, to
75 be paid for out of 2018-2019 Water and Sanitary Sewer Budget, and take any action necessary.
- 76 7. Consider approval of the professional engineering services contract for Teague Nall and Perkins,
77 Inc. to perform the engineering design services for the W. Kaufman Street, N. First Street, and
78 W. Rusk Water Replacement Project in an amount not to exceed \$60,600.00, to be paid for out
79 of 2018-2019 Water and Sanitary Sewer Budget, and take any action necessary.
- 80 8. **P2019-027** - Consider a request by Kyle Coleman Harris of Pacheco Koch Consulting Engineers
81 on behalf of Alton Frazier of Channell Commercial Corporation for the approval of a replat for
82 Lot 3, Block A, Channell Subdivision Addition being a 18.762-acre parcel of land identified as Lot

2, Block A, Channell Subdivision Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, addressed as 1700 John King Boulevard, and take any action necessary.

9. **MIS2019-008** - Consider a request by Matthew Mulliken of Mulliken Construction Management, LLC on behalf of Jim Vaudagna of Dallas East for the approval of a parking agreement between two (2) properties identified as Lot 1, Block B & Lot 1, Block C, Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1280 & 1300 E. Ralph Hall Parkway, and take any action necessary.

Councilmember Johannesen moved to approve the Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, and 9). Hohenshelt seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 19-26**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD-87) FOR SINGLE FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 62.45-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 19-25**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 14-51 & 17-22* OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR RETAIL/RESTAURANT PAD SITES ON A 2.893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, HARBOR DISTRICT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 19-__**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 18. FIRE PREVENTION AND PROTECTION, ARTICLE III. FIRE MARSHAL, SECTIONS 18-66 AND 18-67, AUTHORIZING THE FIRE CHIEF TO APPOINT THE FIRE MARSHALL FOR THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

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134 **IX. APPOINTMENT ITEMS**

- 135 1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions
136 regarding cases on the agenda and related issues and take any action necessary.
137

138 **This item was not addressed by Council / no action was taken.**
139

140 **X. PUBLIC HEARING ITEMS**

- 141 1. **MIS2019-003** - Hold a public hearing to discuss and consider a request by Jose Carmona Lopez
142 for the approval of an On-Site Sewage Facility (OSSF) on a 0.33-acre tract of land identified as
143 Lots 1325 & 1326, Rockwall Lake Properties Development No. 2 Addition, City of Rockwall,
144 Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-
145 7) District land uses, addressed as 424 Nicole Drive, and take any action necessary.

146 **Planning Director, Ryan Miller, provided background information pertaining to this agenda item. He**
147 **explained that this property is located on the east side of the Lake Rockwall Estates subdivision along**
148 **Nichol Drive. This street is not currently served by city wastewater service, and it is difficult to extend**
149 **city service to this property. Notices were sent out to all property owners and residents located within**
150 **200'; however, no notices have been received back by staff.**

151 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.**
152 **There being no one indicating such, he then closed the public hearing.**

153 **Councilmember Trowbridge moved to deny this request. Mayor Pro Tem Macalik seconded the motion.**

154 **Lengthy discussion then took place among council members, generally related to the following: city**
155 **wastewater services, any possible alternatives to this onsite sewage facility, and inspection of septic**
156 **systems within the city (by Rockwall County, the entity that performs inspection services on behalf of the**
157 **city). Mr. Crowley, City Manager, indicated that the county has expressed it will not inspect OSSFs on**
158 **single lots; however, the County has routinely agreed to do inspections on septic systems within the city**
159 **when they are installed to service more than one lot, specifically (and especially) in Lake Rockwall Estates.**
160 **Councilmember Daniels sought clarification regarding if this is or is not an aerobic system. Mr. Miller**
161 **shared that staff is uncertain, as the applicant has not submitted an engineer's report to the city (and is**
162 **not required to do so until during the permitting stage). Lengthy discussion ensued among Council and**
163 **staff pertaining to whether or not a lot of this size (so small) and with the soil type can accommodate a**
164 **septic system. Indication was given that a septic system has to be stamped and sealed by a professional**
165 **engineer. Councilmember Daniels expressed that he may like to see the Council table action on this item**
166 **until staff has time to gather additional information and return to Council with a more professional**
167 **opinion regarding if a septic system is or is not appropriate on these two lots (i.e. can the small size**
168 **accommodate septic? Is the soil conducive to accommodating a septic system?, etc.). Councilmember**
169 **Trowbridge generally expressed concern about approving this request, as he seemed to prefer that city**
170 **wastewater be utilized instead of septic.**

Councilmember Trowbridge withdrew his motion, and Macalik withdrew her 'second.' Councilmember Hohehshelt then moved to approve MIS2019-003. Councilmember Fowler seconded the motion, which passed by a vote of 4 ayes with 3 nays (Trowbridge, Macalik and Pruitt).

XI. ACTION ITEMS

1. **MIS2019-005** - Discuss and consider a request by Michael Duval of G & A Consultants on behalf of John Delin of R. W. Ladera, LLC for the approval of an Alternative Tree Mitigation Settlement Agreement for a 28.011-acre parcel of land identified as a Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.

Mr. Miller explained that this would be a gated, age-restricted community. He went on to explain the tree mitigation that is required, indicating that the applicant has expressed there is no space on site for additional installation of trees. This request went to the Planning & Zoning Commission, and a 5-2 vote effectively resulted in its denial.

John Delin of Integrity Group / R.W. Ladera came forth and provided comments pertaining to this request. Following extensive, lengthy discussion, Mayor Pruitt moved to settle the tree mitigation with a check to the City for \$50,000. Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a proposal from American Signal Corporation in the amount of \$117,693.28 for replacement of three outdoor emergency warning sirens, hardware, and software to be funded by general fund reserves, and take any action necessary.

Assistant City Manager Joey Boyd provided background information pertaining to this agenda item. Councilmember Hohenshelt then moved to approve the proposal in the amount specified (above). Councilmember Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Departmental Reports

Building Inspections Monthly Report - May 2019
Fire Department Monthly Report - May 2019
GIS Division Monthly Report - May 2019
Harbor PD Monthly Report - May 2019
Internal Operations Monthly Report - May 2019
Recreation Monthly Report - May 2019
Rockwall Animal Adoption Center Monthly Report - May 2019
Police Department Monthly Activity Report - May 2019
STAR Transit Monthly Report - May 2019

2. City Manager's Report

City Manager Rick Crowley shared brief details about the upcoming 4th of July festivities. There will be a parade, fireworks and a parachute jump at Harry Myers Park. The new household hazardous waste program has been implemented and is going very well so far with city residents.

Mayor Pruitt shared that he will be out on vacation and will not be holding Monday afternoon office hours for the next two, upcoming Mondays. In addition, he shared that the Council has decided to not move forward with purchasing land adjacent to the airport. He asked staff to bring back an ordinance that regulates 'thru-the-fence' agreements and how those comply with law and TXDOT regulations.

XIII. EXECUTIVE SESSION

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2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not reconvene into Executive Session following the close of the public meeting agenda. See actions taken at the start of the 6:00 p.m. meeting, as noted above.

XV. ADJOURNMENT


Mayor Pruitt adjourned the meeting at 6:54 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th DAY OF JULY, 2019.

ATTEST:


KRISTY COLE, CITY SECRETARY




JIM PRUITT, MAYOR