

# MINUTES

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, October 07, 2019 - 4:00 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 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, and Councilmembers 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.

### II. WORK SESSION

1. Hold work session with city attorney to hear briefing regarding recently passed state legislation impacting cities.

City Attorney Frank Garza briefed the Council on various pieces of recently passed legislation that impact cities.

2. Hold Work Session to discuss flag pole entry feature on IH-30

City Councilman Bennie Daniels came forth and provided background information pertaining to this agenda item. He explained that this idea was birthed as a result of a discussion he had over two years ago with a local veteran, former FBI agent and resident, David Cutcomb. In late 2018, Councilmember Johannesen and John Adams, both of whom are members of the local American Legion Auxiliary, were asked to join the efforts. Councilman Daniels further explained that the purpose of this flag being placed in a prominent location is to send the message that the City of Rockwall is proud of the United States of America. Assistant City Manager Joey Boyd then came forth and shared with the Council three, separate possible locations for placement of a 200' flagpole that will display the American flag. Indication was given that the initial project would consist of the flagpole, flag and lighting but not landscaping. The funding would come out of General Fund Reserves. The options considered by the group included the following (along with associated budget estimates):

- 150' Flagpole with installation: \$57,750
- 170' Flagpole with installation: \$76,114
- 180' Flagpole with installation: \$98,340
- 195/200' Flagpole with installation: \$113,340

Mr. Boyd explained that the planning committee is seeking direction as to if the City Council approves of the concept of the entry feature, a confirmation of the 3rd site being the preferred site, and authorization to further study the site by performing a geotechnical study to get a soil report for base design. Based on the geotechnical report, a structural engineering firm will perform foundation design

and provide a rendering to submit to TXDOT for approval. The design will be performed and stamped by a structural engineer. The cost for the geotechnical study and report is \$3,500 and base design is \$1,200. In addition, an FAA Study will be required due to the location of the site being within 7 nautical miles of an airport. The study is free but can take up to 12 weeks to complete. This can be written authorization from the State and while geotechnical and flagpole base design is being performed for the site.

Mr. Boyd also shared that the ongoing costs is estimated at \$3000 - \$6000 annually for flags and a replacement flag. Council generally gave indication that they desire for Councilman Daniels and staff to go ahead and move forward with the next steps of the project, which is expected to cost no more than \$8,000.

3. Hold work session to hear updates to the Engineering Department's "Standards of Design and Construction" and receive City Council input prior to adoption.

City Engineer Amy Williams briefed the Council on the updated design standards, which are quite lengthy and were included in council members' informational meeting packet. Following brief comments, Council generally gave its blessing for staff to move forward by bringing the proposed standards back to Council at a future meeting for formal action.

Mayor Pruitt then read the below listed discussion items into the public record before recessing the meeting to go into Executive Session at 4:52 p.m.

### **III. 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 legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding legal matters pertaining to Breezy Hill pavilion pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding sale of real property in the vicinity of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. Discussion regarding sale of real property in the vicinity of John King Boulevard pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
6. Discussion regarding legal issues pertaining to a Facilities Agreement pursuant to Section §551.071 (Attorney/Client Consultation).
7. Discussion regarding ballot nominations associated with elections to the Rockwall Central Appraisal District Board pursuant to Section 551.074 (personnel matters)
8. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
9. 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)

77 **IV. ADJOURN EXECUTIVE SESSION**

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79 **Council adjourned from Executive Session at 5:56 p.m.**

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81 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

82 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven council members present.**

83 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

84 **Council took no action as a result of Executive Session.**

85 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**

86 **Councilmember Fowler delivered the invocation and led the Pledge of Allegiance.**

87 **VIII. PROCLAMATIONS**

88 **1. Fire Prevention Month**

89 **Mayor Pruitt read the proclamation for Fire Prevention Month. Fire Chief, Kenneth Cullins indicated that**  
90 **the Fire Department will host its annual Open House this Saturday at Fire Station #2 behind the Kroger on**  
91 **the South side of the city. He shared that there will be bounce houses, food and fun, and he invited and**  
92 **encouraged everyone to attend.**

93

94 **2. Rockwall Fire Dept. Presentation of Life Saving Award to Tyra Winters**

95 **Mayor Pruitt, Fire Chief Cullins and Assistant Fire Chief, Brett Merritt presented Tyra with a Life Saving**  
96 **Award, recognizing her heroic efforts related to recently dislodging a piece of candy from the throat of a**  
97 **small child who was choking during the RHS homecoming parade. Tyra introduced her family, sharing**  
98 **that she learned this lifesaving technique after a classmate was choking on a granola bar in 8<sup>th</sup> grade, and**  
99 **she – at the time – did not know what to do to help. Thereafter, her mother got her trained in CPR and**  
100 **the Heimlich maneuver. She thanked her family for its support.**

101 **IX. OPEN FORUM**

102 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and**  
103 **speak at this time.**

104

105 **Dennis Denney**  
106 **162 Meadowlark Circle**  
107 **Rockwall, TX 75087**

108

109 **Mr. Denney came forth to speak about the planned RV park on Cornelious Road (located outside the city**  
110 **limits, in the county). He expressed various concerns associated with this proposed development,**  
111 **including environmental concerns such as water run off and the development being solely on septic.**

112

113 **There being no one else wishing to come forth and speak, Mayor Pruitt then closed Open Forum.**

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**X. CONSENT AGENDA**

1. Consider approval of the minutes from the September 16, 2019 regular city council meeting, and take any action necessary.
2. **Z2019-018** - Consider a request by Rob Whittle for the approval of an **ordinance** amending Planned Development District 5 (PD-5) to change the garage setback requirements for an 11.003-acre tract of land identified as Lots 1-40, Block A, the Highlands Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Zero Lot Line (ZL-5) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, located at the northwest corner of the intersection of SH-66 and FM-1141, and take any action necessary **(2nd Reading)**.
3. **Z2019-020** - Consider a request by Todd Panzner for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Commercial (C) District for a 11.85-acre tract of land identified as Tract 1-1 of the J. H. Bailey Survey, Abstract No. 22, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, generally located south of the intersection of Green Circle and SH-276, and take any action necessary **(2nd Reading)**.
4. Consider awarding a bid to All Seasons Foam Coatings and authorizing the City Manager to execute a Contract for a new Liner for the Harbor Fountain in the amount of \$142,500 to be funded out of General Fund Reserves, and take any action necessary.
5. Consider awarding a bid to B&B Concrete and authorizing the City Manager to execute a Contract for the removal and replacement of 4,200 sf of concrete trail at Myers Park in the amount of \$59,600 to be funded out of the Recreation Development Fund, and take any action necessary.
6. **P2019-037** - Consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of Carla Rankin Real Estate Holding for the approval of a final plat for Lot 1, Block A, Rankin Addition being a 0.29-acre tract of land identified as Tract 22 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Residential Office (RO) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 4035 N. Goliad Street [SH-205], and take any action necessary.
7. **P2019-038** - Consider a request by Bryon Connally of CBG Surveying Texas, LLC on behalf of Shannon McCord Riddell for the approval of a replat for Lot 1, Block A, Goliad-Riddle Addition being a 0.4079-acre tract of land identified as Lot C, Block 117, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, addressed as 501 S. Goliad Street, and take any action necessary.
8. Consider awarding a bid to Play Works - Playwell Group and authorizing the City Manager to execute a Purchase Order for new shade canopy at Tuttle Sports Complex Playground in the amount of \$38,853 to be funded out of the Recreation Development Fund, and take any action necessary.
9. Consider awarding a bid to MHC Kenworth and authorizing the City Manager to execute a Purchase Order for a new Brush Truck in the amount of \$190,462.32 for Streets and Drainage Operations to be funded out of General Fund Reserves, and take any action necessary.

- 156 10. Consider authorizing the City Manager to execute a contract with the Texas Department of  
157 Transportation, Aviation Division for participation in the Routine Airport Maintenance Program  
158 (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to  
159 be provided by the Airport Operating Budget, and take any action necessary.
- 160 11. Consider authorizing the City Manager to execute a contract between the City of Rockwall and  
161 STAR Transit for transportation services for fiscal year 2020 in the amount of \$109,884 to be  
162 funded by the Administration Department Operating Budget, and take any action necessary.
- 163 12. Consider authorizing the City Manager to execute a contract with Meals on Wheels Senior  
164 Services for certain nutritional and senior service programs for fiscal year 2020 in the amount  
165 of \$40,000 to be funded from the Administration Department Operating Budget, and take any  
166 action necessary.
- 167 13. Consider awarding a bid to Freightliner/CLS Equipment Co. and authorizing the City Manager to  
168 execute a Purchase Order for a new Vac Truck in the amount of \$389,415.25 to be funded out  
169 of the Water and Sewer Fund, Wastewater Operations budget, and take any action necessary.
- 170 14. Consider authorizing the City Manager to execute an Engineering Services Agreement with  
171 Binkley & Barfield, Inc. for the 2020 fiscal year to provide general engineering services for the  
172 preparation and review of all TIAs ("traffic impact analysis") submitted to the City of Rockwall,  
173 to be funded by the 2019-2020 Engineering Consulting Budget with developer reimbursement,  
174 and take any action necessary.
- 175 15. Consider authorizing the City Manager to execute an interlocal agreement between the city and  
176 Rockwall County regarding fire protection services, and take any action necessary.
- 177

178 Councilman Johannesen moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
179 12, 13, 14 and 15). Councilmember Trowbridge seconded the motion. The ordinance captions were read  
180 as follows:

181 CITY OF ROCKWALL  
182 ORDINANCE NO. 19-38  
183

184 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS  
185 AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5) [ORDINANCE NO.'S 73-  
186 31, 87-23, 88-11, 96-25 & 00-28] AND THE UNIFIED DEVELOPMENT CODE  
187 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,  
188 FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5),  
189 BEING A ~547.68-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY  
190 SURVEY, ABSTRACT NO. 146, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS  
191 AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED IN EXHIBIT  
192 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR  
193 A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS  
194 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;  
195 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.  
196

197  
198 CITY OF ROCKWALL

ORDINANCE NO. 19-39

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 FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR AN 11.85-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 22, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; 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.

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

**XI. APPOINTMENT ITEMS**

1. Appointment with representative(s) of The Downtown Rockwall Association to consider a request to utilize a portion of parking on N. San Jacinto for a valet parking stand (including loading / unloading) for the "Shop Small Saturday" event on November 30, and take any action necessary.

**Tammy Sharp**  
**108 Teakwood Drive**  
**Rockwall, TX**

Mrs. Sharp came forth and briefed the Council on this proposal. Councilmember Macalik thanked Tammy, her husband and everyone for their efforts this past Saturday at the Rib Rub Run & Roll. Councilman Fowler moved to approve this request, as presented. Councilman Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Appointment with Josh Deaton of Sideways BBQ to request permission to sell alcoholic beverages at The Harbor public event venue as part of a Veteran's Day event on November 9, 2019, and take any action necessary.

**Josh Deaton**  
**5446 Ranger Drive**  
**Rockwall, TX 75032**

Mr. Deaton came forth and briefed the Council on the nature of his request, generally explaining that he is seeking permission to sell alcoholic beverages at The Harbor as part of a Veterans' Day event on Nov. 9. He shared that he was in the Marine Corps., and his son is in the Marines as well. So, he is very passionate about putting on this Veteran's Day event. He's received a lot of support from the community, businesses and the city. Mike Thorton, a Medal of Honor recipient, is scheduled to speak at 1:00 p.m., and two bands are scheduled, so far. Two high dollar smokers have been donated for the cause, and Wood Creek is willing to donate their beer. Also, five veteran-related charities have been identified, and 100% of the proceeds raised during the event will be donated to these charities. He went on to explain



the plan for selling tickets for the beer, and he shared that a person will be 'cut off' and unable to purchase any more beer after they've been served four beers and received four stamps on their hand.

Mayor Pruitt shared that he has looked into the city's ordinances and policies concerning the sale of beer (specifically downtown, at The Center, and at The Harbor). He went on to explain that, as long as Mr. Deaton's plans comply with the existing, city policies, then his event may be handled administratively by staff, and the Council will not need to vote on this matter.

Councilmember Johannesen asked if Mr. Deaton is working with TABC on this matter. Mr. Deaton explained that, yes, he is working closely with TABC, and he is purchasing related insurance for the event as well.

## **XII. ACTION ITEMS**

1. Discuss and consider approval of the Hotel Occupancy Subcommittee's recommendation for funding of the "Salute to Veterans" event, and take any action necessary.

Mr. Deaton shared further details pertaining to his vision for this Salute to Veterans event, which he plans to hold at The Harbor on Nov. 9. Following discussion concerning the requirements associated with spending 'hotel occupancy tax ("HOT") funds,' Mayor Pruitt moved to approve the subcommittee's recommendation of \$7,500 in funding and the waiver of Harbor rental related fees. Councilman Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Johannesen).

2. Discuss and consider approval of a resolution providing for the submission of names to the Rockwall Central Appraisal District (CAD) for nominations to the Board of Directors, and take any action necessary.

Mayor Pruitt moved to put forth John Hohenshelt and Patrick Trowbridge as the nominees for City of Rockwall for the CAD Board of Directors. Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. **SP2019-031** - Discuss and consider an appeal by Ryan Moorman of R. D. Moorman, Inc. concerning a variance request denied by the Planning and Zoning Commission in conjunction with an approved site plan for an office building on a 1.244-acre parcel of land identified as Lot 22, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 Ranch Trail, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. Mayor Pruitt made a motion deny the requested exception to the standards pertaining to vertical articulation. Councilman Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider appointing a Comprehensive Plan Advisory Committee (CPAC) to assist staff in the annual update to the Comprehensive Plan, and take any action necessary.

Mayor Pruitt suggested to Mr. Miller that he get with the previous CPAC committee members and see if they would like to serve again.

283 5. Discuss and consider (re)appointments to the city's Airport Advisory Board, Historic  
284 Preservation Advisory Board, Main Street Advisory Board, and Park Board and take any action  
285 necessary.

286 Councilmember Johannesen moved to appoint Jason Alvarado on the city's Park Board. Councilman  
287 Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

288  
289 Councilmember Trowbridge moved to appoint Stuart Smith to the Main Street Advisory Board (to replace  
290 Terry Gregory, who resigned, with a partial term expiring in Jan. 2020). Councilmember Hohenshelt  
291 seconded the motion, which passed unanimously (7 ayes to 0 nays).

292  
293 Councilmember Fowler moved to reappoint Mr. Potter, Mr. Wolf, and Mr. Woodruff to the Airport  
294 Advisory Board (thru August 2021). Councilmember Macalik seconded the motion, which passed by a  
295 vote of 7 ayes to 0 nays.

296  
297 6. Discuss and consider approval of a resolution establishing a "Complete Count Committee" for  
298 the U.S. 2020 Census, and take any action necessary.

299 Mayor Pruitt moved to approve the resolution, including appointing Councilman Bennie Daniels to head  
300 up the effort. Councilman Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.

301 **XIII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO**  
302 **CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED**  
303 **MATTERS.**

304  
305 **1. Departmental Reports**

306 Building Inspections Monthly Report - August 2019  
307 GIS Division Monthly Report - August 2019  
308 Harbor PD Monthly Report - August 2019  
309 Internal Operations Department Monthly Report - August 2019  
310 Recreation Monthly Report - August 2019  
311 Rockwall Animal Adoption Center Monthly Report - August 2019  
312 Rockwall Fire Dept. Monthly Report - August 2019  
313 Rockwall Meals on Wheels Senior Services 4th Quarter Report  
314 Rockwall Police Department Monthly Report - August 2019  
315 STAR Transit Monthly Report - August 2019

316 **2. City Manager's Report**

317 **No discussion, questions, or action took place pertaining to departmental or city manager's reports.**

318 **XIV. EXECUTIVE SESSION**

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

321 **1. Discussion regarding legal issues pertaining to potential annexation pursuant to Section**  
322 **§551.071 (Attorney/Client Consultation).**



2. Discussion regarding legal matters pertaining to Breezy Hill pavilion pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding sale of real property in the vicinity of Mims Rd. and IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
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9. 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)

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

**Council did not reconvene in Executive Session following the close of the public meeting agenda.**

**XVI. ADJOURNMENT**

**Mayor Pruitt adjourned the meeting at 6:51 p.m.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 21<sup>st</sup> DAY OF OCTOBER, 2019.**

**ATTEST:**

  
JIM PRUITT, MAYOR

  
KRISTY COLE, CITY SECRETARY

