

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, December 16, 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. Present were 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 read the discussion items below into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

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 Facilities Agreement litigation pursuant to Section 551.071 (Consultation with Attorney)
- 2.** Discussion regarding Breezy Hill Road pursuant to Section § 551.071 (Consultation with Attorney)
- 3.** Discussion regarding possible purchase/acquisition of real property for park land in the north portion of the city, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
- 4.** 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 5:52 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with 6 of the 7 council members being present (Johannesen stepped out of the meeting and was absent for its entirety).

IV. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

Councilman Hohenshelt delivered the invocation and led the Pledge of Allegiance.

V. OPEN FORUM

Kristin and David Bota

35 840 Lazy Brooke Drive
36 Rockwall, TX 75087
37

38 Mr. and Mrs. Bota came forth and expressed concern about commercial utilization of drones, especially
39 flying over residential neighborhoods. She wanted to encourage the City Council to consider enacting
40 an ordinance to regulate their use within the City of Rockwall. She generally expressed her belief that
41 footage obtained by drones is intrusive to personal privacy and can pose a safety risk to those residents
42 who are videoed (i.e. break ins, robberies, etc.).
43

44 Following Mrs. Bota's comments, Bob Wacker (lives on Featherstone) came forth and provided follow-
45 up comments pertaining to drones. He then briefly spoke about the last plat associated with Stone
46 Creek Estates. He thanked the staff and Council for its work on this development and wished everyone
47 a Merry Christmas.
48

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

50 Mayor Pro Tem Macalik moved to approve a reciprocal development agreement between the City of
51 Rockwall and the following parties: Cory Knowlton, Charles W. Sinks and Sandra Sinks. Councilmember
52 Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absent (Johannesen).

53 **VII. CONSENT AGENDA**

- 54 1. Consider approval of the minutes from the December 2, 2019 regular city council meeting,
55 and take any action necessary.
- 56 2. Consider approval the professional engineering services contract for Birkhoff, Hendricks &
57 Carter, L.L.P. to perform the engineering design services for the Buffalo Creek Tributary 1
58 Sanitary Sewer Interceptor Capacity Improvements Project in an amount not to exceed
59 \$164,780., to be funded by Sanitary Sewer Bonds, and take any action necessary.
- 60 3. Consider authorizing the City Manager to execute an interlocal agreement with Rockwall
61 County regarding Municipal Judge Services for upcoming "No Refusal Weekends," and take
62 any action necessary.
- 63 4. Consider authorizing the City Manager to execute an agreement with MHS Planning & Design,
64 LLC to update the Parks, Recreation & Open Space Master Plan for 2020-2030 in amount of
65 \$38,150 to be funded by Recreation Development Fund reserves, and take any action
66 necessary.
- 67 5. **P2019-045** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John
68 Arnold of BH Phase 10, LTD for the approval of a final plat for Stone Creek, Phase X containing
69 118 single-family residential lots on a 36.428-acre tract of land identified as a portion of Tract
70 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned

Planned Development District 70 (PD-70) for Single Family-10 (SF-10) District land uses, located at the southwest corner of John King Boulevard and Featherstone Drive, and take any action necessary.

6. **P2019-046** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH Phase 11, LTD for the approval of a final plat for the Breezy Hill, Phase XI containing 78 single-family lots on a 23.849-acre tract of land identified as a portion of Tract 7 and all of Tract 7-06 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located adjacent to Breezy Hill Road north of the intersection of Breezy Hill Road and FM-552, and take any action necessary.

Regarding the Consent Agenda, Councilmember Trowbridge moved to approve all items, as presented (#s 1, 2, 3, 4, 5, and 6). Mayor Pro Tem Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

VIII. PUBLIC HEARING ITEMS

1. **Z2019-025** - Hold a public hearing to discuss and consider a request for the approval of an ordinance for a text amendment amending the Permissible Use Charts contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of allowing the Rental, Sales, and Service of Heavy Machinery and Equipment land use by Specific Use Permit (SUP) in the Commercial (C) District, and take any action necessary. **(1st Reading)**

Planning Director Ryan Miller provided background information pertaining to this agenda item. He explained that this text amendment is in response to a request that was previously made to Council by a representative of Home Depot. Staff has made the amendment and is proposing some land use standards and regulations that Council may wish to consider as part of this proposed text amendment. This issue was taken before the Planning & Zoning Commission, and the Commission has recommended approval by a vote of 6-0. Proper public notice has been given as well regarding this public hearing.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the Public Hearing. Councilmember Hohenshelt moved to approve Z2019-025. Councilman Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL ORDINANCE NO. _____

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, BY AMENDING ARTICLE IV,

107 **PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE**
108 **[ORDINANCE NO. 04-38], PROVIDING FOR A PENALTY OF FINE NOT**
109 **TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)**
110 **FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;**
111 **PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN**
112 **EFFECTIVE DATE.**
113

114 The motion passed by a vote of 6 ayes with 1 absence (Johannesen).

115 **IX. ACTION ITEMS**

- 116 1. Discuss and consider adoption of a resolution setting solid waste collection rates, and take
117 any action necessary

118 Mr. Bernas came forth and shared that, per the contract, there is a 3% cost of living increase annually.
119 It was explained that, per the City Charter, the Council must fix the garbage rates by resolution.
120 Following brief discussion, Councilmember Fowler moved to comply with the contract by adopting the
121 proposed resolution setting the solid waste collection rates. Councilmember Trowbridge seconded the
122 motion. One, small needed change to the resolution was pointed out. The motion to approve the
123 resolution with the small correction being made then passed by a vote of 6 ayes with 1 absence
124 (Johannesen).
125

- 126 2. Discuss and consider an update regarding the Complete Count Committee for the U.S. 2020
127 Census and take any action necessary.

128 Councilman Daniels explained that this is a voluntary committee made up of representatives
129 throughout the county and from the County itself. This committee has met two times so far. The
130 purpose of the committee is to decrease the undercount of the census within Rockwall County. The
131 objective is to have as complete a count as possible. Historically, we have had pretty good compliance;
132 however, there is a certain tract of land that has traditionally been undercounted in each census. He
133 explained that, in general, the undercounted area is in and around the Lake Rockwall Estates
134 subdivision. The number one reason for undercounts is distrust of the government. He went on to
135 explain that those who perform the Census are sworn to a strict, lifetime confidentiality Oath. He
136 stressed that the Census is directly associated with Congressional representation, and that is very
137 important to the State of Texas at the Federal government level. Last, the Census is very important
138 because many Federal grants are given out based on population, and we want to be sure we get our
139 fair share of those grant monies. He pointed out that jobs are available, part time, this summer for
140 those who might be interested in working on the Census count.
141

142 Mr. Boyd, Assistant City Manager, provided follow up comments after Councilman Daniels spoke,
143 sharing some of the upcoming expectations as far as 'next steps' associated with the Census. April 1 is
144 Census Day, and the counts will be presented to the President of the U.S. on or before Dec. 31, 2020.
145

146 People will be able to participate in the Census by the internet, by phone, at a Census center, or in
147 person (with a Census rep. showing up at one's door).
148

149 Council took no action pertaining to this agenda item.
150

- 151 3. Discuss and consider an update regarding the South Lakeshore/Summit Ridge reconstruction
152 project, and take any action necessary.

153 Mayor Pruitt shared that this is the largest bond project to date, and we are 10 months into a 2 year
154 long project. He explained that his neighbors recently met; however, they did not invite him to the
155 meeting. The mayor explained that staff has met with him and provided him with the huge contracts
156 associated with this bond project, and he has reviewed those. He shared that some residents have
157 concerns that there are many days when it appears as though no construction work is taking place, or
158 very little work and progress is being made. He believes that two years is a very long time for a
159 neighborhood to be torn up. He believes that the city needs a better way of communicating with
160 residents about what is going on with the progress of construction. Also, he believes that city
161 notifications should be expanded beyond those who only live in that immediate area. He shared that
162 the contractor is responsible for ensuring the roadways are passable and that potholes stay filled. The
163 contractor is required to clean up the job sites every day (i.e. after it rains). He would like to see the
164 City limit a project like this to about a year (rather than 2 years). Also, he thinks that incentives should
165 be built into the contract to encourage contractors to finish the job(s) just as soon as possible.
166 Discussion took place related to a subcontractor of the general contractor who was negligent and
167 accidentally damaged the bridge deck by cutting through it. The bridge repair should take place
168 sometime after the first of the year.

169 Council took no action pertaining to this agenda item.

- 170 4. Discuss and consider (re)appointments to the city's Historic Preservation Advisory Board and
171 Main Street Advisory Board, and take any action necessary.

172 Councilman Trowbridge explained that our city's Main Street Advisory Board has been pretty solidly in
173 place for the last ten years. Now, however, three people are rolling off due to term limits, and there is
174 one person who is resigning due to time constraints. He mentioned that candidate Jennifer Hoffman
175 needs to get registered to vote and that she is working on that now. So, pending her doing so, he'd like
176 to recommend her along with a few other candidates. Mayor Pruitt then moved to appoint the
177 following individuals to the city's Main Street Advisory Board: Stacy Fuqua, Craig Stoddart, Geoffrey
178 Lyons and Jennifer Hoffman and also appoint Jennifer Hoffman to the Historic Preservation Advisory
179 Board. Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1
180 absence (Johannesen).

181 (Note: terms for the four new Main Street Advisory Board members will be from Jan. 2020 thru Jan.
182 2022 and the initial (partial) term for Ms. Hoffman on the Historic Preservation Advisory Board will run
183 thru Aug. of 2021).

184 **X. EXECUTIVE SESSION**

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4. 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)

XI. 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. See the start of the 6:00 p.m. meeting above for action taken at the beginning of this meeting.

XII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:58 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 26th DAY OF DECEMBER, 2019.

ATTEST:


JIM PRUITT, MAYOR


KRISTY COLE, CITY SECRETARY

