

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, January 06, 2020 - 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 5:00 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 agreement between the City of Rockwall and Blackland Water Supply Corporation pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to an approved 380 Development Agreement in the vicinity of the Downtown pursuant to Section §551.071 (Attorney/Client Consultation).
3. Discussion regarding legal issues pertaining to potential annexation/development in the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Attorney/Client Consultation).
4. Discussion regarding land lease agreement of real property on city owned land at Yellow Jacket Park pursuant to Section §551.072 (Real Property)
5. Discussion regarding possible acquisition of real property in the airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
6. 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 6:00 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

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

VI. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. He also stated that if anybody was here for a Public Hearing agenda item to please come forth and speak during that actual agenda item.

Jim Turner
1691 E. Old Quail Run Road

Mr. Turner thanked the Council for making 2019 a great year for Rockwall. He stated that Rockwall has a trash problem in construction areas. People who live north of 66 particularly along John King Blvd and 205 where the new neighborhoods are going in can see trash/litter scattered along the roadway. Mr. Turner read an excerpt from our codes regarding disposing of the trash and waste material. He also indicated the constructions sites are covered with trash, such as plastic fences, lumber, orange plastic bins, cups, lunches and other debris. He mentioned it seems that they just throw their trash anywhere. The contractor at these sites should be notified of these violations so we can keep Rockwall clean. The Mayor stated that Mr. Turner's concerns cannot be discussed tonight due to the particular topic not being specifically listed on the agenda. He told Mr. Turner that staff member Joey Boyd will continue to assist Mr. Turner by working with code enforcement to address the trash issues.

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

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Macalik indicated that no action was needed as a result of Executive Session.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the December 26, 2019 special city council meeting, and take any action necessary.
2. **P2019-048** - Consider a request by Anthony Loeffel of Kimley-Horn on behalf of Randy McCuiston of Rockwall 549/I-30 Partners, LP for the approval of a final plat of Lot 1, Block A; Lot 1, Block B; Lot 1, Block C; and Lot 1, Block D, Rockwall Commercial Addition being a 106.215-acre tract of land identified as a portion of Lot 1, Block C and Lot 1, Block D, Rockwall Commercial Park Addition; Tracts 5 & 6 of the A. J. Lockhart Survey, Abstract No. 134; and Tract 5 of the E. M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District and the FM549 Overlay (FM-549 OV) District, situated at the northwest corner of the IH-30 Frontage Road and N. FM-3549 [Stodghill Road], and take any action necessary.
3. **P2019-049** - Consider a request by Tony Austin of Rockwall Downtown Lofts, LTD on behalf of Doug Kaufmann of Myreli, LLC, Linda Peoples Morris of the Billy Peoples Estate, and the City of Rockwall for the approval of a conveyance plat for Lot 1, Block A, TAC Rockwall Addition being a 3.338-acre tract of land identified as existing City right-of-way for West Street & Houston Street; Lots 1-8, Block P & Lots 1 & 2, Block AB, Rockwall OT Addition; and Lots 4-5, Block A, Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, generally located at the southwest corner of the intersection of S. Alamo Road (i.e. SH-205) and W. Washington Street (i.e. SH-66), and take any action necessary.

- 84 4. **P2019-050** - Consider a request by Bill Thomas of Engineering Concepts & Design, LP on behalf
85 of Justin Webb of Horizon Road Self-Storage, LLC Sandra McMullen for the approval of a replat
86 for Lots 24 & 25, Rainbo Acres Addition being an 8.733-acre tract of land identified as a portion
87 of Lots 22 & 23, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned
88 Commercial (C) District, addressed as 259 Ranch Road, and take any action necessary.

89 Mayor Pruitt asked the Council if there was any item the City Council wanted removed from the Consent
90 Agenda. With no reply from the Council, Mayor Pro Tem Dana Macalik made a motion to approve all
91 the Consent Agenda items, as presented (#s 1, 2, 3, and 4). Prior to seconding the motion for the
92 approval of all of the items on the Consent Agenda, Councilmember Trowbridge asked Mr. Miller if
93 Consent Agenda item # 3 - P2019-049 was the agreement to be addressed when the Council reconvenes
94 in the Ex. Session. Mr. Miller confirmed that, yes, it is related to the same property. Councilmember
95 Trowbridge stated he was not ready to make a decision on Consent Agenda item # 3. Mayor Pruitt
96 stated Consent Agenda item #3 will be discussed when Council reconvenes into Ex. Session.

97 Mayor Pro Tem Dana Macalik then made a motion to approve Consent Agenda items, as presented,
98 minus item #3 (motion to approve item #s 1, 2, and 4), Mr. Trowbridge seconded the motion which
99 passed by a vote 7 ayes to 0 nays.

100 Mayor Pruitt then recognized Human Resources Director Cheryl Dunlop for her 20 years of service to
101 the City of Rockwall. Mr. Mayor went on to read a letter from Mrs. Dunlop expressing her gratitude to
102 everyone at the City of Rockwall with whom she has worked. He also recited the reading of plaque,
103 named "Our Town" which Mrs. Dunlop dedicated to the City of Rockwall. Mr. Mayor asked everyone
104 to join him in congratulating and sending well wishes to Mrs. Dunlop on her retirement.

105 IX. APPOINTMENT ITEMS

- 106 1. Appointment with representatives of this year's Leadership Rockwall class to hear about "The
107 Big Event: Rockwall County" project, and take any action necessary.

108 Fire Chief Kenneth Cullins came forth on behalf of this year's Leadership Rockwall class and proceeded
109 to make a presentation about the "The Big Event", Leadership by Action, Rockwall County, which he
110 explained is an event that will be held on Saturday April 18, 2020. Chief Cullins presented an outline of
111 the project, groups for solicitation, schedule of events, deadlines for projects, volunteer submissions,
112 and sponsorships levels opportunities. He also introduced the website www.bigeventrockwall.com,
113 which was set up for project and volunteer submissions.

- 114
115 2. Appointment with Melody Mayer of Renew Fence & Construction to hear request and discuss
116 and consider the possibility of changing the city's regulations pertaining to residential
117 retaining walls, including material and height restrictions, and take any action necessary.

118
119 Ms. Mayer, of Renew Fence & Construction spoke about the retaining wall she installed for Rockwall
120 citizen, Ms. Harvey, at her home at 506 Shore Trail Drive. Mr. Jeffrey Widmer gave a brief statement to
121 the Council that Ms. Mayer appeared before the City Council meeting approximately 90 days ago, asking
122 the Council to consider relaxing the City's current retaining wall standards. The wall was constructed
123 using treated wood, which is not an acceptable retaining wall material according to city standards.
124

Mr. Widmer pointed out that the city has received complaints from nearby residents who are aware of our standards and have expressed their unhappiness with the wall's appearance. He shared that following Ms. Mayer's appearance before the Council, city management and staff met with her to discuss the situation. Ms. Mayer was told that a permit could not be issued for the wall she built, due to its non-compliance with the City's standard. Ms. Mayer was asked to obtain a permit and construct a code compliant wall for the resident. In addition, staff communicated with the resident, Ms. Amy Harvey, to express this information and to answer her questions.

Ms. Mayer has requested an appointment with council to ask for reconsideration of the current retaining wall standards, essentially to relax the adopted standards so that wood products could be utilized in the construction of retaining walls.

Indication was given that wood was an acceptable material until city council amended the city's retaining wall standards in 2014, prohibiting the use of wood products and other specific methods and clarifying acceptable wall types. Mr. Widmer's (staff's_ presentation in the meeting packet included photos of the wall that Ms. Mayer built and detailed information on the prohibitions and standards of building a retaining wall. This information is located on the City's website and is also provided as a handout to customers. Mr. Widmer answered any questions that the Council had.

Mrs. Harvey, the homeowner, came forth and stated that she did not get a permit from the City to build the wall. Councilmember Fowler pointed out to Ms. Mayer that she also did not properly install the poles on the retaining wall fence. The poles should have been installed inside the fence, not on the outside. Ms. Mayer's then presented pictures and an engineering report regarding the retaining wall on the City Council Conference room screen for the City Council to review (she did not send to the City Council prior to the meeting, so they were not able to read the information in advance). Ms. Mayer stated it was her fault that she did not obtain the required permit prior to constructing the retaining wall.

After reviewing the engineering report, Councilmember Hohenshelt stated that data within the report equated to no analysis of the wall that was built - there was no testing of the wall and no plans were submitted. So his conclusion is that Ms. Mayer just took the engineer's word for it that the wall was done correctly.

None of the Council wanted to pursue this topic further. Indication was given that if Ms. Mayer needs additional information, she should meet with Mr. Widmer. She should obtain the ordinance, and she will have to abide by those guidelines.

X. 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 - November 2019

GIS Monthly Report - November 2019

Harbor PD Monthly Report - November 2019

Internal Operations Department Monthly Report - November 2019
Recreation Monthly Report - November 2019
Rockwall Animal Adoption Center Monthly Report - November 2019
Rockwall Fire Department Monthly Report - November 2019
Rockwall Meals on Wheels Senior Services Quarterly Report
Rockwall Police Departmental Monthly Report - November 2019
STAR Transit Monthly Report - November 2019
STAR Transit Quarterly Report

2. City Manager's Report

Mr. Crowley stated that some of the City Councilmember have gotten authorization to work with administration to do some revamping to the departmental monthly reports and bring them up to date. They have really evolved over time with hot issues/topics that the City Council wants reported. Mayor Pruitt noted that many of those reports are already different from before. Mr. Crowley stated if there are any ideas or questions regarding updating the reports, please contact him. Councilmember Trowbridge stated he and Councilmember Daniels have already met regarding the departmental reports and will continue to work on this issue.

Mr. Mayor did not have any other comments regarding the City. Mr. Mayor then brought before the Council that Texas Municipal League president has asked the Mayor as serve on the TML policy committee to work on the advocacy strategy for the next legislative session. Mayor Pruitt stated that he and Mr. Crowley have been working on this project. If there are any specific issues that the Council wants to see legislatively done, please contact Mayor Pruitt. Mr. Crowley stated he would send a list of items that he and the Mayor have already come up with. He welcomes any further input from the City Council.

Mayor Pruitt recessed the public meeting at 7:04 p.m. to go back into Executive Session at 7:06 p.m. to discuss and address Consent Agenda Item #3, as stated below and associated with Ex. Session item #2:

- 3. P2019-049** - Consider a request by Tony Austin of Rockwall Downtown Lofts, LTD on behalf of Doug Kaufmann of Myreli, LLC, Linda Peoples Morris of the Billy Peoples Estate, and the City of Rockwall for the approval of a conveyance plat for Lot 1, Block A, TAC Rockwall Addition being a 3.338-acre tract of land identified as existing City right-of-way for West Street & Houston Street; Lots 1-8, Block P & Lots 1 & 2, Block AB, Rockwall OT Addition; and Lots 4-5, Block A, Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, generally located at the southwest corner of the intersection of S. Alamo Road (i.e. SH-205) and W. Washington Street (i.e. SH-66), and take any action necessary.

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215 Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Attorney/Client Consultation).
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217 Jacket Park pursuant to Section §551.072 (Real Property)
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219 §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
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221 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
222 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)
223

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

225 Council came out of Executive Session at 7:35 p.m. and took no action as a result of Executive Session.

226 **XIII. ADJOURNMENT**

227 Mayor Pruitt adjourned the public meeting at 7:35 p.m.

228 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 21st DAY OF
229 JANUARY, 2020.

230
231
232
233 ATTEST:
234

235 Kristy Cole
236 KRISTY COLE, CITY SECRETARY



Jim Pruitt
JIM PRUITT, MAYOR