

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, March 02, 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 meeting to order at 5:00 p.m. with the following council members and staff being present: Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Trace Johannesen, and Bennie Daniels, City Manager Rick Crowley, Assistant City Managers Joey Boyd and Mary Smith and City Attorney Frank Garza.

Mayor Pruitt read the following discussion items into the record and then recessed 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 City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
2. 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 5:50 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE – PRO TEM MACALIK

Mayor Pro Tem Macalik delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS

1. Census Day Proclamation

Mayor Pruitt read the proclamation for Census Day, which is April 1, 2020. He encouraged everyone in Rockwall to take part and be sure to be counted in the Census numbers.

35 **VII. OPEN FORUM**

36 Mayor Pruitt asked if anyone would like to come forth and speak during this time.

37

38 Peter Flores
39 2080 Belfry Court
40 Rockwall, TX

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42 Mr. Flores came forth and generally indicated that he and his friend, Mr. Clark, are here to encourage
43 the city to take a closer look at local cemeteries and their upkeep.

44

45 Dick Clark
46 2090 Birkdale Lane
47 Rockwall, TX

48

49 He explained that eight of the twenty-five cemeteries in Rockwall County are located within the city
50 limits of Rockwall. He went on to individually speak about these cemeteries and the status and
51 condition of each one.

52 Mayor Pruitt shared that Council is not allowed to have dialogue about this topic because it is not listed
53 as a discussion item on tonight's public meeting agenda. He indicated that a discussion item will be
54 placed on the next city council meeting agenda to discuss these matters further.

55

56 **VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

57 Indication was given that no action was needed as a result of the pre-meeting Executive Session. See
58 below for action taken as a result of an Executive Session that took place towards the end of the
59 meeting.

60 **IX. CONSENT AGENDA**

- 61 1. Consider approval of the minutes from the February 18, 2020 regular City Council meeting,
62 and take any action necessary.
- 63 2. Consider approval of an **ordinance** cancelling the May 2, 2020 General Election, and take any
64 action necessary. **(1st Reading)**
- 65 3. Consider awarding a bid to Caldwell Country Chevrolet and Pursuit Safety and authorizing the
66 City Manager to execute Purchase Orders for a new Police Pursuit Tahoe in the amount of
67 \$54,625 to be funded out of the General Fund, Police Patrol Operations Budget, and take any
68 action necessary.
- 69 4. **P2020-007** - Consider a request by John Arnold of BH Phase XI, LTD on behalf of the owners
70 Cory Knowlton and Chuck Sinks for the approval of a Final Plat for Lots 1-4, Block A, Breezy
71 Hill Lane Addition being a 23.13-acre tract of land identified as Tract 33-1 & 33-02 of the J.
72 Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned
73 Agricultural (AG) District, situated at the terminus of Breezy Hill Road, and take any action
74 necessary.

- 75 5. **P2020-008** - Consider a request by Tom Martin of the Skorburg Co. on behalf of Tom Lynch of
76 Pacesetter Homes, LLC for the approval of an Amending Plat for the Gideon Grove Subdivision
77 consisting of 71 single-family residential lots on a 29.182-acre tract of land identified as
78 Gideon Grove – North Addition, Abstract No. 13, City of Rockwall, Rockwall County, Texas,
79 zoned Planned Development District 77 (PD-77), situated within the 205 By-Pass Corridor
80 Overlay (205 BY-OV) District, located at the northeast corner of the intersection of E. Quail
81 Run Road and John King Boulevard, and take any action necessary.
- 82 6. **P2020-009** - Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of
83 John Hammerbeck and Tony Scalise of Rockway Partners, LLC for the approval of an
84 Conveyance Plat for Lots 22 & 23, Block A, La Jolla Pointe Addition, Phase 2 being a 9.941-acre
85 tract of land identified as Lots 6, 7 & 20, Block A, La Jolla Pointe Addition, Phase 2, City of
86 Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic
87 Overlay (SOV) District and the IH-30 Overlay (IH-30 OV) District, situated south of the
88 intersection of Carmel Circle and Laguna Drive, and take any action necessary.
- 89

90 Mayor Pruitt indicated that items #3 and #5 were being pulled for further discussion.

91

92 Councilmember Trowbridge moved to approve Consent Agenda items #1, 2, 4 and 6. Mayor Pro Tem
93 Macalik seconded the motion. The ordinance was read as follows:

94

95 CITY OF ROCKWALL, TEXAS
96 ORDINANCE NO. 20-

97

98 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
99 TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF
100 CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4, AND
101 CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT THE
102 MAY 2, 2020 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD;
103 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT
104 THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A
105 SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE
106 MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE
107 PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

108

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

110

111 Councilmember Trowbridge asked for and received clarification regarding Consent Agenda items #3 and
112 #5. Following the questions and answers, Councilman Trowbridge moved to approve Consent Agenda
113 items #3 and #5. Mayor Pro Tem Macalik seconded the motion, which passed by a vote of 7 ayes to 0
114 nays.

115

116 **X. PUBLIC HEARING ITEMS**

- 117 1. **A2019-001** - Hold a public hearing to discuss and consider an ordinance regarding a petition
118 from more than 50% of the property owners for the annexation of a 41.39-acre tract of land
119 situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), and generally located

on the north side of Cornelius Road west of the intersection of Cornelius Road and Stodghill Road [FM-3549], and take any action necessary (2nd Reading).
Ryan Miller, Planning Director, provided brief background information concerning this agenda item.
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.

Trowbridge moved to approve A2019-001. Councilman Hohenshelt seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-03**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A PETITION FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 41.39-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1-19, MAYTONA RANCH ESTATES ADDITION AND TRACTS 22-01, 22-02, 22-6 & 22-07 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously of those present (7 ayes to 0 nays).

2. Hold a public hearing to discuss and consider extending a moratorium on accepting and reviewing subdivision plats for residential property situated within the City's Extraterritorial Jurisdiction (ETJ), and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Mayor Pruitt then opened the public hearing, asking if anyone would like to come forth and speak at this time.

Mr. Glen Hinkley
12300 Park Central Drive
Dallas, TX 75251

Mr. Hinkley shared that TX Local Gov't Code Chapter 212 subdivision regulation authority does not allow cities to regulate subdivisions in the ETJ in a manner that is different than they regulate subdivisions in the city limits. He indicated that treating ETJ owners different than in-city owners lacks both due process and equal protection and – in doing so – runs afoul of important constitutional principles. He believes cities have no authority to make ETJ platting more difficult than in-city platting by adopting a moratorium on accepting and reviewing plats on ETJ property. He cautioned that if Rockwall continues down this path, no one should be surprised if those state legislators who are focused on protecting property rights further restrict municipal authority. Mr. Hinkley stated that Rockwall's moratorium is an attempted end-run around the state's limitation of annexation authority that should not be tolerated. If Rockwall's city council votes to treat ETJ owners differently than in-city

owners, they are acting outside the scope of their authority and inconsistent with their oath of office that requires them to honor Texas law.

There being no one else wishing to come forth and speak at this time, Mayor Pruitt then closed the public hearing.

At 6:27 p.m., Mayor Pruitt called for a brief break and recessed the meeting. He then called it back to order at 6:29 p.m.

Mayor Pruitt indicated that the council would like to ask several questions to the city attorney regarding this topic (in Executive Session). For now, however, Council will address Action Item #1. (See notes below for action taken out of Executive Session).

XI. ACTION ITEMS

1. Discuss and consider a request by Peg Pannell Smith of the Coldwell Banker Commercial NRT on behalf of the owner of the property David Lowrey of Lowalk, LLC for the approval of an exception and/or exemption to the temporary commercial moratorium in accordance with the requirements of Ordinance No. 19-44, and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant and her representative then came forth and addressed the Council.

Peg Pannell Smith
Coldwell Banker Realtors
Rockwall, TX

Robert LaCroix
4517 Scenic Drive
Rowlett, TX

Ms. Smith indicated that the seller is retaining 2 acres, and the buyer is purchasing just over 10 acres. The buyer wants to build warehouses on the property. Mr. LaCroix shared that this property is currently being utilized as a wrecking / salvage yard. So, the sale of this land would actually result in this property being cleaned up.

Following additional, brief discussion, Councilman Johannesen moved to approve this exception/exemption. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 nay (Trowbridge).

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

Assistant City Manager Joey Boyd briefed the Council on this agenda item, reminding everyone that Census Day is April 1, 2020. Councilman Daniels shared that the Census is called for by the U.S. Constitution, and it occurs once every ten years (in years that end in a zero). Councilman Daniels provided several facts related to the Census. No action was taken as a result of this brief discussion.

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

211

212 **1. Departmental Reports**

213 Building Inspections Monthly Report - January 2020

214 Fire Department Monthly Report - January

215 Parks & Recreation Department Monthly Report - January 2020

216 Sales Tax Historical Collections -January 2020

217 Water Consumption Statistics - January 2020

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

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220 Brief comments took place concerning some upcoming events in the community. No action was taken
221 regarding these agenda items.

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223 **XIII. EXECUTIVE SESSION**

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

226 **1. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071**
227 **(Consultation with Attorney).**

228 **2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,**
229 **Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)**
230 **regarding water rates pursuant to Section §551.071 (Consultation with Attorney)**

231

232 **Mayor Pruitt shared that Council needs to adjourn into Executive Session to discuss Public Hearing Item**
233 **#2 (regarding extending a moratorium). Council then convened in Ex. Session from 6:49 p.m. until 7:07**
234 **p.m.**

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

237 **Mayor Pruitt called the meeting back to order and moved to extend the City's residential moratorium**
238 **for a period of 120 days, requesting that the County give the City an answer by April 14 regarding the**
239 **county's subdivision regulations. He continued stating that if the County should fail to address this**
240 **issue by April 14, then the City may have to reconsider the boundaries of the Extraterritorial Jurisdiction**
241 **(ETJ). Councilmember Trowbridge seconded the motion, which passed unanimously of those present.**

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243 **XV. ADJOURNMENT**

244 **Mayor Pruitt adjourned the meeting at 7:10 p.m.**

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246 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 16th DAY OF
247 MARCH, 2020.

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ATTEST:


JIM PRUITT, MAYOR

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KRISTY COLE, CITY SECRETARY

