

# MINUTES



## ROCKWALL CITY COUNCIL REGULAR MEETING

**Monday, June 01, 2020 - 3:30 PM**

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

### **I. CALL PUBLIC MEETING TO ORDER (3:30 P.M.)**

Mayor Pruitt called the meeting to order at 3:30 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik, and Council Members John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen. Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 3:31 p.m.

A quorum of the Council came out of Ex. Session (Pruitt, Fowler, Daniels and Hohenshelt), and Mayor Pruitt briefly called the public meeting back to order at 5:42 p.m. He then read the following discussion item into the record before recessing the public meeting to go back into Ex. Session at 5:42 p.m.:

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)

### **II. EXECUTIVE SESSION.**

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

1. Discussion regarding filling vacancy for City Council Member Place 6 (interview applicants), pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding annual selection of Mayor Pro Tem, pursuant to Section 551.074 (Personnel Matters)

### **III. ADJOURN EXECUTIVE SESSION**

**Mayor and Council adjourned from Executive Session at 6:01 p.m.**

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

**Mayor Pruitt reconvened the public meeting at 6:02 p.m.**

### **V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM MACALIK**

**Mayor Pro Tem Macalik 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 address Council at this time. There being no one indicating such, he then closed Open Forum.**

### **VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

Mayor Pruitt indicated that Council will go back into Ex. Session at the end of the public meeting.

Mayor Pro Tem Macalik moved to authorize and direct the City Manager and City Attorney to negotiate definitive agreements, including a settlement agreement and an amendment to our current, mandatory contract with the North Texas Municipal Water District (NTMWD) to be presented to the City Council at a later date for final approval, as discussed in Executive Session. Councilmember Johannesen seconded the motion. Following lengthy, explanatory comments by Mayor Pruitt, the motion passed by a vote of 6 ayes to 0 nays (with 1 vacancy – Place 6).

Mayor Pro Tem moved to appoint Councilman Kevin Fowler as Mayor Pro Tem for the coming year. Mayor Pruitt seconded the motion, which passed unanimously of those present (6 ayes, 0 nays, and 1 vacancy (Place 6)).

#### VIII. CONSENT AGENDA

1. Consider approval of the minutes from the May 18, 2020 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** amending the Code of Ordinances in Ch. 26 'Motor Vehicles & Traffic,' Article VII. 'Stopping, Standing or Parking,' Section 26-505 'Prohibited in Specific Places' to include the prohibition of parking in the Rockwall Technology Park, including on Corporate Crossing and streets in the vicinity of Discovery Boulevard, and to allow for an exception during construction of construction-related vehicles, and take any action necessary. **(2nd Reading)**
3. Consider approval of the East Fork Aerial Crossing Replacement Project and authorize the City Manager to execute a contract with Pittard Construction Company, Inc. in an amount of \$193,424.00, and take any action necessary.

Councilmember Hohenshelt moved to approve the Consent Agenda (#s 1, 2 and 3). Councilmember Daniels seconded the motion. The ordinance was read as follows:

#### CITY OF ROCKWALL ORDINANCE NO. 20-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE ADDITIONAL STREETS SUBJECT TO PROHIBITED PARKING AS DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) 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 6 ayes to 0 nays with 1 vacant seat (Place 6).

#### IX. ACTION ITEMS

1. **Z2020-011** - Discuss and consider a request by Marlyn Roberts for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an accessory building that exceeds the maximum square footage and height

on an 0.1865-acre parcel of land identified as Lot 5, Block D, Waterstone Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 323 Julian Drive, and take any action necessary (2nd Reading).

Planning Director Ryan Miller provided brief, explanatory comments pertaining to this agenda item. Councilmember Hohenshelt moved to approve this item (Z2020-011) and the associated ordinance. Councilmember Johannesen seconded the motion.

The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 20-20  
SPECIFIC USE PERMIT NO. S-222**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.1865-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 5, BLOCK D, WATERSTONE ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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 5 ayes, 1 nay (Daniels) and 1 vacant seat (Place 6).

2. Discuss and consider a request by Russell Phillips of Harbor Lake Pointe Investors, LLC for the approval of a resolution abandoning a 0.096-acre tract of the excess right-of-way adjacent to Summer Lee Drive and being directly adjacent to property identified as Lot 6A of the Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, and take any action necessary.

Councilmember Hohenshelt recused himself from this agenda item and filed an affidavit of recusal with the City Secretary. Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant, Russell Phillips, then came forth and provided brief comments to Council pertaining to his request. Mayor Pruitt moved to approve the resolution as presented. Councilmember Macalik seconded the motion, which passed by a vote of 5 ayes with 1 recusal (Hohenshelt) and 1 vacant seat (Place 6).

3. MIS2020-009 - Discuss and consider a request by Kurt Avery for a variance to the City's Standards of Design and Construction Manual in accordance with the City's Interlocal Cooperation Agreement with Rockwall County for Subdivision Regulations in the City's Extraterritorial Jurisdiction (ETJ) on a 51.08-acre tract of land identified as Tracts 5 & 5-1 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the terminus of Farm Lane east of Anna Cade Road, and take any action necessary.



Planning Director Ryan Miller provided background information pertaining to this agenda item. He explained that, essentially, the applicant is asking for a variance related to paving requirements associated with the roadway.

Mr. and Mrs. Avery  
1043 Anna Cade  
Rockwall, TX 75087

Mr. Avery provided a PowerPoint presentation to Council, which, in part, contained various photographs of the roadway and provided further explanation of his variance request.

Lengthy discussion took place pertaining to this agenda item. Councilmember Johannesen moved to approve MIS2020-009. Additional, lengthy discussion then ensued before Councilmember Hohenshelt then seconded the motion. The motion passed by a vote of 4 ayes, 2 nays (Macalik and Pruitt) and 1 vacant seat (Place 6).

4. Discuss and consider approval of a request to amend the agreement with HHW Solutions to eliminate the requirement for a performance bond, and take any action necessary.

Assistant City Manager Mary Smith provided brief background information concerning this agenda item. She shared that the city has literally received only one complaint about this company since it first began providing household hazardous waste collection services to residents. City Attorney Frank Garza generally indicated that a performance bond is often required within the first year or two of a new contract as a way of ensuring that the contractor performs its duties, and – if the contractor does not do so – the city could tap into the performance bond to hire a different contractor to fulfill the duties. In this case, Mr. Garza generally seemed to indicate that doing away with the performance bond is likely okay at this juncture, all things considered (the contractor is performing well, almost no complaints, etc.). Councilmember Hohenshelt moved to approve the amendment to the agreement, eliminating the requirements for a performance bond. Mayor Pro Tem Fowler seconded the motion, which passed unanimously of those present (6 ayes, 0 nays with 1 vacancy (Place 6)).

5. Discuss and consider resuming public programs and amenities offered by the City of Rockwall, and take any action necessary.

The Council went through a bulleted list of city-provided facilities, programs and amenities, one-by-one, generally agreeing to re-open most everything on the list (with the exception of city provided programs to senior aged residents at The Center – those will remain cancelled for the foreseeable future). Tammy Sharp, local resident and downtown business owner, came forth and spoke about a proposed July 3<sup>rd</sup> community event to be held in and around the downtown square. She would like to request funding from the City to help support the event. General discussion took place pertaining to the possibility of the City issuing Hotel Occupancy Tax (HOT) Funding for the event; however, indication was given that this proposed event would not qualify because it will not be marketed outside of Rockwall County, and it will not put 'heads in beds.' Council generally agreed to place an item on the June 15 city council meeting agenda, if necessary, to discuss and consider granting funding for this event (out of

the General Fund). Council took no formal discussion related to this agenda item (only 'direction' to staff was given).

**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. Building Inspections Monthly Report - April
2. Fire Department Monthly Report - April 2020
3. Parks & Rec Monthly Report - April 2020
4. Police Department Monthly Report - April 2020
5. Sales Tax Historical Comparison - April 2020
6. Water Consumption Historical Statistics - April 2020
7. Census 2020 Staff Report

Regarding departmental and staff reports on the agenda, City Manager Rick Crowley offered to answer any questions Council may have. No questions were asked.

Mayor Pruitt then called forth resident Bob Wacker, asking him if he had anything to say since he was late to the meeting and missed his opportunity during "Open Forum."

**Bob Wacker**  
309 Featherstone  
Rockwall, TX

Mr. Wacker came forth and asked some clarifying questions regarding reopening of city pavilions and parks, specifically pertaining to the Park at Stone Creek. Indication was given that residents will now be able to reserve city owned pavilions thru contacting city staff at The Center.

Regarding the 2020 Census Update, Assistant City Manager Joey Boyd indicated that Rockwall is currently at a 66.6% self-response rate. Field workers will soon be knocking on doors and visiting local residents who have not yet submitted their 2020 Census response. City Manager Rick Crowley and City Councilmember Bennie Daniels highly encouraged all residents to submit their Census response (so that they do not receive an in-person visit from a Census worker).

Mayor Pruitt recessed the public meeting to go into Executive Session at 7:23 p.m. Pruitt then left the meeting due to an unforeseen, personal emergency. Council proceeded in Ex. Session without Mayor Pruitt.

**XI. EXECUTIVE SESSION.**

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

1. Discussion regarding filling vacancy for City Council Member Place 6 (interview applicants), pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding annual selection of Mayor Pro Tem, pursuant to Section 551.074 (Personnel Matters)

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)

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

Council came out of Executive Session, and Mayor Pro Tem Fowler reconvened the public meeting at 7:57 p.m.

Councilmember Macalik moved to appoint applicant Anna Campbell to fill the current vacancy for City Council Member, Place 6. Councilmember Johannesen seconded the motion, which passed by a vote of 5 in favor with 1 absence (Pruitt) (and 1 vacant seat (Place 6)).

**XIII. ADJOURNMENT**

Mayor Pro Tem Fowler adjourned the meeting at 7:57 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15<sup>th</sup> DAY OF JUNE, 2020.

  
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JIM PRUITT, MAYOR

ATTEST:

  
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KRISTY COLE, CITY SECRETARY

