



MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, September 08, 2020 - 4:00 PM

City Hall Council Chambers - 385 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 Kevin Fowler and Council Members Anna Campbell, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Legal Counsel, Patrick Lindner.

II. WORK SESSION

1. Hold a work session on itinerant vendors to discuss and consider changes to Article III, *Peddlers, Solicitors, and Itinerant Vendors*, of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances, and take any action necessary.

Planning Director, Ryan Miller, briefed the Council on proposed changes to this portion of the Code, mainly related to changes associated with itinerant vendors. Council took no action concerning this work session item at this time. However, Mayor Pruitt pointed out that this topic is listed as an "Action Item" on tonight's agenda. Council members generally indicated that they would like to take action on this later this evening.

2. Hold a work session on residential accessory structures to discuss changes to Article 05, *District Development Standards*, of the Unified Development Code (UDC), and take any action necessary.

Planning Director, Ryan Miller, briefed Council on this topic. No action was taken as a result of this work session discussion. Indication was given that staff will bring forth formal changes to the ordinance provisions at a future Council meeting.

Mayor Pruitt read the following discuss items into the public record before recessing the meeting to go into Executive Session at 4:53 p.m.

III. 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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion and interviews regarding appointments to city regulatory boards, commissions, and committees (Rockwall Economic Development Corporation (REDC), Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)

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)

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:58 p.m.

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

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

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

Councilmember Macalik delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS

1. American Legion Day

Mayor Pruitt called forth several members of the local chapter of the American Legion. He then read and presented them with this proclamation. The guests briefly commented about veteran and youth leadership related efforts that the Legion undertakes and supports.

VIII. OPEN FORUM

**Saron Regassa
1389 Stewart Drive
Rockwall, TX 75032**

Saron came forth and shared that she is a “Girls State” representative. Ms. Regassa went on to provide comments pertaining to the creation of Rockwall’s Diverse History Committee. She encouraged the creation of a memorial to commemorate the lynching of a black man (Anderson Ellis) in Rockwall many years ago. She hopes that she and her friend, Christian Giadolor, are able to continue

**Carva Gordon
2849 Lost Creek Court
Rockwall, TX**

Ms. Gordon thanked members of the American Legion for their service to the community. Ms. Gordon went on to share that she sat thru a four-part training for her role as a volunteer with Court Appointed Special Advocates (CASA). She explained she had to listen with both her ears and her heart. She went on to applaud the formation of Rockwall’s Diverse History Committee. She encouraged everyone to provide their full support to Councilmember Anna Campbell as she oversees said committee. She encouraged that we can’t be afraid to call out injustices or claim that ‘it’s not our problem.’ She generally spoke enthusiastically about this committee and the work it will tend to.

IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to appoint Derek Deckard and Dr. Jean Conway to the Planning & Zoning Commission. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Hohenshelt moved to appoint the following to the Rockwall Economic Development Corporation with initial terms to commence January 1, 2021: Carin Brock, Justin Lee and Mark Stubbs. Mayor Pro Tem Fowler seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

X. CONSENT AGENDA

1. Discuss / act on approval of the minutes from the August 17, 2020 regular city council meeting, and take any action necessary.
2. Discuss / act on approval of the minutes from the August 24, 2020 Budget Work Session, and take any action necessary.
3. **Z2020-031** - Consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners C. D. T. Rockwall 2017, LLC for the approval of an ordinance for a Zoning Amendment to Planned Development District 79 (PD-79) [Ordinance No. 16-39] for the purpose of amending the development standards contained in Ordinance No. 16-39 for a 70.408-acre tract of land identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King Boulevard and Featherstone Drive, and take any action necessary (**2nd Reading**).
4. **Z2020-032** - Consider a request by Erick Cruz Mendoza for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.165-acre parcel of land identified as Lot 873-A, Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 481 Blanche Drive, and take any action necessary (**2nd Reading**).
5. Consider approval of the Turtle Cove & Windmill Ridge Sanitary Sewer Rehabilitation Project and authorize the City Manager to execute a construction contract with NO-DIGTEC, LLC. in the amount of \$757,933.00 to be funded by the Water/Sewer fund, and take any action necessary.
6. **P2020-033** - Consider a request by Cameron Slown of Teague, Nall, and Perkins, Inc. on behalf of Dan Bobst of Harbor Heights Investors, LP for the approval of a Replat for Lot 6, Block A, Harbor District Addition being a 2.06-acre parcel of land identified as Lot 1, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2701 Sunset Ridge Drive, and take any action necessary.
7. Consider approval of the purchase of network technology equipment in the amount of \$37,677.30 to be funded from the Technology Fund, and take any action necessary.
8. Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2020 Rate Review Mechanism filing, adopting tariffs as part of the settlement, and take any action necessary.

Councilmember Macalik moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, and 8). Councilmember Daniels seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 20-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 79 (PD-79) [*ORDINANCE NO. 19-40*] THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 79 (PD-79) FOR THE PURPOSE OF AMENDING THE DEVELOPMENT STANDARDS ON A 70.408-ACRE TRACT OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 79 (PD-79) FOR SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES, BEING IDENTIFIED AS TRACTS 1, 1-03, 1-5 & 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; 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.

**CITY OF ROCKWALL
ORDINANCE NO. 20-36
SPECIFIC USE PERMIT NO. S-232**

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 AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*], ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.165-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 873-A, ROCKWALL LAKE ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED 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) from the Rockwall Central Appraisal District (RCAD) to discuss and consider a request pertaining to the RCAD's proposed new building/facility, and take any action necessary.

Mark Moeller, who serves on the RCAD Board of Directors, came forth and briefed the Council on this request. He explained that the RCAD would like to add 15,000 square feet to the existing building to expand it, including adding a second floor. The purpose of the expansion is to accommodate much needed office, conference room and waiting area space for both staff and the public. They believe that the expansion will serve the county for the next 10-20 years. He respectfully asked that Council consider approving this request for expansion this evening.

Mayor Pruitt provided brief comments pertaining to the RCAD in general and to this proposed expansion request. He expressed that he believes this request is needed and reasonable.

Councilmember Johannesen moved to approve the RCAD's expansion proposal, as presented. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Hohenshelt).

XII. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive comments regarding the Proposed FY2021 City of Rockwall Budget and tax rate and take any action necessary.

City Manager Rick Crowley provided introductory comments pertaining to this agenda item. He generally indicated that this budget reflects a very conservative approach, especially in light of COVID-19 and its potential impacts on the local economy. He went on to explain that the city's charter does allow for budget amendments, so staff will remain mindful of this and will be sure to come to Council, accordingly, should the need for amendment requests arise.

Following Mr. Crowley's comments, Mayor Pruitt shared that a work session on the budget was held with staff and Council about two weeks ago.

Mrs. Mary Smith, Assistant City Manager/Finance Director, then provided comments, sharing a little more details regarding 'numbers' associated with both the budget and proposed tax rate.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and shared that he lives in a very vibrant area of the city. He generally encouraged that the City consider finding additional revenue sources in the future. He acknowledged that City of Rockwall residents enjoy one of the lowest (total) tax bills of any other place/county in the area. He thanked the Council for all it does.

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

Mayor Pruitt moved to advertise the adoption of the tax rate on September 21, 2020 at a rate of .3700 per \$100 of valuation. Mayor Pro Tem Fowler seconded the motion. Following brief, clarifying comments, the motion passed by a vote of 6 ayes to 1 nay (Macalik).

XIII. ACTION ITEMS

1. **22020-030** - Discuss and consider a request by Mark Klecha for the approval of an ordinance for a Specific Use Permit (SUP) for an accessory building that exceeds the maximum square footage on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall,

Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary (2nd Reading).

Mayor Pro Tem Fowler moved to approve Z2020-030. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-34
SPECIFIC USE PERMIT NO. S-231**

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 AND PLANNED DEVELOPMENT DISTRICT 11 (PD 11), 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 0.2297-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK O, HILLCREST SHORES 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 with 2 nays (Daniels, Macalik).

2. **P2020-031** - Discuss and consider a request by Kerry Joshua Sparks for the approval of a Final Plat for Lot 1, Block A, Sparks Six Addition being a 2.88-acre tract of land identified as Tract 3-03, 3-05, & 3-07 of the M. Simmons Survey, Abstract No. 194, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located on the west side of Old Millwood Road north of the intersection of Old Millwood Road and FM-552, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. Councilmember Johannesen asked for clarification on the lot frontage requirements, and Mr. Miller provided said clarification.

Councilmember Johannesen moved to approve P2020-031. Councilmember Macalik seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

3. Discuss and consider proposal from Republic Waste to extend the current Solid Waste Collection agreement and take any action necessary.

Mary Smith, Assistant City Manager / Finance Director, introduced Rick Bernas from Republic Waste. Mr. Bernas came forth and provided brief comments to Council, generally indicating that his company is requesting a five-year extension of the current contract. There has been about a 37% increase in residential volume since COVID-19 hit. He went on to share details of what Republic did for its own employees during COVID (i.e. buying lunch for its employees and their families (up to 4 people) every Friday and issuing gift cards to stimulate the local economy).

Mayor Pruitt shared that the City of Rockwall has not gone out for bid for trash service in about 19 years. Councilmember Johannesen called upon City Manager Rick Crowley to explain a little bit about what “going out for bid” would look like. Indication was given that City of Rockwall residents enjoy twice per week, regular trash pick-up service and unlimited bulk pick-up. Mr. Bernas indicated that there has been about a 15% decrease in commercial volume. General discussion ensued pertaining to residential versus commercial rates. Mayor Pruitt shared that he deals with a lot of mayors around the area, and they deal with a lot of trash-related complaints from their own residents. He acknowledged that the City of Rockwall does not get a lot of complaints, in general. Also, our residents enjoy twice per week pick up and no restrictions on the volume of “bulk” that is picked up. Councilmember Macalik commented that she took a tour of Republic’s facility not long ago, and she was impressed with the facility and with the professionalism of Republic’s staff.

Mrs. Smith shared that she believes this is a fair price for the level of service that it affords Rockwall residents. Also, Republic has always been very receptive as far as rectifying issues when they do arise.

Councilmember Johannesen moved to authorize staff to negotiate and execute a new contract extension. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider amending Article III, *Peddlers, Solicitors, and Itinerant Vendors*, of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances for the purpose of providing requirements that specifically regulate itinerant vendors, and take any action necessary.

Mayor Pruitt moved to move forward with the ordinance amendments as was discussed in the work session. Mayor Pro Tem Fowler seconded the motion. The ordinance was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 12, *BUSINESSES AND SALES*, FOR THE PURPOSE OF CLAIFYING THE PROCESS FOR PERMITTING AND LICENSING PEDDLERS, SOLICITORS, AND ITINERANT VENDORS IN THE CITY OF ROCKWALL; 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.

5. Discuss and consider offering outdoor park facilities, including amphitheaters, for use by the Rockwall Independent School District (RISD), and take any action necessary.

Mayor Pruitt began discussion of this agenda item. He explained that, while RISD has not approached the City regarding this topic, he would like the City to be able to proactively offer use of these outdoor facilities / venues to the school district for use this school year

(rental fee free) for things such as choir, band, or orchestra concerts.

6. Discuss and consider (possible alternative to) Parks & Rec's Halloween Extravaganza Event on October 24, 2020 at The Harbor, and take any action necessary.

Travis Sales, Parks Director, came forth and briefed Council on this agenda item, generally indicating that staff is looking for an alternative to the city's annual Halloween Extravaganza that typically occurs at The Harbor. In lieu of that event, staff is suggesting that Council consider a 'movie in the park' at The Harbor instead (possibly showing a kids movie such as Monsters Inc. or Hotel Transylvania). Council generally seemed to like this idea; however, they took no formal action concerning this agenda item.

7. Discuss and consider 2020 Fall RBSL (Rockwall Baseball & Softball League) Covid 19 Action Plan, and take any action necessary.

Parks Director, Mr. Sales, provided explanatory comments pertaining to this agenda item. Council took no formal action pertaining to this agenda item, but general indication was given that staff should proceed with the action plan as presented.

8. Discuss and consider a resolution updating the bylaws of the city's Youth Advisory Council (YAC) as well as consider associated programming and guidelines, and take any action necessary.

Councilmember Kevin Fowler provided brief comments pertaining to this agenda item. Indication was given that staff will send these documents out to parents of existing (and recent past) YAC students for feedback. The item will then be brought back before the Council for formal action at a regular council meeting in October. No action was taken at this time.

9. Discuss and consider appointments to 'Rockwall's Diverse History' ad hoc committee, and take any action necessary.

Mayor Pruitt generally indicated that Council members are still working on identifying possible appointees to this committee. So this topic will be revisited at the next city council meeting.

XIV. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Census 2020 Update
2. Building Inspections Monthly Report - July 2020
3. Fire Department Monthly Report - July 2020
4. Parks & Recreation Monthly Report – July 2020
5. Police Department Monthly Report - July 2020
6. Sales Tax Historical Comparison
7. Water Consumption Historical Statistics

General discussion took place pertaining to the Fire Department report, specifically related to volunteer firefighters who currently dedicate time and service to the department. Mayor Pruitt expressed that the City probably needs to decide if it wants to focus on recruiting and retaining volunteer firefighters or not in the future.

City Manager Rick Crowley pointed out that he gave each council member a handout related to the countywide roadway traffic consortium and its recent activities. He encouraged the Council to be thinking about what future roadway related projects it would like to see, as the consortium is seeking said input from each member entity that participates in these countywide roadway planning projects.

Mayor Pruitt then indicated that Council would be going back into Executive Session to address item #1 shown below. He recessed the public meeting to do so at 7:30 p.m.

XV. 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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion and interviews regarding appointments to city regulatory boards, commissions, and committees (Rockwall Economic Development Corporation (REDC), Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)
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)

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

Council came out of Ex. Session and took no action.

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:25 p.m.

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


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY

