

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, January 22, 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 meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members 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 the city's legal counsel, Patrick Lindner. Councilmember Patrick Trowbridge was absent from the meeting. Mayor Pruitt read the following discussion items into the record before recessing the public meeting to go into Executive Session.

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 legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - 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)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:40 p.m.

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

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler made a motion that prior to initiating annexation of the +/- 4,000 acres of land in the city's ETJ, staff is directed by Council to communicate with those affected property owners and bring the results of those communications back to Council. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler authorized the city attorney to file intervention in the new rate case regarding the appeal to the Public Utility Commission. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler made a motion to move Stuart Smith up from an "alternate" to a voting member to fill the vacancy on the city's Board of Adjustments (thru Aug. 2019). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mayor Pro Tem Fowler moved to appoint Glenn Carr to fill the "second alternate position" on the city's Board of Adjustments (thru Aug. 2020). Mayor Pruitt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VII. PROCLAMATIONS

1. Health for Humanity Yogathon

Mayor Pruitt invited city resident Ashwini Gurwale and her husband to come forth at this time. He then read and presented this proclamation. Mrs. Gurwale then gave a brief yoga demonstration.

III. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 7, 2019 regular city council meeting, and take any action necessary.
2. **Z2018-049** - Consider a request by Mike Peoples for the approval of an **ordinance** for a Specific Use Permit (SUP) for an animal shelter on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (**2nd Reading**).
3. **A2018-004** - Consider a request by Pat Atkins on behalf of the owner C.D.T. Rockwall/2017 LLC for the approval of an **ordinance** for the voluntary annexation of a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, and take any action necessary (**2nd reading**).
4. **P2018-047** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of John Arnold of BH West Pods, LTD for the approval of a preliminary plat for Breezy Hill, Phase XII containing 35 single-family residential lots on 44.525-acres of land identified as a portion of

Tract 7-1 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, located west of the intersection of John King Boulevard and Cozy View Drive, and take any action necessary.

5. Consider approval of the Contract Amendment #1 with Brinkley & Barfield, Inc., in the amount of \$87,030 to be funded from the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
6. Consider authorizing the City Manager to negotiate and execute a contract with Baseball Nation LLC regarding the city's baseball umpire services for an amount not to exceed \$120,000 to be funded from baseball registration proceeds in the Recreation Development Fund, and take any action necessary.
7. Consider authorizing the City Manager and the Chief of Police to execute an Interlocal Agreement (ILA) with NCT911 to provide 911 services in the City, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6 and 7). Councilmember Johannesen seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-08
SPECIFIC USE PERMIT NO. S-204

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ANIMAL SHELTER ON A 42.66-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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. 19-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF A 14.995-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

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

113 **X. PUBLIC HEARING ITEMS**

114 **1. A2018-005 (6:00 PM)** – Hold a public hearing to discuss and consider a request by Suresh
115 Shridharani on behalf of the owner Harlan Properties Inc. for the approval of the annexation
116 of a 79.564-acre tract of land identified as Tract 3 of the J. Merriman Survey, Abstract No.
117 155, Rockwall County, Texas, and take any action necessary.

118 **2. Z2018-050** - Hold a public hearing to discuss and consider a request by David Rains for the
119 approval of an **ordinance** for a Specific Use Permit (SUP) allowing a covered patio that
120 exceeds the maximum requirements for property located within the Lake Ray Hubbard
121 Takeline leased area that is adjacent to a parcel of land identified as Lot 12, Block A,
122 Chandlers Landing, Phase 18, Section 2, City of Rockwall, Rockwall County, Texas, zoned
123 Planned Development 8 (PD-8) District for single family land uses, addressed as 5808
124 Constellation Circle, and take any action necessary **(1st Reading)**.

125 **Indication was given that the applicant for this case has submitted a request to withdraw. Mayor**
126 **Pruitt moved to allow the applicant to withdraw the case, as requested. Mayor Pro Tem Fowler**
127 **seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).**

128 **3. Z2018-055** - Hold a public hearing to discuss and consider a request by Kyle Jenkins of the
129 Jenkins Organization on behalf of Michael Swiercinsky of 7.1 Ridge, LLC for the approval of
130 an **ordinance** for a Specific Use Permit (SUP) for a Mini-Warehouse facility on a 2.595-acre
131 tract of land being a portion of Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall
132 County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV)
133 District, located southwest of the intersection of W. Yellow Jacket Lane and Ridge Road [FM-
134 740], and take any action necessary **[1st Reading]**.

135 **Planning Director Ryan Miller provided background information pertaining to this agenda item. The**
136 **applicant then came forth to speak.**

137
138 **Maxwell Fisher**
139 **900 Jackson Street**
140 **Dallas, TX**

141
142 **Mr. Fisher came forth and provided comments pertaining to this proposed warehouse storage facility.**
143 **He showed renderings of what the facility will look like, generally highlighting that it will look like an**
144 **office building (not a storage facility).**

145
146 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this**
147 **time. Caprice Michelle (no address given) came forth and provided brief comments in support of**
148 **Council approving this SUP.**
149

150 Sergio Bento
151 2002 S. Lakeshore Dr.
152 Rockwall, TX 75087
153

154 Mr. Bento shared that he and his family moved to Rockwall in 2002. He used to contract with the
155 Department of Defense and he subsequently did economic development training with economic
156 development staff throughout the country. He went on to share his past experience in Arlington
157 pertaining to the old Cowboys stadium. He generally spoke in opposition of Council approving this
158 SUP request.
159

160 Priscylla Bento (no address given) came forth and shared that she is working towards obtaining her
161 PhD in Urban Planning & Public Policy, and her dissertation will focus on Economic Development. She
162 generally spoke in opposition of the Council approving this SUP request.
163

164 Bob Wacker
165 309 Featherstone
166 Rockwall, TX
167

168 Mr. Wacker came forth and commented on this proposed storage facility. He commented that the
169 renderings show what he believes is a nice looking building. He is generally in favor of approval of
170 this SUP.
171

172 Johnny Lyons, Chairman of the City's Planning & Zoning Commission, came forth and shared that the
173 Commission has recommended that this item not be approved. Commissioner Moeller and he were
174 'for' this; however, the other commissioners were 'against' this proposal. Those who were in
175 opposition seemed to indicate the belief that this was not the best fit or use for this particular
176 property.
177

178 Mr. Jerry Welch of the city's Planning & Zoning Commission came forth and generally indicated that
179 the Commission did not feel like this was the best location for a mini warehouse storage facility. For
180 this reason, the P&Z recommended its denial.
181

182 Following various comments from council members, Councilman Johannesen moved to deny this item
183 (Z2018-055). Councilmember Daniels seconded the motion, which passed by a vote of 6 in favor with
184 1 absence (Trowbridge).
185

186 Johnny Lyons, Chairman of the P&Z, then came forth and provided brief comments to Council
187 concerning recommendations of the Commission relative to the remaining planning-related items on
188 tonight's meeting agenda.
189

- 190 4. Z2018-057 - Hold a public hearing to discuss and consider a request by Bill Bricker of
191 Columbia Development Company, LLC for the approval of an ordinance amending Planned
192 Development District 59 (PD-59) for the purpose of incorporating a 0.786-acre tract of land
193 for Residential-Office (RO) District land uses being a 56.586-acre tract of land identified as a
194 portion of R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas,
195 zoned Planned Development District 52 (PD-52) and Planned Development District 59 (PD-

59), located between W. Washington Street and T. L. Townsend Drive, and take any action necessary [1st Reading].

Planning Director Ryan Miller provided background information pertaining to this agenda item. Staff mailed 194 notices to property owners and residents located within 500' of the subject property. So far staff has received seven notices in favor of the request and one in opposition. The Planning & Zoning Commission has recommended approval of this item.

Bill Bricker
505 Westway Drive
Rockwall, TX

Mr. Bricker came forth and briefly addressed the Council. Thereafter, Mayor Pruitt asked if anyone would like to come forth and speak during this Public Hearing. There being no one indicating such, he then closed the public hearing.

Councilmember Hohenshelt moved to approve Z2018-057. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-XX

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, SO AS TO AMEND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) [ORDINANCE NO.'s 04-59 AND -6-51] AND PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 16-45] FOR THE PURPOSE OF INCORPORATING A 0.789-ACRE TRACT OF LAND FOR RESIDENTIAL-OFFICE (RO) DISTRICT LAND USES BEING A 56.586-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ZONED PLANNED DEVELOPMENT DISTRICT 52 (PD-52) AND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; 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 6 in favor with 1 absence (Trowbridge).

5. A2018-005 (6:30 PM) – Hold a public hearing to discuss and consider a request by Suresh Shridharani on behalf of the owner Harlan Properties Inc. for the approval of the annexation of a 79.564-acre tract of land identified as Tract 3 of the J. Merriman Survey, Abstract No. 155, Rockwall County, Texas, and take any action necessary.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the Public Hearing. No action was taken at this time.

- 239 **6. Z2018-058** - Hold a public hearing to discuss and consider a request by Tim McCallum of He
240 Wines She Dines, LLC on behalf of Buffalo Creek Business Park, LTD for the approval of an
241 **ordinance** for a Specific Use Permit (SUP) for a Craft Winery and Commercial
242 Amusement/Recreation (Outdoor) on a 7.2-acre tract of land identified as Tracts 20-01 &
243 20-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas,
244 zoned Commercial (C) District, addressed as 203 County Line Road, and take any action
245 necessary **[1st Reading]**.

246 **Indication was given that the applicant could not be present this evening, so he has requested that**
247 **this item be postponed. Mayor Pruitt moved to postpone this agenda item until the February 4, 2019**
248 **regular city council meeting. Councilmember Johannesen seconded the motion, which passed by a**
249 **vote of 6 ayes with 1 absence (Trowbridge).**

- 250
251 **7. Z2018-059** - Hold a public hearing to discuss and consider a request by Heather Cullins for
252 the approval of an **ordinance** for a zoning change from a Single-Family Estate 2.0 (SFE-2.0)
253 District to Single Family Estate 1.5 (SFE-1.5) District on a 3.03-acre tract of land identified as
254 Tract 1-01 of the T. Dean Survey, Abstract No. 69, City of Rockwall, Rockwall County, Texas,
255 zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 1085 Dalton Road, and take
256 any action necessary **[1st Reading]**.

257 **Planning Director Ryan Miller provided background information pertaining to this agenda item,**
258 **generally explaining that the applicant purchased this property a little over a year ago and had**
259 **planned to build a home on the property; however, since that time, the applicant found a different**
260 **piece of property that they like better. As a result, they have been trying to sell this property, but**
261 **they've been having difficulty. They are therefore requesting that the Council consider allowing them**
262 **to essentially split this property into two different tracts.**

263
264 **Kenneth Cullins**
265 **3114 Stoney Hollow Lane**
266 **Rockwall, TX**

267
268 **Mr. Cullins came forth and briefly addressed the Council, generally explaining his and his wife's**
269 **reasoning behind the request to rezone, and asking Council to consider approval of said request.**

270
271 **David Hodgdon**
272 **1085 Dalton Road**
273 **Rockwall, TX**

274
275 **Mr. Hodgdon spoke during the public hearing, explaining that he sold this piece of property to Mr. and**
276 **Mrs. Cullins, and his property is located directly adjacent to this one. He went on to express that he is**
277 **in opposition of the Council approving this request for the applicant to subdivide the property into**
278 **two, separate lots.**

Councilmember Daniels moved to approve Z2018-059. Councilmember Macalik seconded the motion. Following additional, brief comments, the ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-XX

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, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT ON A 3.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-01 OF THE T. DEAN SURVEY, ABSTRACT NO. 69, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A' AND FURTHER DESCRIBED IN EXHIBIT 'B' 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 6 ayes with 1 absence (Trowbridge).

XI. ACTION ITEMS

1. **SP2018-043** - Discuss and consider a request by Kevin Hickman of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval of a waiver in conjunction with an approved site plan for a 375-unit condominium building on a 6.2-acre tract of land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), situated within the IH-30 (IH-30) Overlay District, located at the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail, and take any action necessary.

Planning Director Ryan Miller provided brief, introductory comments pertaining to this agenda item. Mayor Pruitt then moved to approve the requested waiver. Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

XII. 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 legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)

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

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

322 Council did not reconvene in Executive Session following the close of the public meeting agenda. See
323 action taken at the start of the 6:00 p.m. public meeting for action taken as a result of the earlier
324 Executive Session.

325 **XIV. ADJOURNMENT**

326 Mayor Pruitt adjourned the meeting at 7:29 p.m.

327
328 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
329 **THIS 4th DAY OF FEBRUARY, 2019.**

330

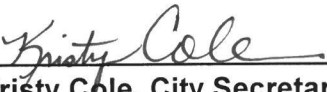
331

332 **ATTEST:**

333

334

335



Kristy Cole, City Secretary



Jim Pruitt, Mayor

