

# MINUTES

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## ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, February 19, 2019 - 4:00 PM

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

### I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Fowler called the public meeting to order at 6:00 p.m. Present were Mayor Pro Tem Kevin Fowler and Council Members Patrick Trowbridge, John Hohenshelt, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and the city's legal counsel, Patrick Lindner. Council Members Dana Macalik and Trace Johannesen were absent from the meeting. Mayor Pruitt arrived to the meeting at 6:16 p.m. as noted below.

### II. WORK SESSION

1. Hold a work session to discuss and consider implementing the use of a tool created by the Planning and Zoning Department in conjunction with zoning cases, and take any action necessary.

Planning Director Ryan Miller addressed the Council concerning this work session item. He shared general details pertaining to a tool that has been created that will help with conducting cost/benefit analyses for zoning cases. Overall, Council seemed to be in favor of the tool and provided positive feedback overall. Council took no action as a result of this work session discussion.

2. Hold a work session to discuss and consider strategies for the IH-30 Corridor as stated in the IH-30 Corridor Planning Study, and take any action necessary.

Mr. Miller also spoke to the Council concerning this work session agenda item. He shared both "defensive" and "offensive" strategies concerning future development (and redevelopment) of the portion of IH-30 that runs through the City of Rockwall. Trends related to "big box stores" and retailers, in general, were discussed. Council did not express any specific concerns about the information Mr. Miller presented. No formal action was taken as a result of these discussions.

3. Hold work session to discuss the "Staffing and Adequate Fire and Emergency Response" (S.A.F.E.R.) Grant Program through the Federal Emergency Management Agency (F.E.M.A.)

Fire Chief Kenneth Cullins came forth and addressed Council concerning this work session item. He explained that this grant program helps communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. He generally indicated that staff would like to evaluate Council's interest in city staff potentially submitting a grant application on behalf of the Rockwall Fire Department, specifically for staffing. He explained that it is a 3-year grant program, and the grant would pay:

- Year 1 – 75% of the annual cost of a first-year firefighter
- Year 2 – 75% of the annual cost of a first-year firefighter
- Year 3 – 35% of the annual cost of a first-year firefighter
- Year 4 and beyond – City picks up 100% of the cost

Staff shared information on projected base salary and benefits package costs to fund 12 personnel (through taking advantage of grant funding). Chief Cullins explained that this proposal, if the grant funds were awarded, would bring minimum staffing to 12 (3 per each of the city's four fire stations). Following the discussion, Mayor Pro Tem Fowler pointed out that this topic appears later on this evening under "Action Items." No action was taken at this time.

At 5:11 p.m., Mayor Pro Tem Fowler read the below discussion items into the public record before recessing the meeting to go into Executive Session.

### **III. 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 Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
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)

### **IV. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Executive Session at 5:35 p.m.**

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

Mayor Pro Tem Fowler reconvened the public meeting at 6:00 p.m. (Mayor Pruitt and Councilmembers Macalik and Johannesen were absent). Mayor Pruitt joined the meeting at 6:16 p.m. (just prior to "Action Items"), as noted below.

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

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

### **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TROWBRIDGE**

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

### **VIII. (BLANK / OMITTED)**

### **IX. OPEN FORUM**

Mayor Pro Tem Fowler 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.

### **X. CONSENT AGENDA**

1. Consider approval of the minutes from the February 4, 2019 regular city council meeting, and take any action necessary.
2. **22018-058** - Consider request by Tim McCallum of He Wines She Dines, LLC on behalf of Buffalo Creek Business Park, LTD for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Craft Winery and Commercial Amusement/Recreation (Outdoor) on a 7.2-acre tract of land identified as Tracts 20-01 & 20-7 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 203 County Line Road, and take any action necessary. **(2nd Reading)**
3. Consider authorizing City Manager to negotiate and execute a facility use agreement with Lake Pointe Sports and take any action necessary.
4. Consider adopting official logo for the "Free Live Music Capital of North Texas," and take any action necessary.
5. Consider authorizing the City Manager to execute a professional engineering services contract with Kimley-Horn and Associates, Inc. to perform the engineering design services and specifications for the W. Boydstun Avenue (Forest Trace to S. Goliad Street) and Forest Trace (S. Lakeshore Drive to W. Boydstun Avenue) Reconstruction Project in an amount not to exceed \$532,000.00, to be paid for by 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
6. Consider authorizing the City Manager to execute a professional engineering services contract with Burgess & Niple, Inc. to perform the engineering design and construction plans for the Squabble Creek Sanitary Sewer Interceptor Rehabilitation Phase 3 Project in an amount not to exceed \$30,000.00 to be funded by water/wastewater funds, and take any action necessary.
7. Consider authorizing the City Manager to execute a professional engineering services contract with Freese & Nichols, Inc. to perform the engineering design services and specifications for the N. Alamo Road (Live Oak Street to Downtown Couplet) Reconstruction Project in an amount not to exceed \$360,580.00, to be funded by the 2018 Street Bond funds and water/wastewater funds, and take any action necessary.
8. Consider a request by Matt Moore of ClayMoore Engineering, Inc. for the approval of an alternative tree mitigation plan in conjunction with an approved site plan for for a multi-tenant office/warehouse complex on a 7.52-acre portion of a larger 9.76-acre tract of land identified as Lot 18 and the south portion of Lot 19, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 407 Ranch Trail, and take any action necessary.

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

CITY OF ROCKWALL  
ORDINANCE NO. 19-10  
SPECIFIC USE PERMIT NO. S-205

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 A CRAFT WINERY AND COMERCIAL AMUSEMENT/RECREATION (OUTDOOR) ON A 7.2-ACRE TRACT OF LAND, ADDRESSED AS 203 COUNTY LINE ROAD AND BEING IDENTIFIED AS TRACTS 20-01 & 20-07 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, 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.

The motion passed by a vote of 4 ayes with 3 absent (Macalik, Pruitt and Johannesen).

#### **XI. APPOINTMENT ITEMS**

1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.

Chairman of the city's P&Z Commission, Johnny Lyons, came forth and briefed Council on recommendations of the Commission relative to the planning-related item on tonight's meeting agenda. No questions were asked, no discussion took place, and no action was taken as a result of Mr. Lyons' comments.

2. Appointment with Ralph Oltmann, President of Mclenco Construction Services, Inc. to hear request concerning temporary closure of Laguna Drive related to Hyatt Place construction, and take any action necessary.

Mr. Ralph Oltmann  
1320 Buffalo Pass  
Waco, TX 76712

Mr. Oltmann came forth and shared that he is seeking permission from the Council for a temporary road closure of Laguna Drive for some construction-related work that needs to be performed. Following Mr. Oltmann's brief comments, Councilmember Daniels made a motion to approve the request for the temporary road closure of Laguna Drive, as requested. Councilman Trowbridge seconded the motion, which passed by a vote of 4 ayes with 3 absences (Macalik, Pruitt and Johannesen).

#### **XII. PUBLIC HEARING ITEMS**

1. **Z2019-001** - Hold a public hearing to discuss and consider approval of an ordinance for a text amendment to Article IV, Permissible Uses, and Article V, District Development Standards, of the Unified Development Code [Ordinance No. 04-38] for the purpose of incorporating standards for a Barn or Agricultural Accessory Building and to amend the land use conditions for the Guest Quarters/Secondary Living Unit land use, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided brief background information pertaining to this agenda item, sharing that the City Council directed staff to create a land use for Barns or Agricultural Accessory Buildings. This came after receiving a request from Dewayne Cain to amend the code to allow an ~4,950 SF, metal barn that would contain a storage area for eight (8) vehicles and a guest quarters/secondary living facility (i.e. the facility includes all components of a residential living unit [e.g. kitchen, bathroom, etc.]) on a property zoned Agricultural (AG) District.

Mayor Pro Tem Fowler 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.

Following brief discussion, Councilmember Daniels moved to approve Z2019-001. Mayor Pro Tem Fowler seconded the motion. The ordinance caption 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, BY AMENDING ARTICLE IV, *PERMISSIBLE USES*; 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 4 ayes with 3 absences (Macalik, Pruitt and Johannesen).

Mayor Pruitt arrived to the meeting at this time (6:16 p.m.)

**XIII. ACTION ITEMS**

1. **Z2018-056** - Discuss and consider a request by Tom Jones on behalf of Shanon Thomas of Rockwall Friendship Baptist Church for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.03-acre tract of land being identified as Tract 2-4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, located east of the intersection of Justin Road and John King Boulevard, and take any action necessary (**2nd Reading**).

Mayor Pro Tem Fowler moved to approve Z2018-056. Councilmember Trowbridge seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 19-\_\_

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 AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT ON A 6.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-4 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 4 ayes, 1 nay (Hohenshelt) and 2 absences (Macalik and Johannesen).

- 222           **2. A2018-005** - Discuss and consider a request by Suresh Shridharani on behalf of the owner  
223           Harlan Properties Inc. for the approval of an **ordinance** for the annexation of a 79.564-acre  
224           tract of land identified as Tract 3 of the J. Merriman Survey, Abstract No. 155, Rockwall  
225           County, Texas, and take any action necessary **(1st Reading)**.  
226

227   Planning Director Ryan Miller provided background information pertaining to this agenda item. On  
228   February 19, 2019, the City Council will be considering the first reading of an annexation ordinance  
229   proposing the voluntary annexation of 69.679-acres of land located north and northeast of the  
230   intersection of FM-550 and SH-276 and located within the City's Extraterritorial Jurisdiction (ETJ).  
231   Suresh Shridharani on behalf of Harlan Properties, Inc. is requesting the annexation for the purpose of  
232   incorporating the property into the City of Rockwall to develop a residential subdivision. Staff should  
233   note, that since the property is not contiguous to the City's corporate limits, an additional 9.885-acres  
234   of SH-276 right-of-way will also need to be annexed along with the subject property. The City Council  
235   conducted the required hearings (first and second) on January 22 2019, and staff has followed the  
236   procedures for annexations as set forth in Chapter 43, Municipal Annexations, of the Texas Local  
237   Government Code (TLGC) with regard to notifying affected property owners and publishing notices in  
238   the newspaper and on the City's website.  
239

240   Indication was given that the applicant has given preliminary indication that they would like to utilize  
241   this area for residential homes with septic tank service. Discussion ensued pertaining to one acre  
242   versus one-and-a-half acre residential lots. Mayor Pruitt pointed out that if this developer built this  
243   subdivision while "in the county," they would have to do so on 1.5 acre lots; however, if the city  
244   annexes this area, they have the ability to ask for approval of 1 acre lots (with septic) instead. This  
245   would, of course, be at the Council's discretion.  
246

247   Councilmember Hohenshelt moved to approve A2018-005. Councilmember Trowbridge seconded the  
248   motion. The ordinance was read as follows:  
249

250                           CITY OF ROCKWALL  
251                           ORDINANCE NO. 19-\_\_\_  
252

253           AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
254           PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF  
255           ROCKWALL, TEXAS AND THE ANNEXATION OF A 79.564-ACRE TRACT OF LAND  
256           IDENTIFIED AS TRACT 2 OF THE J. MERRIMAN SURVEY, ABSTRACT NO. 155,  
257           ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND  
258           ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS;  
259           PROVIDING FOR AN EFFECTIVE DATE.  
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261   The motion passed by a vote of 4 ayes, 1 against (Pruitt) and 2 absences (Macalik and Johannesen).  
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- 263           **3.** Discuss and consider authorizing staff to submit application to the "Staffing and Adequate  
264           Fire and Emergency Response" (S.A.F.E.R.) Grant Program on behalf of the Rockwall Fire  
265           Department, and take any action necessary.  
266

267   Councilmember Daniels moved to authorize staff to move forward with submission of the grant  
268   application. Mayor Pro Tem Fowler seconded the motion, which passed unanimously of those  
269   present (Macalik and Johannesen absent).  
270



271 **XIV. EXECUTIVE SESSION**

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

- 274 1. Discussion regarding Economic Development prospects, projects, and/or incentives  
275 pursuant to Section 551.087 (Economic Development)  
276 2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of  
277 Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District  
278 (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

280 **Council did not reconvene in Executive Session following the close of the public meeting agenda.**

281 **XVI. ADJOURNMENT**

282 **Mayor Pro Tem Fowler adjourned the meeting at 6:30 p.m.**

283  
284 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
285 **THIS 4<sup>th</sup> DAY OF MARCH, 2019.**

286  
287  
288 **ATTEST:**

289 Kristy Cole  
290  
291 **Kristy Cole, City Secretary**

Jim Pruitt  
**Jim Pruitt, Mayor**

