

## **ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, March 18, 2019 - 5:00 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 5:00 p.m. Present were Mayor Pro Tem Kevin Fowler and Councilmembers Patrick Trowbridge, 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 Attorney Frank Garza. Mayor Jim Pruitt was absent from the meeting.

Mayor Pro Tem Fowler read the below listed 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) Board - 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 5:48 p.m.

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

Mayor Pro Tem Fowler reconvened the public meeting with 6 of the 7 council members being present (Pruitt absent).

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

No action was taken as a result of Executive Session.

### **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

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

## VII. 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.

Nick Grant  
1569 E. Quail Run Road  
Rockwall, TX

Mr. Grant came forth and shared concerns related to the cancellation of Household Hazardous Waste Disposal Day. He shared that citizens were not communicated with regarding its cancellation. Also, he is concerned about physical safety and environmental-related concerns pertaining to the potential 'replacement' solution if it entails hazardous items being left outside for curbside pick up.

There being no one else wishing to come forth and speak, Mayor Pro Tem Fowler closed Open Forum.

## VIII. CONSENT AGENDA

1. Consider approval of the minutes from the March 4, 2019 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** cancelling the May 4, 2019 General Election, and take any action necessary **(2nd Reading)**.
3. Consider approval of an **ordinance** establishing the speed limit along SH 205 as fifty miles per hour (50 mph) between MP .575 (north of FM 552/Dalton) and MP .837 (the City's corporate limits), and take any action necessary. **(1st reading)**
4. Consider authorizing a contract extension for Contract Mowing for one year to Grass Kisser Landscape Maintenance in the amount of \$80,437 to be funded from the General Fund, Parks Operations, Ground Maintenance budget, and take any action necessary.
5. Consider a Park Board recommendation regarding approval of a resolution of the City Council to the 86th Session of the Texas Legislature regarding the distribution of sporting good sales tax to the Texas Recreation and Parks Account, and take any action necessary.
6. Consider approval of a resolution authorizing and consenting to the City of Forney, TX providing sanitary sewer service to 487 additional acres of land through an amendment to the City of Forney's Wastewater Service Contract with Kaufman County Municipal Utility District (MUD) No. 3, and take any action necessary.
7. Consider approval of a resolution for the annual adoption of pro-rata equipment fees to be paid by developers in accordance with the Mandatory Neighborhood Park Land Dedication Ordinance, and take any action necessary.
8. Consider approval of a resolution for the annual adoption of cash-in-lieu of land fees to be paid by developers in accordance with the Mandatory Neighborhood Park Land Dedication Ordinance, and take any action necessary.

9. Consider a request by Mark W. Pross of Pross Design Group, Inc. on behalf of Carolina Molina of Alvaplast US (SPR Packaging) for the approval of an alternative tree mitigation plan in conjunction with an approved site plan for a warehouse/manufacturing facility on a 11.3736-acre tract of land identified as Tract 7 of the N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated at the terminus of Aluminum Plant Road, and take any action necessary.
10. **P2019-009** - Consider a request by Mathias Haubert of Bohler Engineering on behalf of Daniel J. Porter of Dynamic Development for the approval of a replat for Lot 1, Block A, Brakes Plus Addition being a 0.653-acre tract of land currently identified as Lots 1 & 2, Billy Peoples #1 Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1902 & 2000 S. Goliad Street [SH-205], and take any action necessary.

Councilmember Johannesen moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10). Councilman Trowbridge seconded his motion but expressed a desire to ask questions pertaining to Consent Agenda item #3. Clarifying questions and answers took place pertaining to the process involved in having speed limits altered. Following the brief discussion, the ordinances were read as follows:

**CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 19-14**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND CITY COUNCILMEMBER PLACE 1, CITY COUNCILMEMBER PLACE 3, AND CITY COUNCILMEMBER PLACE 5, AS ELECTED; PROVIDING THAT THE MAY 4, 2019 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL, TEXAS  
ORDINANCE # 19-\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON STATE HIGHWAY 205 OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF ROCKWALL, TEXAS, AS SET FORTH IN THIS ORDINANCE; PROVIDING A PENALTY OF A FINE NOT TO



**EXCEED SUM OF \$200.00 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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

**IX. 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.

This item was not addressed by Council.

**X. PUBLIC HEARING ITEMS**

1. **Z2019-003** - Hold a public hearing to discuss and consider a request by Jeff Bresee of SET Engineers on behalf of James Watson of the Rockwall Independent School District (RISD) for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Private Sports Arena, Stadium or Track on a 35.295-acre parcel of land identified as Lot 1, Block A, Rockwall High School Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 901 W. Yellow Jacket Lane, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for a Private Sports Arena, Stadium, or Track on the subject property. Currently, the Rockwall Independent School District (RISD) utilizes this area as an existing multi-purpose field that serves as a practice facility for various sports (e.g. softball, baseball, football, soccer, discus, etc.). According to the applicant, in order to protect vehicles and/or patrons of the nearby commercial businesses (e.g. Rooms-To-Go, Heritage Buick-GMC, the future Texas Roadhouse Restaurant and Marriott Towneplace Suites hotel) adjacent to the field, the school is requesting to construct a 40-foot fence/netting combination around the perimeter of the field. Notices were sent out to adjacent property / land owners; however, no responses were received back by staff. The Planning & Zoning Commission has recommended approval of this item by a vote of 4 in favor with 3 absences. If the City Council chooses to approve the applicant's request, staff proposed that the Council consider the following conditions of approval:

The applicant shall be responsible for maintaining compliance with the following conditions:

- The private arena, stadium, or track shall generally conform to concept and photometric plans and elevations depicted in Exhibits 'B', 'C', and 'D' of the attached ordinance;
- The light fixtures shall not be mounted above 40-feet in height.

Any construction resulting from the approval of this zoning change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Tim Listing, Construction Project Manager for RISD, came forth and addressed the Council concerning this agenda item, indicating that he is happy to answer any questions the Council may have.

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

Bob Wacker  
309 Featherstone  
Rockwall, TX

Mr. Wacker came forth and expressed that as long as there are not loud speakers or offensive lighting, he thinks this will be okay. As a side note, he expressed that he has some input related to changing of speed limits that he would like to share with staff/council.

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

Councilman Trowbridge moved to approve Z2019-003. Councilmember Macalik seconded the motion. Mayor Pro Tem Fowler shared that he is not crazy about a large, black chain link fence, especially considering that it is visible from IH-30. The applicant briefly came forth and provided comments regarding Fowler's concerns. He also pointed out that the location abuts the rear of "Rooms-to-Go," so putting any sort of landscaping does not seem logical. He clarified that the chain link fence will be about 10' tall, and the netting will begin above that. He went on to briefly describe the netting that will be utilized. Various sport practices only will take place at the location (no games), so the netting will be utilized to essentially help ensure random sports balls do not escape the practice fields. Councilman Daniels expressed concern about the netting. He does not wish for netting like that which is used at a "Top Golf," for example, be visible from IH-30, especially in an "Overlay District." Councilman Johannesen questions why the City might grant all of these exceptions, other than the fact that the applicant is a school district. He is not sure that so many exceptions would be made if the applicant were not a school district. Brief discussion took place related to a grading study / plan. Following extensive discussion, the ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 19-XX  
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A PRIVATE SPORTS ARENA, STADIUM, OR TRACK IN A COMMERCIAL (C) DISTRICT, SITUATED ON A 35.295-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, ROCKWALL HIGH SCHOOL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 0 absences.

2. P2019-008 - Hold a public hearing to discuss and consider a request by Kevin Osornio on behalf of Jeaniffer Osornio for the approval of a replat for Lots 1 & 2, Block A, N. E. & J.O. Addition being a 0.46-acre parcel of land identified as Lot 2, Block A, Sanger Addition, City of

Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, situated within the Southside Residential Overlay (SOV) District, addressed as 705 Peters Colony, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant is requesting to replat a 0.46-acre parcel of land for the purpose of subdividing one lot (*i.e. Lot 2, Block A, Sanger Addition*) into two (2) lots (*i.e. Lots 1 & 2, Block A, N. E. & J. O. Addition*) in order to construct single-family homes on Lots 1 & 2. The subject property was annexed prior to 1959, is situated within the Southside Residential Neighborhood Overlay (SOV) District, and is zoned Single-Family 7 (SF-7) District. Thirty-nine public notices were sent out to adjacent land and property owners; however, no notices were received back by staff. The Planning & Zoning Commission has recommended approval of this item by a vote of 4 to 0.

On March 5, 2019, the Parks and Recreation Board reviewed the proposed *replat* and made the following recommendations:

1) The developer shall pay pro-rata equipment fees for Park District No. 21 in the amount of \$516.00 for Lot 2. This will need to be paid at time of final plat and is subject to change pending the City Council's adoption of the 2019 fees; and

2) The developer shall pay cash-in-lieu of land fees for Park District No. 21 in the amount of \$416.00 for Lot 2. This will need to be paid at time of final plat and is subject to change pending the City Council's adoption of the 2019 fees.

The surveyor has completed the majority of the technical revisions requested by staff, and this plat - *- conforming to the requirements for final plats as stated in the Subdivision Ordinance in the Municipal Code of Ordinances* -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.

Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the *Conditions of Approval* section below.

With the exception of the items listed in the *Conditions of Approval* section of staff's case memo, the plat is in substantial compliance with the requirements of the *Subdivision Ordinance* in the *Municipal Code of Ordinances*.

Following Mr. Miller's comments, Councilman Trowbridge moved to approve this item, including staff recommendations. Councilman Hohenshelt seconded the motion. The motion passed by a vote of 6 ayes with 1 absence (Pruitt).

## **XI. ACTION ITEMS**

1. Discuss and consider authorizing the City Manager to execute an agreement with Doliver Enterprises LLC dba HHW Solutions for the collection and disposal of household hazardous waste and take any action necessary.

Assistant City Manager Mary Smith provided brief, introductory comments pertaining to this agenda item. She generally indicated that the company that had been providing "Household Hazardous Waste Day" services significantly increased its pricing, which caused the city to have to look for a potential alternative. Mr. Dick Demien came forth and briefly introduced himself. He shared that he is a long time Rockwall resident. He went on to share that this service is a "porch pickup" service (not a



curbside pickup). It is currently provided in various other cities within Texas. The company is a viable one with no known complaints against it. Indication was given that this will be a .99 cents per household, per month cost to citizens. His company is heavily regulated by the Texas Commission on Environmental Quality (TCEQ). He shared that their main goal is to allow citizens to come and pick up items and reuse them. They also encourage repurposing of items. Their last resort is taking items to an industrial-type landfill; however, it is not their preference. Councilman Hohenshelt expressed a little concern about extending a five-year contract. He prefers a one or two-year contract to start. Mr. Demien shared that there are provisions in the contract that will allow cancellation of the contract if his company is not 'doing its job.' City Attorney Frank Garza shared that he is still working with the company to clean up some of the language. Councilman Hohenshelt shared that he would like to have a final version of the contract brought back to Council for review and consideration, and he would like the 'cancel the contract' language to be very, very clear. Following the discussion, Councilman Hohenshelt moved to direct the city manager to negotiate the contract and bring it back to Council for approval at a future date. Councilman Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

2. Discuss and consider strategies for the IH-30 Corridor as stated in the IH-30 Corridor Planning Study, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item, reminding Council that this topic was discussed at a work session with Council back on February 19. At that time, the City Council directed staff to prioritize the strategies listed in the IH-30 Commercial Corridor Planning Study based on the corridor zone that the strategy was intended to support. In response to this direction, staff has prepared several maps that summarize and prioritize the strategies for each of the targeted corridor zones. In prioritizing each strategy, staff took into account [1] the estimated costs of the strategy, [2] the time needed to implement the strategy, and [3] the perceived impact of the strategy. It was pointed out that staff's memo shows the strategies that staff believes may be more viably doable / workable versus those that may not be as viable. Mr. Miller pointed out that all of the approved strategies would be incorporated into the OURHometown Vision 2040 Comprehensive Plan and would form the framework for how the zone is developed in the future. Following brief discussion, Councilmember Hohenshelt moved to approve the removal of all the items (potential strategies) shown in red font on staff's memo. Councilman Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 absence (Pruitt).

## **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 (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) Board - 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)

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

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


XIV. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 1st  
DAY OF APRIL, 2019.

ATTEST:

  
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Kristy Cole, City Secretary

  
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Jim Pruitt, Mayor

