

MINUTES



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, April 15, 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 public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and City Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Kevin Fowler, 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 Pruitt 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) Board (interviews) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
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 5:55 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

Indication was given that no action was needed as a result of Executive Session.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM FOWLER

Mayor Pro Tem Fowler delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS

1. Public Safety Telecommunications Week

Mayor Pruitt called forth Assistant Police Chief Kirk Aldridge and several Dispatch staff members. He then read and presented them with this proclamation, thanking them for all they do for the safety of our police and fire staff and the public.

2. National Day of Prayer

Mayor Pruitt indicated that he will give this proclamation at the Mayor's Prayer Breakfast on Thurs., May 2 at The Center.

3. Motorcycle Safety & Awareness Month

Mayor Pruitt called forth several motorcyclists who requested this proclamation in recognition of Motorcycle Safety & Awareness Month. He then read and presented them with this proclamation, encouraging all drivers to be observant and respectful of motorcyclists driving on the roadways.

VIII. OPEN FORUM

Paul Davis (777 Paul Davis Lane) came forth and shared that he lives in McLendon-Chisholm; however, he owns property in Rockwall, including property on Cullins Road. Mr. Davis generally expressed opposition to the proposed zoning pertaining to case Z2019-005.

Don Braswell
2041 Chisholm Trail

Mr. Braswell indicated that he lives within the county, about 200' from the proposed zoning change (Z2019-005) and the proposed PID. He has concerns about the existing floodplain and how additional development, both homes and expansion of roadways, will adversely impact the area. Furthermore, he is concerned about the increased traffic and congestion as well as density, and reduced setbacks if this development comes to fruition. He encouraged the city to not allow this development, as it deviates from the city's 2040 Comprehensive Plan.

Leslie Wilson
535 Cullins Road
Rockwall, TX

Mrs. Wilson expressed that a lot of people here tonight are frustrated because they have not yet gotten an opportunity to speak about the proposed PID and related zoning change (Z2019-005). She indicated that she and others will come forth later in the meeting, during the proper time, to share their thoughts.

Janice Morchower
144 Westwood
Rockwall, TX 75032

Ms. Morchower came forth and indicated that she lives in Windmill Ridge subdivision. She expressed concern about the creek that flows into the park area. It serves as runoff for Ralph Hall Parkway, and

the creek is littered with trash and tall reeds. There are trees that are 'downed' in the park, and they have been like that for a while. The litter, she indicated, is inhibiting the water flow. Mayor Pruitt introduced Ms. Morchower to Andy Hesser, Parks Director, indicating that he is the proper staff person to address her concerns.

Ed Kohorst
831 Cullins Road
Rockwall, TX

Mr. Kohorst came forth and indicated that he and his wife, Olivia, have lived at this location on fifteen acres for twenty-five years. It is a mixture of tall grass, dense woods and gently rolling hills. He spoke about the many different variations of wildlife that live in and around his property and the creek that runs less than 50 yards from the western edge of the proposed Highgate development. He believes that this development will cause the creek to overflow its bank, flood the nearby wooded area and destroy the wildlife habitat that live there. He generally expressed concern about this development potentially being approved by the City.

Kristi Mase
1160 Skylar Drive
Rockwall, TX 75032

Ms. Mase indicated that she worked as an Admin. Assistant at Rockwall High School, and students often sit on the floor in the lunch room because of overcrowding. She believes these 500+ homes will further adversely impact overcrowding that is already present within the school district.

Craig Koziol
281 Willowcrest
Rockwall, TX

Mr. Koziol came forth and expressed that he is adamantly opposed to the proposed zoning change associated with the potential Highgate development.

Prycilla Bento
2002 S. Lakeshore Drive
Rockwall, TX

Mrs. Bento came forth and shared concerns related to unsustainable development and "urban sprawl." She expressed concerns about traffic, flooding, infrastructure, and school overcrowding, among other things.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the April 1, 2019 regular city council meeting, and take any action necessary.
2. Consider a recommendation of the City Council's Naming Subcommittee regarding approval of a resolution renaming South Nash Street, and take any action necessary.

3. Consider authorizing the purchase of two submersible pumps from Control Specialists L.P in an amount not to Exceed \$38,000 to replace two pumps at The Harbor, with one pump in the amount of \$18,000 to be funded from The Harbor General Fund Budget and the balance of \$20,000 for the second pump to be funded from General Fund Reserves, and take any action necessary.
4. **P2019-016** - Consider a request by Kevin Patel of Triangle Engineering, LLC for the approval of a replat for Lot 2 of the Cain Properties #1 Addition being a 1.233-acre parcel of land identified as a portion of Lot 1 and Lot 1R of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, located north of the intersection of S. Goliad Street [SH-205] and Storrs Street, and take any action necessary.
5. **P2019-010** - Consider a request by Michael Duval of G&A/McAdams on behalf of John Delin of RW Ladera, LLC for the approval of a final plat for Lot 1, Block A and Lot 1, Block B, Ladera Rockwall Addition being a 47.694-acre tract of land identified as a portion of Tract 4-01 and all of Tract 5 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85) for General Retail (GR) and Single-Family 7 (SF-7) District land uses, situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast and northwest corners of the intersection of SH-66 and John King Boulevard, and take any action necessary.

Mayor Pro Tem Fowler moved to approve the entire Consent Agenda (#1, 2, 3, 4, and 5). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays. Mayor Pruitt then reordered the agenda to address Appointment Item #2.

X. 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 Planning & Zoning Commission, Johnny Lyons, came forth and briefed the Council on recommendations of the Commission regarding planning-related items on tonight's meeting agenda. Following brief, clarifying discussion, Council took no action related to this appointment item.

2. Appointment with the Lakeshore Composite Squadron of the Civil Air Patrol to report on community activities for the 2018-2019 school year, and take any action necessary.

Representatives from the local Civil Air Patrol squadron came forth and briefed the Council on community-related activities that the group either spearheaded or was involved in during the year 2018. Following their brief presentation, Mayor Pruitt thanked the group for all the good its members do within our community.

XI. PUBLIC HEARING ITEMS

1. Hold a public hearing to discuss and consider a request by Kent Donahue of Donahue Development Corporation on behalf of the owner Rockwall Highgate LTD for the approval of a Public Improvement District (PID) on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. Goliad Street) south of the intersection of SH-205 and FM-549, and take any action necessary.

City Attorney Frank Garza provided a briefing regarding how a PID petition request must be handled and how PID assessments and associated fees/taxes work. It is required that a public hearing be held by city council after receipt of a legitimate PID petition. The proposed district boundaries must be identified along with a PID petition, and this one does identify those. The lots within the PID would be charged / assessed fees in an amount up to \$17 million to pay for the needed public improvements. The city will have up to six months to either accept or decline the PID.

Mayor Pruitt thanked Mr. Garza for his briefing and associated explanations. Mayor Pruitt shared that this development is actually a proposed 2 units per acre, and "low density" is actually defined as 2.5 units per acre within the Hometown 2040 Comprehensive Plan. He went on to explain that the city's comp plan was approved after a two year process that included a lot of public input opportunities.

Mr. Donahue
15443 Knoll Trail, Suite 130
Dallas, TX 75248

Mr. Donahue came forth and shared that he would like to delay the PID presentation until May to allow additional time for him to meet with and work with citizens to address their concerns. Mayor Pruitt shared that he and the council members are not going to accommodate his request to delay this topic. Mayor Pruitt invited Mr. Donahue to proceed with his presentation regarding the PID; however, Mr. Donahue gave indication that he was choosing to not proceed with making said presentation.

At the request of Councilman Johannesen, Mr. Garza clarified that this PID petition does not ask or require the city to pay for any aspects of the public improvements. The city would in no way be liable to repay the PID bonds that are issued – only the property owners within the PID would be "on the hook" for repayment of the public improvements.

Craig Koziol
281 Willowcrest
Rockwall, TX 75032

Mr. Koziol came forth and asked Mr. Garza, City Attorney, if this development would cause property taxes to increase for those homeowners who do not live within the development. Mr. Garza indicated that no, they would not.

Thomas Cosby

2025 Chisholm Trail
Rockwall, TX 75032

Mr. Cosby shared that he believes the density of this area should match that of the adjacent homes already in existence. He believes the infrastructure should already be in place before the homes are built. He is generally opposed to this request.

Karen Cosby
2025 Chisholm Trail
Rockwall, TX 75032

Mrs. Cosby came forth and shared that she is generally opposed to this PID request. She believes that the integrity of the adjacent homes around the area would be negatively impacted.

Leslie Wilson
535 Cullins Road
Rockwall, TX

Mrs. Wilson shared that she has lived at this location for almost twenty-two years, and her property is very special to her and her family. She is concerned about her home and property potentially ending up being backed up to homes with this type of density. She is strongly opposed to approval of this PID.

Dennis Hillery
143 Pelican Cove
Rockwall, TX

Mr. Hillery came forth and shared that he has some concern about the financing. He asked for clarification on the bonds, pointing out that it would be \$17 million, plus the cost of the bonds, plus interest over a 30 year period. The mayor indicated that a lender would issue the bonds, and the land itself would secure the bonds.

Aaron Bruning
2002 Chisholm Trail
Rockwall, TX

Mr. Bruning shared that his property is adjacent to this proposed PID. He pointed out that this developer has been in the news recently for some things that have occurred in the city of Rowlett. He encouraged the Council to consider those things when deciding on this proposal. Also, he has concerns about traffic and associated accidents. He believes that increased traffic causes concerns for emergency responders by hindering their ability to reach those who have called for assistance, especially the aging population.

Howard Haddock
155 Willowcrest
Rockwall, TX

Mr. Haddock shared that he and many others are adamantly opposed to this development, as the lots will be 'postage stamped' lots. He strongly urged the Council to reject this proposal.

Olivia Casey
831 Cullins Road
Rockwall, TX

Mrs. Casey came forth and expressed concern about potential approval of this PID request. She believes the cost for the property owners who will eventually live there and be taxed will be too costly. She believes establishing this PID will set a dangerous precedence. It sounds like corporate welfare, and she is strongly opposed to it.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and indicated that he served on the council appointed committee that reviewed and updated the city's comprehensive plan. He apologized for potentially having misled some of the people with whom he has communicated on social media (i.e. "Next Door"). He went on to share a story about a personal experience he had with his own homeowners association having to pay back a notably smaller loan within the Stonecreek subdivision. He indicated that the loan essentially cost each homeowner about \$1800 to pay back. He pointed out that the \$17 million loan associated with this PID will be exponentially more costly.

Joan Haddock
155 Willowcrest
Rockwall, TX

Mrs. Haddock indicated that she prefers horses over houses (as far as what is located next door to her). She went on to quote a phrase from the city's 2040 Comprehensive Plan that generally states that a development should be equal to or of higher quality to the existing, surrounding area.

Scott Harman
280 Willowcrest
Rockwall, TX

Mr. Harman is concerned about the area that is located within the floodplain within this proposed development.

Councilman Hohenshelt interjected and clarified that the density of this proposed development is within the city's zoning requirements, and the developer could – by right – build this subdivision even without the PID being approved.

Mr. Harman shared that he has concerns about the higher density development eventually costing school district taxpayers more money in school district taxes and taxes over all (i.e. additional fire, police and emergency personnel). He would love for this area to remain a horse farm forevermore; however, he and others do realize that at some point the property will likely be developed.

Carol Byrd
707 Cullins Road
Rockwall, TX

Mrs. Byrd shared that she has lived at this location for more than thirty years, and she moved here from north Dallas. She believes that some of how the city is growing is good (i.e. medical facilities), but some of the growth concerns her and makes her sad. She is concerned about the 'run off' that she has continually experienced on her property, stating that her barn and driveway have been flooded out several times. She urged the Council to consider the type of development that residents would like to see and not see.

Leslie Hope
530 Cullins Road
Rockwall, TX

Ms. Hope shared that she and her husband moved here in 2016. She has concerns about 545 homes potentially being constructed in this area, especially when there will only be two-lane roads to travel. She worries that Cullins Road might be a means for ingress and egress pertaining to this subdivision. She and everyone else who has spoken this evening are opposed to this PID and this subdivision.

James Nichols
241 Willowcrest
Rockwall, TX

Mr. Nichols shared that he is fairly new to Rockwall and moved here about two years ago from Dallas. He is concerned that there are no pedestrian walkways in and around this area, and that is especially concerning as it pertains to a future park in this area.

Mayor Pruitt pointed out that the citizens of Rockwall approved the purchase of a "south" community park several years ago on a bond election.

Ed Burzair
2175 Arrowhead Court
Rockwall, TX

Mr. Burzair pointed out that this developer would still need approval from both the Planning & Zoning Commission and the Council if this subdivision were to come to fruition. He believes that the PID is not even necessary, as the developer could just roll in the cost of the infrastructure into the cost of the homes/lots.

Sergio Bento
2002 S. Lakeshore Drive
Rockwall, TX

Mr. Bento shared a story about his experience with Globe Life Park in Arlington and concerns related to that developer. He generally expressed the belief that the developer not giving his presentation this evening signifies a certain level of disrespect because it disallows those in attendance this evening to hear and see – 'straight from the horse's mouth' – what is being proposed. He is generally strongly opposed to this PID and this proposed development.

Stan Jeffus
1903 S. FM 549
Rockwall, TX

Mr. Jeffus came forth and shared concerns related to this proposed PID. He does not believe that this proposal is in line with the true intent and design of a "PID." He believes the developer is 'taking advantage' by proposing this PID.

Jennifer Drake
205 Darrin Drive
Rockwall, TX

Ms. Drake came forth and shared that she is a realtor, and she hears about a lot of homebuyers not understanding that they are buying in a "MUD" or a "PID," and they end up not being able to afford their home(s) over time. She has seen developers throwing in a lot of 'incentives' – for example, free washer and dryers – to encourage buyers to buy within a PID or a MUD. She believes this is deceiving to home buyers. She has a lot of concerns if this PID were to be approved, and she generally spoke in opposition of its approval.

Janice Morchower
144 Westwood
Rockwall, TX

Ms. Morchower shared that she is a realtor too, and she also has concerns about this PID being approved. She wonders if a traffic impact analysis (TIA) will be required associated with this proposed development. Indication was given that before the Planning & Zoning Commission takes action on the zoning case, the TIA would have to be completed and the results shared.

Carol Gardner
759 Winding Ridge Lane
Rockwall (County)

Mrs. Gardner expressed concern about additional noise that will accompany this development if this PID is approved. She also has concerns about Mr. Donahue not presenting this evening.

Dan Bobst came forth and shared that this gentleman is not being transparent, as evident by him not presenting this evening. He does not believe the Council should approve something from someone who is not being transparent.

Cody Barrick
5459 S. FM 549
Rockwall, TX

Mr. Barrick has not been real familiar with a PID prior to this case; however, now that he knows more about it, it appears to him to be a form of 'taxation without representation.' He is opposed to approval of this PID. He knows that development will likely happen in the future

Mayor Pruitt moved to deny this PID request. Councilman Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pruitt called for a break, recessing the public meeting at 7:59 p.m. and reconvening it at 8:13 p.m.

2. **P2019-013** - Hold a public hearing to discuss and consider a request by Dean Cathey of Dean Cathey Custom Homes, Inc. for the approval of a replat for Lots 3, 4 & 5, Block A, Richard Harris Subdivision No. 3 Addition being a 0.57-acre tract of land identified as Lots 1 & 2, Block A, Richard Harris Subdivision No. 3 Addition, City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7) District, addressed as 705 & 707 Hartman Street, and take any action necessary.

Planning Manager David Gonzales briefed the Council on details pertaining to this request for a residential replat. Twenty-nine notices were sent out to adjacent property owners within 200', and one reply in favor and one reply in opposition have been received back by staff.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, the then closed the public hearing.

Councilmember Hohenshelt moved to approve this request (P2019-013). Mayor Pro Tem Fowler seconded the motion. Councilman Trowbridge pointed out that approval of this type of request leads to more density within the downtown historic district. The motion passed by a vote of 7 ayes to 0 nays.

3. **Z2019-005** Hold a public hearing to discuss and consider a request by Kent Donahue of Donahue Development Corporation on behalf of the owner Rockwall Highgate LTD for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Planned Development District for Single Family 7 (SF-7) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. Goliad Street) south of the intersection of SH-205 and FM-549, and take any action necessary **(1st Reading)**.

Following brief, clarifying comments from the city attorney, Mayor Pro Tem Fowler moved to postpone this item until the May 20 city council meeting. Councilman Trowbridge seconded the motion, which passed by a vote of 6 in favor with 1 against (Pruitt).

4. **Z2019-006** - Hold a public hearing to discuss and 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 **ordinance** for a Specific Use Permit (SUP) allowing a structure that exceeds 60-feet in a Light Industrial (LI) District on a 42.61-acre tract of land identified as Tract 7 of the N. Butler Survey, Abstract No. 20 (11.3736-acres); Tract 31 of the R. Ballard Survey, Abstract No. 29 (8.197-acres); and, Lot 1-01, Block 1, Indalloy Addition (14.53-acres), City of Rockwall,

Rockwall County, Texas, zoned Light Industrial (LI) District, situated at the terminus of Aluminum Plant Road, and take any action necessary (1st Reading).

Planning Manager, David Gonzales provided background information pertaining to this agenda item. The subject property is a 42.61-acre tract of land located at the terminus of Aluminum Plant Road, which is located at the southwest quadrant of the intersection of East Washington Street and Airport Road. The property was annexed on February 7, 1983 by Ordinance No. 83-06. According to the City's historic zoning maps, the subject property has been zoned Light Industrial (LI) District since at least May 16, 1983. In January 2019, the applicant, Carolina Molina of Alvaplast US, Inc. (SPR Packaging), requested approval of a site plan for the purpose of expanding SPR's existing operations. This request was for the first phase of a multi-phase expansion plan. On March 18, 2019, the Planning and Zoning Commission approved the requested site plan [Case No. SP2019-004] for Phase 1 for the purpose of constructing an approximately 78,615 SF single-story, warehouse facility (i.e. SPR Packaging) on an 11.3736-acre portion of the subject property. Currently, the subject property is vacant with the exception of Columbia Extrusion Corporation's existing structures located on the west side of the subject property (i.e. 8.97-acre portion). The applicant, Mark Pross of Pross Design Group, has submitted a request for a Specific Use Permit (SUP) to allow for structures exceeding 60-feet in height to be located within a Light Industrial (LI) District. The applicant is requesting to allow for a maximum overall height of 100-feet for structures (i.e. *high bay extruders*) that will be located in the areas identified as Phases 2, 3, 4 and 5 as depicted on the concept plan (i.e. *Exhibit 'B'*) contained in the draft SUP ordinance. This area will house the high bay extruders necessary for SPR's business operations. The applicant has stated to staff that SPR's business involves the production of flexible packaging products through a process called extrusion. The extrusion of certain plastics require additional height to process, and SPR has set a maximum height of 100-feet from grade for these structures.

Ninety-nine notices were mailed out to property owners located within 500' of the property, and the Park Place HOA was also notified. Staff has received six notices and three emails in favor of the request, two notices and two emails opposing it and one email that appeared 'undecided' regarding the request.

The president of SPR - Ignacio Echavarri 1480 Justin Road ((on behalf of) the applicant) - came forth and addressed the Council concerning this request for an SUP. He shared that his company has been in Rockwall for nearly eleven years. He went on to explain the expansion of his company outside of Europe (Spain), starting in 2014, through purchase of the SPR company in Rockwall. He explained that the company previously acquired adjacent land for future expansion. The company plans for expansions once every eight to ten years since the company continues to grow (it had fifty employees when first acquired, but it will soon have over 200 employees). He wants to expand while also being respectful of neighbors.

Mayor Pruitt opened the public hearing. Following clarification from the city attorney pertaining to the potential conditions associated with approval of this SUP, he asked if anyone would like to come forth and speak at this time.

Jean Conway
435 Jordan Farm
Rockwall, TX

Ms. Conway came forth and shared that SPR has been a really good neighbor, and they have tried to accommodate height limits and minimize any negative, visible sight lines. She cautioned Council that

approving this request may set a precedence if and when other, similar requests come forth in the future, perhaps elsewhere in the city.

David
1020 Saint Charles Court
Rockwall, TX

Mr. David expressed that he lives in the Park Place subdivision. He has done a lot of research and study on SPR and how these structures may visually impact 'line of sight' for him and others in his neighborhood. He explained that SPR has been a good neighbor in many ways. However, he does have some concerns about this particular request. He pointed out that, eventually, what SPR is requesting (including future expansions) will result in structures that span about 1,000 feet in length. And, eventually, said structures will visually impact Park Place. He encouraged Council to only approve what they intend to build currently and then consider future expansion requests and future high structures when the time comes, at a later date.

Bill Bricker
505 Westway Drive
Rockwall, TX

Mr. Bricker came forth and expressed that he has been part of this plant since 1981. It has been there since the 1950s and was officially zoned in 1983. Columbia previously owned the plant, and he is responsible for this company and others. He indicated that he sold previous ownership of this plant to SPR, and he manages leases of the buildings in and around this area. He clarified that his comments tonight are his own, and they are not representative of SPR, Columbia or any other company. He indicated that when he sold the company, he went to great effort to ensure that SPR would be a good neighbor. He shared that SPR has no emissions and no noise, and they've committed to stay 500' away from the edge of the Park Place subdivision. He was initially alarmed about the proposed 100' height; however, he thereafter studied the sight lines, and he does not believe it will be an egregious view. He went on to generally express that he does not have great concerns about approval of this request.

Phillip Wagner of the Rockwall Economic Development Corporation came forth and shared that the impact of the height of the structures will be minimal. He went on to share brief details pertaining to the economic benefit and taxable value that will be associated with this expansion, both of which he feels merit consideration by the Council. He is generally in support of the Council approving this request. He went on to briefly explain the incentive that SPR may be able to receive (5-6% of the total investment).

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

Following additional, lengthy discussion, Councilmember Daniels moved to approve Z2019-006. Councilman Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-XX
SPECIFIC USE PERMIT NO. S-1XX

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 FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) ALLOWING STRUCTURES THAT EXCEED 60-FEET IN HEIGHT WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT, ON A 42.61-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 7 OF THE N. BUTLER SURVEY, ABSTRACT NO. 20 (11.3736-ACRES); TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29 (8.197-ACRES); AND LOT 1-01, BLOCK 1, INDALLOY ADDITION (14.53-ACRES), CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY 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 (Trowbridge and Macalik).

5. **Z2019-007** - Hold a public hearing to discuss and consider a request by Ruben Garcia and Brandon Mullins on behalf of Forrest B. Davis Jr. for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing outdoor commercial amusement/recreation in conjunction with an existing Craft/Micro Brewery on a 1.215-acre parcel of land identified as Lot 1-F, Bodin Industrial Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2015 Kristy Lane, and take any action necessary **(1st Reading)**.

Planning Manager, David Gonzales provided background information pertaining to this agenda item. The applicants, Ruben Garcia and Brandon Mullins, have submitted a request for a Specific Use Permit (SUP) to allow a *Commercial Amusement/Recreation (Outdoor)* land use in conjunction with an existing craft/microbrewery located within a Light Industrial (LI) District. The applicant is requesting to operate an outdoor entertainment area that includes a stage and seating areas. This will be located at the rear of the property and will be enclosed by an eight (8)-foot wooden fence. Notices were sent out to 27 property owners within 500' of the subject property owners. Staff received two notices in favor of the request.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he closed the public hearing. Councilman Trowbridge moved to approve Z2019-007 as recommended by the P&Z Commission and including staff recommendations. Councilman Daniels seconded the motion. 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 [*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 *COMERCIAL AMUSEMENT/RECREATION (OUTDOOR)* LAND USE IN CONJUNCTION WITH AN EXISTING CRAFT BREWERY ON A 1.215-ACRE

PARCEL OF LAND, ADDRESSED AS 2015 KRISTY LANE AND BEING IDENTIFIED AS LOT 1-F, BODIN INDUSTRIAL ADDITION, 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 7 ayes to 0 nays.

6. **22019-008** - Hold a public hearing and consider a request by James Ziegler of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval of an **ordinance** for a PD Development Plan amending Ordinance No. 17-64 and in accordance with Ordinance No. 17-22, for a 7.344-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 **(1st Reading)**.

Planning Manager David Gonzales provided background information concerning this agenda item. On June 17, 2013, the City Council approved a PD Development Plan (Ordinance No. 13-16) allocating 399 urban residential units (i.e. condominiums) to the subject property. These units were tied to a concept plan that showed two (2) condominium buildings being constructed on the subject property, one (1) adjacent to Lakefront Trail consisting of 349-units and one (1) adjacent to the Harbor Fountain consisting of 50-units. In addition, the plan indicated two (2) retail/restaurant strip centers would be constructed adjacent to Lake Front Trail and Harbor Heights Drive. These areas were eventually developed with a hotel (i.e. Spring Hill Suites) in 2016. On December 18, 2017, the City Council approved an amendment to this plan allowing the number of units to be increased to a total 450-units, which would increase the number of units for the building adjacent to Lakefront Trail to 375-units and for the building adjacent to the Harbor Fountain to 75-units. In addition, the City Council added a strict construction schedule for both buildings as part of the PD Development Plan ordinance. If the dates in the construction schedule are not met, the increased units (the additional 51-units) would be clawed back through an expiration clause in the ordinance. The owners of both properties agreed to the construction schedule as part of this case. On March 15, 2019, the applicant submitted an application requesting to amend the *PD Development Plan* approved under *Ordinance No. 17-64*. The applicant has stated that the purpose of this application is to [1] change the pedestrian access easement that extends from Lakefront Trail to the Harbor Fountain to a one-way private drive and pedestrian access easement, and [2] to change the construction schedule for *Harbor Village* project (*identified as Building ① in the draft ordinance*). Forty-one notices were mailed to property owners located within 500' of the property, and two nearby HOAs were notified as well. Staff has received no notices back concerning this request. On April 9, 2019, the Planning and Zoning Commission approved the applicant's request to amend the Development Plan contained in Ordinance No. 17-64 by a vote of 5-2, with Commissioners Logan and Womble dissenting.

Jim Ziegler
6205 Wichita Trail
Flower Mound, TX

Mr. Ziegler came forth and answered brief, clarifying questions from the Council. Thereafter, Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing. Mayor Pruitt then moved to approve Z2019-008. Councilmember Trowbridge 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 *ORDINANCE NO. 17-64* & PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 17-22*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 7.344-ACRES FOR PROPERTY 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; 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.

The motion passed unanimously (7 ayes, 0 nays).

XII. ACTION ITEMS

1. Discuss and consider authorizing Dallas Skydive Center to perform a parachute jump in a designated area of Harry Myers Park as part of the Founders Day Festival, and take any action necessary.

Mayor Pro Tem Fowler moved to allow Dallas Skydive Center to perform this requested parachute jump at the city's upcoming Founders Day Festival. Councilman Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider a height variance request for a pole sign at White Tiger Taekwondo located at 55 East I30 and take any action necessary.

Building Official, Jeffrey Widmer, provided brief comments concerning this request. He explained that the applicant feels this business needs additional visibility since it sits so low down adjacent to IH-30. He pointed out that, in order to be approved, this request requires a $\frac{3}{4}$ majority vote of Council. Councilmember Daniels expressed concern about potential approval of this request, pointing out that other, similar variance requests have been denied by Council in the past (i.e. Applebee's). Some council members recollected, however, that some past applicants have in fact received height variance approvals along the IH-30 corridor.

Following brief discussion, Councilman Hohenshelt moved to deny the height variance request. Councilmember Johannesen seconded the motion, which failed by a vote of 3 in favor with 4 against (Macalik, Pruitt, Fowler and Daniels).

Councilman Daniels then moved to approve the height variance request for the pole sign. Councilmember Macalik seconded the motion, which resulted in a vote of 4 in favor with 3 against (Trowbridge, Hohenshelt, and Johannesen). Since this item required a $\frac{3}{4}$ majority vote of Council in order to pass, it is considered to have failed.

3. Discuss and consider an ordinance amending the Code of Ordinances in Ch. 44. Utilities; Article V. Water; Division 7. "Drought Contingency & Water Emergency Response Plan" for the purpose of repealing it and adopting the "Water Resource and Emergency Management Plan" for the city, and take any action necessary. (2nd reading)

See item #4 below, as the mayor chose to address them both at once.

4. Discuss and consider an ordinance amending the Code of Ordinances in Ch. 44. Utilities; Article V. Water; Division 6. "Water Conservation" for the purpose of adopting a new Water Conservation Plan for the City, and take any action necessary. (2nd reading)

Mayor Pruitt moved to approve items #3 and #4. Councilmember Hohenshelt seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 19-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 44. UTILITIES; ARTICLE V. WATER; DIVISION 7. DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN TO REPEAL DIVISION 7. IN ITS ENTIRETY AND REPLACE IT WITH A NEW DIVISION 7. ADOPTING A WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 19-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 44. UTILITIES; ARTICLE V. WATER; DIVISION 6. WATER CONSERVATION TO REPEAL DIVISION 6. IN ITS ENTIRETY AND REPLACE IT WITH A NEW DIVISION 6. TO REFLECT AN UPDATED WATER CONSERVATION PLAN; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes to 0 nays.

XIII. 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) Board (interviews) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal issues pertaining to potential annexation pursuant to Section §551.071 (Attorney/Client Consultation).
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)

XIV. 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.

XV. ADJOURNMENT

The meeting was adjourned at 9:29 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6TH DAY OF MAY, 2019.

ATTEST:


JIM PRUITT, MAYOR


KRISTY COLE, CITY SECRETARY

