

MINUTES

ROCKWALL CITY COUNCIL SPECIAL MEETING

Thursday, December 26, 2019 - 6:00 PM

City Hall – 385 S. Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 6:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik and Council Members Patrick Trowbridge, Kevin Fowler, and Bennie Daniels. Also present were City Manager Rick Crowley and Assistant City Managers Mary Smith and Joey Boyd. City Attorney Frank Garza and Councilmembers Trace Johannesen and John Hohenshelt were absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

Mayor Pruitt delivered the invocation and led the Pledge of Allegiance

III. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. He also stated that if anybody was here for the Public Hearing agenda item regarding the annexation to please come forth and speak at that time .

There being no one wishing to come forth and speak during Open Forum, Mayor Pruitt closed this portion of the meeting.

IV. CONSENT AGENDA ITEMS

1. Consider approval of the minutes from the December 16, 2019 regular city council meeting, and take any action necessary.
2. **2019-025** - Consider a request for the approval of an ordinance for a text amendment amending the Permissible Use Charts contained in Article IV, Permissible Uses, of the Unified Development Code [Ordinance No. 04-38] for the purpose of allowing the Rental, Sales, and Service of Heavy Machinery and Equipment land use by Specific Use Permit (SUP) in the Commercial (C) District, and take any action necessary. **(2nd Reading)**
3. Consider subcommittee recommendation for Hotel Occupancy Tax funding grant for the 2020 Texas Juvenile Chief's Summit in the amount of \$30,000 and take any action necessary.

Regarding Consent Agenda item #3, Councilmember Trowbridge stated he assumed the Hotel Occupancy Tax falls within that budget. If that is the case, then Councilmember Trowbridge moved to approve all items, as presented (#s 1, 2, and 3). Mayor Pro Tem Dana Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 19-46

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, OF THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38], 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, 0 nays and 2 absences (Johannesen & Hohenshelt).

V. PUBLIC HEARING ITEMS

1. **A2019-001** - Hold a public hearing to discuss and consider commencing annexation proceedings by petition per Chapter 43, Subchapter C-4 of the Texas Local Government Code for a 41.49-acre tract of land situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), and generally located on the north side of Cornelius Road west of the intersection of Cornelius Road and Stodghill Road [FM-3549], and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. On December 2, 2019, the City Council adopted *Resolution No. 19-27* directing staff to proceed with the annexation process for a ~41.49-acre tract of land adjacent to Cornelius Road. This direction came in response to a petition submitted on November 19, 2019 by Barbara Lee (*a resident in the ~41.49-acre tract of land*) indicating that a majority of the property owners in the annexation area supported annexation.

Miller explained that the next step in the annexation process is taking place this evening, which is for the City Council to hold a public hearing. In preparation for this public hearing and based on the annexation requirements outlined in Subchapter C-4, *Annexation of Areas with Population of Less than 200 by Petition*, of Chapter 43, *Municipal Annexation*, of the Texas Local Government Code, City staff sent a letter to all properties within the annexation area notifying the property owners of the time and date of the public hearing. Staff also included a copy of the *Resolution No. 19-27* with the letter. This resolution outlines the City services that will be provided if the annexation effort is successful. Staff has included a copy of the letter that was sent out on December 4, 2019 in the City Council members' packets for review. It was noted that once this public hearing is complete, the following steps will need to be completed:

- January 2, 2020: 31-days after the resolution is adopted the municipality may start to collect signatures for the annexation petition from property owners within the annexation area.

- May 30, 2020: 180-days after the resolution is adopted the window for the municipality to collect signatures from property owners within the annexation area ends. If the City obtains the number of signatures on the petition required to annex the area, the City may annex the area after notifying the residents and property owners of the results of the petition.
- June 1, 2020: The City Council will be required to hold a public hearing and the first reading of the annexation ordinance.
- June 15, 2020: The City Council will be required to hold a second public hearing and the second reading of the annexation ordinance.

Mayor Pruitt then opened the public hearing, asking if anyone would like to come forth and speak at this time. Councilmember Patrick Trowbridge asked for confirmation that the City Council would not be taking any action at the meeting regarding this agenda item and this is the first meeting of the series. Mr. Miller noted that no action is required by the City Council at this meeting, December 26, 2019. Councilmember Kevin Fowler clearly stated that this request is prescribed very specifically by state law, and to meet the time requirements, the meeting was held on this date. Mr. Miller clarified that the City did not have a choice regarding tonight's meeting date, as state law mandated it.

Forest W. Barton Jr.
1209 Marilyn Jayne (Lot #5)

Mr. Barton came forth during the public hearing and stated he resides on lot #5. Mr. Barton thanked the Council for allowing us to come forth to offer our opinions regarding the annexation process. He stated he is in favor of the annexation and thinks it would be a good thing for the residents. Mr. Barton also stated there are a couple of questions/concerns that need to be addressed as this goes forward. Mr. Barton stated that number one is the County is in the process of replacing the street (Marilyn Jane). They replaced from areas starting with lot #2 and then down to the beginning of lot #5 which is his property. That was last year. This year they will continue with the areas from lot #5 down to lot #7, and next year - in theory - they were going to complete the rest of street, and then come back around to the circle. Mr. Barton stated this project would need to be addressed at some time. Mr. Barton stated he did not know if the County has put it on hold and if they are going to continue with it. Mayor Pruitt stated he would ask the county about that question before they continue this project. Mr. Barton stated there were several other concerns. One is that they all on septic systems and it would be nice for the City to be in position at some point to bring a sewer system into that area. It would be a great benefit to everyone and much appreciated. Mr. Barton stated he did not know if there were any plans for that process in the future. Mr. Barton wonders if that could possibly be a target down the road. Mr. Barton stated another main thing as we progress with this process is residents would like to have their area upgraded as much as possible. He expressed that the residents understand that some things are grandfathered in and will be things that are not going to fall under that purview. Mr. Barton is not sure how to determine what falls under the grandfathered clause, what is limited, and what is not going to be subjected to it at all. Mr. Barton stated he did not know how to locate this kind of information. Mr. Barton stated that as we progress thru this process he does realize that residents petitioning for annexation is the first step at getting there, and hopes that the City can address these items to allow residents to kind of get a feeling for where this is going and how it is going to be approached.

Sarah Cook

1206 Marilyn Jane (Lot #13)

Mrs. Cook stated she wanted to thank the Council for the consideration of our request regarding the annexation and would like to go on the record that we are in support of the annexation.

Barbara Lee

668 Cornelius Rd. (Lot #23)

Mrs. Lee stated she wanted to go on record that they strongly support the annexation. Mayor Pruitt asked Mr. Miller to confirm that Ms. Lee is the only property landowner that owns approximately 25% land area (approximately 40 acres) in the annexation area, which Mr. Miller did confirm.

Brian James

1202 Marilyn Jane (Lot #11)

Mr. James stated he is in support of the annexation.

Councilmember Patrick Trowbridge stated that one of items that was brought up was the service agreement. Councilmember Patrick Trowbridge stated he wanted to know what it is, and has it been executed? He also asked what was in it - what city services are included in it? Mr. Miller stated the service agreement along with the resolution, which contained the lists/schedules of City Services that will be provided once the annexation is successful. He pointed out that it was presented at the 12.02.19 City Council meeting. That information was also included in the mailer that sent to residents dated December 4, 2019. Mr. Miller stated that currently the City does not have any hard services, which includes sewer, and the City currently does not serve water out there because it is in the Mount Zion water district. Once the City services are extended out there, they would have the ability to tie into to those. Mr. Miller stated that all soft services such as code enforcement, planning & zoning, trash, building inspections, animal control would immediately be available once the annexation is complete. Councilmember Patrick Trowbridge asked for further clarification, and Mr. Miller stated that services will include police and fire service. Councilmember Patrick Trowbridge also asked if they would still be under the same water district and Mr. Miller stated yes.

There being no one else wishing to come forth and speak, Mayor Pruitt thanked the residents for attending the Council meeting and giving their support regarding the annexation process.

Mayor Pruitt then closed the public hearing.

Mayor Pruitt read the following discussion item into the record before recessing the public meeting to go into Executive Session at 6:18 p.m.

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160 **VI. EXECUTIVE SESSION**

161 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
162 **FOLLOWING MATTERS, AS AUTHORIZED BY CHAPTER 551 OF THE TX GOVERNMENT CODE:**

- 163
- 164 1. Discussion regarding possible purchase/acquisition of real property for park land in the
165 north portion of the city, pursuant to Section §551.072 (Real Property) and Section §551.071
166 (Consultation with Attorney).

167

168 **VII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

169 Mayor Pruitt called the meeting back to order at 6:26 p.m. Mayor Pro Tem Macalik made a motion to
170 authorize the city manager to move forward with the purchase of real property in the north portion of
171 the city, with Arkoma Development LLC. Councilmember Trowbridge seconded the motion, which
172 passed by a vote of 5 ayes with 2 absent (Johannesen & Hohenshelt).

173 **VIII. ADJOURNMENT**

174 Mayor Pruitt adjourned the meeting at 6:28 p.m.


175 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6th DAY OF**

176 **JANUARY, 2020.**

177

178 **ATTEST:**

179



JIM PRUITT, MAYOR

180

181 
KRISTY COLE, CITY SECRETARY

