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3 **ROCKWALL CITY COUNCIL REGULAR MEETING**

4 **Tuesday, January 21, 2020 - 4:00 PM**

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

6  
7 **I. CALL PUBLIC MEETING TO ORDER**

8 Mayor Pro Tem Dana Macalik called the public meeting to order at 4:04 p.m. with the following council  
9 members and staff being present: Mayor Pro Tem Dana Macalik; Councilmembers Patrick Trowbridge,  
10 John Hohenshelt and Kevin Fowler; City Manager Rick Crowley and Assistant City Managers Joey Boyd  
11 and Mary Smith; and the city's legal counsel, Patrick Lindner. Mayor Pro Tem Macalik then read the  
12 following Executive Session item into the public record before recessing the meeting at 4:05 p.m. to go  
13 into Executive Session:

14  
15 **9. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071**  
16 **(Consultation with Attorney).**

17 Mayor Jim Pruitt joined the meeting (Executive Session at 4:08 p.m.). Councilmember Bennie Daniels  
18 joined the meeting at 4:18 p.m.

19  
20 Council came out of Executive Session at 4:20 p.m., and Mayor Pruitt reconvened the public meeting to  
21 address the following work session items.

22  
23 **II. WORK SESSION**

24 **1. Hold a work session to discuss Article VIII, Landscape and Fence Standards, of the Unified**  
25 **Development Code (UDC), and take any action necessary.**

26 Mayor Pruitt provided brief, introductory comments pertaining to fence standards throughout the city.  
27 Ryan Miller, Director of Planning & Zoning, then came forth and briefed Council on this work session  
28 item. Extensive discussion ensued pertaining to residential fence standards and associated landscaping.  
29 Council took no action pertaining to this work session item.

30  
31 **2. Hold a work session to discuss the Unified Development Code (UDC), and take any action**  
32 **necessary.**

33 Mr. Miller then briefed the board on this work session item. He indicated that staff would like to pull  
34 the UDC out of Municode and maintain it separately from the city's Code of Ordinances that Municode  
35 codifies and maintains on behalf of the city. Council took no action pertaining to this work session item  
36 at this time.

37 Mayor Pruitt then read the below listed discussion items (minus No. 9) into the record before recessing  
38 the public meeting to go into Executive Session at 5:12 p.m.

39 **III. EXECUTIVE SESSION.**

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

1. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) and RCH WSC pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal issues pertaining to potential annexation/development in the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Attorney/Client Consultation).
3. Discussion regarding possible acquisition of real property in the vicinity of Ridge Road and Glen Hill Way pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding possible sale of real property in the vicinity of SH-205 and Pecan Valley Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. Discussion regarding a settlement agreement between the City of Rockwall and Dietz Engineers, LLC for damage at Breezy Hill Park Pavilion pursuant to Section §551.071 (Consultation with Attorney).
6. Discussion regarding legal issues pertaining to an approved 380 Development Agreement in the vicinity of the Downtown pursuant to Section §551.071 (Attorney/Client Consultation).
7. Discussion regarding possible acquisition of real property in the vicinity of the municipal airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
8. 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)
9. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).

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

**Council adjourned from Executive Session at 5:56 p.m.**

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

**Mayor Pruitt reconvened the meeting at 6:00 p.m. with all seven council members being present.**

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

**Councilman Daniels delivered the invocation and led the Pledge of Allegiance.**

#### **VII. PROCLAMATIONS**

1. Hometown Hero Dr. Stan Lowrance

**Mayor Pruitt said a few words and then presented Dr. Lowrance with a proclamation and plaque, proclaiming him as the city's first 'Hometown Hero' for the free dental work he has done to help veterans. Dr. Lowrance then shared some kind words about his family, the Council and the Rockwall community.**

#### **VIII. OPEN FORUM**

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

84

85

86 **IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

87 **Regarding item #5, Mayor Pro Tem Macalik moved to authorize the City Manager to go into a settlement**  
88 **agreement between the City of Rockwall and Deets Engineering, LLC for the damage at the Breezy Hill**  
89 **park pavilion. Councilman Trowbridge seconded the motion, which passed by a vote of 7 ayes to 0 nays.**  
90

91 **X. CONSENT AGENDA**

92 **1. Consider approval of the minutes from the January 6, 2020 regular city council meeting, and**  
93 **take any action necessary.**

94 **2. Consider authorizing the City Manager to execute an agreement with NTMWD, approving the**  
95 **City of Rockwall's participation in the Sabine Creek Wastewater Treatment Plant Feasibility**  
96 **and Master Plan Study in the amount of \$161,207 and amend the Sewer Operations Budget**  
97 **for said amount, and take any action necessary.**

98 **3. Consider authorizing the City Manager to execute a contract with Baseball Nations to utilize**  
99 **Leon Tuttle Athletic Complex for five weekend tournaments during the 2020 baseball season,**  
100 **and take any action necessary.**

101 **4. Consider awarding a bid to Waukesha Pearce Industries and authorizing the City Manager to**  
102 **execute a Contract for Generator Preventative Maintenance Services in the amount of**  
103 **\$54,831.89 to be funded out of the General and Water Sewer Funds, and take any action**  
104 **necessary.**

105 **5. P2020-001 - Consider a request by Adam Buczek of Windsor Homes Cumberland, LLC for the**  
106 **approval of a replat for Lot 12, Block C, Ridgecrest Addition, being a 0.503-acre parcel of land**  
107 **identified as Lot 1, Block C, Ridgecrest Addition, City of Rockwall, Rockwall County, Texas,**  
108 **zoned Planned Development District 81 (PD-81) for Single-Family 10 (SF-10) District land uses,**  
109 **addressed as 405 Fox Hollow Drive, and take any action necessary.**

110 **6. SP2019-043 - Consider a request by Clay Cristy of ClayMoore Engineering, Inc. on behalf of**  
111 **Brian Berry of Milestone Electric, Inc. for the approval of an alternative tree mitigation**  
112 **settlement agreement in conjunction with an approved amended site plan for a multi-tenant**  
113 **office complex on a 9.52-acre tract of land identified as Lot 18 and the south portion of Lot**  
114 **19, Rainbow Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C)**  
115 **District, addressed as 407 Ranch Trail, and take any action necessary.**

116 **7. P2019-049 - Consider a request by Tony Austin of Rockwall Downtown Lofts, LTD on behalf of**  
117 **Doug Kaufmann of Myreli, LLC, Linda Peoples Morris of the Billy Peoples Estate, and the City**

of Rockwall for the approval of a conveyance plat for Lot 1, Block A, TAC Rockwall Addition being a 3.338-acre tract of land identified as existing City right-of-way for West Street & Houston Street; Lots 1-8, Block P & Lots 1 & 2, Block AB, Rockwall OT Addition; and Lots 4-5, Block A, Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, generally located at the southwest corner of the intersection of S. Alamo Road (i.e. SH-205) and W. Washington Street (i.e. SH-66), and take any action necessary.

**Mayor Pro Tem Macalik removed Consent Agenda item #7 and then moved to approve Consent Agenda items 1, 2, 3, 4, 5, and 6. Councilmember Trowbridge seconded the motion, which passed unanimously of those present.**

#### **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.

**Eric Chodun, Chairman of the P&Z, came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action regarding this agenda item.**

2. Appointment with the Friends of the Library to request a waiver of rental fees at the The Center for a fundraiser event, and take any action necessary.

**Milly Cundy  
1370 Southern Pines  
Rockwall, TX**

**Ms. Cundy came forth, indicating that she is coming forth to make a request on behalf of the Friends of the Library fundraising committee. She generally explained that this request is pertaining to a play that is slated to be held in May and will serve as a fundraiser for the Library. She explained that Friends of the Library is a 501(c)(3) non-profit organization, so any fees that would be charged for use of The Center would eat into profits that would otherwise be able to be utilized for the library and literacy programs. She explained that they would like to utilize The Center (free of charge) Thurs. night for practice and Friday night for the actual play / presentation. Three to five hours on Thurs. evening and 3-4 hours (maximum) would be needed on Sat. evening. General questions and answers took place pertaining to city-related costs associated with manning the facility, clean-up, etc. associated with this event. Mayor Pruitt expressed concern about potentially approving this request because a lot of other non-profit groups have expressed a desire to have fees waived at Harry Myers Community Center, for example. He has concerns about potentially waiving the fees for the FOL but not for other non-profit groups.**

**City Manager Rick Crowley pointed out that the City may wish to consider viewing this particular request a little differently than some of the other non-profit organizations that come forth and ask for waivers. The reason being, the Library has meeting space that the City might have a need for in the future. So Council may want to consider approving this request with the understanding that at some point in the future, the City may call upon the Library for use of its meeting space (free of charge).**

**Following brief, additional comments, Councilman Trowbridge moved to approve waiver of the fees. Councilmember Daniels seconded the motion. Councilmember Daniels asked questions pertaining to**

the possibility of play attendees staying the night at local hotels/motels in Rockwall. Following brief, additional comments, the motion passed unanimously of Council (7 ayes to 0 nays).

## **XII. PUBLIC HEARING ITEMS**

- 1. Z2019-026** - Hold a public hearing to discuss and consider a request by Timothy Bates of Plano Marine on behalf of Jason Breland of Suntex Marina Investors, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for an existing marina allowing boat sales, storage and repair on a 6.282-acre tract of land identified as Tracts 134, 134-14 & 134-15 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Lake Ray Hubbard Takeline Overlay (TL OV) District, located at the western terminus of Henry M. Chandlers Drive, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. The subject property, known as Chandlers Landing Marina, is within the city limits of the City of Dallas, but per the interlocal agreement with the *City of Dallas for regulation of the takeline* -- the City of Rockwall is responsible for zoning and enforcement actions in this area. The applicant is requesting approval of a Specific Use Permit (SUP) that would supersede the existing Conditional Use Permit [*i.e. Ordinance No. 02-50*], and would re-establish a screening fence for the repair facility as depicted on the concept plan in the attached SUP draft ordinance under *Exhibit 'B'*. Additionally, the SUP is removing the provisions contained in the current CUP with regard to parking and/or storage of recreational vehicles (RV's) on the subject property, and establishing defined area's for boat sales and dry storage. On December 27, 2019, staff notified 173 property owners and occupants within 500-feet of the subject property. Staff also notified the Chandler's Landing, the Cabana's at Chandler's Landing, Match Point Townhomes, and the Spyglass Homeowners Association (HOA's), which are the only HOA/Neighborhood Associations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was written, staff had received a signed protest with 148 signatures, three (3) notices and, six (6) additionally, staff had received one (1) notice in favor of the applicant's request. The Planning & Zoning Commission did recommend denial of this request. So, potential approval of this request tonight will require a super majority vote of Council in order for it to pass.

Jason Breland  
1 Harborview Drive  
Chandlers Landing  
Rockwall, TX

Mr. Breland came forth and shared that he would like to amend his SUP request in order to better accommodate the neighborhood residents' concerns and needs.

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

Chip Imrie



204 323 Harbor Landing Drive  
205 Rockwall, TX  
206

207 Mr. Imrie shared that he lives within the 500' notice zone associated with this SUP request. He  
208 expressed, generally, that he is not in favor of this SUP being approved. Chandlers Landing Board of  
209 Directors is also not in favor of this request being approved.  
210

211 Trey Chaney  
212 305 Harborview Drive  
213 Rockwall, TX  
214

215 Mr. Chaney shared that the applicant is not even in compliance with the current requirements. He is  
216 generally not in favor of this request being approved by Council this evening.  
217

218 Jeff Macalik  
219 6102 Volunteer  
220 Rockwall, TX  
221

222 He expressed that he is the Chairman of the Chandler's Landing Homeowners Association  
223 Environmental Committee. The Committee, he indicated, is overwhelmingly in opposition of this  
224 request being approved by Council.  
225

226 Mr. Imrie came forth again and expressed additional disagreement with the possibility of this SUP  
227 request being approved this evening.  
228

229 Janie Chaney  
230 305 Harborview Drive  
231 Rockwall, TX  
232

233 Ms. Chaney came forth and expressed concern about the huge boats / yachts that are parked between  
234 her home and the lake. She has concerns about safety issues and believes the big boats are eyesores.  
235 She is against the Council approving this request this evening.  
236

237 Bruce Paton  
238 10 Intrepid  
239 Rockwall, TX  
240

241 Mr. Paton came forth and shared some potential options that the Council may wish to consider relative  
242 to this SUP request this evening. He handed out a paper showing the pros and cons of each option.  
243

244 Shan Cromeens  
245 307 Harborview  
246 Rockwall, TX  
247

248 Mr. Cromeens shared that he is building a home and also rents a boat slip. He has concerns about boats  
249 staying in this area for weeks or months after they're built. He has concerns about parking being  
250 inadequate. He has concerns about his views being blocked. He is not in favor of this request.  
251

252 Councilmember Johannesen moved to deny Z2019-026. Councilmember Trowbridge seconded the  
253 motion, which passed unanimously of Council (7 ayes to 0 nays).  
254

2. **Z2019-027** - Hold a public hearing to discuss and consider a request by Raymond Jowers of Jowers, Inc. for the approval of an ordinance extending a Specific Use Permit (SUP) allowing outside storage adjacent to IH-30 on a 4.4317-acre tract of land identified as Tract 22-01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2260 E. IH-30, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. On December 18, 2019, staff notified four (4) property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOA's)/Neighborhood Associations within 1,500-feet of the subject property that are participating in the Neighborhood Notification. At the time the staff report was written, no notices concerning this request had been received.

Raymond Jowers  
3290 Anacade Circle  
Rockwall, TX

Mr. Jowers came forth with his representative, said a few words, and generally encouraged Council to approve his 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 then closed the public hearing.

Councilmember Trowbridge moved to approve Z2019-027. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 20-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) [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW OUTSIDE STORAGE IN A LIGHT INDUSTRIAL (LI) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT ON A 4.4317-ACRE PARCEL OF LAND, IDENTIFIED AS TRACT 22-01 OF THE R. IRVINE SURVEY, ABSTRACT NO. 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED 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 7 ayes to 0 nays.

3. **Z2019-028** - Hold a public hearing to discuss and consider the approval of an ordinance amending the Unified Development Code (UDC), and take any action necessary **(1st Reading)**.

Mayor Pruitt indicated that a work session was held earlier this afternoon about this item. He then 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. Pruitt then moved to approve Z2019-028. Mayor Pro Tem Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY SUPERSEDING *ORDINANCE NO. 04-38* AND ALL SUBSEQUENT AMENDMENTS AND ADOPTING THE REVISED UNIFIED DEVELOPMENT CODE (UDC) DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 ordinance passed by a vote of 7 ayes to 0 nays.

**XIII. ACTION ITEMS**

1. Discuss and consider an update regarding the Complete Count Committee for the U.S. 2020 Census and take any action necessary.

Councilman Bennie Daniels provided brief comments pertaining to this agenda item, encouraging everyone to spread the word about the Census to friends, neighbors and community organizations. Also, if anyone would like a presentation given about the Census efforts, Daniels asked that he or she please contact Joey Boyd, Assistant City Manager.

**XIV. 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 agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) and RCH WSC pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding possible acquisition of real property in the vicinity of Ridge Road and Glen Hill Way pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding legal issues pertaining to potential annexation/development in the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Attorney/Client Consultation).
4. Discussion regarding possible sale of real property in the vicinity of SH-205 and Pecan Valley Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. Discussion regarding a settlement agreement between the City of Rockwall and Dietz Engineers, LLC for damage at Breezy Hill Park Pavilion pursuant to Section §551.071 (Consultation with Attorney).
6. Discussion regarding legal issues pertaining to an approved 380 Development Agreement in the vicinity of the Downtown pursuant to Section §551.071 (Attorney/Client Consultation).



- 346 7. Discussion regarding possible acquisition of real property in the vicinity of the municipal  
347 airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with  
348 Attorney).
- 349 8. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,  
350 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)  
351 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)
- 352 9. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071  
353 (Consultation with Attorney).

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


355 Council did not convene in Executive Session following the close of the public meeting agenda. Please  
356 see action taken above, at the start of the 6:00 p.m. meeting.  
357

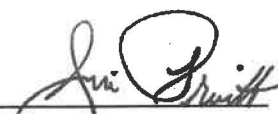
358 **XVI. ADJOURNMENT**

359 Mayor Pruitt adjourned the meeting at 7:14 p.m.  
360  
361

362 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3rd DAY OF**  
363 **FEBRUARY, 2020.**

364  
365  
366  
367 **ATTEST:**  
368

369   
370 **KRISTY COLE, CITY SECRETARY**

  
JIM PRUITT, MAYOR

