

# MINUTES

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, February 03, 2020 - 4:00 PM

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

### I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt and Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Joey Boyd and Mary Smith and City Attorney Frank Garza. Mayor Pro Tem Dana Macalik joined the meeting / Executive Session at 4:07 p.m.

### 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 notice of potential claim pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development) and possible land purchase pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding an existing 380 Agreement for property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding possible Right of Way acquisition of real property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. 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).
6. 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 5:30 p.m.

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

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

42 V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHANNESSEN

43 Councilman Johannesen delivered the invocation and led the Pledge of Allegiance.

44

45 VI. OPEN FORUM

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

48 VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

49 No action was taken as a result of Executive Session.

50 VIII. CONSENT AGENDA

- 51 1. Consider approval of a resolution calling the May 2, 2020 General Election for the purpose of  
52 electing city council members for Places 2, 4, and 6, and take any action necessary.
- 53 2. Consider approval of the minutes from the January 21, 2020 regular city council meeting, and  
54 take any action necessary.
- 55 3. Consider authorizing the City Manger to execute the water storage facilities relinquishment  
56 agreement with City of Heath and NTMWD in the amount of \$556,538 with funds from the  
57 Sewer Operations budget and take any action necessary.
- 58 4. Consider authorizing the City Manager to execute an advance funding agreement with Texas  
59 Department of Transportation, for the Justin Road and FM 3549 intersection improvements,  
60 and take any action necessary.
- 61 5. Consider approval of a professional engineering services contract with Birkhoff, Hendricks, &  
62 Carter, L.L.P., to perform the engineering design services for the Heath Street Pump Station  
63 Improvements in an amount not to exceed \$288,134., to be funded from Water and Sewer  
64 bond funds, and take any action necessary.
- 65 6. **Z2019-027** – Consider request by Raymond Jowers of Jowers, Inc. for the approval of an  
66 **ordinance** extending a Specific Use Permit (SUP) allowing outside storage adjacent to IH-30  
67 on a 4.4317-acre tract of land identified as Tract 22-01 of the R. Irvine Survey, Abstract No.  
68 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated  
69 within the IH-30 Overlay (IH-30 OV) District, addressed as 2260 E. IH-30, and take any action  
70 necessary (**2<sup>nd</sup> Reading**).
- 71 7. **Z2019-028** – Consider the approval of an **ordinance** amending the Unified Development Code  
72 (UDC), and take any action necessary (**2<sup>nd</sup> Reading**).
- 73 8. **P2020-002** – Consider a request by Michael Hunter of the Rockwall Housing Development  
74 Corporation for the approval of a replat of Lot 1, Block A, RHDC Addition being a 0.11-acre  
75 parcel of land currently identified as a portion of Lot 4, Block H, Sanger Brothers Addition, City  
76 of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, located at the  
77 northwest corner of the intersection of E. Bourn Street and Peters Colony, and take any action  
78 necessary.
- 79 9. **P2020-003** – Consider a request by Dub Douphrate of Douphrate and Associates, Inc. on  
80 behalf of Bob and Pam Hawley for the approval of a replat for Lot 7, Block A, Maverick Ranch

81 Addition being a 1.55-acre parcel of land currently identified as Lot 5, Block A, Maverick Ranch  
82 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial © District, addressed  
83 as 196 & 216 Ranch Road, and take any action necessary.

84 **10. P2020-004** – Consider a request by Anna C. Blackwell of Carrillo Engineering, LLC on behalf of  
85 Eddie Martin of Retail Partners, LLC for the approval of a replat for Lots 29 & 30, Block A, Lake  
86 Ridge Estates Addition being a 1.1755-acre parcel of land identified as Lot 26 of the Lake Ridge  
87 Estates Addition, City of Rockwall, Rockwall County, Texas, situated within the Ridge Road  
88 Retail Subdistrict of Planned Development District 32 (PD-32), located within the Scenic  
89 Overlay (SOV) District, addressed as 2930 Ridge Road [FM-740], and take any action  
90 necessary.

91 **11. P2020-005** – Consider a request by Kevin Patel of Triangle Engineering, LLC on behalf of Gene  
92 Cooper of Howell MTN RE, LLC for the approval of a preliminary plat for a 39.53-acre tract of  
93 land identified as Lot 1, Block A, Rockwall Hospital Addition and Tract 18 of the J. D. McFarland  
94 Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial ©  
95 District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest  
96 corner of the intersection of SH-276 and SH-205, and take any action necessary.

97 **Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10**  
98 **and 11). Councilmember Trowbridge seconded the motion. The ordinances were read as follows:**

100 **CITY OF ROCKWALL**  
101 **ORDINANCE NO. 20-01**  
102 **SPECIFIC USE PERMIT NO. S-212**

103  
104 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**  
105 **AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 04-38*] OF THE**  
106 **CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO**  
107 **GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW OUTSIDE STORAGE IN A LIGHT**  
108 **INDUSTRIAL (LI) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT ON A**  
109 **4.4317-ACRE PARCEL OF LAND, IDENTIFIED AS TRACT 22-01 OF THE R. IRVINE SURVEY,**  
110 **ABSTRACT NO. 120, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE**  
111 **SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL**  
112 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**  
113 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**  
114 **CLAUSE; PROVIDING FOR A REPEALER**

115 **CITY OF ROCKWALL**  
116 **ORDINANCE NO. 20-02**

117  
118 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING**  
119 **THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, AS HERETOFORE**  
120 **AMENDED, BY SUPERSEDING *ORDINANCE NO. 04-38* AND ALL SUBSEQUENT**  
121 **AMENDMENTS AND ADOPTING THE REVISED UNIFIED DEVELOPMENT CODE (UDC)**  
122 **DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE**  
123 **NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**  
124 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER**  
125 **CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**



126  
127 **The motion passed by a vote of 7 ayes to 0 nays.**  
128

129 **IX. APPOINTMENT ITEMS**

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

132 **This item was not addressed by Council.**  
133

134 **X. PUBLIC HEARING ITEMS**

- 135 1. Hold a public hearing to discuss and consider extending a moratorium on accepting and  
136 reviewing subdivision plats for commercial property situated within the City's Extraterritorial  
137 Jurisdiction (ETJ), and take any action necessary.

138 **Planning Director Ryan Miller provided background information pertaining to this agenda item. The**  
139 **public was notified of this public hearing via our website and the Rockwall Herald Banner. He explained**  
140 **that no ordinance is needed regarding this extension – simply a motion of Council will suffice.**  
141

142 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this**  
143 **time.**  
144

145 **Glen Hinkley**  
146 **12300 Park Central Drive**  
147 **Dallas, TX 75251**  
148

149 **Mr. Hinkley shared that he has been a property owner in Rockwall County since 1971. He has about**  
150 **2,000 acres of land located in Rockwall's ETJ. He shared that TX Local Gov't Code Chapter 212**  
151 **subdivision regulation authority does not allow cities to regulate subdivisions in the ETJ in a manner**  
152 **that is different than they regulate subdivisions in the city limits. He indicated that treating ETJ owners**  
153 **different than in-city owners lacks both due process and equal protection and – in doing so – runs afoul**  
154 **of important constitutional principles. He believes cities have no authority to make ETJ platting more**  
155 **difficult than in-city platting by adopting a moratorium on accepting and reviewing plats on ETJ**  
156 **property. He cautioned that if Rockwall continues down this path, no one should be surprised if those**  
157 **state legislators who are focused on protecting property rights further restrict municipal authority. Mr.**  
158 **Hinkley stated that Rockwall's moratorium is an attempted end-run around the state's limitation of**  
159 **annexation authority that should not be tolerated. If Rockwall's city council votes to treat ETJ owners**  
160 **differently than in-city owners, they are acting outside the scope of their authority and inconsistent**  
161 **with their oath of office that requires them to honor Texas law.**  
162

163 **City Attorney Frank Garza pointed out that it is a state law that requires the city to enter into an**  
164 **interlocal agreement with the County; however, under the current circumstances, the City is not able**  
165 **to do so. Furthermore, under the moratorium statute, if a developer wishes to do so, he may still bring**  
166 **forth a development proposal, and, depending on what that developer requests, the city may waive the**  
167 **moratorium.**  
168

169 **Indication was given that the County has engaged Freese & Nichols to aid them in updating their**  
170 **subdivision guidelines.**  
171

Councilman Trowbridge moved to approve the extension of the moratorium for an additional ninety days. Councilman Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

**XI. ACTION ITEMS**

1. Discuss and consider an amendment to the fence standards contained in Article VIII, Landscape and Fence Standards, of the Unified Development Code, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. Indication was given that no action will be taken this evening. Rather, an ordinance will be brought back at a later date for Council consideration.

**XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

**1. Departmental Reports**

Building Inspections Monthly Report - December 2019  
Finance Department Quarterly Report - Quarter ended December 2019  
Sales Tax Historical Collections -December 2019  
Water Consumption Statistics - December 2019  
Fire Department Monthly Report - December 2019  
PARD Monthly Report - December 2019  
Rockwall Police Activity Report December 2019

**2. City Manager's Report**

Indication was given that some changes have been made to monthly reports. Councilman Trowbridge commented that he likes the new financials-related report(s). No action was taken concerning this agenda item.

**XIII. EXECUTIVE SESSION**

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219 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)  
220 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)  
221

222 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

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


224 **XV. ADJOURNMENT**

225 Mayor Pruitt adjourned the meeting at 6:19 p.m.  
226

227 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18<sup>th</sup> DAY OF**  
228 **FEBRUARY, 2020.**

229  
230  
231  
232 **ATTEST:**  
233

234   
235 **KRISTY COLE, CITY SECRETARY**

  
**JIM PRUITT, MAYOR**

