



MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, August 17, 2020 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Anna Campbell, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley and Assistant City Managers Mary Smith and Joey Boyd. City Attorney Frank Garza joined Ex. Session via telephone. Councilmember Dana Macalik arrived to the meeting and joined Ex. Session at 5:05 p.m.

II. EXECUTIVE SESSION.

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

1. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
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)

Consent Agenda Item # 2. Consider approval of an ordinance reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 3,796.18 acre tract of land generally located South of FM-550, North and West of FM-548, and East of Edwards Road to the County of Rockwall, and take any action necessary. (2nd Reading)

Action Item #1. P2020-029 - Discuss and consider a request by DR Horton – Texas, LTD on behalf of DMDS Land Company, LLC for the approval of a Preliminary Plat for River Rock Trails, Phase 1A Addition being a 35.28-acre portion of a larger 1,225.721-acre tract of land identified as Tract 11 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally north of the intersection of FM-548 and High Plains Trail, and take any action necessary. pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:25 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:02 p.m. with all seven city council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

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

VI. PROCLAMATIONS

1. Tom Egan Appreciation Day

Mayor Pruitt called forth Tom Egan to be honored. He then read and presented him with a proclamation, declaring today as “Tom Egan Appreciation Day” in the City of Rockwall. Afterwards, Mr. Egan said a few words. Mayor Pruitt thanked Mr. Egan for all of his contributions to the community and thanked those who were in attendance tonight to recognize this honor.

VII. OPEN FORUM

No one was present for Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IX. CONSENT AGENDA

- 1. Consider approval of the minutes from the August 3, 2020 regular City Council meeting, and take any action necessary.**
- 2. Consider approval of an ordinance reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 3,796.18 acre tract of land generally located South of FM-550, North and West of FM-548, and East of Edwards Road to the County of Rockwall, and take any action necessary. (2nd Reading)**
- 3. Consider approval of a contract with Custard Construction Services to perform kitchen and restroom renovations at The Center in the amount of \$26,729.32 to be funded from the Internal Operations Department budget, and take any action necessary.**
- 4. Consider approving the Highland Drive, First Street, Kaufman Street, Lakeshore Drive, Rusk Street, and West Street paving, drainage, water, and wastewater improvement projects, and authorize the City Manager to execute a contract with McMahon Contracting, LP in an amount of \$3,037,817.50 to be paid for out of the *Street Bond Fund* and the *Water/Sewer Fund*, and take any action necessary.**
- 5. Consider approving the construction materials testing costs for Highland Drive, First Street, Kaufman Street, N. Lakeshore Drive, Rusk Street, and West street paving, drainage, water, and wastewater improvements projects and authorize the City Manager to execute a contract with Alliance Geotechnical Group in the amount of \$63,390.00 which will be funded by *Street Bond Funds*, and take any action necessary.**

Councilmember Johannesen moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, and 5). Councilmember Hohenshelt seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-32**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REDUCING ITS EXTRATERRITORIAL JURISDICTION (ETJ) BY RELEASING SUCH TERRITORY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE TO THE COUNTY OF ROCKWALL; ESTABLISHING THE NEW

CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. PUBLIC HEARING ITEMS

- 1. Z2020-030 - Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of an ordinance for a *Specific Use Permit (SUP)* for an *accessory building that exceeds the maximum square footage* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary (1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to property owners located within 500' of the subject property, with four notices having been received back in favor and one notice receive in opposition.

Mayor Pruitt opened the public hearing. The applicant briefly came forth and indicated he would be happy to answer any questions council may have. There being no one else wishing to come forth and speak, Mayor Pruitt then closed the Public Hearing.

General discussion ensued pertaining to the applicant's request and what he is wanting to do. Extensive discussion also took place pertaining to the way the city's code(s) is currently written pertaining to these types of structures and if, potentially, those regulations need to be changed.

Mayor Pro Tem Fowler moved to approve Z2020-030. Mayor Pruitt 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. 20-02] OF THE CITY OF ROCKWALL AND PLANNED DEVELOPMENT DISTRICT 11 (PD 11), ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.2297-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK O, HILLCREST SHORES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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 6 ayes with 1 nay (Macalik).

- 2. Z2020-031** - Hold a public hearing to discuss and consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners C. D. T. Rockwall 2017, LLC for the approval of an **ordinance** for a **Zoning Amendment** to Planned Development District 79 (PD-79) [*Ordinance No. 16-39*] for the purpose of amending the development standards contained in *Ordinance No. 16-39* for a 70.408-acre tract of land identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King Boulevard and Featherstone Drive, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. 32 notices were mailed out to adjacent property owners located within 500' of the subject property, and one notice was received back in favor. In addition, the Planning & Zoning Commission has recommended approval of this item.

**Pat Atkins
Saddlestar Development
3076 Hayes Lane
Rockwall, TX**

Mr. Atkins, the applicant, came forth and provided a presentation to Council pertaining to this request.

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

**Bob Wacker
309 Featherstone
Rockwall, TX**

Mr. Wacker came forth and provided a diagram and associated comments pertaining to j-swing and 'modified j-swing' driveways / garages.

**Jim Turner
1691 Old E. Quail Run Drive
Rockwall, TX**

Mr. Turner came forth and shared that he has concerns about construction debris that has been sitting on the existing construction site (for the phase that's currently under construction) for a very long time at this point. He generally expressed that he would like for developers to keep construction debris cleaned up.

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

General discussion ensued pertaining to the front entry and j-swing garages as well as the setback requirements.

Councilmember Macalik moved to approve Z2020-031. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-35**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 79 (PD-79) [ORDINANCE NO. 19-40] THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 79 (PD-79) FOR THE PURPOSE OF AMENDING THE DEVELOPMENT STANDARDS ON A 70.408-ACRE TRACT OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 79 (PD-79) FOR SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES, BEING IDENTIFIED AS TRACTS 1, 1-03, 1-5 & 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, 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 by a vote of 7 ayes to 0 nays.

3. **Z2020-032** - Hold a public hearing to discuss and consider a request by Erick Cruz Mendoza for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.165-acre parcel of land identified as Lot 873-A, Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 481 Blanche Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to property owners and residents within 500' of the property. Three notices were received back in favor of the request. In addition, the Planning & Zoning Commission has recommended approval of the agenda item this evening.

Mayor Pruitt called forth the applicant, Mr. Mendoza, who came forth and briefly addressed the Council concerning 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 Johannesen moved to approve Z2020-032. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 20-36
SPECIFIC USE PERMIT NO. S-232

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01], ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.165-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 873-A, ROCKWALL LAKE ESTATES #2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND 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.

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XI. ACTION ITEMS

1. **P2020-029** - Discuss and consider a request by DR Horton – Texas, LTD on behalf of DMDS Land Company, LLC for the approval of a *Preliminary Plat* for River Rock Trails, Phase 1A Addition being a 35.28-acre portion of a larger 1,225.721-acre tract of land identified as Tract 11 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally north of the intersection of FM-548 and High Plains Trail, and take any action necessary.

The mayor indicated that the Council lacks jurisdiction to address this item. So, it was not discussed at all, and no action was taken.

2. Discuss and consider options for the Parks and Recreation Rib Rub Run & Roll Special Event to be held in the Downtown area on Saturday, October 3, 2020, and take any action necessary.

Councilmember Johannesen indicated that he believes Option #1 outlined in the staff memo sounds like the best one. Mayor Pro Tem Fowler expressed that he would like to skip the 'People's Choice Pulled Pork' contest. Parks Director, Travis Sales, shared that staff will move forward with Option #1. No formal action was taken by Council.

3. Discuss and consider approval of a resolution establishing an ad hoc exploratory committee to determine the best means by which to recognize the diverse history of Rockwall, and take any action necessary.

Mayor Pro Tem Fowler moved to approve the resolution as presented. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider (re)appointments to city advisory boards and commissions, including the Main Street Advisory Board, Park Board, and Animal Advisory Board, and take any action necessary.

Councilmember Johannesen moved to reappoint Peggy Marhouff, Kevin Johnson and Brandon Morris to the Park Board. Mayor Pro Tem Fowler seconded the motion, which passed

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Mayor Pro Tem Fowler moved to approve the resolution as presented. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider (re)appointments to city advisory boards and commissions, including the Main Street Advisory Board, Park Board, and Animal Advisory Board, and take any action necessary.

Councilmember Johannesen moved to reappoint Peggy Marhouff, Kevin Johnson and Brandon Morris to the Park Board. Mayor Pro Tem Fowler seconded the motion, which passed

unanimously of those present. Johannesen then moved to newly appoint to the Park Board Amanda Fowler (to replace Charles Johnson). Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes to 1 abstention (Fowler).

Mayor Pro Tem Fowler moved to reappoint Steve Albers and Gary Freedman to the Animal Advisory Board. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Campbell moved to appoint Gary Cannavo to the Main Street Advisory Board (to replace Stuart Smith for a term to expire in Jan. of 2022). Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. EXECUTIVE SESSION.

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

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2. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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


Council did not convene in Ex. Session following the close of the public meeting agenda.

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:36 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 8th DAY OF SEPTEMBER, 2020.

ATTEST:


KRISTY COLE, CITY SECRETARY




JIM PRUITT, MAYOR