
ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, April 19, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Kevin Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Anna Campbell, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Mayor Pro Tem Fowler then 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 MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 1. Discussion regarding sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).**
- 2. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).**
- 3. Discussion regarding Rockwall Municipal Court pursuant to Section 551.071 (Consultation with Attorney) and pursuant to Section 551.074 (Personnel Matters)**
- 4. Discussion regarding non-emergency ambulance services contract pursuant to Section 551.071 (Consultation with Attorney).**
- 5. Discussion regarding contract with Legacy Humane Society pursuant to Section §551.071 (Consultation with Attorney).**
- 6. Discuss regarding City Charter provisions related to granting a utility franchise, pursuant to Section §551.071 (Consultation with Attorney)**

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:50 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VI. PROCLAMATIONS

- 1. Public Safety Telecommunicators Week**

Mayor Pruitt called forth members of the Rockwall Police Department and its dispatch center. He then read and presented them with this proclamation and thanked them for their professional, dedicated service.

VII. OPEN FORUM

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to direct the (interim) City Manager to draft an amended contract with Legacy Humane Society. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the April 5, 2021 regular City Council meeting, and take any action necessary.
2. Consider awarding a bid to Urban Infraconstruction and authorizing the Interim City Manager to execute a contract in the amount of \$500,000 for Concrete Pavement Repair Services (per unit price) to be funded out of the General Fund, Streets and Drainage Operations Budget, and take any action necessary.
3. Consider authorizing the City Manager to execute a two-year contract with Evoqua Water Technologies for chemical injection at the Fontana, Timber Creek, and Mims Lift Stations to eliminate effluent odors for \$90,000 annually to be funded by the Wastewater Operations Budget, and take any action necessary.
4. Consider approval of Hotel Occupancy Tax (HOT) Subcommittee recommendation to award \$12,715 to the South Central Nautique Regatta and authorize the Interim City Manager to execute associated contract, and take any action necessary.
5. **P2021-009** - Consider a request by Brenda Kennedy for the approval of a Replat for Lot 1, Block A, Kennedy Addition being a 0.2342-acre parcel of land identified as Lot 1, Block A, Richard Harris Subdivision No. 5 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 701 N. T. L. Townsend Drive, and take any action necessary.
6. **P2021-010** - Consider a request by Doug Stewart on behalf of Bryan Wreyford for the approval of a Replat for Lots 1 & 2, Block A, Wreyford Addition being a 2.97-acre parcel of land identified as Lot 1 of the Crowell's Hidden Valley Estates Addition, Collin County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southeast corner of the intersection of County Road 949 and County Road 536, and take any action necessary.
7. **P2021-011** - Consider a request by Mike and Cheryl Birdwell for the approval of a Final Plat for Lots 1 & 2, Block A, Birds Nest Addition being a 4.02-acre tract of land identified as Tract 15 of the J. Smith Survey, Abstract No. 191, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 171 Birds Nest Lane, and take any action necessary.
8. **P2021-012** - Consider a request by Jose Campos of Hines on behalf of CDT Rockwall/2017 LLC for the approval of a Preliminary Plat for Phase 2 of the Saddle Star Subdivision being a 29.002-acre tract of land identified as Tracts 1, 1-05, 2-03, & 2-07 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (*Ordinance No. 20-35*), situated within the SH-205 By-Pass (SH-205 BY OV) District, generally located east of the intersection of Featherstone Drive and N. John King Boulevard, and take any action necessary.

9. **P2021-013** - Consider a request by Bart Carroll for the approval of a Preliminary Plat for the Landon Subdivision being a 32.60-acre tract of land identified as Tract 13 of the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southwest corner of the intersection of S. Munson Street and Streetman Road, and take any action necessary.
10. **P2021-014** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Jen-Liang Wu for the approval of a Preliminary Plat for the Nelson Lake Subdivision being a 121.16-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.
11. Consider authorizing the Interim City Manager to execute a facility use agreement with the Rockwall YMCA for the purposes of providing swim lessons to members of the Boys and Girls Club at the Gloria Williams Swimming Pool, and take any action necessary.
12. Consider approval of canopy repairs associated with March 17, 2021 storm damage at Leon Tuttle Athletic Complex/Ballfields (\$2,500 insurance deductible, to be funded out of the Recreational Development Fund), and take any action necessary.

Councilmember Daniels moved to approve the entire Consent Agenda as presented (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12). Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission chairman to discuss and answer any questions regarding planning-related cases on the agenda.

Vice Chairman of the P&Z Commission, Jerry Welch, came forth and briefed the Council on recommendations of the Commission relative to planning items on tonight's meeting agenda. Council took no action as a result of Mr. Welch's comments.

2. Appointment with Eva Cannon of Siren Rock Brewing Co. to discuss corporate identity signage in the Downtown (DT) District, and take any action necessary.

Initially, no one was present for this appointment item, so this item was not discussed until later in the meeting. Mayor Pruitt called forth Mrs. Cannon, who came forth and shared that she is seeking approval from the Council for a couple of additional hand painted signs – one on the N side of the building on the brick (of the company's name and logo) and one on the S side of the building (of tentacles, which are part of the company's branding). The south side of the building faces the parking lot, and the tentacles will be painted on the hardie board siding. She showed various examples of signs around town that are (or at least look like) hand painted signs on a business' brick. Mrs. Cannon went on to express that she is asking the Council to consider changing the Code in order to allow a hand painted sign to be placed on the side of her building.

Mayor Pruitt provided background information pertaining to past efforts associated with the city's sign ordinance(s), including efforts that were made in the past to modify those regulations. He explained that the city's sign ordinance regulations underwent a major rewrite back in 2010, and the attorney consultant utilized at the time steered the City towards regulating only "time, place and manner" associated with signage.

Generally discussion ensued pertaining to this request as compared to past requests. Mayor Pruitt indicated that he would not be comfortable changing the city's sign ordinance regulations without bringing the downtown merchants group into the conversation to glean input from them.

Mayor Pro Tem Fowler asked for clarification of how long the process would take in order for these issues to be revisited for signage in the downtown district only. Mr. Miller shared that this topic would have to go for public hearings at both the Planning & Zoning Commission and City Council meetings, so it is definitely a process that will take some time.

Mr. Miller asked if the Council would like to hold a work session at the next council meeting to be shown examples of signage and discuss the process for potentially moving forward with amending the city's sign regulations for the downtown area only.

Following additional discussion, Council took no action pertaining to this Appointment Item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-006** - 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; Saddle Star Holdings, LLC; and Gwendolyn Reed for the approval of an **ordinance** for a Zoning Amendment to Planned Development District 79 (PD-79) [*Ordinance No. 20-35*] for the purpose of amending the development standards contained in *Ordinance No. 20-35* 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. With this proposal, the applicant has submitted a letter outlining the request and provided examples of the modified swing building elevations and floorplans showing the proposed garage orientations. In addition, staff has prepared an amendment to the Planned Development District ordinance to facilitate the applicant's request if it is approved this evening. On March 19, 2021, staff sent 142 notices to property owners and residents within 500-feet of the subject property (note: staff should note that all but one [1] of the property owners within 500-feet are either builders, the City of Rockwall, or people associated with this request). In addition, staff sent a notice to the Stone Creek Homeowner's Association, which is the only Homeowner's Association (HOA)/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At this time this memorandum was drafted, staff had not received any notices concerning this case. On April 13, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the zoning amendment to Planned development District 79 (PD-79) by a vote of 6-1, with Commissioner Welch dissenting.

Mayor Pruitt called forth the applicant (Mr. Atkins), who was not present. However, a gentlemen representing him did come forth to address the Council on this request.

Chris Terhune
Coventry Homes

Mr. Terhune came forth and provided brief comments to Council concerning this request.

There being no questions, Mayor Pruitt opened the public hearing, asking if anyone would like to speak concerning this item. There being no one indicating such, he then closed the Public Hearing.

Councilmember Johannesen expressed concern about approval of this request, mentioning that the applicant initially proposed 113 lots, and then – incrementally along the way – he added more lots and is now requesting modifications to the housing product.

Mayor Pruitt asked for clarification from Mr. Miller concerning how this developer's request has changed over time since it was first brought before the Council, and Mr. Miller provided said information.

Councilmember Johannesen expressed concern to potentially granting modifications and variances to city standards – either the city has standards in place that it will stick with, or it does not.

Mayor Pro Tem Fowler sought and received additional clarification from Mr. Miller concerning the nature of this request and associated, potential implications if this request is approved.

Following lengthy discussion, Councilmember Johannesen moved to deny this request (Z2021-006). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **Z2021-007** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC 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 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided extensive background information pertaining to this agenda item. On March 19, 2021, the applicant -- Kevin Harrell of the Skorburg Company -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 7 (SF-7) District land uses. Specifically, the applicant is proposing to entitle the subject property for a 526-lot single-family, residential subdivision that will consists of four (4) lot sizes (i.e. [A] 408, 62' x 120'; [B] 95, 72' x 120'; [C] 13, 82' x 120'; and [D] 10, 100' x 120'). NOTE: Based on the changes requested/recommended by the Planning and Zoning Commission the revised lot count is as follows: [A] 396, 62' x 120'; [B] 109, 72' x 120'; [C] 11, 82' x 120'; and [D] 10, 100' x 120'. On March 26, 2021, staff mailed 23 notices to property owners and occupants within 500-feet of the subject property. There were no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following: (1) Two (2) emails from two (2) property owners within the 500-foot notification buffer in favor of the applicant's

request. (2) A petition signed by thirteen (13) property owners representing nine (9) properties within the 500-foot notification buffer in opposition to the applicant's request. (3) Two (2) emails from two (2) property owners outside of the 500-foot notification buffer in opposition to the applicant's request. (4) One (1) email from a non-participating Homeowner's Association (HOA) [i.e. Fontanna Ranch HOA] within the 1,500-foot notification buffer in opposition to the applicant's request. Per the Planning and Zoning Commission's request at the Work Session Meeting on March 30, 2021, staff sent the proposed concept plan to the city's Parks and Recreation Board for review and recommendation. On April 6, 2021, the Parks and Recreation Board approved a motion to recommend approval of the proposed public park as a regional park by a vote of 6-0, with Board Member Dodd being absent. A dog park is being proposed as part of this residential development, and it will be maintained, overseen and 'policed' by the homeowner's association. On April 13, 2021 the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request to rezone the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 7 (SF-7) District land uses by a vote of 5-2, with Commissioners Chodun and Moeller dissenting. As part of the motion the Planning and Zoning Commission stipulated that the Planned Development District ordinance be changed to [1] reduce the Flat Front Entry Garages from 25% to 20%, and [2] that the 72' x 120' lots be mixed throughout the development instead of being in homogenous pods. The applicant has agreed to these changes and staff has changed the case memo and Planned Development District ordinance accordingly. Mr. Miller explained that approval of this item will require a super majority vote of Council.

Adam Buzcek
Skorburg & Windsor Homes
8214 Westchester Dr., Suite 900
Dallas, TX 75225

Mr. Buzcek came forth and provided a lengthy presentation to Council concerning this proposed development. He expressed that the density that is now being proposed is 1 more lot per 5 acres of land, for a total of thirty-five (35) extra lots (above the density outlined in the city's Comp Plan). He pointed out that the land the developer will dedicate to the city for the public park equates to a \$3 million land dedication. He pointed out that three sewer lift stations will need to be upgraded by the developer as part of putting these homes in, which is expensive. He tried to meet the Comp Plan's density guidelines; however, he just could not make the numbers work. These homes will be at a price point between \$400-600k.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. He noted that the Council does have the petition in hand from the various property owners (which has triggered the need for a super majority vote of Council).

Katie (Catherine) Welch
2844 FM 549
Rockwall, TX 75032

Mrs. Welch came forth and shared that her and her husband's property is located directly adjacent to this proposed development. They would rather that this development not occur at all or that very large acreage residential homes be developed here instead; however, she does

not believe that is going to come to fruition on this large piece of property. She has concerns about infrastructure issues that currently exist. She mentioned that her home is on propone and septic, and they have traditionally had notable issues with internet service. She shared that her home was annexed in 1997, yet she and her neighbors still are not on city sewer. She acknowledged that it is very expensive (\$1 million or more). She wonders if it would be possible for the city to establish a Tax Increment Financing District (TIFF) to help fund the installation of sewer lines and sewer service to this proposed development as well as to the homes located on the side of the road on which she and her husband live.

Douglas Jones
2994 FM 549
Rockwall, TX 75032

Mr. Jones came forth and shared that he is opposed to this development. He pointed out that Council does not have to approve the zoning change (away from "AG"). He has issues with the proposed density, and he is especially concerned about the additional cars and traffic that will result from this development. There is a traffic accident that happens about once per week in this area, and if this development is approved it will only get worse.

Richard Hensen
2424 S. FM 549
Rockwall, TX

Mr. Hensen shared that he is opposed to this proposed Planned Development. He thanked the Council Members for their hard work. He pointed out that the P&Z Commission had a 'split decision' on its recommendation concerning this agenda item. He and his neighbors have anywhere between 3 and 10 acres of land associated with the homes they own across the street from this proposed development. He would have never purchased a home in this area if he knew that a regional, city park would eventually be established directly across the road from his home. He pointed out that the petition that's been presented to Council shows an overwhelmingly large number of residential home owners in this area who are against approval of this proposed development. He pointed out that all of the areas around the existing Klutz Farm have large acreage / large lots. He pointed out some concerns related to the proposed density (i.e. Skorburg isn't really developing 200 acres because he is going to donate 50 acres of it to the City for a regional park. He, therefore, is only developing 150 of the 200 acres. This makes the proposed development even more dense. He pointed out that the way density is calculated by the City is flawed).

Ben Klutts, Jr.
1604 North Hills
Rockwall, TX 75087

Mr. Klutts shared that he is a lifelong resident of the City of Rockwall. He provided background information on land that his family owned in years past (near SH-66 and where the Rockwall Technology Park is currently located, and this piece of property). They raised cattle on these pieces of property; however, they have determined that it is no longer viable to run cattle on land within the City of Rockwall. Many developers have approached them over the years

wanting to purchase the Klutts farm, but no other developer (before Skorburg) has made a proposal that the family thought would truly work. (He generally spoke in favor of approval of this request).

Melba Jeffus
2606 Cypress Drive
Rockwall, TX

Ms. Jeffus shared that Fontana Ranch (which is located to the South of the 'dream home' she and her husband previously owned) was proposed not long after they purchased their home (that they since sold in 2020). She explained that several realtors with whom they met indicated that Fontana Ranch absolutely negatively impacted what they were able to get (price wise) for the home they were selling. She went on to beg the Council to not approve this development unless or until it looks a whole lot better than what the developer is proposing this evening.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and provided a presentation to Council, generally focusing on the city's Comp Plan and what it calls for (related to density and open space). He went on to provide slides showing previous and recently approved residential neighborhoods within the City and their various densities (as compared to what is being proposed with this particular request). He generally expressed his belief that McLendon-Chisholm will benefit from this 50 acre park development (since two sides of the property abut that city). He encouraged the City to do away with the proposed 50-acre park, spread the lots out more and incorporate more green space (perhaps a 15 acre park) within the development as a whole. He encouraged the City to follow its Comp Plan and perhaps clarify things within the plan so that it can be more closely followed / adhered to.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX

Mr. Jeffus shared that he and his wife previously purchased a home on 5-acres that ended up having Fontana Ranch being built right next to it. He shared that, although the developer stated that adding one home more per 5 acres really isn't noticeable; however, he personally does notice the addition of 35 to 40 more homes. He has concerns that only two access points would be incorporated into this development. This neighborhood will have about 500 homes (perhaps about 1,000 cars), and that will result in a lot more cars on the street attempting to get in and out of this neighborhood. He has concerns about how city fire trucks will get in and out of this neighborhood too. He pointed out that more rooftops equates to more money (in tax revenue). He believes that stacking more and more homes in a small space results in degrading the city as a whole. He shared that he believes the park needs to be spread out throughout the neighborhood instead of having all 50 acres being tucked away to one side of the property.

Mayor Pruitt recessed the public meeting to take a brief break at 7:45 p.m. He then reconvened the meeting at 8:01 p.m.

Steve Curtis
2130 FM 1141
Rockwall, TX

Mr. Curtis came forth and provided brief details related to the city's Comp Plan and Unified Development Code. He pointed out that this proposed development equates to "medium density." He shared that, per the city's regulations, the proposed dog park and regional park would require (2,200) parking spaces to be provided. He is concerned about 1,000 cars coming in and out of only two entrances into the subdivision. He generally spoke in opposition of approval of this proposed development.

Gracie Rodriguez
2480 S. FM 549
Rockwall, TX

Ms. Rodriguez shared that she moved into her home on May 5, 2001, and her home has a pond located in the front of the property. She generally described that she loves this community and has enjoyed raising her kids here. She shared that in her household, there are five cars, and – when family comes over – there can be as many as eight or nine cars at her house. She loves the Klutz farm, and it is a beautiful town. She acknowledges that this property will be developed at some point; however, she is concerned about adequate roadway infrastructure not yet being in place to accommodate additional traffic (in an area that already has a lot of traffic).

Karen Hensen
2424 S. FM 549
Rockwall, TX

She believes that, since this is Rockwall, people are going to buy whatever type housing product is offered (just to be able to be in Rockwall). She pointed out that she does not want to live across the street from a large, regional park (like Harry Myers). She is concerned about lights, traffic, parking, noise, etc. She encouraged Council to not give into what a developer wants, but, instead, consider what the neighbors want (and don't want).

Mr. Buzcek (the developer) came forth again and spoke. He thanked everyone for coming out tonight, pointing out that there are great people in Rockwall. He acknowledged that there is no way to make everyone happy. He shared that he has steered this particular project in an effort to provide the city with its desire 'crown jewel,' a south community park. He hopes the Council will see that this is a virtuous project and a very good opportunity for the city to be gifted with a large, desirable community park. No matter where the park is located, there will be those who are unhappy with its selected placement. He pointed out that not all homes in this development will be built immediately, and TXDOT is already working on the future widening of this area of roadway. He spoke briefly on the density calculations, expressing that he was not disingenuous in following the way the city calculates those numbers. He does not believe that this development will hurt anyone's property values.

Councilmember Johannesen pointed out that the city has expressed a desire to have a “south” community park for about twenty years (and is incorporated into the city’s Parks Master Plan). Councilmember Hohenshelt expressed that the city has tried several times in the past to obtain land for a south park; however, it has so far not been successful in doing so.

Councilmember Macalik shared brief comments pertaining to the proposed two entrances/exits in and out of this subdivision, comparing it to where she personally lives in Chandler’s Landing. She shared that she never waits more than two or three minutes to get out of her neighborhood (but there is a traffic light).

Mayor Pruitt sought clarification from Mr. Miller concerning the proposed density, and he generally pointed out that pretty much all of the land on this Klutz property is ‘buildable land’ (none is located within a flood plain). Mayor Pruitt expressed that he is ‘in favor’ of people being able to decide what “goes in” within their own neighborhood. He pointed out that those neighbors who are in opposition of this proposed development are residents who actually live within our city and pay city taxes. He believes that this park would likely be used more by McLendon-Chisholm residents than it will be used by Rockwall residents. He is concerned about where park-goers will park when events are being held at this 50 acre park site. He generally has concerns about this proposed density.

Councilmember Hohenshelt pointed out that there are in fact hundreds of houses in existence within existing subdivisions in the City that have at least this level of density (if not more). He went on to point out that the City tried three, separate times to acquire land for a South park (with the Wallace property) but was unsuccessful. The city also tried to acquire land in another area of the south side (of IH-30) but was also unsuccessful at those attempts. He generally pointed out that this property may be the last opportunity that the City has to secure land for a south community park. So, if this doesn’t come to fruition, the city may need to modify its Parks Master Plan to reflect that no south side park will ever be built in the future. He went on to provide commentary on various topics such as traffic, infrastructure, and the idea that “I get to control what goes in on land that I do not personally own.” He pointed out that the city does not get to control in any large way what Mr. Klutz gets to do with his land / with the property he owns (and is now trying to sell).

Mayor Pruitt pointed out that this city is determined to not have things like TIFs, PIDs, MUDs, etc. (pointing out that if the city allowed these types of financing arrangements to be established, there would be water districts everywhere, throughout the city). Pruitt pointed out that by the time these homes eventually do get built (if this is approved), the city will in fact have a new (TXDOT provided) road outside of this subdivision.

Councilmember Macalik shared that perhaps this is an opportunity for the City Council to revisit the city’s Comp Plan to evaluate aspects of the plan related to future development South of IH-30. Mr. Miller went on to share the process and timeline associated with periodic review of the city’s Comp Plan.

Councilmember Campbell shared that there could be ‘a lot worse’ development going in on this Klutz Farm property, which she acknowledged is a very beautiful piece of land. She generally

shared the belief that the city council is not in place to solve a developer's 'math problem.' She appreciates the proposal and believes it has a lot of good aspects to it (i.e. 'thank you for the 50 acre park'); however, there are a lot of tax paying residents who have expressed that they would like to see this property developed differently. She generally believes that the city council should be making decisions that align with the city's Comp Plan as closely as possible.

Brief discussion took place between the Council and Parks Director, Travis Sales, pertaining to the various ways in which the 50-acre park could be developed and utilized (i.e. passive uses such as prairie land and/or botanical or more active uses such as splash pads/spray grounds and/or ball fields). Potential parking needs were discussed relative to the proposed 50-acre park.

Councilmember Hohenshelt moved to approve Z2021-007. Mayor Pro Tem Fowler seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-____) FOR SINGLE-FAMILY 7 (SF-7) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 196.009-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; 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 to approve was denied by a vote of 3 in favor with 4 against (Campbell, Macalik, Pruitt and Daniels).

Mayor Pruitt recessed the public meeting for a brief break at 8:52 p.m. He called the meeting back to order at 9:01 p.m. and addressed Appointment Item #2 next.

XII. ACTION ITEMS

1. Discuss and consider an **ordinance** amending Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances to adopt changes that would address regulatory actions for improvements and storage on unleased land within the takeline, and take any action necessary. (1st reading)

Planning Director, Ryan Miller provided brief comments pertaining to this agenda item, generally indicating that staff has prepared this ordinance in response to the Council requesting these changes at the last city council meeting. Mayor Pruitt provided comments pertaining to existing takeline subleases along the shoreline of Lake Ray Hubbard. He went on to explain that this year, it will cost people living along the takeline nothing (\$0) to sublease the property behind their home. Thereafter, it will cost a resident \$100 / year to do so. General discussion

took place pertaining to enforcement and penalties associated with this ordinance. Following additional, lengthy discussion about this topic, Councilmember Hohenshelt made a motion to approve the ordinance. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 22, *MISCELLANEOUS OFFENSES*, FOR THE PURPOSE OF INCORPORATING A NEW ARTICLE THAT PROVIDES REGULATIONS AND ENFORCEMENT FOR THE UNLAWFUL USE OF UNLEASED LAND WITHIN THE LAKE RAY HUBBARD TAKELINE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) 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 (recusals - Pruitt and Fowler).

2. Discuss and consider a request by Nicholas Gamez of DFDVB Homes, LLC on behalf of Zach Shipley for the approval of a Major Waiver to the Downtown (DT) District parking requirements for a *Restaurant with Less Than 2,000 SF without Drive-Through or Drive-In* on a 0.018-acre tract of land identified as a portion of Lot 7, Block M, Rockwall OT Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 109 E. Washington Street, and take any action necessary.

Mr. Miller shared that this building does not have any on-site parking available, and the major waiver associated with this request equates to three parking spaces. Granting of this major waiver will become associated with the property from now and into the future if it is granted. Following brief comments, Mayor Pruitt moved to approve the major waiver request as presented. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider a request by Cameron Slown of Teague, Nall and Perkins, Inc. on behalf of Elias Pope of 8020 Hospitality, LLC for the approval of a Variance to the parking requirements for a *Restaurant with 2,000 SF or More without a Drive-Through or Drive-In* on a 0.90-acre parcel of land identified as Lot 5, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], situated within the IH-30 Overlay (IH-30 OV) District, generally located at the southeast corner of the intersection of the IH-30 Frontage Road and Sunset Ridge Drive, and take any action necessary.

Mayor Pruitt shared that Mayor Pro Tem Fowler will be recusing himself from this item, and he has filed the appropriate (affidavit) paperwork with the city secretary to do so. Mr. Miller, Planning Director, then went on to provide background information pertaining to this agenda item. Following brief comments, Mayor Pruitt moved to approve the variance request (allowing them to count the 18 parking spaces in the Trend Tower). Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 recusal (Fowler).

4. Discuss and consider granting permission for an alcohol waiver associated with the city's May 15, 2021 Founders Day Festival at Harry Myers Park in accordance with Chapter 30, Article I, Sec. 30-2, "Regulated Activities in Parks" of the Code of Ordinances, and take any action necessary.

Mayor Pruitt indicated that he was inclined to make a motion to deny the item. Councilmember Daniels shared that he would be inclined to "second" such motion. Pruitt shared that he knows how the vote for such a motion would turn out – that everyone except for he (Pruitt) and Bennie (Daniels) would vote against it. Councilmember Johannesen then moved to approve the request and grant the waiver. Councilmember Hohenshelt seconded the motion, with the caveat that anyone who votes against this waiver approval cannot drink alcohol in the park at this event. The motion passed by a vote of 5 ayes with 2 nay (Pruitt and Daniels).

5. Discuss and consider bond program street appurtenances, and take any action necessary.

Mayor Pruitt provided background information pertaining to this agenda item. He expressed that, as much as possible, street lights should match when they are placed by contractors within subdivisions. In addition, pertaining to roundabouts, there will be sprinklers installed, and the contractors are working with the Parks Director on what plants will be planted in those areas. Mayor Pruitt proposed painting double yellow lines along Lakeshore and Summit Ridge in order to encourage more spacing between cars traveling along two-way traffic in order to enhance safety and lower risk factors. Pruitt pointed out that this is not a budgeted item, so if the Council wants this to be painted in this manner, it will need budgetary approval of Council. Staff will put pricing together and visual renderings for the Council to review and consider at the next meeting.

No action was taken by Council at this time concerning this agenda item.

6. Discuss and consider update from Rockwall Police Chief regarding attrition, recruiting and retention associated with the Police Department, and take any action necessary.

Mayor Pruitt called forth police chief, Max Geron to address the Council on this agenda item. In the meantime, he went on to express high compliments to the city's HR Director as well as the Fire Chief, Fire Department, and volunteers for the recent, very successful COVID-19 vaccination clinics that have been held and have benefitted the community.

Chief Geron then addressed the Council regarding attrition challenges, both specifically pertaining to the Rockwall Police Department as well as nationwide. He spoke about turnover that has occurred within the RPD in the last year or two as well as recruitment-related efforts that have been underway as well as future recruiting efforts that are in the works.

Following brief comments, Council took no action pertaining to this agenda item.

7. Discuss and consider appointments to the city's ART Commission and Comprehensive Plan Advisory Committee (Cha), and take any action necessary.

Councilmember Macalik moved to appoint Bonnie Lankford and Susan Guzman to fill the two vacancies on the city's ART Commission. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Campbell moved to appoint Charles Edward Miller to serve on the city's Comprehensive Plan Advisory Committee (CPAC). Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Fowler moved to appoint Ross Hustings to the CPAC. Councilmember Campbell seconded the motion, which 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 MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding Rockwall Municipal Court pursuant to Section 551.071 (Consultation with Attorney) and pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding non-emergency ambulance services contract pursuant to Section 551.071 (Consultation with Attorney).
5. Discussion regarding contract with Legacy Humane Society pursuant to Section §551.071 (Consultation with Attorney).
6. Discuss regarding City Charter provisions related to granting a utility franchise, 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

Mayor Pruitt adjourned the meeting at 10:16 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3rd DAY OF MAY, 2021.



JIM PRUITT, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY

