

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, March 01, 2021 - 4:00 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 4:05 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and City Council Members Anna Campbell, 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. Councilmember Dana Macalik arrived to the meeting at 4:07 p.m.

**II. WORK SESSION**

1. Hold a work session with Jim Rosenberg to discuss Harbor Bay Marina agreement.

Mayor Pruitt indicated that the City of Rockwall and the City of Dallas has had an agreement in place for many, many years with Jim Rosenberg, and that agreement is expiring in December of this year (2021). Mr. Rosenberg then went on to share a 'redevelopment and expansion' proposal with the Council for its consideration related to potential renewal of the franchise agreement between him and the City of Rockwall. He shared that he did meet with the homeowner representatives in Lakeside Village, and some changes to the previously discussed proposal were made. Following Mr. Rosenberg's presentation and lengthy discussion with council members, indication was given that the city attorney will work with Mr. Rosenberg on renewal of the franchise agreement. Council took no formal action as a result of this work session item at this time.

Mayor Pruitt then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:40 p.m.

**III. 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 city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
2. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the Texas Department of Transportation (TXDOT) and property along John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Action Item #2 (pulled from public meeting agenda)  
Discuss and consider winter weather event of February 13-20, 2021 to include, but not be limited to, the impact to the city and possible relief to utility customers, and take any action necessary. (Pursuant to Section §551.071 (Consultation with Attorney)
5. Public Hearing Item #2 (pulled from public meeting agenda)

**Z2021-002** - Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a *Self Service Car Wash and Auto Detail* on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary (**1st Reading**). (Pursuant to Section §551.071 (Consultation with Attorney))

**IV. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Executive Session at 6:00 p.m.**

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

**Mayor Pruitt reconvened the public meeting at 6:04 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. 'Certificate of Merit' Awards - Rockwall Police Officers:
  - a) Wener Perez
  - b) Stephen Nagy and Mitchell Attaway

**Rockwall Police Chief Max Geron, Lieutenant Aaron McGrew and Mayor Pruitt came forth. City Secretary Kristy Cole then read write-ups for each of the above listed officers, recognizing them for recent activities which demonstrated good police work and thwarted crime(s). Each officer was presented with a "Certificate of Merit" award.**

2. "Theater in Our Schools Month" Proclamation  
**Mayor Pruitt read this proclamation into the record.**

**VIII. OPEN FORUM**

*This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comment is limited to 3 minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at [kcole@rockwall.com](mailto:kcole@rockwall.com) to be placed on the Agenda during the 'Appointment Items' portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting (the Texas Open Meetings Act requires that topics of discussion/deliberation be specifically posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.*

**Johanna Runnels  
7140 Harlan Drive  
Rockwall, TX 75087**

**Ms. Runnels briefly spoke about the proposed carwash (Public Hearing Item #Z2021-002 on this evening's meeting agenda), expressing concern about its potential approval (especially related to noise).**

Terri Nevitt  
201 Becky Lane  
Rockwall, TX 75087

Ms. Nevitt came forth and provided a suggestion related to the design associated with future “roundabouts” on city streets. Secondly, she would like to see the City consider creating a good, reliable internet service for all Rockwall residents. She went on to suggest that there be a ‘task force’ established that could go door-to-door to inform residents about power outages and check on their wellbeing should another notable winter weather storm event occur in our city. She urged the City and County of Rockwall to speak to the legislature about its dissatisfaction with how ERCOT handled the power outages throughout Texas.

Jim Turner  
1691 Old E. Quail Run Road  
Rockwall, TX

Mr. Turner came forth and expressed concern about the future reconstruction of IH-30 through the City of Rockwall. He urged that the City do notable pre-planning to address traffic-related issues that will likely be caused by that project.

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

Mayor Pro Tem Fowler moved to authorize the interim city manager to execute a land lease and airport management agreement. Councilmember Hohenshelt seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

**X. CONSENT AGENDA**

*These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or may not generate further City Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during 'Open Forum.'*

1. Consider approval of the minutes from the February 1, 2021 regular City Council meeting, and take any action necessary.
2. **P2021-006** - Consider a request by Joseph Hornisher of Kimley-Horn on behalf of Mark Andrews of 2424 MTA Realty, LLC for the approval of a Replat for Lots 4 & 5, Block A, MTA Andrews Addition being an 8.6234-acre tract of land identified as Lots 1 & 2, Block A, MTA Andrews Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 2424 Ridge Road, and take any action necessary.
3. **P2021-008** - Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf of Dr. Mary Courtin of BLBP Property Group for the approval of a Replat for Lot 1, Block A, BLPB-Mims Addition being a 1.743-acre tract of land identified as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 54 (PD-54) for Commercial (C) District land uses, situated at the southeast corner of the intersection of E. Ralph Hall Parkway and Mims Road, and take any action necessary.
4. **P2021-001** - Consider a request by Bill Thomas of Engineering Concepts and Design, LP on behalf of Joshua Swiercinsky of 7.1 Ridge, LLC for the approval of a Preliminary Plat for Lots 1-7, Block A, Sky Ridge Addition being a 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located west of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

5. Consider an **ordinance** amending the Code of Ordinances in Chapter 36 "Streets, Sidewalks, and Public Places", Article II "Driveways," Section 36-11 "Culverts" to include provisions for the maintenance, repair, and replacement of driveways and culverts, and take any action necessary. **(1st reading)**
6. Consider authorizing the Interim City Manager to enter into an Interlocal Cooperation Agreement with Collin County for Subdivision Regulation in the Extraterritorial Jurisdiction (ETJ), and take any action necessary.
7. Consider authorizing the Interim City Manager to execute a contract with the Rockwall County Elections Administrator for Election Services related to administering the May 1, 2021 joint, general election with RISD and the City of Rockwall, and take any action necessary.
8. Consider authorizing the Interim City Manager to execute a Facility Use Agreement with Lakepointe Church, and take any action necessary.
9. Consider approval of the Rockwall Police Department's 2020 Racial Profiling Report, and take any action necessary.
10. Consider awarding a bid to SRH Landscapes and authorizing the Interim City Manager to execute a Contract for Grounds Maintenance Services II (Small) in the amount of \$87,661 to be funded out of the General Fund, Parks Operations Budget, and take any action necessary.
11. Consider authorizing the Interim City Manager to execute a contract renewal to SLM Landscape and Maintenance for Grounds Maintenance Services (Large) in the amount of \$569,110.23 to be funded out of the General Fund, Parks Operations budget, and take any action necessary.

**Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11). Councilmember Macalik seconded the motion. The ordinance caption for #5 was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 36, ARTICLE II, BY AMENDING SECTION 36-11 OF THE CODE OF ORDINANCES, CLARIFYING MAINTENANCE OF DRIVEWAYS AND DRIVEWAY CULVERTS ON CITY PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.**

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

**Mayor Pruitt then reordered the agenda to address Action Item #2 next.**

**XI. APPOINTMENT ITEMS**

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

**Jerry Welch from the city's Planning & Zoning Commission came forth and updated the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action following Mr. Welch's report.**

2. Appointment with Brett Merritt to request waiving of the rental fees for the use of the City of Rockwall Portable Restroom facility and a fire hydrant meter related to the Youth Fair of Rockwall, and take any action necessary.

**Mr. Merritt came forth and addressed the Council, explaining details pertaining to his request. Mayor Pro Tem Fowler moved to approve the waiving of rental and other fees, as**

requested. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

## XII. PUBLIC HEARING ITEMS

*If you would like to speak regarding an item listed below, please turn in a (yellow) 'Request to Address City Council' form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit comments to no more than 3 minutes.*

1. **Z2021-001** - Hold a public hearing to discuss and consider a request by Otoniel Jaramillo for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. 59 notices were sent out to property owners and residents within 500'. One notice was received back in favor. Also, nearby HOAs were notified. The Planning & Zoning Commission has recommended approval of this item.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he closed the Public Hearing.

Councilmember Johannesen moved to approve Z2021-001. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 21-XX  
SPECIFIC USE PERMIT NO. S-2XX**

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, 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 0.50-ACRE TRACT OF LAND, IDENTIFIED AS LOT 17, BLOCK B, LAGO VISTA 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.

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

2. **Z2021-002** - Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *Self Service Car Wash and Auto Detail* on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [*SH-205*], and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He went on to explain several aspects of the most current proposal that the applicant has put forth that are not in conformance with city regulations. On January 22, 2021, staff mailed 40 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Castle Ridge, Harlan Park, and Rockwall Shores Homeowner's Association (HOA), which are the only Homeowner's Associations (HOA's)/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) Four (4) property owner notifications and one (1) email from property owners within the notification area (i.e. within the 500- foot buffer) opposed to the applicant's request.
- (2) Two emails from property owners within the Homeowner's Association (HOA) notification area (i.e. within the 1,500-foot buffer) opposed to the applicant's request.

Mayor Pruitt moved to remand Z2021-002 back to the Planning & Zoning Commission to ask the Commission to review sound-related issues/concerns, the change in the drawing(s), the orientation of the building, which is not in conformance with city Code, and any and all other issues which do not conform to city standards before the Council considers this SUP request. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mr. Miller shared that a public hearing will be held at the Planning & Zoning Commission meeting on March 9 at 6:00 p.m. pertaining to this case.

- 3. MIS2021-002 - Hold a public hearing to discuss and consider a request by Reubin Harle for the approval of a Special Exception for On-Site Sewage Facilities (OSSFs) on two (2) residential tracts of land both identified as being a portion of a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 825 Zion Hill Circle, and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to 12 adjacent property owners and residents. One notice was received back in favor.

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

Charles Miller  
821 Zion Hill Circle  
Rockwall, TX

Mr. Miller came forth and shared that he would like to know where, specifically, on the property that Mr. Harle plans to place this septic system. He generally expressed concern about the potential smell and spreading (via strong winds) of septic particles in the air. He asked if there is any way of knowing where on the property the septic system and related sprinklers will be placed. Mr. Miller shared that the city is not aware of where exactly on

the property it will be placed – it must be in conformance with the County’s OSSF regulations, as the County handles the city’s OSSF program on its behalf. He has concerns about an “aerobic” system.

Rocky Murphy  
837 Zion Hill Circle  
Rockwall, TX

Mr. Murphy wonders how much land a person must have in order to place a septic system on it. Mayor Pruitt indicated that a person must typically have 1.5 acres in order to do so. He wants to make sure that if this gets approved, his property will not be inadvertently impacted with “run off” or other residual impacts.

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

Mayor Pruitt made a motion to deny the request associated with MIS2021-002. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 against (Hohenshelt).

### XIII. ACTION ITEMS

*If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.*

1. Discuss and consider Parks & Recreation Department's upcoming special events, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed the Council on this agenda item. Staff is proposing moving the annual Easter Egg Hunt event to The Harbor and making some changes to how it is handled (vendors will hand out eggs). Regarding Concerts by the Lake, staff is asking Council for input on proceeding in the same manner as took place last year (in 2020) (social distancing, sanitation stations, etc.). Regarding “Founder’s Day,” it has been cancelled for the last two years (two years ago because of storms, one year ago because of COVID). Wade Bowin and Jack Ingram are still on contract to come and play if Council is ok with proceeding with holding the event. Council generally indicated that they are in agreement with staff moving forward. Mr. Sales shared that staff has been keeping an eye on facility usage at the building called “The Center” (up the hill from City Hall) and is now proposing to modify hours of operations at this venue. Hours would be 8 AM to 5 PM Monday thru Friday and then closed on Saturdays and Sundays unless the facility is reserved for a private event. Council took no formal action on this Action Item (only gave direction to staff).

2. Discuss and consider winter weather event of February 13-20, 2021 to include, but not be limited to, the impact to the city and possible relief to utility customers, and take any action necessary.

Mayor Pruitt spoke about this agenda item, expressing great concern about how power outages were handled during the February 2021 winter storms and sharing that the city put out a press release based on complete misinformation provided by Atmos concerning

'rolling blackouts' that supposedly were going to occur. That did not happen – people were either totally without power for very long, extended periods of time or they had power almost the entire time. How decisions were made related to which neighborhoods would be cut off and which ones would not is unknown and very concerning. The City opened up a warming center at The Center (city owned building), and city staff members, including interim City Manager Mary Smith and HR Director, Shawn Yerks, manned that location and ensured things ran smoothly.

Interim City Manager, Mary Smith, then provided extensive comments, thanking city staff – especially water/sewer and streets department employees as well as police and fire department personnel. She shared that about 120 people (mostly from outside of our community) came and stayed at The Center (warming center) over the course of the week. Fire and police and other city personnel helped relocate nursing home residents from their facility that lost power and was frigidly cold to two other nursing home facilities within the city – they did so with a high level of professionalism and compassion.

Mayor Pruitt thanked Judge Sweet for all of his help during the recent storms as well. He then asked Mrs. Smith to provide information on details pertaining to the city possibly granting some financial relief to city water customers who had (1) faucets dripping for extended periods of times and related water loss and/or (2) had pipes burst and associated water loss. She explained that our current city policies do not allow for more than (somewhat minor) courtesy adjustments, so staff will need Council direction and/or approval before possibly granting more notable relief to water utility customers (residential customers, not commercial).

Mayor Pruitt made a motion to authorize the interim city manager to make changes to the sewer side of utility bills, beginning with April bills, by not including February 2021 usage in the sewer average calculations. In addition, adjust every residential customer by increasing the base rate to include the first 4,000 gallons of water usage for the month of February (instead of the base rate including 2,000 gallons as the rates currently are set). Following additional comments, the motion passed by a vote of 7 ayes to 0 nays.

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

1. Building Inspections Monthly Report - January 2021
2. Fire Department Monthly Report - January 2021
3. Parks & Recreation Monthly Report - January 2021
4. Police Department Monthly Report - January 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics
7. Recap of February 2021 Winter Weather Event (snow, ice, freezing temps.)

**Mrs. Smith thanked all of the local restaurants and others (i.e. Lakepointe Church) who provided food for people who were displaced and housing at the "warming center" during the winter storms. The food and drinks were much appreciated, and it was also utilized to feed city streets and water/wastewater crews. She indicated that monthly reports have been included in the packet for Council's review, and staff is happy to answer any questions**



the Council may have concerning said reports. No questions were asked, no discussion took place, and no action was taken.

**XV. 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 city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney).
2. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the Texas Department of Transportation (TXDOT) and property along John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

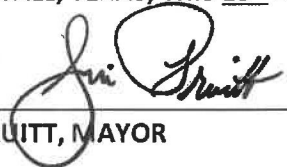
**XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See action taken earlier in the meeting as a result of the pre-public meeting executive session.

**XVII. ADJOURNMENT**

Mayor Pruitt adjourned the meeting at 7:45 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15<sup>th</sup> DAY OF MARCH, 2021.**

  
\_\_\_\_\_  
JIM PRUITT, MAYOR

ATTEST:

  
\_\_\_\_\_  
KRISTY COLE, CITY SECRETARY

