

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 01, 2021 - 4:30 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 4:30 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were Assistant City Manager Joey Boyd and City Attorney Frank Garza. City Manager, Mary Smith was absent from the meeting.

II. WORK SESSION

1. Hold work session with representative(s) of Star Transit to hear and discuss update on most recent Strategic Planning Session results, an overview of the organization's upcoming goals and plans, and a financial update.

Councilmember Macalik provided brief, introductory comments regarding this work session item. She introduced Tommy Henricks, Executive Director of STAR Transit, who went on to provide a presentation to the Council. Following his presentation, Councilmember Macalik mentioned that Mr. Henricks was previously the Finance Director at Star Transit before being promoted to the Executive Director/CEO position about a year to a year-and-a-half ago. Mayor Fowler provided brief comments too, generally complimenting Mr. Henricks on his work on behalf of the organization and indicating that he has noticed improvement in the organization since Mr. Henricks assumed the lead role. Council took no action as a result of this work session item.

Mayor Fowler then read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:47 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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding candidates and associated election for the Rockwall Central Appraisal District (CAD) Board of Directors, pursuant to Section 551.074 (personnel matters)
3. **ACTION ITEM #2** - Discuss and consider approval of a resolution adopting the allocation method for Opioid settlement proceeds as set forth in the State of Texas Political Subdivisions' Opioid Abatement Fund and Settlement Allocation Term Sheet, and take any action necessary (pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:20 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven council members being present. Members of the city's Youth Advisory Council (YAC) were also in attendance and were seated at the dais with members of Council and with staff.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF

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

VII. OPEN FORUM

Roy Kuipers
333 Yacht Club Drive
Rockwall, TX 75032

Mr. Kuipers came forth and shared that he is here to support Suntex Marina on the work that they have done. He would like some guidance on what might be able to be done to protect the lake views within the Chandlers Landing Community moving forward.

Jim Pruitt (former City of Rockwall mayor) and Cliff Sevier (current Rockwall County Commissioner) came forth and spoke about redistricting options/consideration of traditional city boundaries as related to elections. Pruitt indicated that the representative who is in charge of (re)districting has 'gone silent' related to Rockwall County. He spoke about how the County of Rockwall has grown (rapidly) over the course of the last ten years and how the City of Rockwall has historically been split into all four County Commissioner Precincts. Pruitt spoke about some of the rules related to (re)districting and 'urban' versus 'rural' districts as well as the current population of the City of Rockwall (47,251). He pointed out that the ideal population split for the City of Rockwall per precinct is 26,995. He stressed that redistricting is supposed to be about "population" – NOT about "voting." Pruitt stressed the importance of keeping Rockwall County in two precincts instead of splitting the county up into four, separate precincts. He urged the council and members of the public to email any comments to County Judge David Sweet and/or any of the Rockwall County Commissioners just as soon as possible (as this is a time-sensitive issue).

There being no one else wishing to come forth and speak, Mayor Fowler then closed 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 October 18, 2021 regular City Council meeting, and take any action necessary.
2. Consider approval of the engineering services and project management contract with Birkhoff, Hendricks and Carter, L.L.P., in the amount of \$60,500.00 to be funded by the Water/Sewer Fund for the Boydston Elevated Storage Tank Dismantling Project, and take any action necessary.
3. **Z2021-038** - Consider a request by Darrell McCallum for the approval of an ordinance for a Specific Use Permit (SUP) for a Detached Garage that exceeds the maximum permissible size for a detached garage

on a 1.2080-acre parcel of land identified as Lot 6, Block A, Grady Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family (SF-10) District, addressed as 1 Soapberry Lane, and take any action necessary (2nd Reading).

4. **Z2021-039** - Consider a request by Peter Muhl of Rockwall Habitat for Humanity 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 0.1650-acre parcel of land identified as Lot 888A of the 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 305 Blanche Drive, and take any action necessary (2nd Reading).
5. **Z2021-040** - Consider approval of an ordinance for a Text Amendment to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of amending the *Permissible Use Charts* and definition for *Urban Residential*, and take any action necessary (2nd Reading).
6. **Z2021-041** - Consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of an ordinance for a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. Salad and Go*) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [*SH-205*] and Bordeaux Drive, and take any action necessary (2nd Reading).
7. **P2021-049** - Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LP for the approval of a Preliminary Plat for Lots 1 & 2, Block A, Seefried Addition being a 23.071-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
8. **P2021-050** - Consider a request by Greg Chapa of Barton Chapa Surveying on behalf of JCDB Goliad Holdings, LLC for the approval of a Replat for Lots 2 & 3, Block A, Pecan Valley Retail Addition being a 2.174-acre parcel of land identified as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3005 N. Goliad Street [*SH-205*] and 150 Pecan Valley Drive, and take any action necessary.

Councilmember Macalik moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 8). Councilmember Jorif seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-50
SPECIFIC USE PERMIT NO. S-258**

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) TO ALLOW A DETACHED GARAGE THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE FOR A DETACHED GARAGE ON A 1.2080-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, GRADY RASH 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-51
SPECIFIC USE PERMIT NO. S-259

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 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 888-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.

CITY OF ROCKWALL
ORDINANCE NO. 21-52

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, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, AS DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 21-53
SPECIFIC USE PERMIT NO. S-260

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 *A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR*

DRIVE-IN ON A 0.81-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK A, STONE CREEK RETAIL 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.

X. APPOINTMENT ITEMS

1. Appointment with Jim Rosenberg of Harbor Bay Marina to discuss marina upgrade/expansion plans and concession agreement, and take any action necessary.

Mr. Rosenberg came forth and thanked Joey Boyd, Assistant City Manager and Travis Sales, Parks Director, indicating that he has been working with these two staff members over the course of the last two years, and he is grateful for their assistance. He shared that he has owned Harbor Bay Marina for the last thirty-three years, and he has also developed other marinas. He explained that there is an existing concession agreement in place between his company and the City of Rockwall, and it is coming up for renewal this December. In addition, it is now time to upgrade the existing marina. He then made a presentation on his proposed redevelopment and expansion plans associated with the Harbor Bay Marina. In addition to all changes and upgrades to the docks, he is also proposing a parking lot expansion. He would like the Council to consider renewing the Concession Agreement for a period of twenty-five (25) years. He would also like modifications made to the parking-related aspects of the agreement to specify a parking ratio of 3.75 boat docks for every 1 parking spot.

On behalf of the residents and Homeowners Association (HOA) in Lakeside Village, Councilmember Daniels asked for the following things to be considered with the drafting of any updated / extended Concession Agreement:

- He and the homeowners in the Lakeside Village subdivision would like a certain adjustment to the proposed lease boundary to leave the area around the peninsula (near Lakeside Village) clear and available for use by subdivision residents;
- They would like the tires removed by the end of the fifth year (rather than the end of the 6th year) (on a pro-rated basis over the course of the first five years);
- Regarding proposed visitor guidelines as related to people who come into the marina late at night (midnight, 1 AM, 2 AM, etc.) playing loud music and shining bright lights at the docks – he and the residents would like to see the boat ramp closed at a reasonable hour (perhaps by 11 PM at night) to cut down on loud nuisances and other, related disturbances;
- They would also like to see a ‘closing hour’ (perhaps midnight) for the areas where picnics and barbeques would be taking place;
- They also hope that the boat docks will be new (and not just refurbished) and in good working order;

Discussion ensued related to the City of Dallas and its oversight on what will and will not be permitted or allowed regarding this marina.

Mayor Fowler shared that what is desired tonight – ultimately – is a motion to ask staff and the city attorney to proceed with working with Mr. Rosenberg to draft an updated concession agreement for Council's future review and consideration.

Mayor Pro Tem Hohenshelt shared that twenty-five years is a very long time to enter into a concession agreement. He wonders if the term should be shorter. Following brief, additional discussion, Mayor Pro Tem Hohenshelt made a motion for staff to continue discussions and move forward with drafting a concession agreement for Council's consideration. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Follow-up appointment with representative(s) of Suntex RHCL Marina, LLC to hear plans for reconstruction of "H," "I," and "J" docks at the Chandler's Landing Marina, and take any action necessary.

Jason Breland
1 Harbor View Drive
Rockwall, TX

Mr. Breland came forth and shared that his company has met with representatives of the Chandler's Landing Marina and the sailing community, and the parties have come to an agreement on a revised plan associated with the proposed layout for the 2022 updates to the marina. He then went on to briefly describe what the layout will look like.

In response to comments made during Open Forum, Mayor Fowler asked Planning Director, Ryan Miller to look into possible ways that the city might protect the lake view corridors in and around this marina in the future.

Councilmember Macalik made a motion to approve the (revised) plans presented this evening by Suntex Marina. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Discuss and consider approval of a resolution providing for the casting of votes and submission of the official voting ballot to the Rockwall Central Appraisal District (CAD) for the 2022-2023 Appraisal District Board of Directors, and take any action necessary.

Mayor Fowler made a motion to adopt the resolution and allocate 454 votes to John Hohenshelt and one vote to Trace Johannesen. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a resolution adopting the allocation method for Opioid settlement proceeds as set forth in the State of Texas Political Subdivisions' Opioid Abatement Fund and Settlement Allocation Term Sheet, and take any action necessary.

City Attorney, Frank Garza provided brief background information concerning this agenda item. This topic is related to a lawsuit that has recently been settled within the State of Texas. \$114,308 is the City of Rockwall's portion associated with the settlement agreement. The City

of Rockwall will need to agree to not sue the pharmaceutical companies in the future. Mr. Garza recommended that the Council pass the resolution, explaining that there is a chance that Rockwall's allocation may actually end up increasing in the future.

Councilmember Jorif made a motion to approve the resolution, as presented. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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. Building Inspections Monthly Report - September 2021
2. Fire Department Monthly Report - September 2021
3. Parks & Recreation Monthly Report - September 2021
4. Police Department Monthly Report - September 2021

Assistant City Manager, Joey Boyd said a few words, indicating that departmental reports have been included in the council members' informational packet for review. Staff is happy to answer any questions regarding those reports. No questions were asked, and no discussion took place.

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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding candidates and associated election for the Rockwall Central Appraisal District (CAD) Board of Directors, pursuant to Section 551.074 (personnel matters)

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 Fowler adjourned the meeting at 7:07 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS
15th DAY OF NOVEMBER, 2021.**



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY

