

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 04, 2020 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER (5:00 PM)

Mayor Pruitt called the council meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik and Council Members John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined Ex. Session by phone. (Note: City Council Place 6 is currently a vacant seat). Mayor Pruitt read the below listed discussion items into the record before recessing the meeting to go into Executive Session at 5:01 p.m.

II. EXECUTIVE SESSION.

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

1. Discussion regarding filling vacancy for City Council Member Place 6, pursuant to Section 551.074 (personnel matters)
2. Discussion regarding City's nomination associated with filling current vacancy on the Rockwall Central Appraisal District Board of Directors, pursuant to Section 551.074 (personnel matters)
3. Discussion regarding legal issues on enforcement of Governor's Emergency Order and options on local Declaration, pursuant to Section §551.071 (Consultation with Attorney).
4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from pre-meeting Ex. Session at 5:58 p.m.

IV. RECONVENE PUBLIC MEETING (6:00 PM)

Mayor Pruitt reconvened the public meeting at 6:00 p.m. All six council members were present (Note: Place 6 was a vacant Council seat at this time).

V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

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

VI. PROCLAMATIONS

1. Apraxia Awareness Day

39 Mayor Pruitt read this proclamation. Adam Halkuff, local Rockwall resident, then came forth and shared
40 that he and his wife have a child who has Apraxia. He briefly explained some of the challenges the disorder
41 has caused for their child and family. He thanked Mayor Pruitt for the proclamation, which helps spread
42 awareness and a greater understanding.

43

44 **2. Chief Benny Gracy Memorial Day**

45 Mayor Pruitt called forth current Fire Chief, Kenneth Cullins. He then read the proclamation. Chief Cullins
46 and Mayor Pruitt expressed their gratitude for former Rockwall Fire Chief, Benny Gracy, whose bravery
47 resulted in him losing his life thirty-five years ago while attempting to save citizens trapped in a car in high
48 flood waters.

49 **3. National Day of Prayer**

50 Mayor Pruitt explained that, while typically countywide prayer events are held in person to commemorate
51 the National Day of Prayer on May 7, those events have unfortunately been cancelled due to the COVID-
52 19 pandemic. However, some events will take place via "ZOOM." He then read the proclamation and
53 encouraged everyone to pray for our city, state and nation every day, but in particular on May 7.

54 **VII. OPEN FORUM**

55 Mayor Pruitt explained how Open Forum is conducted and asked if anyone was present, either in person
56 or virtually on "ZOOM," who would like to address the Council at this time. There being no one indicating
57 such, Mayor Pruitt then closed Open Forum.

58 **VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

59 Council took no action as a result of Executive Session.

60 **IX. CONSENT AGENDA**

- 61 **1.** Consider approval of the minutes from the April 20, 2020 regular City Council meeting, and take
62 any action necessary.
- 63 **2.** Consider a resolution denying approval of an amendment to the Distribution Cost Recovery
64 Factor increase in distribution rates filed by Oncor Electric Delivery, approving cooperation with
65 the Steering Committee of Cities served by Oncor to evaluate the filing, to negotiate with Oncor
66 on the City's behalf, and take any action necessary.
- 67 **3. P2020-018** - Consider a request by Matthew Gardner of Halff Associates on behalf of Reid
68 Caldwell for the approval of a Replat for Lots 2 & 3, Block D, Ellis Centre, Phase Two Addition
69 being a 0.7.02-acre parcel of land identified as Lot 1, Block D, Ellis Centre, Phase Two Addition,
70 City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the
71 terminus of Alpha Drive, and take any action necessary.

72

73 Councilmember Hohenshelt moved to approve the entire Consent Agenda as presented (#s 1, 2, and 3).
74 Councilman Johannesen seconded the motion, which passed unanimously of those present (6 ayes with
75 Place 6 being vacant).

76

77 X. APPOINTMENT ITEMS

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

80 The Chairman was not present, and this item was not addressed by Council.

81 XI. PUBLIC HEARING ITEMS

82 1. Z2020-009 - Hold a public hearing to discuss and consider a request by Brian Parsons on behalf
83 of J. R. Fleming Investments for the approval of an ordinance for a Specific Use Permit (SUP) for
84 a New and/or Used Indoor Motor Vehicle Dealership/Showroom on an 11.153-acre parcel of land
85 identified as Lot 9, Block D, Rockwall Technology Park Addition, City of Rockwall, Rockwall
86 County, Texas, zoned Light Industrial (LI) District, addressed as 2635 Observation Trail, Suite 110,
87 and take any action necessary [1st Reading].

88
89 Planning Director, Ryan Miller, provided background information concerning this agenda item. The
90 applicant's letter requesting the SUP indicates the indoor motor vehicle showroom includes a private
91 collection of antique and/or special interest vehicles. The business model is generally internet based -- not
92 traditional auto sales -- with on hand inventory that is limited to the interior of the buildings showroom
93 floor. In addition, the applicant has indicated that only five (5) to ten (10) vehicles will be sold per year.
94 Additionally, the applicant's letter submitted with the SUP request indicates the area to be ~10,000 S.F.
95 within a ~250,000 S.F. building. If approved, the SUP would be limited to the enclosed ~10,000 SF building
96 area designated in the ordinance and addressed as 2610 Observation Trail, Suite 110. Per the Specific Use
97 Permit (SUP) ordinance the proposed land use could not expand beyond Suite 110, within the ~228,000 SF
98 building. On April 8, 2020, staff mailed 23 notices to property owners and residents within 500-feet of the
99 subject property. As a note, there are no Homeowner's Associations (HOA's) or Neighborhood
100 Organizations located within 1,500-feet of the subject property participating in the notification program.
101 At the time this case memo was drafted staff had not received any notices regarding the applicant's
102 request.

103
104 Mayor Pruitt called up on the applicant to speak, and he then provided brief comments. Pruitt then opened
105 the public hearing, asking if anyone would like to speak at this time. There being no one indicating such,
106 Mayor Pruitt closed the public hearing.

107
108 Following brief comments by Councilman Johannesen, who pointed out that this is not a 'traditional' car
109 dealership, Councilmember Hohenshelt moved to approve Z2020-009. Mayor Pro Tem Macalik seconded
110 the motion, and the ordinance was read as follows:

111 CITY OF ROCKWALL
112 ORDINANCE NO. 20-_____
113 SPECIFIC USE PERMIT NO. S-_____
114
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116 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
117 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF
118 THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER
119 AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) WITHIN

120 A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR A *NEW AND/OR USED*
121 *INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM* ON A 11.153-ACRE
122 PARCEL OF LAND IDENTIFIED AS LOT 9, BLOCK D, ROCKWALL TECHNOLOGY
123 PARK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND
124 MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS
125 ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
126 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
127 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
128 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE
129 DATE.

130 The motion passed by a vote of 6 to 0 (Place 6 was vacant).

131

132 2. **Z2020-010** - Hold a public hearing to discuss and consider a request by Edwin Echols for the
133 approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that exceeds
134 the maximum square footage and height on an 0.28-acre parcel of land identified as Lot 17, Block
135 B, Lakeridge Park Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-
136 10) District, addressed as 204 Lakehill Drive, and take any action necessary (**1st Reading**).

137

138 Planning Director, Ryan Miller, provided background information concerning this agenda item. He
139 explained that the property owner and applicant -- Edwin Echols -- is requesting the approval of a Specific
140 Use Permit (SUP) to construct an accessory building that exceeds the maximum square footage permitted
141 for accessory buildings as stipulated by Subsection 07.04, Accessory Structure Development Standards, of
142 Article 05, District Development Standards, of the Unified Development Code (UDC). The applicant has
143 submitted an application, letter, and drawings requesting to build a 14-foot by 24-foot (*i.e.* 336 SF)
144 accessory building with a six (6) foot by 14-foot (*i.e.* 84 SF) porch. The total building footprint of the
145 accessory building will be 14-feet by 30-feet or 420 SF, and an additional parking space will be incorporated
146 adjacent to the rear of the accessory building measuring six (6) feet by 14-feet. Per the drawings provided
147 by the applicant the accessory building will have a pitched roof with a total height of 17-feet, 7-inches. The
148 exterior of the accessory building will be clad in wood siding and the roof will utilize an asphalt shingle that
149 is complimentary to the asphalt shingle used on the primary structure. The building will be situated at the
150 rear of the subject property, 14-feet from the adjacent alleyway along the eastern property line, and six
151 (6) feet from the northern property line. The accessory building will not be visible from any public right-
152 of-way with the exception of the adjacent alleyway. On April 8, 2020, staff mailed 41 notices to property
153 owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and
154 Turtle Cove Homeowner's Associations (HOA), which are the only HOA/Neighborhood Organizations that
155 are within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At
156 the time this report was drafted, staff received three (3) notices and two (2) online input forms (from the
157 same address) in favor of the applicant's request and one (1) notice opposed to the applicant's request. In
158 addition, on April 28, 2020, the Planning and Zoning Commission approved a motion to recommend
159 approval of the Specific Use Permit (SUP) by a vote of 6-1, with Commissioner Logan dissenting.

160

161 Mayor Pruitt called upon the applicant, who briefly came forth and addressed the Council. Mayor Pruitt
162 then opened the public hearing, asking if anyone would like to come forth and speak at this time. There
163 being no one indicating such, Mayor Pruitt then closed the public hearing.

164

165 Councilman Daniels asked for clarification regarding if this current property owner or a future property
166 owner could come forth at a later date and request to build an additional, 600+ square foot detached

167 garage on the property. Mr. Miller replied that, no – the SUP will limit the property to only just the one
168 accessory structure since it exceeds the 144 square feet.

169
170 Councilmember Fowler moved to approve Z2020-010. Mayor Pro Tem Macalik seconded the motion. The
171 ordinance was read as follows:

172 CITY OF ROCKWALL

173 ORDINANCE NO. 20-
174 SPECIFIC USE PERMIT NO. S-

175 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
176 AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*]
177 OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY
178 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN
179 *ACCESSORY BUILDING* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A
180 0.28-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 17, BLOCK B, LAKERIDGE
181 PARK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE
182 SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE;
183 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT
184 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
185 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
186 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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188 The motion passed by a vote of 5 in favor with 1 against (Place 6 is currently vacant).

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190 3. **Z2020-012** - Hold a public hearing to discuss and consider a request by Ryszard M. Waszczuk of
191 Richard Expo on behalf of Vartan Jizmejjan for the approval of an ordinance for a Specific Use
192 Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a
193 single-family home on a 0.1030-acre parcel of land identified as Lot 4, Block 111, B. F. Boydston
194 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated
195 within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 706 Sherman
196 Street, and take any action necessary (**1st Reading**).

197
198 Planning Director Ryan Miller provided background information related to this agenda item. He shared
199 that this proposed home is located within an established subdivision that is 90% or more developed at this
200 point. On April 8, 2020, staff mailed 87 notices to property owners and occupants within 500-feet of the
201 subject property. There were no Homeowner's Associations (HOAs) or Neighborhood Organizations within
202 1,500-feet of the subject property participating in the Neighborhood Notification Program to notify. At the
203 time this report was drafted, staff had received one (1) response in favor of the request and one (1)
204 response in opposition to the request. On April 28, 2020, the Planning and Zoning Commission approved a
205 motion to recommend approval of the Specific Use Permit (SUP) by a vote of 7-0.

206
207 The applicant joined the meeting remotely / virtually by ZOOM. He indicated that this house has been
208 designed with existing homes in mind. Following the applicant's brief comments, Mayor Pruitt opened the
209 public hearing, asking if anyone would like to come forth and speak at this time. There being no one
210 indicating such, he then closed the Public Hearing. Councilmember Johannesen moved to approve Z2020-
211 012. Councilmember Daniels seconded the motion. The ordinance was read as follows:

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CITY OF ROCKWALL
ORDINANCE NO. 20-
SPECIFIC USE PERMIT NO. S-

219 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
220 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC)
221 [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL
222 COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
223 SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN*
224 *ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A
225 SINGLE-FAMILY HOME ON A 0.1030-ACRE PARCEL OF LAND, IDENTIFIED
226 AS LOT 4, BLOCK 111, B. F. BOYDSTUN ADDITION, CITY OF ROCKWALL,
227 ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED
228 AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR
229 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
230 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
231 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
232 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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234 The motion passed by a vote of 5 ayes to 1 nay (Fowler) – (Place 6 is a vacant seat).

- 235
236 4. **Z2020-014** - Hold a public hearing to discuss and consider a request by Alejandro Portocarrero
237 for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an
238 Established Subdivision for the purpose of constructing a single-family home on a 0.23-acre
239 parcel of land identified as Lot 24, Block C, Harbor Landing, Phase 2 Addition, City of Rockwall,
240 Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses,
241 addressed as 328 Harborview Drive, and take any action necessary (**1st Reading**).

242
243 Planning Director Ryan Miller provided background information for this agenda item. This proposed home
244 is located within the Chandlers Landing subdivision, which is considered to be an 'existing subdivision' that
245 is 90% or more built out. The applicant is proposing a more modern architecture, which is not uncommon
246 within this subdivision – several are modern and many have an eclectic feel. The home does meet all the
247 density and dimensional requirements of the city. One hundred fifteen (115) notices were sent out to
248 adjacent property owners within 500' of the subject property. Four notices have been received in
249 opposition to the request, which reasons having generally been stated as density, drainage and height
250 related concerns. Miller explained that a city ordinance controls the height of these SF home structures,
251 and this proposed home does meet those height restriction requirements. The Planning & Zoning
252 Commission did vote (7-0) to recommend approval of this SUP by the City Council.

253
254 Mayor Pruitt then called upon the applicant, who joined virtually by ZOOM and indicated he is happy to
255 answer any questions that may arise. Pruitt then opened the public hearing, asking if anyone would like
256 to come forth and speak at this time.

257
258 Jeff Macalik, resident and homeowner who lives in Chandler's Landing, came forth to address the Council.
259 He indicated he wanted to point out the "hold harmless agreement" that was included in the city council
260 meeting packet for tonight's meeting. He shared that this property will have drainage challenges, and it
261 will require an electrically powered sump pump in order to keep this home from flooding. He pointed out
262 that if the pump fails, this house will flood.

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

266
267 Councilmember Daniels asked for clarification and received affirmation from Mr. Miller that Council is only
268 considering 'architecture' this evening and not 'drainage.'

269
270 Council then called upon City Engineer/Director of Public Works, Amy Williams, who came forth and
271 clarified that the 'hold harmless' documentation is for the protection of the city. The homeowner will need
272 to install a sump pump for drainage purposes, and the homeowner essentially acknowledges that they are
273 fully aware they are building a home below the curb line, which the City does not generally allow. She
274 generally explained that the owner wants to build a two-story home, so – in order to meet the height
275 restrictions – they are building the home down below the curb. Otherwise, if they were building a one-
276 story home, they could construct it higher up. Councilman Daniels asked who would receive damage if the
277 pump(s) failed. Ms. Williams indicated that the only damage that would result would be damage to this
278 particular home itself – no adjacent homes or properties would be impacted. Lengthy, extensive discussion
279 ensued pertaining to drainage concerns and the 'hold harmless' documentation. Ms. Williams mentioned
280 that this particular neighborhood was initiated in the 1970s and many homes within Chandler's Landing
281 are built below the curb line. Mr. Crowley gave indication that the 'hold harmless' documentation is
282 important so that this current homeowner and any future home owners (should the property be sold and
283 change hands) are aware that the city is not guaranteeing them that their house is not going to flood if the
284 sump pump fails. Indication was given that this document could be filed with the County so that it is part
285 of the official record of this property.

286
287 Following lengthy discussion, Councilmember Johannesen moved to approve Z2020-014. Hohenshelt
288 seconded the motion. The ordinance was read as follows:

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290 CITY OF ROCKWALL
291 ORDINANCE NO. 20-__
292 SPECIFIC USE PERMIT NO. S-__

293
294 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
295 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC)
296 [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL
297 COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
298 SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN*
299 *ESTABLISHED SUBSIVISION* TO ALLOW THE CONSTRUCTION OF A
300 SINGLE-FAMILY HOME ON A 0.23-ACRE PARCEL OF LAND, IDENTIFIED AS
301 LOT 24, BLOCK C, HARBOR LANDING, PHASE 2 ADDITION, CITY OF
302 ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY
303 DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR
304 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
305 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
306 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
307 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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309 The motion passed by a vote of 4 ayes to 2 nays (Macalik and Pruitt) (Place 6 is currently vacant).

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XII. ACTION ITEMS

1. Hold a Show Cause Hearing to discuss and consider repair, removal or demolition of a dangerous building located at 304 Shamrock Circle, legally described as Lot 12, in Block A, replat of the revised final plat of Chandlers Landing and take any action necessary.

Building Official Jeffrey Widmer provided brief background information concerning this agenda item, indicating that the current owner of the property – Loan Ranger Capital (LRC) - has been ordered to appear to show cause why the structure should not be repaired, removed or demolished. Loan Ranger Capital has lent money to two different builders to try and build this home. The original builder was foreclosed on and the deed was transferred back to Loan Ranger. At one time, the city had received calls from multiple builders and met several onsite to discuss what it would take to finish the home. Loan Ranger eventually sold the home to a realty group thereafter; however, the deed ended up being transferred back to Loan Ranger Capital again in November of 2019. Since November 1, city staff has been in close communication with LRC. LRC has now chosen to contract with a builder to have him obtain HOA approval and a city building permit and to move forward with complete the home entirely (landscaping and all), and then put the home on the market to sell it. Due to the considerable amount of time that has passed since the original building permit was issued, adjacent neighbors have concerns about if the home actually will end up being completed this time around.

Mayor Pruitt explained that this will be handled as a quasi-judicial process where evidence will be presented and evaluated prior to the Council making its determination regarding what will happen with this property. The city attorney, Frank Garza, briefed the Council on examples of what options the council has to consider related to the property (i.e. order it to be torn down; order that construction move forward and be completed within a certain amount of time). Mr. Garza shared that he is not sure the city has an ordinance in place that would allow fines to be assessed for failure to have the structure built. It could be deemed an 'unsafe' structure and ordered to be torn down, though. Or, Council could allot them a certain amount of time to get the construction completed. Council has quite a variety of options at its disposal.

Nik Petrik indicated that he and Zack Lofton from Loan Ranger Capital were present this evening (virtually / remotely by ZOOM).

Loan Ranger Capital, LLC
2235 E. 6th ST. Suite 103
Austin, TX. 78702

Mr. Petrik shared that his company has taken back this property at this point a couple of times already. So, at this point, they have hired a builder (AAA Home Builders) to move forward with construction and completion of this home. They indicated they are confident they can get the home complete in a matter of months once the plans are submitted and approved and HOA approval is obtained. He shared that his company has invested a lot of money in the property at this point, and they are anxious to get it completed and in a condition where it can be sold. Discussion took place related to Loan Ranger Capital's anticipated

356 timeline associated with getting the home completed and on the market. Mr. Petrik indicated that they
357 submitted plans to the HOA's Environmental Committee on Friday and have been trying to get on the
358 HOA's May agenda; however, it does not seem like that is going to be possible at this point. So they may
359 not be on the HOA's agenda until June.

360

361 Randy Linnstaedter

362 321 Harbor Landing

363 Rockwall, TX

364

365 He indicated that he currently serves on the Chandlers Landing HOA Board. A little over three years ago,
366 the Chandler's HOA approved construction of this home, and it was supposed to have been completed
367 within a twelve month period. Plans for completion have been submitted five times in the last few months
368 related to completion of this home; however, despite very clear communication regarding what is needed
369 in order for the plans to be approved, many items are still lacking. The property has undergone two
370 foreclosures and is now owned (again) by Loan Ranger Capital. Total fines assessed on this property by the
371 HOA over the last three years are \$11,881.89 with about half of it being collected and about ¼ of it being
372 lost during the two foreclosures and about ¼ of it "running up the meter" with Loan Ranger Capital as the
373 current owner. The HOA's Environmental Committee and staff have spent literally hundreds of hours on
374 this property over the last three years, with a lot of it being redundant and unnecessary due to the lack of
375 organization and preparedness of the applicant. Mr. Linnstaedter stated that he and his HOA board are
376 completely unanimous in their request that the Council order the total removal of this blight within the
377 community.

378

379 Jeff Macalik

380 6102 Volunteer

381 Rockwall, TX

382

383 Mr. Macalik indicated that he is the current Chairman of the Chandlers Landing HOA's Environmental
384 Committee. He did receive a submission late Friday evening from Sam Nassar, the builder that Loan Ranger
385 Capital has engaged, and he has had an opportunity to do only a cursory review of the submission so far.
386 One area that has not been detailed is what will be done to resolve the left corner of the house because
387 the eave of the house actually extends past the property line onto the neighbor's property, which is a fire
388 hazard. Mr. Macalik shared that he met with the builder on-site about two weeks ago and went over, in
389 detail, what all would be needed for the next submission to the Committee. The submission generally did
390 not give any sort of indication regarding what the exterior of the home is proposed to look like, even
391 though Mr. Macalik requested such information as part of the submission. He indicated that brick is
392 proposed to be utilized on the home, however, he is not sure how this will happen because there are no
393 brick friezes present. The colors of the windows on the second story are different than the color of the
394 windows on the lower floor (at the front of the home). Also, A/C vents and return lines are visible in an
395 open area of the large basement patio; however, no indication of plans to enclose all of this were
396 submitted. He stressed that these findings were arrived at just with a cursory review; however, he does
397 still need to look at the submission in more detail. He went on to explain that the structure currently has
398 no roofing material, doors or windows on the existing 3-story garage (with a living area on the 2nd and 3rd
399 floors). There is decking on the roof but no roof materials. The water damage to the decking and flooring
400 is extensive. Also, there is a very strong animal and / or mold odor emitting from the home (both buildings
401 on the property). The zip wall sheathing has deteriorated on the outside of the property because large
402 areas were never taped. So, there is swelling at a lot of the joints. Regarding the timeline for this property

403 getting on the agenda, Mr. Macalik generally indicated that the soonest this will be able to appear on the
404 HOA Environmental Committee's agenda would be for the first Wednesday in June. Brief discussion
405 ensued pertaining to the eave of the house extending over onto the adjacent property by about 4 – 6 inches
406 and the smell that is emitting from the structures.
407

408 **Mark Rangel**
409 **306 Shamrock**
410 **Rockwall, TX**
411

412 Mr. Rangel shared that his home is right next door to this property. He spoke about "quality of life" living
413 next to this dilapidated structure. He indicated that at least two bobcats have been living in the structure
414 for about the last year or so. The roofline of this neighboring structure was built 18" too close to his own
415 house. So, this is a fire danger, and there is no doubt that if the structure caught fire, it would jump to his
416 own home and endanger it too. He generally expressed frustration with the builder not taking things
417 seriously and seemingly not caring about submitting good, solid plans for approval. He is embarrassed
418 when friends and family come to visit his home and have to see this same, unfinished, unsightly structure
419 sitting in the same condition as it has been for the past three years right next door to his home. He went
420 on to indicate that the property owner doesn't do basic things like mow the grass or rake the leaves. When
421 the grass is high, Mr. Rangel indicated that he personally has to initiate contact with the city's code
422 enforcement staff, city manager, and/or the mayor to request that the grass be mowed at this property.
423 He continually has to do so about once every two weeks or so. He has no confidence that the property
424 owner and builder will actually finish construction of the home and that it will aesthetically look good. If
425 the property owner is allowed by Council to proceed with building, he encouraged Council to place a
426 timeline on it and then impose heavy, heavy fines if the owner does not meet the timeline obligations
427 associated with completing the build. He is frustrated because there has been no work done on the house
428 since April 6, 2018. Mr. Rangel generally urged the Council to consider how they would feel if their own
429 home were located next to this structure.
430

431 Mayor Pruitt and Mr. Widmer expressed empathy for Mr. Rangel and the circumstances he has had to deal
432 with over the last three years related to this structure.
433

434 Mr. Petrik expressed regret and frustration over the prolonged timeline up until this point; however, he
435 assured that they have personally been working diligently on this project ever since they took the property
436 over again this past November (2019). He generally assured that they are taking this seriously and they are
437 extremely motivated to get this construction completed as soon as possible. He also expressed confidence
438 in his builder's ability to get things corrected, addressed, and finished in an expeditious amount of time
439 once plans and paperwork get approved.
440

441 Following additional, lengthy discussion regarding plan submissions, timelines, expectations, options
442 related to Council options, etcetera, Councilmember Hohenshelt made a motion to declare that the home
443 at 304 Shamrock Circle is a "dangerous building" and ordered that it require demolition. Mayor Pro Tem
444 Macalik seconded the motion, which passed by a unanimous vote of Council (6 ayes to 0 nays with Place 6
445 being a vacant seat).
446

447 2. Discuss and consider a request by Tom Kirkland of Tekmak Development Company for the
448 approval of an amendment to an existing facilities agreement allowing further delay of the

449 construction of Harbor Heights Drive in between Shoreline Drive and Lakefront Trail until January
450 2021, and take any action necessary.

451
452 Planning Director Ryan Miller provided background information regarding this agenda item. On October
453 2, 2015, the City Council approved a Facilities Agreement proposed by Tom Kirkland of TEKMAK
454 Development Company allowing him to delay the construction of Harbor Heights Drive between
455 Shoreline Drive and Lakefront Trail (see Exhibit 'A'). The construction of this roadway was required as
456 part of the development of the Springhill Suites Hotel, which is located at 2601 Lakefront Trail. The terms
457 of the agreement allowed Mr. Kirkland to delay the construction of the roadway until either [1] 2600
458 Lakefront Trail (i.e. Lot 7, Block A, The Harbor – Rockwall Addition) was developed, or [2] until October 4,
459 2018 (i.e. a period of 36-months from the execution of the facilities agreement). The agreement also
460 stated that if the applicant failed to comply with the timeframes established in the agreement that it
461 would result in the loss of the Hotel/Motel Tax Rebate granted to the property. This rebate was granted
462 for a total of five (5) years, and will expire in July of 2022. To date, Harbor Heights Drive has not been
463 constructed, no plans have been approved, and no permit has been issued for the roadway. Mr. Kirkland
464 is now seeking approval from Council for an extension related to construction of said roadway.

465
466 Tom Kirkland
467 613 Willow Springs
468 Heath, TX

469
470 Mr. Kirkland came forth and provided clarification to Council regarding several factors that have
471 contributed to his request to have more time to construct and finish the roadway. He shared that his
472 revenue stream has dramatically dropped due to the COVID-19 pandemic, but he his hopeful that their
473 occupancy will eventually bounce back and recover. He shared that at one point, he discovered the general
474 contractor who was hired to complete construction of the hotel had stolen somewhere between \$500k to
475 \$750k of money that had been wired to them for completion of the project. So, essentially, he was tied up
476 in litigation for quite some time (almost two years), and – because of that distraction – he had forgotten
477 about the facility agreement related to construction of this roadway. He generally asked Council to
478 consider allowing him more time to complete the road.

479
480 Following additional discussion, Mayor Pruitt made a motion to approve a one year extension on the
481 facilities agreement. Mayor Pro Tem Macalik seconded the motion, which passed by a vote of 6 ayes (Place
482 6 seat was vacant).

483
484 Mr. Crowley then told Mr. Kirkland that he does need to get with the city's Engineering Department to
485 discuss where he stands on the engineering plans and what the next steps are in that regard. Mr. Kirkland
486 generally indicated that he will do so.

487
488 3. Discuss and consider an ordinance amending the Code of Ordinances in Ch. 26 "Motor Vehicles
489 & Traffic," Article VII. "Stopping, Standing or Parking," Section 26-505 "Prohibited in Specific
490 Places" to include the prohibition of parking on Corporate Crossing and streets in the vicinity of
491 Discovery Boulevard, and take any action necessary. (1st reading)

492
493 Phil Wagner, President / CEO of the Rockwall Economic Development Corporation spoke regarding this
494 agenda item. He generally indicated that street parking within the Rockwall Technology Park is
495 problematic. This ordinance would essentially prohibit all street parking within the park. Mr. Crowley, City
496 Manager, clarified that, although the City does sometimes have vehicles towed, the City will not be towing

497 vehicles that violate these 'no parking' provisions within the Tech Park – the city will only issue citations
498 for parking violations.
499

500 Councilmember Hohenshelt moved to approve the ordinance, as presented. Councilman Johannesen
501 seconded the motion. The ordinance was read as follows:

502
503
504

CITY OF ROCKWALL
ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF
ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC
PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF
CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE
ADDITIONAL STREETS SUBJECT TO PROHIBITED PARKING AS DEPICTED
IN *EXHIBT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE
NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR
EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

518

519 The motion passed by a vote of 6 ayes to 0 nays (with Place 6 being vacant).

520

- 4. Discuss and consider approving an ordinance repealing Ordinance No. 19-44 and lifting the temporary moratorium on the acceptance and approval of residential and commercial subdivision plats in the City's Extraterritorial Jurisdiction (ETJ), and take any action necessary. (1st, only reading)

525

526 Planning Director Ryan Miller and Mayor Pruitt provided brief comments pertaining to this agenda item.
527 Indication was given that the ordinance only requires one reading. This is being repealed since the City and
528 County recently signed an interlocal agreement to address this matter.

529

530 Councilmember Hohenshelt moved to approve the ordinance as presented. Councilmember Fowler
531 seconded the motion. The ordinance was read as follows:

532

CITY OF ROCKWALL
ORDINANCE NO. 20-

535

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, REPEALING *ORDINANCE NO. 19-44* AND RETIRING THE
TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF
SUBDIVISION PLAT APPLICATIONS IN THE CITY OF ROCKWALL'S
EXTRATERRITORIAL JURISDICTION; PROVIDING FOR A REPEALER
CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR A SEVERABILITY
CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

543

544 The motion passed by a vote of 6 ayes to 0 nays (Place 6 seat was a vacant seat).

545

546 5. Discuss and consider approval of a resolution to nominate a candidate to fill a vacancy on the
547 Rockwall Central Appraisal District Board of Directors, and take any action necessary.

548
549 **Mayor Pro Tem Macalik moved to submit the resolution, naming Lou Johnson as the city's nominee for**
550 **filling the current vacancy. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6**
551 **ayes to 0 nays (with Place 6 being a vacant seat).**

552
553 6. Discuss and consider parking concerns at SH-66 boat ramp, and take any action necessary.

554
555 **General discussion took place pertaining to parking at the SH-66 boat ramp. Indication was given that**
556 **these concerns are likely occurring because our boat ramp is one of the only ones that is open, while other**
557 **Lake Ray Hubbard boat ramps are closed. Councilmember Johannesen generally indicated that he does**
558 **not want to be in the business of 'traffic coping' at the boat ramp. City Manager Rick Crowley talked about**
559 **the possibility of installing a split rail fence over near the residential area of the boat ramp, which may help**
560 **with some of the concerns. He shared that there is a gravel area that is actually state right-of-way that the**
561 **city received permission to be utilized for parking. Making this area a hard surface and striping it for**
562 **parking will be a little more costly. He shared that he has observed vehicles with boats/trailers parking in**
563 **the area that's designed for 'cars only,' and he's seen cars/vehicles without boat trailers parked in the**
564 **areas designed for vehicles with boat trailers. He is not sure if these issues will be temporary or if they will**
565 **be more permanent in nature.**

566
567 **XIII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT**
568 **CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

569
570 **1. Departmental Reports**

- 571 Building Inspections Monthly Report - March 2020
572 Finance Department Quarterly Report - Period Ended March 31, 2020
573 Fire Department Monthly Report - March 2020
574 Parks & Recreation Department Monthly Report - March 2020
575 Police Department Monthly Report - March 2020
576 Sales Tax Historical Collections - March 2020
577 Water Consumption Statistics - March 2020

578 **2. City Manager's Report**

579
580 **Mayor Pruitt shared that there will be free State provided COVID-19 testing for grocery workers, first responders, or**
581 **health care workers at Lake Pointe Church on Wednesday between 6 – 10 p.m. This is 'by appointment' only.**

582
583 **Assistant City Manager Joey Boyd provided an update on the Census efforts. He shared details of the City of**
584 **Rockwall's self response rate and the County's response rate. Rockwall County is currently ranked #1 as far as the**
585 **response rate, statewide. When the Census workers are able to get out and start knocking on doors, the numbers are**
586 **expected to rise even more. A final date for Census number collection will likely be in October.**

587
588 **Mr. Crowley shared that the Governor has begun a phased approach to reopening businesses related to COVID-19.**
589 **The city has been diligently working to comply with the governor's orders, and the city had very few complaints over**
590 **the weekend as some businesses began to reopen.**

591

592 Mayor Pruitt shared that there is currently a vacancy on the Rockwall City Council (Place 6). Applications related to
593 filling the vacancy will be accepted thru Friday, May 15 at 5:00 p.m. on the city's website. Thereafter, the Council will
594 go through an interview process with prospective candidates.
595

596 At 8:47 p.m., Mayor Pruitt recessed the public meeting to go into Executive Session again to address the following
597 items.
598

599 **XIV. EXECUTIVE SESSION**

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

- 602 1. Discussion regarding filling vacancy for City Council Member Place 6, pursuant to Section 551.074
603 (personnel matters)
604 2. Discussion regarding City's nomination associated with filling current vacancy on the Rockwall
605 Central Appraisal District Board of Directors, pursuant to Section 551.074 (personnel matters)
606 3. Discussion regarding legal issues on enforcement of Governor's Emergency Order and options on
607 local Declaration, pursuant to Section §551.071 (Consultation with Attorney).
608 4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
609 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
610 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)
611

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

613 Mayor Pruitt reconvened the public meeting at 9:15 p.m. No action was taken as a result of Executive
614 Session.
615

616 **XVI. ADJOURNMENT**

617 Mayor Pruitt adjourned the meeting at 9:15 p.m.
618

619 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 18th DAY OF MAY,
620 2020.

621

622



JIM PRUITT, MAYOR

623 ATTEST:

624

625



KRISTY COLE, CITY SECRETARY

