



City Council of Royse City, Texas

**AGENDA-REGULAR
COUNCIL MEETING**

Tuesday, August 25, 2020 – 7:00 pm
Police and Courts Building, 100 West Main Street
Royse City, Texas

A. CALL TO ORDER 7:01 PM BY MAYOR NICHOL

Announce the presence of a quorum.

City Council

Members Present: Mayor, Janet Nichol
Mayor Pro Tem, Council Member Place 2, Clay Ellis
Council Member Place 1, Michael Holder
Council Member Place 3, Bruce Bradley
Council Member Place 4, Matt Wheatley
Council Member Place 5, James Branch

City Council

Members Absent: Council Member Place 6, Tom Crowley

Staff Present:

City Manager, Carl Alsbrook
City Attorney, Jason Day
City Secretary, Deborah Sorensen
Assistant City Secretary, Camille Johnson
Director of Finance, Shannon Raymond
Police Chief, Kirk Aldridge
Fire Chief, Rickey Bell
Director of Develop. & Community Services, Rob Cooper
Executive Director of Community Development Corp., Charles Houk

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Nichol gave invocation and led the Pledge of Allegiance.

C. CITIZENS PARTICIPATION

None

D. RECESS CITY COUNCIL MEETING AT 7:02 PM

E. PUBLIC HEARING AT 7:02 PM

1. Take testimony concerning voluntary annexations located in Collin County: CCAD ID 2117780, A244 John Davis Survey, Tract 4, 90.01 acres more or less, situated along Hwy 66; CCAD ID 2805420, A244 John Davis Survey, Tract 28, 197.28 acres more or less, situated along Hwy 66; and 100 foot right-of-way (R.O.W.) for Hwy 66.

No one spoke for or against.

2. Take testimony concerning a Specific Use Permit (SUP) involving the retail sales of tobacco, smoking, vape, electronic cigarettes, or any smoking paraphernalia, on

property described as Erby Campbell Retail Two Addition, Lot 1, Royse City, Rockwall County, Texas, also known as CBD American Shaman, addressed as 602 W I-30.

Melinda Pierce 602 W I-30, stated she owns CBD American Shaman. They are not selling any tobacco products, just vape pens.

F. CLOSE PUBLIC HEARING AT 7:04 PM

G. RECONVENE CITY COUNCIL MEETING AT 7:04 PM

H. CONSENT AGENDA

1. City Council Minutes: August 11, 2020 Special Meeting and August 11, 2020 Regular Meeting
2. Monthly Revenue and Expenditure Report for July 2020
3. Approve contract for Design and Construction Administration of Lopez Lift Station as a result of the DeBerry Reserve Development to Birkhoff, Hendricks & Carter, LLP for an amount not to exceed \$107,075; authorizing the City Manager to sign any documents related thereto.

Council Member Wheatley made a motion to approve the Consent Agenda as presented. Council Member Branch seconded the motion. **Motion passed 6-0.**

I. BUSINESS

1. Consider and act concerning an Ordinance regarding Annexation of 289.55 acres, more or less, situated along Hwy 66, in Collin County, Texas, also known as Creekside, and setting zoning as Planned Development, and any matters related thereto.

Jason Day stated this if for Creekside, which is a subdivision north of Hwy 66 and FM 2642. They have a development agreement, in which, they have agreed to annex into the city. They will come back for bonds in September.

Council Member Bradley made a motion to approve the annexation of 289.55 acres situated along Hwy 66, also known as Creekside. Council Member Wheatley seconded the motion. **Motion passed 6-0.**

2. Consider and act concerning a Resolution Approving Creekside Public Improvement Agreement (PID) Reimbursement Agreement and Authorizing the City Manager to execute agreement, and any matters related thereto.

Jason Day stated Mary Petty, PID Administrator, is available by phone if there are any questions. The reimbursement agreement is still being negotiated. There were minor changes by finance and legal. Jason suggested approving the reimbursement agreement contingent upon it not being effective until the date of levying bonds and final review by the City Attorney.

Council Member Branch made a motion to approve the Creekside Public Improvement District Reimbursement Agreement subject to the effective date to coincide with the levying bonds and subject to final review by the City Attorney. Council Member Bradley seconded the motion. **Motion passed 6-0.**

3. Consider and act concerning an Interlocal Agreement with Verandah Municipal Utility District regarding Police and Fire Services, and any matters related thereto.

Jason Day stated about a year and half ago, the city previously entered into an agreement with Verandah Municipal Utility District to provide police and fire services.

This is an interlocal agreement with the Verandah Municipal Utility Municipal District. Jason asked for this item to be tabled since a few more changes need to be made.

Council Member Wheatley made a motion to Table this item. Council Member Branch seconded the motion. **Motion passed 6-0.**

4. Consider and act concerning an Ordinance regarding a Specific Use Permit (SUP) involving the retail sales of tobacco, smoking, vape, electronic cigarettes, or any smoking paraphernalia, on property described as Erby Campbell Retail Two Addition, Lot 1, Royse City, Rockwall County, Texas, also known as CBD American Shaman, addressed as 602 W I-30, and any matters related thereto.

Rob Cooper stated the need for a Specific Use Permit is to allow the business CBD American Shaman to sell smoking paraphernalia, specifically 'vape pens' for use of the CBD products at their store, located at 602 W. I-30. The City Council has the option to limit the duration of a Specific Use Permit to any period of time so that the Council may revisit and review the status of the SUP and any concerns that may have occurred during such time. The Planning and Zoning Commission recommended approval with the conditions that the SUP shall be valid for one year and a sign shall be placed upon the store entry stating, "No one under the age of 18 permitted without a parent or guardian". Jason Day stated to possibly add must be in compliance with all state and federal laws.

There was discussion as to if tobacco products were going to be sold. The owner confirmed that there will not be any tobacco products. They are just selling vape pens to use with the CBD oil.

Council Member Branch made a motion to approve the SUP for retail sales of vapable CBD products only. Mayor Pro Tem Ellis seconded the motion. **Motion passed 4-2,** with Mayor Nichol and Council Member Bradley voting against.

5. Consider and act concerning an Ordinance regarding a Final Plat of Union Square, Phase 3, involving 23.183 acres, consisting of 106 residential lots, situated in the Richard Mead Survey, Abstract No. 141, Royse City, Rockwall County, Texas, and any matters related thereto.

Rob Cooper stated the Final Plat of Union Square, Phase 3, consists of 106 single-family residential lots on 23.183 acres. The development is located just west of Royse City High School. The residential lot sizes are 50' x 120' or 0.14 acre. Phase 3 is the last of the development phases for the Union Square subdivision. The Planning and Zoning Commission recommended approval

Council Member Branch made a motion to approve the Final Plat of Union Square, Phase 3. Council Member Holder seconded the motion. **Motion passed 6-0.**

6. Consider and act concerning an Ordinance regarding a Preliminary Plat of Valor Farms, Phase 1, involving 28.890 acres, consisting of 130 residential lots, situated in the Joseph Prewett Survey, Abstract No. 851, Verandah Municipal Utility District, Hunt County, Texas, and any matters related thereto.

Rob Cooper stated the Preliminary Plat of Valor Farms, Phase 1, consists of 130 residential lots on 28.890 acres. The residential lot sizes are 50'x120' or 0.14 acre. Separate 8" water and sanitary sewer lines will serve the development including 31' back-to-back concrete streets within a 50' public right-of-way. Valor Farms is part of the Verandah residential subdivision. It is a name change from Verandah, Phase 12. The developer is DR Horton instead of Centurion American. DR Horton wants to have

a different neighborhood name for their development within the Verandah MUD. The Planning and Zoning Commission recommended approval.

Council Member Wheatley made a motion to approve the Preliminary Plat of Valor Farms, Phase 1. Council Member Bradley seconded the motion. **Motion passed 6-0.**

7. Consider and act concerning an Ordinance regarding a Preliminary Plat of Verandah, Phase 4A, involving 33.909 acres, consisting of 161 residential lots, situated in the J.W. Beckton Survey, Abstract No. 91, Verandah Municipal Utility District, Hunt County, Texas, and any matters related thereto.

Rob Cooper stated the Preliminary Plat of Verandah, Phase 4A, consists of 160 residential lots on 33.269 acres. The residential lot sizes are 50'x120' or 0.14 acre. A separate 8" water and sanitary sewer line will serve the development including a 31' back-to-back concrete street within a 50' public right-of-way. The Planning and Zoning Commission recommended approval.

Council Member Wheatley made a motion to approve the Preliminary Plat of Verandah, Phase 4A. Council Member Holder seconded the motion. **Motion passed 6-0.**

8. Consider and act concerning an Ordinance regarding a Preliminary Plat of Verandah, Phase 4B, involving 19.585 acres, consisting of 89 residential lots, situated in the J.W. Beckton Survey, Abstract No. 91, Verandah Municipal Utility District, Hunt County, Texas, and any matters related thereto.

Rob Cooper stated the Preliminary Plat of Verandah, Phase 4B, consists of 90 residential lots on 20.228 acres. The lot sizes are 50'x120' or 0.14 acre. Separate 8" water and sanitary sewer lines will serve the development including a 31' back-to-back concrete streets within a 50' public right-of-way. The Planning and Zoning Commission recommended approval.

Council Member Wheatly made a motion to approve the Preliminary Plat of Verandah, Phase 4B. Council Member Branch seconded the motion. **Motion passed 6-0.**

9. Consider and act concerning an Ordinance regarding a Final Plat of Verandah, Phase 5B & 5C, involving 49.699 acres, consisting of 230 residential lots, situated in the J.W. Beckton Survey, Abstract No. 91, Verandah Municipal Utility District, Hunt County, Texas, and any matters related thereto.

Rob Cooper stated the Final Plat of Verandah, Phase 5B & 5C, consists of 230 residential lots on 49.699 acres. The lot sizes are 50'x120' or 0.14 acre. Separate 8" water and sanitary sewer lines will serve the development including a 31' back-to-back concrete streets within a 50' public right-of-way. The Planning and Zoning Commission recommended approval.

Council Member Bradley made a motion to approve the Final Plat of Verandah, Phase 5B & 5C. Council Member Holder seconded the motion. **Motion passed 6-0.**

10. Consider and act concerning an Ordinance regarding a Preliminary Plat of Stone River, Phase 3, involving 25.599 acres, consisting of 89 residential lots, situated in the Juana Delgado Survey, Abstract No. 68, and the Ransom Norton Survey, Abstract No. 169, Royse City, Rockwall County, Texas, and any matters related thereto.

Rob Cooper stated Stone River Estates is located along FM 2453, just south of the Fairway Ranch Estates subdivision. The Preliminary Plat of Stone River, Phase 3, consists of 89 residential lots on 25.599 acres. Phase 3 consists of two lot types: Type B – lot size of 7,500 sq. ft. and Type C – lot size of 10,000 sq. ft. Separate 8" water

and sanitary sewer lines will serve the development including a 31' back-to-back concrete streets within a 50' public right-of-way. The Planning and Zoning Commission recommended approval.

Mayor Pro Tem Ellis made a motion to approve the Preliminary Plat of Stone River, Phase 3. Council Member Branch seconded the motion. **Motion passed 6-0.**

11. Consider and act concerning an Ordinance regarding a Final Plat of Stone River, Phase 3, involving 25.599 acres, consisting of 89 residential lots, situated in the Juana Delgado Survey, Abstract No. 68, and the Ransom Norton Survey, Abstract No. 169, Royse City, Rockwall County, Texas, and any matters related thereto.

Rob Cooper stated the Final Plat of Stone River, Phase 3, consists of 89 residential lots on 25.599 acres. Phase 3 consists of two lot types: Type B – lot size of 7,500 sq. ft. and Type C – lot size of 10,000 sq. ft. The Planning and Zoning Commission recommended approval.

Council Member Branch made a motion to approve the Final Plat of Stone River, Phase 3. Mayor Pro Tem Ellis seconded the motion. **Motion passed 6-0.**

12. Consider and act concerning an Ordinance regarding a Minor Plat of the Whipple Estates Addition, involving 12.626 acres, consisting of 2 residential lots, situated in the Shelby County School Land Survey, Abstract No. 945, Royse City, Hunt County, Texas, and any matters related thereto.

Rob Cooper stated the Minor Plat consists of two residential lots on 12.626 acres. The development is located in Hunt County, along FM 1565, just south of CR 2509 and just north of the Vista Oaks residential subdivision. The applicant, Eric & Josie Whipple, currently reside at 4063 CR 2509, which is a 12.626 acre tract. They wish to subdivide their land. Lot 1 / 8.968 acres will remain as their residence. Lot 2 / 3.658 acres will be subdivided off. The Brushy Creek Tributary will act as the demarcation line between the two tracts of land. The electric is provided by Farmer's Electric and water is provided by BHP. Existing fire flow is not adequate through BHP to serve the site. However, since the southern extent of the property is located within 400' of an existing Royse City fire hydrant along FM 1565, the fire marshal is waiving the requirement of 1,000 gpm with 20 psi residual pressure. Per an agreement between the city and the property owner, the owner will dedicate a 20 foot water & sanitary sewer easement along FM 1565 frontage and water and sewer impact fees will be collected after City Council approval. The Planning and Zoning Commission recommended approval.

Council Member Branch made a motion to approve the Minor Plat. Council Member Wheatley seconded the motion. **Motion passed 6-0.**

13. Consider and act concerning a Resolution regarding appointing Russell Ratterree to the Heritage Preservation Commission (term August 25, 2020 to June 30, 2023), and any matters related thereto.

Rob Cooper stated the Planning and Zoning Commission made a recommendation to appoint Russell Ratterree to the Heritage Preservation Commission. Mr. Ratterree qualifies to fill the recently vacated place, held by Mike Gilbert, as a real estate agent.

Council Member Wheatley made a motion to appoint Russell Ratterree to the Heritage Preservation Committee. Mayor Pro Tem Ellis seconded the motion. **Motion passed 6-0.**

14. Discussion concerning City Manager update: Development, and any matters related thereto.

Carl Alsbrook stated work continues on Main Street. Native Station will start back up on 09/08/2020. Smoke Sessions and Thirsty Bros are moving along.

Lacey Rodgers and Rob Cooper have worked very hard to bring plat reviews in-house. He is happy to report that all plat reviews are now handled in-house. This will save \$7,000 to \$8,000 a month.

K. RECESS CITY COUNCIL MEETING AT 7:43 PM

L. EXECUTIVE SESSION

Recess into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

Section §551.071 – Consultation with City Attorney and Section §551.074 – Personnel Matters

1. Discussion with City Attorney concerning an update and possible settlement agreement regarding North Texas Municipal Water District (NTMWD) lawsuit.
2. Discussion with City Attorney concerning acquisition of property rights and possible condemnation for a fifteen (15) foot wide sanitary sewer line easement and a fifty (50) foot temporary construction easement at the property described as a 19.478 acre tract of land situated in the Chenowith HT Survey, Tract 1-1, Abstract No. 205, Hunt County, Texas.
3. To deliberate annual evaluations of the City Manager, City Attorney, City Secretary, and Municipal Judge.

M. CLOSE EXECUTIVE SESSION AT 8:33 PM

N. RECONVENE CITY COUNCIL MEETING AT 8:33 PM

Council Member Branch left the meeting at 8:33 pm.

1. Further discussion and possible action from Executive Session concerning an update and possible settlement agreement regarding North Texas Municipal Water District (NTMWD) lawsuit, authorizing City Manager to sign potential settlement agreement and any other ancillary agreements, and any matters related thereto.

Mayor Pro Tem Ellis made a motion to authorize City Manager to sign potential settlement agreement and any other ancillary agreements. Council Member Bradley seconded the motion. **Motion passed 5-0.**

2. Further discussion and possible action from Executive Session concerning a Resolution for acquisition of property rights and possible condemnation for a fifteen (15) foot wide sanitary sewer line easement and a fifty (50) foot temporary construction easement at the property described as a 19.478 acre tract of land situated in the Chenowith HT Survey, Tract 1-1, Abstract No. 205, Hunt County, Texas, and any matters related thereto.

Mayor Pro Tem Ellis made a motion that the City of Royse City authorize the use of the power of eminent domain to acquire the described property for sanitary sewer line and temporary construction easements. Council Member Wheatley seconded the motion. **Motion passed 5-0**, with the roll call vote as follows:

Council Member Holder – yes
Mayor Pro Tem Ellis – yes
Council Member Bradley – yes

Mayor Nichol – yes
Council Member Wheatley – yes

3. Further discussion and possible action from Executive Session concerning the annual evaluations for the City Manager, City Attorney, City Secretary, and Municipal Judge, and any matters related thereto.

No action taken.

O. FUTURE AGENDA ITEMS

1. Consider and/or action to determine and direct City Staff in scheduling topics for discussion at future City Council Meetings, and any matters related thereto.

Mayor Pro Tem Ellis asked about Bulk Trash Pick-Up. Carl Alsabrook stated he would follow up on it. Council Member Holder would like to have the large recycle bins rather than the small ones they have now.

P. ADJOURN AT 8:39 PM

Council Member Holder made a motion to adjourn the meeting. Council Member Wheatley seconded the motion. **Motion passed 5-0.**


Janet Nichol, Mayor

ATTEST:



Deborah Sorensen, TRMC, MMC
City Secretary

