

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 20, 2019 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Patrick Trowbridge, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were Assistant City Manager Joey Boyd and the city's legal counsel, Patrick Lindner. City Manager Rick Crowley, Assistant City Manager Mary Smith and City Attorney Frank Garza were absent from the meeting. Mayor Pruitt read the below listed discussion items into the public record before recessing the meeting to go into Executive Session.

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 appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding purchase / acquisition of real property in the vicinity of Rockwall Municipal Airport and Downtown pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. 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

The City Council came out of Executive Session at 5:56 p.m.

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

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

V. SWEARING IN OF NEWLY ELECTED MAYOR AND CITY COUNCIL MEMBERS

Associate Judge of the Rockwall Municipal Court, Matt Scott, came forth and administered Oaths of Office to newly elected Mayor Jim Pruitt and newly elected Council Member for Place 3, Kevin Fowler. Municipal Court Judge David Mallard came forth and administered Oaths of Office to Council Member for Place 1, Bennie Daniels and Council Member for Place 5, Dana Macalik.

37 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

38 Mayor Pro Tem Fowler moved to name Dana Macalik as the new Mayor Pro Tem for the next twelve
39 months. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0
40 nays.

41 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESSEN**

42 Councilmember Johannesen delivered the invocation and led the Pledge of Allegiance.

43 **VIII. PROCLAMATIONS**

44 **1. Rockwall ISD Culinary Team Celebration Day**

45 Mayor Pruitt called forth the team and its teacher/advisor, Cody Hayes. He then presented them with
46 this proclamation in recognition of the team recently attaining 1st Place in a national culinary
47 competition that was held in Washington, D.C.
48

49 **2. Presentation of "Best Practices in Law Enforcement" Award to Rockwall Police Department**
50 **by Chief Jim Spivey of the Richardson Police Department**

51 Chief Spivey came forth and presented this "Best Practices" award to Rockwall Police Chief Kirk Riggs
52 and the Rockwall Police Department. Indication was given that this is the third time the RPD has
53 attained this high honor.

54 **3. Public Works Week**

55 City Engineer/Director of Public Works, Amy Williams came forth with several of her staff members
56 from the streets, water, and wastewater departments. Mayor Pruitt then read and presented them
57 with this proclamation. He thanked the staff members in these departments for all the hard work they
58 do and the services they provide to citizens.

59 **IX. OPEN FORUM**

60 Mayor Pruitt explained how Open Forum is conducted, asking if anyone would like to come forth and
61 speak at this time.

62 Jim Turner, 1691 E. Old Quail Run Road, came forth and expressed concern over his recycling not being
63 picked up four times in recent memory. He believes the city's recycling program has regressed. Also,
64 he has concerns about drainage issues that continue to get worse, especially in creeks and areas around
65 his property. He encouraged the city to put a comprehensive drainage plan together to mitigate
66 drainage concerns and prevent future, potential dam failures. He believes the drainage concerns near
67 him currently only impact a small handful of properties; however, he fears the drainage problems will
68 eventually adversely affect the city as a whole.

69 There being no one else wishing to come forth and speak, Mayor Pruitt closed Open Forum.

71

72 **X. CONSENT AGENDA**

73 1. Consider approval of the minutes from the May 6, 2019 regular city council meeting, and take
74 any action necessary.

75 2. Consider authorizing the mayor to execute agreements for Municipal Court Judge and
76 Associate Municipal Court Judge and related services, and taken any action necessary.

77 **Councilman Fowler moved to approve the Consent Agenda (#s 1 and 2). Councilmember Trowbridge**
78 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

79

80 **XI. APPOINTMENT ITEMS**

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

83

84 **Chairman of the Planning & Zoning Commission, Johnny Lyons, came forth and briefed the Council on**
85 **recommendations of the Commission relative to planning-related items on tonight's meeting agenda.**
86 **Council took no action as a result of this agenda item.**

87

88 **XII. PUBLIC HEARING ITEMS**

89 1. **Z2019-009** - Hold a public hearing to discuss and consider a request by Chris Lam, PE of Lam
90 Consulting Engineering on behalf of Price Pointer of TCB Construction Group, LLC for the
91 approval of an ordinance for a Specific Use Permit (SUP) allowing a restaurant less than 2,000
92 SF without a drive-through or drive-in on a 0.23-acre parcel of land identified as Block 20B of
93 the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development
94 District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North
95 Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any
96 action necessary **(1st Reading)**.

97 **Planning Manager, David Gonzales, provided background information pertaining to this agenda item,**
98 **indicating that Bonafide Betties Pie Company is currently located at 103 S. San Jacinto Street, but the**
99 **business is planning to relocate to a larger facility at 505 N. Goliad Street. This location is within Planned**
100 **Development District 50 (PD-50). The Residential Office (RO) District, which is the underlying zoning**
101 **designation for Planned Development District 50 (PD-50), requires a Specific Use Permit (SUP) for a**
102 **restaurant with additional restrictions that stipulate the restaurant be less than 2,000 SF and not have**
103 **a drive-through or a drive-in. The proposed restaurant is a limited service restaurant, and parking for**
104 **the facility will be calculated at one (1) parking space per 250 SF of area. This means the restaurant**
105 **would require eight (8) parking spaces [1916 SF/250 SF = 8 Parking Spaces]. Based on size of the site**
106 **and the area taken up by the existing single-family home, the applicant is only able to incorporate a**
107 **total of seven (7) parking spaces on-site. Staff has included an operational condition allowing the**
108 **reduced number of parking spaces. Staff has also included operational conditions requiring the**

109 installation of a minimum six (6) foot tall, board-on-board, wood fence to be constructed along the
110 western property boundary, floor be used only for storage purposes. These have been included as
111 conditions of approval in the SUP ordinance. Staff mailed out 34 notices to property owners within 500'
112 of the subject property. Staff received a total of four notices back and two emails in favor of the
113 request. Also, the Planning & Zoning Commission has unanimously recommended approval of this
114 request.

115
116 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this
117 time. There being no one indicating such, he then closed the public hearing.

118
119 Councilman Trowbridge moved to approve Z2019-009 with staff recommendations. Mayor Pro Tem
120 Macalik seconded the motion. The ordinance was read as follows:

121
122 CITY OF ROCKWALL
123 ORDINANCE NO. 19-XX
124 SPECIFIC USE PERMIT NO. S-XXX
125

126 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
127 AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) [ORDINANCE NO. 17-
128 19] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY
129 OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
130 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT LESS THAN 2,000
131 SF WITHOUT A DRIVE-THROUGH OR DRIVE-IN FACILITY ON A 0.23-ACRE PARCEL
132 OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR
133 RESIDENTIAL OFFICE (RO) DISTRICT LAND USES, AND BEING IDENTIFIED AS
134 BLOCK 20B OF THE AMICK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY,
135 TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR
136 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR
137 EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
138 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

139
140 The motion passed by a vote of 7 ayes to 0 nays.

- 141
142 **2. Z2019-010** - Hold a public hearing to discuss and consider a request by Dwayne Cain of EVSR
143 (D), LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing a guest
144 quarters/secondary living unit and barn or agricultural accessory building on a 10.61-acre
145 portion of a larger 26.078-acre tract of land identified as Tract 2 & 2-4 of the W. M. Dalton
146 Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)
147 District, addressed as 777 & 839 Cornelius Road, and take any action necessary (**1st Reading**).

148 Planning Manager David Gonzales provided background information pertaining to this agenda item. He
149 explained that, currently, there is a single-family home on the subject property and the applicant is
150 requesting approval of a Specific Use Permit (SUP) to allow a guest quarters/secondary living unit and
151 barn or agricultural building in conjunction with this structure. The structure will be ~4,950 SF in total
152 size, with ~576 SF being dedicated to the guest quarters/secondary living unit. The proposed building
153 will be situated behind the main structure, have four (4) roll-up garage doors, and be clad with metal
154 on the exterior. The proposed building will primarily serve as storage for vehicles/equipment and
155 contain a small bathroom with a shower. He went on to share that on May 1, 2019, staff mailed 16

156 notices to property owners and residents within 500-feet of the subject property. There are no
157 Homeowner's Associations (HOA's)/Neighborhood Associations within 1,500-feet of the subject
158 property participating in the Neighborhood Notification Program. At the time this report was written,
159 staff had received four (4) notices in favor of this request (all from Mr. Cain, as he is the owner of the
160 surrounding properties). On May 1, 2019, staff mailed 16 notices to property owners and residents
161 within 500-feet of the subject property. There are no Homeowner's Associations
162 (HOA's)/Neighborhood Associations within 1,500-feet of the subject property participating in the
163 Neighborhood Notification Program. At the time this report was written, staff had received four (4)
164 notices in favor of this request.

165
166 Mr. Dwain Cain - 305 Stonebridge Rockwall, TX – (the applicant) came forth and provided brief
167 comments pertaining to this request, generally asking the Council to act favorably to approve this
168 request.

169
170 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak. There
171 being no one indicating such, he then closed the public hearing.

172
173 Mayor Pro Tem Macalik moved to approve Z2019-010. Councilmember Daniels seconded the motion.
174 The ordinance was read as follows:

175 CITY OF ROCKWALL
176 ORDINANCE NO. 19-XX
177 SPECIFIC USE PERMIT NO. S-XXX
178

179 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
180 AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF
181 ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO
182 GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A GUEST
183 QUARTERS/SECONDARY LIVING UNIT AND BARN OR AGRICULTURAL
184 ACCESSORY BUILDING IN AN AGRICULTURAL (AG) DISTRICT, SITUATED ON A
185 10.61-ACRE PORTION OF A LARGER 26.078-ACRE TRACT OF LAND,
186 IDENTIFIED AS TRACT 2 & 2-4 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72,
187 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL
188 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
189 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
190 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR
191 AN EFFECTIVE DATE.

192
193 The motion passed by a vote of 7 ayes to 0 nays.

- 194
195 3. **Z2019-011** - Hold a public hearing to discuss and consider a request by Scott Lewis of RRDC,
196 LTD for the approval of an ordinance amending the development standards contained in
197 Planned Development District 47 (PD-47) [Ordinances 99-17 & 07-04] being a 14.4715-acre
198 tract of land identified as Tract 104 of the E. Teal Survey, Abstract No. 207 and Lot 1, Block A,
199 First Christian Church, Disciples of Christ Addition, City of Rockwall, Rockwall County, Texas,
200 zoned Planned Development District 47 (PD-47) for Single-Family 10 (SF-10) District land uses,
201 situated within the Scenic Overlay (SOV) District, generally located at the northeast corner of

the intersection of Ridge Road [FM-740] and White Road, and take any action necessary (1st Reading).

Planning Manager David Gonzales provided background information pertaining to this agenda item. The applicant is requesting to amend the development standards contained in Planned Development District 47 (PD-47) [Ordinance No. 99-17]. Specifically, the applicant is requesting three (3) changes to the ordinance. These changes are as follows:

- 1) The minimum masonry requirement be 60% with all lap-siding being a cementitious fiber material (e.g. HardiBoard or HardiPlank);
- 2) The maximum lot coverage be 55%, and
- 3) Front-facing garages be allowed provided they are set back a minimum of 20-feet from the front facade of the structure.

On May 1, 2019, staff mailed 123 notices to property owners and residents within 500-feet of the subject property. Additionally, staff notified Spyglass Phases 2 & 3, the Rainbow Lakes, Chandler's Landing, and Foxchase Homeowner's Associations (HOA's), which are the only HOA's/Neighborhood Associations within 1,500-feet of the subject property and participating in the Neighborhood Notification Program. At the time this report was written, staff had received two (2) notices in favor, one (1) notice in opposition, and one (1) email in favor of the request, with the exception of the front-facing garages. In addition, the Planning & Zoning Commission has recommended approval of this item by a vote of 4 ayes to 1 nay (Womble).

Scott Lewis – 900 Heathland Crossing, Heath, TX – (the applicant) came forth and addressed the Council at this time. He went on to explain additional details and clarify the nature of this request.

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

Dennis Denney – 162 Meadowlark Circle, Rockwall, TX – came forth and indicated that he represents the First Christian Church (located at 3375 Ridge Road). He went on to provide brief comments pertaining to Ordinance 99-53, expressing that he does not want his church to lose the ability to operate 'as is.' Planning Manager David Gonzales clarified that nothing will be changing in this regard.

Bob Wacker – 309 Featherstone, Rockwall, TX – came forth and provided comments pertaining to this request. He indicated that when he served on the city's Comprehensive Plan Review Committee, he was generally against front-entry garages. He shared that, even with three car garages, people still park in driveways. He wonders if the garages could be pushed back another 5' from the front property line.

Jeff Macalik – 6102 Volunteer Place, Rockwall, TX – came forth and expressed concern about this request. He indicated that he is involved in the HOA of Chandler's Landing, and he does not believe the HOA would be in favor of some aspects of this request (however, the Chandler's HOA was not actually within the notification area associated with this application). He generally spoke in opposition of this request.

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

Councilmember Trowbridge suggested the Council consider limiting the front entry garages. He also believes the requested 'coverage' does in fact relate to density, and he generally has some concern about this.

Indication was given that all of the lots are 80' lots. The applicant came forth again and answered several questions of Council (related to 'coverage,' square footage, lot size, setbacks, front entry garages, front facades, j-swing garages, etc.).

Councilmember Hohenshelt moved to allow 40% front entry and 60% j-swing garages associated with this request. Councilmember Trowbridge seconded the motion, which passed by a vote of 6 ayes with 1 nay (Pruitt).

Councilmember Hohenshelt then moved to have the PD amendment reflect a 55% lot coverage. Councilmember Johannesen seconded the motion, which passed by a vote of 5 ayes with 2 against (Trowbridge and Pruitt).

Councilmember Hohenshelt moved to allow the PD amendment for the hardiboard requirement, as presented (from 80% to 60%). Councilmember Trowbridge seconded the motion, which passed by a vote of 5 ayes with 2 against (Pruitt and Daniels).

The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 47 (PD-47) [ORDINANCES 99-17 AND 07-04] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING THE DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO. 99-17, BEING A 14.4712-ACRE TRACT OF LAND IDENTIFIED TRACT 104 OF THE E. TEAL SURVEY, ABSTRACT NO. 207 AND LOT 1, BLOCK A, FIRST CHRISTIAN CHURCH DISCIPLES OF CHRIST ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ZONED PLANNED DEVELOPMENT DISTRICT 47 (PD-47) AND MORE FULLY DEPICTED HEREIN BY *EXHIBIT 'A'* AND DESCRIBED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

XIII. ACTION ITEMS

1. Discuss and consider a request from Casey and Andrea Burke for a special permit on a front yard fence to be located at 1406-A Ridge Road, and take any action necessary.

Building Official Jeffrey Widmer came forth and briefed the Council on this front yard fence request. He shared that no notices are required to be sent to adjacent property owners; however, the Burke's have

gone to their neighbors and have received indication that they do not object to this request for a front yard fence.

Dean Cathey - 3066 Rochelle Road – and Mr. and Mrs. Burke – 1406-A Ridge Road – came forth to speak to the Council. Mr. Burke indicated they have lived on Ridge Road for fifteen years. They recently built a new home, and the apartment complex across the street is causing car headlights to shine into their living room. For this reason, they are requesting approval of a front yard fence. They went on to further explain their request and show photos of the lot, the home, a shed on the property and the type of fence they are requesting to construct. The fence would be 8' tall; however, due to elevation abutting the street, it will actually appear to be 5' tall.

Mr. Widmer clarified that the city's current standards for front yard fences are 48" wrought iron on 42" wood fence heights.

Councilmember Fowler expressed concern that the proposed wood fence may make the home look like a 'compound.' Also, he fears that eventually every residential home along this stretch of Ridge Road may end up wanting to install a masonry or wooden front yard fence, and that may result in inhibiting lake views along that stretch of roadway.

Following the dialogue between Council and the Burke's, Mayor Pruitt waited to see if any member of Council wanted to make a motion pertaining to this request. No one offered a motion.

Mayor Pruitt then called for a break and recessed the public meeting at 7:36 p.m. He then reconvened the meeting at 7:43 p.m.

Mayor Pruitt asked if anyone would like to make a motion concerning this agenda item. Since there was no motion made, the item "died" for lack of a motion.

2. Discuss and consider bike lanes on John King Boulevard, and take any action necessary.

Indication was given that Councilman Trowbridge requested this item for tonight's agenda. He pointed out that John King is currently a city-owned street, and he wonders if John King has bike lanes currently, and if it will have bike lanes in the future once TxDOT takes it over.

In the interim, when TxDOT takes it over, there will only be two lanes at 12' each. The ultimate build out of this road way will have three lanes in both directions, and they will have a shared bike lane. The outside lanes that will be closest to the sidewalk will be 14' wide instead of 11' or 12'. Current TxDOT standards call for either a dedicated or a shared bike lane.

No action was taken concerning this agenda item and associated, brief discussion.

XIV. 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 appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters)

- 339 2. Discussion regarding purchase / acquisition of real property in the vicinity of Rockwall
340 Municipal Airport and Downtown pursuant to Section §551.072 (Real Property) and Section
341 §551.071 (Consultation with Attorney).
342 3. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
343 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
344 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

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

346 Council did not reconvene in Executive Session following the close of the public meeting agenda.

347 **XVI. ADJOURNMENT**

348 The meeting was adjourned at 7:47 p.m.
349
350

351 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3rd DAY OF
352 JUNE, 2019.

353
354 ATTEST:
355


JIM PRUITT, MAYOR

356 
357 KRISTY COLE, CITY SECRETARY

