

# MINUTES

---

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, August 19, 2019 - 5:00 PM

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

### I. CALL PUBLIC MEETING TO ORDER

Mayor Jim Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dana Macalik and City Council Members John Hohenshelt, Kevin Fowler, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Joey Boyd and Mary Smith and City Attorney Frank Garza. Councilmember Patrick Trowbridge was 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 legal issues pertaining to a Facilities Agreement pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding appointments to and interviews for city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
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

Council adjourned from Executive Session at 5:45 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with six of the seven council members present (Trowbridge absent).

### V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Macalik moved to reappoint John Womble and Mark Moeller and newly appoint Sedric Thomas to the Planning & Zoning Commission (these 3 year terms will expire in August of 2022). Councilman Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge). Mr. Thomas replaces outgoing member Johnny Lyons, who is termed out.

### VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER JOHANNESSEN

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

40 **VII. OPEN FORUM**

41 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth at  
42 this time to address the Council. There being no one indicating such, he then closed Open Forum.

43 **VIII. CONSENT AGENDA**

- 44 1. Consider approval of the minutes from the August 5, 2019 regular city council meeting, and  
45 take any action necessary.
- 46 2. Consider authorizing the City Manager to engage the firm of BrooksWatson & Co PLLC to  
47 conduct the audit of the City's financial statements for the fiscal years ending September 30,  
48 2019 - 2022, and take any action necessary.
- 49 3. Consider an **ordinance** amending the Code of Ordinances in Chapter 10. "Building and  
50 Building Regulations;" Article II. "Administration and Enforcement;" Division 2. "Building and  
51 Standards Commission" ("the Commission") to appoint the duties of the Commission to the  
52 Board of Adjustments, and take any action necessary. **(1st Reading)**
- 53 4. Consider an **ordinance** amending the Code of Ordinances in Chapter 38. "Subdivisions,"  
54 Article I. "In General," Section 38-15, "Miscellaneous Requirements" to establish a fee  
55 schedule for engineering plan review fees, and take any action necessary. **(1st Reading)**
- 56 5. **P2019-029** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-  
57 Liang Wu of Unison Investment for the approval of a master plat for the Northgate Subdivision  
58 being a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract No.  
59 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88)  
60 for Single-Family 1 (SF-1) District land uses, located at the southwest corner of the  
61 intersection of Stodgehill Road [FM-3549] and Clem Road, and take any action necessary.
- 62 6. **P2019-030** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of Jen-  
63 Liang Wu of Unison Investment for the approval of a preliminary plat for the Northgate  
64 Subdivision containing 40 single-family residential lots on a 61.45-acre tract of land identified  
65 as Tract 4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County,  
66 Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land  
67 uses, located at the southwest corner of the intersection of Stodgehill Road [FM-3549] and  
68 Clem Road, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda as presented (#1, 2, 3, 4, 5, and 6). Mayor Pro Tem Macalik seconded the motion. The ordinances were read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING THE CODE OF ORDINANCES IN CHAPTER 10. "BUILDINGS AND BUILDING REGULATIONS;" ARTICLE II. "ADMINISTRATION AND ENFORCEMENT;" DIVISION 2. "BUILDING AND STANDARDS COMMISSION" TO APPOINT THE DUTIES OF THE CITY'S BUILDING AND STANDARDS COMMISSION TO THE CITY'S BOARD OF ADJUSTMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 19-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 38. "SUBDIVISIONS," ARTICLE I. "IN GENERAL," SECTION 38-15 "MISCELLANEOUS REQUIREMENTS" TO ESTABLISH AN ENGINEERING PLAN REVIEW FEE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Trowbridge).

IX. APPOINTMENT ITEMS

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

Chairman of the P&Z Commission, Johnny Lyons came forth. Mayor Pruitt thanked Mr. Lyons for his leadership and service on the Commission, indicating that he has 'termed out.' Council thanked Mr. Lyons for his service. Mr. Lyons briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action concerning this agenda item.

2. Appointment with Brad Helmer of Heritage Christian Academy to discuss Specific Use Permit (SUP) No. S-201 concerning temporary educational buildings, and take any action necessary.

Brian McKinney came forth on behalf of Mr. Helmer, indicating that he is at new parent/teacher orientation this evening, so he could not be present. Mr. McKinney thanked Councilmembers Johannesen and Trowbridge for their recent advice and guidance. Councilmember Johannesen recommended that the city consider reapproving the SUP once every six months or so in order to provide check points along the way. Mr. McKinney shared that a professional fund raising consultant has been hired to help move the fundraising efforts forward.

Mayor Pruitt moved to approve the proposed timeline that was put forth, calling for HCA to come before the council once every six months to provide updates on the timeline and with the understanding that if things are not going well, the SUP may be discontinued by Council.

Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

**X. PUBLIC HEARING ITEMS**

- 1. Z2019-015** - Hold a public hearing to discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of the owner for the approval of an **ordinance** for a Specific Use Permit (SUP) for the expansion of an existing Minor Auto Repair Garage on a 1.1107-acre parcel of land identified as Lot 4, Block 1, Horizon Village Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 2581 Horizon Road [FM-3097], and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information concerning this agenda item. He indicated that thirty-two notices were sent out to property owners and residents located within 500' of the subject property; however, no notices have been returned. The Planning & Zoning Commission has recommended approval of this SUP request.

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

The applicant - 1520 E. IH-30 Rockwall, TX – came forth briefly. Councilman Johannesen then moved to approve the SUP request. Councilman Hohenshelt seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 19-XX  
SPECIFIC USE PERMIT NO. S-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) OF THE CITY OF ROCKWALL, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A MINOR AUTO REPAIR GARAGE, IN A COMMERCIAL (C) DISTRICT, SITUATED ON A 1.1107-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK 1, HORIZON VILLAGE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 6 ayes with 1 absence (Trowbridge).

- 2. Z2019-016** - Hold a public hearing to discuss and consider approval of an **ordinance** for a text amendment to various sections of the Unified Development Code [Ordinance No. 04-38] and Article IX, Fences, of Chapter 10, Building and Building Regulations, of the Municipal Code of Ordinances for the purpose of updating the codes to conform to changes made by the 86th Legislative Session, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item, sharing that these issues were initially discussed with Council at a work session in early July. He explained that these amendments are in response to passage of recent state legislation. He went on to explain each of the proposed amendments and its purpose. A fifteen day notice was posted in the Herald Banner, and all state and local notification requirements were also met associated with these proposed UDC and Code amendments.

Councilmember Hohenshelt moved to approve Z2019-016 as presented. Councilmember Fowler seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 19-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE II, AUTHORITY AND ADMINISTRATIVE PROCEDURES, ARTICLE IV, PERMISSIBLE USES, ARTICLE V, DISTRICT DEVELOPMENT STANDARDS, ARTICLE VIII, LANDSCAPE STANDARDS, ARTICLE X, PLANNED DEVELOPMENT DISTRICT REGULATIONS, ARTICLE XI, ZONING RELATED APPLICATIONS, AND ARTICLE XIII, DEFINITIONS, OF THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38], AND ARTICLE XI, FENCES, OF CHAPTER 10, BUILDING AND BUILDING REGULATIONS, OF THE MUNICIPAL CODE OF ORDINANCES; 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 6 ayes with 1 absence (Trowbridge).

After Action Item No. 3, Mayor Pruitt opened the public hearing for this agenda item, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed the public hearing.

**XI. ACTION ITEMS**

1. Discuss and consider recommendations by the Main Street Advisory Board regarding approval of an ordinance amending the Code of Ordinances in Chapter 32. "Signs;" Article III. "Regulations and Requirements;" Division 4. "Downtown District Signs" to modify allowances for permanent signs in the Downtown District (DT), and take any action necessary. (1st Reading)

Daniel Nichols of the Main Street Advisory Board came forth and provided a brief history to the Council concerning these proposed amendments. Mayor Pruitt indicated that he personally attended the Main Street Advisory Board meeting at which these proposed amendments were discussed. He shared that he has some concerns about some of these proposed regulations. He went on to share his concerns in greater detail. He generally does not feel like the city should be interfering to this degree with the signage that businesses want to install at their downtown buildings. Councilman Daniels pointed out

that some signage preferences are a matter of personal preference and/or opinion. Also, he agrees with the mayor that sometimes a city may be in danger of overstepping its bounds by overregulating.

At one point, Mayor Pruitt pointed out that the draft verbiage that calls for neon signs to be approved by the Main St. Advisory Board is not viable since that particular board is only advisory in nature. So, the city's Planning & Zoning Commission may be a better option since it is regulatory in nature (and perhaps the City Council could serve as the appeal authority).

Councilmember Hohenshelt generally expressed that if the vast majority of business owners are in favor of these sorts of regulations, then that is one thing; however, if more than half of them are not okay with these regulations, then that may be a different story.

Councilmember Fowler moved to table this discussion item. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Mr. Crowley, City Manager, generally sought guidance regarding what type of additional information or steps are needed in order to revisit this topic at a later date. Councilman Hohenshelt wanted to be sure that anyone who may be impacted by these changes has been notified and invited to attend the meeting the next time this is discussed with Council. Crowley suggested that staff send another notice to all those property owners and businesses that were originally notified, remind them of the proposed regulation changes and invite them to the council meeting when it will be discussed. That way, they have an opportunity to either submit their comments in writing or attend the meeting in person if they so desire. Council generally seemed agreeable to this idea. No further discussion took place at this time.

2. Discuss and consider authorizing the City Manager to issue a letter of support to TXDOT regarding temporarily postponing implementation of shared outside lanes on John King Blvd. until substantial improvements of the roadway are made, and take any action necessary.

City Manager Rick Crowley provided brief background information concerning this agenda item. Following his comments, Councilmember Hohenshelt moved to authorize the City Manager to sign the letter and send it to TXDOT. Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

3. Discuss and consider (re)appointments to the city's Airport Advisory Board, Animal Advisory Board, Architectural Review Board, ART Review Commission, Historic Preservation Advisory Board, Main Street Advisory Board, and Park Board and take any action necessary.

Mayor Pro Tem Macalik moved to reappoint David Sweet and Kathleen Morrow and newly appoint (in place of Jane Braddock) Amber Crimmings to the city's ART Review Team. Councilmember Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Trowbridge).

Johannesen moved to reappoint Larry Denny and newly appoint Jamie Rice to the city's Park Board. Councilman Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence.

Councilman Daniels moved to reappoint to the city's Architectural Review Board, Ashlei Neill, Robert Miller and Julien Meyrat. Mayor Pro Tem Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence.



Councilman Fowler moved to reappoint Ken Dickson to Animal Advisory Board. Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence.

Mayor Pruitt readdressed Public Hearing Item #2 at this juncture.

**XII. 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 legal issues pertaining to a Facilities Agreement pursuant to Section §551.071 (Attorney/Client Consultation).
2. Discussion regarding appointments to and interviews for city regulatory boards, commissions, and committees - specifically the Planning & Zoning Commission and Board of Adjustments - pursuant to Section 551.074 (Personnel Matters)
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)

**XIII. 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. See action taken at the beginning of the 6:00 p.m. meeting as noted above.

**XIV. ADJOURNMENT**

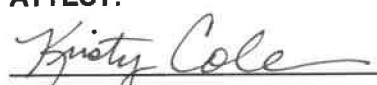
Mr. Crowley reminded the Council that the budget work session is slated for Tues., Aug. 27 at Municipal Court. Also, Mayor Pruitt indicated that TXDOT will be holding a public meeting concerning John King Boulevard on September 19 at Liberty Hall at the County Courthouse.

Mayor Pruitt then adjourned the meeting at 7:18 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3<sup>rd</sup> DAY OF SEPTEMBER, 2019.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary



