

MINUTES



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 18, 2020 - 5:00 PM

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

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

Mayor Pruitt called the meeting to order at 5:01 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 Managers Mary Smith and Joey Boyd. City Attorney Frank Garza joined the meeting remotely / virtually by ZOOM. City Council, Place 6 was a vacant seat at this meeting

Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding 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)
2. Discussion regarding filling vacancy for City Council Member Place 6, pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:55 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESSEN

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

VI. PROCLAMATIONS

1. Swearing in of Newly Elected City Council Members - Place 2 and Place 4

Matthew R. Scott, Association Judge of the Rockwall Municipal Court, administered the Oath of Office to each of the two Council Members (Hohenshelt and Johannesen).

2. Public Works Week

Director of Public Works/City Engineer, Amy Williams and two of her staff members came forth at this time. Mayor Pruitt then read and presented this proclamation to them.

3. Live Saving Bar - Police Sergeant Michael Noland

Mayor Pruitt called forth Police Chief Max Geron and his command staff. Information about this award was read aloud, and Sgt. Noland was presented with this Life Saving award.

4. Police Commendation Bar - Police Officer Heather McAuley

Information about this award was read aloud, and Officer McAuley was presented with this Police Commendation award.

5. Meritorious Conduct Bar - Police Officer Mathew Joseph

Information about this award was read aloud, and Officer Joseph was presented with this Meritorious Conduct award.

VII. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then called upon the City Secretary to read into the record public comments which were received via e-mail. Ms. Cole read them as follows:

Marco Herrera e-mailed, "The Pegasus food company, there some employees infected with covid 19, and they do not take security measures."

Danny C Akard wrote, "In regards to David Choate's building at 844 Zion hills circle, I have no problem with David building this building."

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IX. CONSENT AGENDA

- 1. Consider approval of the minutes from the May 4, 2020 regular city council meeting, and take any action necessary.**

Councilmember Johannesen made a motion to approve the minutes. Councilmember Hohenshelt seconded the motion, which passed unanimously of those present (6 ayes to 0 nays with Place 6 being a vacant seat).

X. APPOINTMENT ITEMS

1. Appointment with members of City of Rockwall's Youth Advisory Council (YAC) to hear year end report and recognize graduating Seniors, and take any action necessary.

Members of the YAC came forward and briefed Council on the various activities with which they were involved over the course of the school year. Mayor Pruitt, Councilmember Fowler and City Secretary Kristy Cole then recognized each of the students for their participation in YAC this school year, and they honored the graduating seniors who were present.

2. NOTE - Jerry Welch from the Planning & Zoning Commission came forth and briefed the Council on recommendations of the Commission relative to Planning related items on tonight's city council meeting agenda.

XI. PUBLIC HEARING ITEMS

1. **Z2020-011** - Hold a public hearing to discuss and consider a request by Marlyn Roberts for the approval of an ordinance for a Specific Use Permit (SUP) for an *accessory building that exceeds the maximum square footage and height* on an 0.1865-acre parcel of land identified as Lot 5, Block D, Waterstone Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 323 Julian Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices were sent to adjacent property owners and residents within 500' of the property. Over 60 notices were sent, and the nearby homeowners associations were also notified. The Planning & Zoning Commission has recommended approval of this item by a vote of 7 ayes to 0 nays.

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

Councilmember Fowler moved to approve Z2020-011. Mayor Pro Tem Macalik seconded the motion. The ordinance was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.1865-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 5, BLOCK D, WATERSTONE ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING

FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes to 1 nay (Daniels) with Place 6 Seat being vacant.

2. **Z2020-016** - Hold a public hearing to discuss and consider a request by Chris Kehrer of Titan Contractors on behalf of the owner David Choate for the approval of an **ordinance** for a Specific Use Permit (SUP) for a Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit and Carport that does not conform to the requirements of the Unified Development Code (UDC) on a one (1) acre parcel of land identified as Lot 8, Block B, Zion Hill Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 844 Zion Hill Circle, and take any action necessary **(1st reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item. He explained that during the permit review process, the applicant was informed that the size of the carport and detached garage would require a Specific Use Permit (SUP), unless the plans were revised to reduce the size of the carport to 500 SF or less and either [1] reduce the detached garage to 625 SF or less, or [2] attach the entire structure to the primary structure. In late January 2020, the applicant submitted revised plans proposing to remove the carport and add an eight (8) foot awning attaching the structure to the primary structure. On February 7, 2020, the Building Inspections Department issued a building permit based on the revised plans; however, later the same day a Building Inspector reported that the applicant had already constructed the majority of the building based on the plans that were provided with the original building permit (i.e. a 2,400 SF detached garage with a 1,620 SF carport), and a Stop Work Order was issued by the Building Inspections Department. It should be noted, that at the time the Stop Work Order was issued, the Building Inspector noted that the detached garage was built with a secondary guest quarters (i.e. it incorporated air-conditioned space and plumbing). The Planning & Zoning Commission has recommend denial of this request. As such, its approval will require a super majority vote of Council this evening (5 of the 6 members would have to vote in favor of it in order for it to be approved). Notices were sent to 29 property owners and occupants within 500-feet of the subject property. There are no Homeowners Associations (HOA's)/Neighborhood Associations within 1,500-feet of the subject property participating in the HOA/Neighborhood Notification Program. At the time this report was written, staff had not received any notices regarding the applicant's 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, Mayor Pruitt closed the public hearing and called the applicant forth to speak.

Chris Kehrer, Titan Contractors
410 Normandy Lane
Heath, TX

Mr. Kehrer came forth and read a prepared statement to the Council. He essentially profusely apologized for having not pulled the proper permits from the City of Rockwall prior to performing the work at this location.

Dave Choate
844 Zion Hill Circle
Rockwall, TX

Mr. Choate indicated that he is the owner of the home, and this structure is his 'fishing den.' He does a lot of fishing tournaments. No one will be living in this structure.

Councilmember Hohenshelt suggested that this item be tabled until a later date to allow the applicant time to come back with a more solid recommendation regarding what can be done to make this structure be as close to "in compliance" as possible.

City Attorney Frank Garza echoed Councilman Hohenshelt's suggestion that Council table this item and remand it back to the Planning & Zoning Commission due to a substantial change, if necessary.

Mayor Pruitt moved to table this until the June 15 city council meeting. Councilman Hohenshelt seconded the motion, which passed unanimously of those present.

XII. ACTION ITEMS

1. Discuss and consider a request for street closure in downtown related to Rockwall Farmer's Market, and take any action necessary.

Joey Boyd, Assistant City Manager, briefed the Council on this agenda item. Essentially, they would like to close the 100 block of E. Kaufman Street for the Farmer's Market. Mayor Pruitt moved to approve the request to close the roadway each Saturday, as requested. Councilmember Johannesen seconded the motion. Claudette Hatfield was present in the audience. She thanked the Mayor and Council for allowing the Farmer's Market to be open this summer through September. The motion made passed by a vote of 6 ayes to 0 nays (Place 6 seat was vacant).

2. **MIS2020-008** - Discuss and consider a request by David Booth of DR Horton for variances to the City's Standards of Design and Construction Manual in accordance with the City's Interlocal Cooperation Agreement with Rockwall County for Subdivision Regulations in the City's Extraterritorial Jurisdiction (ETJ) on a ~1,225.721-acre tract of land identified as Tract 11 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located between FM-550 and S. FM-548, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. Councilmember Johannesen moved to deny this request. Councilmember Hohenshelt seconded the motion. Following brief comments, the motion passed by a vote of 6 ayes to 0 nays (with Place 6 being a vacant seat).

3. Discuss and consider an **ordinance** amending the Code of Ordinances in Ch. 26 'Motor Vehicles & Traffic,' Article VII. 'Stopping, Standing or Parking,' Section 26-505 'Prohibited in Specific

Places' to include the prohibition of parking in the Rockwall Technology Park, including on Corporate Crossing and streets in the vicinity of Discovery Boulevard, and to allow for an exception during construction of construction-related vehicles, and take any action necessary. (1st Reading)

Phil Wagner, Rockwall Economic Development Corporation (REDC)
2610 Observation Trail, Suite 104
Rockwall, TX

Mr. Wagner provided explanatory comments pertaining to this agenda item. Councilmember Hohenshelt moved to approve this ordinance and include a provision to exempt construction-related vehicles. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

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

4. **Z2020-009** - Discuss and consider a request by Brian Parsons on behalf of J. R. Fleming Investments for the approval of an **ordinance** for a Specific Use Permit (SUP) for a New and/or Used Indoor Motor Vehicle Dealership/Showroom on an 11.153-acre parcel of land identified as Lot 9, Block D, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 2635 Observation Trail, Suite 110, and take any action necessary (2nd Reading).

Councilmember Fowler moved to approve this ordinance for Z2020-009. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 20-15
SPECIFIC USE PERMIT NO. S-218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR A NEW AND/OR USED INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM ON A 11.153-ACRE PARCEL OF LAND IDENTIFIED AS LOT 9, BLOCK D, ROCKWALL TECHNOLOGY PARK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 to 0 nays with Place 6 being a vacant seat.

5. **Z2020-010** - Discuss and consider a request by Edwin Echols for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building that exceeds the maximum square footage and height on an 0.28-acre parcel of land identified as Lot 17, Block B, Lakeridge Park Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as

204 Lakehill Drive, and take any action necessary (2nd Reading).

This item was placed on "Action Items" due to it not having received unanimous approval at the last meeting. Councilman Hohenshelt moved to approve Z2020-010. Mayor Pro Tem Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 20-16
SPECIFIC USE PERMIT NO. S-219

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

The motion passed by a vote of 5 ayes, 1 nay (Daniels) and Place 6 being a vacant seat.

6. **Z2020-012** - Discuss and consider a request by Ryszard M. Waszczuk of Richard Expo on behalf of Vartan Jizmejian for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1030-acre parcel of land identified as Lot 4, Block 111, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 706 Sherman Street, and take any action necessary (2nd Reading).

This item was placed on "Action Items" due to it not having received unanimous approval at the last meeting. Councilman Johannesen moved to approve Z2020-012. Mayor Pro Tem Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 20-17
SPECIFIC USE PERMIT NO. S-220

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1030-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK 111, B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR

SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 4 in favor, 2 against (Fowler and Hohenshelt) and 1 vacant seat (Place 6).

7. **Z2020-014** - Discuss and consider a request by Alejandro Portocarrero for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.23-acre parcel of land identified as Lot 24, Block C, Harbor Landing, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 328 Harborview Drive, and take any action necessary (2nd Reading).

This item was placed on "Action Items" due to it not having received unanimous approval at the last meeting. Councilman Johannesen moved to approve Z2020-014. Councilman Fowler seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 20-18
SPECIFIC USE PERMIT NO. S-221**

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

The motion passed by a vote of 4 ayes, 2 nays (Pruitt and Macalik), and 1 vacant seat (Place 6).

8. Discuss and consider participating with Rockwall County in the cost of design and construction of off-site sanitary sewer improvements, and take any action necessary.

Following questions and answers concerning this agenda item, Councilmember Daniels made a motion to approve the request in an amount not to exceed \$300,000 without prior council approval. Councilmember Hohenshelt seconded the motion, which passed by a vote of 5 ayes, 1 nay (Pruitt) and Place 6 seat being vacant.

XIII. EXECUTIVE SESSION.

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

1. Discussion regarding 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)
2. Discussion regarding filling vacancy for City Council Member Place 6, pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).

XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Mayor Pruitt adjourned the meeting at 7:46 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 1st DAY OF JUNE, 2020.


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY

