

2 **ROCKWALL CITY COUNCIL REGULAR MEETING**

3 **Monday, July 15, 2019 - 4:00 PM**

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

5
6 **I. CALL PUBLIC MEETING TO ORDER**

7 Mayor Pro Tem Dana Macalik called the public meeting to order at 4:00 p.m. Present were Mayor Pro
8 Tem Macalik and Council Members Patrick Trowbridge, John Hohenshelt, Kevin Fowler and Bennie
9 Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Joey Boyd and Mary
10 Smith and City Attorney Frank Garza. Mayor Jim Pruitt was absent from the entire meeting.
11 Councilmember Trace Johannesen joined the meeting at 6:00 p.m.

12 **II. WORK SESSION**

- 13 1. Hold a work session to discuss planning and zoning related bills approved with the 86th
14 Legislature.

15 City Manager Rick Crowley provided very brief, introductory comments and then called upon Planning
16 Director Ryan Miller who briefed the Council on notable planning-related laws, which will take effect
17 starting Sept. 1, 2019. This included HB 347 (related to annexation); HB 2439 (related to building
18 materials and methods); and HB 3167 (related to development applications). Lengthy discussion took
19 place related to these new bills. Council took no action as a result of this work session.

- 20
21 2. Hold a work session to discuss changes to Article XI, Fences, of Chapter 10, Building and
22 Building Regulations, of the Municipal Code of Ordinances and the Unified Development Code
23 (UDC).

24 Mr. Miller explained that he and Jeffrey Widmer, the city's Building Official, have discussed this, and
25 they feel the Unified Development Code (UDC) is the best place for placement of fence regulations,
26 since they are an aesthetic issue. In addition, this would allow the process for front yard fences to be
27 taken up by the Planning & Zoning Commission with the Council only stepping in if an appeal were
28 requested. Mr. Crowley shared that if the regulations are placed in the UDC, any subsequent
29 amendment to fence regulations would have to go through a zoning process.

30
31 Mayor Pro Tem Macalik then read the below listed discussion items into the record before recessing
32 the public meeting to go into Executive Session at 4:35 p.m. She also read into the record the wording
33 for Action Item #2, indicating that it will also be discussed in Executive Session under 551.071
34 (consultation with attorney).

35
36 **III. EXECUTIVE SESSION.**

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

- 39 1. Discussion regarding appointments to city regulatory boards, commissions, and committees -
40 specifically the Planning & Zoning Commission, Animal Advisory Board, and Board of
41 Adjustments - pursuant to Section 551.074 (Personnel Matters)
42 2. Discussion regarding a personnel matter, pursuant to Section §551.071 (Consultation with
43 Attorney)
44 3. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with
45 Attorney)
46 4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
47 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
48 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

49 **IV. ADJOURN EXECUTIVE SESSION**

50

51 **Council adjourned from Executive Session at 5:47 p.m.**

52

53 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

54 **Mayor Pro Tem Macalik called the meeting back to order at 6:00 p.m. with 6 of the 7 council members**
55 **being present (Pruitt absent).**

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

57 **Council took no action as a result of Executive Session.**

58 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**

59 **Councilmember Fowler delivered the invocation and led the Pledge of Allegiance.**

60 **VIII. OPEN FORUM**

61 **Mayor Pro Tem Macalik explained how Open Forum is conducted and opened it up for public comment.**

62 **Russell Phelps**
63 **214 Alta Vista**
64 **Rockwall, TX 75087**

65

66 **Mr. Phelps explained that the field behind his house, which is located behind the Walmart store,**
67 **consistently has very high grass. He would appreciate Walmart taking care of this, as they committed**
68 **to do when the store first opened.**

69 **David Wrightson**
70 **5803 Yacht Club Drive**
71 **Rockwall, TX 75032**

72

73 **Mr. Wrightson came forth and shared that he would like to speak about the mosque. He expressed**
74 **concern about the traffic, and the pre-dawn ‘request for prayer,’ which is typically announced over a**

75 loud speaker. He is also concerned about any potential school that might be associated with this
76 mosque, as schools of this nature are not inclusionary and they do not accept other religions.

77
78 Janice Morchower
79 144 Westwood
80 Rockwall, TX 75032

81
82 Ms. Morchower expressed concerns that developers and individuals continually come to ask for
83 exceptions and variances from the Council. She is confused about why the Council continues to allow
84 individuals to be granted exceptions to things like the city's Unified Development Code, zoning
85 regulations, etc. over and over again.

86
87 Mayor Pro Tem Macalik asked if anyone else would like to come forth and speak at this time.

88
89 Judith Matherne
90 1115 Signal Ridge Place
91 Rockwall, TX

92
93 Ms. Matherne came forth and expressed support for acceptance of the mosque. She understands the
94 previous speaker's concerns about variances; however, she acknowledged an understanding that
95 flexibility is important too, especially as a city grows. She shared that she has an understanding that
96 traffic will not be a great issue or concern, and – if it is – she is certain our police chief will handle said
97 concerns like they do at (for example) for Lakepointe Church on Sundays.

98
99 Bob Wacker
100 309 Featherstone
101 Rockwall, TX

102
103 Mr. Wacker shared that he serves on the Architectural Review Board (ARB), and the ARB felt that a
104 pitched roof should not have to be required for the mosque. He also thanked staff and the city for all
105 its hard work, especially on the various public events it hosts.

106
107 Akhtar Usman
108 713 Cornell Drive
109 Rockwall, TX

110
111 Mr. Usman came forth and shared that he is generally in support of the mosque. The traffic, he
112 explained, will not be concerning. The one month when the worshippers fast, traffic may increase;
113 however, it will be around 10PM at night. Also, Fridays from about 1-2 p.m. may have traffic.

114
115 There being no one else wishing to come forth and speak, Mayor Pro Tem Macalik then closed Open
116 Forum.

117
118 **IX. CONSENT AGENDA**

- 119 1. Consider approval of the minutes from the July 1, 2019 regular city council meeting, and take
120 any action necessary.

- 121 2. Consider approval of an **ordinance** amending the Code of Ordinances in Ch. 18. Fire
122 Prevention and Protection, Article III. Fire Marshal, Sections 18-66 and 18-67, authorizing the
123 Fire Chief to appoint the Fire Marshal, and take any action necessary **(2nd reading)**.
- 124 3. Consider approval of an **ordinance** amending the Code of Ordinances in Ch. 44 "Utilities,"
125 Article V. "Water," Division 7. "Water Resource and Emergency Management Plan," Sec. 44-
126 432 to adopt a new plan that incorporates requirements pertaining to "Procedures for
127 Curtailment of Water Supplies," and take any action necessary. **(1st Reading)**
- 128 4. Consider approving the facilities agreement with Alders at Rockwall Property, LLC to
129 reconstruct the existing Squabble Creek Sanitary Sewer Interceptor within the Alders at
130 Rockwall development in an amount not to exceed \$556,034.66 and to be funded by sewer
131 bonds and take any action necessary.
- 132 5. **P2019-011** - Consider a request by Judy K. Larson for the approval of a final plat for Lot 1,
133 Block A, Devoll Place Addition being a 6.96-acre tract of land identified as Tract 26-2 of the E.
134 M. Elliott Survey, Abstract No. 77, City of Rockwall, Rockwall County, Texas, zoned Single
135 Family Estate 1.5 (SFE-1.5) District, situated within the FM-549 Overlay (FM-549 OV) District,
136 addressed as 556 N. FM-3549, and take any action necessary.
- 137 6. **MIS2019-012** - Consider a request by Cameron Slown of FC Cuny Corporation on behalf of
138 Tom Kirkland of TEKMAK Development Company for the approval of an Alternative Tree
139 Mitigation Plan for an 8.715-acre tract of land identified as a portion of Lot 1, Block B,
140 Goldencrest Addition and Tract 4 of the J. D. McFarland Survey, Abstract No. 145, City of
141 Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30
142 Overlay (IH-30 OV) District, situated north of the intersection of Greencrest Boulevard and
143 the IH-30 Frontage Road, and take any action necessary.
- 144 7. **P2019-026** - Consider a request by Bill Bricker of Columbia Development Co., LLC for the
145 approval of a preliminary plat for Lots 1-5, Block A, Park Station Addition, being a 16.26-acre
146 tract of land identified as a portion of Lot 1, Block 1, Indalloy Addition (7.409-acres) and Tract
147 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned
148 Light Industrial (LI) District, addressed as 1100 & 1300 E. Washington Street, and take any
149 action necessary.

150 **Councilmember Trowbridge moved to approve the entire Consent Agenda. Councilmember**
151 **Johannesen seconded the motion. Following a brief point of clarification, the ordinance captions were**
152 **read as follows:**

CITY OF ROCKWALL
ORDINANCE NO. 19-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 18. FIRE PREVENTION AND PROTECTION, ARTICLE III. FIRE MARSHAL, SECTIONS 18-66 AND 18-67, AUTHORIZING THE FIRE CHIEF TO APPOINT THE FIRE MARSHALL FOR THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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 44. "UTILITIES;" ARTICLE V. "WATER;" DIVISION 7. "WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN;" SEC. 44-432 TO ADOPT AN UPDATED PLAN TO ENSURE COMPLIANCE WITH CERTAIN REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ); PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTVE DATE.

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

X. 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.

This item was not addressed by Council.

XI. ACTION ITEMS

1. Discuss and consider directing staff to amend the Unified Development Code (UDC) and the Municipal Code of Ordinances to address changes relating to fences and planning and zoning related bills approved with the 86th Legislature, and take any action necessary.

Planning Director Ryan Miller began this discussion item, summarizing several recently passed pieces of state legislation that affect cities. Councilmember Hohenshelt then explained that the state legislature, including our city's representatives Bob Hall and Justin Holland, recently voted to pass new laws that will – for example – take a way a city's ability to regulate building materials utilized on both residential houses and commercial buildings in cities in the future. So now property owners could possibly put a trailer or built a metal home. These new laws become effective September 1. Councilmember Trowbridge commented that property values will likely go down. Recent bills have

193 generally taken away some authority from cities. Councilman Hohenshelt pointed out that adhering to
194 these new laws will result in a hundred hours of staff time. Mayor Pro Tem Macalik summarized that
195 Council is asking staff to move forward with making necessary changes to our Codes and then bring
196 back those proposed changes to Council for consideration at a future date.

197 **2. SP2019-014** - Discuss and consider a request by Ahmed Helaluzzaman on behalf of Abdul Latif
198 Khan of Center for Peace and Mercy, Inc. for the approval of a variance in conjunction with
199 an approved site plan for a retail shopping center and house of worship on a 2.681-acre tract
200 of land identified as Tract 10-1 & 22 of the E. P. G. Chisum Survey, Abstract No. 64, City of
201 Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic
202 Overlay (SOV) District, located on the north side of Turtle Cove Boulevard north of the
203 intersection of Turtle Cove Boulevard and Ridge Road [FM-740], and take any action
204 necessary.

205 Planning Director Ryan Miller explained that the city's Architectural Review Board (ARB) did
206 recommend approval of the proposed flat roof; however, when it went before the city's Planning &
207 Zoning Commission, the flat roof was ultimately not approved. So, the applicant is essentially appealing
208 to the City Council to seek approval of a variance so that they can utilize a flat, as opposed to a pitched,
209 roof. In order to pass, this require a $\frac{3}{4}$ majority vote for approval.

210
211 **Ahmed Helaluzzaman**
212 **545 Coventry Drive**
213 **Grapevine, TX**
214

215 Mr. Helaluzzaman came forth on behalf of the applicant, indicating that he is the designer of this
216 building. He generally sought Council's approval for this variance request.
217

218 Following brief comments from Council, Councilman Johannesen moved to approve SP2019-014.
219 Councilmember Trowbridge seconded the motion. Councilman Daniels briefly commented that he does
220 not believe a request for a variance to allow a flat roof (as opposed to a pitched roof) has ever been
221 denied by council in his tenure. He suggested that perhaps our regulations related to this topic may
222 need to be reconsidered. Councilman Hohenshelt expressed concern regarding variances pertaining to
223 city regulations, in general. Councilman Fowler asked Mr. Miller for some clarification regarding why
224 there is a requirement for pitched roofs, and Mr. Miller did so.
225

226 Following the discussion, the motion passed by a vote of 6 ayes with 1 absence (Pruitt).
227

228 **3. Z2018-046** - Discuss and consider a request by Brad Helmer on behalf of Heritage Christian
229 Academy (HCA) for the approval of an extension to a Specific Use Permit (SUP) [S-200;
230 Ordinance No. 19-02] allowing existing temporary educational buildings in conjunction with a
231 private school to remain on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage
232 Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14

233 (MF-14) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1408
234 S. Goliad Street [SH-205], and take any action necessary.

235 **Planning Director Ryan Miller provided background information pertaining to this agenda item.**

236
237 **Brad Helmer**
238 **2917 Chuck Wagon Drive**
239 **Rockwall, TX**

240
241 **Mr. Helmer came forth and addressed the Council concerning the details of this request for an SUP**
242 **extension.**

243
244 **Councilmember Hohenshelt suggested that Council consider granting a one month SUP extension,**
245 **pointing out that the SUP for these portable classrooms / buildings has been extended over and over**
246 **such that the portables have been in place for twenty years (since 1999).**

247
248 **Councilman Daniels generally expressed a desire for two-way communication to occur between Mr.**
249 **Helmer and city staff. Following extensive dialogue between the applicant and Council, Councilman**
250 **Daniels shared that there will come a time when Council will need to draw a line in the sand and**
251 **discontinue granting future SUP extensions.**

252
253 **Councilman Daniels moved to extend this SUP for a period of ninety days (90) and ask the applicant to**
254 **come back before Council within 45 days with a more extensive plan that shows more specific target**
255 **dates. Councilman Fowler seconded the motion. Fowler suggested that Mr. Helmer consider meeting**
256 **with Councilmember Johannesen on his 'plan' and to work on repairing the relations with city staff.**

257
258 **Mr. Miller shared that the 2016 project cannot be "finalized" until the required items (drainage and**
259 **detention ponds) are received by staff.**

260
261 **Following brief comments, the motion to extend the SUP for 90 days passed by a vote of 5 ayes, 1**
262 **against (Macalik), and 1 absence (Pruitt).**

263
264 **XII. EXECUTIVE SESSION**

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

- 267 **1. Discussion regarding appointments to city regulatory boards, commissions, and committees -**
268 **specifically the Planning & Zoning Commission, Animal Advisory Board, and Board of**
269 **Adjustments - pursuant to Section 551.074 (Personnel Matters)**
270 **2. Discussion regarding a personnel matter, pursuant to Section §551.071 (Consultation with**
271 **Attorney)**
272 **3. Discussion regarding Breezy Hill Road pursuant to § Section 551.071 (Consultation with**
273 **Attorney)**

274 4. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland,
275 Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD)
276 regarding water rates pursuant to Section §551.071 (Consultation with Attorney)

277 **XIII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

278 **XIV. ADJOURNMENT**

279 Mayor Pro Tem Macalik thanked staff, including Andy Hesser and his staff in Parks & Rec., for the
280 wonderful 4th of July events. She went on to announce that Mr. Hesser will be leaving the City of
281 Rockwall to take a position as the new Parks & Rec Director with the City of Garland. She, council and
282 staff thanked Mr. Hesser for all his hard work over the years and wished him well.

283 Mayor Pro Tem Macalik adjourned the meeting at 7:07 p.m.

284
285 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th DAY OF**
286 **AUGUST, 2019.**

287

288

289 **ATTEST:**

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292



KRISTY COLE, CITY SECRETARY



JIM PRUITT, MAYOR

