



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, January 04, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Fowler called the meeting to order at 5:02 p.m. Present were Mayor Pro Tem Kevin Fowler and Council Members Anna Campbell, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Attorney Frank Garza. Mayor Pruitt was present by telephone for Executive Session discussions but was absent from the duration of the public meeting.

Mayor Pro Tem Fowler read the following 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 MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding the appointment/employment process for the position of City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).
2. Discussion regarding legal issues related to personnel matters pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates') pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:56 p.m.

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

Mayor Pro Tem Fowler reconvened the public meeting at 6:00 p.m. All council members, except for Mayor Pruitt, were present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER HOHENSHELT

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

VI. OPEN FORUM

Mayor Pro Tem Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Executive Session.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the December 21, 2020 regular City Council meeting, and take any action necessary.
2. **Z2020-048** - Consider a request by Brenda Kennedy for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.34-acre parcel of land identified as Lot 1, Block A, Richard Harris Subdivision #5, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 701 T. L. Townsend Drive, and take any action necessary **(2nd Reading)**.
3. **Z2020-049** - Consider a request by Sam Hernandez for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.2342-acre parcel of land identified as Lot 48 of the Canup's Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 304 E. Bourn Street, and take any action necessary **(2nd Reading)**.
4. **Z2020-050** - Consider a request by Perry Bowen on behalf of Kyle Bryan for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.9655-acre parcel of land identified as Lot A, Block 107, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 501 S. Clark Street, and take any action necessary **(2nd Reading)**.
5. **Z2020-052** - Consider a request by Thomas Jones of Tomden Engineering, LLP on behalf of Shanon Thomas of Rockwall Friendship Baptist Church for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Commercial (C) District for a 3.94-acre tract of land identified as Tract 1-8 of the J. H. Bailey Survey, Abstract No. 22, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 5651 SH-276, and take any action necessary **(2nd Reading)**.
6. **Z2020-053** - Consider a request by David Meinhardt of Meinhardt & Associates, PLLC on behalf of Ed Burke of Channell Commercial Corporation for the approval of an **ordinance** for a Zoning Change from a Light Industrial (LI) District to a Planned Development District for Light Industrial (LI) District land uses on an 18.762-acre parcel of land identified as Lot 2, Block A, Channell Subdivision, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, addressed as 1700 Justin Road, and take any action necessary **(2nd Reading)**.
7. **P2020-051** - Consider a request by Bryan Connally of CBG Surveying, TX LLC on behalf of SDI S. Rockwall, LLC for the approval of a Final Plat for Lot 1, Block A, SDI Rockwall Addition being a 0.92-acre parcel of land identified as Lot 1, Block A, Mr. M Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 2901 Ridge Road, and take any action necessary.
8. **P2020-053** - Consider a request by J. W. Jones on behalf of Lupe Guardiola for the approval of a Replat for Lot 1, Block I, Lake Rockwall Estates East Addition being a 0.22-acre tract of land identified as Lot 1051 and a portion of Lot 1050 of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 247 Chris Drive, and take any action necessary.
9. Consider authorizing the City Manager to execute a new Administrative Directive to extend the Emergency Paid Sick Leave Act to March 31, 2021 and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, and 9). Councilmember Daniels seconded the motion, and the ordinances were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-02
SPECIFIC USE PERMIT NO. S-238

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 ADJACENT TO ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.34-ACRE TRACT OF LAND, IDENTIFIED AS LOT 1, BLOCK A, RICHARD HARRIS SUBDIVISION #5, 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-03
SPECIFIC USE PERMIT NO. S-239

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 0.2342-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 48, CANUP 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-04
SPECIFIC USE PERMIT NO. S-240

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 0.9655-ACRE PARCEL OF LAND, IDENTIFIED AS LOT A, BLOCK 107, 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-06

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT ON A 3.94-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-8 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 22, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DEPICTED IN *EXHIBIT 'A'* AND FURTHER DESCRIBED IN *EXHIBIT 'B'* 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-07

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 CHANGE THE ZONING FROM A LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 89 (PD-89) FOR LIGHT INDUSTRIAL (LI) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 18.762-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK A, CHANNELL SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

The motion passed unanimously of those present (6 ayes with 1 (Pruitt) absent).

IX. ACTION ITEMS

1. **Z2020-041** - Discuss and consider approval of an ordinance for a Text Amendment to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the requirements for land use and development within the *Lake Ray Hubbard Takeline*, and take any action necessary (2nd Reading).

Planning Director, Ryan Miller provided brief comments pertaining to this agenda item.

Councilmember Hohenshelt moved to approve the ordinance for Z2020-041, excluding the fees schedule. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-01**

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, BY AMENDING SECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, AND CREATING SECTION 07.05, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT DEVELOPMENT STANDARDS, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; 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 in favor with 1 absent (Pruitt).

Mayor Pro Tem Fowler recused himself from the second part of this discussion. Councilmember Hohenshelt moved to approve the fee schedule (only) associated with the ordinance for Z2020-041. Councilmember Johannesen seconded the motion, which passed by a vote of 5 in favor, 1 recusal (Fowler) and 1 absence (Pruitt).

2. Z2020-051 - Discuss and consider a request by Travis Redden for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.30-acre parcel of land identified as Lot 8, Block A, Shadydale Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 38 Shady Dale Lane, and take any action necessary (2nd Reading).

Mr. Miller indicated that this item appears under 'Action' this evening (instead of 'Consent') because it did not receive unanimous approval by Council at the last council meeting.

Mayor Pro Tem Fowler moved to approve Z2020-051. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-05
SPECIFIC USE PERMIT NO. S-241**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 9 (PD-9) AND 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 ADJACENT TO ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.30-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 8, BLOCK A, SHADYDALE ESTATES 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 5 ayes, 1 nay (Johannesen), and 1 absence (Pruitt).

3. Discuss and consider legislative topics for the 87th Session of the Texas Legislature, and take any action necessary.

Assistant City Manager, Joey Boyd led the brief discussion of this item. The upcoming state legislative session will begin convening on January 12. In the past, the City of Rockwall has followed bills that could either directly or indirectly impact the city's ability to provide services to citizens. Department Directors will be monitoring upcoming bills thru their respective professional organizations (i.e. Police and Fire Associations, Building Officials Association of TX, and TX Recreation and Parks Society). Topics of interest that staff has identified include:

- **Transportation / Roadway Infrastructure**
- **Property Tax**
- **Sales Tax**
- **Local Control & Governance**
- **Development & Construction Regulations**
- **Public Safety**
- **Elections**
- **Texas Parks & Wildlife Grant Funding.**

Mr. Boyd indicated that this list will be added to as the session progresses, as needed. Mayor Pro Tem Fowler generally indicated that the list above is a good starting place. He also encouraged staff to be looking closely at COVID-19 related bills that may be put forth as well. Council took no formal action pertaining to this agenda item.

X. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - November 2020
2. Fire Department Monthly Report for November - 2020
3. PARD Monthly Report - November 2020
4. Police Department Monthly Report - November 2020
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Mr. Crowley, City Manager, shared that departmental reports were provided to Council in the meeting packet for review. Council asked no questions, and no discussion/action took place pertaining to the reports.

XI. 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 appointment/employment process for the position of City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).

2. Discussion regarding legal issues related to personnel matters pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates') pursuant to Section 551.074 (Personnel Matters)

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

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

XIII. ADJOURNMENT

Mayor Pro Tem Fowler adjourned the meeting at 6:14 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS
19th DAY OF JANUARY, 2021.**


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

TUESDAY, JANUARY 19, 2021 - 4:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Fowler called the meeting to order at 4:00 p.m. Present were Mayor Pro Tem Kevin Fowler, Mayor Jim Pruitt and Council Members Anna Campbell, John Hohenshelt, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Attorney Frank Garza. Council Member Dana Macalik arrived to the meeting at 4:42 p.m. (at the close of the work session discussion), and Council Member Trace Johannesen was absent for the entirety of the meeting.

II. WORK SESSION

1. Hold a work session to discuss vacant, entitled, or designated residential property in the City's corporate limits.

Planning Director, Ryan Miller came forth and provided a presentation to Council concerning this work session item.

Councilmember Macalik arrived to the meeting at 4:42 p.m. (at the end of the work session discussion).

Mayor Pruitt then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:43 p.m.

III. 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 appointment/employment process for the position of City Manager, and appointment of Interim City Manager pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).
2. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates') pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding City's nomination associated with filling current vacancy on the Rockwall Central Appraisal District Board of Directors, pursuant to Section 551.074 (personnel matters)
4. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
6. Discussion regarding legal issues related to personnel matters pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

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

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRUITT

Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS

Mayor Pruitt called forth City Manager, Rick Crowley, and his family – wife, Lauren; daughters Kayla and Rachel; and grandson, Hudson. Mayor Pruitt then read and presented to Mr. Crowley a proclamation congratulating him on his upcoming retirement and acknowledging his 37 years of service to the City of Rockwall and his 42 years of service in local government administration. He also presented him with a gift from Senator Bob Hall - a Texas flag recently flown over the state capitol in honor of Mr. Crowley's service.

1. Health for Humanity Yogathon

Mayor Pruitt called forth Ashwini Gurwale and her colleague. He then read and presented a proclamation related to this Yogathon, which recently took place from January 16 – 31, 2021 throughout the United States. A brief presentation about yoga and its health benefits then took place. Mayor Pruitt thanked them for their information and presentation.

VIII. OPEN FORUM

Darby Burkey, President of the Rockwall Area Chamber of Commerce, came forth and offered kind words of gratitude to Mr. Crowley in honor of him and his upcoming retirement.

Dennis Lewis (former city councilman) came forth and provided kind words to Mr. Crowley, indicating that his wife, Clarissa Lewis, sends "Congratulations" to Rick on his upcoming retirement. Mr. Lewis went on to offer kind words to Mr. Crowley concerning his years of dedication and service to the City.

Mr. Crowley's wife, Lauren, came forth and shared that Mr. Crowley has great admiration and respect for each member of Council. She thanked them.

Mayor Pruitt spoke briefly, sharing that his wife, Kenda, likes Rick more than she likes him. He thanked Rick for his years of dedicated service to the City.

Mr. Crowley then spoke, sharing that he recently attended his 1,000th city council meeting since he began his career in 1979. He thanked the mayor and council as well as city staff. He went on to thank the residents of the city for their help in supporting his work on behalf of the City over the years since he started his career with Rockwall in 1984. He went on to thank his wife and family members for their support over the years.

John Brown, owner of Rudy's Aviation Flight Service, a business located at the Ralph M. Hall Municipal Airport came forth and thanked the Council for the city recently issuing him a license to operate his new business out of the airport.

Jerry Welch, Vice Chairman of the city's Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. He then wished Mr. Crowley well in his retirement.

IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

See action taken at the end of the public meeting agenda.

X. CONSENT AGENDA

1. Consider approval of the minutes from the January 4, 2021 regular City Council meeting, and take any action necessary.
2. **SNC2021-001** - Consider approval of a resolution changing the name of Sable Glen Drive to Sable Drive, and take any action necessary.
3. Consider awarding bids to Caldwell Country Chevrolet \$342,687 and Pursuit Safety \$166,000 and authorizing the City Manager to execute Purchase Orders for new Vehicles and Equipment for a total amount of \$508,687 to be funded out of General Fund Reserves, and take any action necessary.
4. Consider awarding a bid to multiple vendors and authorizing the City Manager to execute Purchase Orders for Parks Department Equipment in the amount of \$45,953.39 to be funded out of the General Fund Reserves and \$72,403.22 out of Recreation Development Fund, and take any action necessary.
5. Consider awarding a contract to FileOnQ and authorizing the City Manager to execute the contract for a Police Digital Evidence Management System in the amount of \$51,445 to be funded out of General Fund Reserves, and take any action necessary.
6. Consider amendment to current eligibility criteria for youth sports programs as a coach with the Rockwall Baseball & Softball League, and take any action necessary.
7. Consider authorizing the City Manager to execute an umpire agreement with Baseball Nation for the Rockwall Baseball Softball League, and take any action necessary.
8. Consider authorizing the City Manager to execute a tournament agreement with Baseball Nation for Leon Tuttle Athletic Complex, and take any action necessary.

Mayor Pruitt pulled item #1 for discussion.

Mayor Pro Tem Fowler moved to approve the remaining Consent Agenda Items (#s 2, 3, 4, 5, 6, 7, and 8). Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes to 0 nays (with Johannesen being absent).

Mayor Pruitt asked that the minutes be corrected to reflect that he participated in the 01/04/21 Executive Session by teleconference/telephone. He then moved to approve the minutes with that correction being made. Councilmember Hohenshelt seconded the motion, which passed unanimously (6 ayes to 0 nays with 1 absence (Johannesen)).

XI. PUBLIC HEARING ITEMS

1. **Z2020-055** - Hold a public hearing to discuss and consider a request by Caroline Harklau of Southern Roots, LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *General Retail Store* on a 0.23-acre parcel of land identified as Lot 1, Block A, TCB Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary (**1st Reading**).

Ryan Miller, Planning Director, provided background information pertaining to this agenda item. The Planning & Zoning Commission has recommended approval of this request. Notices were sent out to adjacent property owners and residents located within 500' of the property. Overall, six notices/replies were received back in favor of the request. The Council is being asked to approve, approve with conditions, or deny the 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.

Caroline Harklau of Southern Roots

312 Dartbrook
Rockwall, TX

Ms. Harklau came forth and briefly commented that her business has been doing very well, despite the pandemic, and she is making this request so that she may move out of her current space and into a new space that will allow her business a larger space to grow.

Mayor Pro Tem Fowler moved to approve Z2020-055. Councilmember Campbell seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A GENERAL RETAIL STORE ON A 0.23-ACRE PARCEL OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES, AND BEING IDENTIFIED AS BLOCK 20B OF THE AMICK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 with 1 absence (Johannesen).

2. **Z2020-056 - Hold a public hearing to discuss and consider a request by Ryan Joyce of Michael Joyce Properties, LLC on behalf of Jen-Liang Wu of Unison Investment, LP for the approval of an ordinance for a Zoning Change from a Single-Family 16 (SF-16) District and Neighborhood Services (NS) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 121.16-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District and Neighborhood Services (NS) District, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary (1st Reading).**

Mr. Miller, Planning Director, provided background information pertaining to this agenda item. This is for a 260 lot, residential subdivision that will incorporate lots that are 60' x 120' (i.e. a minimum of 7,000 SF), 70' x 120' (i.e. a minimum of 8,400 SF), and 72' x 120' (i.e. a minimum of 8,600 SF). The subject property is located at southeast corner of the intersection of FM-1141 and FM-552. Notices were sent out to 37 property owners and residents within 500' of the subject property. Staff has received one (1) property owner notification from a property owner within the notification area (i.e. within the 500-foot buffer) opposed to the applicant's request; eight (8) emails from property owners outside of the notification area, but within the City limits of the City of Rockwall, opposed to the applicant's request; and six (6) emails from people who live outside of the City limits.

1189 Waters Edge Drive

Rockwall, TX

Adam Buczek
8214 Westchester Drive, Suite 900
Dallas, TX

Mr. Buczek came forth and briefed the Council on the substantive changes that were made to this proposed residential subdivision since he initially brought it forth at the November 16, 2020 city council meeting.

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

Steve Curtis
2130 FM-1141
Rockwall (County), TX

Mr. Curtis came forth to address the Council, expressing concern about the large pond / lake that is located within the boundaries of the proposed, residential subdivision. He believes this is a FEMA floodplain area, and the lake has snakes and poses dangers to kids and residents who will be living here if this residential subdivision is approved. He expressed that this proposal does not match up with the Hometown "master plan" that the Council has previously approved. It has too high a density, and the developer is trying to fit too many homes on the acreage. He stated that this acreage was supposed to be developed as a 'custom home community,' not a residential subdivision with too many jam-packed lots. He believes the Hometown Plan reflects 'rural estate lots,' and what is being proposed does not match that description. He urged Council to deny this request, send it back to the Planning & Zoning Commission, and tell the developer to submit a new plan that more appropriately reflects what was previously promised.

Jim Turner
1691 E Old Quail Run Road
Rockwall, TX

Mr. Turner came forth and provided commentary, speaking in opposition of this proposal and its approval. He does not understand the zoning change to an SF-10 when the applicant applied for an SF-7. He has concerns about the traffic that will result from this new development if it comes to fruition. He urged the Council to deny this proposal at this time. He does not believe that this proposal is in line with / consistent with the city's Comprehensive Plan. He went on to read this statement by City Attorney, Frank Garza regarding the legal purpose of the Comprehensive Plan: "recommendations by Planning and Zoning and decisions of the Board of Adjustment and City Council are easier to defend if challenged if the decisions are consistent with the Comprehensive Plan." He believes there is nothing about this proposal that is consistent with the city's Comp. Plan.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that he recently spoke with the school district, who indicated to him that this development will pose no problem for the district – they can handle the increased number of students. He pointed out that metal structures could be built on this acreage instead of what this developer is proposing. He generally spoke in favor of approval of this request. He believes the homes that are built will be quality homes.

There being no one else wishing to come forth and speak, Mayor Pruitt closed the Public Hearing.

At Mayor Pruitt's request, Mr. Miller clarified that the modified 'lot mix' was considered to be a 'substantial change' by the Planning & Zoning Commission.

Councilmember Daniels asked for the estimated "median" price of the homes that are proposed to be built. Mr. Buczek indicated that the median home price will be about \$550,000.

Councilmember Hohenshelt moved to approve Z2020-056. Mayor Pro Tem Fowler seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A NEIGHBORHOOD SERVICES (NS) DISTRICT AND A SINGLE-FAMILY 16 (SF-16) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE-FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 121.16-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE J. M. GASS SURVEY, ABSTRACT NO. 88, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

Following brief, clarifying comments, the motion to approve passed by a vote of 6 ayes to 0 nays (with one absence – Johannesen).

Mayor Pruitt recessed the meeting, calling for a short break at 7:29 p.m. He called the meeting back to order at 7:43 p.m.

3. Z2020-057 - Hold a public hearing to discuss and consider a request by Doug Galloway of Viaduct Development on behalf of GotRocks Properties, LLC for the approval of an ordinance for a Zoning Change superseding *Specific Use Permit No. 57 (S-57; Ordinance No. 08-39)* and changing the zoning from a Single-Family 10 (SF-10) District to Planned Development District 41 (PD-41) for General Retail (GR) District land uses on a 2.96-acre parcel of land identified as Lot 1, Block A North Lake Shore Daycare Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses and Single-Family 10 (SF-10) District, addressed as 1940 N. Lakeshore Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. On December 18, 2020, the applicant – *Doug Galloway of Viaduct Development* -- submitted an application requesting to change the zoning of the 2.96-acre subject property from Single-Family 10 (SF-10) District and Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses to Planned Development District 41 (PD-41) for limited General Retail (GR) District land uses. In the applicant's letter, the applicant indicated the intent of the zoning change was to provide two (2) additional pad sites to allow the construction of two (2) office buildings. On December 19, 2020, staff mailed 756 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Shores on Lake Ray Hubbard, Lakeview Summit, Caruth Lakes, and the Hillcrest at the Shores Homeowner's Associations (HOA's), which are the only HOA's or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following: 16 property owner notifications, one (1) online Zoning & Specific Use Permit Input Form, and one (1) email from property owners within the notification area (i.e. within the 500-foot buffer) opposed to the applicant's request; however, staff should point out that several of these notices site an opposition a land use not being proposed with this case (i.e. retail and multifamily); One (1) email from a property owner within the notification area (i.e. within the 500-foot buffer) stating no objection to the applicant's request; and Two (2) emails and one (1) online Zoning & Specific Use Permit Input Form from property owners outside of the notification area (i.e. outside of the 500-foot buffer) opposed to the applicant's request. On January 12, 2021 the Planning and Zoning Commission approved the applicant's request to rezone the subject property from Single-Family 10 (SF-10) District and Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land development District 41 (PD-41) for limited General Retail (GR) District land uses by a vote of 6-1, with Commissioner Moeller dissenting.

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 then came forth:

Doug Galloway
3508 Edgewater
Dallas, TX

Mr. Galloway came forth and addressed the Council concerning this request.

Councilmember Hohenshelt moved to approve Z2020-057. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) [ORDINANCE NO.'S
94-15 & 01-27] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38]

OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) AND REZONING A 1.46-ACRE TRACT OF LAND FROM SINGLE-FAMILY 10 (SF-10) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 41 (PD-41), BEING A ~145.744-ACRE TRACT OF LAND SITUATED WITHIN THE A. HANNA SURVEY, ABSTRACT NO. 98 AND THE J. G. B. JONES SURVEY, ABSTRACT NO. 124, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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.

Mayor Pruitt commented that there has been a lot of opposition to this proposal, and he believes that people should be able to decide what they will and will not have located beside them. Mayor Pro Tem Fowler pointed out that he believes there was a lot of misunderstanding and misinformation floating around about what is being proposed. Councilmember Campbell commented that she lives nearby in The Shores, and traffic is a concern in the area; however, she does understand that traffic associated with the types of businesses that will be occupying the space will be sporadic.

The motion passed by a vote of 5 ayes, 1 nay (Pruitt) and 1 absence (Johannesen).

4. **Z2020-058** - Hold a public hearing to discuss and consider a request by David LeCour for the approval of an ordinance for a Specific Use Permit (SUP) for an accessory structure on a 0.50-acre parcel of land identified as Block 107 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 507 S. Clark Street, and take any action necessary (1st Reading).

Mr. Miller, Planning Director, provided background information pertaining to this agenda item. The property owner and applicant -- David LeCour -- is requesting the approval of a Specific Use Permit (SUP) to allow the construction of an accessory building that exceeds the maximum square footage permitted for accessory buildings as stipulated by Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards, of the Unified Development Code (UDC). He indicated that there used to be an accessory building located on the property; however, it was wiped out in 2019 due to a storm. This proposed accessory building exceeds the maximum allowable size. This is a discretionary decision on the part of Council. The Planning & Zoning Commission has recommended approval of this request by a vote of 5 ayes to 2 nays. Notices were sent out to adjacent property owners and residents, and 3 notices were received back in favor of the request.

Mayor Pruitt opened up 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 and called forth the applicant:

David LeCour
507 S. Clark
Rockwall, TX

Mr. LeCour came forth and shared that a bad storm destroyed the previous accessory building back in 2018. The insurance company gave him money for materials to replace the previous structure.

Clarification was given that the previous structure was a legally, non-conforming structure (it had been 'grandfathered'), and rebuilding it could have been approved by the Board of Adjustments (BOA); however, Mr. LeCour missed the deadline associated with making that sort of request before the BOA.

Mr. Miller shared that the proposed structure doesn't have a concrete slab – rather, it has poles set down in concrete. So it does not meet the city's accessory building standards.

Mayor Pruitt moved to approve Z2020-058. Councilmember Hohenshelt seconded the motion. Discussion ensued pertaining to the powers of the Board of Adjustments and how Mr. LeCour could have requested to rebuild his structure, which was destroyed by an Act of God, if he had done so within six months of it having been destroyed.

The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-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 0.50-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 107, B. F. BOYDSTON 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 to approve passed by a vote of 6 ayes with 1 absence (Johannesen).

5. **Z2020-060** - Hold a public hearing to discuss and consider a request by Matthew Deyermond of TC Planning and Design Group on behalf of the owners Donald Wallace for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District and a Single-Family Estate 2.0 (SFE-2.0) District to a Single-Family Estate 1.5 (SFE-1.5) District on a 8.17-acre portion of a larger 123.00-acre tract of land identified as Tract 44-01 and all of Tracts 45-02 & 45-07 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Single-Family Estate 2.0 (SFE-2.0) District, generally located on the north side of H. Wallace Lane north of the intersection of H. Wallace Lane and Horizon Road [*FM-3097*], and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant is proposing to establish three residential land parcels.

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 then came for to speak:

Matthew Deyermond (applicant) provided clarifying comments to Council concerning this request so split this 8 acres into three, separate parcels of land.

Councilmember Hohenshelt moved to approve Z2020-060. Councilmember Macalik seconded the motion. The ordinance was read as follows:

The motion passed unanimously of those present (6 ayes with Johannesen absent).

XII. ACTION ITEMS

1. Discuss and consider approval of a resolution to nominate a candidate to fill a vacancy on the Rockwall Central Appraisal District (CAD) Board of Directors, and take any action necessary.

Mayor Pruitt shared that this topic will be delayed until the next, regular council meeting.

2. Discuss and consider an update regarding the Complete Count Committee for the 2020 Census, and take any action necessary.

Councilmember Daniels shared that the official census count has been completed. Rockwall County had the second highest "self-response" rate within the State, second only to Fort Bend County. He went on to thank staff members Joey Boyd and Lauri Dodd for all of their work on promoting the Census count and associated 'self-reporting.'

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 appointment/employment process for the position of City Manager, and appointment of Interim City Manager pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).
2. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates') pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding City's nomination associated with filling current vacancy on the Rockwall Central Appraisal District Board of Directors, pursuant to Section 551.074 (personnel matters)
4. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
6. Discussion regarding legal issues related to personnel matters pursuant to Section 551.071 (Consultation with Attorney).

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

Mayor Pro Tem Fowler moved to authorize the mayor to negotiate and execute a contract with Mary Smith for her to serve as interim City Manager. Councilmember Hohenshelt seconded the motion. The motion passed by a vote of 6 ayes with 1 absence (Johannesen).

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 8:19 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 1st DAY
OF FEBRUARY, 2021.


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY





ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, February 01, 2021 - 5:00 PM

City Hall Council Chambers - 385 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 City Council Members Anna Campbell, Dana Macalik, John Hohenshelt, and Bennie Daniels. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. City Council Member Trace Johannesen attended the meeting, remotely / virtually (via ZOOM).

Mayor 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 Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
2. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates' and Rockwall Central Appraisal District Board) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding zoning and entitlements in the vicinity of the Old Town Rockwall (OTR) Historic District pursuant to §551.071 (Consultation with Attorney).
5. Discussion regarding city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 6:00 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 - MAYOR PRO TEM FOWLER

Mayor Pro Tem Fowler delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS

1. Black History Month

Councilmember Campbell introduced Edna and Donna, members of the city's adhoc "Diverse History Committee," and Mayor Pruitt introduced Clarence Jorif, all of whom were present for this proclamation. He then read the proclamation, declaring the month of February as "Black History Month" in the City of Rockwall.

VII. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

Mayor Pruitt provided a brief update on COVID-19 vaccines recently received by Helping Hands for Rockwall County residents. He announced that the doses are for those in Categories 1A and 1B, and folks should sign up for the vaccines and associated waiting list by visiting Helping Hands' website. He shared that Rockwall County has requested to be able to establish a "vaccine hub" here in our own county; however, it has not yet been approved by the State of TX. He provided additional suggestions for where Rockwall County residents may visit in Dallas County in order to seek 1A and 1B vaccination opportunities.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to appoint Dan Simmons as an "alternate" to serve on the city's Board of Adjustments. Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the January 19, 2021 regular City Council meeting, and take any action necessary.
2. **Z2020-055** - Consider a request by Caroline Harklau of Southern Roots, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a *General Retail Store* on a 0.23-acre parcel of land identified as Lot 1, Block A, TCB Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 505 N. Goliad Street, and take any action necessary **(2nd Reading)**.
3. **Z2020-056** - Consider a request by Ryan Joyce of Michael Joyce Properties, LLC on behalf of Jen-Liang Wu of Unison Investment, LP for the approval of an **ordinance** for a Zoning Change from a Single-Family 16 (SF-16) District and Neighborhood Services (NS) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 121.16-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District and Neighborhood Services (NS) District, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary **(2nd Reading)**.
4. **Z2020-058** - Consider a request by David LeCour for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory structure on a 0.50-acre parcel of land identified as Block 107 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 507 S. Clark Street, and take any action necessary **(2nd Reading)**.
5. **Z2020-060** - Consider a request by Matthew Deyermond of TC Planning and Design Group on behalf of the owners Donald Wallace for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District and a Single-Family Estate 2.0 (SFE-2.0) District to a Single-Family Estate 1.5 (SFE-1.5) District on a 8.17-acre portion of a larger 123.00-acre tract of land identified as Tract 44-01 and all of Tracts 45-02 & 45-07 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Single-Family Estate 2.0 (SFE-2.0) District, generally located on the north side of H. Wallace Lane north of the intersection of H. Wallace Lane and Horizon Road [FM-3097], and take any action necessary **(2nd Reading)**.
6. **P2020-052** - Consider a request by Doug Galloway of Viaduct Development on behalf of GotRocks Properties, LLC for the approval of a Replat for Lots 2, 3 & 4, Block A, North Lake Shore Daycare Addition being a replat of a 2.96-acre parcel of land identified as Lot 1, Block A, North Lake Shore Daycare Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses and Single-Family 10 (SF-10) District, addressed as 1940 N. Lakeshore Road, and take any action necessary.

7. **P2021-002** - Consider a request by Anna C. Blackwell of Carrillo Engineering on behalf Harry J. Kuper of SVEA Industrial II, LLC for the approval of a Replat for Lot 7, Block C, Ellis Center, Phase Two Addition being a 1.905-acre tract of land identified as a portion of Lot 3 and all of Lot 3A-R, Block C, Ellis Center, Phase Two Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1203 Sigma Court, and take any action necessary.
8. **P2021-003** - Consider a request by Corby Bell and Mandy Dorman for the approval of a Final Plat for Lot 1, Block A, R. S. Lofland Subdivision being a 0.304-acre tract of land identified as Tract 23 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 53 (PD-53) for Residential Office (RO) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1006 Ridge Road, and take any action necessary.
9. Consider authorizing the Interim City Manager to renew a concession agreement with Sail with Scott and take any action necessary.
10. Consider authorizing the Interim City Manager to execute an agreement with Rockwall County for Municipal Court Judge services associated with "No Refusal Weekends" for 2021, and take any action necessary.
11. Consider approval of a resolution calling a General Election to be held on May 1, 2021 for the purpose of electing the following Rockwall City Council Member positions: Mayor, Place 1, Place 3, and Place 5 (each for two-year terms) and Place 6 (for a one-year term), and take any action necessary.

Mayor Pruitt removed item #6 for discussion. Hohenshelt then moved to approve the remaining Consent Agenda items (#s 1, 2, 3, 4, 5, 7, 8, 9, 10, and 11). Mayor Pro Tem Fowler seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-08
SPECIFIC USE PERMIT NO. S-242**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A GENERAL RETAIL STORE ON A 0.23-ACRE PARCEL OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES, AND BEING IDENTIFIED AS BLOCK 20B OF THE AMICK ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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.

**CITY OF ROCKWALL
ORDINANCE NO. 21-09**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A NEIGHBORHOOD SERVICES (NS) DISTRICT AND A SINGLE-FAMILY 16 (SF-16) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 90 (PD-90) FOR SINGLE-FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 121.16-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE J. M. GASS SURVEY, ABSTRACT NO. 88, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-11
SPECIFIC USE PERMIT NO. S-243

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 0.50-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 107, B. F. BOYDSTON 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-12

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT AND SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR AN 8.17-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 44-01 AND ALL OF TRACTS 45-02 & 45-07 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY 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 7 ayes to 0 nays.

Mayor Pruitt introduced Interim City Manager, Mary Smith, announcing that she has been here working for the City of Rockwall for a long time, and she will serve in this capacity until at least the first city council meeting in June when a new City Council is seated (after the election).

Regarding Consent Agenda Item #6, Mayor Pro Tem Fowler moved to approve P2020-052. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. ACTION ITEMS

1. **Z2020-057** - Discuss and consider a request by Doug Galloway of Viaduct Development on behalf of GotRocks Properties, LLC for the approval of an ordinance for a Zoning Change superseding *Specific Use*

Permit No. 57 (S-57; Ordinance No. 08-39) and changing the zoning from a Single-Family 10 (SF-10) District to Planned Development District 41 (PD-41) for General Retail (GR) District land uses on a 2.96-acre parcel of land identified as Lot 1, Block A North Lake Shore Daycare Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 41 (PD-41) for Single-Family 10 (SF-10) District land uses and Single-Family 10 (SF-10) District, addressed as 1940 N. Lakeshore Road, and take any action necessary (2nd Reading).

Planning Director, Ryan Miller explained that this zoning case came before Council at the last meeting with Mayor Pruitt dissenting upon 1st reading at that time. Councilmember Macalik moved to approve Z2020-057. Councilmember Campbell seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-10**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) [ORDINANCE NO.'S 94-15 & 01-27] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) AND REZONING A 1.46-ACRE TRACT OF LAND FROM SINGLE-FAMILY 10 (SF-10) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 41 (PD-41), BEING A ~145.744-ACRE TRACT OF LAND SITUATED WITHIN THE A. HANNA SURVEY, ABSTRACT NO. 98 AND THE J. G. B. JONES SURVEY, ABSTRACT NO. 124, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 7 ayes to 0 nays (unanimously).

Mayor Pruitt addressed Consent Agenda item #6 on the agenda next.

2. Discuss and consider approval of a resolution expressing support for Rockwall County's efforts to designate SH-66 as the "David Magness Highway" throughout the limits of the corridor extending from the Dallas/Rockwall County line to the Rockwall/Hunt County line, including the portion of SH-66 that runs thru the City of Rockwall, and take any action necessary.

Mayor Pruitt explained the background concerning this agenda item and provided some clarification as well. He shared that portions of SH-66 that are already named will not be impacted (i.e. "Rusk" and "Williams St."). There will be a sign naming it the "David Magness Highway" where the Rockwall County line starts in both Rowlett and in Royse City. Mayor Pruitt then moved to approve the resolution expressing the City's support for this naming. Mayor Pro Tem Fowler seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

3. Discuss and consider appointment(s) to the city's Airport Advisory Board, and take any action necessary.

Councilmember Macalik moved to appoint Guy White to serve on the Airport Advisory Board to replace Tom Woodruff (who recently resigned). Councilmember Daniels seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

4. Discuss and consider approval of a resolution to nominate a candidate to fill a vacancy on the Rockwall Central Appraisal District (CAD) Board of Directors, and take any action necessary.

Councilmember Johannesen moved to pass the resolution, submitting Matthew Nielsen as the City's nominee to fill the vacancy on this board. Councilmember Macalik seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

XI. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - December 2020
2. Fire Department Monthly Report - December 2020
3. Parks & Recreation Department Monthly Report - December 2020
4. Police Department Monthly Report - December 2020
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Interim City Manager, Mary Smith indicated that staff will be happy to answer any questions Council may have concerning the reports. In addition, the Parks & Rec. Department recently held three, separate "Daddy / Daughter Dance" events, and those were very well received by those who attended. Even after COVID, the city may wish to hold multiple events, as attendees appreciated the ability to spread out.

XII. 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 Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
2. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments 'alternates' and Rockwall Central Appraisal District Board) pursuant to Section 551.074 (Personnel Matters)
3. Discussion regarding sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding zoning and entitlements in the vicinity of the Old Town Rockwall (OTR) Historic District pursuant to §551.071 (Consultation with Attorney).
5. Discussion regarding city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)

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

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:29 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 1st DAY OF MARCH, 2021.

ATTEST:


KRISTY COLE, CITY SECRETARY




JIM PRUITT, MAYOR



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, March 01, 2021 - 4:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 4:05 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and City Council Members Anna Campbell, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were Interim City Manager, Mary Smith; Assistant City Manager, Joey Boyd; and City Attorney, Frank Garza. Councilmember Dana Macalik arrived to the meeting at 4:07 p.m.

II. WORK SESSION

1. Hold a work session with Jim Rosenberg to discuss Harbor Bay Marina agreement.

Mayor Pruitt indicated that the City of Rockwall and the City of Dallas has had an agreement in place for many, many years with Jim Rosenberg, and that agreement is expiring in December of this year (2021). Mr. Rosenberg then went on to share a 'redevelopment and expansion' proposal with the Council for its consideration related to potential renewal of the franchise agreement between him and the City of Rockwall. He shared that he did meet with the homeowner representatives in Lakeside Village, and some changes to the previously discussed proposal were made. Following Mr. Rosenberg's presentation and lengthy discussion with council members, indication was given that the city attorney will work with Mr. Rosenberg on renewal of the franchise agreement. Council took no formal action as a result of this work session item at this time.

Mayor Pruitt then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:40 p.m.

III. 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 city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney)
2. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding the Texas Department of Transportation (TXDOT) and property along John King Blvd pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney).
4. Action Item #2 (pulled from public meeting agenda)
Discuss and consider winter weather event of February 13-20, 2021 to include, but not be limited to, the impact to the city and possible relief to utility customers, and take any action necessary. (Pursuant to Section 551.071 (Consultation with Attorney))
5. Public Hearing Item #2 (pulled from public meeting agenda)

Z2021-002 - Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing a Self Service Car Wash and Auto Detail on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary **(1st Reading)**. (Pursuant to Section §551.071 (Consultation with Attorney))

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 6:00 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:04 p.m. with all seven council members being present.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER DANIELS

Councilman Daniels delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS

1. 'Certificate of Merit' Awards - Rockwall Police Officers:
 - a) Wener Perez
 - b) Stephen Nagy and Mitchell Attaway

Rockwall Police Chief Max Geron, Lieutenant Aaron McGrew and Mayor Pruitt came forth. City Secretary Kristy Cole then read write-ups for each of the above listed officers, recognizing them for recent activities which demonstrated good police work and thwarted crime(s). Each officer was presented with a "Certificate of Merit" award.

2. "Theater in Our Schools Month" Proclamation
Mayor Pruitt read this proclamation into the record.

VIII. OPEN FORUM

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comment is limited to 3 minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kcole@rockwall.com to be placed on the Agenda during the 'Appointment Items' portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting (the Texas Open Meetings Act requires that topics of discussion/deliberation be specifically posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.

**Johanna Runnels
7140 Harlan Drive
Rockwall, TX 75087**

Ms. Runnels briefly spoke about the proposed carwash (Public Hearing Item #Z2021-002 on this evening's meeting agenda), expressing concern about its potential approval (especially related to noise).

Terri Nevitt
201 Becky Lane
Rockwall, TX 75087

Ms. Nevitt came forth and provided a suggestion related to the design associated with future "roundabouts" on city streets. Secondly, she would like to see the City consider creating a good, reliable internet service for all Rockwall residents. She went on to suggest that there be a 'task force' established that could go door-to-door to inform residents about power outages and check on their wellbeing should another notable winter weather storm event occur in our city. She urged the City and County of Rockwall to speak to the legislature about its dissatisfaction with how ERCOT handled the power outages throughout Texas.

Jim Turner
1691 Old E. Quail Run Road
Rockwall, TX

Mr. Turner came forth and expressed concern about the future reconstruction of IH-30 through the City of Rockwall. He urged that the City do notable pre-planning to address traffic-related issues that will likely be caused by that project.

IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to authorize the interim city manager to execute a land lease and airport management agreement. Councilmember Hohenshelt seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

X. CONSENT AGENDA

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or may not generate further City Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during 'Open Forum.'

1. Consider approval of the minutes from the February 1, 2021 regular City Council meeting, and take any action necessary.
2. **P2021-006** - Consider a request by Joseph Hornisher of Kimley-Horn on behalf of Mark Andrews of 2424 MTA Realty, LLC for the approval of a Replat for Lots 4 & 5, Block A, MTA Andrews Addition being an 8.6234-acre tract of land identified as Lots 1 & 2, Block A, MTA Andrews Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 2424 Ridge Road, and take any action necessary.
3. **P2021-008** - Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf of Dr. Mary Courtin of BLBP Property Group for the approval of a Replat for Lot 1, Block A, BLBP-Mims Addition being a 1.743-acre tract of land identified as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 54 (PD-54) for Commercial (C) District land uses, situated at the southeast corner of the intersection of E. Ralph Hall Parkway and Mims Road, and take any action necessary.
4. **P2021-001** - Consider a request by Bill Thomas of Engineering Concepts and Design, LP on behalf of Joshua Swiercinsky of 7.1 Ridge, LLC for the approval of a Preliminary Plat for Lots 1-7, Block A, Sky Ridge Addition being a 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located west of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

5. Consider an **ordinance** amending the Code of Ordinances in Chapter 36 "Streets, Sidewalks, and Public Places", Article II "Driveways," Section 36-11 "Culverts" to include provisions for the maintenance, repair, and replacement of driveways and culverts, and take any action necessary. **(1st reading)**
6. Consider authorizing the Interim City Manager to enter into an Interlocal Cooperation Agreement with Collin County for Subdivision Regulation in the Extraterritorial Jurisdiction (ETJ), and take any action necessary.
7. Consider authorizing the Interim City Manager to execute a contract with the Rockwall County Elections Administrator for Election Services related to administering the May 1, 2021 joint, general election with RISD and the City of Rockwall, and take any action necessary.
8. Consider authorizing the Interim City Manager to execute a Facility Use Agreement with Lakepointe Church, and take any action necessary.
9. Consider approval of the Rockwall Police Department's 2020 Racial Profiling Report, and take any action necessary.
10. Consider awarding a bid to SRH Landscapes and authorizing the Interim City Manager to execute a Contract for Grounds Maintenance Services II (Small) in the amount of \$87,661 to be funded out of the General Fund, Parks Operations Budget, and take any action necessary.
11. Consider authorizing the Interim City Manager to execute a contract renewal to SLM Landscape and Maintenance for Grounds Maintenance Services (Large) in the amount of \$569,110.23 to be funded out of the General Fund, Parks Operations budget, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11). Councilmember Macalik seconded the motion. The ordinance caption for #5 was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-**

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 36, ARTICLE II, BY AMENDING SECTION 36-11 OF THE CODE OF ORDINANCES, CLARIFYING MAINTENANCE OF DRIVEWAYS AND DRIVEWAY CULVERTS ON CITY PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.

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

Mayor Pruitt then reordered the agenda to address Action Item #2 next.

XI. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission chairman to discuss and answer any questions regarding planning-related cases on the agenda.

Jerry Welch from the city's Planning & Zoning Commission came forth and updated the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action following Mr. Welch's report.
2. Appointment with Brett Merritt to request waiving of the rental fees for the use of the City of Rockwall Portable Restroom facility and a fire hydrant meter related to the Youth Fair of Rockwall, and take any action necessary.

Mr. Merritt came forth and addressed the Council, explaining details pertaining to his request. Mayor Pro Tem Fowler moved to approve the waiving of rental and other fees, as

requested. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. PUBLIC HEARING ITEMS

If you would like to speak regarding an item listed below, please turn in a (yellow) 'Request to Address City Council' form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit comments to no more than 3 minutes.

1. **Z2021-001** - Hold a public hearing to discuss and consider a request by Otoniel Jaramillo for the approval of an ordinance for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. 59 notices were sent out to property owners and residents within 500'. One notice was received back in favor. Also, nearby HOAs were notified. The Planning & Zoning Commission has recommended approval of this item.

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

Councilmember Johannesen moved to approve Z2021-001. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX**

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 0.50-ACRE TRACT OF LAND, IDENTIFIED AS LOT 17, BLOCK B, LAGO VISTA 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 7 ayes to 0 nays.

2. **Z2021-002** - Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *Self Service Car Wash and Auto Detail* on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [*SH-205*], and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He went on to explain several aspects of the most current proposal that the applicant has put forth that are not in conformance with city regulations. On January 22, 2021, staff mailed 40 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Castle Ridge, Harlan Park, and Rockwall Shores Homeowner's Association (HOA), which are the only Homeowner's Associations (HOA's)/Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following:

- (1) Four (4) property owner notifications and one (1) email from property owners within the notification area (i.e. within the 500- foot buffer) opposed to the applicant's request.
- (2) Two emails from property owners within the Homeowner's Association (HOA) notification area (i.e. within the 1,500-foot buffer) opposed to the applicant's request.

Mayor Pruitt moved to remand Z2021-002 back to the Planning & Zoning Commission to ask the Commission to review sound-related issues/concerns, the change in the drawing(s), the orientation of the building, which is not in conformance with city Code, and any and all other issues which do not conform to city standards before the Council considers this SUP request. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mr. Miller shared that a public hearing will be held at the Planning & Zoning Commission meeting on March 9 at 6:00 p.m. pertaining to this case.

- 3. **MIS2021-002** - Hold a public hearing to discuss and consider a request by Reubin Harle for the approval of a Special Exception for On-Site Sewage Facilities (OSSFs) on two (2) residential tracts of land both identified as being a portion of a 4.632-acre parcel of land identified as Lot 5R, Block A, Zion Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 825 Zion Hill Circle, and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to 12 adjacent property owners and residents. One notice was received back in favor.

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

Charles Miller
821 Zion Hill Circle
Rockwall, TX

Mr. Miller came forth and shared that he would like to know where, specifically, on the property that Mr. Harle plans to place this septic system. He generally expressed concern about the potential smell and spreading (via strong winds) of septic particles in the air. He asked if there is any way of knowing where on the property the septic system and related sprinklers will be placed. Mr. Miller shared that the city is not aware of where exactly on

the property it will be placed – it must be in conformance with the County's OSSF regulations, as the County handles the city's OSSF program on its behalf. He has concerns about an "aerobic" system.

Rocky Murphy
837 Zion Hill Circle
Rockwall, TX

Mr. Murphy wonders how much land a person must have in order to place a septic system on it. Mayor Pruitt indicated that a person must typically have 1.5 acres in order to do so. He wants to make sure that if this gets approved, his property will not be inadvertently impacted with "run off" or other residual impacts.

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

Mayor Pruitt made a motion to deny the request associated with MIS2021-002. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 against (Hohenshelt).

XIII. ACTION ITEMS

If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.

1. Discuss and consider Parks & Recreation Department's upcoming special events, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed the Council on this agenda item. Staff is proposing moving the annual Easter Egg Hunt event to The Harbor and making some changes to how it is handled (vendors will hand out eggs). Regarding Concerts by the Lake, staff is asking Council for input on proceeding in the same manner as took place last year (in 2020) (social distancing, sanitation stations, etc.). Regarding "Founder's Day," it has been cancelled for the last two years (two years ago because of storms, one year ago because of COVID). Wade Bowin and Jack Ingram are still on contract to come and play if Council is ok with proceeding with holding the event. Council generally indicated that they are in agreement with staff moving forward. Mr. Sales shared that staff has been keeping an eye on facility usage at the building called "The Center" (up the hill from City Hall) and is now proposing to modify hours of operations at this venue. Hours would be 8 AM to 5 PM Monday thru Friday and then closed on Saturdays and Sundays unless the facility is reserved for a private event. Council took no formal action on this Action Item (only gave direction to staff).

2. Discuss and consider winter weather event of February 13-20, 2021 to include, but not be limited to, the impact to the city and possible relief to utility customers, and take any action necessary.

Mayor Pruitt spoke about this agenda item, expressing great concern about how power outages were handled during the February 2021 winter storms and sharing that the city put out a press release based on complete misinformation provided by Atmos concerning

'rolling blackouts' that supposedly were going to occur. That did not happen – people were either totally without power for very long, extended periods of time or they had power almost the entire time. How decisions were made related to which neighborhoods would be cut off and which ones would not is unknown and very concerning. The City opened up a warming center at The Center (city owned building), and city staff members, including interim City Manager Mary Smith and HR Director, Shawn Yerks, manned that location and ensured things ran smoothly.

Interim City Manager, Mary Smith, then provided extensive comments, thanking city staff – especially water/sewer and streets department employees as well as police and fire department personnel. She shared that about 120 people (mostly from outside of our community) came and stayed at The Center (warming center) over the course of the week. Fire and police and other city personnel helped relocate nursing home residents from their facility that lost power and was frigidly cold to two other nursing home facilities within the city – they did so with a high level of professionalism and compassion.

Mayor Pruitt thanked Judge Sweet for all of his help during the recent storms as well. He then asked Mrs. Smith to provide information on details pertaining to the city possibly granting some financial relief to city water customers who had (1) faucets dripping for extended periods of times and related water loss and/or (2) had pipes burst and associated water loss. She explained that our current city policies do not allow for more than (somewhat minor) courtesy adjustments, so staff will need Council direction and/or approval before possibly granting more notable relief to water utility customers (residential customers, not commercial).

Mayor Pruitt made a motion to authorize the interim city manager to make changes to the sewer side of utility bills, beginning with April bills, by not including February 2021 usage in the sewer average calculations. In addition, adjust every residential customer by increasing the base rate to include the first 4,000 gallons of water usage for the month of February (instead of the base rate including 2,000 gallons as the rates currently are set). Following additional comments, the motion passed by a vote of 7 ayes to 0 nays.

XIV. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

- 1. Building Inspections Monthly Report - January 2021**
- 2. Fire Department Monthly Report - January 2021**
- 3. Parks & Recreation Monthly Report - January 2021**
- 4. Police Department Monthly Report - January 2021**
- 5. Sales Tax Historical Comparison**
- 6. Water Consumption Historical Statistics**
- 7. Recap of February 2021 Winter Weather Event (snow, ice, freezing temps.)**

Mrs. Smith thanked all of the local restaurants and others (i.e. Lakepointe Church) who provided food for people who were displaced and housing at the "warming center" during the winter storms. The food and drinks were much appreciated, and it was also utilized to feed city streets and water/wastewater crews. She indicated that monthly reports have been included in the packet for Council's review, and staff is happy to answer any questions

the Council may have concerning said reports. No questions were asked, no discussion took place, and no action was taken.

XV. 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 city's lease of property on Ridge Road pursuant to Section 551.072 (Real Property) and Section 551.071 (Consultation with Attorney).
2. Discussion regarding land lease and airport management agreements at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding the Texas Department of Transportation (TXDOT) and property along John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See action taken earlier in the meeting as a result of the pre-public meeting executive session.

XVII. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:45 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 15th DAY OF MARCH, 2021.


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY





MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, March 15, 2021 - 5:00 PM

City Hall Council Chambers - 385 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 Anna Campbell, Dana Macalik, Trace Johannesen and Bennie Daniels. Also present were Interim City Manager, Mary Smith; Assistant City Manager, Joey Boyd, and City Attorney Frank Garza. Councilmember John Hohenshelt participated in the meeting remotely (via ZOOM and telephone).

Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

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 agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).

Pulled from Public Agenda – Public Hearing Item #3: Z2021-005 - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Alex Freeman and Mark G. & Jessica K. Taylor for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 16 (SF-16) District land uses on a 37.844-acre tract of land identified as Tracts 17 & 17-01 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary (**1st Reading**).

III. ADJOURN EXECUTIVE SESSION

Council adjourned its 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.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESSEN

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

VI. PROCLAMATIONS/AWARDS/RECOGNITIONS

1. Parks Maintenance Champions Day

Mayor Pruitt called forth Parks Director, Travis Sales, and his staff members. He then recognized and congratulated them for achieving second place at the recent Parks

Maintenance Rode competition. Pruitt then read and presented them with the proclamation.

VII. OPEN FORUM

Clint McNear
P.O. Box 2783
Forney, TX

Mr. McNear came forth and expressed concern about the leadership ("head in the sand") associated with the Rockwall Police Department, and he referenced a survey which was conducted last year. He also referenced past meetings held with the previous city manager and with the current police chief. He expressed concern about several police officers who have left the City of Rockwall Police Department to take pay cuts and transfer to smaller agencies. He expressed that these concerns have been ongoing for more than one year and that the current police chief, Geron, stays in his office, earning \$150k / year while allowing others to do his job.

There being no one else wishing to come forth and speak at this time, Mayor Pruitt then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Executive Session.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the March 1, 2021 regular city council meeting, and take any action necessary.
2. Consider awarding a bid to Casco Industries and authorizing the Interim City Manager to execute a Purchase Order for new Firefighter Bunker Gear in the amount of \$30,220 to be funded out of the General Fund, Fire Operations Budget, and take any action necessary.
3. Consider awarding a bid to Axis Construction and authorizing the City Manager to execute a contract for new fences at the Justin Road and Shores Lift Stations in the amount of \$56,233 to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.
4. Consider an **ordinance** amending the Code of Ordinances in Chapter 36 "Streets, Sidewalks, and Public Places", Article II "Driveways," Section 36-11 "Culverts" to include provisions for the maintenance, repair, and replacement of driveways and culverts, and take any action necessary. **(2nd reading)**
5. **Z2021-001** - Consider a request by Otoniel Jaramillo for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.50-acre parcel of land identified as Lot 17, Block B, Lago Vista Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 18 (PD-18) for Single-Family 10 (SF-10) District land uses, addressed as 2825 Marcie Lane, and take any action necessary **(2nd Reading)**.
6. **P2021-004** - Consider a request by Dewayne Cain of EVSR (D), LLC for the approval of a Final Plat for Lots 1 & 2, Block A, DC Addition being a 22.27-acre tract of land identified as Tracts 2 & 2-4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall

County, Texas, zoned Agricultural (AG) District, addressed as 777 Cornelius Road, and take any action necessary.

7. **P2021-005** - Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf Helen Comeav Neller for the approval of a Preliminary Plat for Lots 1 & 2, Block A, Neller Addition being an 11.368-acre parcel of land identified as Lot 7, Block 1, Lofland Lake Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estates 4.0 (SFE-4.0) District, addressed as 2380 FM-549, and take any action necessary.
8. **P2021-007** - Consider a request by Danielle Porten of REP Investments, LLC for the approval of a Preliminary Plat for Lots 1-5, Block A and Lot 1, Block X, Blackland Industrial Park Addition being a 10.27-acre tract of land identified as Tract 3-04 of the A. M. Wilson Survey, Abstract No. 223, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 3500 Blackland Road, and take any action necessary.
9. Consider authorizing the Interim City Manager to enter into a Boundary Agreement with the City of Heath to make minor corrections to the City's corporate limits, including approval of an ordinance concerning this matter, and take any action necessary. (1st reading)
10. Discuss and consider approval of a resolution for the annual adoption of pro-rata equipment fees in accordance with the Mandatory Neighborhood Park Land Dedication Ordinance, and take any action necessary.
11. Discuss and consider approval of a resolution for the annual adoption of cash-in-lieu of land fees in accordance with the Mandatory Neighborhood Park Land Dedication Ordinance, and take any action necessary.

Councilmember Macalik moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11). Councilmember Johannesen seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-13**

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 36, ARTICLE II, BY AMENDING SECTION 36-11 OF THE CODE OF ORDINANCES, CLARIFYING MAINTENANCE OF DRIVEWAYS AND DRIVEWAY CULVERTS ON CITY PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.

**CITY OF ROCKWALL
ORDINANCE NO. 21-14
SPECIFIC USE PERMIT NO. S-244**

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 0.50-ACRE TRACT OF LAND, IDENTIFIED AS LOT 17, BLOCK B, LAGO VISTA 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.

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS CONFIRMING AND APPROVING A JOINT ORDINANCE AND BOUNDARY AGREEMENT SETTING FORTH UPDATED CORPORATE BOUNDARIES FOR THE CITY OF ROCKWALL AND THE CITY OF HEATH; PROVIDING FOR CERTAIN AGREEMENTS AND ADJUSTMENTS TO THE CORPORATE BOUNDARIES OF THESE CITIES; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission chairman to discuss and answer any questions regarding planning-related cases on the agenda.

Jerry Welch from the city's P&Z Commission came forth and briefed the Council on recommendations of the Commission relative to planning items on tonight's city council meeting agenda. The Council took no action pertaining to this agenda item.

2. Appointment with Brittany Hardin, owner of Bonafide Betties Pie Co., to discuss and consider a request for approval of a mural design to be located on the side of her business at 109 E. Washington St., and take any action necessary.

Brittany Hardin and her husband came forth and provided brief comments to the Council concerning her request to approve a mural on the side of her business. Following brief comments between Mayor Pruitt and Director of Neighborhood Improvement Services, Jeffrey Widmer, concerning the city's sign codes, Councilmember Johannesen moved to approve the request, as presented. Mayor Pro Tem Fowler seconded the motion. Councilmember Macalik provided brief comments, expressing that she wonders how this might look as far as a 'cohesive look' goes in and around the downtown area.

The City's Main Street Manager, Bethany Browning, came forth and spoke to the Council, explaining that if this proposed mural contained the business' name, then it would be considered a 'sign,' and it would be prohibited. This, on the other hand, is considered to be a mural, and it goes thru the city's ART Commission for review before it comes before Council for review and possible approval.

Kathleen Morrow, a member of the city's ART Commission, came forth and shared that the ART Commission is operating currently under certain guidelines; however, new proposed guidelines will come forth before Council in the near future, and those will address some of Council's concerns. In the meantime, the ART Commission did review this item and has recommended its approval.

Mayor Pruitt expressed that he would like the city staff – specifically the city's attorney – to explore the legalities associated with this request and come back to the Council at a later date with more information from a legal standpoint before Council takes action on this request. Johannesen and Fowler withdrew their motion and 'second,' and Pruitt indicated that this item will reappear on the next, regular city council meeting agenda for further consideration at that time.

XI. PUBLIC HEARING ITEMS

1. **Z2021-002** - Hold a public hearing to discuss and consider a request by Lisa White of Boing US HoldCo, Inc. on behalf of Donald L. Silverman of Rockwall 205-552, LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *Self Service Car Wash and Auto Detail* on a 0.89-acre tract of land identified as a portion of Lot 2, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3611 N. Goliad Street [SH-205], and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information concerning this agenda item. Mayor Pruitt asked if the applicant addressed any of the Council's concerns when Council remanded this back to the P&Z Commission. Mr. Miller shared that no – the applicant did not address any of the concerns.

Mayor Pruitt opened the public hearing.

Dennis Dayman
519 Cellars Court
Rockwall, TX 75087

Mr. Dayman came forth briefly and generally encouraged Council to deny this request.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker expressed concern about the potential disturbances that will be caused by noise associated with this proposed carwash, especially the vacuum cleaners.

Mayor Pro Tem Fowler moved to deny Z2021-002. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **Z2021-004** - Hold a public hearing to discuss and consider a request by Juan Maldonado 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 0.1150-acre parcel of land identified as Lot 890, Block E, Rockwall Lake Estates #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 418 Perch Road, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This is located on the east side of the Lake Rockwall Estates (LRE) Subdivision in PD-75. Council is asked to look at the size, location and architecture of the proposed home to determine if it is visually similar to the existing housing. In this instance, the garage orientation and side yard setback does not adhere to the city's ordinance requirements. He generally went on to explain that the Council has a great deal of discretion when making decisions related to PD-75 and the LRE neighborhood. Notices were sent out to all property owners and residents located within 500' of the subject property. No notices were received back (neither "for" nor "against"). The Planning & Zoning Commission has recommended approval of this request.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. There was no one indicating such, so he closed the Public Hearing. Mayor Pro Tem Fowler moved to approve Z2021-004. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX**

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 AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01], 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 0.115-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 890, BLOCK E, ROCKWALL LAKE ESTATES #1 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 7 ayes to 0 nays.

3. **Z2021-005** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Alex Freeman and Mark G. & Jessica K. Taylor for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 16 (SF-16) District land uses on a 37.844-acre tract of land identified as Tracts 17 & 17-01 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County,

Texas, zoned Agricultural (AG) District, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices were sent out to adjacent property owners (17) located within 500' of the subject property and that are located within the City. Two e-mails were received back in opposition of the request. As a result of notices received back, it will require a $\frac{3}{4}$ majority vote of Council in order for it to be approved this evening. The P&Z Commission has recommended approval of this request by a vote of 5 to 0 with two commissioners having been absent from that P&Z meeting.

Mayor Pruitt called forth the applicant to address Council at this time.

Adam Buczek
Skorburg Co. & Windsor Homes
8214 Westchester Drive, Suite 900
Dallas, TX 75225

Mr. Buczek came forth and briefed the Council on details pertaining to this proposed subdivision.

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

Bob Wacker
309 Featherstone
Rockwall, TX 75087

Mr. Wacker came forth and generally expressed that he is in support of this proposal.

Mr. Steven Garvey
9 Taber Road
Rockwall, (County) TX

Mr. Garvey came forth and shared that he lives right beside this proposed development in the city's ETJ. He has concerns about possible water 'run off,' and he urged the Council to ensure that potential flooding concerns are addressed. He does not want his property to become flooded as a result of this development.

Forris W. Barton, Jr.
1209 Marilyn Jayne Lane
Rockwall, TX 75087

Mr. Barton came forth and generally expressed concern about the density proposed along with this development. He would really like to see the lots at $\frac{1}{2}$ acre in size.

Patty Muggeo
2317 Saddlebrook Lane

Rockwall, TX 75087

Ms. Muggeo expressed great concern about the density proposed with this development. It is too many houses, and it will end up making Rockwall be like Brooklyn New York. It is situated along a major, dangerous curve in the main road, and the density will result in a lot of vehicles trying to get out on that roadway...it will be dangerous. She generally spoke in opposition of the proposal.

**Patricia Couch
1216 Marilyn Jane
Rockwall, TX 75087**

Ms. Couch expressed concern about the proposed density, expressing the belief that the proposal has too many houses. Also, she has concerns about wildlife and the wildlife possibly becoming displaced.

**Steve Curtis
2130 FM 1141
Rockwall, (County) TX 75087**

Mr. Curtis acknowledged that he lives in the city's ETJ. He went on to speak about the City's Comprehensive Plan, expressing that the proposed lots need to be larger. He believes this proposed density is 'out of character' for this area. The product (homes themselves) are great, but people who live in this area moved there for the large lots and land. He expressed that he went and personally spoke to each person about the proposed development (those living on Marilyn Jane and/or within the Saddlebrook subdivision), and those with whom he spoke voluntarily signed Mr. Curtis' petition, expressing opposition to the proposed subdivision development. He went on to explain the results of the 'petition' he conducted. He spoke in opposition of the proposal because of what he believes to be high density. He believes people want – not only large houses – but large lots too.

**Mark Taylor
(Property Owner)
237 Clem Road
Rockwall, TX 75087**

Mr. Taylor shared that he, his wife and family have lived in Rockwall for many years. He is the property owner, and he believes the 'highest and best use' for his property is not to run cattle on it any longer but to sell it to a reputable, proven developer who plans to build a residential development that completely complies with the city's development regulations. He generally urged the Council to approve this request this evening.

**Lesley Pettengill
2130 FM 1131
Rockwall, (County) TX 75087**

Ms. Pettengill shared a video clip, showing major flooding that has been present in and around her own, personal property for quite some time now. (She lives in the County, outside of the city limits). She expressed dissatisfaction in the city and county not doing anything to help rectify flooding in and around this area up until this point in time. She is concerned about the developer proposing onsite flood management via a retention pond (or ponds). She believes that such a retention pond would need to be quite large in order to properly contain the water run off that this development will create. She wants some environmental studies to be conducted, especially pertaining to potential flooding, water run off and wildlife-related concerns. She has concerns about the developer not truly meeting the "20% open space" that is required of him, and that is likely why he is breaking this up into two, separate proposals. She shared that she presumes the developer will pay for city sewer service to be run to the development at his expense. She stated that the developer is unsure if the development will be on city water or Mt. Zion water. She is on Mt. Zion water, and she is concerned about how this development might impact her water pressure. She also has concerns about the electric grid and the potential impacts this development will pose to 'power' (electricity) to homes in and around this area. She believes there are a lot of unanswered questions that need to be considered related to this proposed development. She generally spoke in opposition to this proposed development.

Mayor Pruitt engaged Planning Director, Ryan Miller, to answer some questions and provide clarification pertaining to SF-16 subdivisions, the (nearby) Saddlebrook Estates Subdivision as well as 'environmental impact studies.' Brief comments were made regarding lot size relative to septic system requirements both within the city and out in the county. Mr. Miller generally explained that and why an environmental study is not required associated with this proposed development. However, the developer will have to conduct a 'traffic impact analysis' to TXDOT. Councilmember Johannesen asked for clarification regarding regulations that are in place to mitigate storm water and 'run off.' Ms. Williams shared that the city does have regulations in place and a developer is not allowed to vary from those requirements.

Councilmember Macalik clarified that this request is pertaining to 56 single-family, residential lots.

City Attorney Frank Garza spoke at the request of Mayor Pruitt, regarding "low density residential development" that is outlined in the city's 2040 Comprehensive / Master Plan. He clarified that this proposal is in conformance with "low density" and is in accordance with the city's Master Plan. "Low density," according to the Plan, allows for SF-16 density to have up to 2 ½ acre units per gross acre, and this proposal includes 1.48 dwelling units per acre, which is clearly in conformance with the Master Plan.

Councilmember Johannesen pointed out that sometimes Council has denied a certain project, and then something "worse" came up for proposal thereafter. Mr. Miller shared that Kroger has been referred to in the past. Initially a developer was asking to build an assisted living facility. The neighborhood came out and spoke against it, and then – ultimately – the Kroger was built in that location "by right." Johannesen

pointed out that this proposal is in conformance with the city's Comp Plan, and the developer is not asking for any variances. Brief discussion took place between the Council and city attorney regarding potential litigation that the city may face if it were to deny this request (in this particular circumstance/instance).

Councilmember Daniels asked Mr. Miller for clarification on SF-16 – how many lots could be put on the property and still remain within the guidelines prescribed by SF-16? The answer is – ‘considerably more’ than the 56 lots currently being proposed tonight by this developer. Mr. Miller and Ms. Williams shared that it could be up to as many as 89 homes.

Councilmember Johannesen moved to approve Z2021-005. Councilmember Daniels seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE-FAMILY 16 (SF-16) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 38.012-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17 & 17-01 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

Indication was given that a ‘super majority’ vote of the Council is required in order for this to pass this evening. Mayor Pruitt called for the vote, and the motion to approve passed unanimously of Council (7 ayes to 0 nays).

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 agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) 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 Ex. Session following the close of the public meeting agenda. No action was taken as a result of Executive Session.

XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:34 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5th
DAY OF APRIL, 2021.


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, April 05, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler and Council Members Anna Campbell, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Mayor Pruitt then 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 Rockwall Municipal Court pursuant to Section 551.071 (Consultation with Attorney) and pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible acquisition of real property in the vicinity of FM-549 and SH-205 pursuant to Section §551.072 (Real Property).
3. Discussion regarding legal issues related to personnel matters pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) Board - pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

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

Mayor Pruitt reconvened the public meeting at 6:07 p.m. with all seven council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

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

VI. PROCLAMATIONS

1. Child Abuse Awareness & Prevention Month

Mayor Pruitt called forth several representatives from various organizations within Rockwall County (i.e. the Child Advocacy Center, Rainbow Room, Court Appointed Special Advocates, the Rockwall County District Attorney, etc.). He read the proclamation, and representatives from each organization present said a few words.

2. Robotics Week

Mayor Pruitt called forth students (elementary thru high school aged) who serve on local robotics teams. He then read and presented them with a proclamation declaring "Robo Week" in the City. One of their representatives then briefly said a few words.

3. Texas Coalition for Affordable Power (TCAP) - Recognition of Rockwall's 20 Year Membership

Margaret Somereve from TCAP came forth and presented Mayor Pruitt with a certificate of appreciation, recognizing Rockwall for being a TCAP member for the last 20 years.

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.

Clark Staggs
1601 Seascap
Rockwall, TX 75087

Mr. Staggs came forth and thanked various staff members from both the Water and Streets Departments for recently assisting him with needs related to shutting his water off and with removing a tree that was blocking the alleyway behind his home.

Bob Wacker
Featherstone
Rockwall, TX

Mr. Wacker briefly came forth and questioned why generators went down during the winter storm events.

There being no one else wishing to come forth and speak at this time, Mayor Pruitt then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Fowler moved to reappoint Chip Imrie to the North TX Municipal Water District (NTMWD) Board of Directors. Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the March 15, 2021 regular City Council meeting, and take any action necessary.
2. Consider authorizing the Interim City Manager to enter into a Boundary Agreement with the City of Heath to make minor corrections to the City's corporate limits, including approval of an **ordinance** concerning this matter, and take any action necessary. **(2nd reading)**
3. **Z2021-004** - Consider a request by Juan Maldonado 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 0.1150-acre parcel of land identified as Lot 890, Block E, Rockwall Lake Estates #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 418 Perch Road, and take any action necessary **(2nd Reading)**.

4. **Z2021-005** - Consider a request by Kevin Harrell of the Skorburg Company on behalf of Alex Freeman and Mark G. & Jessica K. Taylor for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 16 (SF-16) District land uses on a 37.844-acre tract of land identified as Tracts 17 & 17-01 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary (**2nd Reading**).
5. Consider authorizing the Interim City Manager to execute an interlocal agreement with the North Central TX Emergency Communications District ("NCT9-1-1") for regional 9-1-1 services, and take any action necessary.
6. Consider authorizing the Interim City Manager to execute a professional engineering services contract with Cardinal Strategies Engineering Services, LLC to perform phase 2 of the Squabble Creek Watershed Hydrologic & Hydraulic Update in an amount not to exceed \$82,000.00, to be funded out of the Engineering Consulting Budget, and take any action necessary.
7. Consider authorizing the Interim City Manager to execute contract amendment to the professional engineering services contract with Volkert, Inc., to perform the engineering design and construction plans for the IH-30 Utility Relocation Project in an amount not to exceed \$210,419.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
8. Consider authorizing the Interim City Manager to execute a contract amendment to the professional engineering services contract with Dannenbaum Engineering Company – Dallas, LLC, to perform the construction bidding and administration services for the Ridge Road West Reconstruction Project in an amount not to exceed \$33,262.62, to be funded out of the 2018 Street Bond Fund, and take any action necessary.
9. Consider approval of a professional engineering services contract with Birkhoff, Hendricks, & Carter, L.L.P. to perform the engineering design services for the IH-30 Water Line Crossing Project in an amount not to exceed \$94,465.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
10. Consider authorizing the Interim City Manager to execute an Interlocal Purchasing Agreement between the City and North Central Texas Council of Governments, and take any action necessary.

Councilmember Johannesen moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10). Councilmember Macalik seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-15**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS CONFIRMING AND APPROVING A JOINT ORDINANCE AND BOUNDARY AGREEMENT SETTING FORTH UPDATED CORPORATE BOUNDARIES FOR THE CITY OF ROCKWALL AND THE CITY OF HEATH; PROVIDING FOR CERTAIN AGREEMENTS AND ADJUSTMENTS TO THE CORPORATE BOUNDARIES OF THESE CITIES; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 21-16
SPECIFIC USE PERMIT NO. S-245

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 AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01], 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 0.115-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 890, BLOCK E, ROCKWALL LAKE ESTATES #1 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-17

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 91 (PD-91) FOR SINGLE-FAMILY 16 (SF-16) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 38.012-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17 & 17-01 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

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

X. APPOINTMENT ITEMS

1. Appointment with representatives of Oncor Electric Delivery to provide a presentation on the February 2021 winter storm, and take any action necessary.

Cindy Tayem with ONCOR came forth and addressed the Council concerning this appointment item. She generally explained that during this “short supply” winter storm event, there was not enough power generation in order to support demand on the electric grid. She shared that electric providers were asked by ERCOT (Electric Reliability Council of Texas) to assist them in order to avoid ‘blackouts,’ which would have taken weeks and possible a month or more to recover from. She went on to explain the various ‘players’

involved in electric generation and delivery and their individual roles. She went on to recap steps that Oncor took in advance of the impending winter weather event(s) back in February and then went into detail regarding "load shed" (outages) that took place throughout the severe weather event. She acknowledged that Mayor Pruitt (and others) have expressed a desire to have more frequent and better communication with Oncor representatives during severe events that impact power. She shared that Oncor was absolutely inundated and overwhelmed with calls and app-generated messages to the company regarding outages, and it was difficult to decipher which outages were caused by rolling outages and which were caused by actual damages to equipment. She indicated that Oncor is working to improve all of these things and to perform data analytics in order to better understand how to decipher things better in the future. She stressed that any and all actions that Oncor took were at the request of ERCOT in order to avoid a true 'blackout' situation.

Mayor Pruitt generally expressed displeasure with misinformation that the City had received from Oncor that it then passed along to city residents (re: how long power would be out, when it might come back on, etc.). Also, he is still curious how Oncor decided which portions of our city would be without power for three days at a time and which areas would never experience outages at all. He is particularly concerned about neighborhoods that are "all electric" (no gas) that were without power for 2 and 3 days consistently (no power at all whatsoever) (i.e. Lakeside Village). Ms. Tayem shared that Oncor did not know or realize that they would be unable to shed sufficient power with rotating / rolling outages. She went on to provide various pieces of information, generally detailing the challenges and events that took place the week of the severe winter weather storm event.

Following various questions and expressions of concern from Council Members, Ms. Tayem thanked the Council for its time. No action was taken as a result of this item.

XI. ACTION ITEMS

1. Discuss and consider non-emergency ambulance service transfer rates and possible exclusivity associated with transfers made within the City of Rockwall, and take any action necessary.

Mayor Pruitt provided extensive background information pertaining to this topic, including a brief history of past 'emergency' and 'non-emergency' EMS / ambulance transport services within the City of Rockwall. He went on to explain that he recently sent a letter to ambulance service providers who provide non-emergency transfer/transport services within the City, inviting them to attend this evening and provide information on their transfer rates and associated services.

Ricky Jones
Medic One Medical Response
Farmers Branch, TX

Mr. Jones expressed that he understands the City of Rockwall wanting have some sort of regulations in place in order to control, to some degree, the company(ies) providing services within its city. However, he suggested that perhaps the City might consider having a "back-up" company in place that could be vetted and approved by the County of Rockwall Emergency Services Corporation. Mr. Jones went on to share some details regarding rates that his company charges for both "Basic Life Support" (BLS) and "Advanced Life Support" (ALS) services. He explained that Medicare allowable rates are generally charged; however,

for those patients who do not have insurance (who are "private pay"), he provided details on those rates too. He went on to explain that his company provides "mutual aid" type non-emergency transport services in both Hunt and Ellis Counties (both of which have non-emergency exclusivity provisions in place).

Mr. James Swartz
Careflite
3110 S. Great SW Parkway
Grand Prairie, TX 75052

Mr. Swartz came forth and provided a PowerPoint presentation to the Council. He generally explained that exclusivity creates a monopoly and decreases response times, ultimately negatively impacting patient care. He believes that competition makes services improve – monopolies do not. He went on to share that instituting "exclusivity" of non-emergency transports would inhibit Careflite's ability to provide air ambulance transport services to patients who need those types of transports. He generally spoke strongly in opposition of the City of Rockwall instituting "exclusivity" related to non-emergency transport services.

Mayor Pruitt called for a brief break, recessing the meeting at 7:46 p.m. He reconvened the meeting at 7:58 p.m.

Michael Gilbert
Allegiance Mobile Health
1681 S. Broadway St.
Carrollton, TX 75006

Mr. Gilbert came forth and shared that his company only provides non-emergency transport services. He shared that he provided each council member with a handout that outlines information about his company. Following brief questions and answers between Mr. Gilbert and the Council, Mitch Ownby from Medic Rescue came forth.

Mitch Ownby
Chief, Rockwall County EMS / Medic Rescue
(no address provided)

Mr. Ownby came forth and addressed the Council concerning this topic. He explained that his company is currently the 'exclusive' provider within Rockwall County for 9-1-1 emergency ambulance services. He spoke briefly about his company having two paramedics on each ambulance and the level of service / capability that his trucks provide to patients on board. Thirty-seven or thirty-eight percent of his company's current business is non-emergency transport services. The remainder is 9-1-1 emergency service business. He went on to explain that 'exclusivity' demand would be met by his company (to provide non-emergency transports, along with 9-1-1 transports) by the addition of more ambulances, which would enable the company to keep up with its obligations / "performance based" standards. General discussion took place pertaining to his company's current performance standards associated with the 9-1-1 contract it has in place with the County's Emergency Services Corporation.

Curtis Smith
Acadian Ambulance

(no address provided)

Mr. Smith came forth and provided brief compliments to the city and county, indicating that it is a desirable county in which to do business. He acknowledged that his company did bid on the 9-11 ambulance services contract several years ago in response to the RFP ("request for proposals") at the time. He went on to speak about his company's non-emergency transfer rates and how billing works. He shared that, to his knowledge, only the cities of Arlington and Ft. Worth have exclusivity (non-emergency) in place. He stated that he would love to be Rockwall's "exclusive" provider for non-emergency transport services. He also shared that his company can provide most all of the same services that Careflite provides (minus "air transport" services).

Following the various discussions that took place, the Council took no action pertaining to this agenda item at this time.

2. Discuss and consider directing staff to make changes to the Municipal Code of Ordinances addressing regulatory actions for improvements and storage on unleased land within the takeline, and take any action necessary.

Mayor Pruitt began discussion of this item, explaining that this topic focuses on those residents who live along the Lake Ray Hubbard Takeline and do and do not lease the area between their back yards and the lakefront. This ordinance would clarify that if you do not currently pay to lease the takeline area, then you're not allowed to store things in that area (i.e. lawn chairs). Indication was given that this ordinance will come before Council for action at the next, regular council meeting (1st reading of the ordinance). At this time, no action was taken.

3. Discuss and consider (3) pickleball courts to be located at The Park at Hickory Ridge, including the preliminary budget, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed the Council on this agenda item. Following various questions and answers between council members and Mr. Sales, Mayor Pruitt made a motion to move forward and amend the budget to accommodate the shortfall associated with installing a parking lot. Councilmember Hohenshelt seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

4. Discuss and consider filling vacancies on the city's Comprehensive Plan Advisory Committee (CPAC), and take any action necessary.

Mayor Pruitt moved to appoint Jim Turner to serve. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - February 2021
2. Fire Department Monthly Report - February 2021
3. Parks & Recreation Department Monthly Report - February 2021
4. Police Department Monthly Report - February 2021

5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Interim City Manager, Mary Smith, indicated that monthly reports have been included in the informational meeting packet for review, and staff is happy to answer any questions Council may have. No action was taken pertaining to this agenda item.

Council did reconvene in Executive Session following the close of the public meeting agenda. So Pruitt recessed the public meeting at 8:39 p.m. to do so.

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 Rockwall Municipal Court pursuant to Section 551.071 (Consultation with Attorney) and pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible acquisition of real property in the vicinity of FM-549 and SH-205 pursuant to Section §551.072 (Real Property).
3. Discussion regarding legal issues related to personnel matters pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the N. TX Municipal Water District (NTMWD) Board - pursuant to Section 551.074 (Personnel Matters)


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

Council came out of Executive Session and Mayor Pruitt reconvened the public meeting at 9:10 p.m. No action was taken.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 9:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 19th DAY OF APRIL, 2021.


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



MINUTES



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, April 19, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Kevin Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Anna Campbell, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Mayor Pro Tem Fowler then 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 sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding Rockwall Municipal Court pursuant to Section 551.071 (Consultation with Attorney) and pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding non-emergency ambulance services contract pursuant to Section 551.071 (Consultation with Attorney).
5. Discussion regarding contract with Legacy Humane Society pursuant to Section §551.071 (Consultation with Attorney).
6. Discuss regarding City Charter provisions related to granting a utility franchise, pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:50 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 MACALIK

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

VI. PROCLAMATIONS

1. Public Safety Telecommunicators Week

Mayor Pruitt called forth members of the Rockwall Police Department and its dispatch center. He then read and presented them with this proclamation and thanked them for their professional, dedicated service.

VII. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to direct the (interim) City Manager to draft an amended contract with Legacy Humane Society. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the April 5, 2021 regular City Council meeting, and take any action necessary.
2. Consider awarding a bid to Urban Infraconstruction and authorizing the Interim City Manager to execute a contract in the amount of \$500,000 for Concrete Pavement Repair Services (per unit price) to be funded out of the General Fund, Streets and Drainage Operations Budget, and take any action necessary.
3. Consider authorizing the City Manager to execute a two-year contract with Evoqua Water Technologies for chemical injection at the Fontana, Timber Creek, and Mims Lift Stations to eliminate effluent odors for \$90,000 annually to be funded by the Wastewater Operations Budget, and take any action necessary.
4. Consider approval of Hotel Occupancy Tax (HOT) Subcommittee recommendation to award \$12,715 to the South Central Nautique Regatta and authorize the Interim City Manager to execute associated contract, and take any action necessary.
5. **P2021-009** - Consider a request by Brenda Kennedy for the approval of a Replat for Lot 1, Block A, Kennedy Addition being a 0.2342-acre parcel of land identified as Lot 1, Block A, Richard Harris Subdivision No. 5 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 701 N. T. L. Townsend Drive, and take any action necessary.
6. **P2021-010** - Consider a request by Doug Stewart on behalf of Bryan Wreyford for the approval of a Replat for Lots 1 & 2, Block A, Wreyford Addition being a 2.97-acre parcel of land identified as Lot 1 of the Crowell's Hidden Valley Estates Addition, Collin County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southeast corner of the intersection of County Road 949 and County Road 536, and take any action necessary.
7. **P2021-011** - Consider a request by Mike and Cheryl Birdwell for the approval of a Final Plat for Lots 1 & 2, Block A, Birds Nest Addition being a 4.02-acre tract of land identified as Tract 15 of the J. Smith Survey, Abstract No. 191, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 171 Birds Nest Lane, and take any action necessary.
8. **P2021-012** - Consider a request by Jose Campos of Hines on behalf of CDT Rockwall/2017 LLC for the approval of a Preliminary Plat for Phase 2 of the Saddle Star Subdivision being a 29.002-acre tract of land identified as Tracts 1, 1-05, 2-03, & 2-07 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (*Ordinance No. 20-35*), situated within the SH-205 By-Pass (SH-205 BY OV) District, generally located east of the intersection of Featherstone Drive and N. John King Boulevard, and take any action necessary.

9. **P2021-013** - Consider a request by Bart Carroll for the approval of a Preliminary Plat for the Landon Subdivision being a 32.60-acre tract of land identified as Tract 13 of the S. McFadin Survey, Abstract No. 142, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southwest corner of the intersection of S. Munson Street and Streetman Road, and take any action necessary.
10. **P2021-014** - Consider a request by Humberto Johnson, Jr. of the Skoburg Company on behalf of Jen-Liang Wu for the approval of a Preliminary Plat for the Nelson Lake Subdivision being a 121.16-acre tract of land identified as Tract 2 of the J. M. Gass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 90 (PD-90) for Single-Family 10 (SF-10) District, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.
11. Consider authorizing the Interim City Manager to execute a facility use agreement with the Rockwall YMCA for the purposes of providing swim lessons to members of the Boys and Girls Club at the Gloria Williams Swimming Pool, and take any action necessary.
12. Consider approval of canopy repairs associated with March 17, 2021 storm damage at Leon Tuttle Athletic Complex/Ballfields (\$2,500 insurance deductible, to be funded out of the Recreational Development Fund), and take any action necessary.

Councilmember Daniels moved to approve the entire Consent Agenda as presented (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12). Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission chairman to discuss and answer any questions regarding planning-related cases on the agenda.

Vice Chairman of the P&Z Commission, Jerry Welch, came forth and briefed the Council on recommendations of the Commission relative to planning items on tonight's meeting agenda. Council took no action as a result of Mr. Welch's comments.

2. Appointment with Eva Cannon of Siren Rock Brewing Co. to discuss corporate identity signage in the Downtown (DT) District, and take any action necessary.

Initially, no one was present for this appointment item, so this item was not discussed until later in the meeting. Mayor Pruitt called forth Mrs. Cannon, who came forth and shared that she is seeking approval from the Council for a couple of additional hand painted signs – one on the N side of the building on the brick (of the company's name and logo) and one on the S side of the building (of tentacles, which are part of the company's branding). The south side of the building faces the parking lot, and the tentacles will be painted on the hardie board siding. She showed various examples of signs around town that are (or at least look like) hand painted signs on a business' brick. Mrs. Cannon went on to express that she is asking the Council to consider changing the Code in order to allow a hand painted sign to be placed on the side of her building.

Mayor Pruitt provided background information pertaining to past efforts associated with the city's sign ordinance(s), including efforts that were made in the past to modify those regulations. He explained that the city's sign ordinance regulations underwent a major rewrite back in 2010, and the attorney consultant utilized at the time steered the City towards regulating only "time, place and manner" associated with signage.

Generally discussion ensued pertaining to this request as compared to past requests. Mayor Pruitt indicated that he would not be comfortable changing the city's sign ordinance regulations without bringing the downtown merchants group into the conversation to glean input from them.

Mayor Pro Tem Fowler asked for clarification of how long the process would take in order for these issues to be revisited for signage in the downtown district only. Mr. Miller shared that this topic would have to go for public hearings at both the Planning & Zoning Commission and City Council meetings, so it is definitely a process that will take some time.

Mr. Miller asked if the Council would like to hold a work session at the next council meeting to be shown examples of signage and discuss the process for potentially moving forward with amending the city's sign regulations for the downtown area only.

Following additional discussion, Council took no action pertaining to this Appointment Item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-006** - Hold a public hearing to discuss and consider a request by Pat Atkins of KPA Consulting, Inc. on behalf of the owners C. D. T. Rockwall 2017, LLC; Saddle Star Holdings, LLC; and Gwendolyn Reed for the approval of an **ordinance** for a Zoning Amendment to Planned Development District 79 (PD-79) [*Ordinance No. 20-35*] for the purpose of amending the development standards contained in *Ordinance No. 20-35* for a 70.408-acre tract of land identified as Tracts 1, 1-03, 1-5 & 2-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located on the north side of John King Boulevard east of the intersection of John King Boulevard and Featherstone Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. With this proposal, the applicant has submitted a letter outlining the request and provided examples of the modified swing building elevations and floorplans showing the proposed garage orientations. In addition, staff has prepared an amendment to the Planned Development District ordinance to facilitate the applicant's request if it is approved this evening. On March 19, 2021, staff sent 142 notices to property owners and residents within 500-feet of the subject property (note: staff should note that all but one [1] of the property owners within 500-feet are either builders, the City of Rockwall, or people associated with this request). In addition, staff sent a notice to the Stone Creek Homeowner's Association, which is the only Homeowner's Association (HOA)/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At this time this memorandum was drafted, staff had not received any notices concerning this case. On April 13, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the zoning amendment to Planned development District 79 (PD-79) by a vote of 6-1, with Commissioner Welch dissenting.

Mayor Pruitt called forth the applicant (Mr. Atkins), who was not present. However, a gentlemen representing him did come forth to address the Council on this request.

Chris Terhune
Coventry Homes

Mr. Terhune came forth and provided brief comments to Council concerning this request.

There being no questions, Mayor Pruitt opened the public hearing, asking if anyone would like to speak concerning this item. There being no one indicating such, he then closed the Public Hearing.

Councilmember Johannesen expressed concern about approval of this request, mentioning that the applicant initially proposed 113 lots, and then – incrementally along the way – he added more lots and is now requesting modifications to the housing product.

Mayor Pruitt asked for clarification from Mr. Miller concerning how this developer's request has changed over time since it was first brought before the Council, and Mr. Miller provided said information.

Councilmember Johannesen expressed concern to potentially granting modifications and variances to city standards – either the city has standards in place that it will stick with, or it does not.

Mayor Pro Tem Fowler sought and received additional clarification from Mr. Miller concerning the nature of this request and associated, potential implications if this request is approved.

Following lengthy discussion, Councilmember Johannesen moved to deny this request (Z2021-006). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **Z2021-007** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 7 (SF-7) District land uses on a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided extensive background information pertaining to this agenda item. On March 19, 2021, the applicant -- Kevin Harrell of the Skorburg Company -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 7 (SF-7) District land uses. Specifically, the applicant is proposing to entitle the subject property for a 526-lot single-family, residential subdivision that will consists of four (4) lot sizes (i.e. [A] 408, 62' x 120'; [B] 95, 72' x 120'; [C] 13, 82' x 120'; and [D] 10, 100' x 120'). NOTE: Based on the changes requested/recommended by the Planning and Zoning Commission the revised lot count is as follows: [A] 396, 62' x 120'; [B] 109, 72' x 120'; [C] 11, 82' x 120'; and [D] 10, 100' x 120'. On March 26, 2021, staff mailed 23 notices to property owners and occupants within 500-feet of the subject property. There were no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received the following: (1) Two (2) emails from two (2) property owners within the 500-foot notification buffer in favor of the applicant's

request. (2) A petition signed by thirteen (13) property owners representing nine (9) properties within the 500-foot notification buffer in opposition to the applicant's request. (3) Two (2) emails from two (2) property owners outside of the 500-foot notification buffer in opposition to the applicant's request. (4) One (1) email from a non-participating Homeowner's Association (HOA) [i.e. Fontanna Ranch HOA] within the 1,500-foot notification buffer in opposition to the applicant's request. Per the Planning and Zoning Commission's request at the Work Session Meeting on March 30, 2021, staff sent the proposed concept plan to the city's Parks and Recreation Board for review and recommendation. On April 6, 2021, the Parks and Recreation Board approved a motion to recommend approval of the proposed public park as a regional park by a vote of 6-0, with Board Member Dodd being absent. A dog park is being proposed as part of this residential development, and it will be maintained, overseen and 'policed' by the homeowner's association. On April 13, 2021 the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request to rezone the subject property from an Agricultural (AG) District to a Planned Development District for Single-Family 7 (SF-7) District land uses by a vote of 5-2, with Commissioners Chodun and Moeller dissenting. As part of the motion the Planning and Zoning Commission stipulated that the Planned Development District ordinance be changed to [1] reduce the Flat Front Entry Garages from 25% to 20%, and [2] that the 72' x 120' lots be mixed throughout the development instead of being in homogenous pods. The applicant has agreed to these changes and staff has changed the case memo and Planned Development District ordinance accordingly. Mr. Miller explained that approval of this item will require a super majority vote of Council.

Adam Buzcek
Skorburg & Windsor Homes
8214 Westchester Dr., Suite 900
Dallas, TX 75225

Mr. Buzcek came forth and provided a lengthy presentation to Council concerning this proposed development. He expressed that the density that is now being proposed is 1 more lot per 5 acres of land, for a total of thirty-five (35) extra lots (above the density outlined in the city's Comp Plan). He pointed out that the land the developer will dedicate to the city for the public park equates to a \$3 million land dedication. He pointed out that three sewer lift stations will need to be upgraded by the developer as part of putting these homes in, which is expensive. He tried to meet the Comp Plan's density guidelines; however, he just could not make the numbers work. These homes will be at a price point between \$400-600k.

Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and speak at this time. He noted that the Council does have the petition in hand from the various property owners (which has triggered the need for a super majority vote of Council).

Katie (Catherine) Welch
2844 FM 549
Rockwall, TX 75032

Mrs. Welch came forth and shared that her and her husband's property is located directly adjacent to this proposed development. They would rather that this development not occur at all or that very large acreage residential homes be developed here instead; however, she does

not believe that is going to come to fruition on this large piece of property. She has concerns about infrastructure issues that currently exist. She mentioned that her home is on propone and septic, and they have traditionally had notable issues with internet service. She shared that her home was annexed in 1997, yet she and her neighbors still are not on city sewer. She acknowledged that it is very expensive (\$1 million or more). She wonders if it would be possible for the city to establish a Tax Increment Financing District (TIFF) to help fund the installation of sewer lines and sewer service to this proposed development as well as to the homes located on the side of the road on which she and her husband live.

Douglas Jones
2994 FM 549
Rockwall, TX 75032

Mr. Jones came forth and shared that he is opposed to this development. He pointed out that Council does not have to approve the zoning change (away from "AG"). He has issues with the proposed density, and he is especially concerned about the additional cars and traffic that will result from this development. There is a traffic accident that happens about once per week in this area, and if this development is approved it will only get worse.

Richard Hensen
2424 S. FM 549
Rockwall, TX

Mr. Hensen shared that he is opposed to this proposed Planned Development. He thanked the Council Members for their hard work. He pointed out that the P&Z Commission had a 'split decision' on its recommendation concerning this agenda item. He and his neighbors have anywhere between 3 and 10 acres of land associated with the homes they own across the street from this proposed development. He would have never purchased a home in this area if he knew that a regional, city park would eventually be established directly across the road from his home. He pointed out that the petition that's been presented to Council shows an overwhelmingly large number of residential home owners in this area who are against approval of this proposed development. He pointed out that all of the areas around the existing Klutz Farm have large acreage / large lots. He pointed out some concerns related to the proposed density (i.e. Skorburg isn't really developing 200 acres because he is going to donate 50 acres of it to the City for a regional park. He, therefore, is only developing 150 of the 200 acres. This makes the proposed development even more dense. He pointed out that the way density is calculated by the City is flawed).

Ben Klutts, Jr.
1604 North Hills
Rockwall, TX 75087

Mr. Klutts shared that he is a lifelong resident of the City of Rockwall. He provided background information on land that his family owned in years past (near SH-66 and where the Rockwall Technology Park is currently located, and this piece of property). They raised cattle on these pieces of property; however, they have determined that it is no longer viable to run cattle on land within the City of Rockwall. Many developers have approached them over the years

wanting to purchase the Klutts farm, but no other developer (before Skorburg) has made a proposal that the family thought would truly work. (He generally spoke in favor of approval of this request).

Melba Jeffus
2606 Cypress Drive
Rockwall, TX

Ms. Jeffus shared that Fontana Ranch (which is located to the South of the 'dream home' she and her husband previously owned) was proposed not long after they purchased their home (that they since sold in 2020). She explained that several realtors with whom they met indicated that Fontana Ranch absolutely negatively impacted what they were able to get (price wise) for the home they were selling. She went on to beg the Council to not approve this development unless or until it looks a whole lot better than what the developer is proposing this evening.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and provided a presentation to Council, generally focusing on the city's Comp Plan and what it calls for (related to density and open space). He went on to provide slides showing previous and recently approved residential neighborhoods within the City and their various densities (as compared to what is being proposed with this particular request). He generally expressed his belief that McLendon-Chisholm will benefit from this 50 acre park development (since two sides of the property abut that city). He encouraged the City to do away with the proposed 50-acre park, spread the lots out more and incorporate more green space (perhaps a 15 acre park) within the development as a whole. He encouraged the City to follow its Comp Plan and perhaps clarify things within the plan so that it can be more closely followed / adhered to.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX

Mr. Jeffus shared that he and his wife previously purchased a home on 5-acres that ended up having Fontana Ranch being built right next to it. He shared that, although the developer stated that adding one home more per 5 acres really isn't noticeable; however, he personally does notice the addition of 35 to 40 more homes. He has concerns that only two access points would be incorporated into this development. This neighborhood will have about 500 homes (perhaps about 1,000 cars), and that will result in a lot more cars on the street attempting to get in and out of this neighborhood. He has concerns about how city fire trucks will get in and out of this neighborhood too. He pointed out that more rooftops equates to more money (in tax revenue). He believes that stacking more and more homes in a small space results in degrading the city as a whole. He shared that he believes the park needs to be spread out throughout the neighborhood instead of having all 50 acres being tucked away to one side of the property.

Mayor Pruitt recessed the public meeting to take a brief break at 7:45 p.m. He then reconvened the meeting at 8:01 p.m.

Steve Curtis
2130 FM 1141
Rockwall, TX

Mr. Curtis came forth and provided brief details related to the city's Comp Plan and Unified Development Code. He pointed out that this proposed development equates to "medium density." He shared that, per the city's regulations, the proposed dog park and regional park would require (2,200) parking spaces to be provided. He is concerned about 1,000 cars coming in and out of only two entrances into the subdivision. He generally spoke in opposition of approval of this proposed development.

Gracie Rodriguez
2480 S. FM 549
Rockwall, TX

Ms. Rodriguez shared that she moved into her home on May 5, 2001, and her home has a pond located in the front of the property. She generally described that she loves this community and has enjoyed raising her kids here. She shared that in her household, there are five cars, and – when family comes over – there can be as many as eight or nine cars at her house. She loves the Klutz farm, and it is a beautiful town. She acknowledges that this property will be developed at some point; however, she is concerned about adequate roadway infrastructure not yet being in place to accommodate additional traffic (in an area that already has a lot of traffic).

Karen Hensen
2424 S. FM 549
Rockwall, TX

She believes that, since this is Rockwall, people are going to buy whatever type housing product is offered (just to be able to be in Rockwall). She pointed out that she does not want to live across the street from a large, regional park (like Harry Myers). She is concerned about lights, traffic, parking, noise, etc. She encouraged Council to not give into what a developer wants, but, instead, consider what the neighbors want (and don't want).

Mr. Buzcek (the developer) came forth again and spoke. He thanked everyone for coming out tonight, pointing out that there are great people in Rockwall. He acknowledged that there is no way to make everyone happy. He shared that he has steered this particular project in an effort to provide the city with its desire 'crown jewel,' a south community park. He hopes the Council will see that this is a virtuous project and a very good opportunity for the city to be gifted with a large, desirable community park. No matter where the park is located, there will be those who are unhappy with its selected placement. He pointed out that not all homes in this development will be built immediately, and TXDOT is already working on the future widening of this area of roadway. He spoke briefly on the density calculations, expressing that he was not disingenuous in following the way the city calculates those numbers. He does not believe that this development will hurt anyone's property values.

Councilmember Johannesen pointed out that the city has expressed a desire to have a “south” community park for about twenty years (and is incorporated into the city’s Parks Master Plan). Councilmember Hohenshelt expressed that the city has tried several times in the past to obtain land for a south park; however, it has so far not been successful in doing so.

Councilmember Macalik shared brief comments pertaining to the proposed two entrances/exits in and out of this subdivision, comparing it to where she personally lives in Chandler’s Landing. She shared that she never waits more than two or three minutes to get out of her neighborhood (but there is a traffic light).

Mayor Pruitt sought clarification from Mr. Miller concerning the proposed density, and he generally pointed out that pretty much all of the land on this Klutz property is ‘buildable land’ (none is located within a flood plain). Mayor Pruitt expressed that he is ‘in favor’ of people being able to decide what “goes in” within their own neighborhood. He pointed out that those neighbors who are in opposition of this proposed development are residents who actually live within our city and pay city taxes. He believes that this park would likely be used more by McLendon-Chisholm residents than it will be used by Rockwall residents. He is concerned about where park-goers will park when events are being held at this 50 acre park site. He generally has concerns about this proposed density.

Councilmember Hohenshelt pointed out that there are in fact hundreds of houses in existence within existing subdivisions in the City that have at least this level of density (if not more). He went on to point out that the City tried three, separate times to acquire land for a South park (with the Wallace property) but was unsuccessful. The city also tried to acquire land in another area of the south side (of IH-30) but was also unsuccessful at those attempts. He generally pointed out that this property may be the last opportunity that the City has to secure land for a south community park. So, if this doesn’t come to fruition, the city may need to modify its Parks Master Plan to reflect that no south side park will ever be built in the future. He went on to provide commentary on various topics such as traffic, infrastructure, and the idea that “I get to control what goes in on land that I do not personally own.” He pointed out that the city does not get to control in any large way what Mr. Klutz gets to do with his land / with the property he owns (and is now trying to sell).

Mayor Pruitt pointed out that this city is determined to not have things like TIFs, PIDs, MUDs, etc. (pointing out that if the city allowed these types of financing arrangements to be established, there would be water districts everywhere, throughout the city). Pruitt pointed out that by the time these homes eventually do get built (if this is approved), the city will in fact have a new (TXDOT provided) road outside of this subdivision.

Councilmember Macalik shared that perhaps this is an opportunity for the City Council to revisit the city’s Comp Plan to evaluate aspects of the plan related to future development South of IH-30. Mr. Miller went on to share the process and timeline associated with periodic review of the city’s Comp Plan.

Councilmember Campbell shared that there could be ‘a lot worse’ development going in on this Klutz Farm property, which she acknowledged is a very beautiful piece of land. She generally

shared the belief that the city council is not in place to solve a developer's 'math problem.' She appreciates the proposal and believes it has a lot of good aspects to it (i.e. 'thank you for the 50 acre park'); however, there are a lot of tax paying residents who have expressed that they would like to see this property developed differently. She generally believes that the city council should be making decisions that align with the city's Comp Plan as closely as possible.

Brief discussion took place between the Council and Parks Director, Travis Sales, pertaining to the various ways in which the 50-acre park could be developed and utilized (i.e. passive uses such as prairie land and/or botanical or more active uses such as splash pads/spray grounds and/or ball fields). Potential parking needs were discussed relative to the proposed 50-acre park.

Councilmember Hohenshelt moved to approve Z2021-007. Mayor Pro Tem Fowler seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-_____**

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-____) FOR SINGLE-FAMILY 7 (SF-7) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 196.009-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

The motion to approve was denied by a vote of 3 in favor with 4 against (Campbell, Macalik, Pruitt and Daniels).

Mayor Pruitt recessed the public meeting for a brief break at 8:52 p.m. He called the meeting back to order at 9:01 p.m. and addressed Appointment Item #2 next.

XII. ACTION ITEMS

1. Discuss and consider an **ordinance** amending Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances to adopt changes that would address regulatory actions for improvements and storage on unleased land within the takeline, and take any action necessary. (1st reading)

Planning Director, Ryan Miller provided brief comments pertaining to this agenda item, generally indicating that staff has prepared this ordinance in response to the Council requesting these changes at the last city council meeting. Mayor Pruitt provided comments pertaining to existing takeline subleases along the shoreline of Lake Ray Hubbard. He went on to explain that this year, it will cost people living along the takeline nothing (\$0) to sublease the property behind their home. Thereafter, it will cost a resident \$100 / year to do so. General discussion

took place pertaining to enforcement and penalties associated with this ordinance. Following additional, lengthy discussion about this topic, Councilmember Hohenshelt made a motion to approve the ordinance. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 22, *MISCELLANEOUS OFFENSES*, FOR THE PURPOSE OF INCORPORATING A NEW ARTICLE THAT PROVIDES REGULATIONS AND ENFORCEMENT FOR THE UNLAWFUL USE OF UNLEASED LAND WITHIN THE LAKE RAY HUBBARD TAKELINE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) 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 with 2 (recusals - Pruitt and Fowler).

2. Discuss and consider a request by Nicholas Gamez of DFDVB Homes, LLC on behalf of Zach Shipley for the approval of a Major Waiver to the Downtown (DT) District parking requirements for a *Restaurant with Less Than 2,000 SF without Drive-Through or Drive-In* on a 0.018-acre tract of land identified as a portion of Lot 7, Block M, Rockwall OT Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 109 E. Washington Street, and take any action necessary.

Mr. Miller shared that this building does not have any on-site parking available, and the major waiver associated with this request equates to three parking spaces. Granting of this major waiver will become associated with the property from now and into the future if it is granted. Following brief comments, Mayor Pruitt moved to approve the major waiver request as presented. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider a request by Cameron Slown of Teague, Nall and Perkins, Inc. on behalf of Elias Pope of 8020 Hospitality, LLC for the approval of a Variance to the parking requirements for a *Restaurant with 2,000 SF or More without a Drive-Through or Drive-In* on a 0.90-acre parcel of land identified as Lot 5, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32) [Ordinance No. 17-22], situated within the IH-30 Overlay (IH-30 OV) District, generally located at the southeast corner of the intersection of the IH-30 Frontage Road and Sunset Ridge Drive, and take any action necessary.

Mayor Pruitt shared that Mayor Pro Tem Fowler will be recusing himself from this item, and he has filed the appropriate (affidavit) paperwork with the city secretary to do so. Mr. Miller, Planning Director, then went on to provide background information pertaining to this agenda item. Following brief comments, Mayor Pruitt moved to approve the variance request (allowing them to count the 18 parking spaces in the Trend Tower). Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 recusal (Fowler).

4. Discuss and consider granting permission for an alcohol waiver associated with the city's May 15, 2021 Founders Day Festival at Harry Myers Park in accordance with Chapter 30, Article I, Sec. 30-2, "Regulated Activities in Parks" of the Code of Ordinances, and take any action necessary.

Mayor Pruitt indicated that he was inclined to make a motion to deny the item. Councilmember Daniels shared that he would be inclined to "second" such motion. Pruitt shared that he knows how the vote for such a motion would turn out – that everyone except for he (Pruitt) and Bennie (Daniels) would vote against it. Councilmember Johannesen then moved to approve the request and grant the waiver. Councilmember Hohenshelt seconded the motion, with the caveat that anyone who votes against this waiver approval cannot drink alcohol in the park at this event. The motion passed by a vote of 5 ayes with 2 nay (Pruitt and Daniels).

5. Discuss and consider bond program street appurtenances, and take any action necessary.

Mayor Pruitt provided background information pertaining to this agenda item. He expressed that, as much as possible, street lights should match when they are placed by contractors within subdivisions. In addition, pertaining to roundabouts, there will be sprinklers installed, and the contractors are working with the Parks Director on what plants will be planted in those areas. Mayor Pruitt proposed painting double yellow lines along Lakeshore and Summit Ridge in order to encourage more spacing between cars traveling along two-way traffic in order to enhance safety and lower risk factors. Pruitt pointed out that this is not a budgeted item, so if the Council wants this to be painted in this manner, it will need budgetary approval of Council. Staff will put pricing together and visual renderings for the Council to review and consider at the next meeting.

No action was taken by Council at this time concerning this agenda item.

6. Discuss and consider update from Rockwall Police Chief regarding attrition, recruiting and retention associated with the Police Department, and take any action necessary.

Mayor Pruitt called forth police chief, Max Geron to address the Council on this agenda item. In the meantime, he went on to express high compliments to the city's HR Director as well as the Fire Chief, Fire Department, and volunteers for the recent, very successful COVID-19 vaccination clinics that have been held and have benefitted the community.

Chief Geron then addressed the Council regarding attrition challenges, both specifically pertaining to the Rockwall Police Department as well as nationwide. He spoke about turnover that has occurred within the RPD in the last year or two as well as recruitment-related efforts that have been underway as well as future recruiting efforts that are in the works.

Following brief comments, Council took no action pertaining to this agenda item.

7. Discuss and consider appointments to the city's ART Commission and Comprehensive Plan Advisory Committee (Cha), and take any action necessary.

Councilmember Macalik moved to appoint Bonnie Lankford and Susan Guzman to fill the two vacancies on the city's ART Commission. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Campbell moved to appoint Charles Edward Miller to serve on the city's Comprehensive Plan Advisory Committee (CPAC). Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Fowler moved to appoint Ross Hustings to the CPAC. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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 sale of city-owned real property off of IH-30 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding Rockwall Municipal Court pursuant to Section 551.071 (Consultation with Attorney) and pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding non-emergency ambulance services contract pursuant to Section 551.071 (Consultation with Attorney).
5. Discussion regarding contract with Legacy Humane Society pursuant to Section §551.071 (Consultation with Attorney).
6. Discuss regarding City Charter provisions related to granting a utility franchise, pursuant to Section §551.071 (Consultation with Attorney)

XIV. 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.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 10:16 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3rd DAY OF MAY, 2021.


JIM PRUITT, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 03, 2021 - 5:00 PM

City Hall Council Chambers - 385 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 Anna Campbell, Dana Macalik, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Mayor Pruitt then read the following 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 acquisition of land in the vicinity of W. Rusk Street [SH-66] and N. Second Street pursuant to Section §551.072 (Real Property).
2. Discussion regarding possible sale/purchase/lease of real property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding appointment(s) to city's Board of Adjustments (BOA), pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 6:00 p.m.

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

Mayor Pruitt reconvened the public meeting at 6:01 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER HOHENSHELT

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Outstanding Unit Citation, Rockwall Fire Department - Chief Cullins

Fire Chief, Kenneth Cullins, came forth and read this commendation, recognizing A Shift at Station 2 for a recent life-saving act. John Vick of Senator Bob Hall's office then came forth and presented certificates of recognition to each of the crew members as well.

2. Hometown Hero - Marilyn King

Mayor Pruitt called forth Mrs. King and her daughter. He then read and presented her with a proclamation and a small plaque recognizing her as a "Hometown Hero" for all the work she does with Seniors at the local YMCA as well as her work to promote the U.S. Constitution through the Daughters of the American Revolution. Mr. Vick of Senator Hall's office then came forth and presented Mrs. King with a certificate on behalf of the senator.

3. Police Week Proclamation

Mayor Pruitt called forth Rockwall Police Chief Max Geron. He read and presented him with the proclamation for "Police Week." Chief Geron then said a few, brief words and called forth Rockwall Police Lieutenant, Aaron McGrew, and his family to recognize him for his recent accomplishment in graduating first in his class at the Institute for Law Enforcement Administration (ILEA) (a law enforcement leadership program).

4. National Day of Prayer

Mayor Pruitt explained what National Day of Prayer is and then read this proclamation into the record. He expressed that this proclamation is the very most important one that he has given annually since he has been mayor of Rockwall.

5. Older Americans Month

Mayor Pruitt called forth Margie Verhagen, who leads the Rockwall County Meals on Wheels program, and her program coordinator, Jessica, and one of her board members, David White. He then read and presented them with a proclamation naming May as "Older Americans Month."

6. Food Allergy Awareness Week

Mayor Pruitt called forth resident Sophia Ivory and her comrades. Ms. Ivory said a few words before the mayor then read and presented them with this proclamation for Food Allergy Awareness Week.

7. Recognition of graduating Youth Advisory Council (YAC) members

Mayor Pruitt called forth three YAC students – Mary Claire Weible, Parker Yarbrough, and Evelyn Valk – recognizing them for their service and participation on the city's YAC and congratulating them on their upcoming high school graduations.

8. Recognition of outgoing Mayor, Jim Pruitt

Mayor Pro Tem Kevin Fowler came forth and read a proclamation proclaiming today as "Mayor Jim Pruitt Appreciation Day" in the City of Rockwall. Mayor Pruitt then provided lengthy comments, generally thanking each of his fellow council members and city staff members for all

VII. OPEN FORUM

Rick Crowley, former City Manager of Rockwall
701 Cornell Drive
Rockwall, TX

Mr. Crowley came forth and thanked Mayor Pruitt for his years of service to the City of Rockwall.

Meredith and Ben Fox
850 Turquoise Place
Rockwall, TX

Mr. and Mrs. Fox came forth and indicated that she would like to introduce Graham DeFranco, Rockwall resident who recently appeared on the TV show, American Idol. Mrs. Fox went on indicate that she would like the city to consider allowing Graham to be the 'opening act' for one of the bands that is already booked to perform at The Harbor during one of the city's upcoming Concert by the Lake events.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Fowler moved to appoint Kyle Thompson as an "alternate" on the city's Board of Adjustments. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the April 19, 2021 regular city council meeting, and take any action necessary.
2. **P2021-017** - Consider a request by Brian Wade of Raymond L. Goodson Jr., Inc. on behalf of Jason Linscott of Rockwall Regional Hospital, LLC for the approval of a Replat for Lot 25, Block A, Presbyterian Hospital of Rockwall Addition being a 23.0927-acre parcel of land identified as Lot 24, Block A, Presbyterian Hospital of Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, addressed as 3142-3150 Horizon Road [FM-3097], and take any action necessary.
3. **P2021-018** - Consider a request by Jonathan Stites of Seefried Industrial Properties on behalf of Amazon.com Services, LLC for the approval of a Final Plat for Lot 1-3, Block A, DDF9 Addition being a 90.68-acre tract of land identified as Tract 20 & 20-1 of the A. Hanna Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located at the southwest corner of Justin Road and Industrial Boulevard, and take any action necessary.
4. Consider approval of the construction contract for the Turtle Cove Boulevard. and W. Yellowjacket Lane Reconstruction Project and authorize the City Manager to execute a construction contract with Quality Excavation, LLC in the amount of \$1,128,090.00 to be funded by 2018 Street Bonds, and take any action necessary.
5. Consider approval of the contract for the construction materials testing for the Turtle Cove Boulevard. and W. Yellowjacket Lane Reconstruction Project and authorize the City Manager to execute a construction contract with Alliance Geotechnical Group in the amount of \$65,105.00 to be funded by 2018 Street Bonds, and take any action necessary.

Councilmember Hohenshelt moved to approve the Consent Agenda (#1, 2, 3, 4, and 5) (minus #4). Mayor Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Chris Knox of the Rockwall County Sheriff's Posse to hear a request for street closures on Fri. night, Nov. 5, 2021 thru Sat. afternoon, Nov. 6 on E. Kaufman St. and N. San Jacinto St. associated with the organization's annual "Roundup" event, and take any action necessary.

Mr. Knox came forth and spoke briefly about his event and request. Mayor Pruitt then moved to approve the street closures for this event, as requested. Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Appointment with Rockwall Youth Advisory Council (YAC) to hear year-end program report, and take any action necessary.

YAC Members, Mary Claire Weible and Peyton Nielsen, came forth and briefed Council on the various activities in which YAC was involved over the course of the school year.

XI. ACTION ITEMS

1. Consider an **ordinance** amending Chapter 22, *Miscellaneous Offenses*, of the Municipal Code of Ordinances to adopt changes that would address regulatory actions for improvements and storage on unleased land within the takeline, and take any action necessary. **(2nd reading)**

Councilmember Johannesen moved to approve the ordinance. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL ORDINANCE NO. 21-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 22, *MISCELLANEOUS OFFENSES*, FOR THE PURPOSE OF INCORPORATING A NEW ARTICLE THAT PROVIDES REGULATIONS AND ENFORCEMENT FOR THE UNLAWFUL USE OF UNLEASED LAND WITHIN THE LAKE RAY HUBBARD TAKELINE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) 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 in favor with 2 abstentions (Pruitt and Fowler).

2. Discuss and consider holding concerts for local reality show contestants at The Harbor, and take any action necessary.

Council generally indicated that they are in agreement with having Graham DeFranco perform before an upcoming band takes the stage at an upcoming Concert by the Lake this season. Staff will coordinate these efforts.

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES,

UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - March 2021
2. Fire Department Monthly Report - March 2021
3. Parks & Recreation Department Monthly Report - March 2021
4. Police Department Monthly Report - March 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Interim City Manager, Mary Smith, indicated that staff is available to answer questions Council may have concerning monthly reports that have been provided in the meeting packet. No discussion took place.

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 acquisition of land in the vicinity of W. Rusk Street [SH-66] and N. Second Street pursuant to Section §551.072 (Real Property).
2. Discussion regarding possible sale/purchase/lease of real property in the vicinity of downtown, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding agreements between the City of Rockwall and Blackland Water Supply Corporation (WSC) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding appointment(s) to city's Board of Adjustments (BOA), pursuant to Section 551.074 (Personnel Matters)

XIV. 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.

XV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 7:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th DAY OF MAY, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL SPECIAL MEETING
Monday, May 10, 2021 - 6:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 6:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Kevin Fowler, and Council Members Dana Macalik, Bennie Daniels and Trace Johannesen. Also present were Interim City Manager, Mary Smith and Assistant City Manager, Joey Boyd. Councilmembers Anna Campbell and John Hohenshelt were not present at the meeting.

II. OPEN FORUM

Mayor Pruitt explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

III. ACTION ITEMS

- 1 Discuss and consider approval of a resolution canvassing the returns of the May 1, 2021 General Election, and taken any action necessary.

City Secretary, Kristy Cole briefly addressed the Council and read the following "TOTAL" vote tallies for each candidate into the public record pertaining to the May 1, 2021 General Election:

MAYOR City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Kevin Fowler	3,478	21	2,301	1,156

COUNCIL PLACE-1 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Bennie Daniels	3,288	21	2,174	1,093

COUNCIL PLACE-3 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Priscylla Bento	590	9	424	157
Jerry Welch	567	4	375	188
Clarence L. Jorif	1,417	8	929	480
Dennis Lewis	950	1	635	314
Ron Smith	167	0	97	70

COUNCIL PLACE-5 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Dana K. Macalik	3,257	21	2,164	1,072

COUNCIL PLACE 6 City of Rockwall

Vote For 1

	TOTAL	Absentee	Early Voting	Election Day
Anna Campbell	3,163	18	2,091	1,054

Ms. Cole indicated that, per City Charter, candidates receiving a 'plurality' of votes cast are declared the victors in contested races. Mayor Pro Tem Fowler moved to approve Resolution 21-07. Mayor Pruitt seconded the motion, which passed by a vote of five in favor with 2 being absent (Campbell and Hohenshelt). Mayor Pruitt handed out "Certificates of Election" to each declared winner and announced that the newly elected council members will be sworn into office at the May 17 regular city council meeting.

IV. ADJOURNMENT

Pruitt adjourned the meeting at 6:11 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 17th DAY OF MAY, 2021.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY COLE, CITY SECRETARY

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 17, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor (Elect) Kevin Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels, and Anna Campbell. Also present were Assistant City Manager Joey Boyd and City Attorney Frank Garza. Interim City Manager, Mary Smith was absent from the meeting. Fowler then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session. Councilmember John Hohenshelt joined the meeting right afterwards, at 5:02 p.m.

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 appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem, pursuant to Section, §551.074 (Personnel Matters).
2. Discussion regarding the 212 Development Agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding appointment of Presiding Judge, Associate Judge, and Prosecutor of the Rockwall Municipal Court, pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding Texas Coalition for Affordable Power and Gexa Energy's notice of Ancillary Services costs pursuant to Section 551.071 (Consultation with Attorney) and Section 551.086 (Competitive Matter).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 6:00 p.m.

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

Mayor (Elect) Kevin Fowler reconvened the public meeting at 6:03 p.m. with all seven city council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR FOWLER

Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS & CEREMONIAL ITEMS

1. Swearing in of Newly Elected City Council Members

Rockwall Municipal Court Associate Judge, Matthew Scott, came forth and led Kevin Fowler in the Oath of Office, establishing him as the new Mayor of Rockwall.

Brian Williams, County Court at Law 1 Judge, Rockwall, TX, came forth and administered the Oath of Office to Council Members Bennie Daniels (Place 1), Dana Macalik (Place 5), and Anna Campbell (Place 6).

Mark Russo, Rockwall County Justice of the Peace/Judge, came forth and administered the Oath of Office to newly elected Council Member for Place 3, Clarence Jorif.

2. Mental Health Awareness Month

Mayor Fowler called forth resident, Mike Wallace and Rockwall Police Department's (RPD) Mental Health Officer, Monica Hardman. He then read and presented them with this proclamation. Officer Hardman went on to share several statistics about mental health as well as stress the importance of mental health awareness and the job she performs for the RPD. She also mentioned an 'awareness walk' that is upcoming.

3. Motorcycle Safety & Awareness Month

A representative of the Wolverines Motorcycle Club came forth and accepted this proclamation from Mayor Fowler.

4. Safe Boating Week

Mayor Fowler read this proclamation aloud, declaring "Safe Boating Week" in the City of Rockwall.

5. Public Works Week

Mayor Fowler called forth City Engineer / Public Works Director, Amy Williams, and many of her staff members. The mayor thanked them for all of the important work they do, especially the work they performed during February's snow / ice storms. He then read and presented them with this proclamation. Ms. Williams went on to introduce her staff members individually and thank them for their efforts, especially during the winter weather storms back in February.

VII. OPEN FORUM

Mayor Fowler provided comments pertaining to various goals and objectives he will be supporting during his term as mayor.

**Steve Curtis
FM 1141
Rockwall (County), TX**

Mr. Curtis shared that on John King Blvd. near Goliad, he recently encountered a bicycle rider holding up traffic during 'rush hour.' He shared that he observed a car honk at the bicyclist, and the bicyclist flipped him off. He is concerned about safety for both bicyclists and motorists.

Kimberly Simon
15010 Burlingame Dr.
Rockwall, TX 75087

John D'Carlo
1070 Potter Ave.
Rockwall, TX 75087

Ms. Simons and Mr. D'Carlo came forth to address the Council together. Ms. Simons went on to explain that having reliable internet service is vital, and the pandemic over the last year has highlighted this vital need, especially for those working from home. She generally expressed concern about "Spectrum" internet service provider. She shared that Spectrum has typically indicated that their outages are due to construction-related line cuts. She would like to know what relationship the city has with internet service providers, do they get fined for outages, how can 'free market' competition be encouraged, etc.? Mayor Fowler indicated that Assistant City Manager, Joey Boyd will contact her to discuss these issues outside of tonight's meeting.

Chuck Escobedo
184 Raintree Ct.
Rockwall, TX 75087

Mr. Escobedo came forth and expressed that he would like to know what plans are in place to fund physical infrastructure (specifically streets and bridges) that will be needed in the next 8-10 years, especially considering that the City of Rockwall will be growing at a notably high rate annually. Mayor Fowler shared that he is happy to meet with Mr. Escobedo to discuss his concerns further, and he knows that City Engineer, Amy Williams, will also be willing to meet with him.

There being no one else wishing to come forth and speak, he then closed Open Forum.

Councilmember Johannesen briefly explained to the Open Forum speakers that the reason the City Council cannot outright respond or discuss the topics they have raised is because the topics were not specifically listed on the public meeting agenda. Therefore, because of the law and in the interest of proper public notice and transparency, the Council cannot discuss them. However, staff and/or council members will get with those individuals who spoke this evening in order to address the specific issues they have raised.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Hohenshelt moved to direct the city attorney to negotiate a contract with Paul Liston to be the city prosecutor. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Daniels moved to appoint John Hohenshelt as the Mayor Pro Tem. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 3, 2021 regular city council meeting, and take any action necessary.

2. Consider approval of the minutes from the May 10, 2021 special city council meeting, and take any action necessary.
3. Consider a resolution denying approval of an amendment to the Distribution Cost Recovery Factor increase in distribution rates filed by Oncor Electric Delivery, approving cooperation with the Steering Committee of Cities served by Oncor to evaluate the filing, to negotiate with Oncor on the City's behalf, and take any action necessary.
4. Consider awarding bids to various vendors and authorizing the Interim City Manager to execute Purchase Orders for the installation of a new Pickleball Court and Parking Lot at the Park at Hickory Ridge in the amount of \$456,678.61 to be funded out of the Recreation Development Fund, and take any action necessary.
5. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the Interim City Manager to execute a Purchase Order for two new 2021 model Police Pursuit Tahoe's in the amount of \$116,000 to be funded out of General Fund Reserves to replace 'total loss' vehicles involved in accidents, and take any action necessary.
6. Consider approval of the construction contract for the Ridge Road West Reconstruction Project and authorize the Interim City Manager to execute a construction contract with DDM Construction Corporation in the amount of \$3,354,900.00 to be funded out of 2018 Street Bonds, and take any action necessary.
7. Consider approval of the contract for the construction materials testing for the Ridge Road West Reconstruction Project and authorize the Interim City Manager to execute a construction contract with ESC Southwest, LLP in the amount of \$62,590.00 to be funded by 2018 Street Bonds, and take any action necessary.
8. Consider approval of a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform the engineering design and the construction plans for the SH 276 Utility Relocation Project in an amount not to exceed \$251,020.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
9. Consider approval of the construction contract for the Heath Street Pump Station Project and authorize the Interim City Manager to execute a construction contract with Crescent Construction, Inc. in the amount of \$2,777,000.00 to be funded out of the Water and Sewer Fund, and take any action necessary.
10. Consider approval of the contract for the construction materials testing for the Heath Street Pump Station Improvement Project and authorize the Interim City Manager to execute a construction contract with Alliance Geotechnical Group in the amount of \$32,915.63 to be funded out of the Water and Sewer Fund, and take any action necessary.
11. Consider approval of the construction contract for the North Lakeshore Bridge Repair Project and authorize the Interim City Manager to amend the General Fund Budget and execute a construction contract with A&B Construction, LLC in the amount of \$489,414.50 to be funded out of General Fund Reserves, and take any action necessary.
12. **P2021-019** - Consider a request by Humberto Johnson of the Skorburg Co. on behalf of John Arnold of Gideon Grove Addition, LTD for the approval of a Final Plat for Phase 2 of the Gideon Grove Subdivision consisting of 84 single-family residential lots on a 30.36-acre tract of land identified as a portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 84 (PD-84) for Single-Family 7 (SF-7) District land uses, generally located at the northwest corner of the intersection of E. Quail Run Road and John King Boulevard, and take any action necessary.
13. **P2021-020** - Consider a request by Randall Eardley of Weir & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a Preliminary Plat for Lots 1-6, Block A, Fit Sport Life Addition being a 55.784-acre tract of land identified as a portion of Tract 22 and all of Tracts 22-2 & 24 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas,

zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) and FM-549 Overlay (FM-549 OV) Districts, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.

14. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee regarding funding for the Texas State Association of Fire Fighters Convention in the amount of \$66,341 and authorize the Interim City Manager to execute associated contract, and take any action necessary.

Councilmember Johannesen clarified for citizens that these items have already been thought out and previously considered, as many of them are associated with a previous, voter-approved roadway bond package.

Councilmember Campbell pulled item #12 (P2021-019) for further discussion. Councilmember Johannesen moved to approve the remaining Consent Agenda items (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Campbell sought clarification on this item from the city's Planning Director, Ryan Miller. Mr. Miller shared that the proposed plan does comply with all of the technical requirements within the city's Codes (Ch. 38 "Subdivisions") as well as the city's zoning ordinance that was approved for this particular tract of land.

Following the brief, clarifying comments, Councilmember Campbell moved to approve item #12 (P2021-019). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Jerry Welch of the city's Planning & Zoning Commission came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action following Mr. Welch's brief remarks.

After this item, Mayor Fowler addressed Action Item #1.

XI. PUBLIC HEARING ITEMS

1. **Z2021-008** - Hold a public hearing to discuss and consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill Adjacent to an Established Subdivision*, an *Accessory Building*, and a *Guest Quarters/Secondary Living Unit* for the purpose of constructing a single-family home, accessory building, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, came forth and briefed the Council on this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of

constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), Residential Infill Adjacent to an Established Subdivision, of Article 04, Permissible Uses, of the Unified Development Code (UDC). In addition, the applicant is also requesting a Specific Use Permit (SUP) for a guest quarters/secondary living unit that exceeds 30% of the primary structure, and for an accessory building that exceeds the maximum permissible size. He explained that this home is close to both the Quail Run and Caruth Lakes subdivisions. Notices were sent out to adjacent property owners located within 500' of the subject property as well as to the Quail Run Valley and Caruth Lakes homeowners' associations; however, staff has received no notices back (neither in favor nor against) concerning this proposal. The City's Planning & Zoning Commission has recommended approval of this case by a vote of 5 ayes with 0 nays.

Mike Worster
550 E. Quail Run Rd.
Rockwall, TX

Lance Tyler
1501 The Rock
Rockwall, TX

Mr. Worster generally thanked Council for its consideration and asked for approval of this item this evening.

Mayor Fowler opened the Public Hearing, asking if anyone would like to speak at this time. There being no one indicating such, he then closed the Public Hearing.

Following brief comments, Councilmember Johannesen moved to approve the request (Z2021-008). Councilmember Jorif seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5) [ORDINANCE NO. 19-38] AND 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 ADJACENT TO AN ESTABLISHED SUBDIVISION, A GUEST QUARTERS/SECONDARY LIVING UNIT, AND AN ACCESSORY STRUCTURE* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME, ACCESSORY STRUCTURE, DETACHED GARAGE, AND GUEST QUARTERS/SECONDARY LIVING UNIT ON AN 8.011-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 19-2 OF THE S. S. MCCURRY SURVEY, ABSTRACT NO. 146, 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 7 ayes to 0 nays.

2. **Z2021-009** - Hold a public hearing to discuss and consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), *Residential Infill in or Adjacent to an Established Subdivision*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC). The subject property is located at 704 Parks Avenue. Property owner notifications were sent out to adjacent property owners and residents located within 500' of the subject property; however, no notices were received back (neither 'for' nor 'against'). The P&Z Commission did recently recommend approval of this request by a vote of 5 to 0.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the Public Hearing.

Councilmember Daniels then moved to approve Z2021-009. Councilmember Campbell seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX

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 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 9, BLOCK D, FOREE 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 7 ayes to 0 nays.

3. **Z2021-010** - Hold a public hearing to discuss and consider a request by Mark Klecha for the approval of an ordinance for a Specific Use Permit (SUP) superseding *Ordinance No. 20-34* and allowing an accessory building that does not conform to *S-231 [Ordinance No. 20-34]* on a 0.2297-acre parcel of land identified as Lot 6, Block O, Hillcrest Shores Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 11 (PD-11) for Single-Family 10 (SF-10) District land uses, addressed as 1748 Lake Breeze Drive, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information pertaining to this agenda item. He generally explained that the applicant has constructed an accessory building that is two-story (not permissible) and was also constructed larger than what the SUP that was previously granted by the city allowed. The P&Z Commission recommended denial of this request, so, in order for it to be approved, it would require 6 of the 7 council members to vote tonight for its approval. Four notifications have been received back in opposition of the request, and one notice was received by the City in favor of the applicant's request.

Mayor Fowler opened the public hearing, asking if anyone would like to speak concerning this item.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and shared that several variances have recently been approved by Council, and he knows that height is perhaps a big issue related to this particular case. He shared that this is a 'tough call' for the Council to decide this evening. He knows the Council will do the right thing.

The applicant then came forth – Mark Kelcha at 1748 Lake Breeze Drive – then came forth and addressed the Council. He shared that he meant no malice, rather, it was a lot of 'ignorance' on his part. He acknowledged that he has learned a lot of hard (financial) lessons, and he understands that he has now found himself in a pretty big 'mess' with these structures he has built. He went on to provide a lengthy explanation of what he had initially proposed, how he had to move the structure that was initially proposed (because it didn't initially meet 'setback' requirements), and other details related to how his issues evolved over time. He shared that he did most all of the work himself (minus the concrete work and electrical work).

Councilmember Hohenshelt sought some clarification from Mr. Miller.

Councilmember Daniels shared that he had initially opposed this request, even though the Council passed them.

Following Council's discussion, Councilmember Daniels moved to deny the currently requested SUP. Councilmember Campbell seconded the motion. Following brief discussion, the motion to deny passed by a vote of 7 ayes to 0 nays.

4. **Z2021-011** - Hold a public hearing to discuss and consider a request by Kristi Bryant for the approval of an ordinance for a Specific Use Permit (SUP) for an *Accessory Building* to allow an existing

greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. On March 10, 2021, the applicant was sent a Notice of Code Violation for the construction of a greenhouse (i.e. accessory building) without a building permit (Case No. CE2021-996). Based on this notice, the applicant contacted the Building Inspections Department to seek the necessary permits for the greenhouse; however, since the structure exceeded the maximum permissible size, the property owners was told that she would have to request a Specific Use Permit (SUP). The property owner and applicant -- Kristi Bryant -- is requesting the approval of a Specific Use Permit (SUP) to permit an accessory building that was constructed on a gravel foundation without a building permit and that exceeds the maximum square footage permitted for accessory buildings as stipulated by Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards, of the Unified Development Code (UDC). Staff mailed 88 notices to property owners and occupants within 500-feet of the subject property and notified relative Homeowners Associations (HOAs). Staff received one (1) notice within the notification area in opposition to the applicant's request.

Mayor Fowler 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, Kristi Bryant, then came forth and generally expressed the nature of this request. She explained that this greenhouse was a gift from her in-laws, and it was a pre-built structure that was delivered to her home and dropped in the back yard. She shared that, since nothing was actually being built or constructed on site, she did not even think about potentially needing to pull a building permit. She went on to respectfully ask the Council to consider approving her SUP request.

Councilmember Macalik pointed out that one neighbor does have some concerns that Ms. Bryant may be running a business out of this greenhouse. Ms. Bryant shared that, no, that is not the case. She is an online elementary art teacher, and the greenhouse and what is being grown in it is strictly being done as a hobby.

Councilmember Daniels expressed concern about these sorts of 'exceptions' and 'SUP' requests coming up time and time and time again with applicants building things and then asking for approval after the fact. Daniels went on to indicate that he cannot support approval of this request, stressing the need to have consistency over time.

Following the Council discussion, Mayor Fowler moved to approve Z2021-011. Councilmember Johannesen seconded the motion. Mayor Pro Tem Hohenshelt shared that, after this one, he is never going to approve a request like this ever again "after the fact" (of something being built and then the person coming in and asking for permission and/or forgiveness afterwards).

Additional discussion took place about the possibility of modifying the city's existing ordinance regulations and/or possibly instituting penalties when folks fail to comply (i.e. fail to pull permits when they should or fail to adhere to permits they are granted.

Following lengthy Council and staff discussion, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-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 0.496-ACRE TRACT OF LAND, IDENTIFIED AS LOTS 5 & 6, BLOCK A, HIGHRIDGE 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 (to approve Z2021-011) passed by a vote of 4 ayes with 3 nays (Jorif, Daniels and Campbell).

Mayor Fowler addressed Action Item #2 next during the meeting.

5. **Z2021-013** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of clarifying the requirements for temporary structures on leased property within the takeline area (1st Reading).

Mayor Fowler shared that he will recuse himself from this item, as he owns a home along the takeline area.

Mayor Pro Tem Hohenshelt administered this item. Planning Director, Ryan Miller provided brief comments regarding this item. Hohenshelt then 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. Councilmember Johannesen moved to approve this agenda item (Z2021-013). Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX

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, BY AMENDING SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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 to approve passed by a vote of 6 ayes with 1 abstention (Fowler).

XII. ACTION ITEMS

1. Discuss and consider Park Board recommendation regarding naming the lighthouse at The Harbor in memory of former Rockwall Mayor, Scott Self, and take any action necessary.

Councilmember Macalik made a motion to name the lighthouse at The Harbor after the late and former Mayor of Rockwall, Scott Self. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays. Staff will work with the family on this topic.

Mayor Fowler addressed Public Hearing Item #1 next during the meeting.

2. **A2021-001** - Discuss and consider the expiration of existing 212 Development Agreements for two (2) areas contiguous with the City of Rockwall's corporate limits and being identified as: (Area 1) approximately 177.47-acres of land generally located southeast of Hanby Lane and Buffalo Way Road; and (Area 2) approximately 24.98-acres of land located along the southeast side of FM550, south of SH276; and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item, and – in part – he explained what a 212 Development Agreement is. Mayor Pro Tem Hohenshelt moved to extend both 212 Development Agreements for a period of five (5) years. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Macalik).

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 appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem, pursuant to Section, §551.074 (Personnel Matters).
2. Discussion regarding the 212 development agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding appointment of Presiding Judge, Associate Judge, and Prosecutor of the Rockwall Municipal Court, pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding Texas Coalition for Affordable Power and Gexa Energy's notice of Ancillary Services costs pursuant to Section 551.071 (Consultation with Attorney) and Section 551.086 (Competitive Matter).

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See actions taken above, near the start of the 6:00 p.m. meeting agenda.

XV. ADJOURNMENT

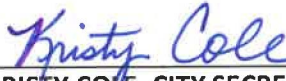
Mayor Fowler adjourned the meeting at 7:47 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 7th
DAY OF JUNE, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, June 07, 2021 - 4:30 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 4:30 p.m. with the following Council and staff being present: Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels, and Anna Campbell. Also present were Interim City Manager, Mary Smith and Assistant City Manager, Joey Boyd. City Attorney, Frank Garza arrived to the meeting and joined Ex. Session at 5:31 p.m.

Mayor Fowler then 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 appointment of Presiding Judge and Associate Judge of the Rockwall Municipal Court, including conducting associated interviews, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding city council subcommittees and board liaison designations, pursuant to Section, §551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 6:00 p.m.

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

Mayor Fowler reconvened the public meeting at 6:03 p.m. with all seven council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESSEN

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

VI. PROCLAMATIONS

1. Certificate of Merit - Rockwall Police Officer Michael Manuel

Mayor Fowler and Chief Geron called forth Officer Manuel and his guest. They then presented him with this Certificate of Merit in recognition of the "anonymous tips sharing" program he created at Utley Middle School called, "Thought You Should Know, SRO."

2. "2020 Large Partner of the Year" - City Award from Rockwall Area Chamber of Commerce

Darby Burkey, Director of the Chamber of Commerce, came forth and provided the City and its leaders with various compliments, especially pertaining to how the city responded to and handled the COVID-19 pandemic that was so prevalent last year. She shared details of the process associated with how it came to be that the City of Rockwall was chosen as

the Chamber's "Large Partner of the Year" for 2020. She then congratulated the city and its leaders for receiving this honor.

VII. OPEN FORUM

Mayor Fowler 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 closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to appoint Matt Scott as Presiding Municipal Court Judge. Councilmember Daniels seconded the motion, which passed by a vote of 6 in favor with 1 against (Campbell). Hohenshelt move to appoint Ryan Lee as Associate Municipal Court Judge. Councilmember Johannesen seconded the motion, which passed by a vote of 5 in favor with 2 against (Campbell and Jorif).

IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 17, 2021 regular city council meeting, and take any action necessary.
2. **P2021-022** - Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf Helen Comeav Neller for the approval of a Final Plat for Lots 1 & 2, Block A, Neller Addition being an 11.368-acre parcel of land identified as Lot 7, Block 1, Lofland Lake Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estates 4.0 (SFE-4.0) District, addressed as 2380 FM549, and take any action necessary.
3. **P2021-023** - Consider a request by Cameron Slown, PE of Teague, Nall & Perkins on behalf of Rockwall Rental Properties, LP for the approval of a Replat for Lot 12 & 13, Block 1, Alliance Addition, Phase 2 being a 4.992-acre tract of land identified as Lots 8, 9, 10, & 11, Block 1, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, located at the southeast corner of Horizon Road [FM-3097] and Andrews Drive, and take any action necessary.
4. **P2021-024** - Consider a request by Scott H. Johnson for the approval of a Replat for Lot 1, Block A, Johnson Addition being an 0.24-acre parcel of land identified as Lot E, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 505 E. Bourne Street, and take any action necessary.
5. **P2021-025** - Consider a request by Austin McDaniel of Landev Engineers on behalf of Josh Kirby for the approval of a Replat for Lot 2, Block 1, Our Savior Lutheran Church Addition being a 4.0152-acre parcel of land identified as Lot 1, Block 1, Our Savior Lutheran Church Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 13 (PD-13), addressed as 3003 Horizon Road [FM-3097], and take any action necessary.
6. **P2021-027** - Consider a request by Keaton Mai of the Dimension Group on behalf of Russell Phillips of Rockwall 205 Investors, LLC for the approval of a Preliminary Plat for Lots 1-14, Block A, Creekside Commons being a 34.484-acre tract of land identified as Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [SH-205] and S. FM-549, and take any action necessary.
7. **P2021-028** - Consider a request by Akhil D. Vats for the approval of a Replat for Lot 9, Block A, Ellis Centre, Phase Two Addition being a 0.70-acre parcel of land identified as Lot 6, Block A, Ellis Centre #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, located at the western corner of the intersection of Alpha Drive and Beta Drive, and take any action necessary.
8. **Z2021-008** - Consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill Adjacent to an Established Subdivision*, an *Accessory Building*, and a *Guest Quarters/Secondary Living Unit* for the purpose of

constructing a single-family home, accessory building, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary **(2nd Reading)**.

9. **Z2021-009** - Consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary **(2nd Reading)**.
10. Consider approving an amendment to the professional engineering services contract with Birkhoff, Hendricks and Carter, LLP, to prepare the engineering design and construction plan for the FM-552 Utility Relocation Project in an additional amount not to exceed \$244,310.00, to be paid out of the Water and Sanitary Sewer Fund, and taken any action necessary.
11. Consider approval of the funding recommendation from the Hotel Occupancy Tax subcommittee for the 2021 Texas Canine Workshop in the amount of \$13,600 and authorize the Interim City Manager to execute a contract for the conference funding, and take any action necessary.
12. Consider an amendment to the operating budget for fiscal year 2021 in the amount of \$289,283.54 for electric ancillary services charges to Gexa Energy to be paid from General Fund Reserves, and take any action necessary.

Councilmember Macalik moved to approve the Consent Agenda, as presented.
Councilmember Jorif seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-19
SPECIFIC USE PERMIT NO. S-246

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5) [ORDINANCE NO. 19-38] AND 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 ADJACENT TO AN ESTABLISHED SUBDIVISION, A GUEST QUARTERS/SECONDARY LIVING UNIT, AND AN ACCESSORY STRUCTURE* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME, ACCESSORY STRUCTURE, DETACHED GARAGE, AND GUEST QUARTERS/SECONDARY LIVING UNIT ON AN 8.011-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 19-2 OF THE S. S. MCCURRY SURVEY, ABSTRACT NO. 146, 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-20
SPECIFIC USE PERMIT NO. S-247

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 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 9, BLOCK D, FOREE 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 7 ayes to 0 nays.

X. ACTION ITEMS

1. **Z2021-011** - Discuss and consider a request by Kristi Bryant for the approval of an ordinance for a *Specific Use Permit (SUP)* for an *Accessory Building* to allow an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and take any action necessary (2nd Reading).

Mr. Miller shared that this was placed as an "Action Item" because it did not receive a unanimous vote of approval at the last council meeting (4 ayes to 3 nays last time, upon 1st reading). Mayor Fowler pointed out that this property is located on a 'double lot,' so the scale is a little bit improved in this regard. Following brief comments, Councilmember Macalik moved to approve Z2021-011 and the associated ordinance. Mayor Fowler seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-21
SPECIFIC USE PERMIT NO. S-248

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 0.496-ACRE TRACT OF LAND, IDENTIFIED AS LOTS 5 & 6, BLOCK A, HIGHRIDGE 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 to approve failed by a vote of 3 ayes with 4 nays (Jorif, Hohenshelt, Daniels, Campbell voted against).

2. **Z2021-013** - Discuss and consider approval of an ordinance for a *Text Amendment* to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of clarifying the requirements for temporary structures on leased property within the takeline area (2nd Reading).

Mayor Pro Tem Fowler recused himself from this agenda item, so Mayor Pro Tem Hohenshelt facilitated this item. Councilmember Johannesen moved to approve Z2021-013. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-22**

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, BY AMENDING SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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 in favor with 1 recusal (Fowler).

3. Discuss and consider a resolution approving a Multiple Use Agreement with the Texas Department of Transportation (TXDOT) for the City flagpole project on State right-of-way located between the Interstate 30 service road and Laguna Drive, including project update and associated budget, and take any action necessary.

Councilmember Bennie Daniels began discussion of this item, providing a history of this topic up until this point in time. He then called upon Assistant City Manager, Joey Boyd, to provide additional details concerning this project. Councilmember Johannesen went into a bit of detail concerning how incredibly tall and large this flagpole and flag will be, explaining that it will be an incredible display of patriotism for Rockwall and this community. Daniels went on to explain that benches and landscaping will eventually be installed, and this will be a place where folks will be able to gather for "Flag Day" and other important, patriotic type holidays to hold brief ceremonies / events.

Jim Pruitt
110 S. Goliad
Rockwall, TX

Mr. Pruitt (recent, former Mayor) came forth and provided brief comments concerning this topic, in part, thanking Councilmember Daniels for all of his persistency and hard work on this flag-related project. He believes this will be a large benefit to the City of Rockwall.

Councilmember Daniels made a motion to approve the resolution and the Multiple Use Agreement with TXDOT, including approval of the associated budget. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider the "Discovery" Sculpture Project, including authorizing the project budget in the amount of \$324,800, and take any action necessary.

Mayor Fowler explained that this is a project that has been ongoing for a long number of years. Lorne Leichty recently contacted Fowler, explaining that he is willing to champion this project and move it forward in order to finally get it completed. This life size rendering of "Discovery," which commemorates in a cast bronze statue / piece of artwork the

foundings of "Rockwall" by early settlers who discovered the wall for which the city and county are named, would be placed on the downtown square on the corner of the courthouse property (diagonally across from where Zanata restaurant is currently located). He went on to explain that the city's fund balance is healthy, and – in light of pricing that continues to increase more and more as time passes – the City would like to get this project funded and moving along in time for an unveiling by "Founders Day" of next year (2022).

Councilmember Macalik moved to approve the "Discovery" sculpture project, including authorizing the funding in the amount of \$324,800. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider an ordinance granting a Franchise Agreement to Si Energy, L.P. to provide natural gas service in the City of Rockwall, and take any action necessary.

Two gentlemen from Si Energy – Daniel Pope, Vice President of Business Development and David Oliva, Director of N. TX Business Development - came forth and provided a brief presentation to Council concerning this agenda item. The stated business address was as follows: 13215 Bee Cave Pkwy, Suite B250 Bee Cave, TX 78738. Mr. Pope then proceeded to provide Council with details concerning the company, new infrastructure the company will put in, how the business is run, etc. They have just over 33k active customers and an additional 164k+ residential lots under contract for service. They provide services from NW Fort Worth to SW Houston.

Mayor Fowler shared that Atmos is the only competitor to this energy company. Indication was given that a 5% franchise fee will be collected by the City, as reflected in the proposed Franchise Agreement.

Following brief comments, Councilmember Johannesen moved to approve the ordinance and authorize execution of the franchise agreement. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING TO SIENERGY, L.P. A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TEN (10) YEARS TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND TO TRANSPORT, DELIVER, SELL, AND DISTRIBUTE GAS IN AND OUT OF AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

XI. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - April 2021
2. Fire Department Monthly Report - April 2021
3. Parks & Rec. Monthly Report - April 2021
4. Police Department Monthly Report - April 2021

5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Mayor Fowler thanked the city's Parks and Rec Department and staff for all their hard work on a successful Founders Day Festival.

XII. 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 appointment of Presiding Judge and Associate Judge of the Rockwall Municipal Court, including conducting associated interviews, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding city council subcommittees and board liaison designations, pursuant to Section, §551.074 (Personnel Matters)

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See action taken at the start of the 6:00 p.m. portion of the meeting for action taken at that time.

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:51 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 21st
DAY OF JUNE, 2021.**



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, June 21, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Anna Campbell and Bennie Daniels. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Mayor Fowler 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 a 212 Development Agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding city regulatory boards and commissions (re)appointments, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding a 212 Development Agreement on land in the vicinity of County Road 483 and SH-205 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. ***Pulled from the public meeting agenda: 22021-014*** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary **(1st Reading)**.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:50 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER DANIELS

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

VI. OPEN FORUM

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

Jerry Welch from the city's Planning & Zoning Commission came forth and briefed Council on planning-related items on this evening's city council meeting agenda, including associated recommendations of the Commission.

Oscar Espinosa
301 Winter Park
Rockwall, TX

Mr. Espinosa came forth and shared that he is a small business (restaurant) owner in Rockwall, he has been here twenty-six years, and he has five children. He indicated that he is in favor of the city constructing a skate park. Currently he has to travel far distances to other cities in order to take his children to have fun at skate parks, so he will appreciate having a skate park locally. He shared that he is happy to put work in to help with maintenance of a skate park in order to keep it in good condition.

Gabriel Benavides
3304 Perkins
Heath, TX

Mr. Benavides stated that not all kids are typical "team sport" type kids. Some kids prefer to do activities in a non-group setting. Currently he and his son have to travel an hour to get anywhere for him to skateboard. Since he begun skateboarding, his grades have notably improved, and he has found a purpose in life and an identity. He is in favor of Rockwall constructing its own skate park.

Chuck Smoden
2904 Greenway Drive
Rockwall, TX

Chuck indicated that he has been in the skate park business before, and he is in favor of Rockwall having a skate park. Providing kids with a dedicated skate park will allow them to participate in this type of 'action sport' without getting in trouble for skating in other areas of the city where it may be prohibited, and they may get fined for doing so. He is generally in favor of Rockwall constructing a skate park.

Jamie Napier
214 Rockwood
Rockwall, TX

Ms. Napier came forth and shared that she is the mother of 14 year old and 18 year old boys. Her oldest son has traditionally gotten in quite a bit of trouble (i.e. receiving tickets for criminal trespassing), and he has some mental health related issues too. She is generally in favor of her son having a skate park to go to so that he can have a positive outlet to channel his troubles and pass his time. If he had previously had such a place when he was in junior high, perhaps he would not have gotten into so much trouble over the years. She shared that not all kids who skate are

bad kids. She pointed out that there are not a lot of activities for middle school to high school aged kids to do here locally in Rockwall. She believes a skate park would be a beneficial asset to the City.

Matt Johnson
4781 Secret Cove Lane
Rockwall, TX

Mr. Johnson shared that he is Director of Marketing for one of the largest fitness management software companies in the U.S. He is also on the advisory board of the Richardson Boys & Girls Club, and part of their mission is to expose kids to a buffet of different activities for enrichment purposes. He pointed out that Rockwall has a great sense of community, which is one of the reasons he moved to Rockwall. He vowed to set up a 501 C-3 organization to begin raising funds to build a skate park within the City of Rockwall. He pointed out that there are some activities that are offered locally – such as bass fishing, frisbee golf and pickle ball – however, there are also people who would enjoy a skate park. He believes if they build a skate park, people will come, and it will be utilized.

Rebecca & Edward Glantz
1412 Grace
Wylie, TX

Ms. Glantz came forth with her husband, and they both are in favor of Rockwall building a skate park. Ms. Glantz shared that their oldest son has been skateboarding since he was about 4-5 years old, and he has really excelled at it. If he could skate every single day, he would do so. In addition to their youngest son, their daughter rides scooters. She and her kids go to the one in Allen and in Wylie, and they would enjoy coming to one someday in Rockwall too. Sometimes activities like bowling or Shenanigans get boring, especially for kids who are more talented and creative. Mr. Glantz shared that he and his wife have lived in Wylie about 15 years. He stated that kids who use skate parks are not bad kids – there are some really good kids, and it is a pretty tight-knit community. A lot of kids don't play football or baseball – instead, skateboarding is their thing. He believes that skate parks can keep a lot of kids occupied and out of trouble. He mentioned a skate park in Colorado that is really neat, and he suggested the City might want to look into how much something like that would cost.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that he used to live for many years within the City of Plano. His previous home was located right next to soccer fields through the PSA (Plano Sports Association). He believes the City should invest in itself. He pointed out that the city has kept "flat taxes, flat taxes" for many years. He hopes the City Council will look at taxes in the coming budget year and consider investing in itself by providing some amenities that citizens want.

Casey Honeywell
4588 Mountain Laurel Drive
Grand Prairie, TX 75052

Ms. Honeywell stated she drove more than one hour to speak tonight in favor of Rockwall building a skate park. She pointed out that she is a former roller derby competitor, and she won “gold” at a worldwide competition. She retired from her roller derby career and began going to skate parks about two years ago. She knows that she and her husband can travel to any skate park in the metroplex and make friends and have a fun time. She believes that Rockwall is missing out on creating a ‘positive sense of community’ that will come if Rockwall creates a skate park for people to use and enjoy. She pointed out that skaters are not bad people - many of them are women and are educated professionals (such as herself who is a career professional with a master’s degree). She believes many folks, who would otherwise have no reason to come to Rockwall – would do so if they had a skate park to come visit in this community.

Steve Curtis
2130 FM 1141
Rockwall, TX (County)

Mr. Curtis came forth and shared that P2021-026 on tonight’s Consent Agenda will result in poor drainage if Council approves it without discussion this evening. He urged them to consider this more carefully before simply approving it on “Consent.”

Brittany Dean
1700 W. Hickory Street
Denton TX

Ms. Dean came forth and shared that she drove a long way this evening to speak - 1:36 minutes without toll roads and just over one hour with toll roads. Ms. Dean shared that she is a roller skater, and she would like to see Rockwall construct a skate park. She is working on a PhD in clinical psychology. Skate parks are no longer only for teenage boys. They are for older dads who are re-learning how to roller skate with their kids, and they are for females too. All ages participate in utilizing skate parks. She has been to every skate park in the metroplex except the one in Allen. She is strongly in favor of Rockwall building a skate park for others to enjoy.

Stan & Melba Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus came forth and provided a slide show and described that his neighborhood is experiencing some drainage-related problems (his pictures showed culverts and associated storm drains – there are no ‘curb and gutters’ within his neighborhood). He also showed photos of tall weeds and grass and dead trees that are located in a greenbelt area beyond the wrought iron fencing that surrounds the perimeter of his subdivision and its homes. He also expressed concern about erosion. He pointed out that he believes the developer owns the greenbelt area (subdivision is called “Ridgecrest”); however, they won’t take responsibility for the area. The city won’t take responsibility for it either. It was pointed out by Mr. and Mrs. Jeffus that the retention pond was not properly designed, so water does not drain into it like it’s supposed to (poor and improper grading). Slimy, wet areas are present on pavement, and it creates safety concerns (i.e. folks may slip and fall). Indication was given that the head of their HOA is currently out of town but will

return soon. The residents in this neighborhood need help from the city in figuring out who is responsible for rectifying these various concerns.

Luke Wims
1500 Coastal Drive
Rockwall, TX

Mr. Wims came forth and shared that he and his friends like to skateboard. They are safer doing so in a park. They are more likely to sustain injuries when they are skating in the street. He is in favor of the City constructing a skate park. He believes it is a great sport, and it brings friends together in a positive way.

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

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Ex. Session.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the June 07, 2021 regular city council meeting, and take any action necessary.
2. Consider an **ordinance** granting a Franchise Agreement to Si Energy, L.P. to provide natural gas service in the City of Rockwall, and take any action necessary. **(2nd reading)**
3. **P2021-026** - Consider a request by Humberto Johnson of the Skorburg Co. on behalf of Alex Freeman and Mark G. & Jessica K. Taylor for the approval of a Preliminary Plat for the Winding Creek Subdivision consisting of 56 single-family residential lots on a 38.012-acre tract of land identified as Tracts 17 & 17-01 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the Consent Agenda (#s 1, 2, and 3). Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-23**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING TO SIENERGY, L.P. A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TEN (10) YEARS TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND TO TRANSPORT, DELIVER, SELL, AND DISTRIBUTE GAS IN AND OUT OF AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

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

IX. APPOINTMENT ITEMS

1. Appointment with Michael Mittman, Owner/Operator of DFWboatRide.com to hear update regarding the 'Harbor Lights' boat operations on Lake Ray Hubbard, and take any action necessary.

**Erik Oistad
728 Turtle Cove
Rockwall, TX**

Mr. Oistand indicated that Mr. Mittman hurt his back today and is therefore unable to attend tonight's meeting. He respectfully asks to be placed on the next city council meeting agenda to address the Council on this topic. No discussion or action took place pertaining to this agenda item this evening.

2. Appointment with Russell Phillips with Harbor Lake Pointe Investors, LLC for the purpose of requesting a waiver of the roadway impact fees associated with the Harbor Heights Condominium project, and take any action necessary.

**Russell Phillips
521 Moraine Way
Heath, TX**

Mr. Phillips came forth and spoke, overall indicating that he is requesting the city waive the roadway impact fees associated with this project.

Following brief discussion and viewing of an aerial map of the area in question, Councilmember Daniels moved to waive the impact fees as requested. Councilmember Macalik seconded the motion, which passed by a vote of 6 in favor with 1 abstention (Hohenshelt).

3. Appointment with Paul Field to discuss and consider his request regarding development of a skate park within the City of Rockwall, and take any action necessary.

Paul Field came forth and shared that today is "International Go Skateboarding Day." He stated his address as 153 Yorkshire Drive - Heath, TX, and he is a pediatric dentist. He shared that during the COVID-19 pandemic, about the only type of family activity he could find to do together with his wife and kids was skateboarding. Mr. Field indicated that skateboarding provides many advantages for one's physical and mental health. Skateboarding within a skate park environment has many social benefits as well. He pointed out that skateboarding will be making its worldwide Olympic debut next month in Tokyo. It is beneficial for kids who are not interested or inclined to be involved in more traditional group sports (i.e. soccer, baseball, etc.). He shared that there is a tight knit skateboard culture, community and comradery. He believes that skateboarding and skate parks help reduce teen crimes. Currently, Rockwall families are having to drive an hour or more to visit skate parks in other cities. He has visited with every Parks & Rec Director in the DFW metroplex who has a skate park, and he has received positive feedback from those directors regarding their skate parks. He did acknowledge that Rockwall used to have a prefabricated, wooden 'skate park' of

sorts; however, he would like to see a concrete skate park that is better designed and (essentially) much more modernized. He pointed out that when there is not a designated skate park, kids are forced to skate in unsafe areas (i.e. the streets / roadways). A petition with over 1,300 signatures on it has been developed in favor of Rockwall building a skate park. Overall and in general, Mr. Field spoke highly in favor of Rockwall constructing a skate park.

Mayor Fowler shared that the reason the city has pickle ball courts is because the City conducts citizen surveys and focus groups, and those courts received the most favorable ratings. They are cheaper to construct and require less parking, etc. So, that's how pickle ball courts came to be built in our city. He went on to explain that if a skate park had ranked higher, then perhaps one would have been built. He pointed out that the big ticket items that are costly are land and money (funding).

Mr. Field expressed that he will appreciate the city allowing an account to be set aside and designated for skate park fund raising. Also, he would like to work with the city to find out what land might be available and properly zoned within the city for a skate park.

Mayor Fowler went on to share that most likely, an item like this would cost about \$2 million to construct (not including the land related costs), and the most viable way to do this would be to put this before voters in a bond election to allow citizens to vote on whether or not they want to raise and dedicate tax dollars to the construction of a skate park.

Mr. Field shared a few, brief comments regarding how other cities run their skate parks (i.e. hours of operation, maintenance and upkeep of the facility, admission fees (vs. no fees, which – he pointed out – typically cities do not charge an entry fee). He went on to show about a half dozen photos of himself and members of his family with their skateboards and at other skateboard parks (i.e. at the City of Frisco's skate park).

Fowler encouraged Mr. Field to follow the processes that we have in place by working with the Parks Director. He explained that something like this would need to go before the Park Board and then be brought to Council as a recommendation (most likely related to calling a bond election).

Following the discussion, no formal action was taken concerning this agenda item.

X. PUBLIC HEARING ITEMS

1. **Z2021-014** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of an ordinance for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This is undeveloped land that has been zoned "AG" since it was annexed. This property

previously came before Council back in March of this year (2021). At that time, the City Council was presented with a proposal by the developer that essentially did not meet the city's density requirements, and the Council voted in opposition of its approval at that time. The applicant has since resubmitted a new proposal / application, and the density now is less dense than was originally proposed (now 490 lots (2.5 units per gross acre) is being proposed). The proposed 50 acre park was taken before the City's Park Board, and it received a 6-0 approval vote by said board. In addition, the City's Planning & Zoning Commission has recommended approval of this (updated) proposal by a vote of 5 to 1 (against) with one being absent.

Adam Buzcek
Skorburg Co. and Windsor Homes
8214 Westchester Dr., Suite 900
Dallas, TX 75225

Mr. Buzcek came forth and provided a presentation to Council concerning details of this proposed residential development. He pointed out that 36 fewer lots are being proposed now versus when he previously came before Council back in March. He went on to share the various aspects of this proposal that are now in compliance with the city's regulations and its Comprehensive Plan. He explained that he is not asking for any variances as part of this proposal. He spoke about lot mix, open space, and amenities such as a regional park, 6' trails and a (HOA maintained) dog park, playground, community swimming pool, etc.

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

Greg Hollon
2778 S. FM 549
Rockwall, TX

Mr. Hollon sought clarification on the density (2.5 units per GROSS acre...meaning that the 50 acre park is included in the density-related calculations). Mr. Hollon pointed out that 80' lots in Fontana Ranch make for a nice neighborhood. He is not in favor of 62' wide lots because he believes that over 200 of those sized lots being built within this subdivision constitutes 'high density.' He is not in opposition of the Klutts family selling their land to a developer. He is not opposed to the developer either; however, he does still believe that this proposal constitutes 'high density.' He is not in favor of the 62' lots, and he does not believe that 490 homes is reasonable.

Katie Welch
2844 S. FM-549
Rockwall, TX

Mrs. Welch explained a bit of history on what was originally proposed associated with the sale and development of this land (i.e. 50' lots originally proposed by the developer). She pointed out that all stakeholders have been involved in the process associated with navigating this development proposal from when it was originally brought forth to how it is

being proposed currently this evening. She went on to provide favorable comments, generally expressing support for this development as it is being proposed this evening. She generally expressed that this development will open up an opportunity for infrastructure related needs to be addressed in the future on the South side of I-30. She described it as being mutually beneficial and a “win-win-win” for all parties involved (i.e. the city, nearby existing residents, infrastructure, and the developer). She went on to ask the city council to vote “yes” tonight to this development proposal.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that he used to live on a 60’ lot in the Stone Creek subdivision. The positive thing is that you are close to your neighbors, and you get to know them well. However, he did not like it, so he moved. Mr. Wacker went on to share a lengthy presentation regarding existing city owned parks and open space amenities as well as the various neighborhood parks. He went on to explain that an additional ‘regional’ community park is needed, and it is specifically needed in the south side of the city.

David Schoen
3006 San Marcos
Rockwall, TX 75032
(He stated he is a Fontana Ranch subdivision resident.)

Mr. Schoen thanked everyone for his/her involvement in this process. He shared that he understands this plan complies with the city’s requirements and Comprehensive Plan. He explained that he is in favor of this development, and he realizes that it will be a benefit for him to live so close - about three minutes - from a large community park. However, he has concerns about 490 homes being built on the south side of the city as related to proximity to fire station, pointing out that we cannot rely solely on ‘mutual aid.’

Brett Maikowski
2592 FM 549
Rockwall, TX 75032

Mr. Maikowski shared that he and his family just purchased this empty lot that is directly impacted by this proposed development (he is hoping to someday build on it). He went on to point out some things (specifically related to lot size requirements and specific language) within the city’s Unified Development Code. He seemed to indicate that the UDC language supersedes language in the city’s Comp Plan (and that said language is conflicting).

Mayor Fowler recessed the meeting and called for a brief break at 8:15 p.m. He called the meeting back to order at 8:30 p.m.

Chris Duggan
2516 S. FM 549 and
2548 S. FM 549

Rockwall, TX 75032

Mr. Duggan shared that he owns two properties directly across from this proposed development. He looks forward to having a community park there; however, he is largely against the proposed development, overall, because of the density. He believes it is too dense, and including the 50 acres (of park land) in the density calculation is not right. It is misleading. He asked the Council to reconsider and not approve this proposal this evening.

Richard Henson
2424 S. FM 549
Rockwall, TX

Mr. Henson came forth and shared that he is very passionate about relationships, with his neighbors, with members of the city council and with the developer. He believes this plan pushes the regulatory boundaries, and it is inconsistent with neighboring development, including where he lives. He acknowledged that he has been informed that this proposal meets the guidelines expressed in the city's Comprehensive Plan. He went on to show a PowerPoint and give a lengthy presentation. He pointed out a depiction of all of the property owners located directly across from the proposed development who are in opposition of this proposed development. He shared that he made some proposed changes to Skorburg's lot sizes at the entry way and near the clubhouse, and he shared those with Mr. Buzcek. However, Mr. Buzcek declined and opposed his proposed modifications. He believes the density calculation methodology is flawed. He has some concerns about the 50 acre park (for example, if very large, public events are held there), and he has traffic-related concerns. He went on to point out that the city's "Unified Development Code" calls for a minimum of 70' lots, and 226 lots are proposed to be 62' wide – therefore, this proposed development appears to be "not in compliance" with the city's UDC. He pointed out that Skorburg's original 'color key' (legend) depiction that differentiated the various, proposed lot sizes changed from the initial proposal to the current proposal (which is a bit misleading). He went on to share specific details regarding the proposed density of this development as compared to the existing "low density" residential lots located directly across from this land. He pointed out that 29 lots in this proposed development would fit onto his own, existing piece of land/property. He does not believe that both his property and the lots within this proposed development could possibly, truly be considered "low density." He believes the proposed development's density is way, way out of whack with the density of adjacent, existing properties that surround it. He believes that a proposed number of lots could be agreed upon somewhere between 375 lots and the proposed 490 lots, and everyone would potentially be happy. He generally urged Council to disapprove this proposal this evening.

Douglas Jones
2994 S. FM 549
Rockwall, TX

Mr. Jones shared that he is opposed to this proposal because of the density. He believes that if this is approved, it will not meet the 'intent' of the city's density requirements. He generally and briefly spoke in opposition of Council approving this proposal.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus shared that the post office wants 'centralized' mailboxes, so he wonders where mailboxes will be located. In addition to how mailboxes will be handled and placed, he has concerns about the proposed 'open spaces.' He believes that, based on how this development is laid out, kids will have to play in the street (since the park is located all the way on one end, and its amenities will likely not be developed for years to come). He is opposed to the proposed 'trails' because he does not believe they are long enough. He wonders about the dog park and the fact that there will be no parking there. The dog park would be convenient to a small number of residents who live nearby to the dog park, but it will not be conveniently accessible to the majority of residents. Barking dogs will be of concern too. He pointed out that the proposed park will be most convenient for McLendon-Chisholm residents because it will be closest to those residents rather than to Rockwall residents. He believes that the proposed design of this development is wrong on many levels.

Melba Jeffus came forth and thanked Council for taking time this evening to consider this development.

Brenda Neuwirt
139 Lafayette Landing
Heath, TX

Ms. Neuwirt came forth and shared that her grandfather was Ben Klutts, who was a former mayor of the City of Rockwall years ago. She explained that the family has spent many, many hours and a lot of time carefully considering selling this property to a developer. They have been very careful in choosing the right developer, the right plan, the right timing, circumstances, etc. as part of having this developer bring forth this proposal. She urged the Council to vote in favor of this proposed plan. She believes it is 'right' for the City of Rockwall.

Steve Curtis
2130 FM 1141
Rockwall (County), TX

Mr. Curtis came forth and provided comments pertaining to the proposed zoning change associated with this request. He generally pointed out that there is no 'density transition' dividing this proposed development from the low density properties located directly adjacent to this land. This is too dense, and the 62' lots should be removed from this proposal.

Casey Welch
2844 FM 549
Rockwall, TX 75032

Mr. Welch came forth and spoke, thanking the Council and staff for its assistance and 'due diligence' participation in this process. He is in support of this plan and of the proposed park.

He will be living directly across the street from the proposed park. He believes that this proposed development provides benefits to both the developer and the adjacent, existing property owners. He acknowledged that all existing homeowners bought homes 'in the country.' However, he also acknowledged that all of the homes do actually exist within the city limits. So, if some existing homeowners do not like a new, residential development nearby, they do have alternative options. Or, they can petition the Council (as they have been doing) and disagree with a proposal. He generally spoke in favor / in support of the property owner (Klutts family), the developer and the proposal before the Council this evening.

There being no one else wishing to come forth and speak at this time, Mayor Fowler closed the public hearing.

Councilmember Hohenshelt asked City Attorney, Frank Garza, to clarify the proposal as it relates to the city's UDC and / or Comprehensive Plan. Mr. Garza did so and also clarified that the city's practice has always been to include all open space and park land when calculating proposed density. He generally indicated that this proposal does comply with the density that is spelled out in the city's UDC.

At the request of Councilmember Campbell, Planning Director, Ryan Miller clarified what a "Planned Development District" is and how it relates to the SF 8.4 zoning district.

Councilmember Macalik sought clarification from the City Attorney, asking what legal liabilities the Council and City would take on if they were to vote in favor of those who are opposed to this development. Mr. Garza provided said clarification from a legal standpoint. He generally explained that if the city council denies / disapproves this proposal this evening, it could open the city up to potential litigation. Courts will want to know "what more could the developer have done? He developer has complied with all of the city's requirements. He asked for no variances, yet you still denied approval?"

Councilmember Jorif spoke, sharing that his biggest concern has been the density; however, as a result of various clarifications provided this evening, he acknowledged that the Klutts family is entitled to sell their property, and the city needs to do the right thing.

Following extensive discussion, Councilmember Johannesen provided brief comments, in part, explaining that the Klutts family has a right to sell their property, and the developer has a right to develop the land. He then made a motion to approve Z2021-014. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-__

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT ____ (PD-____) FOR SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 196.009-ACRE

TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED 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.

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

Mayor Fowler thanked everyone for coming and being a part of this process.

2. Z2021-015 - Hold a public hearing to discuss and consider a request by Jason Castro of Castro Development, LLC for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.165-acre parcel of land identified as Lot 6, Harris Addition, City of Rockwall, Rockwall County, Texas, zoned Two-Family (2F) District, addressed as 511 S. Clark Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Staff mailed out 71 notices to adjacent property owners. Four notices were received back in opposition of this request. The Planning & Zoning Commission recommended approval by a vote of 5 ayes to 1 nay.

Mayor Fowler asked if anyone would like to come forth and speak at this time.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and shared a series of photographs, mainly showing existing homes located adjacent to this proposed home. He pointed out that what is being proposed by this applicant is much nicer than anything that is currently in existence nearby.

There being no one else wishing to come forth and speak, Mayor Fowler then closed the public hearing.

Councilmember Johannesen moved to approve Z2021-015. Mayor Pro Tem Hohenshelt seconded the motion. Councilmember Jorif shared that he has problems with the variances that are being requested associated with this proposed duplex. Following brief, clarifying comments, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-_____
SPECIFIC USE PERMIT NO. S-2

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 DUPLEX ON A 0.165-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, HARRIS 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 7 ayes to 0 nays.

3. **Z2021-016** - Hold a public hearing to discuss and consider a request by Mike Mishler of Mishler Builders, Inc. on behalf of John Curanovic for the approval of an ordinance for a Specific Use Permit (SUP) allowing a detached garage that does not conform to the maximum square footage requirements on a 1.948-acre parcel of land identified as Lot 23 of the Willowcrest Estates Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 361 Willowcrest, and take any action necessary (1st Reading).

Indication was given that the applicant approached the mayor this evening and requested to withdraw this request. Mayor Fowler made a motion to allow the owner to withdraw this request. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. **Z2021-017** - Hold a public hearing to discuss and consider a request by Tyler Wood of Intrepid Equity Investments, LLC on behalf of Robert B. Baldwin III of RBB/GCF Properties, LP for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 17.03-acre tract of land identified as Tract 4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the south side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This zoning request is in conformance with the city's Comprehensive Plan. Notices were sent out to 26 property owners and residences located within 500' of the property. 1 notice was received back in favor (within that buffer). 2 notices from outside the buffer were received in favor. 1 letter from a property owner within the buffer was received in opposition.

Mayor Fowler opened the public hearing, but no one was present to speak, so he closed the public hearing. Councilmember Jorif moved to approve Z2021-017. Councilmember Macalik seconded the motion. Councilmember Campbell sought clarification on if this could possibly be used as a 'distribution center' at some point in the future. Mr. Miller generally indicated that, yes, it could be used for that purpose someday. It was pointed out, however, that it is only 17 acres, so it could not be an overly large operation in that regard. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 17.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* 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 7 ayes to 0 nays.

5. **Z2021-018** - Hold a public hearing to discuss and consider a request by Dan Gallagher, PE of Kimley-Horn and Associates, Inc. on behalf of L. R. Tipton of the Hitt Family, LP for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 43.237-acre tract of land identified as Tract 11 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the FM-549 Overlay (FM-549 OV) District, located east of the intersection of Corporate Crossing [FM-549] and Capital Boulevard, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided brief background information concerning this agenda item. Mayor Fowler 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. Mayor Pro Tem Hohenshelt moved to approve Z2021-018. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 43.237-ACRE TRACT OF LAND IDENTIFIED AS TRACT 11 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* 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 7 ayes to 0 nays.

6. **Z2021-019** - Hold a public hearing to discuss and consider the approval of an **ordinance** adopting the annual update to the OURHometown Vision 2040 Comprehensive Plan (*i.e. 2019 & 2020 Comprehensive Plan Update*), and take any action necessary (**1st Reading**).

Bob Wacker, local resident who serves as a member of the city's Comprehensive Plan Advisory Committee, came forth and briefed the Council on achievements of the CPAC.

Mayor Fowler 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. Mayor Pro Tem Hohenshelt moved to approve Z021-019. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, AMENDING THE OURHOMETOWN VISION
2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S
HOME RULE CHARTER; PROVIDING FOR AN EFFECTIVE DATE.**

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

XI. ACTION ITEMS

1. Discuss and consider authorizing the Interim City Manager to enter into a 212 Development Agreement with Allen and Lisa Stevenson and the Skoburg Company concerning the annexation and zoning of a 20.83-acre tract of land identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction, addressed as 427 Clem Road, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Mayor Fowler moved to direct the Interim City Manager to enter into a 212 Development Agreement (as stated in the agenda caption). Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. 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 a 212 Development Agreement and the possible annexation of land in the vicinity of FM-1141 and Clem Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding city regulatory boards and commissions (re)appointments, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding a 212 Development Agreement on land in the vicinity of County Road 483 and SH-205 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

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

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

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 10:02 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 6th
DAY OF JULY, 2021.**



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY

ROCKWALL CITY COUNCIL REGULAR MEETING

Tuesday, July 06, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Council Members Clarence Jorif, Dana Macalik, Bennie Daniels, and Anna Campbell. Also present were Interim City Manager Mary Smith, Assistant City Manager Joey Boyd, and the city's legal counsel, Patrick Lindner. Councilmember Trace Johannesen was absent from the meeting.

Mayor Fowler 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 MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding a 212 Development Agreement on land in the vicinity of County Road 483 and SH-205 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding airport management agreement at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding Oncor power line easements in the vicinity of the Ralph M. Hall / Rockwall Municipal Airport, pursuant to Section §551.071 (Consultation with Attorney).
4. Discussion regarding city regulatory boards and commissions (re)appointments, pursuant to Section, §551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:40 p.m.

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

Council reconvened the public meeting at 6:00 p.m. with the above listed council members being present and absent (Johannesen).

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

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

VI. PROCLAMATIONS/AWARDS/RECOGNITIONS

1. Presentation of Citizen Lifesaving Awards to:
Chris Daniels,
Kaden McClendon, and
Harrison Steinberger

Assistant Fire Chief, Brett Merritt and Parks Director, Travis Sales came forward with Mayor Fowler. Chief Merritt called forth these three teenage boys and recognized them for saving the life of a little boy who was recently drowning at the Gloria Williams Swimming Pool. The

boys were serving as city lifeguards when the event took place, and each of them played a key role in saving this child's life. Chief Merritt profusely thanked the boys for their quick thinking and good work in performing CPR, getting appropriate medical help and saving the child's life.

VII. OPEN FORUM

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

Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus came forth and indicated that he is a team leader for the city's Community Emergency Response Team (CERT). He shared that the attendance over this past weekend at the city's annual fireworks show was far lower compared to past years. He knows that attendees were unable to park in the field across from the park because the ground was too wet for vehicles due to heavy rains. He encouraged Council to consider some sort of method for increasing parking at Harry Myers Park.

Les Chapman
233 Sunset Hill Drive
Rockwall, TX 75087

Mr. Chapman came forth to speak about P2021-035 (Consent Agenda item #16). He shared that he is a longtime resident of Rockwall. He urged Council to seriously consider this proposal to put apartments in downtown Rockwall. He believes that approval of these apartments will forevermore change the makeup of downtown. He generally spoke against Council's approval of these apartments this evening.

Mayor Fowler explained that these apartments are allowed 'by right.' He went on to provide various, additional comments, explaining how a city council many years ago created a downtown plan that allows for this type of zoning 'by right.'

Penelope Chapman
233 Sunset Hill Drive
Rockwall, TX 75087

Mrs. Chapman came forth and expressed dissatisfaction about the P2021-035 proposal. She is also dissatisfied about this Council and previous city councils saying one thing but then doing another. She wonders if an additional fire station will need to be added because of this new downtown apartment complex. She urged Council to utilize common sense and not approve these proposed apartments.

Melba Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mrs. Jeffus shared that many years ago, she used to attend almost all Planning & Zoning Commission Meetings and Council meetings. She explained that at that time, our downtown was not as vibrant and bustling as it is now. So the Council that was seated at the time was

considering a 'downtown plan' in an effort to bring people downtown. As part of those discussions, Council indicated that apartments may someday be built in the downtown area. The apartments would be in an effort to draw residents who would live in downtown to walk to the downtown restaurants and businesses. She explained that since this was approved all those years ago, there is nothing that this current city council can do about preventing it.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and indicated he needs some clarification on P2021-035 (Consent Agenda item #16). He commented that the Council could turn down a "Kroger" if there were a safety or health related issue. He indicated that Council could 'turn down' this proposal too, as there are safety issues (i.e. no sidewalks). Also, there are safety issues associated with the police vehicles having to go (only) south, even if they want to go north – he believes this is a safety concern. He shared that he will speak more about this topic at the next Planning & Zoning Commission meeting.

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to authorize the (interim) City Manager to negotiate a two year lease extension for the Fixed Based Operator (FBO / "airport") agreement. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

IX. CONSENT AGENDA

1. Consider approval of the minutes from the June 21, 2021 regular city council meeting, and take any action necessary.
2. **Z2021-014** - Consider a request by Kevin Harrell of the Skorburg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary (**2nd Reading**).
3. **Z2021-015** - Consider a request by Jason Castro of Castro Development, LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.165-acre parcel of land identified as Lot 6, Harris Addition, City of Rockwall, Rockwall County, Texas, zoned Two-Family (2F) District, addressed as 511 S. Clark Street, and take any action necessary (**2nd Reading**).
4. **Z2021-017** - Consider a request by Tyler Wood of Intrepid Equity Investments, LLC on behalf of Robert B. Baldwin III of RBB/GCF Properties, LP for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 17.03-acre tract of land identified as Tract 4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the south side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary (**2nd Reading**).
5. **Z2021-018** - Consider a request by Dan Gallagher, PE of Kimley-Horn and Associates, Inc. on behalf of L. R. Tipton of the Hitt Family, LP for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 43.237-acre tract of land identified as Tract 11 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the FM-549 Overlay (FM-549 OV) District, located east of the

intersection of Corporate Crossing [FM-549] and Capital Boulevard, and take any action necessary (2nd Reading).

6. **Z2021-019** - Consider the approval of an ordinance adopting the annual update to the OURHometown Vision 2040 Comprehensive Plan (*i.e. 2019 & 2020 Comprehensive Plan Update*), and take any action necessary (2nd Reading).
7. Consider approval of the construction contract for FM 549 Utility Relocation Project and authorize the Interim City Manager to execute a construction contract with Gomez Brothers Construction, Inc., in the amount of \$1,414,670.00, to be paid out of the Water and Sanitary Sewer Fund, and taken any action necessary.
8. Consider approval of the contract for the construction materials testing for the FM 549 Utility Relocation Project and authorize the Interim City Manager to execute a construction contract with Alliance Geotechnical Group in the amount of \$26,426.88, to be paid out of the Water and Sanitary Sewer Fund, and taken any action necessary.
9. Consider approval of the construction contract for the Buffalo Creek Tributary 1 Sanitary Sewer Interceptor Capacity Improvement Project and authorize the Interim City Manager to execute a construction contract with Douglas Dailey Construction, LLC. in the amount of \$1,604,615.00, to be paid out of the Water and Sanitary Sewer Fund, and taken any action necessary.
10. Consider approval of the contract for the construction materials testing for the Buffalo Creek Tributary 1 Sanitary Sewer Capacity Improvement Project and authorize the Interim City Manager to execute a construction contract with Alliance Geotechnical Group in the amount of \$36,981.25, to be paid out of the Water and Sanitary Sewer Fund, and taken any action necessary.
11. **P2021-029** - Consider a request by Richard and Judy Harris Family Trust for the approval of a Replat for Lots 8-15, Block A, Richard Harris No. 2 Addition being a 5.50-acre tract of land identified as Lots 1-7, Block A, Richard Harris No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 400, 402, 404, 406, 408, 410, & 412 Renfro Street, and take any action necessary.
12. **P2021-030** - Consider a request by Luis M. Gonzalez of Pacheco Koch Consulting Engineers on behalf of Alton Frazier of Willcar Holdings, LLC for the approval of a Replat for Lot 4, Block A, Channell Subdivision being a 18.762-acre parcel of land identified as Lot 3, Block A, Channell Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 89 (PD-89) for Light Industrial (LI) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, addressed as 1700 John King Boulevard, and take any action necessary.
13. **P2021-031** - Consider a request by Alejandro Flores for the approval of a Replat for Lot 1, Block M, Lake Rockwall Estates East Addition being a 0.33-acre parcel of land identified as Lot 1406 of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 478 Renee Drive, and take any action necessary.
14. **P2021-032** - Consider a request by David Srouji of D&M Construction on behalf of Abdul L. Khan of Centers for Peace and Mercy for the approval of a Final Plat for Lot 1, Block A, Centers for Peace and Mercy Addition being a 2.74-acre tract of land identified as Tract 10-01 & 22 of the E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, addressed as 600 Turtle Cove Boulevard, and take any action necessary.
15. **P2021-034** - Consider a request by Akhil Vats of ADAT Estate, LLC for the approval of a Final Plat for Lots 1 & 2, Block A, ADAT Addition being a 1.57-acre tract of land identified as Tracts 30, 31, 32, & 32-1, of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Neighborhood Services (NS) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 1001 N. Goliad Street, and take any action necessary.
16. **P2021-035** - Consider a request by Josh Millsap of KFM Engineering & Design on behalf of the Estate of Billy W. Peoples and Myreli, LLC for the approval of a Conveyance Plat for Lot 1, Block A, TAC Rockwall Addition being a 3.338-acre tract of land identified as Lots 1, 2, 3, 4, 5, 6, 7, & 8, Block P and Lots 1 & 2, Block AB, Rockwall OT Addition and Lots 4 & 5, Block A and Lots 4 & 5, Block B, Lowe &

Allen Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated at the southwest corner of the intersection of SH-66 and SH-205 [*N. Goliad Street*], and take any action necessary.

Councilmember Jorif pulled item #16 for further discussion. Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda, minus #16 (P2021-035) (to approve #s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 14, and 15). Councilmember Daniels seconded the motion. The ordinance (captions) were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-24**

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 92 (PD-92) FOR SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 196.009-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

**CITY OF ROCKWALL
ORDINANCE NO. 21-25
SPECIFIC USE PERMIT NO. S-249**

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 DUPLEX ON A 0.165-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, HARRIS 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.

**CITY OF ROCKWALL
ORDINANCE NO. 21-26**

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 17.03-ACRE TRACT OF LAND IDENTIFIED AS TRACT

4 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-27

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 43.237-ACRE TRACT OF LAND IDENTIFIED AS TRACT 11 OF THE J. LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.

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

Councilmember Jorif asked for clarification on P2021-035. Planning Director, Ryan Miller clarified that this is a 'conveyance' plat, and it has been prepared in accordance with a 380 economic development agreement that was approved in November of 2019. It does meet all of the city's technical requirements, so it was placed on the Consent Agenda this evening. Jorif asked if Council has any discretion on its approval this evening. Mr. Miller shared that there is no discretion, as it is a ministerial approval. This means that if it meets the city's technical requirements, the city council is compelled to approve the plat. Based on that explanation, Councilmember Jorif moved to approve Consent Agenda item #16 (P2021-035). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

X. APPOINTMENT ITEMS

1. Appointment with Tom Kirkland, President of TEKMAK Development Company, to hear concerns pertaining to regulation of "short-term rentals" (i.e. "Airbnb" / "VRBO"), and take any action necessary.

Mr. Kirkland came forth and shared that he would like to speak to the Council about short-term rentals (such as VRBOs and AirBnBs). He is not against these types of businesses;

however, he believes there are some things Council could consider implementing in order to create a more equal playing field for those types of businesses as compared to traditional hotels. He expressed that he currently owns Springhill Suites, and a second hotel he owns will open here locally in Rockwall in September or October. He explained that short-term rentals are not subject to paying hotel/motel occupancy taxes, and they are not subject to inspections of any sort (health / safety, such as fire inspections). He shared that he will leave Council and the city manager with a copy of College Station's short-term rental ordinance.

Hohenshelt asked for clarification on if short-term rental properties do or do not pay 'HOT taxes.' Mrs. Smith clarified that those properties are subject to paying said taxes; however, there are only two who faithfully pay on a continual basis. She explained how difficult it is to monitor these types of rentals since the address of the property does not display unless/until it is booked, and then it is only revealed to the renter (customer). Mr. Kirkland shared that some other cities, such as College Station and San Marcos, pay a third party company to monitor and pinpoint these types of properties within their city.

Council took no action on this item; however, they indicated that they will look at the sample ordinances that Mr. Kirkland handed out this evening and will consider the issues he raised.

XI. ACTION ITEMS

1. **MIS2021-007** - Discuss and consider a request by Michael Hunter of the Rockwall Housing Development Corporation for the approval of a *Special Exception* to the setback requirements for a duplex on a 0.112-acre parcel of land identified as Lot 1, Block A, RHDC Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 814 Peters Colony, and take any action necessary.

Planning Director, Ryan Miller, briefed Council on this agenda item. The applicant, Mr. Michael Hunter then came forth and shared that he is the Executive Director of the NE TX Community Development Corporation, which is a DBA of the Rockwall Housing Development Corporation. He provided brief comments, respectfully asking the Council to consider approving this item this evening.

Mayor Pro Tem Hohenshelt moved to approve MIS2021-007. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

2. Discuss and consider directing staff to change Section 10, *Fee Schedule*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) to impose a fee for Specific Use Permit (SUP) and Variance/Special Exception requests that result from the construction of buildings or structures not in compliance with or without obtaining a building permit, and take any action necessary.

Mr. Miller provided background information pertaining to this agenda item. At a meeting in May, Council instructed staff to evaluate ways that residents can be discouraged from constructing non-conforming structures without approved building permits. Over the last year or so, there have been many cases of structures being built that do not comply with zoning ordinance regulations. Staff is suggesting that Council consider implementing an application fee of \$1,000 for a Specific Use Permit associated with a structure (a building). Said fee would be charged to offset additional staff time involved in dealing with those types of requests. This fee would be in addition to the fee the city already charges for "SUP applications." This fee will only come into play when there is a violation of the zoning code. At Mayor Fowler's request, he went on to explain the difference

between specific use permit (SUP) and a special exception. Mr. Miller provided said explanation, and extensive discussion took place pertaining to the proposed fee, associated 'refund(s)', and the associated implications. Following the discussion, Council generally indicated that they would like staff to go ahead and move forward with the process associated with making these changes to the city's Unified Development Code (UDC).

3. Discuss and consider (re)appointments to non-regulatory city boards and commissions, and take any action necessary.

Councilmember Macalik reappoint Chris Kosterman and Susan Guzman to serve an additional two-year term (expiring in August of 2023) on the city's ART Review Team. Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

Councilmember Jorif move to reappoint Mike Potter, Fred Hansen, Guy White and Tim Wolf to serve an additional two-year term (expiring in August of 2023) on the Airport Advisory Board. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

Councilmember Campbell moved to reappoint Ken Dickson to the Animal Advisory Board for an additional two-year term (to expire August of 2023). Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

Councilmember Daniels moved to reappoint the following board members to the city's Board of Adjustments for an additional two-year term (expiring in August of 2023): David Lowrey, Glenn Carr, Kevin Hadawi, and Kyle Thompson. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

Councilmember Daniels moved to newly appoint Patra Philips to the city's Architectural Review Board (to replace Ashlei Neill who is terming out) and reappoint Robert Miller and Julien Meyrat to the city's Architectural Review Board (ARB) for an additional two-year term (all terms to expire in August of 2023). Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

Councilmember Jorif moved to reappoint Jason Alvarado, Angela Kleinheksel and Anna Dodd to an additional two-year term on the City's Park Board (expiring August 2023). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absent (Johannesen).

Fowler moved to reappoint Teresa Sevier to the Rockwall Housing Authority Board (RHA). (term to expire August of 2023). Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - May 2021
2. Fire Department Monthly Report - May 2021
3. Parks & Recreation Department Monthly Report - May 2021
4. Police Department Monthly Report - May 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Interim City Manager Mary Smith thanked the city's Parks Director and his staff for all of the Independence Day festivities that took place over the weekend. She also thanked the Police Chief and his staff for all they did to keep the citizens safe, especially related to the lady recklessly driving the tractor at the parade.

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 a 212 Development Agreement on land in the vicinity of County Road 483 and SH-205 pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding airport management agreement at the Ralph M Hall / Rockwall Municipal Airport pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding Oncor power line easements in the vicinity of the Ralph M. Hall / Rockwall Municipal Airport, pursuant to Section §551.071 (Consultation with Attorney).
4. Discussion regarding city regulatory boards and commissions (re)appointments, pursuant to Section, §551.074 (Personnel Matters)

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

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

XV. ADJOURNMENT

Fowler adjourned the meeting at 7:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 19th DAY OF JULY, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 19, 2021 - 4:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 4:06 p.m. Present were Mayor Kevin Fowler and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were Interim City Manager Mary Smith, and Assistant City Manager Joey Boyd. Mayor Pro Tem John Hohenshelt was absent from the majority of the work session but joined the meeting at 4:54 p.m. as noted below. City Attorney Frank Garza joined the meeting at 4:15 p.m.

II. WORK SESSION

1. Hold work session with Clark Staggs to hear proposal related to hangar development on property located east of the Ralph M. Hall / Rockwall Municipal Airport

Clark Staggs came forth and briefed the Council on his proposal for a hangar development at the municipal airport. He pointed out that there is a notable shortage of airport hangars, sharing details of the waiting list for hangars at several smaller airports across the region. As part of this proposal, an office / terminal building would be constructed (about 2,800 or 3,000 sq. feet). All of the proposed work could be completed within about a year, and it would add about \$7 million dollars of taxable value to the tax role. Mr. Robert LaCroix joined the discussion. In part, he discussed a 'thru the fence' agreement and a 380 development agreement. Indication was given that an existing structure that serves a maintenance-related purpose would be removed, and council seemed to have some concern about its removal. General discussion ensued pertaining to this proposal, with Council ultimately giving an informal 'go ahead' to Mr. Staggs concerning moving forward with this project through the normal process.

Mayor Pro Tem Hohenshelt joined the meeting at 4:54 p.m.

Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:56 p.m.

III. 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 appointment/employment process for the position of City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:25 p.m.

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

552 Granite Fields
Rockwall, TX 75087

Mr. Jeffus came forth and shared that he is a Rockwall resident, and he used to serve on the Garland City Council. He went on to share his thoughts that apartments have a limited lifespan, and their value and vitality decline greatly over time. He urged the City Council to think hard about the impact this development will have on the downtown area. The current traffic in downtown is already 'a parking lot.' He is in opposition of these apartments being built.

Shirley Smith
609 Amherst Drive
Rockwall, TX 75087

Mrs. Smith shared that she has concerns that there was a lack of transparency associated with this proposed apartment complex in the downtown area. She does not understand why there hasn't been more public notice concerning this apartment complex and the associated 380 development agreement. She does not like that no public hearing has been held concerning this development. These apartments will change the look and feel of the downtown area from here on out. She urged Council to look into how and why this is a 'done deal,' and she would like Council to obtain a second opinion on this regard. She urged Council to be more transparent and make efforts to more proactively inform residents. She wants Council to be sure that it has done all it can do to be sure that this is for sure a 'done deal.'

James Smith
609 Amherst Drive
Rockwall, TX 75087

Mr. Smith provided praise to the Council concerning Planning Director, Ryan Miller. He wanted to be sure to provide positive comments. He generally seemed to empathize with the Council, as he acknowledged they are 'stuck between a rock and hard place' on this proposed, downtown apartment complex development. He feels as though this development was treated with less transparency than it should have been treated. He expressed that people on social media / NextDoor do not understand the situation, and it leaves a black mark on the city.

Nell Welborn
810 Lake Meadows Circle
Rockwall, TX 75087

Mrs. Welborn came forth and indicated that she is a former city council member and former P&Z Commission member. She reminisced about Barb Coleson and Claudette Hatfield, indicating that those two ladies were responsible for getting their two husbands to run for city council. She shared that these two ladies were responsible for getting our city designated as a "Main Street" city, and they also made large efforts towards getting the bond election passed to upgrade the entire downtown. She spoke in strong opposition of the apartment complex in the downtown area. She believes that Barb Coleson is probably "spinning in her grave" this evening.

Jim Turner
1691 E. Old Quail Run Road

Rockwall, TX

Mr. Turner came forth and shared that he is a concerned citizen. He believes that 'transparency' did not occur pertaining to the past Executive Session item that was held when the 380 development agreement was previously approved. He pointed out that the city sold that police department parking lot for \$10, and he would have given the city more than that. He is mad because he believes that it was not transparent, and it was not ethical. He suggested that this go back through the process and see why the 380 development agreement was not given proper public notice and input.

Gary Freedman
1404 Willow Lane
Rockwall, TX 75087

Mr. Freedman shared that what occurred took place prior to this current city council. He shared that what happened is not something that can be retroactively changed (about the downtown apartment complex). He shared that sometimes people will need to accept things they cannot change and try to figure out a way to make the best of it (i.e. perhaps the developer could move it down the road further). He acknowledged that perhaps more transparency could have been exercised on the part of this and past city councils.

Les Chapman
733 Sunset Hill Drive
Rockwall, TX

Mr. Chapman spoke about the downtown apartment complex. He does not believe this development will not fiscally help the city or the downtown area. Envisioning a 7-story building is very difficult. He shared that the book depository in downtown Dallas is 7-stories tall. He shared that this proposed apartment complex and its height does not fit in downtown Rockwall. He urged Council to get involved in a lawsuit to fight the proposed downtown apartments.

Richard Borek
2140 Hillcroft Drive
Rockwall, TX

Mr. Borek came forth and shared that he and his family moved here about a year ago. He has concerns about the impact that the proposed downtown apartment complex will have on the local school system. He generally spoke in opposition of the apartments.

Mary Alice Caffarel
304 Meadowdale
Rockwall, TX 75087

Mrs. Caffarel is concerned about the apartments in downtown. She went on to explain that the traffic that sits at the light at the nearby intersection already sits there for a very long time. She has concerns about traffic, too many vehicles, and not enough streets to put them on. She believes that people will get fed up with this traffic in and around the intersection, and they will

divert to Lakeshore (where the undesirable roundabouts were recently installed). She is in opposition of the apartment complex

Brent Dunklau
2070 Belfrey Court
Rockwall, TX 75087

Mr. Dunklau came forth and shared that he understands the city's hands are currently 'tied.' However, he would like to take steps to be sure that something like this (the apartments near downtown) does not happen again in the future. He would like to have a public meeting where rezoning can occur. He is against the apartment complex in the downtown area.

Dana Wilson
1598 Sunset Hill Drive
Rockwall, TX 75087

Ms. Wilson shared that she has concerns about speeding vehicles on Lakeshore Drive. She would like someone to do something about the traffic (i.e. some sort of speed trap, some sort of extra notification and/or extra police officers). She shared that she lives on the corner, and excessive and frequent speeding happens along Lakeshore at all different times of the day and night.

Penelope Chapman
733 Sunset Hill Drive
Rockwall, TX 75087

Mrs. Chapman came forth and shared that she understands the basics about the organizational chart for the City of Rockwall, and she understands the city's stated 'mission.' She believes that the Planning & Zoning Commission and City Council are not doing what is in the best of the citizens. She stated that the City needs to remember that citizens are who they work for, and the city cannot sell the citizens' parking lot without asking the citizens' permission. She was very mad and angry, and stated that this city

Neil Langford
1597 Hill Haven Court
Rockwall, TX

Mr. Langford came forth and spoke, providing some of his background information, including how long he has lived here, where he lived before, and why he and his family moved to Rockwall. He generally expressed concerns about the downtown apartment complex. He thanked the Council Members for their time and their commitment to the city.

Janice Carson
826 Oak Hollow Lane
Rockwall, TX 75087

Ms. Carson came forth and shared that she is in agreement with Mr. Wacker's previous comments. She shared that he and others have done a ton of research into what has previously occurred that has led up to this downtown apartment complex. She acknowledged that she

knows this is not the fault of this current council; however, she implored the Council to figure out some way to rescind the 380 development agreement. She believes that if the city had 'held out,' they could have obtained additional land and could have placed a parking lot for the police department and for the public. She spoke briefly about the zoning, and she mentioned that she had previously emailed comments to the council members. She would like to have more information about any upcoming 'traffic impact analysis' that will be conducted pertaining to the construction of these apartments. She has concerns about the height of this apartment complex and the safety of residents. She understands that the developer wants to make money, but traffic is already so horrible, and this will only add to the congestion. She urged the Council to please see what it can do to stop this project.

Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mr. Jeffus shared that the apartment complex development in downtown does not make sense, and he believes it is wrong 'all the way around.' He is very much against it.

Steven Curtis
2130 FM 1131
Rockwall, TX

Mr. Curtis shared that 'we don't do these things because they are easy – we do them because they are hard.' He indicated that citizens are asking Council to do a 'hard thing,' but he urged the Council to find the 'hard answer.' He pointed out that this apartment complex received a lot of negative commentary on social media.

Bob Wacker came forth again and shared that "urban residential" was added to the zoning in 2004. However, he pointed out that said development needs to have office space incorporated into it. He pointed out that this council voted at the last meeting on the 'conveyance of this land.' He pointed out that the 380 development agreement was approved out of an Executive Session in 2019, and he believes this whole thing started in 2018. He believes several of these council members

Mrs. Jeffus shared that she has raised a lot of money for local charities in this town, and she understands that taxpayers do not want to spend money on legal fees for a lawsuit. However, she is happy to raise money to provide the money to pay for the lawsuit.

Bruce Markham
667 York Drive
Rockwall, TX 75087

He came forth again and expressed that he wonders if the developer is aware that no one wants his apartment complex. Yes, he does know / is aware.

Mary Alice Caffarel
304 Meadowdale
Rockwall, TX 75087

Mrs. Caffarel shared that she has concerns about Code Enforcement not doing its job concerning various houses being in disrepair (i.e. yards unmowed, trash in the street) within the city (indicating she has seen several posts in this regard on social media sites). She has one behind her house that has been vacant for 18 months now, and the fence is falling down, the pool is black, it hasn't been mowed in a year-and-a-half. She shares that the city has called "code enforcement," but nothing seems to get addressed. She went on to acknowledge that someone from the City of Rockwall did recently visit that property (behind her house), and they did post a notice on the door; however, she does not know how the property owner would see it, as it is vacant and no one is currently living there. Mayor Fowler shared that there are legal steps that the City has to take in order to address a code-related concern.

Sharon Fields
5920 Volunteer Place
Rockwall, TX

Mrs. Fields shared that she has been dealing with a hoarder for 25 years in her neighborhood. However, she has been told that Code Enforcement only does 'drive bys' – they cannot go on a property and observe, and they do not get involved with hoarding situations. She is hoping the city or someone will get involved to get something done about the hoarding situation.

There being no one else wishing to speak during Open Forum, Mayor Fowler closed this portion of the meeting.

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 July 6, 2021 regular city council meeting, and take any action necessary.
2. **P2021-033** - Consider a request by Aaron Selden for the approval of a Final Plat for Lots 1 & 2, Block A, Aaron Selden Addition being a 5.74-acre tract of land identified as Tracts 5-05, 5-06, & 5-12 of the J. Simmons Survey, Abstract No. 190, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 260 Anna Cade Road, and take any action necessary.
3. **P2021-036** - Consider a request by Bart Carroll for the approval of a Preliminary Plat for Phase 2 of the Landon Subdivision being a 94.273-acre tract of land identified as a portion of Tract 13 of the S. McFadin Survey, Abstract No. 142, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located at the southwest corner of the intersection of S. Munson Street and Streetman Road, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, and 3). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Eric Chodun, Chairman of the Planning & Zoning Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action as a result of Mr. Chodun's report.

XI. PUBLIC HEARING ITEMS

1. **Z2021-020** - Hold a public hearing to discuss and consider a request by St. Benedict's Anglican Church on behalf of Brett Hall for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *House of Worship* on a 7.45-acre tract of land identified as Tract 3 & 10 of the W. B. Bowles Survey, Abstract No. 12 and A. Hanna Survey Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, 1500 Sunset Hill Drive, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information concerning this agenda item. Staff sent out 126 notices to adjacent residents and property owners located within 500' of the subject property. Thirteen notices were received back in favor, 15 notices were received back in opposition, and one notice was received from someone who is 'undecided.' He went on to share that the P&Z Commission voted 5 – 1 (nay) to recommend approval of this proposal.

Mayor Fowler called forth the applicant(s) to speak at this time.

Dub Douphrate
2235 Ridge Road
Rockwall, TX

Mr. Douphrate came forth and shared that this is a small (approximately 60 member) congregation, and it will remain a small congregation. They do hope to construct a 3,000 square foot chapel with about 40 parking spaces (initially). He kindly urged the Council to approve this proposal.

Brett Hall came forth on behalf of the Hall Family and executor of his father's estate. His father owned this property for 40-50 years. It is on about 7.5 acres, and he spent a great deal of his childhood there, and his children were essentially raised there. So he and his family have a great deal of connection to this home and this property. He shared that both of his parents died in this home, and his father has been deceased now for about 2.5 years. The home is about 8,000 square feet, and it took about one, solid year for him to go through all of the personal effects, furniture and other contents in order to get the house in order so that it could be listed for sale. About a week before he was going to list it, Brian Williams (another judge with whom he works), approached him and said that his mother, Alma Williams, wanted to talk to him about his dad's house. He went on to explain how things unfolded and how it came to be that this church purchased the property and has now owned it for about thirty days. He went on to express that he knows that traffic is always a concern; however, he does believe that the new owners (the church) will be very good neighbors. He strongly urged Council to consider approving this request this evening.

Alma Williams Howard
219 Rush Creek Drive
Heath, TX 75032

Mrs. Howard came forth and shared that she has been a part of the community for the last fifty years. She has always wanted – first and foremost – things that are for the good and the betterment of Rockwall. She explained that this church means a lot to her personally, and the church and its congregation feels totally blessed to have been able to purchase this church. She explained that she would like to have a “Hall Library” within the church / on the property in order to properly honor the Hall Family and its legacy. She stated that the church plans to have a prayer garden in honor of the late Mrs. Hall. She provided brief comments about traffic.

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

John White
1929 S. Lakeshore Drive
Rockwall, TX 75087

Mr. White shared that he is coming to speak in favor of this proposal. He indicated that these people are a blessing, and they are good people. He does not believe that traffic will be an issue at all.

Bill Lofland
1 Topside Lane
Rockwall, TX

Mr. Lofland came forth and shared that he is opposed to this proposal, and he does live within the 500’ buffer zone as far as those who received public notice of this proposal. He believes this property should remain ‘residential.’ He indicated that he likes to think ‘long-term,’ and he does not believe that rezoning this for a church is good on a long-term basis. This is a long established residential neighborhood, and this would be ‘spot zoning’ if Council approves this proposal. He is in favor of this church, and he hopes it grows and flourishes; however he would like to see them build a church elsewhere and not within this established, residential neighborhood.

Penelope Chapman
733 Sunset Hill Drive
Rockwall, TX 75087

Mrs. Chapman came forth and shared that she is ‘kind of in favor’ of the church. She went on to share that she believes she recalls a conversation with the late Congressman Hall in which he had expressed that he would like the home to someday become a museum and library for the people of the county. She knows this would be a big expense for the family. She loves the idea of a garden for the late Mrs. Hall.

Stacy Bassett
1592 Sunset Hill Drive
Rockwall, TX

She and her family have lived in this home for about twenty-six years. They live about three houses down, directly across from the ‘open land’ portion of the Hall property. She agrees with

everything that Mr. Lofland has said about this property. She opposes this SUP for a church and believes it should remain strictly residential.

Marilyn King
511 Sunset Hill Drive
Rockwall, TX 75087

Mrs. King shared that she has been here for thirty years. She recently spoke to John Vick and believes he had a good idea. She wonders if it would be possible to put a park at this location so that children could play there and so that it could be something for everyone to enjoy – not just one, small group.

Kimberly Hiles
1460 White Sand Drive
Rockwall, TX 75087

She shared that she lives in The Shores community. She is wholeheartedly in favor of this proposal for a “place of worship” at this location.

Della Vickers
9006 Chimneywood Drive
Rowlett, TX

Mrs. Vickers shared that this church started with about 7 or 8 people, and it is an amazing church. She is a member, and she pointed out that this started as a small church, and it desires to remain a small church. Its members do not desire to grow large and be like Lakepointe Church. She generally spoke in favor of Council approving this SUP request.

Jodi Vinson
304 Glenn
Rockwall, TX 75087

Mrs. Vinson came forth and shared that she is 100% in favor of this proposal. She shared that the church being able to purchase the property was a miracle. She is a member of this church, and she wants this property to remain ‘as it is’ and to honor the Hall Family.

Debra Kern
1211 North Goliad
Rockwall, TX

She urged Council to consider allowing this to be zoned only as a church. She has concerns about what it might turn into 20 or 30 years down the road if this Anglican church decides to sell it someday.

There being no one else wishing to come forth and speak, Mayor Fowler closed the Public Hearing.

Mr. Hall came forth and provided additional comments, generally and strongly urging the Council to consider approving this proposed 'house of worship.'

Councilmember Jorif asked how many churches are located within residentially zoned areas. Mr. Miller shared that nineteen of thirty-four churches are located within residentially zoned areas.

Following clarifying questions and answers between Council, staff, and the city attorney, Councilmember Macalik moved to approve Z2021-020. Councilmember Campbell seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX**

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A *CHURCH/HOUSE OF WORSHIP* WITHIN A SINGLE-FAMILY 10 (SF-10) DISTRICT, ON A 7.45-ACRE TRACT OF LAND, IDENTIFIED AS TRACTS 3 & 10 OF THE W. B. BOWLES SURVEY, ABSTRACT NO. 12 AND THE A. HANNA SURVEY, ABSTRACT NO. 98, 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 7 ayes to 0 nays.

Mayor Fowler recessed the public meeting and called for a break at 8:02 p.m. He reconvened the meeting at 8:19 p.m.

2. **Z2021-021** - Hold a public hearing to discuss and consider a request by Stephen Seitz of Seitz Architects, Inc. on behalf of Jim Vaudagna of the Vault Self-Storage for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing the expansion of an existing *Mini-Warehouse Facility* on a 6.06-acre parcel of land identified as Lot 1, Block C, Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1280 E. Ralph Hall Parkway, and take any action necessary (**1st Reading**).

Planning Director Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to adjacent property owners located within 500' of the subject property, and nearby HOAs were also notified. The P&Z Commission has recommended approval of this item by a vote of 6-0.

Mayor Fowler called forth the applicant to speak at this time.

Matthew Mulliken

Mulliken Construction Management
105 St. Marys, Suite 300
Rockwall, TX

He explained that he is the construction manager, and he is speaking on behalf of his client, the applicant. They would like to expand their facility, and they are trying to make it look consistent.

Mayor Fowler opened the public hearing, asking if anyone would like to speak. There being no one wishing to speak, Mayor Fowler then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-021. Councilmember Jorif seconded the motion. Following brief, additional discussion regarding the Spanish style tiled roof, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-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 THE EXPANSION OF AN EXISTING MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT AS SPECIFIED WITHIN ARTICLE 04, *PERMISSIBLE USES*, OF THE UNIFIED DEVELOPMENT CODE, FOR A 6.06-ACRE PARCEL OF LAND ZONED COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1, BLOCK C OF THE ROCKWALL BUSINESS PARK EAST 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 7 ayes to 0 nays.

3. Z2021-022 - Hold a public hearing to discuss and consider a request by Ignacio Cardenas for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Residential Infill in an Established Subdivision* on a 0.158-acre parcel of land identified as Lot 810-A0 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 147 Eva Place, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices were sent out to property owners and residents within 500', and one notice was received back in opposition. Furthermore, the P&Z Commission has recommended approval of this request.

Mayor Fowler called forth the applicant, who briefly came forth and introduced himself.

Mayor Fowler opened the public hearing, asking if anyone would like to speak regarding this agenda item. There being no one indicating such, he then closed the public hearing.

Councilmember Daniels moved to approve Z2021-022. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND 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 0.158-ACRE TRACT OF LAND, IDENTIFIED AS LOT 810-A0, ROCKWALL LAKE ESTATES #2 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 7 ayes to 0 nays.

4. **Z2021-023** - Hold a public hearing to discuss and consider a request by Don Holamon for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing an *Accessory Building* on a 1.50-acre parcel of land identified as Lot 12, Block A, Sterling Farms Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 3221 Diamond Way Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices were sent out to adjacent residents and property owners located within 500' of the subject property. Staff did not receive any notices back. The nearby HOAs were also notified, and the P&Z Commission voted by a vote of 5-1 to recommend approval of this proposal.

Mayor Fowler called forth the applicant, who was not present. He then opened the public hearing, asking if anyone would like to speak. No one came forth, so he closed the public hearing.

Brief clarification took place pertaining to the size and numbers of accessory buildings that the applicant is requesting associated with this case.

Mayor Pro Tem Hohenshelt moved to deny Z2021-023. Councilmember Johannesen seconded the motion. Following brief clarification, the motion to deny this case/request passed by a vote of 6 ayes with 1 against (Campbell).

5. **Z2021-024** - Hold a public hearing to discuss and consider a request by Greg Wallis of Mershawn Architects on behalf of Kris Sharp for the approval of an **ordinance** for a Zoning Change amending Planned Development District 46 (PD-46) to allow *Warehouse* as a permitted land use on a 1.90-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Notices (70) were sent out to adjacent property owners located within 500' of the subject property. However, staff has not received any notices in response to those that were mailed out. The P&Z Commission voted 6-0 to recommend approval of this request.

Mayor Fowler called forth Greg Wallis of Mershawn architects, who briefly came forth and introduced himself. Fowler then opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he then closed the public hearing.

Councilmember Jorif moved to approve Z2021-024. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 99-05] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46), BEING A 47.37-ACRE TRACT OF LAND SITUATED WITHIN THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 7 ayes to 0 nays.

6. **Z2021-025** - Hold a public hearing to discuss and consider a request by Kevin Osornio for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 908A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 154 Lynne Drive, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information on this agenda item. He explained that Council is being asked to look at the location, size and architecture of this proposed single-family home in comparison to the existing housing. In late June, 130 notices were sent out to adjacent residents and property owners. One notice was received back in opposition of this request, and the P&Z Commission did recommend approval of this request by a vote of 6-0.

Mayor Fowler opened the public hearing. There being no one indicating a desire to speak, he then closed the public hearing.

Councilmember Johannesen moved to approve Z2021-025. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND 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 0.165-ACRE TRACT OF LAND, IDENTIFIED AS LOT 908A, ROCKWALL LAKE ESTATES #2 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 7 ayes to 0 nays.

7. **Z2021-026** - Hold a public hearing to discuss and consider a request by Troy Lewis of Newstream Capital Partners for the approval of an ordinance for a Zoning Change to amend Planned Development District 8 (PD-8) [Ordinance No. 92-39] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary (**1st Reading**).

Mayor Fowler announced that the P&Z Commission recently voted to table this item. So this item will be postponed until the August 2, 2021 city council meeting.

8. **A2021-004** – Hold a public hearing to discuss and consider the approval of an ordinance annexing a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. Mayor Fowler then opened the public hearing, asking if anyone would like to come forth and speak at this time.

John Canavan
714 Clem Road

Rockwall, TX

Mr. Canavan came forth and shared that he is strongly opposed to this item being approved this evening. In addition, his elderly neighbors are also opposed to it; however, due to health reasons, they are unable to be here to express their opposition this evening.

Mr. Steven Curtis
(FM 1141)

Mr. Curtis came forth again during this portion of the meeting (see above for full name/address), and he spoke in opposition of Council approving this case this evening.

Mayor Pro Tem Hohenshelt moved to approve A2021-004. Councilmember Jorif seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A REQUEST FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 20.83-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 6 ayes with 1 nay (Campbell).

XII. ACTION ITEMS

1. **Z2021-027** - Discuss and consider approval of an ordinance amending Planned Development District 91 (PD-91) [*Ordinance No. 21-17*] to incorporate a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (**1st Reading**).

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

Mayor Pro Tem Hohenshelt moved to approve Z2021-027. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 91 (PD-91) FOR SINGLE-FAMILY 16 (SF-16) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 58.842-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, & 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

The motion passed by a vote of 6 ayes with 1 against (Campbell).

- 2. A2021-005 - Discuss and consider approval of an ordinance reducing the City's Extraterritorial Jurisdiction (ETJ) by releasing a 3,475.20-acre tract of land generally located north of the boundary between Rockwall County and Collin County, and take any action necessary (1st Reading).**

Planning Director Ryan Miller provided background information on this agenda item. Indication was given that this property is of no value to the City of Rockwall, and release of it to Collin County is actually a favorable move. Hohenshelt pointed out that this land is not located within our city, our county or our school district. He then moved to approve A2021-005. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REDUCING ITS EXTRATERRITORIAL JURISDICTION (ETJ) BY RELEASING SUCH TERRITORY DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE TO THE COUNTY OF COLLIN; ESTABLISHING THE NEW CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- 3. Discuss and consider (re)appointments to non-regulatory city boards and commissions (Historic Preservation Advisory Board, ART Commission, and Comprehensive Plan Advisory Committee), and take any action necessary.**

Councilmember Macalik thanked Kathleen Morrow for her extensive contributions to the city's ART Commission, pointing out that she will be terming out in August. She then recommended appointing Ashlie Neill to replace Mrs. Morrow, indicating such in the form of a motion. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Campbell moved to appoint Richard Henson to the city's Comprehensive Plan Advisory Commission. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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 appointment/employment process for the position of City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).**

XIV 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.
No action was taken as a result of Executive Session.**

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 9:05 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 2nd
DAY OF AUGUST, 2021.**



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, August 02, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Kevin Fowler called the public meeting to order at 5:03 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Anna Campbell, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Council Member Trace Johannesen was absent from the meeting.

Mayor Fowler then read the below listed discussion item 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 appointment of the City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:20 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VI. PROCLAMATIONS

1. Presentation of Citizen Lifesaving Awards to:
Rockwall Fire Department
Greg Givens,
Andrew Burton, and
Zach Yates
2. Presentation of Citizen Life Saving Awards to:
Rockwall Police Department
Officer Aaron Raymond and Officer David Taylor

Mayor Fowler, Police Chief Max Geron and Fire Chief Kenneth Cullins came forth. Chief Geron read a synopsis of the recent life-saving act that his officers and members of the Rockwall Fire Dept. were involved in. Chief Geron then called forth his police staff members

and presented them with their honorary awards. Chief Cullins then read a similar synopsis (about the same incident), and his Fire Dept. staff members came forth and received their awards.

3. Professional Engineers Day

City Engineer/Director of Public Works, Amy Williams came forth along with a member of her staff and two, local engineers. Mayor Fowler then read and presented them with this proclamation.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted. He indicated that he would first like the P&Z Chairman to come forth and brief the Council on the recent meeting that was held last week. Jerry Welch, a commissioner on the city's P&Z then came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda.

Councilmember Macalik then recognized and thanked the City's Parks Department and Parks & Rec. Director, Travis Sales for their recent recognition of the late Scott Self. She explained that a brief ceremony was recently held at The Harbor during one of the city's recent Concerts by the Lake. During the ceremony, the lighthouse at The Harbor was dedicated in honor/memory of Mr. Self's. She thanked staff members for their professionalism and the wonderful tribute they delivered that evening.

Harry Green
1235 Waters Edge Drive
Rockwall, TX

Mr. Green came forth to speak about the apartments that are to set to be built in the downtown area. He spoke in strong opposition to the zoning and the construction of these apartments.

Josh Tucker
544 LaGrange Drive
Fate, TX

Mr. Tucker came forth and explained that he has concerns about the existing 380 development agreement that is in place concerning the apartments that are set to be constructed in the downtown area. He believes that the 380 development agreement is not enforceable, and he believes that any future 380 development agreements should not be discussed in Executive Session. He generally spoke in opposition of this agreement and the associated apartments.

Lesley Pettengill
2130 FM 1141
Rockwall, TX

Mrs. Pettengill came forth and expressed concern about residential lots that are set to be built directly across the street from her home. She explained that water has been continually flowing onto her property, and she was recently informed that the City has been flushing its fire hydrants frequently. This has caused her pond to be up to the brim, and she has concerns about this excess

water. She shared that she has lived there for 9 years, and she has never witnessed that much water coming onto her property from flushing of fire hydrants.

There being no one else wishing to come forth and speak at this time, Mayor Fowler then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to approve the employment contract with Mary Smith to have her "interim" title removed and promoting her to now be the permanent city manager. Mayor Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen). Following a few brief comments, Mrs. Smith and Mayor Fowler signed her employment contract, and Mrs. Smith introduced her daughter, Emily, who was present in the audience.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the July 19, 2021 regular city council meeting, and take any action necessary.
2. **Z2021-020** - Consider a request by St. Benedict's Anglican Church on behalf of Brett Hall for the approval of an ordinance for a Specific Use Permit (SUP) allowing a *House of Worship* on a 7.45-acre tract of land identified as Tract 3 & 10 of the W. B. Bowles Survey, Abstract No. 12 and A. Hanna Survey Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, 1500 Sunset Hill Drive, and take any action necessary **(2nd Reading)**.
3. **Z2021-021** - Consider a request by Stephen Seitz of Seitz Architects, Inc. on behalf of Jim Vaudagna of the Vault Self-Storage for the approval of an ordinance for a Specific Use Permit (SUP) allowing the expansion of an existing *Mini-Warehouse Facility* on a 6.06-acre parcel of land identified as Lot 1, Block C, Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1280 E. Ralph Hall Parkway, and take any action necessary **(2nd Reading)**.
4. **Z2021-022** - Consider a request by Ignacio Cardenas for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.158-acre parcel of land identified as Lot 810-A0 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 147 Eva Place, and take any action necessary **(2nd Reading)**.
5. **Z2021-024** - Consider a request by Greg Wallis of Mershaw Architects on behalf of Kris Sharp for the approval of an ordinance for a Zoning Change amending Planned Development District 46 (PD-46) to allow *Warehouse* as a permitted land use on a 1.90-acre parcel of land identified as Lot 5, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, addressed as 3301 Springer Road, and take any action necessary **(2nd Reading)**.
6. **Z2021-025** - Consider a request by Kevin Osornio for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 908A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 154 Lynne Drive, and take any action necessary **(2nd Reading)**.
7. **A2021-005** - Consider approval of an ordinance reducing the City's Extraterritorial Jurisdiction (ETJ) by releasing a 3,475.20-acre tract of land generally located north of the boundary between Rockwall County and Collin County, and take any action necessary **(2nd Reading)**.
8. **P2021-038** - Consider a request by Bill Thomas of Engineering Concepts & Design on behalf of Josh Swiercinsky of 7.1 Ridge, LLC for the approval of a Replat for Lots 2-7, Block A, Sky Ridge Addition being a 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall

County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located west of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary.

9. **P2021-039** - Consider a request by Shanon Thomas of Rockwall Friendship Baptist Church for the approval of a Final Plat for Lot 1, Block A, Rockwall Friendship Baptist Church Addition being a 3.94-acre tract of land identified as Tract 1-8 of the J. H. Bailey Survey, Abstract No. 22, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 5651 SH-276, and take any action necessary.
10. **P2021-042** - Consider a request by Justin Lansdowne of McAdams Co. on behalf of John Delin of RW Ladera, LLC for the approval of a Replat for Lot 2, Block A, Ladera Rockwall Addition being a 37.8-acre tract of land identified as Lot 1, Block A, Ladera Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay (205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.
11. **P2021-043** - Consider a request by Randall Eardley of Wier & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a Conveyance Plat for Lots 1 & 2, Block B, Fit Sport Life Addition being a 12.807-acre portion of a larger 31.65-acre tract of land identified as Tract 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.
12. **MIS2021-008** - Consider a request by Ronny Klingbeil of RLK Engineering, Inc. on behalf of Will Salee of Rockwall ISD for the approval of an Alternative Tree Mitigation Settlement Agreement for a 35.295-acre parcel of land identified as Lot 1, Block A, Rockwall High School Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 901 W. Yellow Jacket Lane, and take any action necessary.
13. Consider an **ordinance** approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2021 Rate Review Mechanism filing, adopting tariffs as part of the settlement, and take any action necessary.
14. Consider a resolution repealing Resolution No. 19-15 and approving a new resolution to establish an updated fee schedule for Permit, Health and Misc. Fees, for the city, and take any action necessary.
15. Consider authorizing the City Manager to negotiate an agreement with WME for Founders Day Festival 2022 entertainment to be paid from Hotel Occupancy Tax Funds in the amount of \$35,000, and take any action necessary.

Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15). Councilmember Daniels seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-29
SPECIFIC USE PERMIT NO. S-250**

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CHURCH/HOUSE OF WORSHIP WITHIN A SINGLE-FAMILY 10 (SF-10) DISTRICT, ON A 7.45-ACRE TRACT OF LAND, IDENTIFIED AS TRACTS

3 & 10 OF THE W. B. BOWLES SURVEY, ABSTRACT NO. 12 AND THE A. HANNA SURVEY, ABSTRACT NO. 98, 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-30
SPECIFIC USE PERMIT NO. S-251

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 THE EXPANSION OF AN EXISTING MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT AS SPECIFIED WITHIN ARTICLE 04, *PERMISSIBLE USES*, OF THE UNIFIED DEVELOPMENT CODE, FOR A 6.06-ACRE PARCEL OF LAND ZONED COMMERCIAL (C) DISTRICT, AND DESCRIBED AS LOT 1, BLOCK C OF THE ROCKWALL BUSINESS PARK EAST 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-31
SPECIFIC USE PERMIT NO. S-252

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND 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 0.158-ACRE TRACT OF LAND, IDENTIFIED AS LOT 810-A0, ROCKWALL LAKE ESTATES #2 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 99-05] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46), BEING A 47.37-ACRE TRACT OF LAND SITUATED WITHIN THE J. A. RAMSEY SURVEY, ABSTRACT NO. 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-33
SPECIFIC USE PERMIT NO. S-253

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND 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 0.165-ACRE TRACT OF LAND, IDENTIFIED AS LOT 908A, ROCKWALL LAKE ESTATES #2 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.

**CITY OF ROCKWALL
ORDINANCE NO. 21-35**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REDUCING ITS EXTRATERRITORIAL JURISDICTION (ETJ) BY RELEASING SUCH TERRITORY DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE TO THE COUNTY OF COLLIN; ESTABLISHING THE NEW CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPORATE AND EXTRATERRITORIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED AND CORRECTING THE OFFICIAL CITY MAPS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 21-37**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

The motion passed by a vote of 6 ayes with 1 absent (Johannesen).

X. APPOINTMENT ITEMS

1. Appointment with Joy Bounds Murphy to present concerns regarding frequent power outages in the vicinity of Tanya Drive, and take any action necessary

Jerry Welch

1509 S. Lakeshore Drive
Rockwall, TX

Mr. Welch came forth on behalf of Mrs. Murphy who was not able to be present this evening, and he is her neighbor. He went on to explain that about 28 homes in and around his and Mrs. Murphy's homes keep on losing power, and the reliability of Oncor's electric service has been very sketchy. He, Mrs. Murphy and their neighbors who have been impacted have had great concerns about the electricity's unreliability. He explained that he recently spoke to Cindy Tayem with Oncor, and she explained several things that the company will be doing in order to rectify the power outages that have been occurring.

Mayor Fowler then called for Cindy Tayem with Oncor to come forth and speak regarding this topic. Mrs. Tayem introduced a couple of other Oncor representatives who are with her this evening. Mrs. Tayem went on to explain the various causes and proposed remedies that the company will be undertaking to address these power outages. She explained that eight transformers will be replaced this fall (when it is cooler), and each transformer will result in 3-4 hours of power outage for the customers in that area during the time the work is being done to replace them. She went on to share the various exploratory efforts that the company has and continues to make in order to pinpoint the causes and solutions concerning power outages.

The Council took no action as a result of this appointment item and the associated discussion.

2. Appointment with Bob Wacker to hear his comments regarding SP2021-001, and take any action necessary.

Bob Wacker
309 Featherstone Dr.
Rockwall, TX

Mr. Wacker came forth and spoke about the above referenced case (regarding the sale of the parking lot that has been a police department parking lot and the future construction of 'apartments' ("Urban Residential") in its place (in the downtown area)). He generally shared various reasons why he believes the bid and associated documentation are invalid. He went on to share many concerns that he and others (who contributed to his PowerPoint presentation) have concerning construction of the apartments (i.e. variances, height, safety of pedestrians, no sidewalks, fire lanes and fire department access, etc.). He requested that the details of his presentation be put into the 'public record,' expressing concern that the city's meeting minutes are usually general and not specific. He strongly encouraged the Council to consider the concerns he has shared this evening, and he generally expressed a desire for the City to figure out a way to get out of this 'deal.'

Mayor Fowler provided follow-up comments, generally indicating that he has asked City Attorney Frank Garza to take detailed notes on Mr. Wacker's points and then address each one of them. Indication was given that the City Attorney and/or the city's Planning Director will address each of these points at a future Council meeting.

Councilmembers Jorif and Macalik generally thanked Mr. Wacker for his time in addressing the Council and for his passion for the City of Rockwall. Mayor Pro Tem Hohenshelt went on to provide various comments of concern in response to some of Mr. Wacker's comments.

No action was taken as a result of this Appointment Item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-026** - Hold a public hearing to discuss and consider a request by Troy Lewis of Newstream Capital Partners for the approval of an ordinance for a Zoning Change amending Planned Development District 8 (PD-8) [Ordinance No. 92-39] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary (1st Reading).

Planning Director Ryan Miller provided detailed background information concerning this agenda item. On July 2, 2021, staff mailed 1,752 notices to property owners and occupants within 500-feet of the subject property. In addition, staff notified the Lago Vista, Eater's Edge at Lake Ray Hubbard, Signal Ridge and Signal Ridge Phase 4, Fox Chase, Benton Woods, and Chandler's Landing Homeowner's Associations (HOAs), which were the only Homeowners' Association (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. 19 notices have been received back expressing opposition to the applicant's request, and 17 notices have been received back in favor.

On July 13, 2021, the Planning and Zoning Commission voted 6-0 (with Commissioner Deckard absent) to table Case No. Z2021-026 to the July 27, 2021 Planning and Zoning Commission meeting. On July 27, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request by a vote of 7-0.

A gentleman representing the applicant then came forth to address the Council concerning this item.

Curtis Young
The Sage Group, on behalf of:
Newstream Capital Partners, Inc.
311 South Oak St., #250
Roanoke, TX 76262

Mr. Young mentioned that the applicant had a family emergency and could not be present this evening. He explained that they have been working on this project for about two years now; however, the pandemic last year did slow things down some. They have met numerous times with the Chandler's Landing HOA and its "Environmental Committee" to discuss this project. He went on to generally describe the history of this piece of property over the years. He indicated that this project will comply with the height limits that are defined within this "PD" (planned development district). He indicated that total open space is approaching 40%. He spoke about the lots (Qty: 36), the sidewalks and/or trails, 'anti-monotony' as far as the

look of the front facades, ingress and egress, amenities, minimum square footage of the units, etc.

Mayor Fowler opened the public hearing, asking if anyone would like to speak at this time.

Chip Imrie
323 Harbor Landing Drive
Rockwall, TX 75032

Mr. Imrie came forth and shared that he is on the Board of Directors for the Chandler's Landing Homeowner's Association (he is Vice President). The HOA's Environmental Subcommittee has extensively reviewed this and previous proposals concerning this piece of land. In the twenty-three years he has lived in Chandler's Landing, he believes this plan is one that most closely meets the intent of the zoning for this piece of land. There was really not too much objection to this proposal at a recent HOA meeting – just some residents who attended and asked clarifying questions (concerning amenities and which residents will have access to utilize said amenities). He shared that the HOA is not opposed to the project, but he would like the applicant to adhere to the architectural standards of not only the city but of the Chandler's Landing HOA as well. Former Councilman Lewis has expressed support of this project too. The price point of these proposed townhomes will be in the high \$400k's to low \$500k's. He went on to offer general comments in support of this proposal.

Mayor Fowler closed the public hearing and brought the proposal before Council for discussion. Councilmember Daniels spoke about the anti-monotony standards of the city as compared to what this developer is proposing, generally expressing concerns in this regard. Mr. Young agreed that every unit and every-other-unit should not look the same; however, he has concerns, from an architectural standpoint, of it not looking so 'tricked up' (essentially having too much variation in how the units look). Discussion then ensued pertaining to sidewalks and 'trails.'

Councilmember Macalik shared that there are no sidewalks located anywhere elsewhere within the Chandler's Landing subdivision, so this development will be the only place where sidewalks are present. She generally spoke in favor of the anti-monotony that is proposed as far as the look and façade of the proposed townhomes.

Mayor Pro Tem Hohenshelt moved to approve Z2021-026. Councilmember Macalik seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO. 92-39, BEING A 6.88-

ACRE TRACT OF LAND IDENTIFIED AS LOT 4, BLOCK A, SPYGLASS HILL #4 ADDITION AND TRACT 134-12 OF THE E. TEAL SURVEY ABSTRACT NO 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

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

XII. ACTION ITEMS

1. **A2021-004** - Discuss and consider the approval of an ordinance annexing a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (2nd Reading).

Mayor Pro Tem Hohenshelt moved to approve this item (A2021-004). Councilmember Jorif seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL ORDINANCE NO. 21-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A REQUEST FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 20.83-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 in favor, 1 against (Campbell), and 1 absence (Johannesen).

2. **Z2021-027** - Discuss and consider approval of an ordinance amending Planned Development District 91 (PD-91) [*Ordinance No. 21-17*] to incorporate a 20.83-acre tract of land in accordance with a 212 Development Agreement and identified as Tract 22 of the W. M. Dalton Survey, Abstract No. 72, Rockwall County, Texas, addressed as 427 Clem Road, and take any action necessary (2nd Reading).

Mayor Pro Tem Hohenshelt moved to approve Z2021-027. Councilmember Macalik seconded the motion.. The ordinance was read as follows:

CITY OF ROCKWALL ORDINANCE NO. 21-36

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 91 (PD-91) FOR SINGLE-FAMILY 16 (SF-16) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 58.842-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, & 22 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED 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.

The motion passed by a vote of 5 ayes, 1 against (Campbell) and 1 absence (Johannesen).

3. Discuss and consider (re)appointments to non-regulatory city boards and commissions (Historic Preservation Advisory Board), and take any action necessary.

Mayor Pro Tem Hohenshelt explained that Carolyn Francisco is 'terming out' on the city's Historic Preservation Advisory Board (HPAB). He thanked her for her many years of service on the board. He then moved to appoint Marci Hall to replace Carolyn Francisco on the city's Historic Preservation Advisory Board (term to run thru August of 2023).

Also regarding the HPAB, Hohenshelt moved to reappoint the following board members:

- Sarah Freed
- Jay Odom and
- Brad Adams

Mayor Fowler seconded the motion, which passed by a vote of 6 in favor with 1 absence (Johannesen).

XIII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - June 2021
2. Fire Department Monthly Report - June 2021
3. Parks & Recreation Department Monthly Report - June 2021
4. Police Department Monthly Report - June 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

City Manager Mary Smith thanked Travis Sales and the Parks Department for another excellent "Concerts by the Lake" music series that recently concluded for the season. She

also thanked Police Chief Geron for his staff providing good crowd control and policing at the concerts. Parks & Rec staff will be preparing for "Rib Rub," and the Budget Work Session will be held the evening of August 24 here in the Council Chambers.

XIV. 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 appointment of the City Manager, pursuant to Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney).

XV. 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 minutes above, just after the start of the 6:00 p.m. public meeting, for action taken at that time.

XVI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:12 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 16th DAY OF AUGUST, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, August 16, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Kevin Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Anna Campbell, and Trace Johannesen. Also present were Assistant City Manager Joey Boyd and City Attorney Frank Garza. Council Member Bennie Daniels and City Manager Mary Smith were absent from the meeting.

Mayor Fowler then read the below listed discussion item 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 possible sale/purchase/lease of real property in the vicinity of Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding possible development at Rockwall Airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. **Pulled from public agenda – Appointment Item #3:** Appointment with the City Attorney and staff to address questions raised by resident Bob Wacker during an appointment with the City Council on August 2, 2021, and take any action necessary

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:56 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM HOHENSHELT

Mayor Pro Tem Hohenshelt delivered the invocation and led the Pledge of Allegiance.

VI. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time.

**Frank Tyminiski
815 Oak Hollow Lane
Rockwall TX**

Mr. Tyminiski came forth and shared that he has looked into some things concerning the 'downtown apartments' since the time of the last city council meeting. He spoke to a representative at TXDOT who indicated that a "TIA" (traffic impact analysis) *must* be done concerning these proposed apartments. He believes the proposed additions for turn lanes at this intersection will make it dangerous, and he does not believe that a TIA was conducted before the Siren Rock Brewery was built. It is the developer's responsibility to order and pay for a TIA, but – at this point – the developer has not indicated that he is doing one. He briefly explained the TIA process, as it was explained to him by the TXDOT representative with whom he recently spoke. Once the TIA has been conducted and the findings have been issued, he would like the City to do a 'public hearing' on the findings. He spoke with Cindy Tayem, an Oncor representative, about the power lines / power conductors, pointing out that one line will be within 10 feet of the roofline of the apartments. He has asked for a radiation and distance survey to be conducted, and Mrs. Tayem will be passing along his request to Oncor's "right-of-way department." He does not yet have an understanding of the microwave radiation that the lines will put out. He found out the developer will not be associated with HUD at all. He would also like to know when TXDOT will take over John King Boulevard, pointing out that it is already 'falling apart.'

Bob Wacker
309 Featherstone Dr.
Rockwall, TX

Mr. Wacker showed a presentation to the Council related to the apartments that are slated to be built in the downtown area. He is opposed to their construction, and he shared additional details to support his viewpoints on the matter (overall, he does not believe its architecture or scale will be complimentary to existing development in the downtown area). In addition, he does not believe that the apartments truly meet the city's technical requirements, and he referred back to prior P&Z Commission meetings and information that was stated in past P&Z informational meeting 'packets.' He spoke about the proposed parking garage portion of the apartment building, and believes that a major, notable change to its façade was made. He spoke about the building height and its calculation, insisting that the building will be five stories (not four stories). Overall, Mr. Wacker is opposed to the apartments that are slated to be built in the downtown area. He does not believe that they meet the city's technical requirements, and he does not believe that the waivers that were made could be made without the development going before the City Council for review and approval.

There being no one else wishing to come forth and speak at this time, Mayor Fowler then closed Open Forum.

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to authorize the sale of real property identified as Parcel 8 on John King Boulevard (SE corner of the road and the railroad tracks) owned by the City of Rockwall to TXDOT for the amount of \$125,192 and a Possession Use Agreement in the amount of \$12,519.20 for the purpose of widening the roadway, authorizing the City Attorney to finalize all necessary documents to complete the transaction and authorizing the City Manager to execute all necessary agreements on behalf of the city. Councilmember Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

Mayor Pro Tem Hohenshelt moved to authorize the sale of real property identified as Parcel 11 on John King Boulevard (frontage road) owned by the City of Rockwall to TXDOT for the amount of \$106,397 and a Possession Use Agreement in the amount of \$10,496.90 for the purpose of widening the roadway, authorizing the City Attorney to finalize all necessary documents to complete the transaction and authorizing the City Manager to execute all necessary agreements on behalf of the City. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

Mayor Pro Tem Hohenshelt moved to authorize the sale of real property identified as Parcel 20 on John King Boulevard (SE corner of JK and Airport Road) owned by the City of Rockwall to TXDOT for the amount of \$4,610 and a Possession Use Agreement in the amount of \$3,000 for the purposes of widening the roadway, authorizing the City Attorney to finalize all necessary documents to complete the transaction and authorizing the City Manager to execute all necessary agreements on behalf of the City. Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Daniels).

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the August 2, 2021 regular city council meeting, and take any action necessary.
2. **Z2021-026** - Consider a request by Troy Lewis of Newstream Capital Partners for the approval of an ordinance for a Zoning Change amending Planned Development District 8 (PD-8) [*Ordinance No. 92-39*] for the purpose of allowing townhomes on a 6.88-acre tract of land identified as Lot 4, Block A, Spyglass Hill #4 Addition and Tract 134-12 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) [*Ordinance No. 92-39*] for Zero Lot Line (ZL-5) District land uses, generally located south on the south side of Henry M. Chandler Drive west of Ridge Road [*FM-740*], and take any action necessary (**2nd Reading**).
3. **P2021-037** - Consider a request by Isaac Peña for the approval of a Final Plat for Lots 1 & 2, Block A, Isaac Addition being a 6.388-acre tract of land identified as Tract 1 of the J. A. Ramsey Survey, Abstract No. 186, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 2185 S. FM-549, and take any action necessary.
4. **P2021-040** - Consider a request by Jeremy Nelson of McAdams Co. on behalf of Spencer Byington of SWBC Rockwall, LP for the approval of a Final Plat for Lot 1, Block A, SWBC Rockwall Addition, Phase 2 being currently identified as a 21.275-acre tract of a larger 42.555-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development 83 (PD-83) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located east of the intersection of Discovery Boulevard and John King Boulevard, and take any action necessary.
5. **P2021-041** - Consider a request by Humberto Johnson, Jr. of the Skorborg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of a Master Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.
6. **P2021-044** - Consider a request by Kevin Harrell of the Skorborg Company on behalf of Ben Klutts, Jr. of the Klutts Farm, LLC for the approval of a Preliminary Plat for the Homestead Subdivision being a 196.009-acre tract of land identified as Tract 6 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 92 (PD-92), generally located at the northeast corner of the intersection of FM-549 and FM-1139, and take any action necessary.

7. Consider authorizing the City Manager to execute an Interlocal Cooperation Agreement with the Rockwall Independent School District (RISD) for School Resource Officer services for the upcoming school year, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-38**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED WITH *ORDINANCE NO. 92-39*, BEING A 6.88-ACRE TRACT OF LAND IDENTIFIED AS LOT 4, BLOCK A, SPYGLASS HILL #4 ADDITION AND TRACT 134-12 OF THE E. TEAL SURVEY ABSTRACT NO 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

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

IX. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Jerry Welch from the city's Planning & Zoning Commission came forth and briefed the Council on recommendations of the Commission relative to planning-related items on this evening's meeting agenda. Council took no action as a result of Mr. Welch's briefing.

2. Appointment with Michael Mittman, Owner/Operator of DFWboatRide.com to hear update regarding the 'Harbor Lights' boat operations on Lake Ray Hubbard, and take any action necessary.

Mr. Mittman came forth and showed a presentation to Council regarding "Harbor Lights" boat operations on Lake Ray Hubbard. He provided positive comments concerning his partnership with the City and its Parks Department (Director, Travis Sales). He mentioned that over 15,000 people annually take trips on his boats, and they have achieved close to a "5 star" rating online. A new boat ("Sapphire Moon") was recently added to his fleet, and it docks directly across from Harbor Lights at the lake. He mentioned that Harbor Lights was recently refurbished, and he spoke about the certifications of boat captains, staff, etc. as well as the insurance that his company carries for the boats. Following Mr. Mittman's presentation and positive comments, Councilmember Macalik indicated she believes Mr. Mittman has been doing a great job on the boats. Council took no action concerning Mr. Mittman's presentation.

3. Appointment with the City Attorney and staff to address questions raised by resident Bob Wacker during an appointment with the City Council on August 2, 2021, and take any action necessary.

City Attorney Frank Garza came forth and provided a lengthy presentation, taking remarks presented by citizen Bob Wacker at the August 2, 2021 city council meeting and addressing each of them, one-by-one. Overall, Mr. Garza indicated that nothing about points raised by Mr. Wacker would invalidate the city's 380 Agreement (entered into with a developer pertaining to the apartments that are slated to be built near downtown (across from the Police Station) from a legal standpoint. City Planning Director, Ryan Miller then came forth and addressed some of the 'technical' aspects of points raised by Mr. Wacker back on August 2nd. Mr. Miller generally covered the development application; conveyance of the lots; building setbacks; ingress/egress associated with the proposed development; building height (and how it is calculated); staff granted waivers to the 'block face;' vehicular and pedestrian traffic, the city's Unified Development Code (the city's Permitted Land Use Charts), fire safety, power lines, major vs. minor waivers, etc. Following Mr. Garza's and Mr. Miller's presentations, Councilman Jorif sought clarification – based on a thorough review of all contracts and associated documents associated with this topic, has anything been done wrong that would preclude this process from going forward? Mr. Garza acknowledged that there were some errors made (i.e. with the newspaper notice(s)); however, in his review he found nothing substantive that would be cause to invalidate this (the "380 Development") agreement. Jorif asked Mr. Miller for clarification – based on the Code and definition of the "downtown area," and based on Mr. Garza's comments, will the project stand alone on its own and go forward? Mr. Miller shared that – yes – it will because it meets all of the technical requirements. Councilmember Macalik asked for clarification on calculating height by taking the average of all of the stories of the building – is this a common practice? Mr. Miller shared that, yes – this is the method by which the building height is calculated on all buildings, and there is no discretion to vary from this method of calculating height.

Council took no action as a result of this appointment item.

X. PUBLIC HEARING ITEMS

1. **ZZ021-028** - Hold a public hearing to discuss and consider approval of an ordinance for a Text Amendment to Section 10, *Fee Schedule*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of creating a *Non-Compliant Structure* application fee for Specific Use Permit (SUP) applications (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This ordinance is being brought before Council for consideration at the request of City Council based on past discussions in recent months. The city's Planning & Zoning Commission has reviewed this proposed text amendment and has unanimously voted to recommend its approval by Council.

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

Following brief discussion, Mayor Pro Tem Hohenshelt moved to approve Z2021-028. Councilmember Campbell seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

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, BY AMENDING SECTION 10, FEE SCHEDULE, OF ARTICLE 11, DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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 (Daniels).

2. **Z2021-029** - Hold a public hearing to discuss and consider a request by Ed Cavendish of Cavendish Homes 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 0.1465-acre parcel of land identified as Lot 28, Block A, Chandler's Landing, Phase 20, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 104 Reliance Court, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This proposed home does appear to be comparable to existing housing located elsewhere within the subdivision. The proposed garage will require a waiver of Council in order to be approved; however, this proposed garage is not uncharacteristic of other garages in the neighborhood. Notices were sent out to adjacent property and homeowners, as well as to the Homeowners' Associations (HOAs). The Planning & Zoning Commission has recommended approval of this item.

Mayor Fowler 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. Councilmember Johannesen moved to approve Z2021-029. Councilmember Jorif seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND 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

0.1465-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 28, BLOCK A, CHANDLER'S LANDING, PHASE 20, 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 6 ayes with 1 absence (Daniels).

3. **Z2021-030** - Hold a public hearing to discuss and consider a request by Ed Cavendish of Cavendish Homes 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 0.1637-acre parcel of land identified as Lot 12, Block A, Chandler's Landing, Phase 20, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 118 Mischief Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. The applicant is requesting to construct a house within the Chandler's Landing subdivision. The proposed house does appear to be similar to other, existing housing within the neighborhood. The proposed garage will require a waiver approval; however, what is being proposed is not uncharacteristic of other houses within the neighborhood. Adjacent property owners and residents were notified, as well as the HOAs. In addition, the Planning & Zoning Commission has recommended approval of this item.

Mayor Fowler 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.

Councilmember Jorif moved to approve Z2021-030. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND 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 0.1637-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 12, BLOCK A, CHANDLER'S LANDING, PHASE 20, 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 6 ayes with 1 absence (Daniels).

4. **Z2021-031** - Hold a public hearing to discuss and consider a request by Tino and Judy Liscano on behalf of Jeremy Lance Epton for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a 4.95-acre parcel of land identified as Lot 1, Block A, Epton Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 2065 & 2075 Airport Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information concerning this agenda item. The applicant is coming forth to request a rezoning of his property so that he may establish three, separate lots on this nearly 5 acre tract of land (one of which will include the existing, single-family home). Each of the lots would be a minimum of 1-acre each. This proposal will conform to the city's land use requirements, including density requirements. Notices were sent out to adjacent land owners and residents, and the Rolling Meadows Homeowners Association was also notified. Staff received five notices in opposition of the proposed request as well as five e-mails expressing opposition (from individuals not located within the 500 ft. buffer surrounding the property). Because of the opposition, approval of this request will require a $\frac{3}{4}$ majority vote of Council (or 5 out of the 6 city council members present this evening). The Planning & Zoning Commission did review this request and has recommended its approval by a unanimous vote.

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

Mr. Jeremy Epton
2075 Airport Road
Rockwall, TX

Mr. Epton briefly came forth and indicated he would like to address the Council after others in the audience speak first.

Barbara Schueler
2070 Airport Road
Rockwall, TX

Mrs. Schueler came forth and expressed that she is opposed to this request because she believes that the SF-1 zoning would pose the possibility of too high a density on this property. She indicated that she has sent multiple e-mails to the Council expressing her opposition. She wants the Council to table this item and resubmit it to the Planning & Zoning Commission for reconsideration. She does not believe that the P&Z Commission gave it full consideration (as, she expressed, their recent meeting, overall, was only about 30 minutes long). She thinks this should be, at a minimum, "SF 1.5 zoning" instead of "SF-1" zoning. She desires to have the visual aspects of this property preserved, and she has concerns about the waterways on the property being home to many species of migrant

birds. She is generally in opposition of this request, and – again – she urged the Council to table this and kick it back to the city's P&Z Commission for further consideration.

Patty Griffin
2140 and 2150 Airport Road
Rockwall, TX

Mrs. Griffin explained that she is perhaps the 'newcomer' to this area, and she came in the year 1993. So, we have all lived in this area for a long time. This area has not changed a lot or experienced rapid growth. She acknowledged that the applicant has a right to sell his property, but he does not have a right to change the neighborhood or the neighbors' 'way of life.' She asked the Council to consider making this property less dense. Migrant birds and potential protected species may need to be evaluated concerning this property. She spoke briefly about the past, city water shortage due to a drought, and she encouraged the Council to be careful with the city's growth. She wants the zoning to be SF 1.5 instead of SF 1.0. She is in opposition of this proposal "as is."

Mike Puckett
2160 Airport Road
Rockwall, TX

Mr. Puckett came forth and shared that he's known Mr. Epton for many years, and he finds him to be an upstanding citizen. He shared that he moved here 21 years ago when a gentleman at that time subdivided his property into five, separate ones, and he personally purchased one of those five lots. He believes that Mr. Epton's zoning request is in line with the surrounding area, he is in favor of this request, and he urged the Council to vote "yes" regarding this request.

Robert McAlarin (note: unsure of spelling)
556 Stodgehill Road
Rockwall, TX

Mr. McAlarin shared that he has known the applicant for about 4 years. He believes that this request would result a notable improvement for this area if it is approved. He believes that the new homes that will be built will beautify the area. He and his son-in-law live on seven acres that is located directly behind this (Jeremy's) property. He shared that his son-in-law is also in favor of this rezoning request. He generally spoke in favor of the Council approving the applicant's request to rezone his property.

Mr. Jeremy Epton
2075 Airport Road
Rockwall, TX

Mr. Epton (the applicant) came forth and shared that he would like to rezone this property in order to allow for three (total) lots to be formed and two additional single-family homes to be constructed on this property. He wants to sell the two, additional lots to the Liscano and the O'Conner families so that they may build their dream homes, each on one acre

tracts. This would leave his own, personal existing home on the other 3 acres. Mr. Epton pointed out that he is not selling his land to a developer – rather, he will be selling to two, individual families. He does not believe there will be any concerns with noise, pollution lighting, traffic, congestion, etc. He generally urged the City Council to approve his request for rezoning this evening.

Judy Liscano
268 Cedar
Fate, TX
(also listed 2316 Anita Mesquite, TX 75149)

Mrs. Liscano came forth and indicated that she and her family would like to purchase one of the lots that Mr. Epton would like to sell. She and her husband have been married for twenty years, and they have rented homes for a number of years while saving money to purchase land and build. She spoke about her children and the various activities they are each involved in. She generally spoke in favor of the Council approving Mr. Epton's request to rezone this property.

There being no one else wishing to come forth and speak at this time, Mayor Fowler closed the public hearing.

Councilmember Jorif moved to approve Z2021-031. Councilmember Campbell seconded the motion. Councilman Johannesen provided brief comments, generally focusing on "property rights" and pointing out that this request is in conformance with all city requirements. He generally indicated that the property owner has a right to do with his land what he would like to do, especially considering that this meets the city's requirements and will be considered 'low density.' Mayor Fowler pointed out that he personally does not believe that this rezoning will result in adverse impacts to the existing area. Following the brief comments, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A 4.95-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK A, EPTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBITS 'A' & 'B'* 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 6 ayes with 1 absence (Daniels).

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 possible sale/purchase/lease of real property in the vicinity of Airport Road & John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding possible development at Rockwall Airport pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

XII. 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 near the start of the 6:00 p.m. public meeting above for action taken as a result of the first Executive Session.

XIII. ADJOURNMENT


Mayor Fowler adjourned the meeting at 7:52 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 7th DAY OF SEPTEMBER 2021.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



MINUTES - Budget Work Session

ROCKWALL CITY COUNCIL SPECIAL MEETING

TUESDAY, AUGUST 24, 2021 – 5:00 PM

Rockwall City Hall, City Council Chambers

385 S. Goliad St. Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 5:01 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels, and Anna Campbell. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd.

II. OPEN FORUM / PUBLIC COMMENTS

Mayor Fowler explained how he would like to conduct Open Forum this evening to hear public comments. He explained that he and the other city council members have all received many, many emails over the course of the last week pertaining to Suntex Marinas (currently manages Chandler's Landing Marina) and the changes they are proposing to make at the docks/slips. The City is aware of the changes, and that topic will be heard at the next, regular city council meeting. That meeting will be the more appropriate time to voice concerns about that topic. Whereas, this evening's meeting has been called as a work session to review and evaluate the proposed budget for the upcoming fiscal year. He generally urged those who speak to be respectful of the council's time in this regard and to consider coming to the next council meeting on September 7 (Tues.) to be heard regarding the marina. He then called for Chip Imrie to briefly speak during Open Forum.

Chip Imrie
Vice President of Chandler's Landing HOA
323 Harbor Landing Drive
Rockwall, TX

Mr. Imrie came forth and shared comments related to the Chandler's Landing Marina and the changes that Suntex Marina is proposing to make to the facilities. He generally expressed opposition to the proposed changes, indicating that he and others have a lot of concerns.

Roy Kuipers
333 Yacht Club Drive
Rockwall, TX 75032

Mr. Kuipers came forth and provided a PowerPoint presentation to Council, speaking about the proposed changes to the Chandler's Landing Marina. He has great concerns about the proposed changes, and he is opposed to them. He generally urged the Council to help curtail these proposed changes.

Doyle Sherman
702 Laurence Drive
Rockwall, TX

Mr. Sherman indicated he is a resident of Heath; however, he has utilized a boat slip at the Chandler's Marina for many, many years. He was recently informed that they plan to do away with his existing slip, and he has great concerns about the proposed changes at the marina.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and shared that he would like to see more graphical representations within the proposed budget in order to better show trends and changes over time. Mr. Wacker encouraged the Council to consider not continuing to lower taxes. He would like Council to consider taking advantage of the current prosperity and consider doing some things that might otherwise require issuance of bonds (for example).

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

III. HOLD WORK SESSION TO DISCUSS AND CONSIDER THE PROPOSED FISCAL YEAR 2022 CITY OF ROCKWALL MUNICIPAL BUDGET

Mayor Fowler called upon City Manager, Mary Smith, who began discussions regarding the proposed budget. A proposed tax rate of .35 cents is being proposed, which is a decrease from .37 cents. No tax increase is being proposed, so multiple public hearings on the tax rate will not be needed. She pointed out that this year the City received about \$2.5 million on CARES Act grant funding, revenue that is not expected to recur next budget year. Mrs. Smith then went on to briefly cover the high points of the proposed budget (i.e. General Fund Budget, Water/Sewer Fund, Special Revenue Fund, Recreation Development Fund, Debt Service Fund, Street Improvement Fund, Fire Equipment Fund, Airport Special Revenue Fund, Downtown Fund, and Police Seizures Fund, and the fund that covers employee benefits, including Workers Comp).

It was noted that Mayor Pro Tem Hohenshelt (temporarily) left the meeting at 5:49 p.m. He rejoined the meeting at 6:14 p.m.

General discussion took place between Council and staff regarding aspects of the budget proposal overall. Council members generally indicated that they are satisfied with the budget proposal that the city manager has set forth, and they do not anticipate any changes being brought forth. Indication was given that a public hearing will be held related to the budget on Tuesday, September 7, and the tax rate and budget will be formally adopted at the Monday, September 20 council meeting.

IV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:26 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 7th DAY OF SEPTEMBER 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING
Tuesday, September 07, 2021 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City legal counsel, Patrick Lindner attended the meeting in place of City Attorney, Frank Garza. Mayor Fowler read the below listed discussion items into the record before recessing meeting to go into Executive Session at 5:01 p.m.

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 RCH Water Supply and Blackland Water Supply Corporation (WSC) contracts, pursuant to Section §551.071 (Consultation with Attorney).**
- 2. Discussion regarding countywide ambulance services contract, pursuant to §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 Fowler reconvened the public meeting at 6:00 p.m. with all seven council members present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR KEVIN FOWLER

Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

- 1. Presentation of Citizen Life Saving Awards to: Rockwall Police Department**
Officer Mitchell Attaway - Life Saving Award
Officer Simon Comerford - Life Saving Award
Officer Curtis Sasson - Life Saving Award
Sergeant Mike Watson - Life Saving Award
Presentation of Police Commendation Award to: Rockwall Police Department
Officer Aaron Raymond

Police Chief Max Geron came forth with Mayor Fowler to present the above named awards to Rockwall police officers this evening for helping save the life of a woman who was recently attempting suicide at an IH-30 overpass bridge.

2. Constitution Week

Mayor Fowler called for Marilyn King and a fellow member of the Daughters of the American Revolution (DAR). He then read and presented them with this proclamation. Each of the ladies briefly spoke about the DAR organization and about the U.S. Constitution, encouraging everyone to recognize Constitution Week and be sure to read the Declaration of Independence and the U.S. Constitution this month. They also recognized three veterans on the City Council – Councilmember Johannesen (U.S. Marines); Councilmember Jorif (U.S. Army); and Mayor Pro Tem Hohenshelt (U.S. Army) – recognizing and thanking them for their service to our country.

3. Hispanic Heritage Month

Mayor Fowler called forth Alma Ramirez, president of the Rockwall LULAC organization. He then read and presented her and her comrades with this proclamation. A member of the Rockwall Hispanic Republicans Club also briefly spoke, thanking various individuals for their contributions to the local community and thanking the City Council for presenting this proclamation this evening.

VII. OPEN FORUM

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

**Stan Jeffus
2606 Cypress Drive
Rockwall, TX 75087**

Mr. Jeffus came forth and reminded Council that he was here at a city council meeting a couple of months back to share concerns about drainage-related issues that he and his neighbors have been experiencing in the Ridgecrest subdivision where they live. Mr. Jeffus went on to provide a lengthy presentation and speak in great detail about drainage-related concerns and the developer of his neighborhood.

**David Wrightson
5803 Yacht Club Drive
Rockwall, TX 75032**

Mr. Wrightston came forth and indicated that he lives in the Chandler's Landing subdivision. He has great concerns about Suntex Marina's proposal to reconstruct some of the boat docks and drastically change the view that residents of Chandler's Landing have enjoyed for years at the Yacht Club. He stressed that the view of the lake is very important, and he implored the City Council to do whatever it can possibly do to stop the proposed changes to the docks.

**Christopher Curry
314 Prairie View Road
Rockwall, TX**

Mr. Curry came forth and shared that he too has concerns about drainage problems within the Ridgecrest subdivision, as previously expressed by Mr. Jeffus. He shared that when he lived in the Stonecreek subdivision (also developed by "Skorburg"), there were also very similar drainage-related

problems. He expressed extreme dissatisfaction with the Skorburg developer and his lack of attention to drainage within the subdivisions he builds.

Tiki Sherman
702 Laurence Drive
Heath, TX 75032

Mrs. Sherman came forth and shared that she came to the Rockwall area to live about twenty years ago; however, she does not live within the Chandler's Landing subdivision – yet. She did, however, move to this area because of the sailing-related opportunities on Lake Ray Hubbard. She went on to explain that she and her husband are avid sailors and lovers of the sailing sport and sailing-related competitions. She and her husband and family recently chose to celebrate an important birthday at Chandler's Landing so that they could enjoy the view of both the sailboats and the lake, which are both very important to them.

Chip Imrie
323 Harbor Landing Drive
Rockwall, TX 75032

Mr. Imrie came forth and shared that he has lived in the Chandler's Landing subdivision for the last twenty-three years. He pointed out that Suntex has not contacted the Chandler's Landing Homeowner's Association or any of the residents within the neighborhood in an attempt to talk thru what they are proposing to do with reconstruction of the boat docks. Suntex is not a 'good neighbor,' they are trying to "cram this down our throats" (the boat dock changes), and he encouraged the City Council to protect the interests of the residents of Chandler's Landing and their \$4 million dollar investment with the best view on any lake in the DFW area.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and briefly spoke about drainage, the Skorburg developer and retention and detention ponds. He explained that there have been issues with these types of ponds within the Stonecreek subdivision too. His subdivision's detention pond (in Stonecreek) stays wet, has a very slight slope, and he wonders if it was poorly designed. He wonders if there is more the city can do and perhaps not put the entire burden on a subdivision's HOA 'after the fact.'

Roy Kuipers
333 Yacht Club Drive
Rockwall, TX 75032

Mr. Kuipers came forth and shared that he is a long-term resident of Chandler's Landing (35 years). He shared that he and his neighbors are strongly opposed to Suntex Marina's proposed changes to the existing boat docks at Chandler's. He especially has concerns about how the existing boat docks will negatively impact the current views that residents and Yacht Club visitors enjoy. He strongly urged the City Council to help preserve the Chandler's Landing community and the current tranquility, view and quality of life that residents enjoy.

Vicky Chesna
5727 Cross
Rockwall, TX (Chandler's Landing)

She explained she has lived in Chandler's Landing for the past 30 years but has lived in Rockwall since 1972. She is a realtor, and the lake is so important to our community. She has heard talk that some of the sailboats currently docked at Chandler's might move to Rowlett. She encouraged the Council to help keep the sailboats locally here in Rockwall and not give them to Rowlett.

Patrick Woods
2601 Cypress Drive
Rockwall, TX 75087
(Ridgecrest Subdivision resident)

Mr. Woods came forth and spoke, indicating that something is wrong and 'out-of-the-ordinary' when it comes to the drainage related concerns in his neighborhood. He suggested that perhaps some of the residents might meet with city representatives regarding these concerns that have been expressed by residents living within his neighborhood.

Christy Hester
405 Fox Hollow Drive
Rockwall, TX

Mrs. Hester came forth and indicated that she lives in the Ridgecrest subdivision, and she is an attorney by profession. She indicated that even though the plans were signed off on, something is not right. There are currently 42 houses in the subdivision with a handful more being built. It would cost over \$1,000 per household if a special assessment were to be implemented to help fix the drainage problems within the Ridgecrest subdivision. She encouraged the city to set a private meeting with homeowners to try and help them get their concerns addressed related to the Skorburg developer and drainage related concerns.

Philomena Buxton
5502 Yacht Club
Rockwall, TX 75032

Ms. Buxton shared that she lives with her parents in Chandler's after getting laid off from her job in Houston due to COVID. She went on to express that she has a problem with Suntex indicating they will move forward with boat dock (re)construction later this month, but they have not even obtained any permits from the City of Dallas or the City of Rockwall. She explained that people in the Houston area lived in subdivisions with similar drainage problems as many residents have expressed this evening, and their homes had 3 feet of water in them during Hurricane Harvey. She urged the city to help do something to rectify the issues.

There being no one else indicating a desire to speak, Mayor Fowler then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to authorize the city manager to negotiate an amendment to the current water contract with Blackland Water Supply Corporation. Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the August 16, 2021 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the August 24, 2021 Special City Council (Budget Work Session) meeting, and take any action necessary.
3. **Z2021-028** - Consider approval of an ordinance for a Text Amendment to Section 10, *Fee Schedule*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of creating a *Non-Compliant Structure* application fee for Specific Use Permit (SUP) applications (**2nd Reading**).
4. **Z2021-029** - Consider a request by Ed Cavendish of Cavendish Homes 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 0.1465-acre parcel of land identified as Lot 28, Block A, Chandler's Landing, Phase 20, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 104 Reliance Court, and take any action necessary (**2nd Reading**).
5. **Z2021-030** - Consider a request by Ed Cavendish of Cavendish Homes 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 0.1637-acre parcel of land identified as Lot 12, Block A, Chandler's Landing, Phase 20, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 118 Mischief Lane, and take any action necessary (**2nd Reading**).
6. **Z2021-031** - Consider a request by Tino and Judy Liscano on behalf of Jeremy Lance Epton for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family 1 (SF-1) District for a 4.95-acre parcel of land identified as Lot 1, Block A, Epton Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 2065 & 2075 Airport Road, and take any action necessary (**2nd Reading**).
7. **P2021-045** - Consider a request by David Bond of Spiars Engineering on Andrew Melzer of Gingercrest Inc. for the approval of a Replat for Lot 8, Block 1, Meadowcreek Business Center, Phase 2 being a 8.240-acre tract of land identified as Lots 6 & 7, Block 1, Meadowcreek Business Center, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and the SH-276 Overlay (SH-276 OV) District, addressed as 2301 S. Goliad Street, and take any action necessary.
8. **MIS2021-011** - Discuss and consider a request by Matt Waivering of the Rockwall Economic Development Corporation (REDC) for the approval of an Alternative Tree Mitigation Settlement Agreement for a 137.448-acre tract of land identified as Tracts 5 & 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 (SH-276 OV) District, generally located at the northwest corner of the intersection of Springer Road and Rochelle Road, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 8). Councilmember Macalik seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-39**

**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, BY AMENDING SECTION 10, *FEE SCHEDULE*, OF ARTICLE 11, *DEVELOPMENT APPLICATIONS AND REVIEW PROCEDURES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-40
SPECIFIC USE PERMIT NO. S-254

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND 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 0.1465-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 28, BLOCK A, CHANDLER'S LANDING, PHASE 20, 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-41
SPECIFIC USE PERMIT NO. S-255

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND 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 0.1637-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 12, BLOCK A, CHANDLER'S LANDING, PHASE 20, 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-42

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 APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A 4.95-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK A, EPTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBITS 'A' & 'B' 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 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with the city's ART Commission Chairman to hear a presentation regarding a public art Painted Butterfly Art project and to consider authorizing associated funding in the amount of \$10,000 from the city's "Art in Public Places" funds, and take any action necessary.

Chris Kosterman with the city's ART Commission came forth and briefed Council on this project and the associated funding request. Councilmember Macalik moved to approve the request for the \$10,000 for the Butterfly Art Project. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Appointment with representative(s) of Suntex RHCL Marina, LLC to hear plans for reconstruction of "H," "I," and "J" docks at the Chandler's Landing Marina, and take any action necessary.

Michael Warntjes with Suntex came forth and provided a PowerPoint presentation to Council concerning the proposed changes to some of the existing boat docks at the Chandler's Landing Marina.

Councilmember Macalik clarified that Suntex is proposing to take the slips from 49 uncovered clips down to 36 uncovered boat slips (for sailboats). Councilmember Macalik and Mayor Fowler encouraged the Suntex representatives to meet with the Chandler's Landing neighborhood residents, at large, in order to talk thru the proposed changes to the boat docks and glean some input and support before asking the City Council to act upon the proposed changes.

Councilmember Campbell asked for and received some additional clarification on the proposed changes.

Mayor Fowler shared that the Council will not be taking any action this evening concerning this particular agenda item.

XI. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive comments regarding the Proposed FY2022 City of Rockwall Budget and tax rate, and take any action necessary.

City Manager, Mary Smith, provided background information on this agenda item. She shared that the proposed budget reflects a proposed tax rate of .35 cents, which is .02 cents less than last year's. She went on to briefly highlight some of the items in the proposed, upcoming budget.

Mayor Fowler asked if anyone would like to come forth and speak concerning this Public Hearing item.

Jenny Krueger
805 Heath Street
Rockwall, TX

Mrs. Krueger thanked Council for considering requested funding in the budget that will benefit the local Boys & Girls Club. She went on to explain the reasons behind the funding request and what, in general, the money will be utilized for.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and shared that citizens' tax dollars fund the Rockwall Economic Development Corporation (REDC), and he believes that there should be a lot more transparency associated with the REDC and its funding. Discussion ensued between Council and Mr. Wacker concerning REDC board meetings, what the REDC does, the services it provides to the community, and how it is funded (thru sales taxes). Mayor Pro Tem Hohenshelt challenged Mr. Wacker on some things he seemed to "insinuate" as part of his comments, and he encouraged Mr. Wacker to actually come and attend the REDC board meetings. Hohenshelt indicated that a portion of the meetings do involve private, 'Executive Session' discussions; however, a good portion of the REDC board meetings are open to the public, and anyone is welcome to attend.

There being no one else wishing to come forth and speak at this time, Mayor Fowler then closed the Public Hearing.

Mayor Fowler made a motion to instruct the City Manager to move forward with advertising the .35 cent proposed tax rate for adoption at the September 20 city council meeting. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. ACTION ITEMS

1. Discuss and consider directing staff to initiate a text amendment to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) for the purpose of changing the *Permissible Use Charts* to require a Specific Use Permit (SUP) for the *Urban Residential* land use in the Downtown (DT) District, and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This change will take "Urban Residential" from a permitted 'by right' land use to an SUP. The changes will ensure that there is oversight, public hearings, and full council discretion when approving these types of developments moving forward. Modification to the definition of "Urban Residential" in the downtown district is also being proposed. It will also prohibit multifamily apartments in the downtown, but 'lofts above retail' and townhomes would be allowed (with public hearings being held and an approved SUP by Council). Discussion took place pertaining to the timing associated with these changes and any new development applications that may be received by the city between now and when these changes are enacted. Following additional discussion, no action was taken regarding this agenda item this evening.

2. Discuss and consider appointments to the city's Youth Advisory Council (YAC), and take any action necessary.

City Secretary, Kristy Cole, explained that interviews were recently held with students who applied to serve on the 2021-2022 Rockwall Youth Advisory Council. Ms. Cole indicated that three students live in Fate, and one student lives in Heath. She has reached out to each of those cities to secure financial sponsorships (\$250/each) for those students, and she feels confident that those cities will financially support those few students. Following brief comments, Councilmember Campbell moved to reappoint the 8 returning YAC students and the four (4) new appointees, including the following:

Seniors: Mazie Johnson (Rockwall); Peyton Nielsen (Rockwall); Carissa Heimer (Rockwall); Rylee Braaten (Fate).

Juniors: Morgan Crosby (Rockwall); Jaxson Stuart (Rockwall); Marvin Villalobos (Rockwall); Karmen Fumey-Nassah (Fate) (new appointee)

Sophomores: Miriam Gamez (Fate); Maddoc Johnson (Rockwall) (new appointee); Emily Nielsen (Rockwall) (new appointee)

Freshmen: Keaton Steen (Heath) (new appointee)

Councilmember Daniels seconded the motion but asked if the appointments should be made contingent upon securing the financial sponsorships from Fate and Heath for their respective students. Councilmember Campbell amended her motion accordingly, and Daniels seconded the amended motion. The motion passed by a vote of 7 ayes to 0 nays.

XIII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report
2. Fire Department Monthly Report - July 2021
3. Parks & Recreation Department Monthly Report - July 2021
4. Police Department Monthly Report - July 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

No discussion and no action took place related to departmental reports.

XIV. 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 RCH Water Supply and Blackland Water Supply Corporation (WSC) contracts, pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding countywide ambulance services contract, pursuant to §551.071 (Consultation with Attorney).

XV. 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.

XVI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:12 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS
4th DAY OF OCTOBER, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING Monday, September 20, 2021 - 5:00 PM City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Dana Macalik, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmember Trace Johannesen was absent from the entirety of the meeting. Councilmember Anna Campbell was absent from the first portion of the meeting (from 5:00 p.m. to 7:49 p.m.); however, she joined the meeting after the recess (at 7:49 p.m.), as noted below.

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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
2. Discussion regarding possible lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
4. **Pulled from public meeting agenda: Public Hearing Item #2: Z2021-033** - Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management, Inc. for the approval of an **ordinance** for a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 01-26] to allow a *Mixed-Use Development* (i.e. *Apartments, Retail/Restaurant, and Office land uses*) on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary (**1st Reading**).
5. **Pulled from public meeting agenda: Public Hearing Item #3: Z2021-034** - Hold a public hearing to discuss and consider a request by Maxwell Fisher of Masterplan on behalf of Saro Partners, LLC for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 5.07-acre tract of land identified as Tract 2-06 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Airport Road, and take any action necessary (**1st Reading**).
6. **Pulled from public meeting agenda: Public Hearing Item #4: Z2021-035** - Hold a public hearing to discuss and consider a request by Robert LaCroix and Brian Berry of BNSBS, L. P. on behalf of Bradley Gideon for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Neighborhood Services (NS) District for a 2.751-acre identified as Tract 1-04 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated

within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Quail Run Road, and take any action necessary **(1st Reading)**.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:50 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER TRACE JOHANNESSEN

In the absence of Councilmember Johannesen, Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. "Happy 25th Anniversary, Rockwall School of Music!" Day

Mr. and Mrs. Russ Porter came forth, and Mayor Fowler read and presented them with this proclamation.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time.

Three young, minor children (about 10 years of age and younger) came forth and spoke in favor of a skate park being built in Rockwall.

**Wade Hill
4602 Chaha Road, Apt. 107
Garland, TX 75043**

Mr. Hill came forth and expressed that he is from Louisville, Kentucky, and when he lived there, they had to fight and battle in order to get a skate park constructed. He is over the age of 40, and he still skateboards and BMX bikes. He generally spoke in favor of a skate park being built within the City of Rockwall.

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

IX. CONSENT AGENDA

1. Consider approval of the minutes from the September 7, 2021 regular city council meeting, and take any action necessary.
2. Consider authorizing a repair to Ladder Truck 2 in the amount not to exceed \$45,000 to Metro Fire Apparatus Specialists to be funded out of the General Fund, Fire Operations Vehicle Repair Budget, and take any action necessary.

3. Consider approval of a lease agreement with JBC Land and Cattle Company, LLC for office space in the Rockwall Technology Park, authorizing the City Manager to execute the contract on behalf of the City of Rockwall, and take any action necessary.
4. Consider authorizing the City Manager to execute an annual interlocal agreement with Rockwall County related to fire protection services, and take any action necessary.
5. Consider awarding a bid to Grass Kisser and authorizing the City Manager to execute a contract for Neighborhood Improvement Services forced mowing in the amount of \$33,000 to be funded out of the General Fund NIS Code Enforcement Budget, and take any action necessary.
6. Consider awarding bids to Caldwell Country Chevrolet, Rockdale Country Ford and Pursuit Safety, authorizing the City Manager to execute Purchase Orders for six new Police Pursuit SUV's and aftermarket vehicle equipment in the amount of \$382,890 to be funded out of the General Fund Police Patrol Budget and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, and 6). Councilmember Jorif seconded the motion, which passed by a vote of 5 in favor with 2 absent (Johannesen and Campbell).

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Eric Chodun, Chairman of the P&Z Commission, came forth and briefed Council on recommendations of the Commission relative to planning-related items on this evening's meeting agenda. Council took no action following Mr. Chodun's comments.

2. Appointment with Heath resident, Paul Field to hear comments pertaining to a possible skate park, and take any action necessary.

**Paul Field
153 Yorkshire Drive
Heath, TX**

Mr. Field came forth and shared that a lot of his advocates could not attend this evening due to "Open House" at local schools and other, out-of-town obligations. He went on to thank Council for previously listening to his desires to have a skate park constructed within the City of Rockwall. He is working with two, separate skate park design companies, and he has networked and/or spoken with many individuals, including (among others) county commissioners, the county judge, the city's Parks Director, and the Chairman of the city's Park Board. In addition, his and his comrades' efforts pertaining to a desired skate park have been featured in Blue Ribbon news and Channel 8 news, as well as on various social media sites. He expressed that, in general, he has heard large support from the various people with whom he has spoken, both online and in person.

He went on to share lengthy comments regarding his suggestion that the City consider recent designs that he had created by a professional design company for placement of a skate park on the back portion of the city's existing Yellowjacket Park. He generally urged the Council to consider agreeing to this proposed placement of a future skate park so that he can move

forward with fundraising efforts, including applying for grant funding, to help try and fund construction of this proposed park.

Following Mr. Field's remarks, Mayor Fowler provided various comments, in part, pertaining to why the city's existing 'neighborhood parks' are not well suited for a skate park and why Mr. Field's proposal at Yellowjacket park is also not feasible / not well suited for a skate park (i.e. it takes away 'open space' that is intentionally present; that area at Yellowjacket Park is utilized for kids 'warming up' to play baseball at the adjacent fields; that area of the park holds a lot of water / is in a low area, and a detention pond would need to be added due to all of the concrete (which, there is not sufficient space for)). He went on to clarify how 'planning' associated with future parks and future park amenities is handled within the City of Rockwall.

Mr. Fields acknowledged that this will be a 'long process,' so that is all the more reason why he would like to get started on moving forward with plans related to this desired skate park.

Mayor Fowler shared that he is not opposed to a skate park, but he strongly encouraged Mr. Field and his team members to 'work within the process' in order to try and get things moving on this.

Council took no action pertaining to this agenda item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-032** - Hold a public hearing to discuss and consider a request by Sam Moore of Main & Main on behalf of Jason Claunch of 7.1 Ridge LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In for the purpose of constructing a restaurant (i.e. Dutch Bros. Coffee) on a 0.57-acre portion of a larger 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within Scenic Overlay (SOV) District, generally located southeast of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary (**1st Reading**).

Mayor Fowler announced that this case has been rescheduled for Public Hearing at the Monday, October 4, 2021 city council meeting.

2. **Z2021-033** - Hold a public hearing to discuss and consider a request by Robert Weinstein of WB Companies on behalf of Richard Chandler of HFS Management, Inc. for the approval of an **ordinance** for a Zoning Change amending Planned Development District 4 (PD-4) [Ordinance No. 01-26] to allow a Mixed-Use Development (i.e. Apartments, Retail/Restaurant, and Office land uses) on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740], and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. The applicant's attorney has submitted a letter requesting that Council consider remanding this case back to the Planning & Zoning Commission at this point in time. So, first, Council is being asked to take action on said request.

City Attorney, Frank Garza, generally indicated that Council may take action as it sees fit this evening concerning this agenda item.

Mayor Fowler provided a brief synopsis of what happened with this case at last week's Planning & Zoning Commission meeting, indicating that he is inclined to move forward with holding the Public Hearing this evening and not remanding this back to the P&Z Commission at this juncture. The rest of the city councilmembers generally indicated concurrence with Fowler's suggestion to go ahead and hold the public hearing this evening, so that is what took place.

Mr. Miller went on to brief the Council on the more specific details pertaining to the applicant's requests associated with this case. On August 26, 2021, staff mailed 80 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Turtle Cove and Waterstone Estates Homeowner's Association (HOA's), which are the only HOA's within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time the report was drafted for the Council meeting packet, staff had received the following:

- Three (3) property owner notifications representing four (4) properties from property owners within the notification area (i.e. within the 500-foot buffer) that are opposed to the applicant's request.
- One (1) notification from the City's website portal from a property owner within the notification area (i.e. within the 500-foot buffer) that is opposed to the applicant's request.
- Four (4) notifications from the City's website portal from property owners that are not within the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- Three (3) email notifications from property owners that are not within the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- One (1) property owner notification representing two (2) properties from a property owner that is not within the notification area (i.e. outside the 500-foot buffer) that is opposed to the applicant's request.
- One (1) letter from the Waterstone Estates Homeowners Association representing property owners that are within and not within the notification area (i.e. inside and outside of the 500-foot buffer) that are opposed to applicant's request.
- One (1) email from a property owner that is not within the notification area (i.e. outside of the 500-foot buffer) that is in favor of the applicant's request.

Miller went on to indicate that on September 14, 2021, the Planning and Zoning Commission failed to approve a motion for the zoning amendment with a motion to approve failing by a vote of 3-3, with Commissioners Deckard, Thomas, and Welch dissenting and Commissioner Moeller being absent. As a result, City Council's approval of this request will require a super majority vote (in favor) of those councilmembers present this evening.

Mayor Fowler called forth the applicant to speak at this time.

Robert Weinstein of WB Property Group
495 Broadway
New York

Mr. Weinstein started out by asking Council if it will consider remanding this back to the P&Z Commission this evening. Mayor Fowler indicated that council will not remand this back to the Commission – instead, it will move forward with holding the public hearing and taking definitive action on this case this evening.

Mr. Weinstein went on to present a PowerPoint to the Council, describing in great detail his proposal for multi-family apartments and two, separate rooftop restaurants at this location.

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

Joy Bounds Murphy
209 Tanya Drive
Rockwall, TX 75087

Mrs. Murphy came forth and shared that she is a fifth generation Rockwall resident, and she is representing multiple families as she speaks this evening. She thanked the Council, staff and this country for allowing her an opportunity this evening to come forth and freely express her opinions this evening. She has lived at her address on Tanya Drive for the last thirty-eight years. She has lived in Rockwall for much longer than that, and she lived here before the manmade Lake Ray Hubbard was constructed. She went on to respectfully ask that Council not approve this proposal for apartments and rooftop restaurants this evening. She expressed concern about the many developers wanting to come in and pour concrete on over all of the open, green spaces within the City. She strongly urged Council to protect the sanctity of this community, and she reminded Council about the history of this particular piece of property. She pointed out that she had friends years ago who lost their lives on the nearby train tracks, and those railroad tracks are very dangerous. She urged Council to think hard before approving building anything this large on this particular piece of property. She pointed out that there are traffic-related concerns, especially when wrecks on the big IH-30 bridge occur. She expressed that this property is conducive to pretty green, open space. Overall, she spoke in opposition of this proposed development this evening.

Sherah Jackson
1547 Murphy Drive
Rockwall, TX

Mrs. Jackson came forth and urged the Council to vote “no” related to these proposed apartments this evening. The value of her and her neighbors’ properties are already degenerated by the existing, surrounding multi-family apartment complexes. She is opposed to approval of this case.

Carly Farrelly
1505 S. Lakeshore Drive
Rockwall, TX

Ms. Farrelly expressed that she and her family are new to Rockwall and recently moved here from Forney, by and large to escape undesired development. She spoke in opposition of this proposal and urged Council to vote against its approval.

Andrea Burke
1406 A Ridge Road
Rockwall, TX

Ms. Burke came forth and expressed that she is opposed to this proposal. She is strongly opposed to the restaurants, more so than she is opposed to the density; however, she is not really excited about the possibility of having 1,000 new neighbors across the street from her. She already deals with a lot of noise, lights and traffic where she currently lives. She is opposed to Council approving this proposed development this evening, and she generally urged them to vote against its approval.

Steve Curtis
2130 FM 1141
Rockwall (County), TX

Mr. Curtis came forth spoke about the zoning and underlying zoning associated with this piece of property. He indicated his understanding that this property has been poised to be 'general retail.' He went on to point out that his understanding is that, per the city's requirements, this land cannot have more than 500 dwelling units approved / constructed on it because it is too close to other, existing multifamily housing that is nearby, down the road, within one mile of this property.

Harold Snyder
1519 Murphy Drive
Rockwall, TX 75087

Mr. Snyder came forth and indicated that he lives within the Waterstone Estates subdivision in the city. He spoke about the extra vehicles and associated traffic that will be associated with a multifamily development of this type. He has sent emails to the Council expressing opposition to this case, and he has provided Council with a petition (of opposition) from residents within his subdivision. He expressed that Waterstone Estates and its homeowners hope that the Council will reject this development this evening.

Ron Mason
1402 Ridge Road
Rockwall, TX 75087

Mr. Mason shared that he has apartment drivers' headlights (from the existing "Commons" apartments residents) shining in the windows of his home regularly. He went on to describe

that he has a family member living in his home that has a lot of health-related issues, and the dirt and dust that would be kicked up by this proposed development would be detrimental to her health. His home was built in 1954, and this development will not only be overlooking nearby front yards, but it will also peer down into the back yards of nearby, existing residential homes too. He generally spoke in opposition of Council approving this proposal this evening.

Jim Turner
1691 E. Old Quail Run
Rockwall, TX 75087

Mr. Turner came forth and shared that any time a project comes forth where the developer is seeking approval of five, separate variances, the right thing for Council to do is to deny the request. He generally hopes the Council will say 'no' on approving this request this evening.

Ron Smith
1140 Lake Glen Circle
Rockwall, TX

Mr. Smith came forth and simply said, "ditto" (he is opposed to approval of this request this evening).

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and provided comments to the Council concerning this request. He indicated his belief that the allowed densities have been misstated. He shared information he has found related to "14 Scenic District" (the area where this development is being proposed). He went on to compare the histories associated with PD-1 and PD-4 within the city. He went on to share what he thinks could possibly be built on this piece of property. He acknowledged that the developer has recently submitted a 'traffic impact analysis' request to the city; however, he has not yet paid the fee, so said analysis has not yet transpired. He shared his belief that an analysis of the traffic generated by the proposed development will likely result in minimal impact on the existing, local roadway system. He urged Council to look at and consider information he has presented this evening when making its decision concerning this proposal. He had hoped this would be remanded back to the P&Z Commission. Mr. Wacker shared that he has spoken to this developer over the phone, and he provided some information to the developer that is available on the city's website in an effort to help him. He generally seemed to indicate that availability of apartments within the city is minimal, so he is 'in favor' of this request this evening. If the Council does want more people to move into the city, then approve this; however, if the Council does not want more people moving in, then deny it.

Jim Pruitt
209 Stonebridge
Rockwall, TX

Mr. Pruitt (former Mayor of Rockwall) came forth and shared that he disagrees with Bob Wacker's statements. He pointed out that over the years, the City has elected a conservative City Council that has traditionally not allowed multi-family housing to be approved (unless it has been 'age restricted' for older residents to live in). He pointed out that developers have come forth before wanting to develop this particular piece of property as "multi-family," and he has never been agreement with that zoning designation for this property. He urged Council to not approve the request this evening.

Mayor Fowler then closed the public hearing and recessed the public meeting at 7:41 p.m. to take a brief break.

Mayor Fowler reconvened the meeting at 7:49 p.m. Councilmember Campbell joined the meeting during the break. Fowler explained that this request is for a "zoning change" this evening, and it differs from the 'multifamily' housing that was most recently discussed pertaining to the downtown area (a development that, in that particular instance, was 'allowed by right').

Following Fowler's brief comments, Councilmember Jorif moved to deny Z2021-033. Mayor Fowler seconded the motion.

Mayor Pro Tem Hohenshelt shared that, at some point, this piece of land will be sold and it can be developed with something else "by right." He reiterated that – at some point – this particular piece of property will be developed. It will not always stay as "open space." He pointed out that a lot of multifamily housing is currently and will be in the future under construction in the area of The Harbor, so that housing type will in fact not be "lacking" within our city once those apartments are built. He shared that 'too much traffic' is not a valid argument as far as TXDOT is concerned. TXDOT allows a development to first be built, and then (thereafter) it conducts a 'traffic impact analysis' to decide on possibly putting in a traffic light. He pointed out that 'retail with restaurant space' is a land use that is allowed 'by right' on this piece of property.

The applicant, Mr. Weinstein, came forth again asking Council what changes, if any, it would like to see made to the proposal he has put forth this evening in order for it to be approved. Do councilmembers want to see 'retail' instead? Mayor Fowler shared that he will not utilize this meeting to have those types of discussions; however, he is happy to speak with the developer outside of this public meeting to discuss the possibilities.

Following additional, brief comments, the motion to deny this request passed by a vote of 6 ayes with 1 absent (Johannesen).

3. **Z2021-034** - Hold a public hearing to discuss and consider a request by Maxwell Fisher of Masterplan on behalf of Saro Partners, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 5.07-acre tract of land identified as Tract 2-06 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Airport Road, and take any action necessary (1st Reading).

Mayor Fowler indicated that this public hearing will be held at the Monday, October 18, 2021 city council meeting. So this case was not heard this evening, and no action was taken by Council.

4. **Z2021-035** - Hold a public hearing to discuss and consider a request by Robert LaCroix and Brian Berry of BNSBS, L. P. on behalf of Bradley Gideon for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Neighborhood Services (NS) District for a 2.751-acre identified as Tract 1-04 of the S. R. Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the southeast corner of the intersection of John King Boulevard and Quail Run Road, and take any action necessary (1st Reading).

Brief, introductory comments were made by Mayor Fowler and City Attorney Frank Garza. Fowler explained that the applicant has indicated a desire to redo his initial proposal; however, a modified proposal on the part of the applicant has not been properly posted on the public meeting agenda. So, he generally explained that the public hearing this evening will need to be held concerning this, current proposal. Then, thereafter, the applicant may resubmit a new proposal, and the entire process will need to start all over again. Planning Director, Ryan Miller, then provided background information concerning this current proposal and information related to this piece of property.

On August 26, 2021, staff mailed 32 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Stoney Hollow and Caruth Ridge Estates Homeowner's Associations (HOA's), which are the only HOA's within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time the report was drafted for inclusion in the Council meeting packet, staff had received the following:

- Four (4) property owner notifications from property owners that are within the notification area (i.e. within the 500-foot buffer) that are opposed to the applicant's request.
- One (1) email from a property owner within the notification area (i.e. within the 500-foot buffer) that is opposed to the applicant's request.
- Twenty-one (21) input form notifications from the City's website portal from property owners within the notification area (i.e. within the 500-foot buffer) that are opposed to the applicant's request.
- Three (3) emails from property owners that did not provide an address in their response and are considered to be outside of the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- Three (3) email notifications from property owners that are not within the notification area (i.e. outside of the 500-foot buffer) that are opposed to applicant's request.
- Forty-three (43) input form notifications from the City's website portal from property owners that is not within the notification area (i.e. outside the 500-foot buffer) that are opposed to the applicant's request.

The Planning & Zoning Commission did recently hear this case and voted 5 to 1 to recommend to Council that it be denied.

Robert LaCroix
4517 Scenic Drive
Rowlett, TX

Mr. LaCroix came forth on behalf of the applicant to address the City Council concerning this request this evening. He asked for and received clarification from the City Attorney concerning the Council's ability, legally, to approve something 'more restrictive' than what a developer is proposing. Mr. Garza clarified that, yes, Council can consider approving something more restrictive; however, in this instance, hearing public input on the 'more restrictive' proposal is discretionary this evening on the part of Council.

Mr. LaCroix went on to present background information concerning this piece of property over the years. He would like to propose two buildings (less than 5k square feet each), with desirable architecture, and a "daytime" type of retail operation.

Following brief comments, Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time regarding the current, proposed plan that was included on the posted agenda and within the informational meeting packet this evening.

Jerel Curtis
1302 Middleton
Rockwall, TX 75087

Mr. Curtis came forth and shared his belief that this property is not conducive to what is being proposed to be built on this piece of property. He share that he and his wife are going to build a home in the upcoming "Gideon Grove" subdivision that is located there on the corner of Quail Run Road and John King Boulevard. He is opposed to the proposed zoning change, and he does not believe there is any need for commercial buildings of any type in this location at all whatsoever. He feels that no more "strip centers" are needed in and around this area. He urged Council to leave the green space on this corner.

Jim Turner
1691 E. Old Quail Run
Rockwall, TX 75087

Mr. Turner pointed Council to the city's Comprehensive Plan. He pointed out that in this area, low density residential has traditionally been present. As John King Boulevard was being planned, Mr. Gideon subdivided his land and sold it off to developers, and home are poised to be built in this area. He indicated that these two, residential developments that are currently under construction – Gideon I and Gideon II – are 'short' on open, green space. He generally urged Council to leave this as 'green space' and not approve development of it at all. He spoke about the various types of businesses that could go in there if this property zoning is changed. He shared that residents were promised that John King Blvd. would be developed with trails and rest stops with open, green space along the roadway. However, that promise that was made in the 2006 / 2008 timeframe has not yet come to fruition. He

is generally opposed to “residential office” to be used for ‘residential services’ types of businesses.

Nick Grant
1569 E. Old Quail Run Road
Rockwall, TX 75087

Mr. Grant came forth and shared that he lives four houses down from this piece of property, and he is very strongly opposed to any sort of retail or commercial development whatsoever being approved or constructed on this land. He urged Council to utilize the city’s Comprehensive Plan to protect adjacent property owners from land next door being developed in an undesirable way. He believes this property is part of what the city has pointed out would become a ‘future trail’ area. He is opposed to rezoning of this property.

Steven Curtis (mentioned earlier in the minutes) came forth again to address Council on this particular item. He is opposed to any sort of development on this property that would add more traffic. Also, he wonders when Quail Run Road will be widened to be more than a two-lane road.

Karen Stock
124 Baldwin Drive
Fate, TX 75189

Mrs. Stock came forth and indicated that, while she currently resides in Fate, she and her husband are ‘under contract’ for construction of a new home within the new Gideon Grove subdivision. She is opposed to this request being approved this evening.

Edward Stock
124 Baldwin Drive
Fate, TX 75189

Mr. Stock shared that he and his wife are ‘under contract’ to build a home in the Gideon Grove subdivision, right adjacent to this piece of property. He urged Council to prevent development of this property. He definitely feels that this piece of property should be preserved as ‘green space.’

Mayor Fowler clarified that this piece of property is ‘private property’ and it in fact is not part of the city’s future ‘trail plans.’

Tiffany Wolfram
1313 Kirkwood Rd. (future resident)
Rockwall, TX

Mrs. Wolfram indicated that her future home (under contract/future construction) will have a backyard that backs up directly to this piece of property. She spoke in opposition of development of this piece of property. She would like to see it remain ‘green space.’

Teri Clark
11834 Cold Harbor Lane
Dallas, TX 75244

Ms. Clark shared that she works for Gideon Grove, and she is in agreement with the buyers and residential property owners in Gideon Grove who are in opposition of development of this property. She urged Council to vote in opposition of development of this property.

Councilmember Macalik moved to deny Z2021-035 without prejudice. Councilmember Jorif seconded the motion. Mayor Fowler pointed out that this property is privately owned, and he believes it will eventually be developed at some point in time. The motion then passed by a vote of 6 in favor with 1 absence (Johannesen).

5. **Z2021-037** - Hold a public hearing to discuss and consider a request by James Best for the approval of an ordinance for a Specific Use Permit (SUP) for an accessory building on a 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 54 Shadydale Lane, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. The applicant is essentially requesting approval to construct an accessory building in his back yard that does not entirely conform to the city's current requirements. He went on to explain more details associated with the request. Of the notices mailed out to adjacent residents and property owners, three notices were received back in favor of this request, and one notice was received back in opposition. The P&Z Commission has voted to recommend approval of this request to the Council this evening.

Andrew Thomas
346 Ridge Point Drive
Heath, TX

Mr. Thomas came forth and shared that he is representing the applicant. He generally urged the Council to approve this SUP this evening.

Mayor Fowler opened the public hearing. There being no one indicating a desire to come forth and speak at this time, he then closed the Public Hearing.

Councilmember Macalik then moved to approve Z2021-037. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. ~~21-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 2.60-ACRE TRACT OF LAND, IDENTIFIED AS LOT 1, BLOCK A, BEST ESTATE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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 to approve passed by a vote of 6 in favor with 1 absence (Johannesen).

6. **A2021-005** - Hold a public hearing to discuss and consider a request by Pat Atkins on behalf of Betty Thompson for the approval of an **ordinance** for the annexation of 6.70-acre tract of land identified as Tract 1-1 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), contiguous to the existing corporate limits of the City of Rockwall, addressed as 911 E. FM-552, and take any action necessary (**1st Reading**).

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

Councilmember Jorif moved to approve A2021-005. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A REQUEST FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 6.70-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-1 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 6 ayes with 1 absence (Johannesen).

7. **Z2021-036** - Hold a public hearing to discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of an **ordinance** for a *Zoning Change* to amend Planned Development District 91 (PD-91) [*Ordinance No. 21-36*] to incorporate a 20.00-acre tract of land identified as Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 505 Clem Road, and take any action necessary (**1st Reading**).

Mayor Fowler announced that this case will be heard for Public Hearing at the Monday, October 4, 2021 city council meeting.

XII. ACTION ITEMS

1. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2022 and amended budget for fiscal year 2021 and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the REDC budget for FY2022 and amended FY2021 budget. Councilmember Daniels seconded the motion, which passed unanimously of those present (Johannesen absent).

2. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2022 and amended budget for fiscal year 2021, and take any action necessary

Mayor Pro Tem Hohenshelt moved to approve the Tech Park budget for FY2022 and amended Tech Park budget for FY2021. Councilmember Daniels seconded the motion, which passed unanimously of those present (Johannesen absent).

3. Discuss and consider approval of an **ordinance** amending the budget for fiscal year 2021, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the ordinance amending the FY2021 budget. Councilmember Jorif seconded the motion, which passed unanimously of those present (Johannesen absent).

Prior to the vote being taken, the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-43**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1,
2020 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE
DATE.**

4. Discuss and consider approval of an **ordinance** adopting the proposed budget for fiscal year 2022, and take any action necessary.

Councilmember Macalik moved to approve the ordinance adopting the proposed FY2022 budget. Mayor Fowler seconded the motion, which passed unanimously of those present (Johannesen absent).

Prior to the vote being taken, the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-44**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL
YEAR OCTOBER 1, 2021, THROUGH SEPTEMBER 30, 2022; PROVIDING**

THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Discuss and consider approval of an ordinance levying ad valorem taxes for the tax year 2021, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the ordinance levying ad valorem taxes for tax year 2021. Councilmember Jorif seconded the motion, which passed unanimously of those present (Johannesen absent).

Prior to the vote being taken, the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-45**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2021 AT A RATE OF \$.3500 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2021 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2021 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

6. Discuss and consider approval of a resolution providing for the submission of names to the Rockwall Central Appraisal District (CAD) for nominations to the Board of Directors, and take any action necessary.

Mayor Fowler and Mayor Pro Tem Hohenshelt indicated that no action will be taken on this item tonight. Instead, it will be placed back on the agenda for consideration at the Monday, October 4 regular city council meeting.

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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
2. Discussion regarding possible lease of real property in the vicinity of Rockwall Technology Park pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

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

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

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:53 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 4th
DAY OF OCTOBER, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY





ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, October 04, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza.

Mayor Fowler then 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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
2. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Pulled from Public Mtg. Agenda - City Manager's Report, Departmental Reports and related discussions pertaining to current city activities, upcoming meetings, future legislative activities, and other related matters. – 3. IT / Technology Department - Recent Activities Report, pursuant to Section §551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:46 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER DANIELS

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Presentation of Certificate of Merit Awards to: Rockwall Police Department
Officer Chris Cleveland
Detective Craig Goff
Officer Ryan Jaurequi
Sergeant Paul Johnson
Officer Cameron Parker

Mayor Fowler called forth Police Chief, Max Geron, who proceeded to read a narrative pertaining to these Certificate of Merit Awards. He then called forth the officers (Goff and Johnson were not present) and presented them with their awards.

2. Building Officials Association of Texas' (BOAT) Recognition of Rockwall Building Official, Jeffrey Widmer

Representatives from the BOAT organization came forth and recognized Mr. Widmer for his years of service as "Past President" of BOAT and honored him as "Building Official of the Year."

3. Fire Prevention Month

Mayor Fowler called forth Fire Chief, Kenneth Cullins. He then read and presented the proclamation for "Fire Prevention Month."

VII. OPEN FORUM

Howard Haddock
155 Willowcrest
Rockwall, TX

Mr. Haddock came forth and expressed his concerns about the 'new (county) courthouse' project having been mismanaged in the past. He generally spoke in opposition of The Harbor project, both in the past and currently, expressing his belief that it is a hodgepodge of congestion, traffic and apartments. He hopes that building apartments and filling in every acre of 'open space' will not continue to be the 'the norm' for the City of Rockwall moving forward. He spoke also about the recent apartments project that was approved for construction in the downtown area, expressing that decisions made related to that project seemed to have been made in the shadows with very 'short-sighted views.' He indicated he supports the upcoming bond propositions for the local RISD school district. He urged the City to focus on 'planned growth' and public input.

Bob Wacker
309 Featherstone Dr.
Rockwall, TX

Mr. Wacker came forth and spoke about the upcoming renovations associated with the Police Department expansion at the Rockwall Technology Park and annual lease-related expenses associated with it. He shared that he believes maybe this needs to be a "Capital Improvement" type project instead of a budgetary item. Also - regarding the "Traffic Impact Analysis" related contract on tonight's Consent Agenda - he has various questions that are unanswered pertaining to this contract. He urged Council to ensure Traffic Impact Analyses continue to be conducted and then be presented to the public for review. He spoke in favor of more transparency from the City.

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Executive Session.

IX. CONSENT AGENDA

1. Consider approval of amended minutes from the September 7, 2021 regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the September 20, 2021 regular city council meeting, and take any action necessary.
3. **Z2021-037** - Consider a request by James Best for the approval of an **ordinance** for a Specific Use Permit (SUP) for an accessory building on a 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 54 Shadydale Lane, and take any action necessary **(2nd Reading)**.
4. **A2021-006** - Consider a request by Pat Atkins on behalf of Betty Thompson for the approval of an **ordinance** for the annexation of 6.70-acre tract of land identified as Tract 1-1 of the P. B. Harrison Survey, Abstract No. 97, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), contiguous to the existing corporate limits of the City of Rockwall, addressed as 911 E. FM-552, and take any action necessary **(2nd Reading)**.
5. **P2021-047** - Consider a request by ClayMoore Engineering on behalf of the Rockwall Central Appraisal District (RCAD) for the approval of a Replat for Lot 2, Block A, Lofland Industrial Park Addition being a 1.707-acre parcel of land identified as Lot 1A-R, Block A, Lofland Industrial Park Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 841 Justin Road, and take any action necessary.
6. **P2021-048** - Consider a request by Jeremy Epton for the approval of a Replat for Lots 2, 3, & 4, Block A, Epton Addition being a 4.95-acre parcel of land identified as Lot 1, Block A, Epton Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 1 (SF-1) District, addressed as 2075 Airport Road, and take any action necessary.
7. Consider awarding contracts for the build out of the new Police South Office at the Tech Park to include, remodel, data center, access control and security system and authorizing the City Manager to execute contracts totaling \$660,050 to be funded out of General Fund Reserves, Police Seized Fund and Tenant Finish-out Allowance, and take any action necessary.
8. Consider awarding a bid to Professional Turf Products and authorizing the City Manager to execute a Purchase Order for a new Toro Workman and Top Dresser in the amount of \$48,910.49 to be funded out of the General Fund Reserves, and take any action necessary.
9. Consider awarding a bid to Control Specialist Services and authorizing the City Manager to execute a Contract for Repairs to the In-Lake Pumps and Lines feeding water to the Harbor Waterfall feature in the amount of \$74,422 to be funded out of the Recreation Development Fund, and take any action necessary.
10. Consider approval of the Engineering Services Agreement with Birkhoff, Hendricks, and Carter, L.L.P. to provide general engineering services for water and wastewater improvements to the City, and take any action necessary.
11. Consider approval of the Engineering Services Agreement with Cardinal Strategies LLC to provide general engineering services for the preparation and review of all flood and detention studies submitted to the City, and take any action necessary.
12. Consider approval of the Engineering Services Agreement with Binkley & Barfield, Inc. to provide general engineering services for the preparation and review of all traffic impact analysis submitted to the City, and take any action necessary.
13. Consider authorizing the City Manager to execute a contract between the City of Rockwall and STAR Transit for transportation services for fiscal year 2022 in the amount of \$108,900 to be funded by the Administration Department Operating Budget, and take any action necessary.

14. Consider authorizing the City Manager to execute a contract with Meals on Wheels Senior Services for certain nutritional and senior service programs for fiscal year 2022 in the amount of \$45,000 to be funded from the Administration Department Operating Budget, and take any action necessary.
15. Consider authorizing the City Manager to execute a contract with the Texas Department of Transportation Aviation Division for participation in the Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall / Rockwall Municipal Airport, with matching funds for the grant to be provided by the Airport Operating Budget, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15). Councilmember Daniels seconded the motion. The ordinances were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-46
SPECIFIC USE PERMIT NO. S-256**

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 2.60-ACRE TRACT OF LAND, IDENTIFIED AS LOT 1, BLOCK A, BEST ESTATE 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.

**CITY OF ROCKWALL
ORDINANCE NO. 21-47**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING A REQUEST FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROCKWALL, TEXAS WITH THE ANNEXATION OF A 6.70-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-1 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, ROCKWALL COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Eric Chodun, current Chairman of the P&Z, came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Following brief questions and answers, Council took no action as a result of this Appointment Item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-032** - Hold a public hearing to discuss and consider a request by Sam Moore of Main & Main on behalf of Jason Claunch of 7.1 Ridge LLC for the approval of an ordinance for a Specific Use Permit (SUP) for *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (i.e. *Dutch Bros. Coffee*) on a 0.57-acre portion of a larger 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within Scenic Overlay (SOV) District, generally located southeast of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided brief background information pertaining to this agenda item. On August 20, 2021, staff mailed 46 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Turtle Cove Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time the staff report was drafted for inclusion in the informational Council meeting packet, staff had not received any notices (neither in favor nor opposed) back.

The applicant then came forth to speak.

Sam Moore
2505 Penshurst Ct.
Celina, TX 75009

He generally indicated that this project will still have to go thru an Architectural Review Board (ARB) process to get the renderings right and ensure they are aligned with the city's requirements, including those associated with this Scenic Overlay District. He went on to provide brief background information about the Dutch Bros. company in general. He clarified that this building is going to be built solely to run a drive-thru operation (no inside, 'in person' business will occur). People will be able to walk up to a side window to grab their drink (from outside); however, it will be a 'drive-thru only' type of operation.

Mayor Fowler 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.

Councilmember Johannesen asked for clarification on why the city requires an SUP to be obtained associated with drive-thru restaurant operations. Mr. Miller went on to provide clarification on how and under what conditions drive-thru restaurants under 2,000 square feet vs. over 2,000 square feet are reviewed and approved by Council.

Following brief, additional dialogue, Councilmember Macalik moved to approve Z2021-032. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX

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 A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 0.57-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, SKY RIDGE 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 7 ayes to 0 nays.

2. **Z2021-036** - Hold a public hearing to discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of an ordinance for a Zoning Change to amend Planned Development District 91 (PD-91) [Ordinance No. 21-36] to incorporate a 20.00-acre tract of land identified as Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 505 Clem Road, and take any action necessary (1st Reading).

Ryan Miller, Planning Director, provided background information pertaining to this agenda item. The subject property is located at southeast corner of the intersection of 505 Clem Road. On August 20, 2021, the applicant, Adam Shiffer of the Skorburg Company, submitted an application requesting to amend Planned Development District 91 (PD-91) [Ordinance No. 21-36] to incorporate an adjacent 20.00-acre tract of land (i.e. Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72) that is currently zoned Agricultural (AG) District. The proposed amendment, if approved, will increase the number of 16,000 SF lots permitted for this subdivision from 98-lots to 132-lots. These additional lots will result in a density change from 1.67 to 1.69 dwelling units per acre (which is less than the 2 units per acre 'low density' designation, as defined by the City). The proposed Planned Development District conforms to all of the requirements of the Unified Development Code (UDC) and the Engineering Department's *Standards of Design and Construction Manual*. On August 26, 2021, staff mailed 28 notices to property owners and occupants within 500-feet of the subject property. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). There were no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time the report that was included in the City Council meeting packet was drafted, staff had received the following:

- 1) One (1) email from a property owner outside of the notification area opposed to the applicant's request
- 2) Eight (8) input forms from five (5) properties outside the notification area opposed to the applicant's request.

- 3) One (1) returned notice from a property owner within the notification area opposed to the applicant's request.
- 4) One (1) input form from a property owner outside the notification area in-favor of the applicant's request.

The Planning & Zoning Commission did recently review this case and voted 5-1 to recommend that the Council approve this request this evening.

Mayor Fowler called forth the applicant to speak at this time.

Kevin Harrell
8214 Westchester Drive, Ste. 900
Dallas, TX 75225

Mr. Harrell came forth and provided a PowerPoint presentation to further explain details pertaining to this agenda item and associated request. Following the applicant's presentation, Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time.

Steven Curtis
2130 FM 1141
Rockwall (County), TX

Mr. Curtis shared that he lives directly across the street from this project, so he is very familiar with this property. He went on to speak about information he obtained from the City's Comprehensive Plan (generally pertaining to lot sizes and density associated with 'estate lots' and various zoning designations outlined in the Comp. Plan). He is opposed to the proposed lot sizes that are slated to be part of this development, as he believes 16,000 sq. foot lots are out of character with existing, surrounding residential lots. If the city is not going to approve 'estate lots' anywhere in the City, then he urged the Council to say so and remove that information from the city's Comp. Plan. He went on to share a video of what he indicated was flooding across FM-1141 that occurs every year on and around his property. He believes this type of flooding is imminent associated with the development's proposed 'fishing pond.'

Jim Turner
1691 E. Old Quail Run Road
Rockwall, TX

Mr. Turner believes in property owners' rights to sell and develop their property; however, he is generally opposed to this development, as he does not believe it 'fits' with the existing, surrounding area and existing, nearby residential homes. He pointed out that there are no plans to widen or improve FM-1141 anytime in the future, and adding this many additional homes is going to create a lot of unwanted traffic that will be problematic.

Bob Wacker
309 Featherstone Dr.
Rockwall, TX 75087

Mr. Wacker shared that he has an issue with how the city calculates density. He believes that density should be dispersed throughout the entirety of a piece of property rather than crammed into one end of the neighborhood. He shared that he has served on the city's Comprehensive Plan Advisory Committee (CPAC), and he believes the CPAC could have done a better job. He believes this meets the city's Comp. Plan as far as 'density' is concerned but not as far as 'lot size' is concerned. He acknowledged that it is in the interest of the developer to build higher density residential developments. He pointed out that no adjacent, existing lots are similar to these proposed sized lots. Mr. Wacker shared that he believes notable updates to the city's Comp. Plan should occur more frequently than once every five years, and brief dialogue took place between he and staff pertaining to this suggestion.

There being no one else wishing to come forth and speak, Mayor Fowler then closed the Public Hearing.

Mayor Pro Tem Hohenshelt provided various remarks, generally indicating that the city could re-write its zoning codes and/or the City's Comp Plan; however, there will always be people who will disagree with the content of those documents, and there will always be state and federal laws that the city will need to be mindful of. Also, there will always be developers who will challenge and push the limits. He generally indicated that these matters are complicated and will always be subject to disagreement.

Councilmember Johannesen moved to approve Z2021-036. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE PLANNED DEVELOPMENT DISTRICT 91 (PD-91) [ORDINANCE NO. 21-17] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED WITH ORDINANCE NO. 21-17, BEING A 78.412-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, 22, 22-04, & 22-05 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED 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.

The motion passed by a vote of 5 ayes with 2 against (Jorif and Daniels).

XII. ACTION ITEMS

1. Discuss and consider approval of a resolution providing for the submission of names to the Rockwall Central Appraisal District (CAD) for nominations to the Board of Directors, and take any action necessary.

Councilmember Macalik moved to approve a resolution submitting the following names/individuals for nomination to the CAD Board of Directors: Councilmembers John Hohenshelt and Trace Johannesen. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2022, including authorizing the City Manager to execute associated funding agreements, and take any action necessary.

Mary Smith, City Manager, provided brief background information regarding this agenda item. Councilmember Daniels moved to approve the HOT Committee recommendations with the exception of the CASA-related request ("Court Appointed Special Advocates") and authorize the City Manager to execute associated funding agreements. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Daniels then moved to approve the HOT Committee's recommendations associated with CASA's funding request, including authorizing the City Manager to execute associated agreements. Councilmember Jorif seconded the motion, which passed by a vote of 6 in favor with 1 abstention (Hohenshelt).

3. Discuss and consider approval of a resolution supporting the Rockwall County Transportation Road Improvement (Bond) Program ("TRIP '21"), and take any action necessary.

Mayor Fowler provided background information pertaining to this agenda item. He explained that these types of roadway bonds help position Rockwall County to be more likely to be prioritized for State and/or Federal roadway funding. Having countywide funds available (thru passage of these bonds) will allow Rockwall County to get started right away with things like design and infrastructure, right-of-way acquisition, etc. when TXDOT or the Feds approach Rockwall County with wanting to get started on a project.

Cliff Sevier, Rockwall County Commissioner
2906 Greenway Drive
Rockwall, TX

County Commissioner Sevier came forth and shared that all of the cities within Rockwall County work together diligently to discuss and prioritize roadway improvement projects on a countywide basis. So these bond funds will benefit all of the various cities within the County. Additional, clarifying dialogue took place between Sevier and Councilmember Macalik, generally regarding how projects are identified and prioritized. Note - Councilmember Johannesen left the meeting at this juncture (7:28 p.m.)

Following the additional dialogue, Councilmember Jorif moved to approve the resolution supporting the "TRIP '21" countywide roadway improvement bond program. Mayor Fowler seconded the motion, which passed by a vote of 6 ayes with 1 absence (Johannesen).

XIII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - August 2021

2. Fire Department Monthly Report - August 2021
3. IT / Technology Department - Recent Activities Report
4. Parks & Recreation Department Monthly Report - August 2021
5. Police Department Monthly Report - August 2021
6. Sales Tax Historical Comparison
7. Water Consumption Historical Statistics

Mrs. Smith, City Manager, thanked Council and others for coming out to the annual Volunteers Appreciation event last Thursday evening. Mayor Fowler commented that the annual Rib Rub Run and Roll event that was held this past weekend went very well, and he thanked Parks Director, Travis Sales, for the work he and his staff did on the event.

XIV. 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 ballot nominations associated with elections to the Rockwall Central Appraisal District (CAD) Board of Directors pursuant to Section 551.074 (personnel matters)
2. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

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

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

XVI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:31 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF OCTOBER, 2021.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, October 18, 2021 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:02 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Mayor Fowler 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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:40 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Parks Maintenance Champions Day

Mayor Fowler called forth Parks Director, Travis Sales who recognized several of his staff members for their individual achievements in this recent competition. He then read and presented them with this proclamation, recognizing the team for recently achieving 1st place in this region-wide municipal competition.

2. Certificate of Merit Award - Officer Garrett Stewart

Mayor Fowler called forth Police Chief, Max Geron, who proceeded to read a narrative pertaining to a meritorious act performed at the local Independence Day parade back on July 3rd. He then presented Officer Garrett Stewart with this awards.

3. Domestic Violence Awareness Month

Mayor Fowler called forth Jeff Landers from the local “Women in Need” organization. He then read and presented this proclamation.

4. Texas Chamber of Commerce Week

Mayor Fowler called forth two representatives of the Rockwall Area Chamber of Commerce. He then read and presented this proclamation.

5. Breast Cancer Awareness Month

Mayor Fowler read this proclamation into the record. He pointed out that lights at City Hall are lit up at night and alternate between purple (for Domestic Violence Awareness Month) and pink (for Breast Cancer Awareness Month).

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Council took no action as a result of Ex. Session.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the October 4, 2021 regular City Council meeting, and take any action necessary.
2. Consider awarding bids to Wireless CCTV LLC and authorizing the City Manager to execute a Purchase Order for a new Mini Dome Solar Camera Trailer and SkyWatch Wireless Camera System totaling \$44,144.56 to be funded out of the General Fund Police Patrol Equipment Budget, and take any action necessary.
3. Consider awarding bids to various vendors for 2022 model Vehicles totaling \$539,271, with \$359,734 to be funded out of the General Fund Reserves and \$179,537 to be funded out of the Water Sewer Fund, and authorizing the City Manager to approve associated Purchase Orders, and take any action necessary.
4. Consider authorizing the City Manager to execute an easement agreement between the City of Rockwall and Rockwall County for use of a portion of the Historic Courthouse grounds related to the Discovery Statue, and take any action necessary.
5. Consider awarding bids to various vendors and authorizing the City Manager to execute Purchase Orders for Concrete Pavement Repairs and Maintenance in the amount of \$1,075,000 to be funded out of the General Fund Streets Operations Budget, and take any action necessary.
6. Consider authorizing the City Manager to execute the 2021 Pavement Condition Assessment with Roadway Asset Services, LLC, in the amount of \$68,732.00 to perform a pavement assessment on the City's streets and alleys, to be funded by the Engineering Consulting Budget, and take any action necessary.
7. **Z2021-032** - Consider a request by Sam Moore of Main & Main on behalf of Jason Claunch of 7.1 Ridge LLC for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (*i.e. Dutch Bros. Coffee*) on a

0.57-acre portion of a larger 8.583-acre parcel of land identified as Lot 1, Block A, Sky Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within Scenic Overlay (SOV) District, generally located southeast of the intersection of Ridge Road [FM-740] and W. Yellow Jacket Lane, and take any action necessary (2nd Reading).

Councilmember Johannesen pulled item #5 from the Consent Agenda to have further discussion. Councilmember Jorif then moved to approve the remaining Consent Agenda items (#s 1, 2, 3, 4, 6, and 7). Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-48
SPECIFIC USE PERMIT NO. S-257**

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 A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 0.57-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, SKY RIDGE 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 7 ayes to 0 nays.

Councilmember Johannesen pulled this item because he did not want anyone to think this large amount is being approved arbitrarily. He shared that these things were previously discussed in greater detail at the past budget-related work session. Councilmember Johannesen then moved to approve Consent Agenda item #5. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Chairman of the Planning & Zoning Commission, Eric Chodun, came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action as a result of this appointment item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-038** - Hold a public hearing to discuss and consider a request by Darrell McCallum for the approval of an ordinance for a Specific Use Permit (SUP) for a Detached Garage that exceeds the maximum permissible size for a detached garage on a 1.2080-acre parcel of land identified as Lot 6, Block A, Grady

Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family (SF-10) District, addressed as 1 Soapberry Lane, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this public hearing item. The applicant has submitted an application, survey, and building specifications proposing to construct a 30-foot by 40-foot (or 1,200 SF) detached garage on the subject property. The proposed structure will replace an existing metal 24-foot by 30-foot (or 720 SF) accessory building. The proposed building elevations indicate the façade of the accessory building will be metal, the structure will be less than 15-feet in height, and will incorporate a metal roof. At the Planning and Zoning Commission work session meeting the applicant indicated that he would be incorporating a stone wainscot along the northern and western boundaries of the structure. The accessory structure will be situated northwest of the primary structure and along the alleyway adjacent to the Northshore, Phase 2A Subdivision. The proposed detached garage will be situated more than 20-feet from the front façade of the primary structure and will be accessible from the existing concrete driveway via an extension of the driveway proposed by the applicant. The garage will incorporate two (2) garage bay doors allowing the storage of two (2) standard size vehicles. On September 23, 2021, staff mailed 30 notices to property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within the 1500-foot buffer participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received the following: (1) One (1) property owner notification from a property owner within the notification area (i.e. within the 500-foot buffer) that is opposed to the applicant's request. (2) Two (2) property owner notifications from a property owner within the notification area (i.e. within the 500-foot buffer) that is in favor of the applicant's request. Indication was given that no portion of this building will be visible from the public street. On October 12, 2021 the Planning and Zoning Commission approved a motion to approve the Specific Use Permit (SUP) with the conditions of approval by a vote of 6-0, with Commissioner Moeller having been absent.

Mayor Fowler opened the public hearing, asking if anyone would like to speak at this time. There being no one indicating such, he then closed the Public Hearing.

Following brief comments, Councilmember Macalik moved to approve Z2021-038. Councilmember Campbell seconded the motion.

Darrell McCallum
1 Soapberry Lane
Rockwall, TX

The applicant, Mr. McCallum, came forth at the request of Councilmember Daniels who engaged him in brief questions and answers concerning the proposed materials and the size.

Following the brief comments, the ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-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 A *DETACHED GARAGE* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE FOR A DETACHED GARAGE ON A 1.2080-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, GRADY RASH 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 7 ayes to 0 nays.

2. **Z2021-039** - Hold a public hearing to discuss and consider a request by Peter Muhl of Rockwall Habitat for Humanity 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 0.1650-acre parcel of land identified as Lot 888A of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 305 Blanche Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this public hearing item. In this case, the applicant is not proposing a garage with the home. The addition of a garage or carport must meet the standards established in Subsection 07.04, Accessory Structure Development Standards of Article 04, of the Unified Development Code (UDC). With the exception of not having a garage, the proposed single-family home meets all of the density and dimensional requirements for the Single Family 7 (SF-7) District as stipulated by the Unified Development Code (UDC). For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the subject property, staff has provided photos of the properties along Blanche Drive and the proposed building elevations in the attached packet. The approval of this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission and a finding that the proposed house will not have a negative impact on the existing subdivision. On September 23, 2021, staff mailed 141 notices to property owners and occupants within 500-feet of the subject property. There were no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program to notify. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) notice in favor of the applicant's request and one (1) notice in opposition of the applicant's request. On October 12, 2021, the Planning and Zoning Commission approved a motion to approve the Specific Use Permit (SUP) with the conditions of approval by a vote of 6-0, with Commissioner Moeller absent. Also, 141 notices were sent out to property owners and residents nearby. One was received back in favor, and one was received back in opposition.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, the public hearing was then closed.

Councilmember Johannesen moved to approve Z2021-039. Councilmember Campbell seconded the motion. Following brief comments, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 20-XX
SPECIFIC USE PERMIT NO. S-2XX

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 AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01], 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 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 888-A, ROCKWALL LAKE ESTATES #2 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 to approve passed by a vote of 7 ayes to 0 nays.

3. **Z2021-040** - Hold a public hearing to discuss and consider approval of an ordinance for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the *Permissible Use Charts* and definition for *Urban Residential*, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. On September 7, Council gave direction to staff to draft an ordinance to change the "urban residential land use" in the downtown district to allow for more oversight. It will no longer be a "by right" land use. Instead, it will require approval of a Specific Use Permit (SUP) after public hearings are held and after Council reviews the project proposal and makes a discretionary decision on its approval. In addition, this text amendment will change the definition of "urban residential." Also, "townhomes" will be removed from the land use chart for the downtown district. A fifteen day notice was sent out, which was posted in the newspaper, and the Planning & Zoning Commission reviewed this as well. P&Z voted 4 to 2 (with Deckert and Womble dissenting and Moeller being absent) to recommend approval of this proposed text amendment.

Mayor Fowler provided brief comments, generally explaining that this text amendment is in response to what the City Council recently had to deal with associated with the apartment complex that will be built in the downtown area. These changes will give Council more oversight and will allow for public input as well.

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

Councilmember Jorif moved to approve Z2021-040. Mayor Fowler seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX**

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, BY AMENDING ARTICLE 04, PERMISSIBLE USES, AND ARTICLE 13, DEFINITIONS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; 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.

Councilmember Jorif explained that these revisions will give Council a 'voice' and will correct something that was put into place twenty years ago. Following his brief comments, the motion to approve passed by a vote of 7 ayes to 0 nays.

4. **Z2021-041** - Hold a public hearing to discuss and consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of an ordinance for a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (i.e. *Salad and Go*) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary (1st Reading).

The applicant has submitted an application, letter, and a concept plan requesting a Specific Use Permit (SUP) for a Restaurant with less than 2,000 SF with Drive-Through or Drive-In for the purpose of establishing a Salad and Go restaurant. The drive-through lane on the south side of the building -- as indicated on the concept plan -- is an online order only pick-up window. The applicant indicated at the Planning and Zoning Commission work session that the maximum stacking capacity is ~15 vehicles. The bail out lane for the drive-through is located near the northeast side of the property and is depicted as a 16-foot cross access drive. This will be required to be signed as a one (1) way exit lane. On September 23, 2021, staff mailed 26 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Stone Creek and Harlan Park Homeowner's Associations (HOAs), which are the only HOAs/Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted staff had not received any notices back, neither for nor against, this request. On October 18, 2021, the Planning and Zoning Commission approved a motion to approve the Specific Use Permit (SUP) with the conditions of approval by a vote of 6-0, with Commissioner Moeller absent.

Mayor Fowler 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.

Councilmember Daniels moved to approve Z2021-041. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX**

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 A *RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN* ON A 0.81-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK A, STONE CREEK RETAIL 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 to approve passed by a vote of 7 ayes to 0 nays.

XII. ACTION ITEMS

1. **Z2021-036** - Discuss and consider a request by Adam Shiffer of the Skorburg Company on behalf of Gordon C. Fogg for the approval of an ordinance for a Zoning Change to amend Planned Development District 91 (PD-91) [*Ordinance No. 21-36*] to incorporate a 20.00-acre tract of land identified as Tracts 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 505 Clem Road, and take any action necessary (**2nd Reading**).

Indication was given that this case did not receive unanimous approval at the last city council meeting, so it was placed as an "Action Item" this evening.

Councilmember Johannesen moved to approve Z2021-036. Mayor Fowler seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-49**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE PLANNED DEVELOPMENT DISTRICT 91 (PD-91) [*ORDINANCE NO. 21-17*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED WITH *ORDINANCE NO. 21-17*, BEING A 78.412-ACRE TRACT OF LAND IDENTIFIED AS TRACT 17, 17-01, 22, 22-04, & 22-05 OF THE W. M. DALTON SURVEY, ABSTRACT

NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

The motion passed by a vote of 5 ayes with 2 nays (Jorif and Daniels).

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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

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

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

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:52 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 1st DAY OF NOVEMBER, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 01, 2021 - 4:30 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 4:30 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were Assistant City Manager Joey Boyd and City Attorney Frank Garza. City Manager, Mary Smith was absent from the meeting.

II. WORK SESSION

1. Hold work session with representative(s) of Star Transit to hear and discuss update on most recent Strategic Planning Session results, an overview of the organization's upcoming goals and plans, and a financial update.

Councilmember Macalik provided brief, introductory comments regarding this work session item. She introduced Tommy Henricks, Executive Director of STAR Transit, who went on to provide a presentation to the Council. Following his presentation, Councilmember Macalik mentioned that Mr. Henricks was previously the Finance Director at Star Transit before being promoted to the Executive Director/CEO position about a year to a year-and-a-half ago. Mayor Fowler provided brief comments too, generally complimenting Mr. Henricks on his work on behalf of the organization and indicating that he has noticed improvement in the organization since Mr. Henricks assumed the lead role. Council took no action as a result of this work session item.

Mayor Fowler then read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:47 p.m.

III. 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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding candidates and associated election for the Rockwall Central Appraisal District (CAD) Board of Directors, pursuant to Section 551.074 (personnel matters)
3. **ACTION ITEM #2** - Discuss and consider approval of a resolution adopting the allocation method for Opioid settlement proceeds as set forth in the State of Texas Political Subdivisions' Opioid Abatement Fund and Settlement Allocation Term Sheet, and take any action necessary (pursuant to Section 551.071 (Consultation with Attorney)).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:20 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven council members being present. Members of the city's Youth Advisory Council (YAC) were also in attendance and were seated at the dais with members of Council and with staff.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF

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

VII. OPEN FORUM

Roy Kuipers
333 Yacht Club Drive
Rockwall, TX 75032

Mr. Kuipers came forth and shared that he is here to support Suntex Marina on the work that they have done. He would like some guidance on what might be able to be done to protect the lake views within the Chandlers Landing Community moving forward.

Jim Pruitt (former City of Rockwall mayor) and Cliff Sevier (current Rockwall County Commissioner) came forth and spoke about redistricting options/consideration of traditional city boundaries as related to elections. Pruitt indicated that the representative who is in charge of (re)districting has 'gone silent' related to Rockwall County. He spoke about how the County of Rockwall has grown (rapidly) over the course of the last ten years and how the City of Rockwall has historically been split into all four County Commissioner Precincts. Pruitt spoke about some of the rules related to (re)districting and 'urban' versus 'rural' districts as well as the current population of the City of Rockwall (47,251). He pointed out that the ideal population split for the City of Rockwall per precinct is 26,995. He stressed that redistricting is supposed to be about "population" – NOT about "voting." Pruitt stressed the importance of keeping Rockwall County in two precincts instead of splitting the county up into four, separate precincts. He urged the council and members of the public to email any comments to County Judge David Sweet and/or any of the Rockwall County Commissioners just as soon as possible (as this is a time-sensitive issue).

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

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 October 18, 2021 regular City Council meeting, and take any action necessary.
2. Consider approval of the engineering services and project management contract with Birkhoff, Hendricks and Carter, L.L.P., in the amount of \$60,500.00 to be funded by the Water/Sewer Fund for the Boydston Elevated Storage Tank Dismantling Project, and take any action necessary.
3. **Z2021-038** - Consider a request by Darrell McCallum for the approval of an ordinance for a Specific Use Permit (SUP) for a Detached Garage that exceeds the maximum permissible size for a detached garage

on a 1.2080-acre parcel of land identified as Lot 6, Block A, Grady Rash Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family (SF-10) District, addressed as 1 Soapberry Lane, and take any action necessary (2nd Reading).

4. **Z2021-039** - Consider a request by Peter Muhl of Rockwall Habitat for Humanity 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 0.1650-acre parcel of land identified as Lot 888A of the Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 305 Blanche Drive, and take any action necessary (2nd Reading).
5. **Z2021-040** - Consider approval of an ordinance for a Text Amendment to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of amending the *Permissible Use Charts* and definition for *Urban Residential*, and take any action necessary (2nd Reading).
6. **Z2021-041** - Consider a request by Aaron Hawkins on behalf of Tim Thompson of Metroplex Acquisitions for the approval of an ordinance for a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (i.e. *Salad and Go*) on a 0.81-acre portion of a larger 5.96-acre parcel of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located northeast of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary (2nd Reading).
7. **P2021-049** - Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LP for the approval of a Preliminary Plat for Lots 1 & 2, Block A, Seefried Addition being a 23.071-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
8. **P2021-050** - Consider a request by Greg Chapa of Barton Chapa Surveying on behalf of JCDB Goliad Holdings, LLC for the approval of a Replat for Lots 2 & 3, Block A, Pecan Valley Retail Addition being a 2.174-acre parcel of land identified as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 3005 N. Goliad Street [SH-205] and 150 Pecan Valley Drive, and take any action necessary.

Councilmember Macalik moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 8). Councilmember Jorif seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-50
SPECIFIC USE PERMIT NO. S-258**

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 A DETACHED GARAGE THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE FOR A DETACHED GARAGE ON A 1.2080-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, GRADY RASH 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-51
SPECIFIC USE PERMIT NO. S-259

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 AND PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*], 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 0.1650-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 888-A, ROCKWALL LAKE ESTATES #2 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-52

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, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-53
SPECIFIC USE PERMIT NO. S-260

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 *A RESTAURANT LESS THAN 2,000 SF WITH DRIVE-THROUGH OR*

DRIVE-IN ON A 0.81-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK A, STONE CREEK RETAIL 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 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Jim Rosenberg of Harbor Bay Marina to discuss marina upgrade/expansion plans and concession agreement, and take any action necessary.

Mr. Rosenberg came forth and thanked Joey Boyd, Assistant City Manager and Travis Sales, Parks Director, indicating that he has been working with these two staff members over the course of the last two years, and he is grateful for their assistance. He shared that he has owned Harbor Bay Marina for the last thirty-three years, and he has also developed other marinas. He explained that there is an existing concession agreement in place between his company and the City of Rockwall, and it is coming up for renewal this December. In addition, it is now time to upgrade the existing marina. He then made a presentation on his proposed redevelopment and expansion plans associated with the Harbor Bay Marina. In addition to all changes and upgrades to the docks, he is also proposing a parking lot expansion. He would like the Council to consider renewing the Concession Agreement for a period of twenty-five (25) years. He would also like modifications made to the parking-related aspects of the agreement to specify a parking ratio of 3.75 boat docks for every 1 parking spot.

On behalf of the residents and Homeowners Association (HOA) in Lakeside Village, Councilmember Daniels asked for the following things to be considered with the drafting of any updated / extended Concession Agreement:

- He and the homeowners in the Lakeside Village subdivision would like a certain adjustment to the proposed lease boundary to leave the area around the peninsula (near Lakeside Village) clear and available for use by subdivision residents;
- They would like the tires removed by the end of the fifth year (rather than the end of the 6th year) (on a pro-rated basis over the course of the first five years);
- Regarding proposed visitor guidelines as related to people who come into the marina late at night (midnight, 1 AM, 2 AM, etc.) playing loud music and shining bright lights at the docks – he and the residents would like to see the boat ramp closed at a reasonable hour (perhaps by 11 PM at night) to cut down on loud nuisances and other, related disturbances;
- They would also like to see a ‘closing hour’ (perhaps midnight) for the areas where picnics and barbeques would be taking place;
- They also hope that the boat docks will be new (and not just refurbished) and in good working order;

Discussion ensued related to the City of Dallas and its oversight on what will and will not be permitted or allowed regarding this marina.

Mayor Fowler shared that what is desired tonight – ultimately – is a motion to ask staff and the city attorney to proceed with working with Mr. Rosenberg to draft an updated concession agreement for Council's future review and consideration.

Mayor Pro Tem Hohenshelt shared that twenty-five years is a very long time to enter into a concession agreement. He wonders if the term should be shorter. Following brief, additional discussion, Mayor Pro Tem Hohenshelt made a motion for staff to continue discussions and move forward with drafting a concession agreement for Council's consideration. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Follow-up appointment with representative(s) of Suntex RHCL Marina, LLC to hear plans for reconstruction of "H," "I," and "J" docks at the Chandler's Landing Marina, and take any action necessary.

Jason Breland
1 Harbor View Drive
Rockwall, TX

Mr. Breland came forth and shared that his company has met with representatives of the Chandler's Landing Marina and the sailing community, and the parties have come to an agreement on a revised plan associated with the proposed layout for the 2022 updates to the marina. He then went on to briefly describe what the layout will look like.

In response to comments made during Open Forum, Mayor Fowler asked Planning Director, Ryan Miller to look into possible ways that the city might protect the lake view corridors in and around this marina in the future.

Councilmember Macalik made a motion to approve the (revised) plans presented this evening by Suntex Marina. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Discuss and consider approval of a resolution providing for the casting of votes and submission of the official voting ballot to the Rockwall Central Appraisal District (CAD) for the 2022-2023 Appraisal District Board of Directors, and take any action necessary.

Mayor Fowler made a motion to adopt the resolution and allocate 454 votes to John Hohenshelt and one vote to Trace Johannesen. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider approval of a resolution adopting the allocation method for Opioid settlement proceeds as set forth in the State of Texas Political Subdivisions' Opioid Abatement Fund and Settlement Allocation Term Sheet, and take any action necessary.

City Attorney, Frank Garza provided brief background information concerning this agenda item. This topic is related to a lawsuit that has recently been settled within the State of Texas. \$114,308 is the City of Rockwall's portion associated with the settlement agreement. The City

of Rockwall will need to agree to not sue the pharmaceutical companies in the future. Mr. Garza recommended that the Council pass the resolution, explaining that there is a chance that Rockwall's allocation may actually end up increasing in the future.

Councilmember Jorif made a motion to approve the resolution, as presented. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - September 2021
2. Fire Department Monthly Report - September 2021
3. Parks & Recreation Monthly Report - September 2021
4. Police Department Monthly Report - September 2021

Assistant City Manager, Joey Boyd said a few words, indicating that departmental reports have been included in the council members' informational packet for review. Staff is happy to answer any questions regarding those reports. No questions were asked, and no discussion took place.

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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding candidates and associated election for the Rockwall Central Appraisal District (CAD) Board of Directors, pursuant to Section 551.074 (personnel matters)

XIV. 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.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:07 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS
15th DAY OF NOVEMBER, 2021.**



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 15, 2021 - 4:30 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 4:30 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Councilmembers Dana Macalik, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmembers Clarence Jorif and Trace Johannesen were absent from the meeting.

II. WORK SESSION

1. Hold a work session with Robert Weinstein of WB Companies to discuss the potential development of a Mixed-Use Development (*i.e. Age Restricted Multi-Family Apartments, Retail/Restaurant, and Office land use*) on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, and generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740].

Following brief, introductory comments by Mayor Fowler, Mr. Weinstein came forth and addressed the Council concerning this work session item. He essentially presented his proposal for an age-restricted / older, active adults (seniors) apartment complex with retail space, a restaurant, 300 apartment units, and two pickle ball courts. Sixty percent of the units would be one bedrooms, and forty percent would be two bedrooms. Indication was given that the age-restriction will be for those age 55 years old and above. The City attorney indicated that there would be no city ability to enforce any sort of age restriction. It would instead need to be done by 'deed restrictions,' and any non-compliance would have to be addressed in court. General discussion ensued pertaining to the difficulties associated with enforcing 'age restrictions' on a piece of property / on a development in Texas. Mayor Fowler shared that he is only one vote among his other, fellow council members, but for him personally, he has issues with a 'multi-family' product being built at this location. He believes the adjacent neighborhood and the town as a whole (citizens) would be resistant to "multi-family" being built on this piece of property. Councilmember Daniels shared that there is nothing that could be added to or changed regarding Mr. Weinstein's presentation (for 'multi-family') that would change his mind and make him vote 'for' apartments at this location.

Council took no formal action pertaining to this work session item.

Mayor Fowler then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:58 p.m.

III. 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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding the city's concession agreement with Harbor Bay Marina Corporation, pursuant to Section 551.071 (Consultation with Attorney).

IV. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:20 p.m.

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

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

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VII. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. 'Happy 30th Anniversary, Rockwall County Sheriff's Posse' Day

Mayor Fowler called forth Rockwall County Sheriff's Posse member, Deryl Peoples. He then read and presented him and his organization with this proclamation, commemorating the organization's 30th anniversary.

VIII. OPEN FORUM

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

**Russell Phelps
214 Alta Vista Drive
Rockwall, TX**

Mr. Phelps came forth to address the Council concerning a greenbelt that is located behind his home. He provided a series of photos pertaining to said greenbelt (located behind Walmart Neighborhood Market off SH-66). He pointed out that this area has not been designated as parking for the Walmart Neighborhood Market or a place to park equipment. He shared that heavy equipment (small tractors), trailers and other vehicles have been parked in this greenbelt area off and on for a while now, and the "no parking" signs are being ignored. He would like for someone to indicate that these individuals have a right to park there, or tell them to no longer park in that location.

Harold Young
1210 N. Goliad
Rockwall, TX 75087

Mr. Young came forth and shared that he is the new Executive Director of the local YMCA. He wanted to introduce himself and invite any of the councilmembers to stop by and visit the "Y" to be his guest for a tour of the facilities. He thanked everyone for their recent support of the "Y's" Veteran's Day event.

There being no one else wishing to come forth and speak,

IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt made a motion to authorize the city manager to negotiate a 6 month extension to the existing concession agreement for Harbor Bay Marina. Councilmember Daniels seconded the motion, which passed by a vote of 5 in favor with 2 absences (Jorif and Johannesen).

X. CONSENT AGENDA

1. Consider approval of the minutes from the November 1, 2021 regular city council meeting, and take any action necessary.
2. **P2021-053** - Consider a request by Cameron Slown of Teague, Nall & Perkins, Inc. on behalf of Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a Final Plat for Phase 1 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 36.42-acre tract of land identified as a portion of Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District, generally located on the north side of SH-276 east of the intersection of SH-276 and Rochelle Road, and take any action necessary.
3. **P2021-054** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Suresh Shridharani of Harlan Properties, Inc. for the approval of a Final Plat for the Emerson Farms Subdivision consisting of 107 single-family residential lots on a 138.756-acre tract of land identified as Tract 1 of the J. Lockhart Survey, Abstract No. 137, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 76 (PD-76) for Single-Family 1 (SF-1) District land uses, generally located on the east side of Dowell Road south of the intersection of Dowell Road and SH-276, and take any action necessary.
4. **P2021-055** - Consider a request Ryan King of Engineering Concepts & Design on behalf of Jose Campos of Saddle Star South Holdings, LLC for the approval of a Final Plat for Phase 2 of the Saddle Star Subdivision consisting of 77 single-family residential lots on a 29.001-acre tract of land identified as Tracts 1, 1-05, 2-03, & 2-07 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass (SH-205 BY OV) District, generally located east of the intersection of Featherstone Drive and N. John King Boulevard, and take any action necessary.
5. **P2021-056** - Consider a request by Greg Helsel of Spiars Engineering, Inc. on behalf of Bill Gietema of Arcadia Lakes of Somerset Holdings, LLC for the approval of a Final Plat for Phase 2 of the Somerset Park Subdivision consisting of 165 single-family residential lots on a 82.809-acre tract of land identified as Tract 7 of the A. Johnson Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single-Family 10 (SF-10) District land uses, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and FM-549, and take any action necessary.

6. Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LP for the approval of an Alternative Tree Mitigation Settlement Agreement associated with a Warehouse/Distribution Facility on a 23.071-acre tract of land identified as Tracts 25 & 25- 1, of the R. B. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
7. Consider authorizing the City Manager to enter into the Standard Utility Agreement with Texas Department of Transportation for the IH-30 utility relocates from Dalrock Road to State Highway 205, and take any action necessary.
8. Consider approval of Engineering Service Agreement with Pipeline Analysis, LLC, to provide engineering services for Sanitary Sewer Condition Assessments and authorize the City Manager to execute a contract for \$156,830.00, to be funded by the Water and Sewer Fund, and take any action necessary.
9. Consider authorizing the City Manager to execute an agreement between the City of Rockwall and Rockwall County for Animal Control Services, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, and 9). Councilmember Macalik seconded the motion, which passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).

XI. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Jerry Welch from the City's P&Z Commission came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. No action was taken as a result of this appointment item.

XII. PUBLIC HEARING ITEMS

1. **Z2021-043** - Hold a public hearing to discuss and consider a request by Kenneth A. Selden on behalf of Johnathan Brown 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 0.426-acre tract of land identified as a portion of Lot 3, Block B, F & M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 601 Kernodle Street, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller shared background information concerning this agenda item. The applicant would like to construct a single-family home in this established subdivision. He briefed Council on the city's requirements according to the Unified Development Code. He showed elevation renderings of the home that the applicant would like to construct. This applicant already received approval from the city's Historic Preservation Advisory Board back in the year 2015. In addition, the city's P&Z Commission has recommended approval of this request. Of the notices that were sent out to adjacent property owners, three notices were received back in favor of this request, and no notices were received back in opposition.

Mayor Fowler 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 and called forth the applicant.

Johnathan Brown
7814 Killarney Lane
Rowlett, TX

The applicant introduced himself briefly and indicated that he and his family look forward to building this home and becoming a part of the Rockwall community by Christmas next year.

Mayor Pro Tem Hohenshelt moved to approve Z2021-043. Councilmember Campbell seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX

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 0.426-ACRE TRACT OF LAND, IDENTIFIED AS A PORTION OF LOT 3, BLOCK B, F & M 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 5 ayes with 2 absences (Jorif and Johannesen).

2. **Z2021-044** - Hold a public hearing to discuss and consider a request by Alex Flores 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 0.33-acre parcel of land identified as a Lot 2, Block M, Lake Rockwall Estates East Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 478 Renee Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He showed elevations showing what the proposed home will look like, generally explaining that it does 'fit' with other, newer homes that have been constructed in this subdivision in recent years. Notices were sent out to adjacent property owners; however, no notices were received back.

Mayor Fowler opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he then closed the public hearing.

Councilmember Macalik moved to approve Z2021-044. Councilmember Campbell seconded the motion.

Mayor Pro Tem Hohenshelt commented briefly that he really likes 'residential infill' in these established subdivisions, and he really appreciates people 'playing by the rules' and seeking Council's permission first before moving forward with construction.

Following brief comments, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND 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 0.33-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK M, LAKE ROCKWALL ESTATES EAST 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 5 ayes with 2 absences (Jorif and Johannesen).

3. **Z2021-045** - Hold a public hearing to discuss and consider a request by Vanio Dilov 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 0.1102-acre parcel of land identified as a Lot 40 of the Chandler's Landing Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 418 Columbia Drive, and take any action necessary (1st Reading).

Mr. Miller indicated that this property is located within Phase II of the Chandler's Landing Subdivision. The applicant is proposing to build a new, single-family home that is 2,094 square feet. The only regulation this proposal does not meet is the city's garage setback requirements; however, what is being proposed in this case is not out-of-the-ordinary for other, existing homes within the Chandler's Landing subdivision. Notices were sent out to adjacent property owners and the homeowner's associations; however, staff did not receive any responses back as a result of those notices.

Mayor Fowler opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he then closed the public hearing.

Following brief comments, Councilmember Macalik moved to approve Z2021-0045. Councilmember Campbell seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-XX

SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [ORDINANCE NO. 84-04] AND 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 0.1102-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 40 OF THE CHANDLERS LANDING, PHASE 2 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 5 ayes with 2 absences (Jorif and Johannesen).

4. **ZZ2021-046** - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. On this property, structures, including a detached garage and an 'animal shelter' (loafing shed) were both constructed without permits having been obtained prior to their being built. Mr. Miller went on to provide lengthy details pertaining to this case / request. Indication was given that the applicant's request does not have any negative impact on adjacent property owners because the property is so large. Notices were sent out to adjacent property owners, and four notices were received back in favor of this request. In addition, the P&Z Commission did vote 4 to 1 to recommend approval of this request to the City Council at this time.

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

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker asked for clarification on the structure that was constructed within the floodplain. Indication was given that it was illegally built and that a court case concerning the matter is pending at this time.

There being no one else wishing to come forth and speak at this time, Mayor Fowler closed the public hearing.

Mayor Pro Tem Hohenshelt asked the applicant why he did not comply with the city's regulations the first time around.

Mike Peoples
1700 E. SH-66
Rockwall, TX

Mr. Peoples explained that the structure was built because he needed a place to store his equipment and hay for his cattle. He apologized for not doing things the right way, but he indicated that he is going to pay the penalties, and he will move the structure out of the floodplain.

Councilmember Daniels asked for clarification on the time limit that the applicant will have to relocate / move the structure that's been built in the floodplain. Mr. Miller shared that, essentially, the applicant will have one year to come into compliance with the terms of the SUP. If he does not comply within that one-year timeframe, the city will have to pursue court action in order to achieve compliance. Councilmember Daniels pointed out that Mr. Peoples built multiple structures without obtaining permits to build them. He generally expressed a lack of confidence in Mr. Peoples doing what he says he will do (move the structure out of the flood plain). General discussion took place among staff, the Council and the city attorney pertaining to possible, future enforcement action (i.e. Code Enforcement citation(s) that would need to be issued and then be moved into the court system in order to ultimately gain compliance).

Following brief questions from Councilmember Campbell, Mr. Peoples promised to move the shed and relocate it out of the floodplain if the Council does vote in favor of his request(s) this evening.

Mayor Fowler moved to approve Z2021-046 with the stipulation that there be no additional building permits issued until the applicant comes into compliance. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-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 TWO (2) AGRICULTURAL ACCESSORY BUILDINGS AND AN ANIMAL SHELTER OR LOAFING SHED ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 with 2 absences (Jorif and Johannesen).

5. **Z2021-047** - Hold a public hearing to discuss and consider a request by Andrea Danley on behalf of Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) allowing an *Animal Shelter/Loafing Shed* on a 14.219-acre tract of land identified as Tract 10-03 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 555 Cornelius Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This property is currently zoned "Agricultural," and this request is essentially to replace an existing "animal shelter" / loafing shed, (a small barn) that is in grave disrepair, with a newly constructed loafing shed. What the applicant is proposing to build does meet the city's standards within an "AG" zoned district. The P&Z Commission has recommended approval of this request this evening. In addition, notices were sent out to adjacent property owners, and three were received back in favor of this request.

Mayor Fowler opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he closed the public hearing.

Councilmember Campbell moved to approve Z2021-047. Councilmember Daniels seconded the motion, and the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 21-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 ANIMAL SHELTER OR LOAFING SHED ON A 14.219-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 10-03 OF THE WILLIAM DALTON SURVEY, ABSTRACT NO. 72, 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 with 2 absences (Jorif and Johannesen).

XIII. ACTION ITEMS

1. Discuss and consider filling vacancy on the city's Architectural Review Board and (re)appointments to the Rockwall Economic Development Corporation (REDC), and take any action necessary.

Mayor Pro Tem Hohenshelt moved to reappoint board members Rick Johnson and Matthew Neyland to serve an additional two-year term on the Rockwall Economic Development Corporation (REDC) Board. Mayor Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).

Councilmember Daniels moved to appoint Robert McAngus to the city's Architectural Review Board (ARB) to replace former board member, Lindsay Mitchell, for an initial term that will expire in August of 2022. Mayor Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).

XIV. 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 possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding the city's concession agreement with Harbor Bay Marina Corporation, pursuant to Section 551.071 (Consultation with Attorney).

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See action taken above (after the first Ex. Session), near the start of the 6:00 p.m. meeting.

XVI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:03 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th DAY OF DECEMBER, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY





ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, December 06, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza.

Mayor Fowler 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 appointments to city regulatory boards, commissions, and committees including the Rockwall Economic Development Corporation (REDC), pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding the city's concession agreement with Harbor Bay Marina Corporation, pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding legal analysis of municipal court authority, pursuant to Section §551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:44 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM HOHENSHELT

Mayor Pro Temp Hohenshelt delivered the invocation and led the Pledge of Allegiance

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Remembering Pearl Harbor - 80th Anniversary Day

Mayor Fowler read the above proclamation into the record, commemorating the organization's 80th anniversary. Several veterans attended to the meeting to accept the proclamation and recognize their commitment to protecting our country.

VII. OPEN FORUM

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

There being no one wishing to come forth and speak, Mayor Fowler closed the Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Trace Johannsen made a motion to appoint Kayne Pierce to the Board of Directors for the Rockwall Economic Corporation. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 7 ayes with 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the November 15, 2021 regular city council meeting, and take any action necessary.
2. Consider awarding a contract to Custard Construction Services for improvements to city facilities, and authorizing the City Manager to execute a contract totaling \$201,517.16 to be funded out of the Internal Operations Department operating funds, and take any action necessary.
3. Consider authorizing the City Manager to execute an aerial easement agreement between the City of Rockwall and Oncor Electric Delivery on City owned property north of the Ralph M. Hall / Rockwall Municipal Airport and take any action necessary.
4. Consider approval of the contract for the construction materials testing for the IH-30 Utility Relocation Project and authorize the City Manager to execute a construction contract with Alliance Geotechnical Group in the amount of \$31,000.00, and take any action necessary.
5. Consider approval of the construction contract for IH-30 Utility Relocation Project from Dalrock Road to State Highway 205 and authorize the City Manager to execute a construction contract with Larrett, Inc., in the amount of \$2,615,323.00, and take any action necessary.
6. **Z2021-043** - Consider a request by Kenneth A. Selden on behalf of Johnathan Brown 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 0.426-acre tract of land identified as a portion of Lot 3, Block B, F & M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 601 Kernodle Street, and take any action necessary (**2nd Reading**).
7. **Z2021-044** - Consider a request by Alex Flores 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 0.33-acre parcel of land identified as a Lot 2, Block M, Lake Rockwall Estates East Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 478 Renee Drive, and take any action necessary (**2nd Reading**).
8. **Z2021-045** - Consider a request by Vanio Dilov 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 0.1102-acre parcel of land identified as a Lot 40 of the Chandler's Landing Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 418 Columbia Drive, and take any action necessary (**2nd Reading**).
9. **Z2021-046** - Consider a request by Mike Peoples for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (**2nd Reading**).
10. **Z2021-047** - Consider a request by Andrea Danley on behalf of Mike Peoples for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing an *Animal Shelter/Loafing Shed* on a 14.219-acre tract of land identified as Tract 10-03 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 555 Cornelius Road, and take any action necessary (**2nd Reading**).

11. **P2021-051** - Consider a request by Humberto Johnson, Jr. of the Skoburg Co. on behalf of Gordon C. Fogg for the approval of a Preliminary Plat for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.
12. **P2021-052** - Consider a request by Humberto Johnson, Jr. of the Skoburg Co. on behalf of Gordon C. Fogg for the approval of a Master Plat for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.
13. **P2021-057** - Consider a request by Frank Fite for the approval of a Final Plat for Lots 1 & 2, Block A, Fite Office Addition being a 0.82-acre tract of land identified as Lots A & D, Block 124, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 810 & 812 N. Goliad Street [SH-205], and take any action necessary.
14. **P2021-059** - Consider a request by Michael & Jennifer Wurster for the approval of a Final Plat for Lots 1 & 2, Block A, Wurster Estates Addition being a 12.82-acre tract of land identified as Lot 1 of the L. L. Leonard Addition and Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District, addressed as 550 E. Quail Run Road, and take any action necessary.
15. **P2021-061** - Consider a request by Randall Eardley of Wier & Associates, Inc. on behalf of Stephen Doyle of Structured REA-Rockwall Land, LLC for the approval of a Replat for Lots 5-8, Block B, Fit Sport Life Addition being a 15.281-acre portion of a larger 31.65-acre tract of land identified as Tract 22-2 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, generally located at the southeast corner of the intersection of Corporate Crossing [FM-549] and the IH-30 Frontage Road, and take any action necessary.
16. **P2021-062** - Consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of a Final Plat for Lot 1, Block A; Lot 1, Block B; and Lot 1, Block C, Rockwall Technology Park, Phase V Addition being a 214.7576-acre tract of land identified as Tract 10-1 of the J. A. Ramsey Survey, Abstract No. 186 and Tract 5 & 6 of J. H. B. Jones Survey, Abstract No. 125 City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, generally located at the northwest corner of the intersection of Rochelle Road and SH-276, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes with 0 nays.

The ordinance captions were read as follows:

**ORDINANCE NO. 21-54
SPECIFIC USE PERMIT NO. S-261**

**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 0.426-ACRE TRACT OF LAND, IDENTIFIED AS A PORTION OF LOT 3, BLOCK B, F & M 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-55
SPECIFIC USE PERMIT NO. S-262

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND 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 0.33-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK M, LAKE ROCKWALL ESTATES EAST 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-56
SPECIFIC USE PERMIT NO. S-263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [*ORDINANCE NO. 84-04*] AND 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 0.1102-ACRE PARCEL OF LAND, IDENTIFIED

AS LOT 40 OF THE CHANDLERS LANDING, PHASE 2 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-57
SPECIFIC USE PERMIT NO. S-264

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 TWO (2) *AGRICULTURAL ACCESSORY BUILDINGS* AND AN *ANIMAL SHELTER OR LOAFING SHED* ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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.

CITY OF ROCKWALL
ORDINANCE NO. 21-58
SPECIFIC USE PERMIT NO. S-265

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 *ANIMAL SHELTER OR LOAFING SHED* ON A 14.219-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 10-03 OF THE WILLIAM DALTON SURVEY, ABSTRACT NO. 72, 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 7 ayes with 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with Michael Black of La Terra Studio to present a design concept for the Discovery Statue on the downtown courthouse grounds, and take any action necessary.

Michael Black of La Terra Studio gave a brief presentation (slide show) to the City Council on the design concept for the Discovery Statue that will be placed on the downtown courthouse grounds. His presentation included the concept plan and a recommendation for the placement of the statue (southeast corner, near San Jacinto plaza intersection), the building of a landscape wall in order to provide protection to the large live oak tree, as well as other updates to the location. He also gave an update on the estimated budget cost of the project, which in total will cost \$ 87,000 (includes consulting fee and construction cost). Next steps after the concept plan approval will be the construction documents will be presented to the Texas Historical Commission Review for review, which, is part of the process. They will review the documents and give any recommendations for the project. After that, the bidding for the project can begin and move on to construction for the site.

Mayor Fowler asked why the project has to go thru the Texas Historical Commission for review. Mr. Black stated the courthouses in the State of Texas are under the jurisdiction of the Historical Commission. They are a state agency that regulates what can and cannot be done to state courthouses. The county judge has a final say on the project. Mr. Bryant stated the sculpture is on schedule. The goal is to have this completed for Founders Day 2022. The budget has already been approved.

Councilmember Macalik asked a question regarding the tree that is next to the statue and possible of bird droppings on the statue. The Parks Department will take over the maintenance of the sculpture and the site. Council generally indicated the desire to move forward with the concept plan.

2. Appointment with Sean Ribble of Greenworks Lending and Dub Taylor of the Texas PACE Authority to discuss and consider becoming a C-PACE (Commercial Property Assessed Clean Energy) designated city, and take any action necessary.

The above named individual did not show up to present to the City Council. This item was not discussed, and there was no action taken.

XI. ACTION ITEMS

1. **MIS2021-013** - Discuss and consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Carl Gresham for a variance 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 20.00-acre tract of land identified as Tract 8-3 of the J. Merriman Survey, Abstract No. 155, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 3213 Blackland Road, and take any action necessary.

Planning Director Ryan Miller shared background information concerning this agenda item. On November 15, 2021, the applicant -- Jeff Carroll of Carroll Architects, Inc. -- submitted a request for a variance to the City's Standards of Design and Construction Manual in accordance with the City's Interim Interlocal Cooperation Agreement with Rockwall County for Subdivision Regulations in the City's Extraterritorial Jurisdiction (ETJ). The variance is to allow crushed granite to be utilized in lieu of steel reinforced concrete for the parking and storage areas for the proposed storage facility.

The subject property is a vacant 20.00-acre tract of land (i.e. Tract 8-3 of the J. Merriman Survey, Abstract No. 155) located within Rockwall County and situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall. On April 23, 2020, the City of Rockwall entered into an Interim Interlocal Cooperation Agreement with Rockwall County for Subdivision Regulations in the City's Extraterritorial Jurisdiction (ETJ) in accordance with Chapter 242, Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction, of the Texas Local Government Code. This agreement combined the City and the County's process for reviewing and approving subdivision plats into a single process administered by the City of Rockwall, and allowed the City's Standards of Design and Construction Manual to be applied to properties proposing to subdivide or plat in the City's Extraterritorial Jurisdiction (ETJ).

Earlier this year, the applicant approached staff about constructing an outside storage facility for recreational vehicles and boats on the subject property. Blackland Road is identified on both the City and County's Master Thoroughfare Plan and runs adjacent to the subject property. Based on this adjacency, staff informed the applicant that the property would need to be platted prior to development to account for the required roadway dedication. Since the property is required to be platted, any development of the subject property would be required to meet the City's Standards of Design and Construction Manual. This would mean that all parking and storage areas would need to be concrete. At the time of the meeting, the applicant indicated to staff that they would be requesting a variance to the paving requirements for their outside storage areas.

The City Council is being asked to make a decision on a variance to the City's Standards of Design and Construction Manual to allow crushed granite in lieu of the required reinforced concrete paving for the storage/parking areas. This request will require a motion to approve or deny and passage by a simple majority vote.

Mayor Fowler called forth the applicant to speak at this time.

Jeff Carroll
750 E I30
Rockwall TX

Jeff Carroll of Carroll Architects came forth asking for approval of this request.

Following brief comments from Mayor Pro Tem Hohenshelt and Councilmember Johannesen, Councilmember Daniels made a motion to deny MIS2021-013. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider filling vacancies on the city's Park Board and Animal Advisory Board, and take any action necessary.

Councilmember Clarence Jorif made a motion to appoint Jake Wimpee to the Park Board (to replace Peggy Marhouff, who recently resigned). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Anna Campbell made a motion to appoint Dr. Darren Goucher to the Animal Advisory Board. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - October 2021
2. Fire Department Monthly Report - October 2021
3. Parks & Rec Monthly Report - October 2021
4. Police Department Monthly Report - October 2021
5. Sales Tax Historical Comparison

6. Water Consumption Historical Statistics

City Manager Mary Smith gave an update on upcoming projects: flag pole project out on I-30 has been approved by TXDOT to start construction; Hoping to have project completed and ready for Flag Day. The Police Department's south office space demo has been done; Should be starting construction renovations soon; Christmas parade/downtown activities on Saturday were a huge success. Mrs. Smith thanked everyone who helped out.

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 appointments to city regulatory boards, commissions, and committees including the Rockwall Economic Development Corporation (REDC), pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding the city's concession agreement with Harbor Bay Marina Corporation, pursuant to Section 551.071 (Consultation with Attorney).
4. Discussion regarding legal analysis of municipal court authority, pursuant to Section §551.071 (Consultation with Attorney).

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See actions taken above, near the start of the 6:00 p.m. meeting agenda.

XV. ADJOURNMENT

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 20th DAY OF DECEMBER, 2021.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY



ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, December 20, 2021 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and the city's legal counsel, Lea Ream.

Mayor Fowler then read the below listed discussion item 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (Personnel Matters)
2. Consent #6 (pulled from regular agenda) - Consider a request by Kevin Lefere for the approval of a resolution abandoning the right-of-way for a portion of Third Street being a 0.083-acre tract of land situated within the Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, and take any action necessary.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:20 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven councilmember being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR FOWLER

Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

VI. OPEN FORUM

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

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and commented that he was just informed that the only way input from a homeowner is accepted by the City is if it comes to the city through the formal channels established by the Planning Department. He generally expressed concern about this, explaining that he just spent time collecting signatures from homeowners pertaining to a Public Hearing case on tonight's meeting agenda. He questioned if all homeowners who are part of an HOA are notified of public hearing items.

There being no one else wishing to come forth and speak at this time, Mayor Fowler then closed Open Forum.

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the December 6, 2021 regular city council meeting, and take any action necessary.
2. Consider awarding a bid to Electric Inc. and authorizing the City Manager to execute a Contract for the purchase and install of emergency power generators in the amount of \$831,040 to be funded from the Internal Operations budget in the amount of \$529,000; amend the IO budget to designate \$66,100 from General Fund Reserves; and Water Sewer Funds \$235,950, and take any action necessary.
3. Consider authorizing the City Manager to execute an agreement with Rockwall County for Municipal Court Judge services associated with upcoming 'No Refusal Weekends,' and take any action necessary.
4. Consider approval of a proposal from American Signal Corporation in the amount of \$17,525.25 for replacement of one outdoor emergency warning siren, amending the Internal Operation Department budget, and take any action necessary.
5. Consider approval of the construction contract for Williams Street/Squabble Creek Sanitary Sewer Slip Line Rehabilitation Project and authorize the City Manager to execute a construction contract with NO-DIGTEC, LLC., in the amount of \$127,002.30, to be paid for out of the Water/Sewer Fund, and take any action necessary.
6. Consider a request by Kevin Lefere for the approval of a resolution abandoning the right-of-way for a portion of Third Street being a 0.083-acre tract of land situated within the Lowe & Allen Addition, City of Rockwall, Rockwall County, Texas, and take any action necessary.
7. **P2021-060** - Consider a request by Pat Atkins of CDT Rockwall 2017, LLC for the approval of a Final Plat for Phase 3 of the Saddle Star Subdivision consisting of 33 single-family residential lots on a 14.995-acre tract of land identified as Tract 1-03 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of John King Boulevard northeast of the intersection of John King Boulevard and Featherstone Drive, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Eric Chodun, Chairman of the P&Z Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action following Mr. Chodun's comments.

X. PUBLIC HEARING ITEMS

1. **P2021-058** - Hold a public hearing to discuss and consider a request by Tari Kinsey for the approval of a Final Plat for Lots 1-4, Block A, Kinsey Addition being a 0.76-acre tract of land identified as a portion of Blocks 9 & 10, F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 802, 806, & 808 Kernodle Street, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. He generally explained that this plat meets the city's technical requirements. In addition, notices were sent out to adjacent property and homeowners located within 200' of the subject property; however, no notices were received back by the city.

Mayor Fowler opened the public hearing. No one came forth to speak at this time, so he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve P2021-058. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **Z2021-048** - Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of an **ordinance** for a PD Development Plan for a *General Retail Development/Shopping Center* on an 8.63-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, being zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of E. Quail Run Road and N. Goliad Street [*SH-205*], and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The subject property was annexed on February 6, 1961 by Ordinance No. 61-02 [Case No. A1961-002]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On April 2, 2007, the City Council adopted Ordinance No. 07-13 [Case No. Z2007-006], which rezoned a 395.075-acre tract of land -- that included the subject property -- from an Agricultural (AG) District to Planned Development District 70 (PD-70) for Single-Family 10 (SF-10) District and limited General Retail (GR) District land uses. The concept plan included with this Planned Development District designated the subject property for Single-Family 10 (SF-10) District land uses. On October 19, 2009, the City Council adopted Ordinance No. 09-44 [Case No. Z2009-018], which amended the concept plan and development standards for Planned Development District 70 (PD-70). The amendment re-designated approximately seven (7) acres of the subject property to allow limited General Retail (GR) District land uses. This area was later expanded by Ordinance No. 11-35 [Case No. Z2011-016] to include the remainder of the subject property, re-designating the entire 8.63-acres for limited General Retail (GR) District land uses. On February 6, 2017, the City Council approved a PD Development Plan [Ordinance No. 17-08; Case No. Z2016-049] for the subject property in accordance with the requirements of Planned Development District 70 (PD-70). This development plan was for a proposed grocery store; however, the project was never pursued beyond the PD Development Plan, and the subject property has remained vacant since

annexation. On November 16, 2021, the applicant -- Bowen Hendrix of DuWest Realty, LLC -- submitted an application requesting the approval of a PD Development Plan for the subject property. Specifically, the concept plan provided by the applicant shows two (2) ~10,000 SF multi-tenant retail buildings, a ~5,400 SF multi-tenant retail building, and a ~4,000 SF drive-through restaurant.

Notices were sent out to 65 adjacent property and landowners located within 500' of the subject property. Staff also notified the Stone Creek, Quail Run Valley, The Shores on Lake Ray Hubbard, Random Oaks/Shores, and Lakeview Summit Homeowner's Associations (HOAs), which were the only Homeowners' Association (HOAs) and/or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received the following:

- (1) One (1) property owner notification in opposition from a property owner within the 500-notification area.
- (2) Five (5) notices from the City's online Zoning & Specific Use Permit Input Form in opposition to the request from property owners outside of the 500-foot notification area.
- (3) Two (2) emails in opposition to the request from property owners outside of the 500-foot notification area.
- (4) One (1) email in favor from a property owner outside of the 500-foot notification area.
- (5) One (1) email not stating a position, but requesting a [1] 48-inch tall berm with cedar trees, and [2] bollards be placed at the west and east entrances to prevent golf carts and all-terrain vehicles from accessing the development. This email was from a property owner outside of the 500-foot notification area. On December 14, 2021, the Planning and Zoning Commission approved a motion to recommend approval of the PD Development Plan by a vote of 6-1, with Commissioner Welch dissenting.

Mr. Miller noted that all but three (3) of the responses stated an opposition to the land use and not the screening or pedestrian access. He explained that the land use is 'permitted by right.' So the only thing Council is being asked to look at tonight is the pedestrian access and screening.

Mayor Fowler called forth the applicant(s) to speak.

Jordan Cluff and Bowen Hendrix
4403 N. Central Expwy.
Dallas, TX

These two applicants came forth and briefly introduced themselves but did not speak further at this time.

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

Steven Curtis
2130 FM 1141
Rockwall (County), TX

Mr. Curtis came forth and explained that he is not opposed to the project itself; however, he has concerns about the proposed pedestrian access / sidewalks. He generally explained that the pedestrian access and sidewalks are in sufficient, and some of the sidewalks abruptly end. He is in favor of the retail, but he wants the sidewalk concerns to be addressed.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and expressed that he generally supports this idea; however, he has some concerns related to the floodplain and pedestrian access / sidewalk-related connectivity. He wonders how well the city's Master Thoroughfare Plan has predicted the traffic-related impact of the many restaurants and retail establishments that have emerged in this area over time. Mr. Wacker went on to share details pertaining to a (informal) survey he recently conducted via social media pertaining to what residents would like to see (i.e. York sidewalk; Quail Run sidewalk; bike/hike trail). He encouraged the City Council to consider the survey he conducted when making decisions related to this case this evening. He encouraged Council to approve what is being proposed tonight, minus the York-related sidewalks.

Vicki Williams
330 Nakoma Drive
Rockwall, TX 75087

Mrs. Williams came forth and explained where her home is located. She is generally in favor of the proposed retail project; however, she has some concerns about limited parking. She worries that some people who visit the retail area will end up parking in the Stone Creek neighborhood and then walk over. She shared that there have been some concerning gatherings in and around the floodplain area over the last year or two (ATV vehicles, drinking, illegal activities). She is generally concerned that this will bring more people and more foot and vehicular traffic.

Shirley Smith
609 Amherst Drive
Rockwall, TX 75087

Mrs. Smith shared that this new proposed plan only has a proposed 'berm' to separate it from Stone Creek. She believes that adding pedestrian sidewalks and associated access may provide easy access for criminals. She would like to see the development constructed in a way that inhibits the ability for "ATV" type vehicles to come and go. She urged for improved, better landscaping to be installed associated with this development.

Carin Brock
204 Chatfield
Rockwall, TX

Mrs. Brock came forth and spoke about pedestrian access and how it is impacted by the existing floodplain. She is in favor of adding a York sidewalk so that people do not have to

traverse a berm to walk to the proposed retail area. She is also in favor of a hike / bike trail. She is in favor of pedestrian access points and walkability, as she believes it adds value to the homes located within Stone Creek.

Kate Wilke
129 Deverson Drive
Rockwall, TX

Mrs. Wilke came forth and shared that she is the one and only homeowner that sits on the existing Stone Creek Homeowners Association Board (the other two seats on the board are occupied by developers). She went on to share that she conducted an informal survey of homeowners in Stone Creek, and she briefed the Council on her findings. She shared that a lot of the homeowners seem to generally be in favor of the additional retail, and they believe it will add value to their homes. She and others are in favor of sidewalks and a hike/bike trail. As an HOA board member, she expressed that she personally votes 'yes,' in favor of this proposal.

There being no one else wishing to come forth and speak at this time, Mayor Fowler then closed the public hearing.

General, extensive discussion ensued among and between Council, staff and the applicant (re: the potential for bollards being erected; landscaping; sidewalks; walkable access; ATVs (i.e. golf carts) in and around the detention / floodplain area).

Following extensive discussion, Mayor Pro Tem Hohenshelt moved to approve Z2021-048, accepting all 3 access points and the screening, as presented. Councilmember Johannesen seconded the motion (it was noted that nothing re: "bollards" was included in the motion).

The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO.'S 17-08, & 19-41*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A GENERAL RETAIL SHOPPING CENTER ON AN 8.63-ACRE PORTION OF A LARGER 36.428-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED 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.

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

3. **Z2021-049** - Hold a public hearing to discuss and consider a request by Drew Donosky of Claymoore Engineering on behalf of Clay Cooley of 1540 East IH-30 Rockwall, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* superseding *Ordinance No. 12-11 [S-094]* and allowing the expansion of an existing *Motor Vehicle Dealership* (i.e. *Clay Cooley Hyundai*) being a 7.17-acre tract of land identified as Lot 1, Block 1 and Lot 1, Block 2, Rockwall Recreation Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1540 E. IH-30, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The subject property was annexed on December 3, 1985 by Ordinance No. 85-69 (Case No. A1985-002). At the time of annexation, the subject property was zoned Agricultural (AG) District. The subject property remained zoned Agricultural (AG) District until June 6, 2005 when the City Council approved Ordinance No. 05-25 (Case No. Z2005-019) changing the zoning to a Light Industrial (LI) District. The building on the subject property was constructed as a house of worship (i.e. Church of Christ) in 1990 and was remodeled in 2012-2013 after the City Council approved Ordinance No. 12-11 (Case No. Z2012-005) -- on June 18, 2012 -- allowing a New Motor Vehicle Dealership on property. The changes to the exterior of the building were approved under site plan Case No. SP2012-010 on June 12, 2012. On January 14, 2013, the then owner of the property applied for a sign variance to [1] allow two (2) pole signs along the IH-30 frontage road (i.e. a 40-foot tall sign with 400 SF of sign area and a 50-foot tall sign with 600 SF of sign area), [2] to have the 40-foot tall pole sign situated one (1) foot from the property line, [3] allow a 600 SF electronic message display, and [4] to have a 16-foot tall by 16-foot wide (i.e. 256 SF) wall sign. At the time, the code allowed one (1) pole sign a maximum of 30-foot tall and 167 SF in size to be situated on a property as long as it was setback a minimum of ten (10) feet from all property lines. In addition, wall signs were permitted to be a maximum of six (6) feet tall and six (6) feet wide. This request was approved by the City Council on January 22, 2013 and the permits for these signs (Case No.'s SGN2013-015 & SGN2013-0017) were issued on February 7, 2013. In 2017, the current owner purchased the property, and no additional changes have been made to the subject property since the completion of the remodel in 2013. Recently, the applicant came in to speak to staff about changing the building elevations as part of Hyundai's new 'branding.' Any changes to the exterior elevations of the building would require a complete amendment to the previously approved SUP. It was also discovered that several activities on site were out of compliance with the city's codes and the previously approved SUP (i.e. a metal screening fence constructed without a permit; outside storage of tires; an outside 'lift' (for automotive work to be performed outside); storage of inventory along Commerce street and on unimproved surfaces at the rear of the building). The applicant is now proposing a masonry fence to screen the outside, long-term storage of vehicles; additional concrete storage areas to provide for existing inventory; a minor automotive building and carwash (to allow automotive work to be done inside, rather than outdoors). In addition, staff has added additional provisions within the SUP to prohibit various things.

On October 24, 2021, staff mailed 17 notices to property owners and occupants within 500-feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received

no notices back regarding the applicant's request. The city's P&Z Commission did vote to recommend approval of this request to the City Council.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So, he closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-049. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 12-11 [S-094]* AND 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 A *NEW MOTOR VEHICLE DEALERSHIP FOR CARS AND LIGHT TRUCKS* ON A 7.17-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK 1 AND LOT 1, BLOCK 2, ROCKWALL RECREATIONAL 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 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Discuss and consider adoption of a resolution setting solid waste collection rates, and take any action necessary

City Manager, Mary Smith indicated that the existing solid waste collection contract allows for Republic Waste to receive a 3% CPI increase each year. This resolution simply passes that increase along to the customer. The increase will essentially equate to about a \$.75 cent increase per month, per customer. Following brief comments, Mayor Pro Tem Hohenshelt moved to approve the resolution, as presented. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (Personnel Matters)

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

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

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:07 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3rd
DAY OF JANUARY, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY

