

**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 bicycler, and the bicycler 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 7<sup>th</sup>  
DAY OF JUNE, 2021.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY COLE, CITY SECRETARY

