MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, January 03, 2022 - 6:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER - (6:00 P.M.)

Mayor Fowler called the public meeting to order at 6:00 p.m. with all seven council members being present (Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell). City Manager Mary Smith was also present. Assistant City Manager Joey Boyd and City Attorney Frank Garza were absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESEN

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

III. OPEN FORUM

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and provided various comments pertaining to sidewalks and other issues related to case Z2021-048 (on tonight's Consent Agenda for 2nd reading). He generally spoke about homeowner input he personally collected, indicating that he understands that said input is not formally being accepted by the city (since those homeowners did not submit their input DIRECTLY to the city thru the proper channels). However, he hopes that the Council will consider the input, which he said shows that homeowners are overwhelmingly opposed to installation of sidewalks, and he also hopes the Council will delay taking action on the ordinance's second reading this evening. He went on to discuss floodplain related concerns pertaining to the proposed detention pond, generally indicating that he obtained a copy of the draft floodplain study from staff members earlier today. He wants Council to delay taking action to allow the HOA and homeowners to negotiate some things with the developer, as he believes approval of this will result in increased costs to the HOA.

The City Engineer pointed out that since the developer wants to construct things on the HOA's property, the HOA will have an opportunity to have input at a later point in the process.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the December 20, 2021 regular city council meeting, and take any action necessary.

2. **Z2021-048** - 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 **(2nd Reading).**

3. **Z2021-049** - 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 **(2nd Reading).**

4. Consider authorizing the City Manager to enter into a contract for Professional Engineering Services with Freese and Nichols, Inc. in the amount of $62,350.00 (to be funded by the Engineering Consulting Budget) to perform a comprehensive update of the City's Master Thoroughfare Plan (MTP), and take any action necessary.

5. **P2021-065** - Consider a request by Terri Bedford of A. J. Bedford Group, Inc. on behalf of Ray LaVigne of Agree L. P. for the approval of a *Replat* for Lot 7, Block A, Sharp Addition being a 3.212-acre parcel of land identified as Lot 6, Block A, Sharp Addition, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 2582 SH-276, and take any action necessary.

6. **P2021-066** - Consider a request by Corwin Finch of Corwin Engineering, Inc. on behalf of Christy & Willard Hester for the approval of a *Replat* for Lot 13, Block C, Ridgecrest Addition being a 0.503-acre parcel of land identified as Lot 12, Block C, Ridgecrest Addition, Rockwall County, Texas, zoned Planned Development District 81 (PD-81) for Single-Family 10 (SF-10) District land uses, addressed as 405 Fox Hollow Drive, and take any action necessary.

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

CITY OF ROCKWALL
ORDINANCE NO. 22-01

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.

CITY OF ROCKWALL
ORDINANCE NO. 22-02
SPECIFIC USE PERMIT NO. S-266

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 to approve the Consent Agenda in its entirety passed by a vote of 7 ayes to 0 nays.

V. 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 2021
2. Fire Department Monthly Report - November 2021
3. Parks & Recreation Department Monthly Report - November 2021
4. Police Department Monthly Report - November 2021

No discussion took place related to departmental reports, and Council took no action related to them. Councilmember Macalik shared that within the last few days, a serious fire occurred at a residence near Yacht Club and Harbor Landing Drive in the Chandler's Landing subdivision. She has heard that the homeowner is still in the "burn unit" at Parkland Hospital. She wanted to recognize the firefighters and the police officer who were on scene assisting that evening.

VI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:13 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF JANUARY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY COLE, CITY SECRETARY

CITY OF ROCKWALL TEXAS SEAL

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Tuesday, January 18, 2022 - 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 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 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale/purchase/lease of real property in the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. 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).
4. Discussion regarding legal terms and conditions for application to SAFER grant program, pursuant to 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 Fowler reconvened the public meeting at 6:02 p.m. with all councilmembers being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER DANIELS

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Rockwall Police Citizens on Patrol Appreciation Day

Mayor Fowler called forth Police Chief, Max Geron, and read and presented the proclamation, recognizing the members and contributions of the Rockwall Police Department's Citizens on Patrol organization.

VII. Open Forum

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

Jim Turner
1691 Old East Quail Run
Rockwall, TX 75087

Mr. Turner came forth to discuss construction-related trash and debris. He specifically shared photographs to display trash that he and a friend spent a lot of time picking up along the area in and around where they live. He believes the debris and trash is being generated from adjacent construction sites. He pointed out the city's existing Code of Ordinances, which prohibits litter from being deposited on any construction site. He went on to share brief information on what other cities (i.e. Corpus Christi) do in order to help eliminate construction site debris and in fact fine contractors for non-compliance. He generally encouraged the City of Rockwall to essentially 'toughen up' on enforcing the elimination of construction site-related debris. He suggested the debris be kept in containers on site that have lids and can therefore not blow away in heavy winds.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker encouraged the City to outlaw the 'dumping of concrete,' especially related to dumping it on residential home sites that are under construction.

Ben Weible
215 Trout Street
Rockwall, TX 75032

Mr. Weible came forth and initially indicated that he is generally not in favor of a city imposing additional regulations / restrictions. He also pointed out that there needs to be a consideration for distinguishing between construction sites and "private residents" who may be in need of a 'roll off dumpster' at their home (i.e. perhaps they are renovating an existing home and have a need). He also pointed out that his 'bulk trash' has still not yet been picked up.

There being no one else coming forth to 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 January 3, 2022 regular City Council meeting, and take any action necessary.
2. **P2021-063** - Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Robert John Crowell for the approval of a *Final Plat* for the Landon Subdivision being a 126.903-acre tract of land identified as Tract 13 of the S. McFadgin 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.

3. **P2021-064** - Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates PS LPT Properties Investors for the approval of a *Preliminary Plat* for Lot 1, Block A, PS Rockwall County Addition being a 2.082-acre tract of land identified as Tract 25-03 of the J. Strickland Survey, Abstract No. 187, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 4000 N. Goliad Street [*SH-205*], and take any action necessary.

4. **P2021-067** - Consider a request by Ryan King, PE of Engineering Concepts and Design on behalf of Jose Campos of Saddle Star South Holdings, LLC for the approval of a *Preliminary Plat* for the Saddle Star Estates North Subdivision consisting of 92 single-family residential lots on a 42.667-acre tract of land identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 80 (PD-80) 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 at the northwest corner of the intersection of FM-552 and John King Boulevard, and take any action necessary.

5. Consider awarding a bid to Siddons-Martin/Pierce and authorizing the City Manager to execute a Purchase Order for a new Fire Apparatus Pumper and Equipment in the amount of $820,000, as approved in the FY2022 Budget, and take any action necessary.

6. Consider authorizing the City Manager to execute a Standard Utility Agreement with the Texas Department of Transportation for the IH-30 utility relocates from State Highway 205 to the city limits, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda, as presented (#s 1, 2, 3, 4, 5, and 6). 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 P&Z Commission, Eric Chodun, came forth and briefed Council on recommendations of the Commission relative to cases on tonight's meeting agenda.

2. Appointment with Leadership Rockwall Class of 2022 to discuss the proposed improvements to Lofland Park, and take any action necessary.

Two representatives from Leadership Rockwall – Rob McAngus and Trevor Reed - came forth and presented their proposal for a 'community service' project that will aim to make improvements at Lofland Park, which is city-owned. One of the things they are proposing is to create "The Grove @ Lofland Park," which will help more readily identify the existing park and be part of the improvements that are proposed to be made (i.e. twelve Little Gem magnolia trees ("The Grove"); sidewalks; lighted paths, some solar illumination within the park, a memorial brick area (which is the fundraising mechanism for this proposed, improvement project). The pointed out that the new park benches and some of the new additions will visually 'match' other benches and fixtures that exist elsewhere in the downtown area (which is right nearby). Ongoing costs for the city will include things like watering, solar illumination, and the maintenance of the pavilions; however, rental of the pavilions could generate some money for the city and somewhat offset some of the ongoing costs. They would like to have this done by Arbor Day of 2022 (which falls on Friday, April 29) and have an "Arbor Day Reveal / Unveiling Event" to raise awareness of the park, promote it

to the public, etc. They spoke about the proposed budget, which is about $73k, and they pointed out that they've already secured / raised about $48k of the overall, estimated expense. The gentlemen formally requested the City's approval of their project proposal and support for the associated efforts.
Mayor Fowler asked some residents in the audience whose homes back up to this park if they are 'in favor' of what is being proposed related to these park improvements. Said residents generally indicated that they are in agreement with what's being proposed.

City Manager, Mary Smith asked Council to consider (informally) directing staff to bring back a budget-related amendment to fund some of what's being proposed, if Council is generally in agreement with and in support of this proposed Leadership Rockwall project to improve Lofland Park. Mayor Fowler asked Mrs. Smith to do so, and a future agenda item will be placed on a subsequent city council meeting for consideration.

3. Appointment with Chris Kosterman of the city's ART Commission to present the 'art in public places' butterfly designs, and take any action necessary.

Mr. Kosterman came forth, indicating that he is the current Chairman of the city's ART Commission. He very briefly indicated that the Council has been provided with proposed concepts and associated designs for the 'already approved' butterfly sculpture project, which is an "art in public places" effort.

Following brief, clarifying comments, Councilmember Macalik moved to approve the proposed concepts and designs for the butterfly sculptures. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Appointment with Parks Director, Travis Sales, to discuss and consider a Kidzone Celebration Day event on Feb. 5, 2022, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed the Council on this proposed "Kidzone Celebration Day," to be held Feb. 5, 2022. Indication was given that the city will partner with Ebby Halliday and with the local "Breakfast Rotary Group" on this event (i.e. to serve hotdogs and beverages). Council gave general indication that they are 'ok' with the event, and Mr. Sales shared that staff will move forward with the event and begin promoting it tomorrow.

No formal action was taken by Council regarding this item.

XI. PUBLIC HEARING ITEMS

1. **Z2021-050** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of amending the *Conditional Land Use Standards* for the *Bed and Breakfast* land use, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided brief background information pertaining to this agenda item. The Planning & Zoning Commission did fail to approve a motion (it was a 'tie vote' on a motion to deny this request). As a result, by default the item is now coming before Council with a recommended "denial" from the Planning & Zoning Commission

Hayden Frasier
510 Williams St.
Rockwall, TX

He shared that he bought his house in "Old Town" in the year 2014, but he grew up in the neighborhood. He would like Council to remove the "by right" verbiage and instead make "Bed and Breakfast" use only allowable via a Special Use Permit (SUP).

Carol Crow
504 Williams St.
Rockwall, TX

Mrs. Crow shared that she has lived at this address since Sept. of 1995. She pointed out that "Old Town" is the oldest neighborhood in Rockwall, and Lofland Park is the oldest city park too. She is glad they are going to improve the park soon. Mrs. Crow went on to share some background about some guidelines that were previously put in place to help preserve "Old Town" and "historical structures" therein. She shared that "bed & breakfasts" were never included in previous discussions pertaining to the desire to preserve Old Town. She pointed out that Old Town is the only neighborhood where a 'by right use' for "bed & breakfasts" is allowed. Everywhere else in the city, an SUP to do so is required. She believes the "by right use" was added to the city's provisions pertaining to Old Town sometime around the year 2004. She was unaware that this had occurred, and she feels as though many who live in the Old Town neighborhood have been unaware of this 'by right' use too. She went on to brief Council on the nature of some of the discussions that recently occurred at the city's Planning & Zoning Commission meeting (she indicated she watched the P&Z meeting online but did not attend in person or speak at said meeting). She would like the City and its Historic Preservation Advisory Board to review all of the city's current regulations pertaining to "Old Town" and more formally see – overall – if any said regulations are in need of reconsideration in any way. She respectfully asked the City to remove the 'by right use' language within the proposed regulation change and instead allow this use only via an approved "SUP" by City Council. She thanked Council for their time and service.

Patricia May
308 Williams Street
Rockwall, TX

Mrs. May shared that she moved to this address in the year 1995, and her home backs up to Lofland Park. Prior to purchasing her home, she visited with the Rockwall City Manager who was employed at that time (Julie Couch) to get information on this area, including future plans. She moved here purposefully based on those discussions and her research at the time, and she has since spent about $50,000 renovating her house to accommodate her health-related condition. She pointed out that her father and uncle lived in Rockwall, and her great uncle was a former County Judge. She purposefully chose "Old Town," and thereafter the city instituted additional rules by forming and establishing the 'historic district.' She generally expressed that the rules and regulations associated with the "historic district" are pretty strict; however, everyone abides by them because they generally know the rules are in the

best interest of "Old Town." She went on to urge the City and the Council to take steps in order to preserve Old Town, including not letting property usages go into her neighborhood that Councilmembers would not want next door to them in their own neighborhoods.

Debbie Wines
Lives at the corner of Williams and Kernoodle
(310 Williams St., per the Rockwall CAD)
Rockwall, TX

Mrs. Wines shared that she owns a house that was built in the year 1934, and she deliberately bought it to live in "Old Town." She likes the neighborhood and does not want any businesses next door. She wants it to remain a 'neighborhood.'

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

Councilmember Johannesen asked the Planning Director a series of questions pertaining to "bed and breakfasts" regulations and those that specifically pertain to the city's Historic District. Mr. Miller shared that "bed and breakfasts" are permitted elsewhere in the city in other districts, but only by Specific Use Permit (SUP). Currently, B&Bs are "allowed by right" in the downtown historic district. Mr. Miller indicated that – to the city's knowledge – no B&Bs currently exist in Rockwall. Additional regulations, specific to this downtown historic district are in place (that don't necessarily apply elsewhere in the city), but they mainly relate to design guidelines that were put in place at the recommendation of the city's Historic Preservation Advisory Committee. They mainly pertain to the exterior (visual look) of the structures.

Following the exchange between Mr. Miller and Councilmember Johannesen, Mayor Pro Tem Hohenshelt asked for clarification on (in general) where the city's "Historic District" lies, geographically. Mr. Miller, Planning Director, briefly explained where its boundaries lie. Mr. Miller shared that about 3-4 commercial properties are located within the city's "Historic District"; however, most of the 'downtown businesses' are actually NOT located within the city's "Historic District." This will mainly apply to residential properties located east of the downtown (business) area.

Councilmember Jorif provided brief comments, sharing that making this use only allowable via an approved SUP will allow Council more control over what goes in ("bed and breakfast" wise). City Attorney Frank Garza shared that "if" there is a current, operating 'bed and breakfast' operating in the city already (that the city is not aware of), that business would continue to be allowed to operate. However, after the ordinance is finally adopted (if it is), then any new applications for B&Bs would have to go thru the SUP process before they could be approved.

Councilmember Daniels moved to approve but strike from the ordinance the "by right" language. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

ORDINANCE NO. 22-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 02.03, *CONDITIONAL LAND USE STANDARDS*, OF ARTICLE 04, *PERMISSIBLE USES*, 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 7 ayes to 0 nays.

2. **Z2021-051** - Hold a public hearing to discuss and consider a request by Henok Fekadu for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.189-acre parcel of land identified as Lot 4, Block B, Chandlers Landing, Phase 19 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 5108 Yacht Club Drive, 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 (within the Chandler's Landing subdivision). The city council is being asked to consider the size, location and architecture of the home that is currently being proposed at this location. Staff has provided to Council a housing analysis of existing homes in the area so that Council may compare those to that which is being proposed by this applicant. Staff meets all of the requirements of PD-8 with the exception of the garage orientation that's being proposed. However, that which is being proposed relative to the garage orientation is not atypical within the Chandler's Landing subdivision. Notices were sent out to adjacent residents and property owners located within 500' of the subject property. In addition, several HOAs were also notified, but no notices were received back by city staff, neither in favor nor in opposition. The city's Planning & Zoning Commission did unanimously vote to recommend approval of this request.

Fowler opened the public hearing; however, no one came forth to speak, so he closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-051. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 0.189-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK B, CHANDLER'S LANDING, PHASE 19, 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. **Z2021-052** - 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)* to allow *Chickens* 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. He generally described that this applicant had previously worked with the city to gain approval of some certain 'uses' and 'structures' that the applicant had already been built on his property. During that process, it was discovered that the applicant had also built a small structure to house chickens (which are not currently allowed within the city limits). The applicant is now seeking approval of the structure that houses the chickens and is also seeking approval to keep 10 chickens on his property. Neighboring property owners and residents were notified of this request, but no notices were received back, neither 'for' nor 'against.' Also, the P&Z Commission did hear this case, and they have recommended approval of this item by a vote of 6-0 with one commissioner being absent. Indication was given that the applicant is not present in the audience this evening.

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

Ben Weible
215 Trout Street
Rockwall, TX

Mr. Weible came forth and shared that he personally had his property annexed into the city 'against his will' several years ago, so he sympathizes with someone telling a person what he can and cannot do with his own property. He went on to share that many, surrounding cities, including the City of Dallas, have changed their regulations and are actually allowing people to keep chickens within the city limits. He pointed out that, especially, considering COVID and associated food shortages, he wonders why the City of Rockwall does not allow people to keep chickens within the city limits. He generally spoke in favor of Council approving this request. He believes that approval of this request will be heading in the right direction, as he believes the City should allow chickens throughout the City of Rockwall.

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

Mayor Pro Tem Hohenshelt moved to approve Z2021-052. Councilmember Campbell seconded the motion.

Councilmember Daniels then sought clarification on some things from Mr. Miller (Planning Director). He went on to share that somehow property rights have to 'balance' with individual rights. He generally expressed that this property is zoned "Agricultural," so perhaps in this particular instance, allowing chickens may make sense. However, he pointed out that this structure was built without the applicant obtaining an approved SUP, in advance. This is an instance of the applicant building something (while likely 'knowing better') without pre-approval (an SUP) and then asking for forgiveness afterwards. Councilman Daniels shared this is a personal issue and problem he has related to this particular case (doing something while 'knowing better' – then asking for approval / forgiveness thereafter). Mayor Pro Tem Hohenshelt pointed out that this particular case is actually the third time this particular applicant has built something first and then sought approval afterwards.

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 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 *CHICKENS* 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 then passed by a vote of 5 ayes with 2 against (Johannesen and Daniels).

4. **Z2021-053** - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.23-acre tract of land identified as a portion of Block 9 of the F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 803 Austin Street, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This is located outside of the Old Town Historic District. The property is zoned "Single-Family 7," and the applicant is requesting to build a single-family, residential home in this

subdivision, which has been in place since the year 1896. The Council is being asked to review this case based on the size, location and architecture of the home that is being proposed. A housing analysis that describes other, existing, nearby homes has been provided to Council for review. This request does meet all of the zoning and all other requirements for the City of Rockwall. Notices were sent out to adjacent property owners and residents as well as applicable homeowners association(s). However, no notices have been received back by staff, neither 'for' or 'against.' The P&Z Commission did unanimously vote to recommend approval of this case to 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 Z2021-054. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 0.23-ACRE PARCEL OF LAND, IDENTIFIED AS PORTION OF BLOCK 9 OF THE 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 7 ayes to 0 nays.

5. **Z2021-054** - 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 *Specific Use Permit (SUP)* for a *Congregate Care Facility* that *Exceeds 36-Feet in Height the Scenic Overlay (SOV) District* 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).**

Mayor Fowler pointed out that this applicant has requested to withdraw this case. Mr. Miller went on to explain that the City Council will need to take action to either accept or deny the applicant's request to withdraw. If the Council accepts the request to withdraw, the applicant

could submit again (even the exact same application), with no timeframe stipulation (he could do so right away). If Council hears the request (holds the public hearing) and approves the request, obviously it will be approved. If the Council hears the case and then "denies without prejudice," the application could immediately resubmit an application. If Council "denies with prejudice" (or makes no indication of 'prejudice,' one way or the other), a subsequent request for the same application could not be resubmitted for a year.

Additional discussion took place, with Mayor Fowler expressing that City Council can either accept the withdraw request or deny the withdraw request and then decide whether or not to hear the public hearing.

Councilmember Jorif moved to deny the applicant's request to withdraw and move forward with holding the public hearing. Councilmember Johannesen seconded the motion.

Councilmember Daniels shared that, traditionally, in the past Council has granted an applicant's request to withdraw a case. He did acknowledge that he knows that past actions taken by Council(s) do not necessarily stipulate actions Council should or should not take this evening; however, he did want to point this out.

The vote to deny the applicant's request to withdraw the case passed by a vote of 4 in favor with 3 against (Hohenshelt, Fowler and Daniels). Therefore, based on the motion and vote, Mayor Fowler indicated that the Council will move forward this evening with hearing the case and holding the public hearing.

Planning Director, Ryan Miller, then provided background information concerning the PD and this property, including describing previous proposals that were made and subsequently denied for this property. He went on to explain that the applicant, in this particular case (Z2021-054), is proposing to build a "congregate care facility," which is allowed in this district thru approval of a Specific Use Permit (SUP). The applicant has submitted a concept plan and conceptual building elevations for the proposed congregate care facility. The concept plan shows that the 12.1148-acre tract of land would be developed in a single phase consisting of 300 dwelling units, a four (4) story parking garage, a rooftop restaurant, and various amenities. An estimated 3.82-acres of the subject property will be reserved for future General Retail (GR) District land uses. This means that the proposed congregate care facility will have an estimated residential density of 36.17 dwelling units per acre (i.e. 300-units/[12.1148-acres – 3.82-acres]). The proposed 300 dwelling units will be broken down into 180 Type 'A' or one (1) bedroom units and 120 Type 'B' or two (2) bedroom units. This equates to a 60%/40% one (1) bedroom to two (2) bedroom unit mix. In addition, the proposed development would incorporate 205 garage parking spaces and 116 surface parking spaces for a total of 321 parking spaces. The concept plan indicates that the proposed development would incorporate 20% open space and amenities that include a dog park, pool, and two (2) pickle ball courts. The applicant has indicated that the proposed rooftop restaurant -- which will serve all of the residents' meals since the proposed dwelling units will not incorporate kitchen facilities -- will be closed to the general public. The conceptual building elevations show that the building will be four (4) stories adjacent to Ridge Road and extend back to five (5) stories at the rear of the subject property. This is to accommodate the slope of the property, which has a significant grade change from the western property line

(adjacent to Ridge Road) to the eastern property line (adjacent to the railroad). The overall height of the building will be 60-feet along Ridge Road. Staff should note that while the conceptual building elevations are being incorporated into the Specific Use Permit (SUP) ordinance, they do not appear to meet the minimum standards of the city's Unified Development Code (UDC). This incorporation does not grant any variances to the requirements of the Unified Development Code (UDC), and the applicant will be required to amend the elevations to bring them into conformance with the code prior to any potential site plan approval.

Mr. Miller pointed out that the following aspects of the applicant's request deviate from the requirements of the Unified Development Code (UDC): density, parking and maximum building height. Based on the proposed density of 36.17 residential dwelling units per acre -- is more characteristic of the "High Density" Residential land use designation. He pointed out that the city's only, other (existing) congregate care facility is designated as 'high density.' Mr. Miller went on to speak regarding mailed notices – notices were mailed out to adjacent property owners and residents located within 500' of the subject property. Nine notices were received back by staff in opposition of this proposal. In addition, two nearby Homeowners Associations were notified. Also, the city's P&Z Commission has recommended denial of this request by a vote of 4 to 2.

A representative of the applicant – Robert LaCroix – then came forth to address the council on Mr. Weinstein's behalf.

Robert LaCroix
4517 Scenic Drive
Rowlett, TX

Mr. LaCroix came forth and addressed the Council, generally comparing the city's only other "congregate care" facility – "Liberty Heights" – to that which is being proposed with this particular request. He also compared that which the applicant had previously proposed (apartments with a public, rooftop restaurant) to that which the applicant is currently proposing (a congregate care facility). He went on to speak about the proposed building height and the city's parking-related requirements. The applicant did ask to withdraw to have an opportunity to reduce the density that's being requested in order to conform to the city's parking requirements. He went on to share additional details related to this proposed, age-restricted congregate care facility. He also touched on a 'traffic impact analysis' that was previously submitted to the City pertaining to the applicant's (higher density) previous proposal, which was previously denied by Council. He shared a proposed site plan as well as building elevations that are being proposed currently, along with the number of units and proposed size of the one and two-bedroom units. He shared that this PD has been in place for future development as "retail and office space" uses for a very long time; however, it has not developed in over fifty years. He pointed out that for a single retailer to develop this particular piece of property, he believes it would be too expensive to do so (especially related to sewer). Although he knows the Council chose to not entertain the applicant's request to withdraw, the applicant would have liked an opportunity to come back with an even newer proposal that would reflect a lower-density and lower intensity use.

Mayor Fowler then 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 shared that this proposed use involves older residents who are likely not going to be driving a lot. It looks like the proposed amenities are great and will aesthetically look nice. However, the proposed density is not feasible or desirable. He believes that 300+ units is too dense. Also, the parking will not be adequate, especially when people come to visit this facility on weekends. Mr. Wacker would like Mr. Weinstein to have an opportunity to bring this type of proposal back but with a lower, proposed density.

Nathan Najmabadi
1412 Ridge Road
Rockwall, TX

Mr. Najmabadi came forth and shared that he lives beside this property, and he and his family are greatly opposed to this proposed 'high rise' building. Sixty feet is a 'skyscraper' in Rockwall. He believes this is a great green space, and he would like to see it stay open – perhaps a park. He is ok with a one or two-story retail development; however, he is not in favor of these proposed "apartments in disguise." He spoke in opposition of this proposal being approved.

Dr. Jim Neufell
101 Becky Lane
Rockwall, TX

Dr. Neufell came forth and shared that this type of development on that piece of property is not in the city's 'best interest.' He briefly and generally spoke in opposition of its approval.

Andrea Burke
1406-A Ridge Road
Rockwall, TX

The speaker came forth and pointed out that this is the city's 'Scenic Overlay District.' So she feels it should be 'scenic' and better blend in with the surrounding, existing development. She is opposed to the city granting any height-related variances, as what is being proposed is too tall.

Harold Snyder
1519 Murphy Drive
Rockwall, TX

Mr. Snyder came forth as both a resident and as a representative of the Waterstone Estates Homeowners Association. He and his HOA are both admittedly opposed to the proposed

development as presented. He indicated that what is being proposed is far too high, height-wise, and they prefer for it to be retail / office space. He would hope that the city will reject this proposal.

John McAnally
1600 Ridge Road
Rockwall, TX

Mr. McAnally indicated that he and his wife are opposed to this proposal, especially because of the proposed density and height as well as the additional traffic that it will produce. He asked the Council to put themselves in his shoes and consider how they would feel if this proposal were approved next door to their own home. He generally spoke against approval of this request.

Dan Bobst
1400 Ridge Road
Rockwall, TX

Mr. Bobst came forth and shared that he has seen previous cases be denied by the Rockwall City Council "with prejudice," so he knows it has and can occur, contrary to what Councilman Daniels had previously indicated. He went on to say that he believes 'residential' should not be located along Ridge Road. He indicated that emergency sirens (i.e. from ambulances) run all the time. He lives on Ridge Road, and people utilizes his residential property all the time to make u-turns, and this will only get worse. He does not know what the answer is, and he feels sorry for Mr. Weinstein; however, he does not believe this proposal is desirable. He generally spoke in opposition of this request because he does not think it works correctly in this particular location.

Ben Weible
215 Trout
Rockwall, TX

Mr. Weible came forth and shared that he has passed by this particular patch of land for 45+ years. He does not own the land or the trees on the land or any part of it. However, the person who does own it and the person who wants to buy it should be able to make a transaction without the interference of local government. He would like to see the City let the private market work, and let the development take place without the city getting involved.

There being no one else wishing to come forth and speak, Mayor Fowler closed the public hearing, and he recessed the public meeting for a break (at 8:18 p.m.).

Mayor Fowler reconvened the meeting at 8:25 p.m.

The applicant's representative – Mr. Robert LaCroix – again came forth and shared that the applicant does understand the concerns that have been expressed regarding density and height. He pointed out that it is a land-use definition within the city's Unified Development

Code (UDC) that a person has to be 62 years of age to live in a 'congregate care' facility. Brief discussion ensued pertaining to how the City cannot truly enforce 'age restrictions,' and how it does not desire to be in the business of enforcing said restrictions. Mr. LaCroix went on to share that it appears Council may deny this request tonight. If it is denied, he asked Council to please consider denying it 'without prejudice' so the applicant may return and propose something 'less dense' and 'less high.'

Councilmember Johannesen pointed out that his job is not to be a developer and/or solve developer-related issues. However, his job as a councilmember is to listen to the concerns of constituents. He shared that none of the citizens appear to want this development, as it is being proposed, and – also – the city's P&Z Commission denied it too.

Councilmember Johannesen went on to make a motion to deny Z2021-054. Councilmember Jorif seconded the motion.

Brief discussion took place related to infrastructure (sewer), the potential traffic impact this proposal might have. Mayor Pro Tem Hohenshelt shared that the applicant is apparently 'deaf' and does not listen to what the council has been consistently conveying to him, which is – nothing that even remotely resembles a 'multi-family' development on this piece of property is going to be approved by this Council because it is not going to be well received or supported by the citizens. He went on to share past examples of residents not wanting a certain development to be built and then something else, even less favorable, ends up being built 'by right' thereafter (example: Kroger up North).

Following Hohenshelt's comments, the motion to deny passed by a vote of 7 ayes to 0 nays. Brief clarification was given that – since 'without prejudice' was not specified within the motion – then, by default, it is considered to be denied "with prejudice."

6. **Z2021-055** - Hold a public hearing to discuss and consider a request by Patrick Filson of Kirkman Engineering on behalf of Marlyn Roberts 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/retail building on a 0.799-acre portion of a larger 2.02-acre parcel of land identified as Lot 2, Block 1, Meadowcreek Business Center, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within SH-205 Overlay (SH-205 OV) District, generally located east of the intersection of S. Goliad Street [*SH-205*] and Ralph Hall Parkway, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information on this agenda item. The applicant has submitted a proposed concept plan that depicts a 5,130 SF restaurant/retail building that faces onto S. Goliad Street [SH-205]. The applicant has indicated that the drive through restaurant is less than 2,000 SF, which is the purpose for requesting the Specific Use Permit (SUP). The concept plan indicates that the drive through for the restaurant will wrap around the building, extending from the northeast side of the building to the northwest side of the building, and incorporate a maximum stacking capacity of seven (7) vehicles. The proposed concept plan also shows that a bail out lane, running parallel to the drive through, will be included. In addition, headlight screening will be provided adjacent to the northwest property line. Notices were sent out to adjacent property owners and residents, and the

Meadowcreek HOA was also notified; however, no notices have been received back by staff to date.

Mayor Fowler opened the public hearing, but no one wanted to speak. So, he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2021-055. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 2.02-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK 1, MEADOWCREEK BUSINESS CENTER PHASE 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.

7. **Z2021-056** - Hold a public hearing to discuss and consider a request by John Delin of Integrity Group, LLC for the approval of an **ordinance** for a *Zoning Amendment* to Planned Development District 85 (PD-85) [*Ordinance No. 18-32*] for a 47.694-acre tract of land identified as Lot 1, Block A, and Lot 1, Block B, 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 **(1st Reading).**

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The subject property is located on both sides of John King Boulevard north of SH-66. The majority of the subject property was annexed into the City of Rockwall and zoned Agricultural (AG) District on March 16, 1998 by Case No. A1998-001 (Ordinance No. 98-10). The remainder of the property was annexed on March 2, 1960 by Case No. A1960-001 (Ordinance No. 60-01). In 2007-2008, the City of Rockwall acquired a portion of the property for the future right-of-way for John King Boulevard. This divided the property into two (2) tracts of land, a 9.894-acre tract of land on the west side of John King Boulevard (i.e. Tract 1) and a 28.011-acre tract of land on the east side of John King Boulevard (i.e. Tract 2). On October 16, 2017, the City Council approved Planned Development District 85 (PD-85)

[Ordinance No. 17-55] establishing limited General Retail (GR) District land uses on Tract 1, and Single-Family 7 (SF-7) District land uses on Tract 2. As part of this approval, Tract 2 was approved for an age restricted, senior living community that consisted of 84-89 single-family homes setup in a condominium regime (i.e. the single-family homes were individually owned but were situated on a single lot owned and maintained by the homeowner's association). This plan also laid out 12.80-acres of open space, and provided for a ten (10) foot hike/bike trail along John King Boulevard and an intersection enhancement at the corner of John King Boulevard and SH-66 in accordance with the John King Boulevard Design Concept Plan. After receiving approval for the Planned Development District, the applicant -- John Delin of Integrity Group, LLC – contacted staff to notify them that the title company had missed locating a 30' North Texas Municipal Water District (NTMWD) easement on the survey that runs parallel to SH-66. This inhibited the applicant's ability to provide the required landscape and hardscape elements required by Ordinance No. 17-55. In response to this, the applicant filed an application requesting a variance to these requirements and proposing an alternative landscape plan. This was approved by the City Council on February 19, 2018. On June 15, 2018, the applicant submitted an application proposing to amend Planned Development District 85 (PD-85) for the purpose of incorporating an additional 9.789-acre tract of land into Tract 2 and expanding the total single-family lot count to a maximum of 122 single-family homes. This was approved by the City Council on August 6, 2018 through the adoption of Ordinance No. 18-32. In November of 2021, staff contacted the applicant to inform him that a portion of the lots proposed for Phase 2 of the Ladera Subdivision were situated within the Runway Protection Zone of the Ralph Hall Municipal Airport. This was discovered by staff when working with Aviation Division of the Texas Department of Transportation (TXDOT) on a proposed project in the southern RPZ. To remedy this issue, staff and the applicant have been working with the TXDOT Aviation Division to revise the concept plan to conform to the Federal Aviation Administration's (FAA's) guidelines. He went on to describe additional details of this proposal, generally indicating that what is being proposed actually more closely conforms to the city's Comprehensive Plan.

Notices were went out to adjacent property owners and residents, as well as nearby HOAs. However, staff has received no notices in response. The city's P&Z Commission has recommended approval of this by a vote of 6-0.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So, he then closed the public hearing. Councilmember Jorif then moved to approve Z2021-056. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

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

XII. ACTION ITEMS

1. Discuss and consider (re)appointments to the city's Main Street Advisory Board, and take any action necessary.

Johannesen moved to reappoint Eva Cannon, Jennifer Hoffman and Jeremy Standifer to the Main Street Advisory Board. Mayor Pro Tem Hohenshelt 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible sale/purchase/lease of real property in the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. 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).
4. Discussion regarding legal terms and conditions for application to SAFER grant program, 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.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:46 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7th DAY OF FEBRUARY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

Kristy Teague

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS
SEAL

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, February 07, 2022 - 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 5:01 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Trace Johannesen, Bennie Daniels and Anna Campbell. Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Ex. Session at 5:03 p.m. Councilmember Dana Macalik arrived to the meeting and joined Ex. Session at 5:04 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
3. 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).
4. Discussion regarding legal issues pertaining to an existing 212 Development Agreement for property within the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding terms of lease with cellular providers in the vicinity of Boydstun Avenue, pursuant to Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation regarding Real Property)

Pulled from public meeting agenda - Consent Agenda Item #14. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform the engineering design and construction plans for the W. Quail Run Sanitary Sewer Project in an amount not to exceed $57,310.00, and take any action necessary.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:37 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m., with all 7 councilmembers 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. Black History Month

Mayor Fowler read this proclamation into the record.

VII. Open Forum

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. No one came forth, so Mayor Fowler closed Open Forum and moved to the next agenda item.

VIII. Take any Action as a Result of Executive Session

Mayor Pro Tem Hohenshelt moved to authorize the City Manager to execute an amendment to the cell tower agreement for Boydstun. Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Johannesen moved to appoint Darren Shue to the Rockwall Economic Development Corporation (replacing former member, Craig Renfro). Mayor Pro Tem 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 January 18, 2022 regular City Council meeting, and take any action necessary.
2. **Z2021-050** - Consider approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of amending the *Conditional Land Use Standards* for the *Bed and Breakfast* land use, and take any action necessary **(2nd Reading).**
3. **Z2021-051** - Consider a request by Henok Fekadu for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.189-acre parcel of land identified as Lot 4, Block B, Chandlers Landing, Phase 19 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family land uses, addressed as 5108 Yacht Club Drive, and take any action necessary **(2nd Reading).**
4. **Z2021-053** - Consider a request by Javier Silva of JMS Custom Homes for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.23-acre tract of land identified as a portion of Block 9 of the F&M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 803 Austin Street, and take any action necessary **(2nd Reading).**
5. **Z2021-055** - Consider a request by Patrick Filson of Kirkman Engineering on behalf of Marlyn Roberts 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/retail building on a 0.799-acre portion of a larger 2.02-acre parcel of land identified as Lot 2, Block 1, Meadowcreek Business Center, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within SH-205 Overlay (SH-205 OV) District, generally located east of the intersection of S. Goliad Street [*SH-205*] and Ralph Hall Parkway, and take any action necessary **(2nd Reading).**
6. **Z2021-056** - Consider a request by John Delin of Integrity Group, LLC for the approval of an **ordinance** for a *Zoning Amendment* to Planned Development District 85 (PD-85) [*Ordinance No. 18-*

32] for a 47.694-acre tract of land identified as Lot 1, Block A, and Lot 1, Block B, 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 **(2nd Reading).**

7. **P2022-001** - Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LLP and Phase 17 Investments for the approval of a *Conveyance Plat* for Lots 1, 2 & 3, Block A, Seefried Addition being a 23.489-acre tract of land identified as Tracts 25 & 25-1, of the R. B. Irvine Survey, Abstract No. 120 and Tract 1-2 of the J. H. B. Jones 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. **P2022-002** - Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Cathy Strother for the approval of a *Final Plat* for Lot 1, Block A, Roadside Addition being a 2.7624-acre tract of land identified as Tract 25-1, of the J. Cadle Survey, Abstract No. 65 and Tract 17 of the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District and Agricultural (AG) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2410 S. Goliad Street [*SH-205*], and take any action necessary.

9. **P2022-004** - Consider a request by Gerald Monk of Monk Consulting Engineers on behalf of 5 Sharp Real Estate for the approval of a *Replat* for Lot 8, Block A, Sharp Addition being a 1.91-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.

10. Consider approval of an **ordinance** amending the FY 2022 Budget to provide funding for Leadership Rockwall project in Lofland Park, and take any action necessary.

11. Consider approval of a resolution authorizing the City Manager to apply for and accept grant funding from the State Homeland Security Grant Program to secure tactical communication headsets for the Rockwall Police Department's SWAT Team, including authorizing the City Manager to execute all necessary and associated documents, and take any action necessary.

12. Consider awarding a bid to Longhorn Harley-Davidson for a 2022-23 Police Pursuit Motorcycle in the amount of $42,435.53 to be funded out of the Police Patrol Operating Budget, authorizing the City Manager to approve the Purchase Order, and take any action necessary.

13. Consider authorizing the City Manager to execute a proposal from Tubbesing Solutions, LLC for information technology services in the amount of $35,698 to be funded by the IT Department Operating Budget, and take any action necessary.

14. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform the engineering design and construction plans for the W. Quail Run Sanitary Sewer Project in an amount not to exceed $57,310.00, and take any action necessary.

15. Consider approval of a resolution calling a General Election to be held on May 7, 2022 for the purpose of electing the following Rockwall City Council Member positions: Place 2, Place 4, and Place 6 (each for two-year terms), 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 Jorif seconded the motion. The ordinance captions were read into the record as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-03

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 02.03, *CONDITIONAL LAND USE STANDARDS*, OF ARTICLE 04, *PERMISSIBLE USES*, 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. 22-04
SPECIFIC USE PERMIT NO. S-267

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 0.189-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 4, BLOCK B, CHANDLER'S LANDING, PHASE 19, 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. 22-06
SPECIFIC USE PERMIT NO. S-269

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 0.23-ACRE PARCEL OF LAND, IDENTIFIED AS PORTION OF BLOCK 9 OF THE 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. 22-07
SPECIFIC USE PERMIT NO. S-270

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 2.02-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK 1, MEADOWCREEK BUSINESS CENTER PHASE 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. 22-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 85 (PD-85) [*ORDINANCE NO. 18-32*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO INCORPORATE A 9.762-ACRE TRACT OF LAND ZONED AGRICULTURAL (AG) DISTRICT INTO PLANNED DEVELOPMENT DISTRICT 85 (PD-85) CREATING A 47.694-ACRE PLANNED DEVELOPMENT DISTRICT IDENTIFIED AS TRACTS 4-01 & 5 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; 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. 22-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY OF ROCKWALL FOR THE FISCAL YEAR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

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

X. Action Items

1. **Z2021-052** - Discuss and consider a request by Mike Peoples for the approval of an **ordinance** for a *Specific Use Permit (SUP)* to allow *Chickens* 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).**

Mayor Pro Tem Hohenshelt moved to approve Z2021-052. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-05

SPECIFIC USE PERMIT NO. S-268

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 *CHICKENS* 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 to 2 nays (Daniels and Johannesen).

2. Discuss and consider a request from the Rockwall Economic Development Corporation (REDC) related to closing Rochell Road and providing an alternate route during upcoming construction, and take any action necessary.

Phillip Wagner, President / CEO of the Rockwall Economic Development Corporation (REDC) came forth and spoke about two options related to traffic routes associated with upcoming construction in and around the Rockwall Technology Park. Councilmember Johannesen moved to approve the proposed "blue route," as presented. Councilmember Campbell seconded the motion. Councilmember Macalik asked if the homeowners of Carrington Farms (a subdivision located within Fate that will be impacted by this reroute) have been given any indication of this possible route change. Mr. Wagner indicated that he has spoken with the Public Works Director for the City of Fate; however, residents have likely not yet been informed. Mrs. Smith, Rockwall City Manager, recommended that Mr. Wagner work with the Public Information Officer for the City of Fate to help facilitate communication about this construction-related route to their residents, as appropriate.

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

3. Discuss and consider directing the City Manager to enter into a 380 Economic Development Agreement with Saro Partners, LLC to facilitate the swap of a 4.18-acre tract of land (*i.e. Tract 9 of the M. B. Jones Survey, Abstract No. 122*) at the southwest corner of John King Boulevard and FM-1141 for a 5.07-acre tract of land (*i.e. Tract 2-06 of the D. Harr Survey, Abstract No. 102*) at the southeast corner of John King Boulevard and Airport Road, and take any action necessary.

Planning Director Ryan Miller provided background information pertaining to this agenda item. He went on to describe a 'land swap' that the City could enter into with the Rockwall Boys & Girls Club, and he briefly spoke about the benefits in that regard. He went on to describe the process and required timelines associated with this 'land swap,' if the City Council indeed would like to move forward with the swap through execution of the enclosed 380 Economic Development Agreement. Mr. Miller mentioned that representatives of the Boys & Girls Club are in favor of this agreement, and both parties' legal counsels have reviewed the agreement.

Mayor Pro Tem Hohenshelt moved to approve the 380 Agreement (and authorize its execution). Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider (re)appointments to the city's Main Street Advisory Board, and take any action necessary.

Councilmember Johannesen moved to reappoint Stacy Fuqua, Geoffrey Lyons, and Gary Cannavo to serve an additional two-year term on the Main Street Advisory Board (to expire Jan. of 2024). Mayor Fowler seconded the motion, which 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 Inspection Monthly Report - December 2021
2. Fire Department Monthly Report - December 2021
3. Parks & Rec Department Monthly Report - December 2021
4. Police Department Monthly Report - December 2021
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Mrs. Mary Smith, City Manager, briefly mentioned that things went very well, overall, with last week's winter ice/snow storm. Renovations are going well at the Rockwall Technology Park building that will house many of the city's Police Department staff, and they should be able to move in within the next couple of weeks. Canales Furniture is donating all of the furniture that will be used in the Police Department's Mental Health Officers' 'soft interview room.' The City and Police Department are grateful for this generous donation. The "Discovery" statue project is moving along, and bids will soon go out for the site improvement (pad) work. In addition, city staff has been diligent in keeping up with construction-related trash and debris concerns with the exception of about a week or so of staff shortages (due to COVID) when there was not staff on hand

to perform inspections and ensure compliance. Brief comments were made related to the type of trash receptacles that contractors are using on construction sites.

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) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
3. 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).
4. Discussion regarding legal issues pertaining to an existing 212 Development Agreement for property within the Extraterritorial Jurisdiction (ETJ) pursuant to Section §551.071 (Consultation with Attorney).
5. Discussion regarding terms of lease with cellular providers in the vicinity of Boydstun Avenue, pursuant to Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation regarding Real Property)

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 just after 6:00 p.m. (above) as a result of the 5:00 Ex. Session that was held.

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 22nd DAY OF FEBRUARY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

Kristy Teague

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS SEAL

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Tuesday, February 22, 2022 - 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, Anna Campbell and Bennie Daniels. 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 Ex. 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 possible sale/purchase/lease of real property in the vicinity of the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. 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.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Parks Maintenance State Champions Day

Mayor Fowler called forth Parks Director, Travis Sales who provided an explanation of this competition and the various staff members of Rockwall Parks Department who 'placed' at the competition. Mayor Fowler then read and presented staff with this proclamation, recognizing them for their recent "State Championship" win.

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

Council took no action as a result of Ex. Session.

IX. Consent Agenda

1. Consider approval of the minutes from the February 7, 2022 regular City Council meeting, and take any action necessary.
2. Consider authorizing the City Manager to execute a proposal with Kofile, Inc. to preserve and scan the City's old, historic record books in the amount of $31,740.09 to be paid for out of the Administration's Legal Budget, and take any action necessary.
3. Consider approval of the Rockwall Police Department's 2021 Racial Profiling Report, and take any action necessary.
4. **P2022-003** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a *Final Plat* for the Nelson Lake Subdivision being a 120.90-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 land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

Councilmember Johannesen moved to approve the entire Consent Agenda (#s 1, 2, 3, and 4), as presented. Councilmember Jorif seconded the motion, which passed unanimously (7 – 0).

X. Appointment Items

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

No one was present from the P&Z Commission, so this item was not addressed.

2. Appointment with Rockwall resident, Joel Marlowe to hear request pertaining to keeping a set of stairs and pitching mound located on city property behind his home at 418 Sonoma Drive, and take any action necessary.

Joel Marlowe
418 Sonoma Drive
Rockwall, TX 75087

Mr. Marlowe indicated that there are a set of stairs that he constructed on the rear of the retaining wall located at the back of his home. The stairs have been there about 4 years, and there is also a pitching mound he installed that has been there for about a year (that he utilizes to teach pitching lessons to local, special needs kids). He went on to share that city staff recently contacted him to let him know that these items were built on city-owned property and that they need to be removed. He is here this evening to request that city council allow him to keep these items in place, even though they are built on city property.

Mayor Fowler generally shared that he is not in favor of allowing Mr. Marlowe to keep the items in tact, as approving them to stay would essentially set a precedence that he is not interested in establishing. Councilmember Macalik generally expressed that she agrees with

Mayor Fowler's sentiments. Councilmember Johannesen pointed out that the landowner on which the items are built/placed has legal 'liability,' so - in addition to approving this would be setting an undesirable precedence – he is not in favor of allowing the items to stay. Councilmember Jorif pointed out that if someone were to get hurt, the city would (by default) assume liability from a legal standpoint. General indication was given that Council would not be taking any action to grant permission for Mr. Marlowe to keep the stairs and pitching mound in place.

Mayor Fowler announced that Action Item #1 has been withdrawn by the applicant. In addition, Public Hearing item #5 will be addressed next on the agenda by Council.

XI. PUBLIC HEARING ITEMS

1. **Z2022-001** - Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an **ordinance** for a *PD Development Plan* for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information on this agenda item. The applicant is asking to construct a 176 unit condominium subdivision with detached amenity center. The proposed condominium building will be a wrap product (*i.e. the building will wrap around a structured parking garage*) and consist of approximately 104, one (1) bedroom units and 72, two (2) bedroom units. As part of this development the applicant will be required to extend Glen Hill Way around the proposed building, connecting it to the section of Pinnacle Way Drive adjacent to Trend Tower and the stub of Pinnacle Way Drive of off Horizon Road. Based on the building configuration depicted on the applicant's concept plan, this portion of Pinnacle Way Drive (*i.e. the portion connecting to Horizon Road*) will be required to be renamed as a continuation of Glen Hill Way. Incorporated into the building will be an ~7,546 SF amenities center, pool area, and courtyard. The concept plan also has two (2) plaza spaces and a dog park labeled; however, no exhibits or concepts have been provided for these areas yet. Mr. Miller went on to point out that the intended use for this sub district has been slated as 'office use,' not residential, so this proposal does not meet the intent of this sub district; however, granting waivers for this request is at the discretion of Council.

On January 14, 2022, staff mailed 45 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and Lago Vista Homeowner's Associations (HOAs), which were the only HOAs 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) Three (3) property owner notifications and a letter from one (1) property owner within the 500-foot notification area indicating they are in favor of the applicant's request. Staff should

note that this property owner is the owner of 16 of the parcels of land that make up the subject property.
(2) One (1) letter from one (1) property owner within the 500-foot notification area indicating they are in favor of the applicant's request. Staff should note that this property owner is the owner of two (2) tract of land that make up the subject property.

The P&Z Commission did vote 6-0 to recommend approval of this request to City Council.

Mayor Fowler called forth the applicant to speak at this time (he did not provide a name/address). The applicant went on to provide a presentation to Council that gave additional details regarding this proposed 4-5 story condominium development.

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, Fowler then closed the public hearing.

The applicant indicated that this property will be individually deeded to one person (as in, all units will be rented from one individual).

At the request of Councilmember Johannesen, Mr. Miller provided a brief description of the various waivers that the applicant is seeking to obtain as part of Council approving this case (the intent of the sub-district (which was intended to be two office buildings, not 'residential') and a waiver related to the roadway).

Mayor Pro Tem Hohenshelt provided comments pertaining to changing the 'character' of the sub-district, as it was originally intended. He questions if there is any other space located in this area where office building(s) could be constructed within PD-32. Indication was given that there is no other location(s) where office buildings could/would be built. General discussion ensued pertaining to what additional parcels of land remain within this district and what those parcels could be used for. At the request of Councilmember Daniels, Mr. Miller provided more specific details about what the applicant is proposing to do regarding Pinnacle Way Drive and Glen Hill Way as well as the proposed placement of the amenity center.

Following extensive discussion, Mayor Pro Tem Hohenshelt moved to approve Z2022-001. Councilmember Jorif seconded the motion. Various comments were made, generally indicating that these are difficult pieces of property that are going to be combined in a way that makes sense. 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 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK

9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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. **Z2022-002** - Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of an **ordinance** for a *PD Development Plan* for a 42-unit condominium and retail/office building on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, 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 PD Development Plan for 42 urban residential units for the purpose of constructing a condominium building. This is located within a mixed-use sub district within PD-32, and it basically situated right in the middle of the entire Harbor District. The proposed condominium building will be a podium product (i.e. the building will be constructed on top of a structured parking garage) and consist of approximately 12, one (1) bedroom units; 21, two (2) bedroom units; and nine (9), three (3) bedroom units. The applicant has stated that these units will be a for sale product (i.e. sold to different property owners as opposed to all the deeds being owned by one [1] property owner and rented out). There will be a 1,600-1,700 square foot amenity center with a swimming pool, basketball court and tennis court. Waivers such as lot coverage and driveways are addressed within the proposed PD Development Plan being proposed. The development does seem to conform to the intent of the sub-district. Twenty notices were sent out to adjacent land and property owners within 500' of the subject property. Staff received 11 notices back in favor from individuals located within the 500' buffer, and two emails from individuals not located within 500' were received in opposition of the project. Also, one reply 'in favor' of the proposal was received by staff via an online submission today. The P&Z Commission did vote 6-0 (with one recusal) to recommend approval of this request to City Council.

Mayor Fowler called forth the applicant/applicant's representatives. The applicant's architect and design/build engineer came forth and provided comments to Council, briefly explaining this proposed condominium development overall. (Note: the names and company names of the two speakers were verbally provided but were indistinguishable).

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

Councilmember Jorif asked for clarification on where the access road will be located on Summer Lee Drive. Mr. Miller pointed out that it is located at the back of the property. General discussion ensued pertaining to expected traffic flow and ingress/egress access points.

Councilmember Daniels moved to approve Z2022-002. Councilmember Campbell seconded 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 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 1.20-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK D, HARBOR DISTRICT ADDITION AND LOTS 3 & 4, BLOCK 11 AND LOTS 1, 2, 3, & 4, BLOCK 12, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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. **Z2022-003** - 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 *Specific Use Permit (SUP)* for a *Restaurant 2,000 SF or More with Drive Through or Drive-In* for the purpose of constructing two (2) restaurants on an 8.684-acre tract of land identified as Tract 3-10 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)**.

Mr. Miller provided background information on this agenda item, indicating that the subject property is located just north of an existing CVS store. Following the approval of Ordinance No. 22-01, the applicant -- Bowen Hendrix of DuWest Realty, LLC - submitted an application on January 18, 2022 requesting the approval of a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through or Drive-In. The applicant changed the request on January 21, 2022 to a Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More with Drive-Through or Drive-In. The purpose of these applications was to construct two (2) drive-through restaurants within the two (2) ~10,000 SF multi-tenant restaurant/retail buildings. The subject property is located north of the intersection of E. Quail Run Road and N. Goliad Street [SH-205]. Three-tiered screening is being proposed, and stacked drive-thrus are also being proposed. On January 14, 2022, staff mailed 62 notices to property owners and occupants within 500-feet of the subject property notifying them that the applicant was requesting a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF, with Drive-Through or Drive-In; however, on January 21, 2022 the applicant notified staff that the request was changing to a Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More, with Drive-Through or Drive-In. In response to this change staff mail 62 updated notices on January 25, 2022 to property owners and occupants within 500-feet 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 from a property owner within the 500-notification area in opposition to the applicant's request.
(2) One (1) email from property owner within the 500-notification area in opposition to the applicant's request.
(3) One (1) email from a property owner within the 500-notification area stating concerns with traffic and requesting that a traffic light be installed at the intersection of Quail Run Road and Audobon Lane.

Additionally, the P&Z Commission has recommended approval of this request by a vote of 7-0.

The applicants came forth and introduced themselves. Mayor Fowler then 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 indicated that neighbors are concerned about the view, and he would like the applicant to present some plans that show what the rear will look like and what the buffer will look like. He has concerns about ensuring that people stay out of the detention pond areas. He wants to also ensure residents have access to the hike and bike trails, and he would like residents to be able to access the development on their golf carts. He wants to ensure the floodplain study is completed and properly approved.

There being no one else wishing to come forth at this time, Mayor Fowler then closed the public hearing. Councilmember Johannesen asked for brief clarification on the process, following action on this item tonight. Mr. Miller explained 'next steps.' Then, Councilmember Jorif moved to approve Z2022-003. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO. 19-41*] 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 TWO (2) *RESTAURANTS, 2,000 SF OR MORE, WITH DRIVE-THROUGH OR DRIVE-IN* ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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 to approve passed by a vote of 7 ayes to 0 nays.

4. **Z2022-004** - Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information on this agenda item. The applicant is asking for approval of an SUP to construct a two-story shop with storage that will incorporate a restroom facility. So, because it will have a restroom, that is why this is being presented as 'guest quarters.' It will be 1,000 sq. feet in size, and the exterior cladding will be complimentary to the façade of the existing (home's) structure. This secondary structure will be lower than the primary structure, as the property at the rear where this will be constructed has a downward land slope. 110 notices were sent out to adjacent property and land owners located within 500'. Two notices were received back in opposition. One was received back in favor, and one reply was from someone wanting additional information (not stating 'in favor' or 'opposed'). The P&Z Commission has recommended approval of this request by a vote of 7 ayes to 0 nays.

Mayor Fowler called the applicant forth, but the applicant did not speak.

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

Mayor Pro Tem Hohenshelt moved to approve Z2022-004. Councilmember Macalik seconded the motion. Councilmember Campbell asked if this addition could be rented out as living quarters at some point in the future. Mr. Miller indicated that - yes - it is possible; however, the applicant has indicated an intention to utilize it as a shop. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 *GUEST QUARTERS/SECONDARY LIVING UNIT/ACCESSORY DWELLING UNIT* TO ALLOW THE CONSTRUCTION OF A *GUEST QUARTERS* ON A 0.74-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK E, WADE 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.

5. **Z2022-005** - Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant is wanting to construct a single-family home within an established, residential subdivision. Council is being asked to evaluate the size, location and architecture of the proposed home compared to other, existing homes within the community. Notices were sent out to 69 residents and property owners located within 500' of the subject property. Two notices were received back in favor. Also, the Park Place HOA was also notified. Planning & Zoning has recommended approval of this agenda item to the City Council.

Mayor Fowler opened the public hearing, but no one came forth to speak, so he closed the public hearing. Mayor Pro Tem Hohenshelt then moved to approve Z2002-005. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.49-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, HALEY & KYLE 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. **MIS2022-001** - Discuss and consider a request by Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a *Miscellaneous Case* for an *Alternative Tree Mitigation Settlement Agreement* for a 6.60-acre tract of land being a portion of Tract 21 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally

located on the north side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.

Indication was given that the applicant has requested to withdraw this case. So it was not heard, and no action was taken.

2. **A2022-001** - Discuss and consider the approval of an **ordinance** reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, generally located adjacent to Edwards Road south of FM-550, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information concerning this agenda item. Staff has received a request for the city consider dropping this property from its ETJ and nullifying the existing 212 development agreement currently in place. Per the applicant's email, the reason the release is being requested is to allow for the development of future phases of the Sonoma Verde Subdivision.

Following brief discussion, Mayor Pro Tem Hohenshelt moved to approve A2022-001, removing this land from the city's ETJ per the ordinance. Councilmember Campbell seconded 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, REDUCING ITS EXTRATERRITORIAL JURISDICITION (ETJ) BY RELEASING SUCH TERRITORY DESCIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE TO THE COUNTY OF ROCKWALL; ESTABLISHING THE NEW CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPROATE 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 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 possible sale/purchase/lease of real property in the vicinity of the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city 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.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:29 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7th DAY OF MARCH, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS
SEAL

AGENDA

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, March 07, 2022 - 6:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. Call Public Meeting to Order

II. Invocation and Pledge of Allegiance - Councilmember Macalik

III. Proclamations / Awards / Recognitions

1. "Theatre in Our Schools" Month

IV. 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 comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kteague@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 since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be 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.

V. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant 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 22, 2022 regular City Council meeting, and take any action necessary.

2. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee regarding funding for the Texas K9 Conference, Rockwall 7ers, and The Texas High School Gymnastic Championship, and take any action necessary.

3. Consider approval of a contract extension with Southlake Landscaping and Maintenance (SLM) for parks maintenance in the amount of $634,452.52 to be funded by the Parks Operations budget, and take any action necessary.

4. Consider approval of a contract extension with SRH Landscapes LLC for grounds maintenance in the amount of $94,235.58 to be funded by the Parks Operations budget, and take any action necessary.

5. **Z2022-001** - Consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an **ordinance** for a *PD Development Plan* for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary **(2nd Reading)**.

6. **Z2022-002** - Consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of an **ordinance** for a *PD Development Plan* for a 42-unit condominium and retail/office building on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, and take any action necessary **(2nd Reading)**.

7. **Z2022-003** - 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 *Specific Use Permit (SUP)* for a *Restaurant 2,000 SF or More with Drive Through or Drive-In* for the purpose of constructing two (2) restaurants on an 8.684-acre tract of land identified as Tract 3-10 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 **(2nd Reading)**.
8. **Z2022-004** - Consider a request by Mike and Mary Frasier for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary **(2nd Reading)**.
9. **Z2022-005** - Consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary **(2nd Reading)**.
10. **A2022-001** - Consider the approval of an **ordinance** reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, generally located adjacent to Edwards Road south of FM-550, and take any action necessary **(2nd Reading)**.
11. Consider approval of an **ordinance** declaring unopposed candidates for the offices of City Councilmembers Places 2, 4, and 6 and cancelling the May 7, 2022 General Election, and take any action necessary. **(1st reading)**

VI. 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 2022
2. Fire Department Monthly Report - January 2022
3. Parks & Rec Department Monthly Report - January 2022
4. Police Department Monthly Report - January 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

VII. Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code ¶ 551.071 (Consultation with Attorney) ¶ 551.072 (Deliberations about Real Property) ¶ 551.074 (Personnel Matters) and ¶ 551.087 (Economic Development)

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 4th day of March, 2022 @ 4:00 PM and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Teague, City Secretary
or Margaret Delaney, Asst. to the City Sect.

Date Removed

Rockwall, Texas

Proclamation

Whereas, the International Thespian Society is an affiliate of the Educational Theatre Association and is a high school honor society that recognizes students in theatre; and

Whereas, the State Thespian Officer Board oversees planning and coordinating the State Thespian Festival and advocating for theatre education in the State of Texas; and

Whereas, theater education has many benefits, with the *Journal for Learning Through the Arts*, publicizing that "High-Poverty K-2 English Language learners who receive weekly drama lessons demonstrate increased listening and speaking skills on standardized tests;" and

Whereas, according to *The College Board*, "In 2015, students who took four years of arts classes in high school scored an average of 92 points higher on their SATs than students who took only one-half year or less;" and

Whereas, in 2020 the *Creativity Research Journal* found that applied theater techniques in the classroom increase students' self-esteem and develop their ability to empathize with others; and

Whereas, Texas Thespians believe that increased awareness of arts education encourages further advocacy on behalf of the Arts in our schools, resulting in positive change for students throughout Texas in everything that they participate in, including academic achievement.

Now, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, Texas, do hereby proclaim the month of **March 2022** as

Theatre in Our Schools Month

in the City of Rockwall and encourage all citizens to show enthusiastic support for local thespians and for all arts-related programming within our school district.

In Witness Whereof, I hereunto set my hand and official seal on this 7th day of March, 2022.

Kevin Fowler, Mayor

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Tuesday, February 22, 2022 - 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, Anna Campbell and Bennie Daniels. 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 Ex. 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 possible sale/purchase/lease of real property in the vicinity of the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. 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.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Parks Maintenance State Champions Day

Mayor Fowler called forth Parks Director, Travis Sales who provided an explanation of this competition and the various staff members of Rockwall Parks Department who 'placed' at the competition. Mayor Fowler then read and presented staff with this proclamation, recognizing them for their recent "State Championship" win.

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

Council took no action as a result of Ex. Session.

IX. Consent Agenda

1. Consider approval of the minutes from the February 7, 2022 regular City Council meeting, and take any action necessary.
2. Consider authorizing the City Manager to execute a proposal with Kofile, Inc. to preserve and scan the City's old, historic record books in the amount of $31,740.09 to be paid for out of the Administration's Legal Budget, and take any action necessary.
3. Consider approval of the Rockwall Police Department's 2021 Racial Profiling Report, and take any action necessary.
4. **P2022-003** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Kyle Tressler of Qualico Development (US), Inc. for the approval of a *Final Plat* for the Nelson Lake Subdivision being a 120.90-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 land uses, generally located at the southeast corner of the intersection of FM-1141 and FM-552, and take any action necessary.

Councilmember Johannesen moved to approve the entire Consent Agenda (#s 1, 2, 3, and 4), as presented. Councilmember Jorif seconded the motion, which passed unanimously (7 – 0).

X. Appointment Items

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

No one was present from the P&Z Commission, so this item was not addressed.

2. Appointment with Rockwall resident, Joel Marlowe to hear request pertaining to keeping a set of stairs and pitching mound located on city property behind his home at 418 Sonoma Drive, and take any action necessary.

Joel Marlowe
418 Sonoma Drive
Rockwall, TX 75087

Mr. Marlowe indicated that there are a set of stairs that he constructed on the rear of the retaining wall located at the back of his home. The stairs have been there about 4 years, and there is also a pitching mound he installed that has been there for about a year (that he utilizes to teach pitching lessons to local, special needs kids). He went on to share that city staff recently contacted him to let him know that these items were built on city-owned property and that they need to be removed. He is here this evening to request that city council allow him to keep these items in place, even though they are built on city property.

Mayor Fowler generally shared that he is not in favor of allowing Mr. Marlowe to keep the items in tact, as approving them to stay would essentially set a precedence that he is not interested in establishing. Councilmember Macalik generally expressed that she agrees with

Mayor Fowler's sentiments. Councilmember Johannesen pointed out that the landowner on which the items are built/placed has legal 'liability,' so - in addition to approving this would be setting an undesirable precedence – he is not in favor of allowing the items to stay. Councilmember Jorif pointed out that if someone were to get hurt, the city would (by default) assume liability from a legal standpoint. General indication was given that Council would not be taking any action to grant permission for Mr. Marlowe to keep the stairs and pitching mound in place.

Mayor Fowler announced that Action Item #1 has been withdrawn by the applicant. In addition, Public Hearing item #5 will be addressed next on the agenda by Council.

XI. PUBLIC HEARING ITEMS

1. **Z2022-001** - Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an **ordinance** for a *PD Development Plan* for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary **(1st Reading)**.

   Planning Director, Ryan Miller provided background information on this agenda item. The applicant is asking to construct a 176 unit condominium subdivision with detached amenity center. The proposed condominium building will be a wrap product (*i.e. the building will wrap around a structured parking garage*) and consist of approximately 104, one (1) bedroom units and 72, two (2) bedroom units. As part of this development the applicant will be required to extend Glen Hill Way around the proposed building, connecting it to the section of Pinnacle Way Drive adjacent to Trend Tower and the stub of Pinnacle Way Drive of off Horizon Road. Based on the building configuration depicted on the applicant's concept plan, this portion of Pinnacle Way Drive (*i.e. the portion connecting to Horizon Road*) will be required to be renamed as a continuation of Glen Hill Way. Incorporated into the building will be an ~7,546 SF amenities center, pool area, and courtyard. The concept plan also has two (2) plaza spaces and a dog park labeled; however, no exhibits or concepts have been provided for these areas yet. Mr. Miller went on to point out that the intended use for this sub district has been slated as 'office use,' not residential, so this proposal does not meet the intent of this sub district; however, granting waivers for this request is at the discretion of Council.

   On January 14, 2022, staff mailed 45 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and Lago Vista Homeowner's Associations (HOAs), which were the only HOAs 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) Three (3) property owner notifications and a letter from one (1) property owner within the 500-foot notification area indicating they are in favor of the applicant's request. Staff should

note that this property owner is the owner of 16 of the parcels of land that make up the subject property.
(2) One (1) letter from one (1) property owner within the 500-foot notification area indicating they are in favor of the applicant's request. Staff should note that this property owner is the owner of two (2) tract of land that make up the subject property.

The P&Z Commission did vote 6-0 to recommend approval of this request to City Council.

Mayor Fowler called forth the applicant to speak at this time (he did not provide a name/address). The applicant went on to provide a presentation to Council that gave additional details regarding this proposed 4-5 story condominium development.

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, Fowler then closed the public hearing.

The applicant indicated that this property will be individually deeded to one person (as in, all units will be rented from one individual).

At the request of Councilmember Johannesen, Mr. Miller provided a brief description of the various waivers that the applicant is seeking to obtain as part of Council approving this case (the intent of the sub-district (which was intended to be two office buildings, not 'residential') and a waiver related to the roadway).

Mayor Pro Tem Hohenshelt provided comments pertaining to changing the 'character' of the sub-district, as it was originally intended. He questions if there is any other space located in this area where office building(s) could be constructed within PD-32. Indication was given that there is no other location(s) where office buildings could/would be built. General discussion ensued pertaining to what additional parcels of land remain within this district and what those parcels could be used for. At the request of Councilmember Daniels, Mr. Miller provided more specific details about what the applicant is proposing to do regarding Pinnacle Way Drive and Glen Hill Way as well as the proposed placement of the amenity center.

Following extensive discussion, Mayor Pro Tem Hohenshelt moved to approve Z2022-001. Councilmember Jorif seconded the motion. Various comments were made, generally indicating that these are difficult pieces of property that are going to be combined in a way that makes sense. 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 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK

9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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. **Z2022-002** - Hold a public hearing to discuss and consider a request by Louis Clark of KinoD LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of an **ordinance** for a *PD Development Plan* for a 42-unit condominium and retail/office building on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor District Addition and Lots 3 & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* of Planned Development District 32 (PD-32), generally located at the northeast corner of the intersection of Sunset Ridge Drive and Summer Lee Drive, 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 PD Development Plan for 42 urban residential units for the purpose of constructing a condominium building. This is located within a mixed-use sub district within PD-32, and it basically situated right in the middle of the entire Harbor District. The proposed condominium building will be a podium product (i.e. the building will be constructed on top of a structured parking garage) and consist of approximately 12, one (1) bedroom units; 21, two (2) bedroom units; and nine (9), three (3) bedroom units. The applicant has stated that these units will be a for sale product (i.e. sold to different property owners as opposed to all the deeds being owned by one [1] property owner and rented out). There will be a 1,600-1,700 square foot amenity center with a swimming pool, basketball court and tennis court. Waivers such as lot coverage and driveways are addressed within the proposed PD Development Plan being proposed. The development does seem to conform to the intent of the sub-district. Twenty notices were sent out to adjacent land and property owners within 500' of the subject property. Staff received 11 notices back in favor from individuals located within the 500' buffer, and two emails from individuals not located within 500' were received in opposition of the project. Also, one reply 'in favor' of the proposal was received by staff via an online submission today. The P&Z Commission did vote 6-0 (with one recusal) to recommend approval of this request to City Council.

Mayor Fowler called forth the applicant/applicant's representatives. The applicant's architect and design/build engineer came forth and provided comments to Council, briefly explaining this proposed condominium development overall. (Note: the names and company names of the two speakers were verbally provided but were indistinguishable).

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

Councilmember Jorif asked for clarification on where the access road will be located on Summer Lee Drive. Mr. Miller pointed out that it is located at the back of the property. General discussion ensued pertaining to expected traffic flow and ingress/egress access points.

Councilmember Daniels moved to approve Z2022-002. Councilmember Campbell seconded 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 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 1.20-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK D, HARBOR DISTRICT ADDITION AND LOTS 3 & 4, BLOCK 11 AND LOTS 1, 2, 3, & 4, BLOCK 12, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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. **Z2022-003** - 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 *Specific Use Permit (SUP)* for a *Restaurant 2,000 SF or More with Drive Through or Drive-In* for the purpose of constructing two (2) restaurants on an 8.684-acre tract of land identified as Tract 3-10 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)**.

Mr. Miller provided background information on this agenda item, indicating that the subject property is located just north of an existing CVS store. Following the approval of Ordinance No. 22-01, the applicant -- Bowen Hendrix of DuWest Realty, LLC - submitted an application on January 18, 2022 requesting the approval of a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through or Drive-In. The applicant changed the request on January 21, 2022 to a Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More with Drive-Through or Drive-In. The purpose of these applications was to construct two (2) drive-through restaurants within the two (2) ~10,000 SF multi-tenant restaurant/retail buildings. The subject property is located north of the intersection of E. Quail Run Road and N. Goliad Street [SH-205]. Three-tiered screening is being proposed, and stacked drive-thrus are also being proposed. On January 14, 2022, staff mailed 62 notices to property owners and occupants within 500-feet of the subject property notifying them that the applicant was requesting a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF, with Drive-Through or Drive-In; however, on January 21, 2022 the applicant notified staff that the request was changing to a Specific Use Permit (SUP) for a Restaurant, 2,000 SF or More, with Drive-Through or Drive-In. In response to this change staff mail 62 updated notices on January 25, 2022 to property owners and occupants within 500-feet 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 from a property owner within the 500-notification area in opposition to the applicant's request.
(2) One (1) email from property owner within the 500-notification area in opposition to the applicant's request.
(3) One (1) email from a property owner within the 500-notification area stating concerns with traffic and requesting that a traffic light be installed at the intersection of Quail Run Road and Audobon Lane.

Additionally, the P&Z Commission has recommended approval of this request by a vote of 7-0.

The applicants came forth and introduced themselves. Mayor Fowler then 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 indicated that neighbors are concerned about the view, and he would like the applicant to present some plans that show what the rear will look like and what the buffer will look like. He has concerns about ensuring that people stay out of the detention pond areas. He wants to also ensure residents have access to the hike and bike trails, and he would like residents to be able to access the development on their golf carts. He wants to ensure the floodplain study is completed and properly approved.

There being no one else wishing to come forth at this time, Mayor Fowler then closed the public hearing. Councilmember Johannesen asked for brief clarification on the process, following action on this item tonight. Mr. Miller explained 'next steps.' Then, Councilmember Jorif moved to approve Z2022-003. Councilmember Johannesen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO. 19-41*] 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 TWO (2) *RESTAURANTS, 2,000 SF OR MORE, WITH DRIVE-THROUGH OR DRIVE-IN* ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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 to approve passed by a vote of 7 ayes to 0 nays.

4. **Z2022-004** - Hold a public hearing to discuss and consider a request by Mike and Mary Frasier for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on a 0.74-acre parcel of land identified as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information on this agenda item. The applicant is asking for approval of an SUP to construct a two-story shop with storage that will incorporate a restroom facility. So, because it will have a restroom, that is why this is being presented as 'guest quarters.' It will be 1,000 sq. feet in size, and the exterior cladding will be complimentary to the façade of the existing (home's) structure. This secondary structure will be lower than the primary structure, as the property at the rear where this will be constructed has a downward land slope. 110 notices were sent out to adjacent property and land owners located within 500'. Two notices were received back in opposition. One was received back in favor, and one reply was from someone wanting additional information (not stating 'in favor' or 'opposed'). The P&Z Commission has recommended approval of this request by a vote of 7 ayes to 0 nays.

Mayor Fowler called the applicant forth, but the applicant did not speak.

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

Mayor Pro Tem Hohenshelt moved to approve Z2022-004. Councilmember Macalik seconded the motion. Councilmember Campbell asked if this addition could be rented out as living quarters at some point in the future. Mr. Miller indicated that - yes - it is possible; however, the applicant has indicated an intention to utilize it as a shop. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 *GUEST QUARTERS/SECONDARY LIVING UNIT/ACCESSORY DWELLING UNIT* TO ALLOW THE CONSTRUCTION OF A *GUEST QUARTERS* ON A 0.74-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK E, WADE 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.

5. **Z2022-005** - Hold a public hearing to discuss and consider a request by Perry Bowen of Perry Bowen Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* on a 0.49-acre parcel of land identified as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The applicant is wanting to construct a single-family home within an established, residential subdivision. Council is being asked to evaluate the size, location and architecture of the proposed home compared to other, existing homes within the community. Notices were sent out to 69 residents and property owners located within 500' of the subject property. Two notices were received back in favor. Also, the Park Place HOA was also notified. Planning & Zoning has recommended approval of this agenda item to the City Council.

Mayor Fowler opened the public hearing, but no one came forth to speak, so he closed the public hearing. Mayor Pro Tem Hohenshelt then moved to approve Z2002-005. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.49-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, HALEY & KYLE 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. **MIS2022-001** - Discuss and consider a request by Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a *Miscellaneous Case* for an *Alternative Tree Mitigation Settlement Agreement* for a 6.60-acre tract of land being a portion of Tract 21 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally

located on the north side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.

Indication was given that the applicant has requested to withdraw this case. So it was not heard, and no action was taken.

2. **A2022-001** - Discuss and consider the approval of an **ordinance** reducing the City of Rockwall's Extraterritorial Jurisdiction (ETJ) by releasing a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, generally located adjacent to Edwards Road south of FM-550, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information concerning this agenda item. Staff has received a request for the city consider dropping this property from its ETJ and nullifying the existing 212 development agreement currently in place. Per the applicant's email, the reason the release is being requested is to allow for the development of future phases of the Sonoma Verde Subdivision.

Following brief discussion, Mayor Pro Tem Hohenshelt moved to approve A2022-001, removing this land from the city's ETJ per the ordinance. Councilmember Campbell seconded 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, REDUCING ITS EXTRATERRITORIAL JURISDICITION (ETJ) BY RELEASING SUCH TERRITORY DESCIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE TO THE COUNTY OF ROCKWALL; ESTABLISHING THE NEW CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPROATE 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 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 possible sale/purchase/lease of real property in the vicinity of the Harbor District pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city 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.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:29 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7th DAY OF MARCH, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

City of Rockwall
The New Horizon

MEMORANDUM

TO: Mayor and Council Members

FROM: Hotel Occupancy Tax Sub-committee Members
Mary Smith, city Manager

DATE: March 2, 2022

SUBJECT: Supplemental Requests for HOT Funding

The Subcommittee met to discuss three supplemental requests for HOT funding for events in 2022. Members Dana Macalik, Anna Campbell, and Bennie Daniels have prepared the following recommendations for funding pending Council's approval.

The Texas Canine Workshop will again be held here from September 26 – October 1, 2022 at the Springhill Suites. The training is held annually to provide advanced training for Police and Fire K-9 teams. Last year's workshop was so well received that attendees asked for the training to be held in Rockwall again. The group has asked for $20,600 and anticipates attendance to grow from 2021 counts. The committee is recommending $20,600 for this training workshop.

The State Gymnastics Championships will be held in Rockwall the weekend of April 24 - 26. The local booster club has requested $18,000 to assist with promotion and technical aspects of the weekend as they work to enhance the event for visitors from around the state. More than 400 room nights are expected as families come for the duration of the competition. The committee is recommending $18,000 for this request

The Rockwall 7ers submitted an application for $95,500 for various aspects of their first season. After discussion, the committee is recommending funding $10,000 for promotion, live streaming, artistic expenses and equipment rental. No personnel costs were included.

Prior to Council action on the above, the Hotel Occupancy Tax budget is as follows:

Fund Balance carried forward	**$1,188,249**
Budgeted Revenues	**975,000**
Previously Allocated Funding	**(763,800)**
Projected Fund Balance	**$1,399,499**

The subcommittee can answer any questions regarding their recommendations. Council is asked to consider approval of the funding amounts and authorize the City Manager to execute contracts with the organizations.

City of Rockwall

The New Horizon

Hotel Occupancy Tax

Program Year 2022

Application

MUST BE TYPED or PRINTED

Deliver to:
City of Rockwall Finance Office
Attn: Lea Ann Ewing
385 S. Goliad St, Rockwall, TX -75087
Ph. 972-771-7700 Fax 972-771-7728 lewing@rockwall.com

Organization Name: Texas K-9 Conference
Name of Event: 2022 Texas Canine Conference Workshop
Date(s) of Event: September 26 – October 01, 2022
Funding Request $: 20,600.00
Website Address:
Mailing Address: 812 CR 3433, Lampasas, Texas 76550
Physical Address:
Telephone: 214-304-0658 Fax:

Primary Contact Name: Sam Stephenson - President
(Project Director)
Mailing Address: 385 S. Goliad St., Rockwall, Texas 75087

Email Address: mstephenson@rockwall.com
Telephone: 972-772-6423 Fax:

Secondary Contact Name: Chris Ford - Treasurer
Mailing Address: 812 CR3433, Lampasas, Texas 76550

Email Address: TXK9Conference@gmail.com

Telephone: 512-734-1903 Fax:

► COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAWEXHIBIT REQUESTING FUNDS ►

INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

[X] **Advertising/Tourism** Requested funding amount **$20600.00**
Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

[ ] Arts Requested funding amount $
Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibiåon of the major art forms in the City of Rockwall.

[ ] Historical Requested funding amount $ Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1 2021 - Sept. 30, 2022) that you are requesting Hotel Tax funding. What is your event and why are you having it? **See Attached**

3. How does the event/ program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)? **Yes**

4. Is the event/ program that the organization is requesting Hotel Tax funds held in/ on City-owned property?
No Name location: **Springhill Suites-Rockwall**

5. Will your organization provide special event insurance coverage for the event/ program if held on City property?
Yes Name of Insurance Company: **NAPWDA**

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration in Days	Audience Size	# of Attendees in hotel rooms
Texas Canine Conference-Rockwall	2021	5	75	35
Texas Canine Conference Dallas	2019	5	100	40
Texas Canine Conference Dallas	2018	5	100	35
Texas Canine Conference Dallas	2017	5	80	35
Texas Canine Conference Dallas	2016	5	75	30

2. Description of Event:

We have hosted the Texas K-9 Conference since 2003. 2022 will be our 19th year to host the conference. The conference has grown over the years and it has become a collaborative effort with the State Fire Marshal's Office, The North American Police Work Dog Association and the Rockwall Fire Department. We hosted the conference last year in Rockwall. The dates were September 26 and ended October 01 2021. We had a total of 75 participants and approximately 40 dog teams. We had 35 rooms with people staying at the Springhill Suites in Rockwall for the entire week. We got very positive feedback from everyone's training and stay in Rockwall. Everyone enjoyed being able to walk to the Harbor District to eat dinner and having training venues close around the city. It was voted unanimously, that every wanted to come back to Rockwall in 2022.

In addition to the canine conference, the State Fire Marshal's Office hosted a Basic Fire Alarm class at the Springhill Suites on September 14, 2021. They had approximately 30 people stay 2 nights at the Springhill Suites. The State chose to come to Rockwall for this class due to the hospitality and atmosphere they experienced when we were planning for the canine conference.

The dates of the conference this year will be September 26 – October 01 2022. We have secured the Springhill Suites in Rockwall to host the event. We are expecting greater attendance with closer to 50 actual canine teams. These teams will be coming from around the State and from other states as far away as Florida. Most all of the canine teams will be affiliated with a fire department or law enforcement agency. We will have a few search and rescue teams that are civilians. We will have 5 to 6 instructors that are North American Police Work Dog Association (NAPWDA) master instructors and will be certifying the dog teams in their respective disciplines. We will be offering certifications and training in police patrol (canine apprehension by police), narcotics, explosives, tracking and trailing, accelerants and cadaver searches. Most all of the dogs attending will be German Shepherds, Belgian Malinois (like Kenna) a few Labrador Retrievers, and maybe a blood hound or two.

8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizaüons must maintain and account for revenue provided from the tax authorized by section 351.101 (a) within one of the two options listed below.

a) Separate checking account without combining with any other revenues or maintained in any other bank account or

b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/ program as well.

Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

Exhibit A	Proposed budget for each event/ program using attached form
Exhibit B	Letter of determination certifying federal tax exempt 501(c)(3) status
Exhibit C	Examples and evidence of marketing area and readership (limit 3)
Exhibit D	List members of the governing body including name, position, mailing address and phone number
Exhibit E	W-9 Form https://www.irs.gov/pub/irs-pdf/fw9.pdf?
Exhibit F	Form 1295 https://www.ethics.state.tx.us/whatsnew/elf info form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a/ result of this application will be used for the purpose set for herein and the program guidelines.

President/ Board Chairman:

Date 12/03/2021

Print Name: **Sam Stephenson**

Signature

Event/ Treasurer:

Date 12/3/21

Print Name: **Chris Ford**

Signature

Both signatures are required for the application to be complete.

EXHIBIT A

Hotel Occupancy Tax Funding Request

EvenVProgram Budget - Program Year 2022

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

EXHIBIT A

Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2022

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name: Texas Canine Conference
Event/Program Name: 2022 Texas Canine Conference
Requested Funding: $ 20,600.00

Expenses (for this project only)	Total Expenses	HOT Funds Request
1. Personnel		
Administrative		
Artistic		
Technical		
Other personnel		
2. Fees for outside professional service		
Administrative Advertising	2400.00	2400.00
Artistic Webpage update	1500.00	1500.00
Technical Participant Lunches	1500.00	1500.00
3. Space Rental Hotel Rental	4400.00	4400.00
4. Equipment Rental Banquet	3500.00	3500.00
5. Travel/Transportation Airfare	3000.00	3000.00
6. Promotion/Printing T-Shirts	2000.00	2000.00
7. Costumes/Royalties Prizes/Engraving	4500.00	4500.00
8. Other (supplies, postage etc. Instructor Per Diem	1800.00	1800.00
9. Sub-Totals		
10. Total Expenses	24600.00	24600.00

Revenues (for this project only)	Total Revenues
1. Total Amount of HOT fund request	20600.00
2. Admissions (ticket and concessions)	4000.00
3. Donations	
4. Organizational funds budgeted	
5. Grants (State)	
6. Other (list):	
7. Other (list):	
8. Other (list):	
9. Other (list):	
10. Total income and contributions	
11. Total In-Kind	
12. Total Revenues	24,600.00

Financial Information (for this project only)

Fiscal Year (Oct 1st – Sept 30th)	2019 actual	2020 actual	2021 actual	2022 Projected
Total Revenues			3000.00	4000.00
Total Expenses			16742.51	24600.00
Total Hotel funds awarded			13600.00	20600.00

9:19 LTE

Texas K9 Conference

Home Posts Reviews Photos Events At

Like Comment Share

Texas K9 Conference
Sep 30 ·

2021 Texas Canine Conference.

Thank you City of Rockwall for making this happen!!

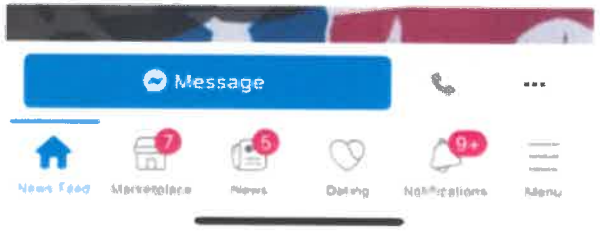


Miranda Stephenson and 12 others 7 Shares

Like Comment Share

Texas K9 Conference
Sep 27 ·

Location list



ISSUE 84 $9.95

Police K-9 magazine

policek9magazine.com

8TH ANNUAL INTERNATIONAL Police K9 CONFERENCE & VENDOR SHOW
LAS VEGAS, NEVADA
MARCH 8,9,10
2022



Featured K-9 Unit

Franklin County (OH) Sheriff's Office

E-Collar

Sit-Stay

ISSUE 85 $9.95

Police K-9 magazine

policek9magazine.com



8TH ANNUAL INTERNATIONAL Police K9 CONFERENCE & VENDOR SHOW
LAS VEGAS, NEVADA
MARCH 8,9,10 2022

Featured K-9 Unit

Delta Police (BC, Canada) Department

K-9 Advice & Opinion

Dog Selection and Training: Part 1

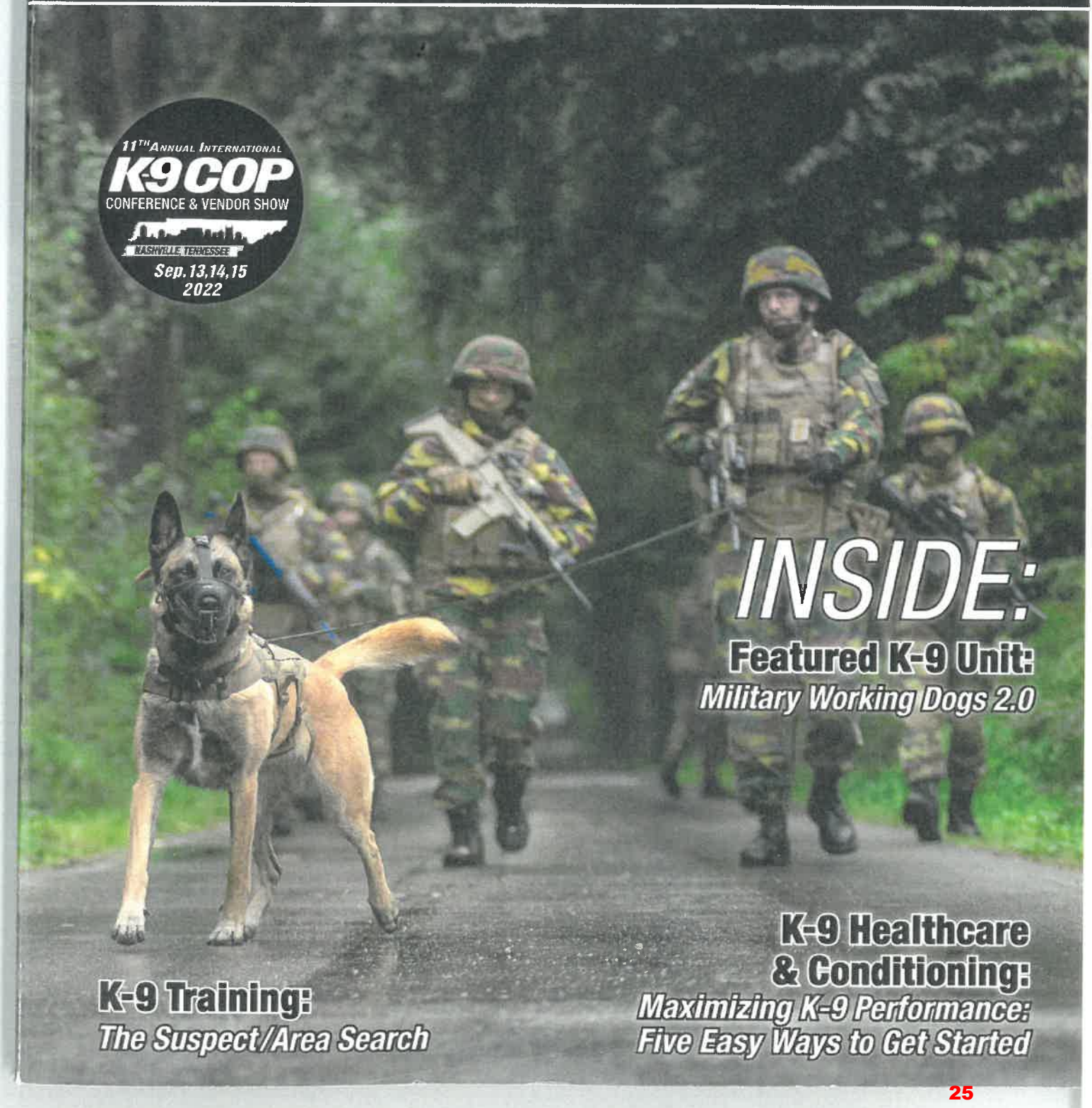
Scent Detection

Explosives Detection Canine Training: Raising the Bar

K-9 COP MAGAZINE™

ISSUE 67

FOR POLICE AND MILITARY WORKING DOG HANDLERS • $9.95



INSIDE:

Featured K-9 Unit:
Military Working Dogs 2.0

K-9 Healthcare & Conditioning:
Maximizing K-9 Performance: Five Easy Ways to Get Started

K-9 Training:
The Suspect/Area Search

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The appearance of U.S. Department of Defense (DoD) visual information does not imply or constitute DoD endorsement.

2022 TEXAS K-9 CONFERENCE

NAPWDA and Texas Fire Marshal's Office Certifications

When: Sept. 25 - 30
Where: Rockwall, TX
Cost: To Be Determined
Who: Accelerant, Patrol, Narcotics, Tracking, Explosives, and Cadaver K9 Teams
Hotel: To Be Determined
Contact: TXK9Conference@gmail.com

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(855) 573-3537



when he detects a snake, he'll either try to go around it or run the other way. If your dog exhibits this type of behavior, try to find an alternate route if possible.

Rattlesnake aversion training is not a guarantee of safety because there are several variables to consider. The dog could approach the snake from upwind or your dog may not see the snake. Most rattlesnakes make noise when warning people and animals, but some may not. You need to be aware of your environment and its potential threats. Training will give you and your dog every opportunity to avoid getting bitten in the first place.

Stay safe and keep your partner out of danger by providing all the tools necessary for aversion. Do not let this deadly killer be the last memory you have with your dog.

The key points to remember are:

- Contact local wildlife authorities to help you understand the threats in your area. Remember, rattlesnakes can be found in all parts of the country and can be potentially fatal.
- Rattlesnakes are most active in the morning and evening.
- Do not put a tourniquet on the bitten area.
- Most importantly, stay calm and seek medical attention immediately.

SNAKE BITE FIRST AID

WHAT TO DO:

- ✔ **Muzzle your pet to avoid being bitten**—snakebites can be painful, and your pet may try to protect herself.
- ✔ **Immobilize the part of the animal that has been bitten by the snake,** if this can be done safely. Try to keep it at or below the level of the heart.
- ✔ **Keep the pet calm and immobile;** carry if necessary.
- ✔ **Seek veterinary attention as soon as possible.**
- ✔ **Try to identify the snake if it can be done without risk: DO NOT ATTEMPT TO CAPTURE OR KILL THE SNAKE.** It is helpful to identify the type of snake to aid your veterinarian with treatment. Do not bring the snake into the veterinarian's office—a photograph will do.

WHAT NOT TO DO:

- ✗ **DO NOT** cut over the fang marks.
- ✗ **DO NOT** attempt to capture or kill the snake.
- ✗ **DO NOT** manipulate the bitten area any more than needed.
- ✗ **DO NOT** allow the pet to move about freely.
- ✗ **DO NOT** ice pack or tourniquet the area.
- ✗ **DO NOT** administer any medications except on a veterinarian's advice.

Source: www.VeterinaryPartner.com



Louis Robinson began his military career by enlisting in the US Air Force in 1995. He was an honorable graduate of the 341st Training Squadron. During Robinson's enlistment, he traveled around the world and assisted in training military and civilian police dogs. He has handled numerous dogs and has assisted with maintaining proficiency and solving problematic behavior. Since returning home to Arizona, Louis has worked at using his impeccable skills and experience to become a leader in the K-9 training industry. Visit **www.robinsondogtraining.com** for more information.


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248.218.6217 | EliteDetectionK9.com

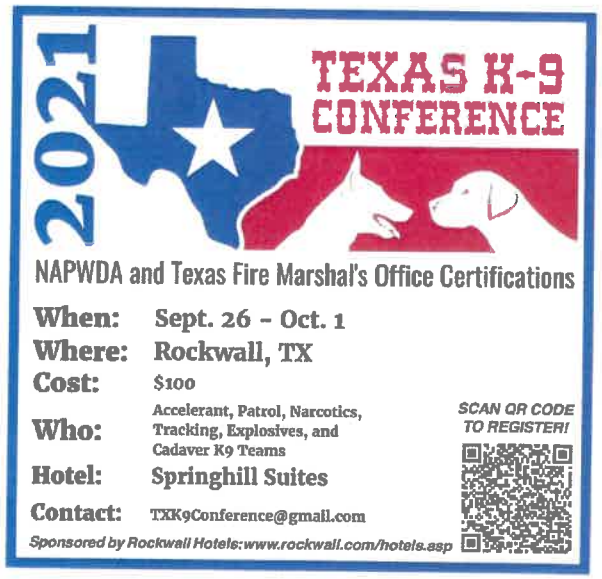

2021
TEXAS K-9 CONFERENCE
NAPWDA and Texas Fire Marshal's Office Certifications
When: Sept. 26 - Oct. 1
Where: Rockwall, TX
Cost: $100
Who: Accelerant, Patrol, Narcotics, Tracking, Explosives, and Cadaver K9 Teams
Hotel: Springhill Suites
Contact: TXK9Conference@gmail.com
SCAN QR CODE TO REGISTER!
Sponsored by Rockwall Hotels: www.rockwall.com/hotels.asp

Exhibit D

Texas Canine Conference Governing Body

President- Sam Stephenson (Rockwall Fire Department)

17450 Chaparral Trot

Rockwall, Texas 75087

214-304-0658

Vice President- David Rives (Texas State Fire Marshal's Office)

3604 Midwest Drive

Bryan, Texas 77802

979-777-3734

Treasurer- Chris Ford (Texas State Fire Marshal's Office)

812 County Road 3433

Lampasas, Texas 76550

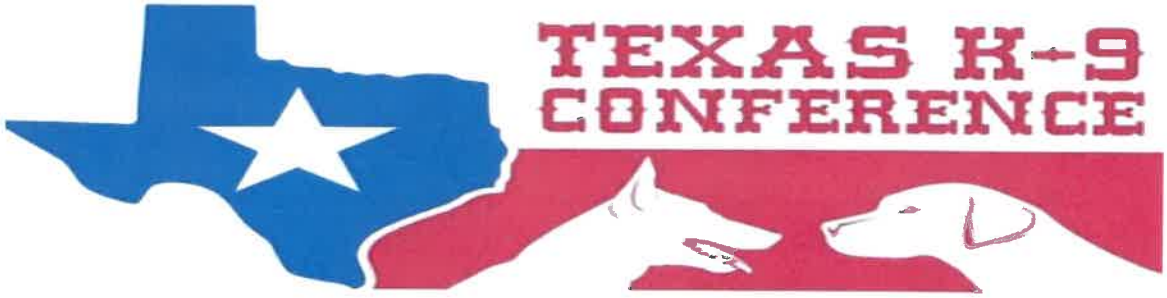
512-734-1903

Secretary- Billy Lang (Texas State Fire Marshal's Office)

2210 95th Street

Lubbock, Texas 79423

806-773-7217



Below are the expenses from the 2021 Texas Canine Conference held in Rockwall Texas September 26, 2021 through October 1, 2021.

1.	7/9/21	Advertising K9 Cop Magazine issue 1	400.00
2.	7/9/21	Advertising K9 Cop Magazine issue 2	400.00
3.	7/19/21	Instructor Airfare – Pleasant	369.96
4.	7/20/21	Instructor Airfare – Foisey	686.40
5.	8/2/21	Instructor Airfare – Devaney	150.98
6.	8/13/21	Centex Laser Engraving - Tumblers, Polos, Caps, plaques	3818.37
7.	8/23/21	Big Katz T's – Tshirts	1616.93
8.	8/25/21	Copy Cats – Tshirt shipping to Rockwall, Texas	56.93
9.	9/25/21	Beer Barn – Hospitality room	465.42
10.	9/26/21	Wal Mart (paid cash)	17.72
11.	9/26/21	Wal Mart (paid cash)	285.15
12.	9/27/21	Instructor Per Diem – Wrote check to Sam to cash	1500.00
13.	9/28/21	Instructor Airfare – Rosenau	406.96
14.	9/28/21	Springhill Suites – Conference Room	212.00
15.	9/28/21	Instructor Airfare – Hickman	181.96
16.	9/28/21	Kroger (paid cash)	71.55
17.	Sigels	Sigels (paid cash)	189.36
18.	10/1/21	Springhill Suites - Devaney Room	108.48
19.	10/1/21	Springhill Suites – Conference room, Banquet, Meal, Inst room	4748.98
20.	10/1/21	Reimburse Sam for Jason Deli, Firehouse subs and Chikfila (Firehouse subs337.05/ Jasons Deli 255.74/ Chikfila 354.14)	946.93
21.		Reimburse Sam for hotel room Check 1020	108.48
Total			16,742.56

Sep 30 ·

2021 Texas Canine Conference.

Thank you City of Rockwall for making this happen!!



Miranda Stephenson and 12 others 7 Shares

Stephenson, Marcus

From: Stephenson, Marcus
Sent: Thursday, August 5, 2021 8:12 AM
To: Stephenson, Marcus
Subject: Screensho.jpg



Sam Stephenson
Arson Investigator/Inspector
Rockwall Fire Department
191 E. Quail Run Road
Rockwall , TX 75087
972-771-7774

This email was scanned by Bitdefender

City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2022

Events held Oct. 1, 2021 – Sept. 30, 2022

Application

MUST BE TYPED or PRINTED

Deliver to:
City of Rockwall Finance Office
Attn: Lea Ann Ewing
385 S. Goliad St., Rockwall, TX 75087
Ph. 972-771-7700 Fax 972-771-7728 lewing@rockwall.com

Organization Name:	Rockwall High School Gymnastics Program
Name of Event:	2022 THSGCA High School Gymnastics State Championships
Date(s) of Event:	April 21– April 23, 2022
Funding Request $:	$18,000
Website Address:	www.thsgcastate2022.com
Mailing Address:	901 Yellowjacket Ln Rockwall, TX 75087
Physical Address:	901 Yellowjacket Ln Rockwall, TX 75087
Telephone:	972-771-7339 Fax:
Primary Contact Name: (Project Director)	Stephanie Tyson
Mailing Address:	401 Emerson Dr Rockwall, TX 75087
Email Address:	Stephanie.tyson@rockwallisd.org
Telephone:	214-450-1933 Fax:
Secondary Contact Name: (President/Board Chairman)	
Mailing Address:	
Email Address:	
Telephone:	Fax:

- **COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS**
- **INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE**

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

X☐ **Advertising/Tourism** **Requested funding amount $ $18,000**
Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

☐ **Arts** **Requested funding amount $**
Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

☐ **Historical** **Requested funding amount $**
Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (Oct. 1 2021 – Sept. 30, 2022) that you are requesting Hotel Tax funding. What is your event and why are you having it?
Rockwall High School has been selected to host the 2022 THSGCA High School State Championships. The state meet will be held at Rockwall High School

3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?
The state meet will host over 300 athletes and their families from all over the state of Texas. All, but a very few, will be renting hotel rooms for multiple nights as well as patroning restaurants and businesses in our community during their stay.

4. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
Yes Name location: Rockwall High School

5. Will your organization provide special event insurance coverage for the event/program if held on City property?
Yes Name of Insurance Company:

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms
THSGCA State Meet	2021	4 days	400+	
THSGCA State Meet	2019	3 days	400+	
THSGCA State Meet	2018	3 Days	400+	

7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C).
Hotels
Restaurants
Local Shopping businesses

8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
   a) Separate checking account without combining with any other revenues or maintained in any other bank account or
   b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

   Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

Exhibit A	Proposed budget for each event/program using attached form
Exhibit B	Letter of determination certifying federal tax exempt 501(c)(3) status
Exhibit C	Examples and evidence of marketing area and readership (limit 3)
Exhibit D	List members of the governing body including name, position, mailing address and phone number
Exhibit E	W-9 Form https://www.irs.gov/pub/irs-pdf/fw9.pdf?
Exhibit F	Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a/ result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman:

Date

Print Name

Signature

Event/Program Director:

Date
2·8·2022

Print Name
Stephanie Tyson

Stephanie Tyson

Signature

Both signatures are required for the application to be complete.

EXHIBIT A

Hotel Occupancy Tax Funding Request
Event/Program Budget - Program Year 2022

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name: Rockwall High School Gymnastics Program
Event/Program Name: THSGCA State Gymnastics Meet
Requested Funding: $ 18,000

Expenses (for this project only)		Total Expenses	HOT Funds Request
1. Personnel			
Administrative			
Artistic			
Technical			
Other personnel			
2. Fees for outside professional service			
Administrative			
Artistic			
Technical			
3. Space Rental			
4. Equipment Rental		3000	3000
5. Travel/Transportation			
6. Promotion/Printing		8000	8000
7. Costumes/Royalties			
8. Other (supplies, postage etc.)		5000	5000
9. Sub -Totals			
10. Total Expenses			18,000

Revenues (for this project only)		Total Revenues
1. Total Amount of HOT fund request		
2. Admissions (ticket and concessions)		
3. Donations		
4. Organizational funds budgeted		
5. Grants (State)		
6. Other (list):		
7. Other (list):		
8. Other (list):		
9. Other (list):		
10. Total income and contributions		
11. Total In-Kind		
12. Total Revenues		

Financial Information (for this project only)

Fiscal Year (Oct 1st – Sept 30th)		2019 actual	2020 actual	2021 actual	2022 Projected
Total Revenues					
Total Expenses					
Total Hotel funds awarded					

Jacket Backer Booster Club

501(c)(3) Charitable Organization

901 Yellowjacket Lane
Rockwall Texas 75087
EIN: 45-5158155

Our Mission

The association membership donates time to solicit donations, solicit memberships, organize athletic banquets, manage and distribute athletic scholarships, and support individual sports programs by participating in activities designed to raise funds for those specific sports sponsored by Rockwall High School. When the need arises, the association will also support our athletes through community service.

What We Need

All types of sponsorships are appreciated. Your donation enables us to support student athletes in a multitude of ways, promoting the development of good character, high morale, maximum effort, the highest standards of sportsmanship, competitive spirit, pride, and community service.

All donations are tax deductible. There are no administration fees.

Thank You So Much for Your Support!

Jacket Backer Booster Club sincerely thanks you for supporting Rockwall High School student athletes.

Board of Director Signature:_____ Date:_____

Donation Information

Donor Name:_____

Street Address:_____

City:_____ State:_____

Donation Description:_____

_____

37

May 2, 2012

Keep for your tax records

Revision B

Rockwall High School Jacketbacker Executive Board

President
James Schaefer

469-363-7020
Email: jschaefer@deliverymaxx.com

Vice President
Mike Edwards
Email: mje7504@gmail.com

Treasurer
Victoria Schaefer
Email: vicki.schaefer@sbcglobal.net

Secretary
Stephanie Joyce
Email: sjsjoyce@gmail.com

Athletic Coordinator
Trey Brooks

972-771-7339
Email: Trey.Brooks@rockwallisd.org

Asst. to Athletic Coordinator
Nancy Goellner

972-771-7339
Email: nancy.goellner@rockwallisd.org

City of Rockwall
The New Horizon

Hotel Occupancy Tax

Program Year 2022

Events held Oct. 1, 2021 – Sept. 30, 2022

Application

MUST BE TYPED or PRINTED

Deliver to:
City of Rockwall Finance Office
Attn: Lea Ann Ewing
385 S. Goliad St., Rockwall, TX 75087
Ph. 972-771-7700 Fax 972-771-7728 lewing@rockwall.com

Organization Name: Rockwall7ERS
Name of Event: Mens Professional Basketball Team
Date(s) of Event: March 4th- May 27th
Funding Request $: 95500
Website Address: Rockwall7ers.com
Mailing Address: 240 Sunny Corner Rd
Physical Address:
Telephone: 817-996-4718 Fax:

Primary Contact Name: Sammie Howard
(Project Director)
Mailing Address:

Email Address: sammiehoward@rockwall7ers.com
Telephone: 817-99-4718 Fax:

Secondary Contact Name:
(President/Board Chairman)
Mailing Address:

Email Address:
Telephone: Fax:

► **COMPLETE AN APPLICATION FOR EACH EVENT/PROGRAM/EXHIBIT REQUESTING FUNDS**

► **INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED TO THE COUNCIL SUBCOMMITTEE**

1. Mark an "X" next to the category or categories that your organization is requesting funds in the attached budget request.

X **Advertising/Tourism** **Requested funding amount $** 95500
Conducting solicitation or promotional programs that encourage tourists and delegates to come to the City of Rockwall.

Arts **Requested funding amount $ 0**
Providing encouragement, promotion, improvement and application of the arts as it relates to the presentation, performance execution or exhibition of the major art forms in the City of Rockwall.

Historical **Requested funding amount $ 0**
Providing historical restoration, preservation, programs and encouragement to visit preserved historic sites or museums located in the City of Rockwall.

2. Describe the program or event for the upcoming fiscal year (March 4th, 2022 - May 27th 2022) that you are requesting Hotel Tax funding. What is your event and why are you having it? This is Rockwall's first Professional Mens Basketball team playing 24 games 12 of those will be local.

3. How does the event/program meet the definition of the categories listed in Item No. 1 above (promotion of tourism and the hotel industry in the City of Rockwall)?
The 12 games will bring roughly 200 players over the 12 game home season not including family, friends, fans and the teams staff. Hotel occupancies will fill the positive impact as well as restaurants and retail.

4. Is the event/program that the organization is requesting Hotel Tax funds held in/on City-owned property?
No Name location: Royse City High School

5. Will your organization provide special event insurance coverage for the event/program if held on City property?
Yes Name of Insurance Company: National Casualty Company

6. Provide 3 years attendance history for the above listed programs, activities, exhibits or event described in Item No. 2 above.

Event	Year	Event Duration (in Days)	Audience Size	# of Attendees in hotel rooms

7. What specific market will you target with the event/program's marketing plan? Attach up to 3 examples and evidence of marketing area and readership (Label Exhibit C). TBLTV - All games will be broadcasted live in over 100 countries. rockwall7ers.com - Any one who visits our website will hear about Rockwall
FACEBOOK, TWITTER,INSTAGRAM
Thebasketballleague.net

8. The City of Rockwall must require segregated accounting of its Hotel funds. Organizations must maintain and account for revenue provided from the tax authorized by section 351.101(a) within one of the two options listed below.
   a) Separate checking account without combining with any other revenues or maintained in any other bank account or
   b) Maintain a line item accounting, whereby the Hotel revenues may not be combined with any other revenues or expenditures. The funds may be maintained in the same bank account, provided they are reported as a separate line item in the organization's budget. Interest earned on the Hotel revenues must be used to support the event/program as well.

   Will the organization be able to segregate the accounting process in either a) or b) above? Yes

9. Provide all of the following documentation with this application and label each as outlined below.

Exhibit A	Proposed budget for each event/program using attached form
Exhibit B	Letter of determination certifying federal tax exempt 501(c)(3) status
Exhibit C	Examples and evidence of marketing area and readership (limit 3)
Exhibit D	List members of the governing body including name, position, mailing address and phone number
Exhibit E	W-9 Form https://www.irs.gov/pub/irs-pdf/fw9.pdf?
Exhibit F	Form 1295 https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

We certify, to the best of our ability, that the information in this application, including all exhibits and supporting documentation is true and correct to the best of our knowledge. It is understood and agreed that any funds awarded as a/ result of this application will be used for the purpose set for herein and the program guidelines.

President/Board Chairman:

Date Print Name Sammie Howard

Signature

Event/Program Director:

Date Print Name

Signature

Both signatures are required for the application to be complete.

EXHIBIT A

Hotel Occupancy Tax Funding Request

Event/Program Budget - Program Year 2022

Financial information (round to the nearest dollar). Include a completed copy of this budget with funding request.

Organization Name: Rockwall7ERS

Event/Program Name: Mens Professional Basketball Team

Requested Funding: $ 95500

Expenses (for this project only)		Total Expenses	HOT Funds Request
1. Personnel			
Head Coach		20000	20000
Artistic - Jerseys		2000	2000
Technical - Live Stream TBLTV		3000	3000
Other personnel - Players,		36000	36000
2. Fees for outside professional service			
Administrative			
Artistic - Flyers for upcoming events		1500	1500
Technical - DJ, Announcers, Commentators and staff		5000	5000
3. Space Rental - High School Rental		12000	12000
4. Equipment Rental		1500	1500
5. Travel/Transportation		15000	15000
6. Promotion/Printing - Banners, Programs, Trading Cards, Billboards		3000	3000
7. Costumes/Royalties - Shirts		1000	1000
8. Other (supplies, postage etc.)			
9. Sub -Totals			
10. Total Expenses		95500	95500

Revenues (for this project only)		Total Revenues
1. Total Amount of HOT fund request		95500

2. Admissions (ticket and concessions)		26000			
3. Donations					
4. Organizational funds budgeted		0			
5. Grants (State)					
6. Other (list): Sponors		20000			
7. Other (list):					
8. Other (list):					
9. Other (list):					
10. Total income and contributions					
11. Total In-Kind					
12. Total Revenues		46000			
Financial Information (for this project only)					
Fiscal Year (Oct 1st – Sept 30th)		2019 actual	2020 actual	2021 actual	2022 Projected
Total Revenues					
Total Expenses					
Total Hotel funds awarded					

Exhibits B-F to follow.

CITY OF ROCKWALL, TEXAS
MEMORANDUM

TO: **Mary Smith, City Manager**

FROM: **Travis E. Sales, Director Parks, Recreation and Animal Services**

DATE: **March 3, 2022**

SUBJECT: **Grounds Maintenance Services Contract Extension**

The current large landscape maintenance services contract provides for mowing, weed eating, trimming and debris removal at City facilities, parks, street medians, ROW and thoroughfares. Maintenance includes but is not limited to all trees, shrubs, ground cover, beds, turf, mulch and application of some herbicides and insecticides. These contracts provide for an annual extension at end of the initial contract period for up to three consecutive years should the scope of work and contracted bid conditions remain the same; and both parties agree to the extension. Staff has determined that it is in the best interest of the City to renew these contracts this year as the Contractors have performed satisfactorily over the last 12 months.

Large Contract

The large service contract was granted an annual extension by city council in February 2021 (Year 2) awarded to Southlake Landscaping and Maintenance (SLM).

SLM has agreed to the contract renewal and asked for a 7.5% price increase in relation to their increase in salaries to retain experienced employees and rising fuel cost. This price increase request is afforded by contract and compared to the Municipal Cost Index (MCI) average percent change for 2021 Dallas/Fort Worth area of +8.48%. Using this index helps staff determine whether a price increase may be warranted. This 7.5% request equates to an annual contract increase of $44,264.13 based on the 2021 contract amount and some additional site added to the contract in 2021 and this increase will be absorbed in the current Parks and Harbor grounds maintenance budgets and amended budget. The 2022 contract renewal total including the 7.5% increase would be $634,452.36. A 3% increase was already in the 2021-2022 budget to be prepared for an increase request in the 2022 renewal cycle.

Staff asks City Council to consider authorizing the City Manager to execute this contract extension for a period of one year for the new 2022-projected cost.

CITY OF ROCKWALL, TEXAS
MEMORANDUM

TO: **Mary Smith, City Manager**

FROM: **Travis E. Sales, Director Parks, Recreation and Animal Services**

DATE: **March 3, 2022**

SUBJECT: **Grounds Maintenance Services Contract Extension**

The current small contract for grounds and landscape maintenance services provides for mowing, weed eating, trimming and debris removal at City facilities, parks, street medians, ROW and thoroughfares. Maintenance includes but is not limited to all trees, shrubs, ground cover, beds, turf, mulch and application of some herbicides and insecticides. These contracts provide for an annual extension at end of the initial contract period for up to three consecutive years should the scope of work and contracted bid conditions remain the same; and both parties agree to the extension. Staff has determined that it is in the best interest of the City to renew these contracts this year as the Contractors have performed satisfactorily over the last 12 months.

Small Contract
The small service contract (mostly tractor mowing) bid was awarded in 2021 to SRH Landscapes LLC

SRH has agreed to the contract renewal and asked for a 7.5% price increase in relation to an increase in cost of equipment, materials/supplies and rising fuel cost. This price increase request is afforded by contract and compared to the Municipal Cost Index (MCI) average percent change for 2021 Dallas/Fort Worth area of +8.48%. Using this index helps staff determine whether a price increase may be warranted. This 7.5% request equates to an annual contract increase of $6,574.58 based on the 2021 contract amount and some additional sites added to the contract in 2021 and this increase will be absorbed in the current Parks and Harbor grounds maintenance budgets and amended budget. The 2022 contract renewal total including the 7.5% increase would be $94,235.58. A 3% increase was already in the 2021-2022 budget to be prepared for an increase request in the 2022 renewal cycle.

Staff asks City Council to consider authorizing the City Manager to execute this contract extension for a period of one year for the new 2022-projected cost.

CITY OF ROCKWALL

ORDINANCE NO. 22-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK 9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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.

WHEREAS, the City has received a request from Asher Hamilton of RIV Properties, on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of a *PD Development Plan* for a 176-unit, condominium building to be situated within the *Hillside Mixed-Use Subdistrict* and the *Horizon/Summer Lee*, on a 3.95-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas and more fully described and depicted in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

NOW, THEREFORE, **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

SECTION 1. That Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 20-02*], as heretofore amended, shall be further amended by adopting this *PD Development Plan* and amending the official zoning map of the City of Rockwall for the *Subject Property*; and,

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated

herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *Conceptual Building Elevations*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 4. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 20-02*], and in compliance with the following conditions and requirements:

(1) The development of the subject property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance.

(2) The development of the subject property shall generally conform to the proposed *Conceptual Building Elevations* depicted in *Exhibit 'C'* of this ordinance and to the design guidelines contained in *Resolution No. 10-40*.

(3) The proposed condominium building shall not contain more than 176 urban residential units.

(4) All building materials and color schemes proposed for this development should conform to the requirements stipulated by Planned Development District 32 (PD-32) [*as amended*].

(5) Prior to the issuance of a building permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [*as amended*] and with the requirements approved in this ordinance.

(6) All buildings throughout the development shall be constructed with a consistent design scheme, incorporate four (4) sided architecture that creates an entry appearance on all four (4) sides, and be approved by the Architectural Review Board (ARB) at the time of the *PD Site Plan*.

SECTION 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* ($2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is

different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 8. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF FEBRUARY, 2022.

_____
Kevin Fowler, Mayor

ATTEST:

_____
Kristy Teague, City Secretary

APPROVED AS TO FORM:

_____
Frank J. Garza, City Attorney

1st Reading: February 22, 2022

2nd Reading: March 7, 2022

PARCEL 1 (TRACTS 1 & 2)

TRACT 1: All that certain 0.705-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lot 2 and part of Lots 1, 3 and 4, of Block 2 and Lots 1 and 2 and part of Lots 3 and 4, of Block 4 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being part of the tract of land described in a Warranty Deed to Culpepper/Spatex Joint Venture, recorded in Volume 209, Page 475 of the Deed Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap (illegible) found at the north end of a corner clip at the intersection of Summer Lee Drive, a variable width public right-of-way and Horizon Drive, a variable width public right-of-way per the right-of-way dedication to the City of Rockwall recorded in Instrument Number2005-0000338484 of the Official Public Records of said county;

THENCE with the northwest right-of-way line of Summer Lee Drive the following courses and distances;

South 38°15'10" West, a distance of 44.84-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 43°54'47" West, a distance of 14.91-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 43°55'59" West, a distance of 131.01-feet to a ½-inch iron rebar with a cap (illegible) found for corner in the southwest line of said Lot 3, Block 4 and in the northeast line of Lot 4, Block 6 of said addition;

THENCE North 45°23'07" West, with said southwest line and said northeast line, passing at a distance of 38.12-feet, to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in said northwest right-of-way line and the east corner of a called 0.160-acre tract of land described in a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of said Official Public Records, continuing with said southwest line of said Lot 3, Block 4, the southwest line of Lot 2, Block 4, the northwest line of said Lot 4, Block 6, the northwest line of Lot 1, Block 6 of said addition, and the northwest line of said 0.160-acre tract, in all, a total distance of 139.41-feet to a ½-inch iron rebar with a cap stamped "RPLS6484" set for the west corner of said Lot 2, Block 4, the north corner of said Lot 1,Block 6 and in the southeast line of a 40 foot wide easement, recorded in said addition;

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2 Block 4 and said Lot 1 and Lot 2, Block 2 and said southeast line of said 40 foot wide easement, a distance of 230.94-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the southwest right-of-way line of said Horizon Drive at the beginning of a non-tangent curve to the left, with a radius of 510.50-feet and a chord which bears South 37°22'46" East, a distance of 14.17-feet;

THENCE with said southwest right-of-way line of Horizon drive the following courses and distances;

Along said curve to the left, with a central angle of 01°35'26" and an arc distance of 14.17-feet to a ½-inch iron rebar with a cap (illegible) found for the beginning of a compound curve to the left, with a radius of 576.50-feet, and a chord which bears South 41°42'06" East, a distance of 70.67-feet;

Along said curve to the left, with a central angle of 07°01'39" and an arc distance of 70.71-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 45°16'48" East, a distance of 17.37-feet to the *POINT OF BEGINNING* and containing 0.705-acres (30,690 square-feet) of land.

TRACT 2: All that certain 0.463-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall

County, Texas and being Lots 1, 2, 3 and 4, Block 3 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being part of the tract of land described in a Warranty Deed to Culpepper/Spatex Joint Venture, recorded in Volume 209, Page475 of the Deed Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 3, and at the intersection of a 20 foot wide easement, recorded in said addition, from which a ½-inch iron rebar with a cap stamped "RPLS 5034" found bears North 73°52'22" West a distance of 22.02-feet and a 5/8 inch iron rebar with a cap stamped "Sam Inc" found bears North 88°48'34"East, a distance of 27.56-feet;

THENCE North 43°50'43" East, with the northwest line of said Lot 1 and Lot 2, Block 3 and the southeast line of the 20-foot-wide easement, a distance of 131.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 3 and the west corner of Lot 2, Block 1 of said addition;

THENCE South 45°21'44" East, with the northeast line of said Lot 1 and Lot 4, Block 3 and the southwest line of said Lot 2, Block 1 and Lot 3, Block 1 of said addition, a distance of 154.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said Lot 4, Block 3, the south corner of said Lot 3, Block 1 and in the northwest line of a 40 foot wide easement as recorded in said addition;

THENCE South 43°50'43" West, with the southeast line of said Lot 3 and Lot 4 Block 3 and said northwest line of said 40 foot wide easement, a distance of 131.01feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 3, Block 3 and at the intersection of said northwest line of the 40 foot wide easement and the northeast line of said 20 foot wide easement;

THENCE North 45°21'44" West, with the southwest line of said Lot 2 and Lot 3, Block 3, and the northeast line of said 20-feet wide easement, a distance of 154.01-feet to the *POINT OF BEGINNING* and containing 0.463-acres (20,176 square-feet) of land.

Parcel 2

All that certain 0.160-acre tract of land in the Edward Teal Survey, Abstract No. 207,Rockwall County, Texas and being Lot 1 and part of Lot 4, Block 6 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being same 0.160-acre tract of land described a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said 0.160-acre tract, in the northeast line of said Lot 4, Block 6, the southwest line of Lot 3, Block 4 of said addition and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way, from which a ½-inch iron rebar with a cap (illegible) found in said northwest right-of-way line bears South45°23'07" East, a distance of 38.12-feet;

THENCE with the southeast line of said 0.160-acre tract and said northwest right-of-way line, the following courses and distances;

South 49°50'10" West, a distance of 25.57-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner;

North 45°40'41" West, a distance of 20.93-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the southeast line of said Lot 1, Block 6 and the northwest line of said Lot 4, Block 6;

South 44°13'18" West, a distance of 39.98-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said 0.160-acre tract, the south corner of said Lot 1, Block 6, the west corner

of said Lot 4, Block 6 the north corner of Lot 3, Block 6 of said addition, the east corner of Lot 2, Block 6 of said addition, and the east corner of a called 0.18-acre tract described in a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of said Official Public Records;

THENCE North 45°21'44" West, with the southwest line of said 0.160-acre tract, the southwest line of said Lot 1, Block 6, the northeast line of said 0.18-acre tract, and the northeast line of said Lot 2, Block 6, passing at a distance of 77.43-feet, a 1/2inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 1, Block 6, the north corner of said Lot 2, Block 6 and in the southeast line of a 40foot wide easement, recorded in said addition, in all, a total distance of 97.43-feet to the west corner of said 0.160-acre tract, the north corner of said 0.18-acre tract and in the center of said 40 foot wide easement;

THENCE North 43°50'43" East, with the center of said 40-foot-wide easement, a distance of 65.51-feet to the north corner of said 0.160-acre tract;

THENCE South 45°23'21" East, with the northeast line of said 0.160-acre tract, passing at a distance of 20.00-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 6, the west corner of said Lot 2, Block 4 of said addition, continuing with said northeast line of the 0.160-acre tract, the northeast line of said Lot 1 and Lot 4, Block 6, and the southwest line of said Lot2 and Lot 3, Block 4, in all, a total distance of 121.30-feet to the *POINT OF BEGINNING* and containing 0.160-acres (6,964 square-feet) of gross area, 0.130-acres (5,654 square-feet) of net area of land.

Parcel 3

All that certain 0.175-acre tract of land in the Edward Teal Survey, Abstract No. 207,Rockwall County, Texas and being Lot 2 and part of Lot 3, Block 6 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being a called 0.18-acre tract of land described a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the south corner of said 0.18-acre tract, in the southwest line of said Lot 3, Block 6 and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way, from which a ½-inch iron rebar with a cap stamped "RPLS 5034" found in said right-of-way bears South 45°21'27" East, a distance of 19.89-feet;

THENCE North 45°21'27" West, with the southwest line of said 0.18-acre tract, said southwest line of Lot 3, Block 6 and, in said northwest right-of-way line, passing at a distance of 43.01-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 2, Block 6, the west corner of said Lot 3, Block 6 and the west corner of Lot 1, Block 8 of said addition, departing said northwest right-of-way line and continuing with said southwest line of the 0.18-acre tract, the southwest line of said Lot 2, Block 6 and the northwest line of said Lot 1, Block 8, passing at a distance of 119.67-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 6, the north corner of said Lot 1, Block 8 and in the southeast line of a 40 foot wide easement recorded in said addition, continuing with said southwest line of the 0.18-acre tract, in all, a total distance of 139.67-feet to the west corner of said 0.18-acre tract and in the center of said 40 foot wide easement;

THENCE North 43°50'43" East, with the northwest line of said 0.18-acre tract and in the center of said 40 food wide easement, a distance of 65.50-feet to the north corner of said 0.18-acre tract and the west corner of a called 0.160-acre tract of land described a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of said Official Public Records;

THENCE South 45°21'44" East, with the northeast line of said 0.18-acre tract and the southwest line of said 0.160-acre tract, passing at a distance of 20.00-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 2, Block 6 and the west corner of said Lot 1, Block 6, continuing with said northeast line of the 0.18-acre tract, the northeast line of said Lot 2, Block 6, said southwest line of the 0.160-acre tract and the southwest line of said Lot 1, Block 6, in all, a total distance of 97.43-feet to

a ½-inch iron rebar with a cap stamped “RPLS 6484” set for the west corner of said 0.18-acre tract, the west corner of said Lot 2, Block 6, the south corner of said 0.160-acre tract, the south corner of said Lot 1, Block 6 and, in said northwest right-of-line of Summer Lee Drive;

THENCE with the southeast line of said 0.18-acre tract and said northwest right-of-way line, the following courses and distances;

South 44°13’18” West, a distance of 19.50-feet to a ½-inch iron rebar with a cap stamped “RPLS 5034” found for corner;

South 09°43’47” East, a distance of 46.51-feet to a ½-inch iron rebar with a cap stamped “RPLS 5034” found for corner;

South 29°14’41” West, a distance of 19.61-feet to the *POINT OF BEGINNING* and containing 0.175-acres (7,635 square-feet) of gross area and 0.145-acres (6,325 square-feet) of net area of land.

Parcel 4

All that certain 0.230-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lots 1 and 2, Block 8 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped “RPLS 5034” found for the south corner of said Lot 2, Block 8, the west corner of Lot 3, Block 8 of said addition, the east corner of Lot 1, Block 10 of said addition and the north corner of Lot 4,Block 8 of said addition, from which, a ½-inch iron rebar with a cap stamped “RPLS5034” found bears South 45°21’46” East, a distance of 63.39-feet;

THENCE North 45°21’46” West, with the southwest line of said Lot 2, Block 8 and the northeast line of said Lot 1, Block 10, a distance of 76.12-feet to a ½-inch iron rebar with a cap stamped “RPLS 6484” set for the west corner of said Lot 2, Block 8,the north corner of said Lot 1, Block 10 and in the southeast line of a 40 foot wide easement recorded in said addition;

THENCE North 43°50’43” East, with the northwest line of said Lot 1 and Lot 2 Block 8 and said southeast line of the 40 foot wide easement, a distance of 130.96feet to a ½-inch iron rebar with a cap stamped “RPLS 6484” set for the north corner of said Lot 1, Block 8, the west corner of Lot 2, Block 6 of said addition and in the southwest line of a called 0.18-acre tract of land described a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of the Official Public Records of said county;

THENCE South 45°21’27” East, with the northeast line of said Lot 1, Block 8, the southwest line of said Lot 2, Block 6 and said southwest line of the 0.18-acre tract, a distance of 76.66-feet to a ½-inch iron rebar with a cap stamped “RPLS 6484” set for the east corner of said Lot 1, Block 8, the south corner of said Lot 2, Block 6, the west corner of Lot 3, Block 6 of said addition and the north corner of said Lot 4, Block 8, from which a ½-inch iron rebar with a cap stamped “RPLS 5034” found for the south corner of said 0.18-acre tract and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way bears South 45°21’27” East, a distance of 43.01-feet;

THENCE South 44°04’51” West, with the southeast line of said Lot 1 and Lot 2, Block 8 and the northwest line of said Lot 3 and Lot 4, Block 8, passing at a distance of 114.25-feet, a ½-inch iron rebar found, in all, a total distance of 130.95feet to the POINT OF BEGINNING and containing 0.230-acres (10,002 square-feet) of land.

Parcel 5

All that certain 1.245-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lots 1, 3 and 4, and part of Lot 2 Block 5, Lots 3 and 4 and part of Lot 2, Block 7 and Lots 1, 2, 3 and 4, Block 9 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A,

Slide 47B of the Plat Records of said county, and being all of the tract of land described in a General Warranty Deed to Dimensions Real Estate Services, recorded in Instrument No.2011-00451974 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of Lot 2, Block 9, the north corner of Lot 1, Block 11 of said addition, and in the southwest line of a 20 foot wide easement recorded in said addition;

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2, Block 9 and Lot 2, Block 7 and said southeast line of the 20 foot wide easement, a distance of 135.22-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the northwest line of said Lot 2, Block 7 and in the south right-of-way line of Pinnacle Way, a 58 foot wide public right-of-way, from which a ½-inch iron rebar found at the intersection of said south right-of-way line of Pinnacle Way and the east right-of-way line of Sunset Ridge Drive, a variable width public right-of-way bears South 72°49'03" West, a distance of 184.95-feet;

THENCE North 72°49'03" East, with said south right-of-way line of Pinnacle Way, a distance of 69.48-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner in the northeast line of said Lot 2, Block 9;

THENCE South 45°37'46" East, continuing with said south right-of-way line of Pinnacle Way and with the northeast line of said Lot 2, Block 9, a distance of 42.61-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the east corner of said Lot 2, Block 9, the north corner of said Lot 3, Block 9 and the west corner of said Lot 4, Block 7;

THENCE North 44°12'16" East, continuing with said south right-of-way line of Pinnacle Way and with the northwest line of said Lot 4, Block 7, a distance of 65.39feet to a 5/8 inch iron rebar with a cap stamped "Maddox" found for the north corner of said Lot 4, Block 7, the west corner of said Lot 3, Block 7, the south corner of said Lot 2, Block 7, and the east corner of the terminus of said Pinnacle Way;

THENCE North 45°28'03" West, with the east right-of-way line of said Pinnacle Way and the southwest line of said Lot 2, Block 7, a distance of 41.44-feet to a 5/8-inch iron rebar with a cap stamped "Maddox" found in said east right-of-way line of Pinnacle Way;

THENCE North 17°34'51" West, departing said southwest line of said Lot 2, Block 7 and continuing with said east right-of-way line of Pinnacle Way, passing at a distance of 28.13-feet to the north corner of the terminus of said Pinnacle Way, in all, a total distance of 40.12-feet to a ½-inch iron rebar with a cap stamped "RPLS6484" set in the northwest line of said Lot 2, Block 5 and in the southeast line of a20 foot wide easement recorded in said addition;

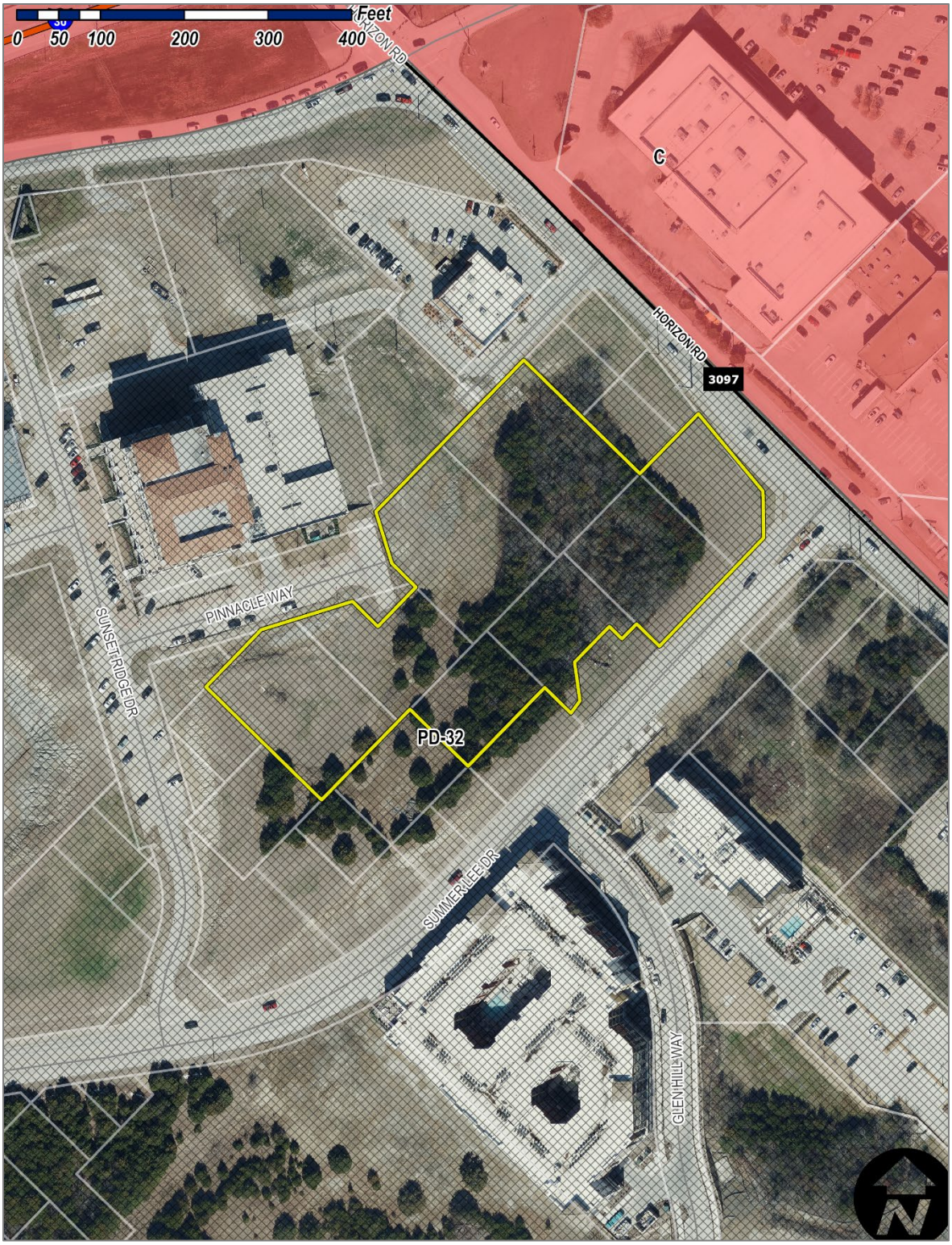
THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2, Block 5 and said southeast line of the 20 foot wide easement, a distance of 112.80feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 5 and the intersection of said southeast line of the 20 foot wide easement and the southwest line of another 20 foot wide easement recorded in said addition, from which a 5/8 inch iron rebar with a cap stamped "Sam Inc" bears North 44°39'37" West, a distance of 19.25-feet;

THENCE South 45°21'44" East, with the northwest lines of said Lot 1 and Lot 4, Block 5 and said southwest line of the 20 foot wide easement, a distance of 154.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 4, Block 5 and the intersection of said southwest line of the 20 foot wide easement and the northwest line of a 40 foot wide easement recorded in said addition;

THENCE South 43°50'43" West, with the southeast lines of said Lots 3 and 4, Block 5, Lots 3 and 4, Block 7 and Lots 3 and 4, Block 9 and said northwest line of the 40 foot wide easement, a distance of 393.33-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 3, Block 9 and the east corner of said Lot 4, Block 11 of said addition, from which a ½-inch iron rebar found bears South

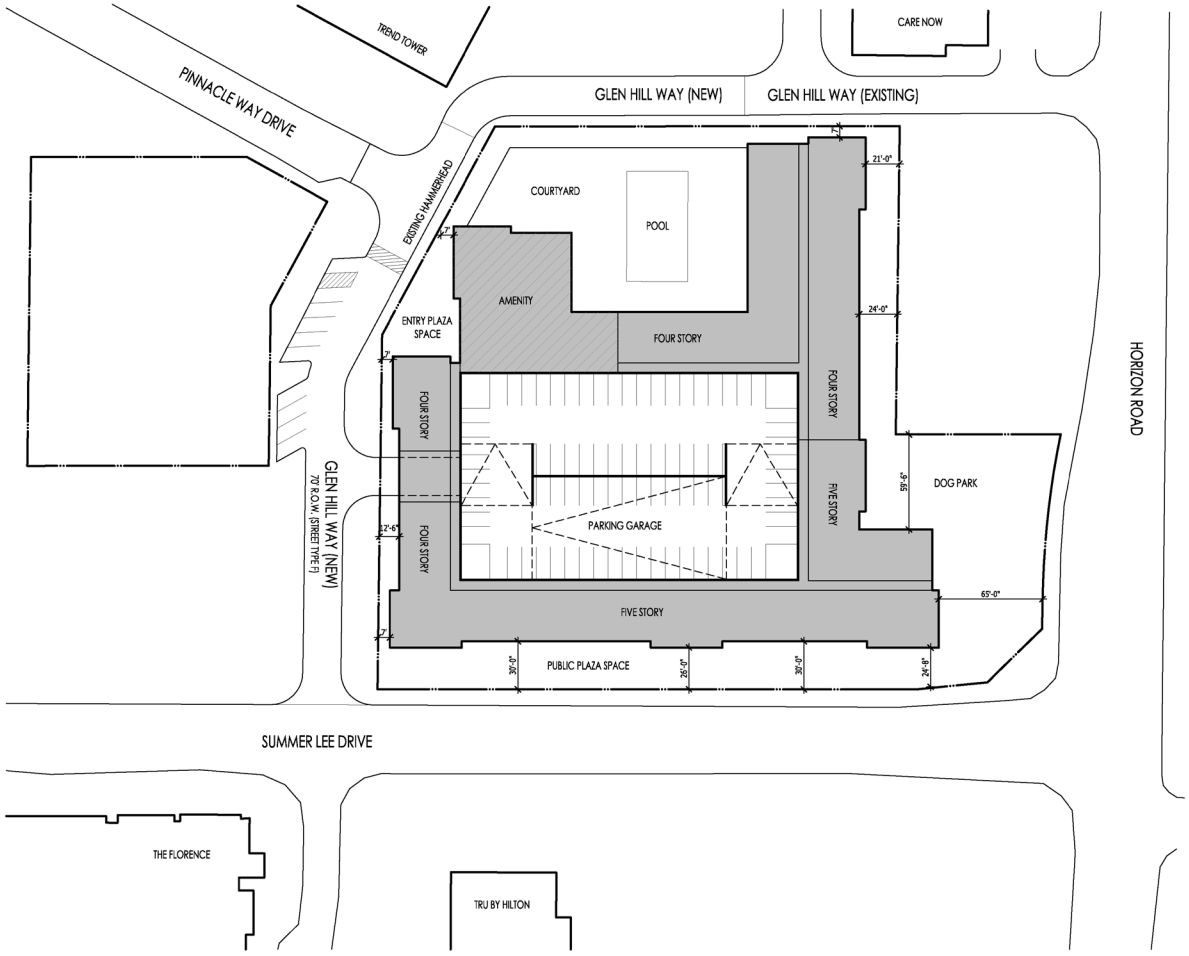
45°25’13” East, a distance of 18.07-feet;

THENCE North 45°25’13” West, with the southwest lines of said Lots 2 and 3, Block 9 and the northwest lines of said Lots 1 and 4, Block 11, passing at a distance of 78.94-feet, a ½-inch iron rebar with a cap stamped “RPLS 5034” found for the west corner of said Lot 3, Block 9, the south corner of said Lot 2, Block 9, the east corner of said Lot 1, Block 11, and the north corner of said Lot 4, Block 11, in all, a total distance of 154.01-feet to the *POINT OF BEGINNING* and containing 1.245-acres (54,217 square-feet) of land.


Feet
0
50
100
200
300
400
HORIZON RD
C
HORIZON RD
3097
PINNACLE WAY
SUNSET RIDGE DR
PD-32
SUMMERLEE DR
GLEN HILL WAY
N

PROJECT DATA

SITE AREA:	REQUIRED PARKING:		
2.84 ACRES (ESTIMATED)	1 BR UNITS	104 UNITS	156 SPACES
60% LOT COVERAGE	2 BR UNITS	72 UNITS	144 SPACES
	TOTAL UNITS	176 UNITS	300 SPACES
(1) FOUR/FIVE STORY BUILDING			
209,000 GSF	PROVIDED PARKING:		
167,200 NRSF	GARAGES		300 SPACES
950 SF AVG. UNIT SIZE	TOTAL PARKING		300 SPACES
176 UNITS			
INTERIOR AMENITY SPACE	300 PARKING SPACES PROVIDED		
7,500 GSF	@ 1.7 SPACE / UNIT		



TRUE NORTH PLAN NORTH

01 PD DEVELOPMENT PLAN

Scale: 1" = 40'-0"


2901



CITY OF ROCKWALL

ORDINANCE NO. 22-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 1.20-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK D, HARBOR DISTRICT ADDITION AND LOTS 3 & 4, BLOCK 11 AND LOTS 1, 2, 3, & 4, BLOCK 12, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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.

WHEREAS, the City has received a request from Louis Clark of KinoD, LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of a *PD Development Plan* for a 42-unit, condominium building to be situated within the *Hillside Mixed-Use Subdistrict*, on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor Addition and Lots 3, & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas and more fully described and depicted in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

NOW, THEREFORE, **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

SECTION 1. That Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 20-02*], as heretofore amended, shall be further amended by adopting this *PD Development Plan* and amending the official zoning map of the City of Rockwall for the *Subject Property*; and,

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 3. That development of the *Subject Property* shall generally be in accordance with

the *Conceptual Building Elevations*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 4. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 20-02*], and in compliance with the following conditions and requirements:

(1) The development of the subject property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance.

(2) The development of the subject property shall generally conform to the proposed *Conceptual Building Elevations* depicted in *Exhibit 'C'* of this ordinance and to the design guidelines contained in *Resolution No. 10-40*.

(3) The proposed condominium building shall not contain more than 42 urban residential units.

(4) All building materials and color schemes proposed for this development should conform to the requirements stipulated by Planned Development District 32 (PD-32) [*as amended*].

(5) Prior to the issuance of a building permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [*as amended*] and with the requirements approved in this ordinance.

(6) All buildings throughout the development shall be constructed with a consistent design scheme, incorporate four (4) sided architecture that creates an entry appearance on all four (4) sides, and be approved by the Architectural Review Board (ARB) at the time of the *PD Site Plan*.

SECTION 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* ($2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council

of the City of Rockwall, Texas;

SECTION 8. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MARCH, 2022.

_____
Kevin Fowler, Mayor

ATTEST:

_____
Kristy Teague, City Secretary

APPROVED AS TO FORM:

_____
Frank J. Garza, City Attorney

1st Reading: February 22, 2022

2nd Reading: March 7, 2022

Exhibit 'A':
Legal Description and Location Map

BEING a tract of land situated in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being all of Lots 1 and 2 of Block 12 and part of Lots 3, and 4 of Block 12, and all of Lots 3 and 4 of Block 11 and part of a 20-foot easement as shown on George Morton Estate Addition, an addition to the City of Rockwall, recorded in Volume A, Page 47, Plat Records, Rockwall County, Texas, and all of Lot 1, Block D of Harbor District Addition, an addition to the City of Rockwall, recorded in Instrument No. 20140000003301, Official Public Records, Rockwall County, Texas, and being all of a called 0.2938-acre tract of land described in General Warranty Deed to Olumide Adebowale recorded in Instrument No. 20210000034928, of said Official Public Records, and being all of a called 0.18-acre tract of land described in Special Warranty Deed to Olumide Adebowale recorded in Instrument No. 20210000025046, of said Official Public Records and being all of the land described as "Tract 1" and "Tract 2" in Special Warranty Deed to Olumide Adebowale, recorded in Instrument No. 20210000034977, of said Official Public Records and being more particularly described as follows:

BEGINNING at a ½-inch iron rod found in the northwest right-of-way line of Summer Lee Drive (a variable width right-of-way) and being the south corner of said Lot 1, Block D;

THENCE departing said northwest right-of-way line of Summer Lee Drive and with the southwest line of said Lot 1, Block D, North 45°47'16" West, a distance of 67.53-feet to a ½-inch iron rod found at the beginning of a non-tangent curve to the right with a radius of 126.00-feet, a central angle of 01°35'35", and a chord bearing and distance of North 24°31'45" East, 3.50-feet and being a west corner of said Lot 1, Block D and being in the east right-of-way line of Sunset Ridge Drive (a variable width right-of-way) recorded in Instrument Number 201400000003301, of said Official Public Records;

THENCE with said east right-of-way line of Sunset Ridge Drive and west line of said Lot 1, Block D, the following courses and distances:

In a northeasterly direction, with said non-tangent curve to the right, an arc distance of 3.50-feet to a ½-inch iron rod found for corner at the beginning of a reverse curve to the left with a radius of 174.00-feet, a central angle of 42°35'25", and a chord bearing and distance of North 04°01'49" East, 126.38-feet;

In a westerly direction, with said reverse curve to the left, an arc distance of 129.34-feet to a ½-inch iron rod found for corner;

North 17°15'53" West, a distance of 29.94-feet to a ½-inch iron rod found for corner;

North 72°44'07" East, a distance of 7.72-feet to a ½-inch iron rod found for the northeast corner of said Lot 1, Block D, and being in the southwest line of said 0.2938-acre tract;

THENCE continuing with said east right-of-way line of Sunset Ridge Drive and with the southwest line of said 0.2938-acre tract, North 45°21'56" West, a distance of 14.15-feet to a 5/8-inch iron rod found for the west corner of said 0.2938-acre tract;

THENCE continuing with said east right-of-way line of Sunset Ridge Drive and with the northwest line of said 0.2938-acre tract, North 44°17'17" East, a distance of 14.70-feet to a 5/8-inch iron rod found for corner;

THENCE departing said east right-of-way line of Sunset Ridge Drive and continuing with the northwest line of said 0.2938-acre tract, North 44°11'47" East, a distance of 116.31-feet to a ½-inch iron rod with plastic cap stamped "R.S.C.I. 5034" found for the north corner of said 0.2938-acre tract;

THENCE with the northeast line of said 0.2938-acre tract, South 45°26'20" East, a distance of 97.73-feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the east corner of said 0.2938-acre tract;

THENCE with the northwest line of said existing 20-foot Easement shown on George Morton Estate Addition and North 44°11'47" East, a distance of 20.00-feet to a ½-inch iron rod found for corner;

THENCE departing said northwest line and over and across said 20-foot Easement and with the northeast line of said Lots 1 and 4 of Block 12 of the George Morton Estate Addition, South 45°26'20" East, a distance of 160.57-feet to a ½-inch iron rod with plastic cap stamped "R.S.C.I. 5034" found for the corner in said northwest right-of-way line of said Summer Lee Drive;

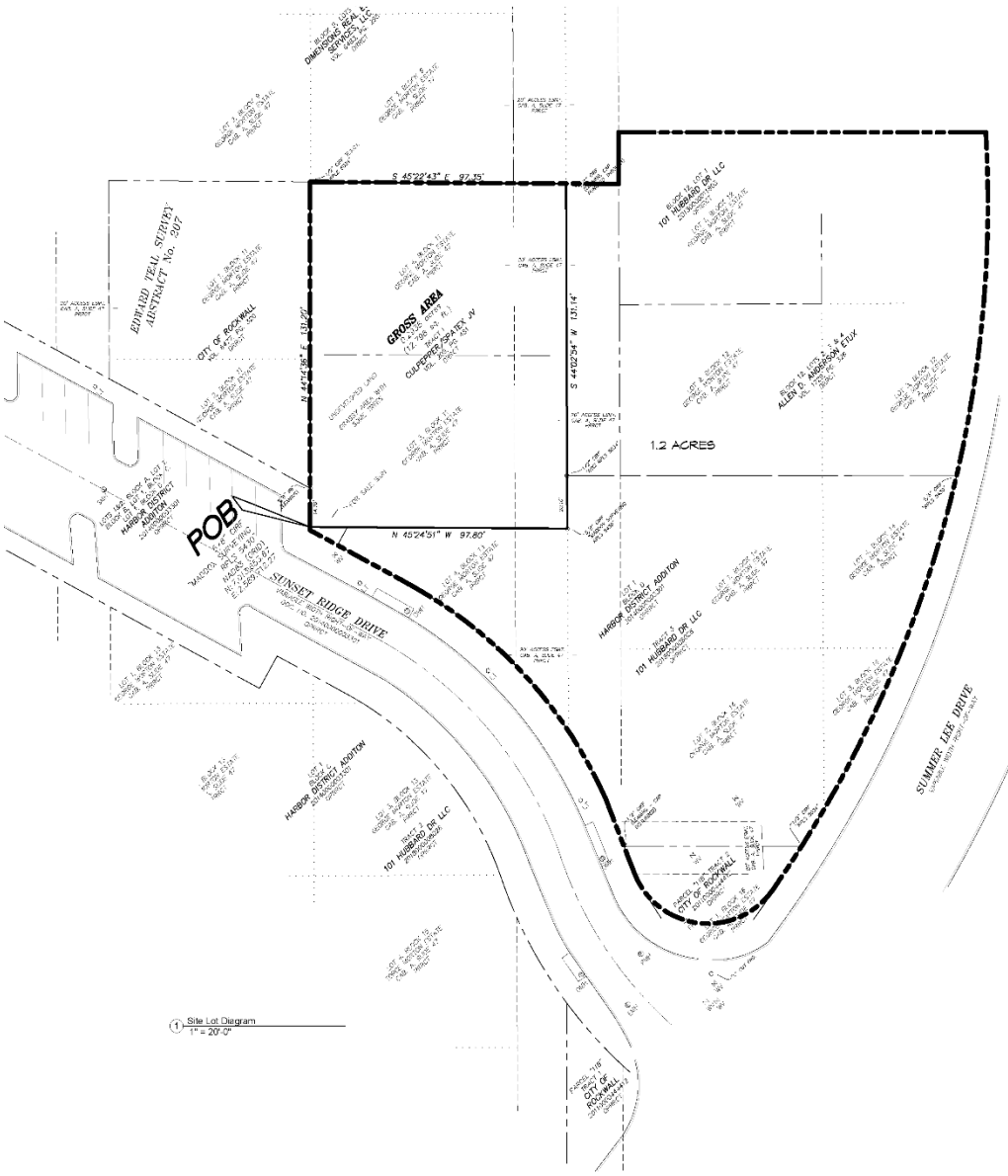
THENCE with said northwest right-of-way line of Summer Lee Drive, the following courses and distances:

> South 43°53'07" West, a distance of 19.52-feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner at the beginning of a tangent curve to the right with a radius of 467.50-feet, a central angle of 32°24'23", and a chord bearing and distance of South 60°05'18" West, 260.91-feet;

THENCE in a northerly direction, with said tangent curve to the right, an arc distance of 264.42-feet to the *POINT OF BEGINNING* and containing 53,115 square-feet or 1.2194-acres of land.

Bearing system based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983(2011).

Exhibit 'A':
Legal Description and Location Map



1 Site Lot Diagram
1" = 20'-0"



Exhibit 'B':
Concept Plan

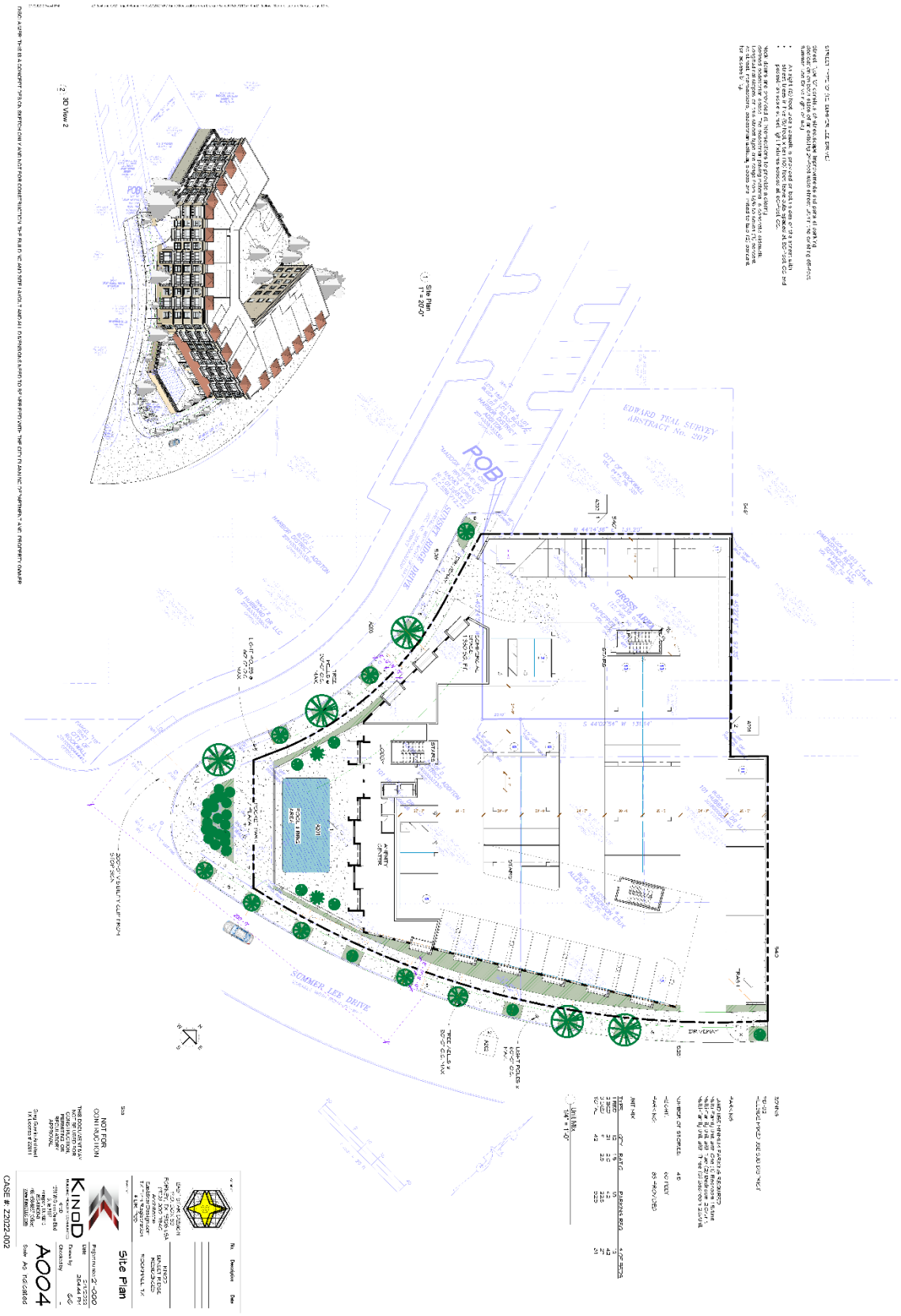


Exhibit 'B':
Concept Plan

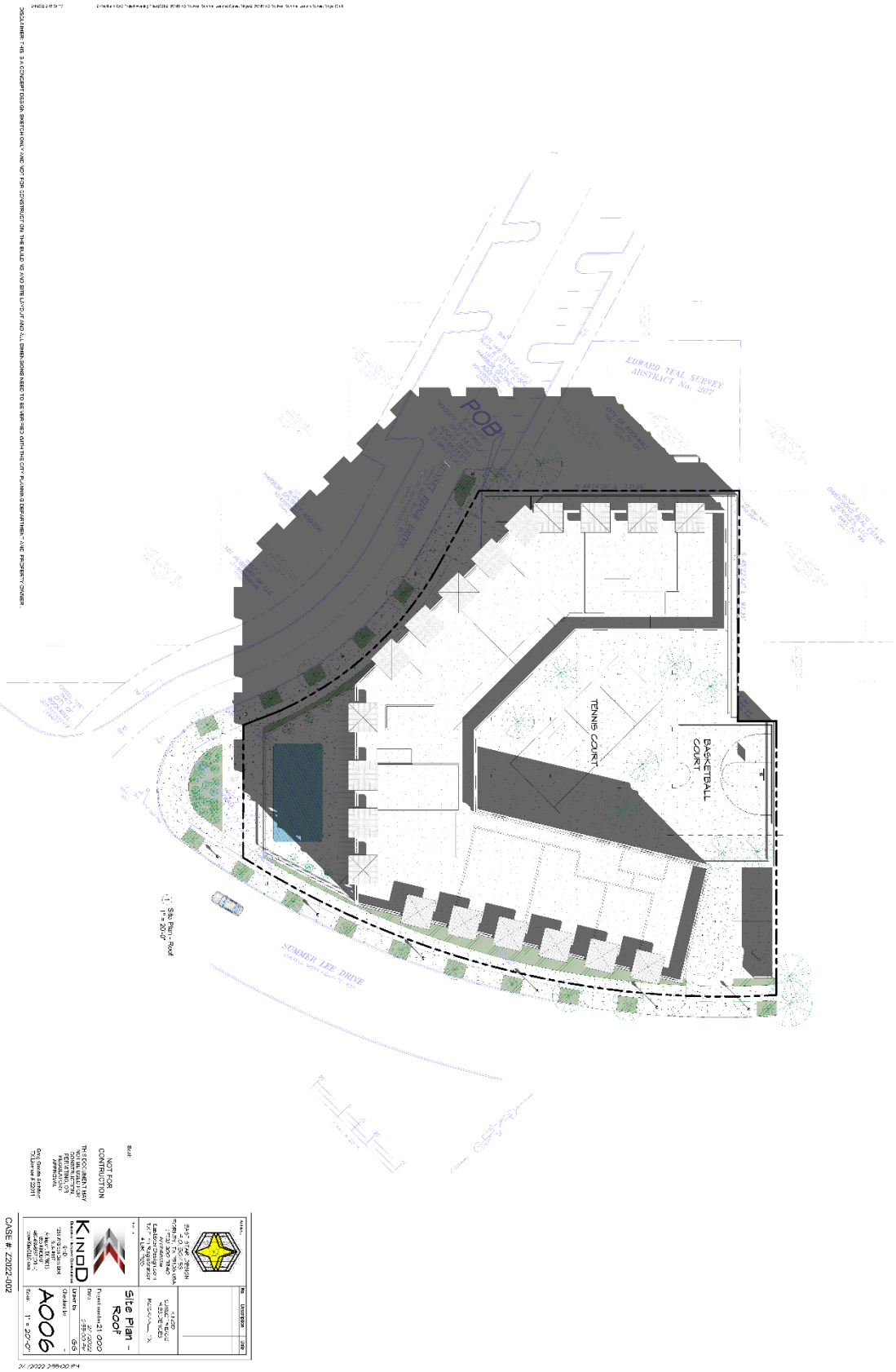


Exhibit 'C':
Conceptual Building Elevations

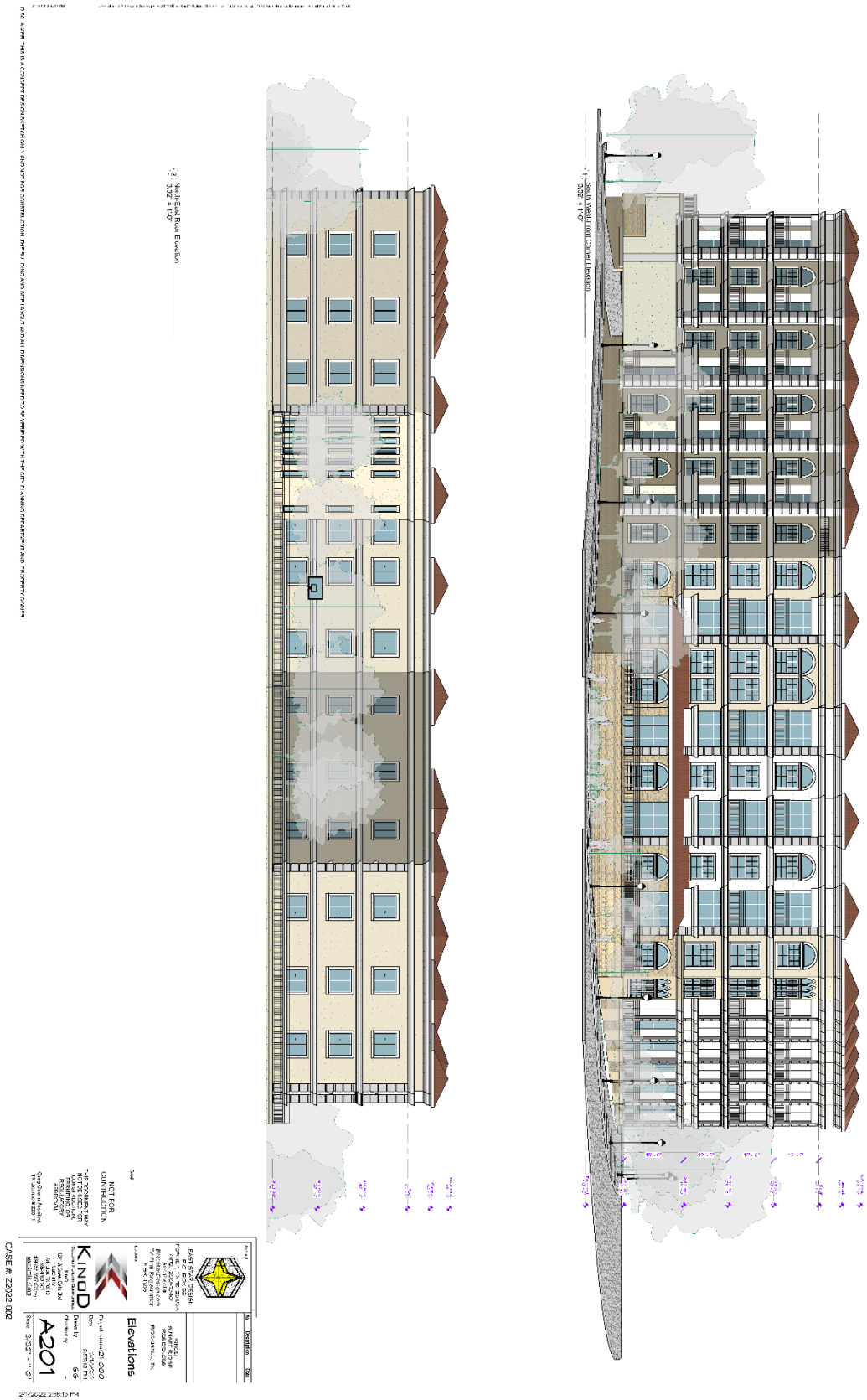


Exhibit 'C':
Conceptual Building Elevations

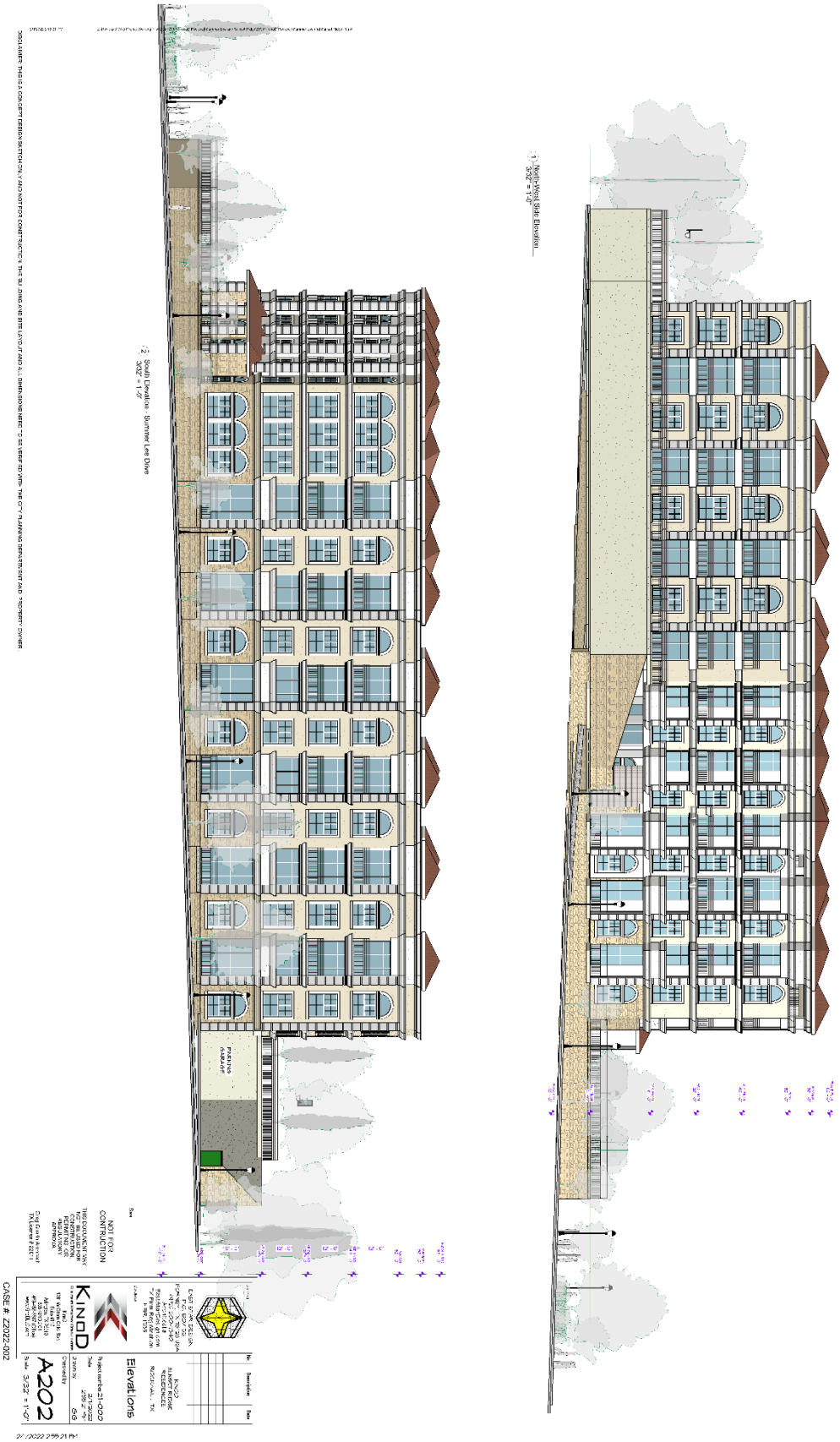
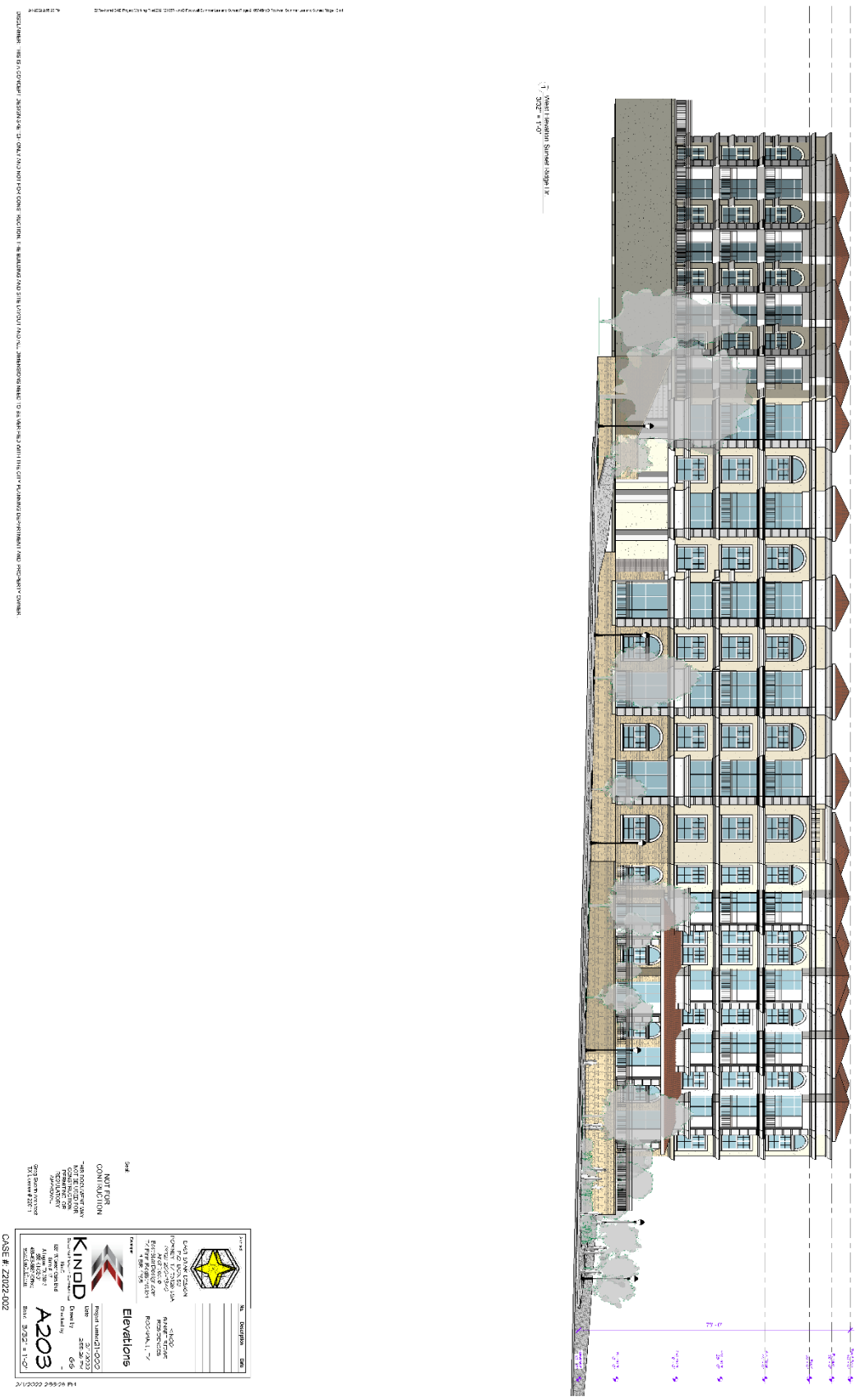


Exhibit 'C':
Conceptual Building Elevations



CITY OF ROCKWALL

ORDINANCE NO. 22-12

SPECIFIC USE PERMIT NO. S-271

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO. 19-41*] 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 TWO (2) *RESTAURANTS, 2,000 SF OR MORE, WITH DRIVE-THROUGH OR DRIVE-IN* ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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.

WHEREAS, the City has received a request from Bowen Hendrix of DeWest Realty, LLC on behalf of John Arnold of the Skorburg Company for the approval of a Specific Use Permit (SUP) for a *Restaurant, 2,000 SF or More, with Drive-Through or Drive-In* for the purpose of constructing two (2) restaurants on a 8.684-acre tract of land described as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located north of the intersection of N. Goliad Street [*SH-205*] and E. Quail Run Road, and being more specifically described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that Planned Development District 70 (PD-70) [*Ordinance No. 19-41*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, **BE IT ORDAINED** by the City Council of the City of Rockwall, Texas;

SECTION 1. Planned Development District 70 (PD-70) [*Ordinance No. 19-41*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for two (2) *Restaurants, 2,000 SF or More, with Drive-Through or Drive-In* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject*

Property; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.04, *General Retail (GR) District*, and Subsection 06.07, *SH-205 Overlay (SH-205 OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and to the requirements set forth in Planned Development District 70 (PD-70) [*Ordinance No. 19-41*] -- *as heretofore amended and may be amended in the futu*re -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of two (2) *Restaurants, 2,000 SF or More, with Drive-Through or Drive-In* on the *Subject Property* and conformance to these conditions is required for continued operation:

1) The development of the *Subject Property* shall generally conform to the *Concept Plan* as depicted in *Exhibit 'C'* of this ordinance.

2) The development of the *Subject Property* shall conform to the landscape screening as depicted in *Exhibit 'C'* of this ordinance.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures,* of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS ($2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MARCH, 2022.

_____
Kevin Fowler, Mayor

ATTEST:

_____
Kristy Teague, City Secretary

APPROVED AS TO FORM:

_____
Frank J. Garza, City Attorney

1st Reading: February 22, 2022

2nd Reading: March 7, 2022

BEING a tract of land situated in the S. King Survey, Abstract No.131, City of Rockwall, Rockwall County, Texas and being part of a tract of land described in Special Warranty Deed to Stone Creek Balance, LTD, recorded in Instrument No. 2007000375394, Official Public Records, Collin County, Texas, and being part of a tract of land described in Special Warranty Deed to Meritage Homes of Texas, LLC, recorded in Instrument No. 20150000013037, Official Public Records, Rockwall County, Texas, and being part of Lot 27, Block A, of Stone Creek Phase VII, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Instrument No. 20160000011737, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a Concrete Monument found at the north corner of a right-of-way corner clip foe the east right-of-way line of State Highway 205 (N Goliad Street - a variable width right-of-way)

THENCE with said east right-of-way line, North 14°18'59" West, a distance of 100.00 feet to a 5/8-inch iron rod with plastic cap stamped “KHA” set;

THENCE departing said east right-of-way line, North 38°46'11" East, a distance of 387.72 feet to a 5/8-inch iron rod with plastic cap stamped “KHA” set in a south line of Lot 8, Block D, Stone Creek Phase IV, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet H, Slide 317, Plat Records, Rockwall County, Texas;

THENCE with the south line of said Lot 8, the following course and distances, to wit:

South 14°18'59" East, a distance of 100.00 feet to a 1/2-inch iron rod with plastic cap stamped “CORWIN” found;
North 88°26'01" East, a distance of 96.46 feet to a 1/2-inch iron rod with plastic cap stamped “CORWIN” found at the most westerly southwest corner of said Lot 28;

THENCE with the south line of said Lot 28, North 88°27'32" East, passing at a distance of 195.78 feet a 1/2-inch iron rod with plastic cap stamped “CORWIN” found for a south corner of said Lot 28, departing said south line and continuing in all a total distance of 513.73 feet to a 5/8-inch iron rod with plastic cap stamped “KHA” set;

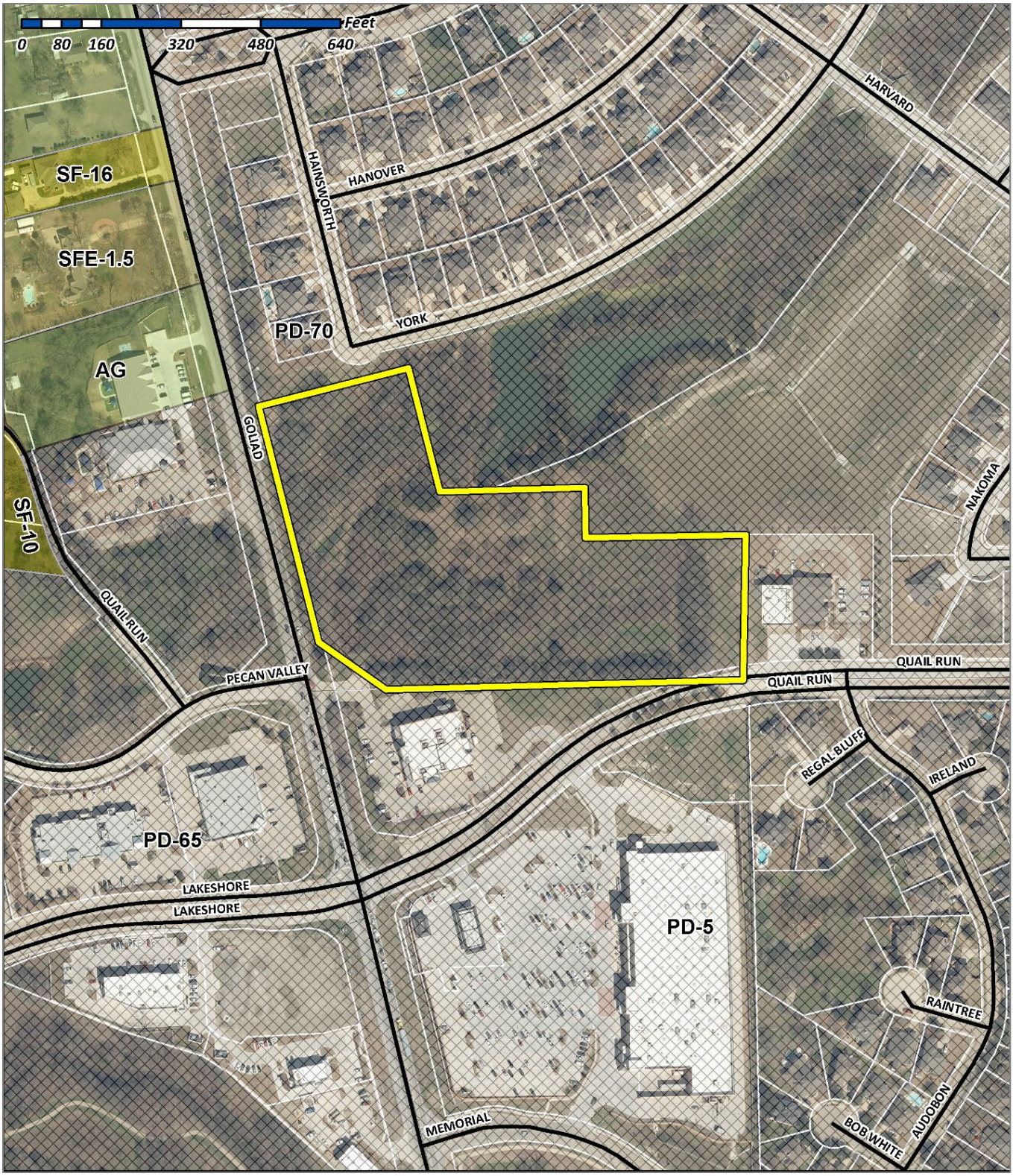
THENCE South 0°02'44" West, passing at a distance of 101.33 feet the north west corner of a tract of land described as Quail Run Fire Station recorded in Special Warranty Deed to The City of Rockwall, recorded in Vol. 5635, Pg. 211, Deed Records, Rockwall County, Texas, and continuing with the west line of said Quail Run Fire Station, passing at a distance of 262.60 feet the southwest corner of said Quail Run Fire Station, continuing with the north right-of-way line of Quail Run Drive (a variable width public right-of-way) in all a total distance of 395.49 feet to a point for corner;

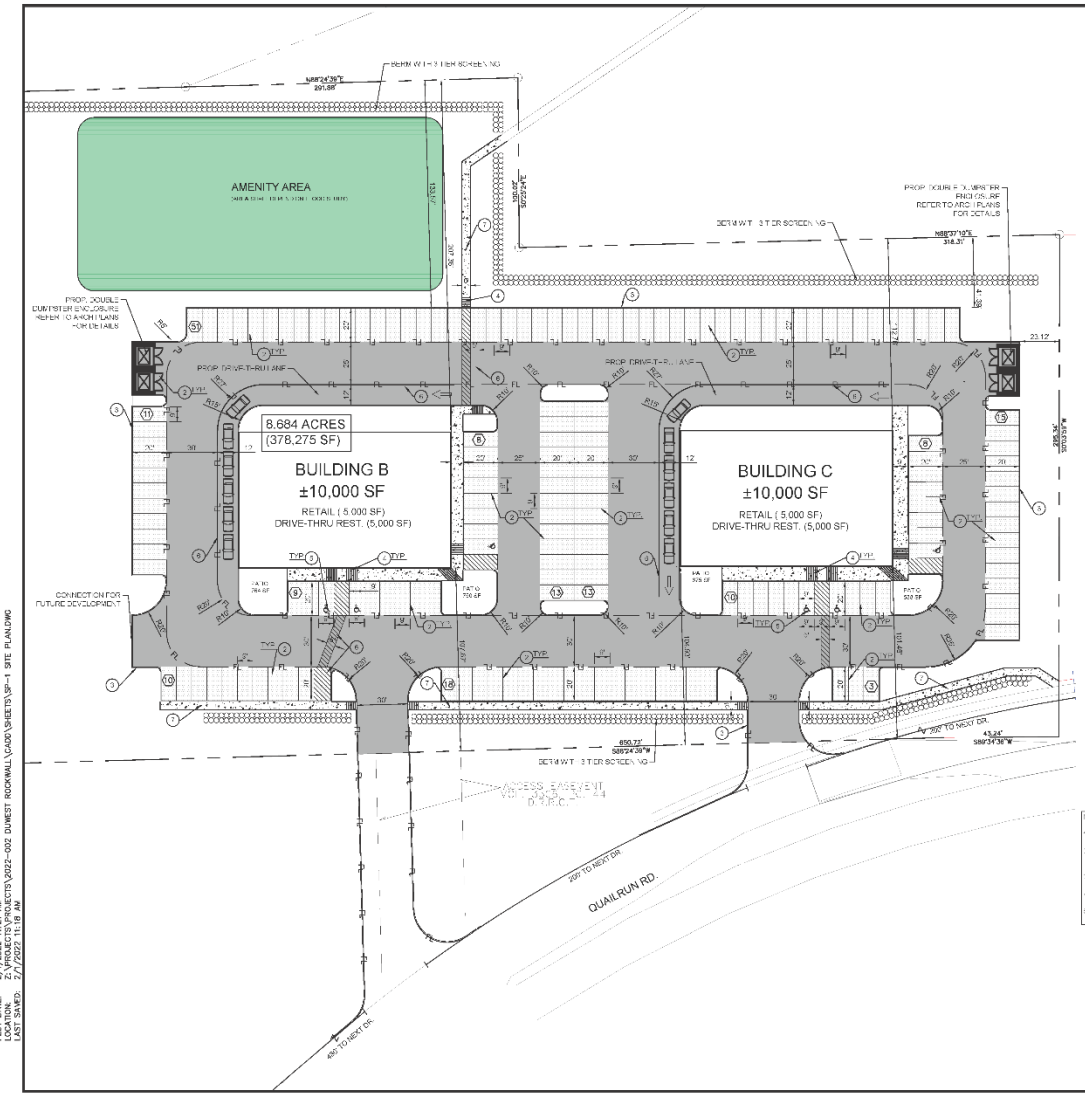
THENCE with said north right-of-way line, South 89°34'22" West, a distance of 67.13 feet to a point for corner for the northeast corner of Lot 1, Block B of Quail Run Retail, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet E, Slide 67, Plat Records, Rockwall County, Texas;

THENCE with the north line of said Lot 1, South 88°24'25" West, a distance of 650.72 feet to a 1/2-iron rod with plastic cap stamped “CARTER & BUGESS” found at the southeast corner of said right-of-way corner clip;

THENCE departing said north line and with said corner clip, North 54°44'35" West, a distance of 165.14 feet to the ***POINT OF BEGINNING*** and containing 7.456 acres or 324797 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.


0 80 160 320 480 640 Feet
SF-16
SFE-1.5
AG
SF-10
PD-70
PD-65
PD-5
HAINSWORTH
HANOVER
YORK
HARVARD
GOLIAD
NAKOMA
QUAIL RUN
PECAN VALLEY
QUAIL RUN
QUAIL RUN
REGAL BLUFF
IRELAND
LAKESHORE
LAKESHORE
RAINTREE
MEMORIAL
BOB WHITE
AUDOBON

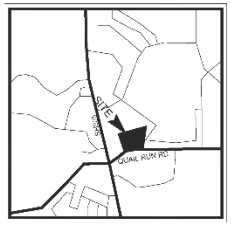


SITE DATA TABLE	
SITE AREA	8.684 AC (378,275 SF)
ZONING	PD-70
PROPOSED USE	RETAIL/DRIVE-THRU RESTAURANT
BUILDING SIZE	BUILDING B: 10,000 SF
	BUILDING C: 10,000 SF
FAR TO AREA	2,777 SF
LOT COVERAGE	9.2 %
FLOOR TO AREA RATIO	0.05 : 1
BUILDING HEIGHT	1 STORY
TOTAL IMPERVIOUS	116,405 SF (30.8%)
OPEN SPACE	5.01 AC (69.2%)

PARKING DATA TABLE	
PARKING REQ.	
RETAIL (10,000 SF) 1/250 SF	40 SPACES
DRIVE-THRU RESTAURANT (10,000 SF) 1/100 SF	100 SPACES
PATIO (2,777 SF) 1/100 SF	28 SPACES
TOTAL	168 SPACES
ADA PARKING	8 SPACES
PARKING PROVIDED	183 SPACES (6 ADA)

NOTES:
1. A SEPARATE SIGNAGE PERMIT IS REQUIRED BY THE CITY OF ROCKWALL.
2. ALL WALLS 3' IN HEIGHT OR GREATER SHALL BE DESIGNED BY AN ENGINEER, LICENSED IN THE STATE OF TEXAS.
3. ALL WALLS MUST BE ROCK OR STONE FACE. NO WALLS SHALL BE SMOOTH CONCRETE.
4. NO TREES 6" CALIPER OR GREATER SHALL BE PLANTED WITHIN 10' OF NON-STEEL ENCASED PUBLIC UTILITIES.
5. SOD MUST BE LAID WITHIN ALL DISTURBED R.O.W. BEFORE CERTIFICATE OF OCCUPANCY IS ISSUED.

GRAPHIC SCALE
30 0 15 30 60
1 inch = 30 ft.



VICINITY MAP
N.T.S

CONSTRUCTION SCHEDULE

	PROPOSED STANDARD DUTY CONCRETE PAVEMENT
	PROPOSED HEAVY DUTY CONCRETE PAVEMENT
	PROPOSED 5' SIDEWALK CONCRETE PAVEMENT
	PROPERTY LINE
	PROPOSED CONCRETE CURB AND GUTTER
FL	PROPOSED FIRE LANE
	PROPOSED SAWCUT
4	PARKING COUNT

CONSTRUCTION SCHEDULE

1	PROP. FULL DEPTH SAWCUT
2	PROP. 4" PARKING STALL STRIPING COLOR: WHITE (TYP.)
3	PROP. CURB & GUTTER
4	PROP. PEDESTRIAN RAMP
5	PROP. HANDICAP SYMBOL
6	PROP. PAVEMENT SIGNAGE
7	PROP. SIDEWALK

DUWEST ROCKWALL, TX

LEGAL DESCRIPTION AND OR ADDRESS

STONE CREEK BALANCE LTD
ABSTRACT, NO 131
8.684 AC (378,275 SF)

OWNER
DUWEST REALTY, LLC
4143 N CENTRAL EXPWAY SUITE 1200
DALLAS, TX 75204
CONTACT: ROWEN MENDRIX
P: 214.516.1504

APPLICANT
CLAYMOORE ENGINEERING, INC.
1903 CENTRAL DRIVE, SUITE 406
BEDFORD, TX 76021
CONTACT: DREW DONOSKY
P: 817.281.0572

CASE NUMBER
Z2022-050

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING SITE PLAN FOR A DEVELOPMENT IN THE CITY OF ROCKWALL, TEXAS, WAS APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF ROCKWALL ON THE ___ DAY OF

WITNESS OUR HANDS THIS ___ DAY OF _____

CLAYMOORE ENGINEERING
1903 CENTRAL DRIVE, SUITE 406, BEDFORD, TX 76021
817.281.0572 | WWW.CLAYMOOREENGINEERING.COM
TBPE FIRM #14964 | TBPLS FIRM #10194381

PRELIMINARY
FOR REVIEW ONLY
Not for construction purposes.
CLAYMOORE ENGINEERING
ANTICIPATED DATE TO BE RELEASED FOR CONSTRUCTION: JANUARY 2023
ENGINEER: JOSEPH R. DONOSKY, P.E.
P.E. # 140555 DATE: 12/19/2022

DUWEST ROCKWALL
SH 205 & QUAIL RUN RD
ROCKWALL, TX

CITY SITE PLAN

D. REVIEW	LRB
D DRAWN	LRB
C. CHECKED	DRD
DATE	2/6/2023

SHEET
SP-1

File No. 2022-251
CASE # Z2022-050

PLOTTED BY: AMIRA ABDALLAH
PLOT DATE: 2/7/2023 - 11:18 AM
LOCATION: N:\PROJECTS\2022-002 DUWEST ROCKWALL\CADD\SHEETS\SP-1 SITE PLAN.DWG
LAST SAVED: 2/7/2023 11:18 AM

CITY OF ROCKWALL

ORDINANCE NO. 22-13

SPECIFIC USE PERMIT NO. S-272

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 *GUEST QUARTERS/SECONDARY LIVING UNIT/ACCESSORY DWELLING UNIT* TO ALLOW THE CONSTRUCTION OF A *GUEST QUARTERS* ON A 0.74-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK E, WADE 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.

WHEREAS, the City has received a request from Mike and Mary Frasier for the approval of a Specific Use Permit (SUP) for a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* to allow the construction of *Guest Quarters* on a 0.74-acre parcel of land being described as Lot 13, Block E, Wade Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Jackson Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, **BE IT ORDAINED** by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* to allow for the construction of a *Guest Quarters* in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- *as heretofore amended and may be amended in the futur*e -- and

with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on the *Subject Property* and conformance to these operational conditions are required:

(1) The development of the *Subject Property* shall generally conform to the *Site Plan and Survey* as depicted in *Exhibit 'B'* of this ordinance.

(2) The construction of a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.

(3) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed a maximum building footprint of 500 SF and a maximum size of 1,000 SF.

(4) The maximum height of the *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not exceed a total height of 25-feet as measured to highest point of the pitched roof.

(5) The *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* shall not be sold or conveyed separately from the single-family home without meeting the requirements of the zoning district and subdivision ordinance.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures,* of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS ($2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of

any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MARCH, 2022.

_____
Kevin Fowler, Mayor

ATTEST:

_____
Kristy Teague, City Secretary

APPROVED AS TO FORM:

_____
Frank J. Garza, City Attorney

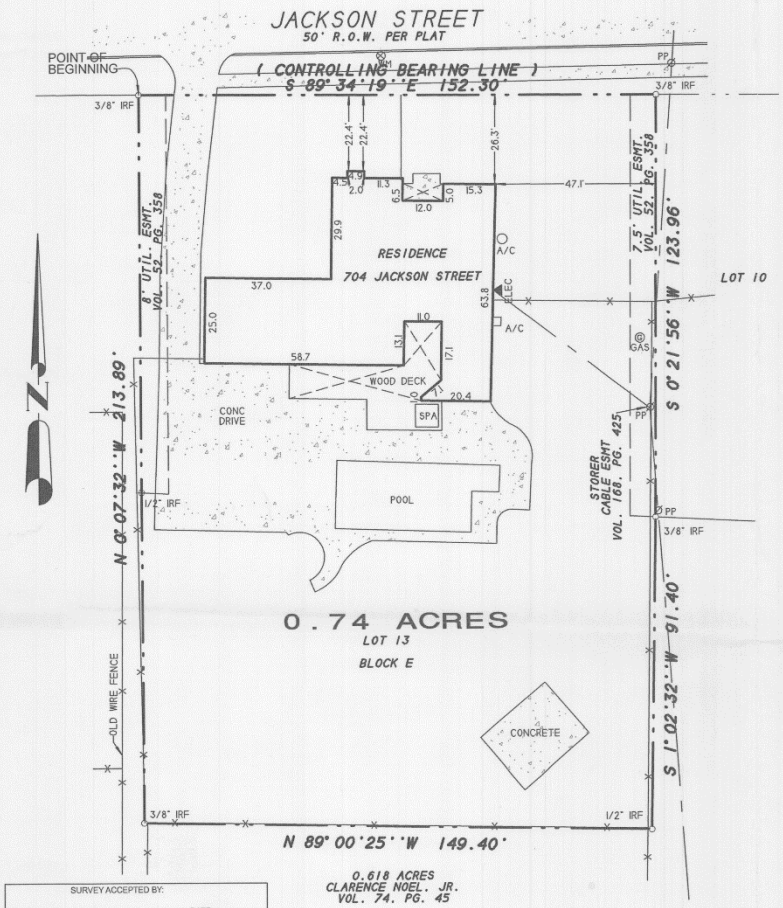
1st Reading: February 22, 2022

2nd Reading: March 7, 2022

Address: *704 Jackson Street*
Legal Description: *Lot 13, Block E, Wade Addition*



PLAT OF SURVEY



SURVEY ACCEPTED BY:

_____ DATE _____

_____ DATE _____

DESCRIPTION

Being Lot 13, Block E, WADE ADDITION, an Addition to the City of Rockwall, Texas, according to the Replat thereof recorded in Cabinet I, Slide 309 and 310, of the Plat Records of Rockwall County, Texas.

NOTES

1) According to F.E.M.A. Flood Insurance Rate Map. Community Panel No. 48397C0030 L dated Sept. 26, 2008, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.

2) BEARING SOURCE: RECORDED PLAT.

3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."

SURVEYOR'S CERTIFICATE

I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for REPUBLIC TITLE COMPANY, AMERICAN NATIONAL BANK OF TEXAS, and MICHAEL & MARY GRACE FRASIER, at 704 Jackson Street, Rockwall, Rockwall County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 12th day of February, 2016.

Harold D. Fetty III, R.P.L.S. No. 5034

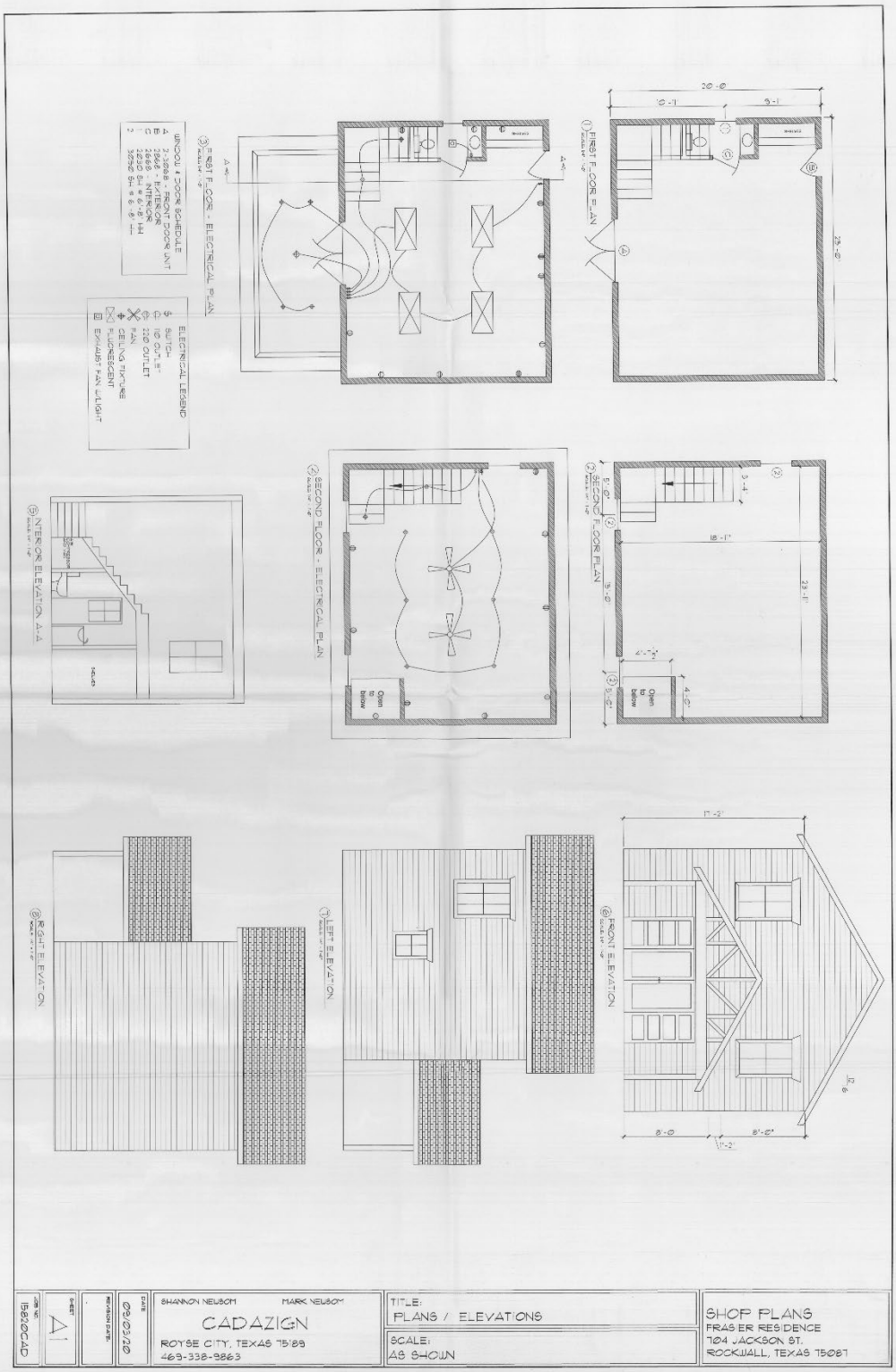
STATE OF TEXAS REGISTERED HAROLD D. FETTY III 5034 PROFESSIONAL LAND SURVEYOR

SYMBOL LEGEND

TV TELEVISION CABLE RISER	GAS GAS METER	TEL PHONE RISER	FH FIRE HYDRANT	PP POWER POLE
ELEC ELECTRIC METER	ELEC ELEC BOX SUBSURFACE JUNCTION BOX	WM WATER METER	LP LIGHT POLE	1/2" IRF IRON ROD FOUND (CORNER)
FENCE	EASEMENT LINE PROPERTY LINE		A/C AIR COND. UNIT	PROPANE TANK

SURVEY DATE FEBRUARY 12, 2016
SCALE 1" = 30' FILE # 20001339-F
CLIENT FRASIER GF # NONE

H.D. Fetty Land Surveyor, LLC
Firm Registration no. 101509-00
6770 FM 1565 ROYSE CITY, TX 75189 972-635-2255 PHONE tracy@hdfetty.com



FIRST FLOOR PLAN
SECOND FLOOR PLAN
FIRST FLOOR - ELECTRICAL PLAN
SECOND FLOOR - ELECTRICAL PLAN
INTERIOR ELEVATION A-A
RIGHT ELEVATION
LEFT ELEVATION
FRONT ELEVATION
WINDOW & DOOR SCHEDULE
ELECTRICAL LEGEND
SWITCH
110 OUTLET
220 OUTLET
FAN
CEILING FIXTURE
FLUORESCENT
EXHAUST FAN W/LIGHT
Open to below
SHANNON NEUSOM
MARK NEUSOM
CADAZIGN
ROYSE CITY, TEXAS 75189
469-338-9863
TITLE:
PLANS / ELEVATIONS
SCALE:
AS SHOWN
SHOP PLANS
FRASER RESIDENCE
704 JACKSON ST.
ROCKWALL, TEXAS 75087
JOB NO.
15820CAD
SHEET
A1
REVISION DATE:
DATE
09/03/20

CITY OF ROCKWALL

ORDINANCE NO. 22-14

SPECIFIC USE PERMIT NO. S-273

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 AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.49-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, HALEY & KYLE 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.

WHEREAS, the City has received a request from Perry Bowen of Perry Bowen Homes, LLC for the approval of a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* to allow the construction of a single-family home on a 0.49-acre parcel of land being described as Lot 2, Block A, Haley & Kyle Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 503 S. Clark Street, and being more specifically described and depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, **BE IT ORDAINED** by the City Council of the City of Rockwall, Texas;

SECTION 1. That the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for *Residential Infill Adjacent to an Established Subdivision* to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, *Permissible Uses*, the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, *General Residential District Standards*, and Subsection 03.09, *Single-Family 7 (SF-7) District*, of Article 05, *District Development Standards*, of the Unified Development Code

(UDC) [*Ordinance No. 20-02*] -- *as heretofore amended and may be amended in the futu*re -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the *Subject Property* and conformance to these operational conditions are required:

(1) The development of the *Subject Property* shall generally conform to the *Residential Plot Plan* as depicted in *Exhibit 'B'* of this ordinance.

(2) The construction of a single-family home on the *Subject Property* shall generally conform to the *Building Elevations* depicted in *Exhibit 'C'* of this ordinance.

(3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures,* of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

1) Upon obtaining a *Building Permit*, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS ($2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MARCH, 2022.

_____
Kevin Fowler, Mayor

ATTEST:

_____
Kristy Teague, City Secretary

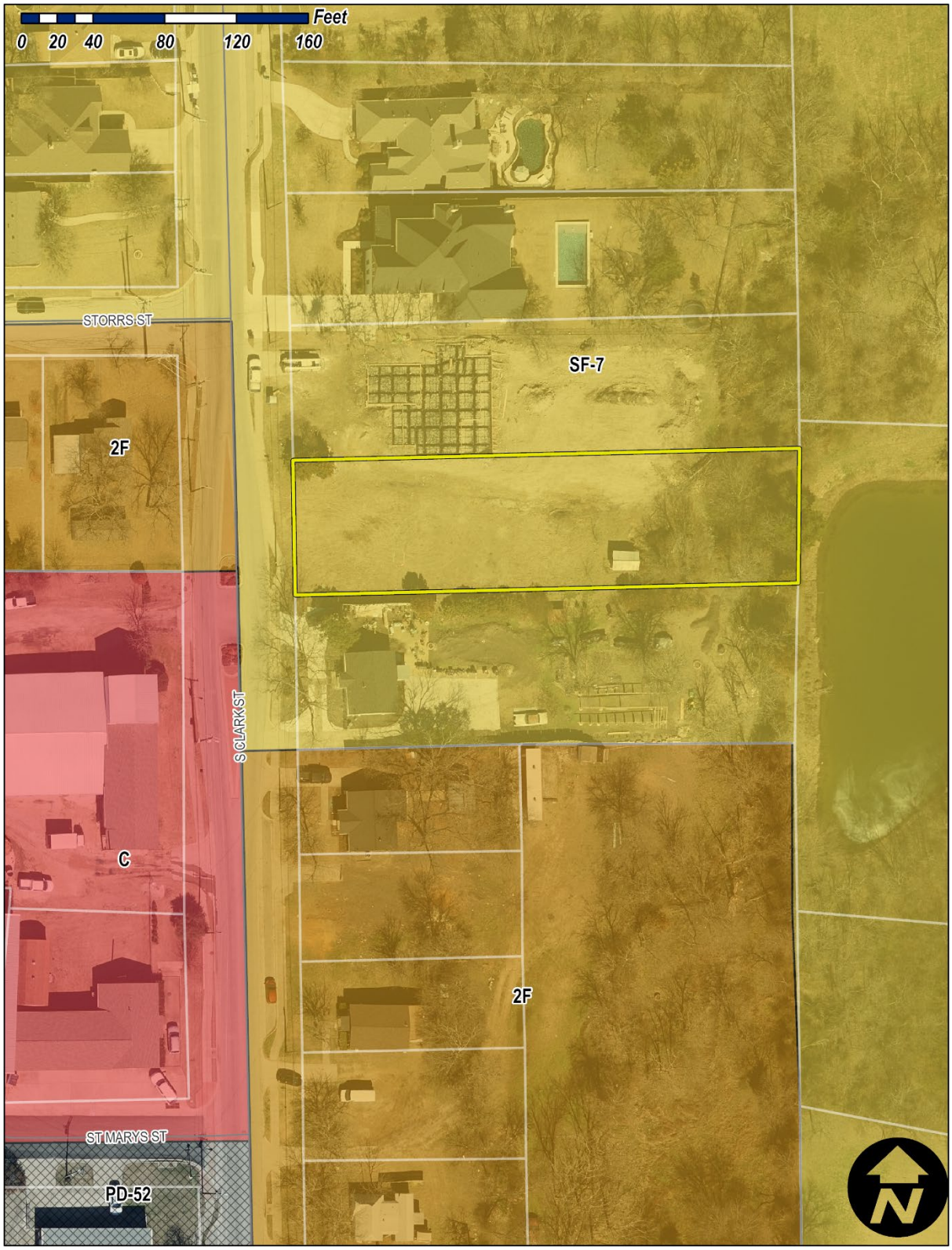
APPROVED AS TO FORM:

_____
Frank J. Garza, City Attorney

1st Reading: February 22, 2022

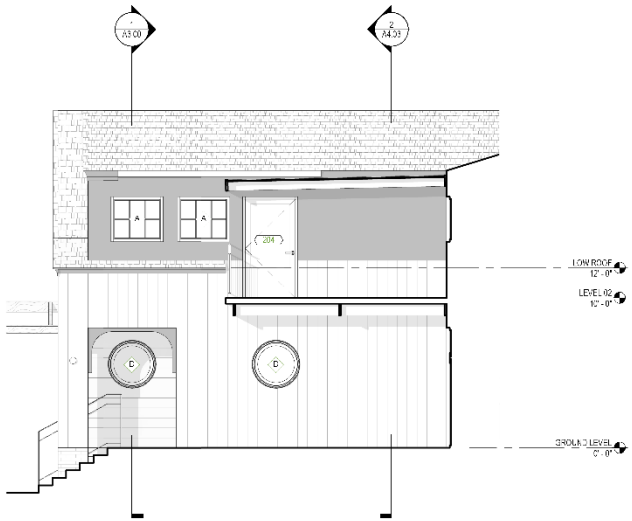
2nd Reading: March 7, 2022

Address: 503 S. Clark Street
Legal Description: Lot 2, Block A, Haley & Kyle Addition





1 SITE PLAN
SCALE: 1" = 10'-0"



3 ELEVATION @ BACK PATIO
SCALE: 1/4" = 1'-0"

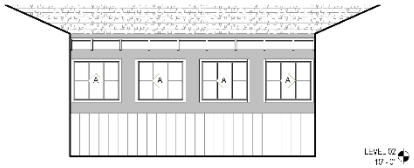


1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

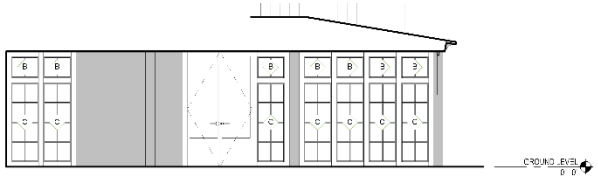




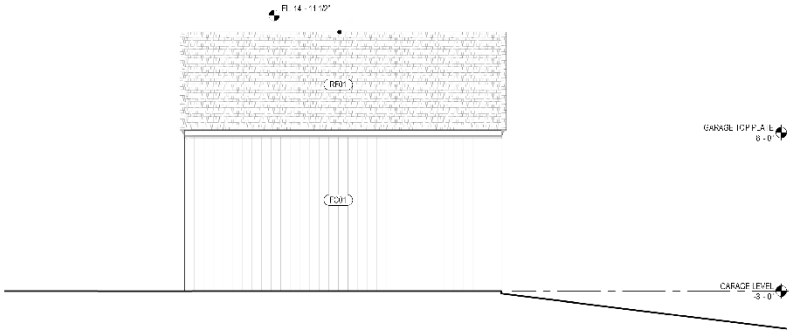
7 ELEVATION @ BACK PORCH
SCALE: 1/4" = 1'-0"



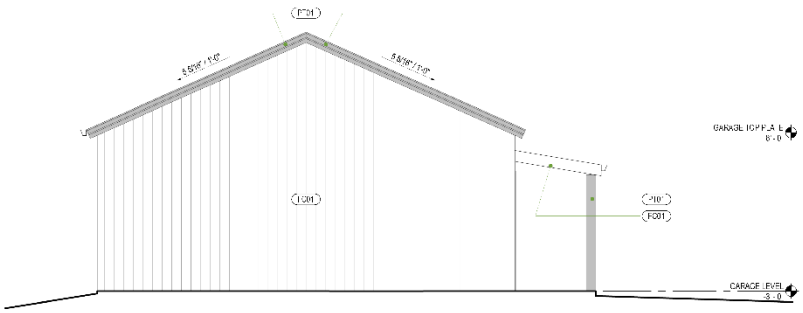
6 ELEVATION @ TERRACE
SCALE: 1/4" = 1'-0"



5 ENTRY ELEVATION
SCALE: 1/4" = 1'-0"



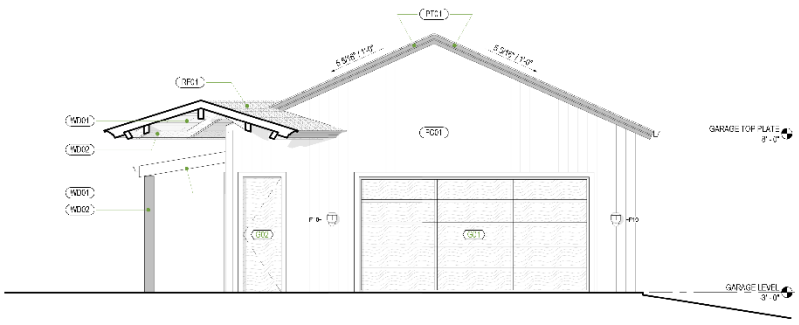
4 SOUTHEAST ELEVATION @ GARAGE
SCALE: 1/4" = 1'-0"



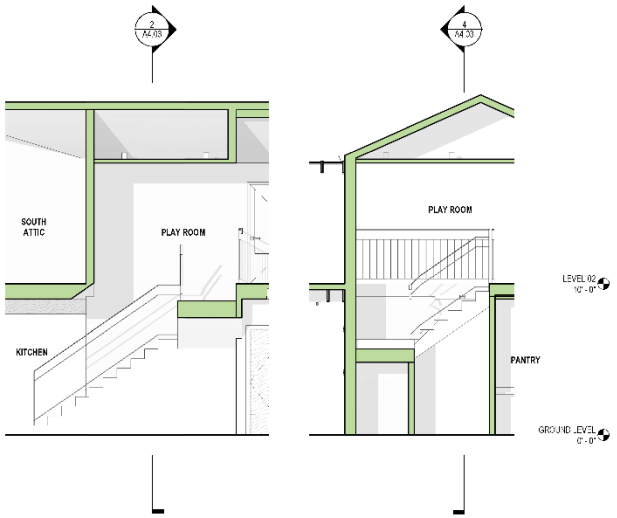
1 NORTHEAST ELEVATION @ GARAGE
SCALE: 1/4" = 1'-0"



3 NORTHWEST ELEVATION @ GARAGE
SCALE: 1/4" = 1'-0"

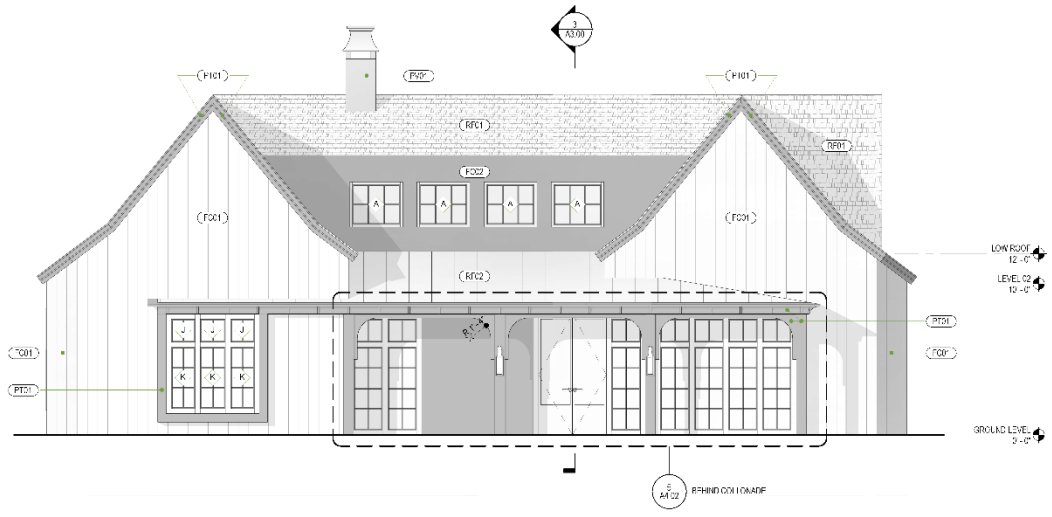


2 SOUTHWEST ELEVATION @ GARAGE
SCALE: 1/4" = 1'-0"

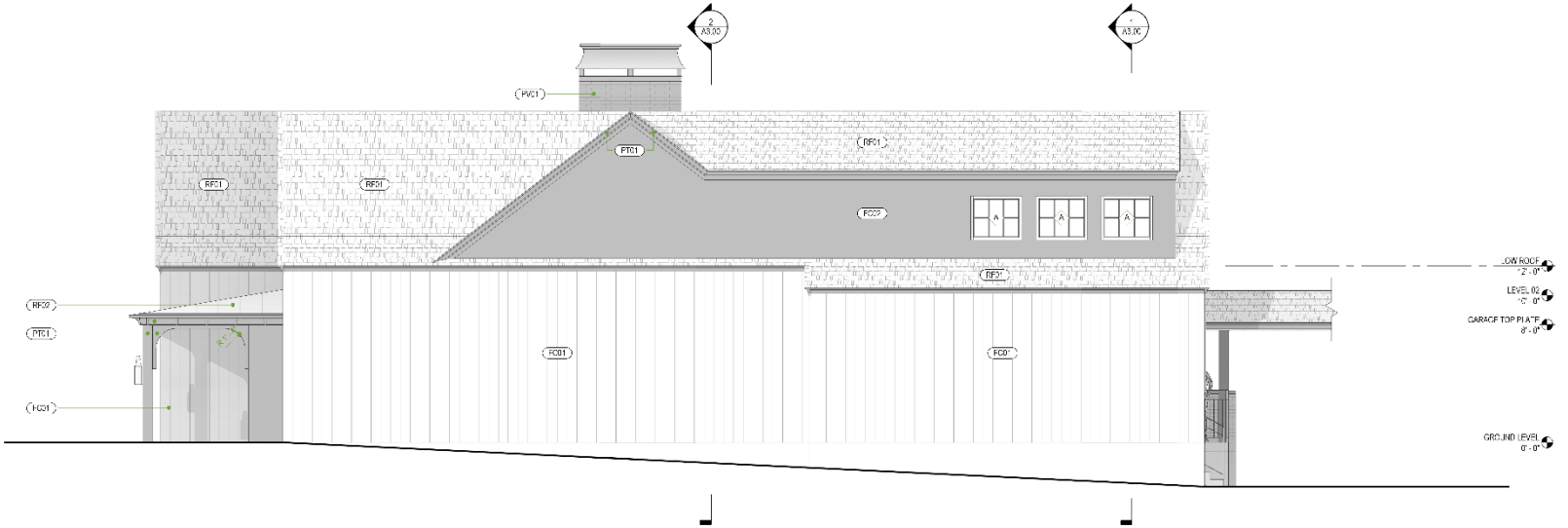


4 STAIR SECTION B
SCALE: 1/4" = 1'-0"

2 STAIR SECTION A
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

CITY OF ROCKWALL

ORDINANCE NO. 22-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REDUCING ITS EXTRATERRITORIAL JURISDICITION (ETJ) BY RELEASING SUCH TERRITORY DESCIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE TO THE COUNTY OF ROCKWALL; ESTABLISHING THE NEW CORPORATE BOUNDARIES OF THE CITY OF ROCKWALL; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL CORPROATE 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.

WHEREAS, in accordance with Section 42.023, *Reduction of Extraterritorial Jurisdiction*, of Chapter 42, *Extraterritorial Jurisdiction of Municipalities*, of the Texas Local Government Code the City Council of the City of Rockwall [*the City*] desires to release a portion of its Extraterritorial Jurisdiction (ETJ);

BEING, a 313.936-acre tract of land identified as Tracts 2 & 2-1 of the F. Baugess Survey, Abstract No. 7, Rockwall County, Texas, and generally located adjacent to Edwards Road south of FM-550, which is more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and,

WHEREAS, the *City* entered into a *Chapter 43 Local Government Code Development Agreement* [*the Agreement*] with John Mathis on behalf of the Sue Sloan Trust [*the Owner*] on June 8, 2018 pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code for the *Subject Property*; and,

WHEREAS, the *City* and the *Owner* desire to terminate the *Agreement* and release the subject property from the *City's* Extraterritorial Jurisdiction (ETJ); and,

WHEREAS, the *City* is authorized by Section 42.023 of the Texas Local Government Code to reduce its ETJ if done so by ordinance or resolution; and

WHEREAS, the *Subject Property* currently lies within the City of Rockwall's ETJ and is adjacent to and adjoining with the present corporate boundaries of the City of Rockwall, Rockwall County, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes

SECTION 2. REDUCTION OF ETJ AND RELEASE TO ROCKWALL COUNTY. The City of Rockwall hereby reduces its Extraterritorial Jurisdiction (ETJ) and releases to Rockwall County the *Subject Property*.

SECTION 3. FILING, NOTIFICATION, AND CORRECTION OF CITY MAPS. The Mayor of the City of Rockwall is hereby directed and authorized to file a certified copy of this *Ordinance* with the necessary governmental agencies, and to update the official map of the City's corporate and Extraterritorial Jurisdiction (ETJ) boundaries.

SECTION 4. SAVINGS. This *Ordinance* shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this *Ordinance*.

SECTION 5. SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this *Ordinance* are severable, and if any section or provision of this *Ordinance* or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason adjudged by a trial court of competent jurisdiction to be illegal or unconstitutional, the adjudication shall not affect any other section or provision of this *Ordinance* or the application of any other section or provision to any person, firm, corporation, situation or circumstance, and the City Council hereby declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the valid provisions of this *Ordinance* shall remain in full force and effect.

SECTION 7. REPEALER. All ordinances of the City of Rockwall in conflict with the provisions of this *Ordinance* be and the same are hereby repealed to the extent of that conflict.

SECTION 8. EFFECTIVE DATE. This *Ordinance* shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Rockwall, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF MARCH, 2022.

_____
Kevin Fowler, Mayor

ATTEST:

_____
Kristy Teague, City Secretary

APPROVED AS TO FORM:

_____
Frank J. Garza, City Attorney

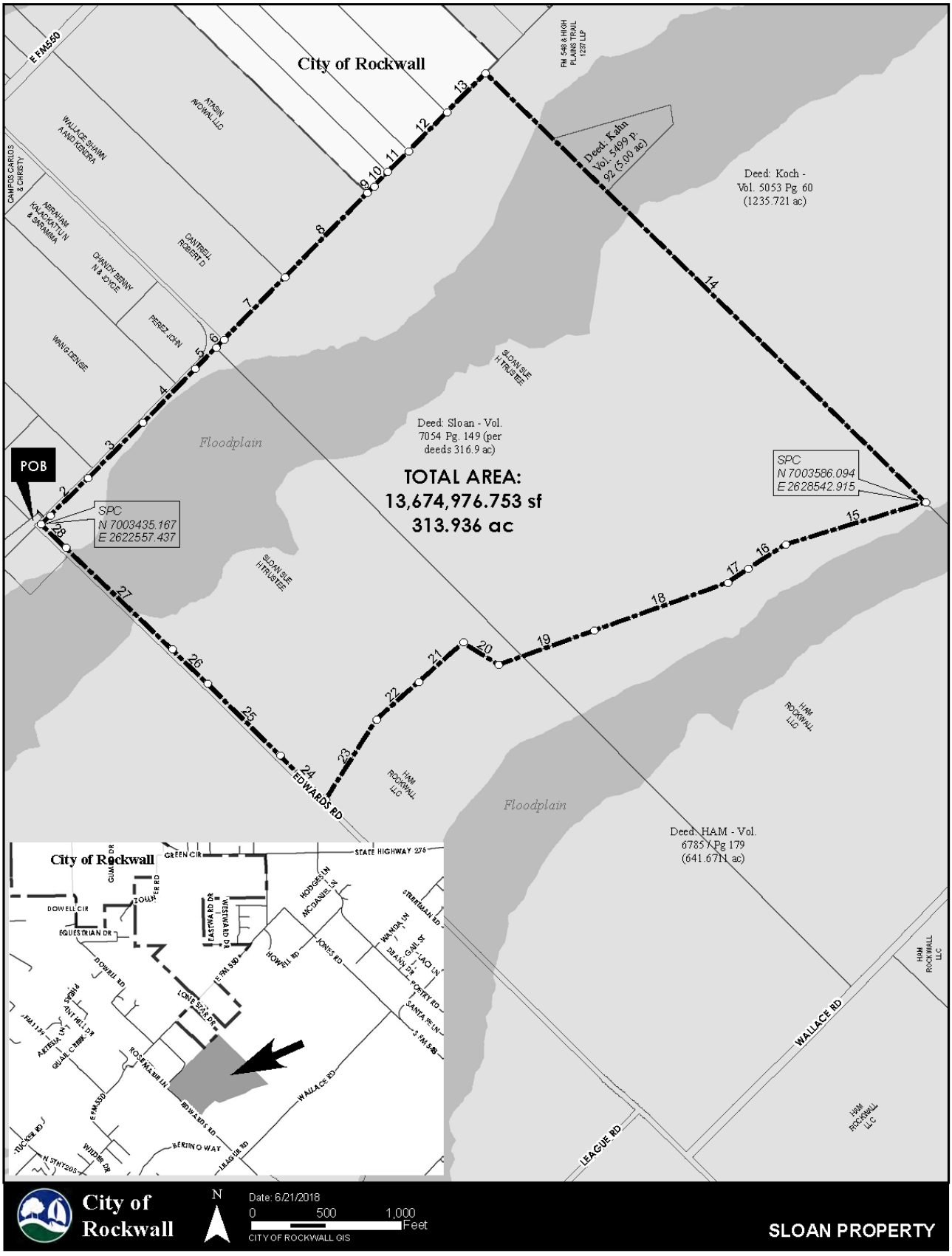
1st Reading: February 22, 2022

2nd Reading: March 7, 2022

BEING 313.936 acres of land situated in the Abstract 7, F. Baugess Survey in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point of intersection in the Western most corner of Abstract 7, F. Baugess Survey, Tract 2-1, a 145-acre tract also known as the Sue Sloan Property (*RCAD# 10076*), and the East Right of Way line of Edwards Road where it turns to the East. *(NAD83 Texas State Plane GPS Coordinate: 2622557.437E, 7003435.167N feet);*

1 **THENCE** North 45°-20'-12" East, following the South Right of Way of Edwards Rd, a distance of 84.742 feet for a point;
2 **THENCE** North 45°-19'-21" East, a distance of 359.962 for a point;
3 **THENCE** North 44°-42'-25" East, continuing along said Edwards Rd Right of Way, a distance of 528.156 feet for a point;
4 **THENCE** North 44°-9'-47" East, continuing a distance of 508.543 for a point;
5 **THENCE** North 44°-9'-47" East, continuing a distance of 200.43 for a point;
6 **THENCE** North 44°-9'-47" East, at the Northwestern most corner of Abstract 7, F. Baugess Survey, Tract 2, a 168.936-acre tract also known as the Sue Sloan Property (*RCAD# 10049*), a distance of 76.321 feet for a point;
7 **THENCE** North 44°-20'-49" East, a distance of 590.314 feet for a point;
8 **THENCE** North 44°-20'-49" East, a distance of 799.43 feet for a point;
9 **THENCE** North 44°-20'-49" East, a distance of 65.245 feet for a point;
10 **THENCE** North 44°-33'-9" East, a distance of 134.159 feet for a point;
11 **THENCE** North 44°-33'-8" East, a distance of 199.798 feet for a point;
12 **THENCE** North 44°-33'-8" East, a distance of 370.168 feet for a point;
13 **THENCE** North 44°-33'-8" East, a distance of 372.418 feet for a corner;
14 **THENCE** South 45°-41'-4" East, along the East property line of Tract 2, a distance of 4162.613 feet for a corner;
15 **THENCE** South 73°-10'-46" West, following along the adjacent property lines of Sue Sloan and Ham Rockwall LLC, a distance of 991.672 feet for a point;
16 **THENCE** South 56°-39'-59" West, continuing along said property lines, a distance of 300.356 feet for a point;
17 **THENCE** South 56°-16'-40" West, a distance of 169.984 feet for a point;
18 **THENCE** South 70°-14'-4" West, a distance of 959.631 feet for a point;
19 **THENCE** South 70°-18'-45" West, a distance of 685.796 feet for a point;
20 **THENCE** North 57°-50'-11" West, a distance of 282.746 feet for a point;
21 **THENCE** South 48°-34'-6" West, a distance of 401.63 feet for a point;
22 **THENCE** South 48°-15'-33" West, a distance of 385.15 feet for a point;
23 **THENCE** South 32°-17'-55" West, a distance of 644.186 feet for a corner;
24 **THENCE** North 45°-40'-22" West, following along the East Right of Way line of Edward Rd, a distance of 431.593 feet for a point;
25 **THENCE** North 45°-10'-7" West, continuing along said Edwards Rd Right of Way a distance of 688.085 for a point;
26 **THENCE** North 46°-2'-30" West, a distance of 334.462 feet for a point;
27 **THENCE** North 46°-14'-43" West, a distance of 994.138 feet for a point;
28 **THENCE** North 46°-11'-3" West, a distance of 232.222 feet, to the *POINT OF BEGINNING AND CONTAINING* 313.936 acres of land (13,674,976.753 square feet) more or less. The above description also intended to follow all adjacent existing city limits, extra-territorial jurisdiction, and parcel boundaries.


City of Rockwall
E FM550
FM 548 & HIGH PLAINS TRAIL 1237 LLP
ATASIN AVOWAL LLC
WALLACE SHAWN A AND KENDRA
CAMPOS CARLOS & CHRISTY
ABRAHAM KALACKATTU N & SARAMMA
CHANDY BENNY N & JOYCE
CANTRELL ROBERT D
PEREZ JOHN
WANG DENISE
Deed: Kahn Vol. 5499 p. 92 (5.00 ac)
Deed: Koch - Vol. 5053 Pg. 60 (1235.721 ac)
SLOAN SUE H TRUSTEE
Floodplain
Deed: Sloan - Vol. 7054 Pg. 149 (per deeds 316.9 ac)
TOTAL AREA:
13,674,976.753 sf
313.936 ac
POB
SPC
N 7003435.167
E 2622557.437
SPC
N 7003586.094
E 2628542.915
SLOAN SUE H TRUSTEE
HAM ROCKWALL LLC
EDWARDS RD
Floodplain
Deed: HAM - Vol. 6785 / Pg 179 (641.6711 ac)
HAM ROCKWALL LLC
WALLACE RD
LEAGUE RD
City of Rockwall
GREEN CIR
STATE HIGHWAY 276
DOWELL CIR
EQUESTRIAN DR
EASTWARD DR
WESTWARD DR
HODGES LN
MCDANIEL LN
STREETMAN RD
WANDA LN
GAIL ST
LACI LN
DRANN DR
POETRY RD
SANTA FE LN
HOWELL RD
JONES RD
E FM 550
LONE STAR DR
DOWELL RD
PHEASANT HILL DR
ARTESIA LN
QUAIL CREEK
ROSEMARIE LN
EDWARDS RD
WALLACE RD
BERTINO WAY
LEAGUE RD
TUCKER RD
WILDER DR
N STHY205
City of Rockwall
N
Date: 6/21/2018
0
500
1,000
Feet
CITY OF ROCKWALL GIS
SLOAN PROPERTY

MEMORANDUM

TO: **Mary Smith, City Manager**

CC: **Honorable Mayor and City Council**

FROM: **Kristy Cole, City Sect./Asst. to the City Manager**

DATE: **March 7, 2022**

SUBJECT: **CANCELLING OF MAY 7, 2022 GENERAL ELECTION**

Attachments
Ord Cancelling Election

Summary/Background Information
A press release was issued mid-December to announce the period associated with filing an application to appear as a candidate on the May 7, 2022 General Election ballot (to elect city council members for Place 2, Place 4 and Place 6). Also, an informational candidate packet for those who may be interested in serving on Council was also made available for download via our city website. As advertised in Dec. and in accordance with the Texas Election Code, the filing period ran from Jan. 19 through Feb. 18. The election was then called by "order" of the City Council through passage of Resolution 22-01 on Feb. 7.

Upon expiration of the official filing period (including the period for a write-in candidate), only one application was received for each City Council Place. Councilmember Johannesen filed for re-election in Place 4, and Councilmember Anna Campbell filed for re-election in Place 6. The Place 4 city council seat will be vacated by Mayor Pro Tem Hohenshelt once he 'terms out' this May, and only one candidate - Mark Moeller - filed to run for that Place.

Action Needed
Since none of the three candidates drew an opponent, Council is being asked to take action to cancel the May 7 General Election through passage of the attached ordinance. The ordinance has been reviewed and approved by City Attorney, Frank Garza. In addition, it is in conformance with the Election Code.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 22-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4, AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT THE MAY 7, 2022 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rockwall, Texas adopted Resolution No. 22-01 on February 7, 2022, ordering a general election to be held on May 7, 2022, for the purpose of electing three city officials - City Councilmember Place 2, City Councilmember Place 4, and City Councilmember Place 6; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadlines for filing applications for a place on the ballot and declaration of write-in candidacy for the City's general election have expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election code, has certified in writing, attached hereto as '**Exhibit A,'** to the City Council that Mark Moeller is unopposed for election to the office of Councilmember Place 2; Trace Johannesen is unopposed for election to the office of Councilmember Place 4, and Anna Campbell is unopposed for election to the office of Councilmember Place 6; and

WHEREAS, the City Council herby finds and determines that the candidates whose names were to appear on the ballot in said election are unopposed, that there are no declared write-in candidates, and that no propositions are to appear on the ballot for said election and therefore Council hereby determines to cancel the General Election;.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. In accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices for a term of two years and shall be issued a certificate of election following the date on which the general election for Councilmembers would have otherwise been held:

- Mark Moeller - Councilmember, Place 2
- Trace Johannesen - Councilmember, Place 4
- Anna Campbell - Councilmember, Place 6

Section 3. Pursuant to Section 2.053(b), Texas Election code, the general municipal election for City Councilmember Place 2, Councilmember Place 4, and Councilmember Place 6 called and ordered by Resolution No. 22-01, for May 7, 2022, shall not be held and is hereby cancelled.

Section 4. The City Secretary is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being May 7, 2022, at all posting places that would have been used in said election.

Section 5. Term of office for the unopposed Councilmembers shall commence on May 16, 2022 after the Oath of Office has been administered and executed.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7. The Code of the City of Rockwall, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 8. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

Section 9. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

Section 10. This ordinance shall take effect immediately upon its second reading as required by the City Charter, Section 3.11.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THIS 21ST DAY OF MARCH, 2022.

Kevin Fowler, Mayor

ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank Garza, City Attorney

1ST Reading: 03 / 07 / 2022

2nd Reading: 03 / 21 / 2022

"EXHIBIT A"

CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS

To: Presiding Officer of the City Council
Al: Alcalde del Consejo de la ciudad

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are ***unopposed*** for election to office for the election scheduled to be held May 7, 2022:

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 de mayo de 2022:

Mark Moeller - Councilmember, Place 2
Trace Johannesen - Councilmember, Place 4
Anna Campbell - Councilmember, Place 6

Mark Moeller – *Miembro del Consejo, Puesto 2*
Trace Johannesen – *Miembro del Consejo, Puesto 4*
Anna Campbell – *Miembro del Consejo, Puesto 6*

Kristy Teague
Signature *(Firma)*

Kristy Teague
Printed name *(Nombre en letra de molde)*

City Secretary
Title *(Puesto)*

March 21, 2022
Date of signing *(Fecha de firma)*

CITY OF ROCKWALL TEXAS
SEAL

(Seal) (sello)

City of Rockwall
The New Horizon

Building Inspections Department
Monthly Report

January 2022

Permits

Total Permits Issued:	**284**
Building Permits:	18
Contractor Permits:	266
Total Commercial Permit Values:	**$5,909,471.68**
Building Permits:	$3,927,000.00
Contractor Permits:	$1,982,471.68
Total Fees Collected:	**$361,270.18**
Building Permits:	$82,576.13
Contractor Permits:	$278,694.05

Board of Adjustment

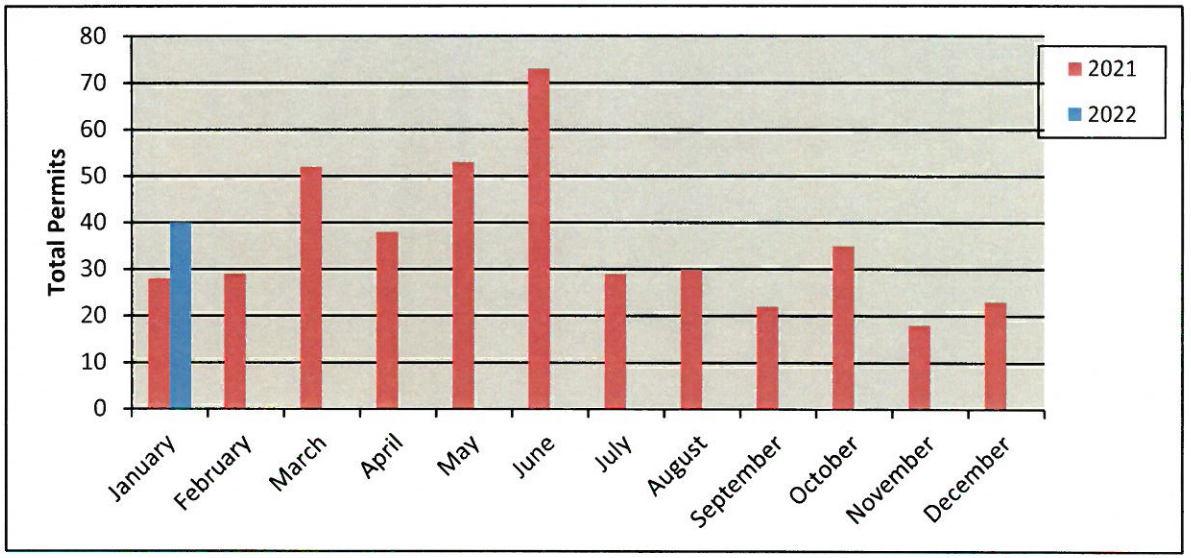
Board of Adjustment Cases:	**0**

City of Rockwall
PERMITS ISSUED - Summary by Type and Subtype
For the Period 1/1/2022 to 1/31/2022

Type/Subtype	# of Permits Issued	Valuation of Work	Fees Charged
Commercial Building Permit	46	$5,909,471.68	$94,139.88
Accessory Building Permit	1	25,000.00	$410.81
Addition	1	277,000.00	$2,036.38
Certificate of Occupancy	6		$456.00
Demolition	1		$51.00
Electrical Permit	9	88,000.00	$1,740.91
Irrigation Permit	1		$112.20
New Construction	2	3,625,000.00	$71,505.29
Plumbing Permit	12	41,031.68	$5,447.18
Remodel	3	1,840,000.00	$11,208.01
Sign Permit	8	13,440.00	$841.50
Small Cell Node	1		$30.60
Temporary Certificate of Occupancy	1		$300.00
Residential Building Permit	238		$267,130.30
Accessory Building Permit	9		$1,621.23
Addition	3		$953.60
Concrete Permit	7		$464.10
Driveway Permit	1		$580.38
Electrical Permit	7		$917.00
Fence Permit	42		$2,139.00
Irrigation Permit	27		$2,065.50
Mechanical Permit	11		$1,346.50
New Construction	1		$5,828.50
New Single Family Residential	39		$238,952.08
Outdoor Kitchen Permit	1		$51.00
Patio Cover/Pergola	6		$582.50
Plumbing Permit	29		$2,421.00
Pool	15		$2,308.00
Remodel	3		$1,653.04
Retaining Wall Permit	5		$254.00
Roofing Permit	13		$994.50
Solar Panel Permit	8		$3,268.05
Takeline - Boat House	1		$220.32
Takeline - Seawall	2		$102.00
Window & Door Permit	8		$408.00
Totals:	**284**		**$361,270.18**

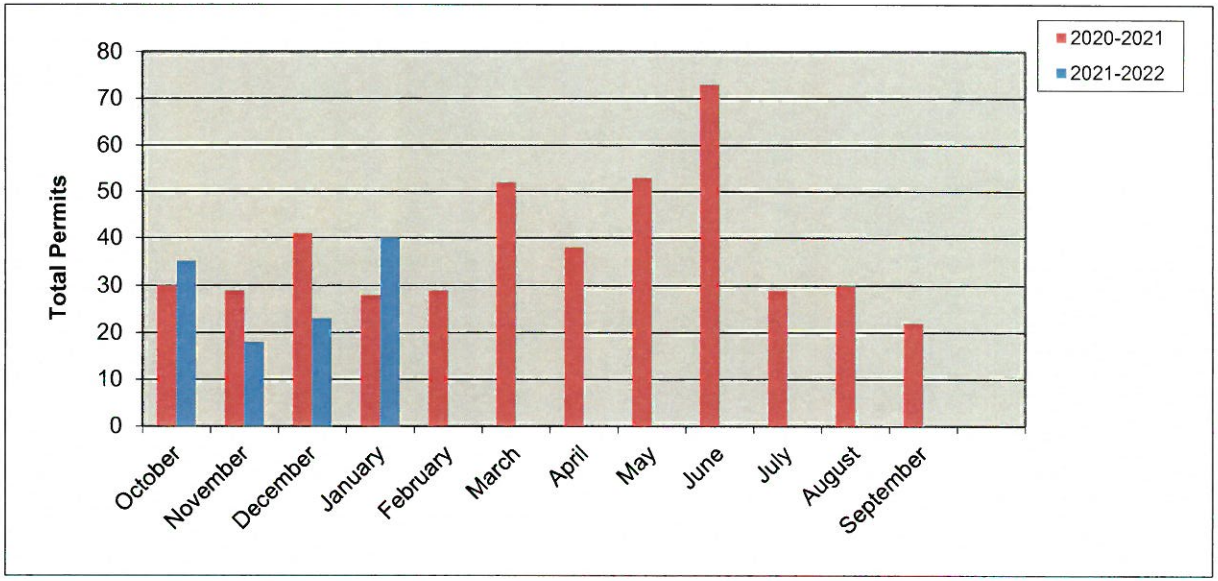
New Residential Permits Calendar Year

	Year	
	2021	2022
January	28	40
February	29	
March	52	
April	38	
May	53	
June	73	
July	29	
August	30	
September	22	
October	35	
November	18	
December	23	
Totals	430	40



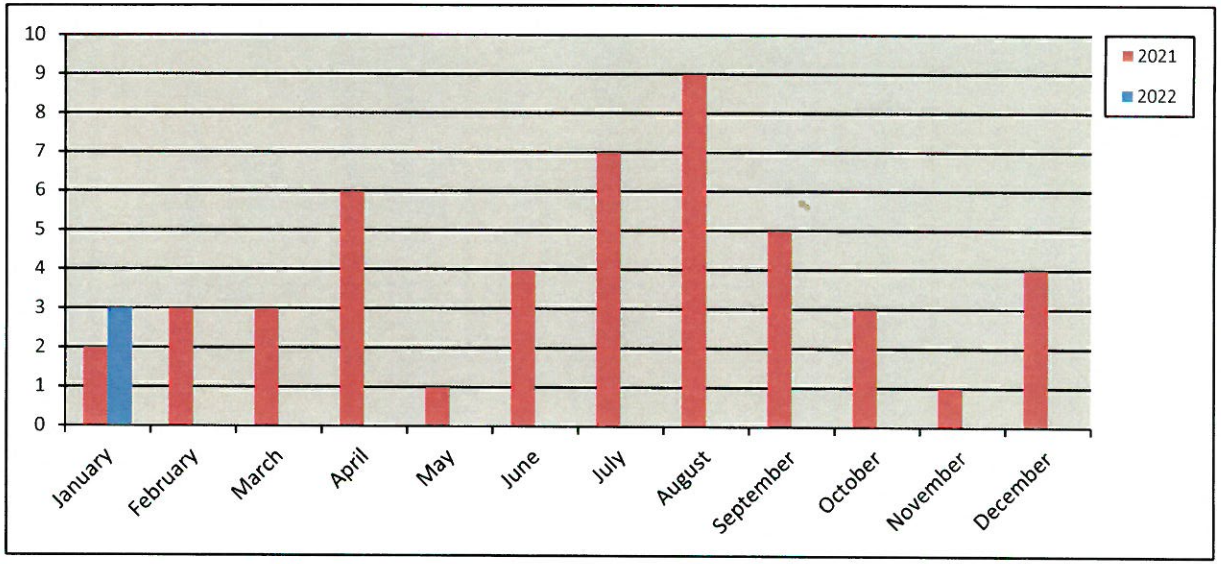
New Residential Permits Fiscal Year

	Year	
	2020-2021	2021-2022
October	30	35
November	29	18
December	41	23
January	28	40
February	29	
March	52	
April	38	
May	53	
June	73	
July	29	
August	30	
September	22	
Totals	**454**	**116**



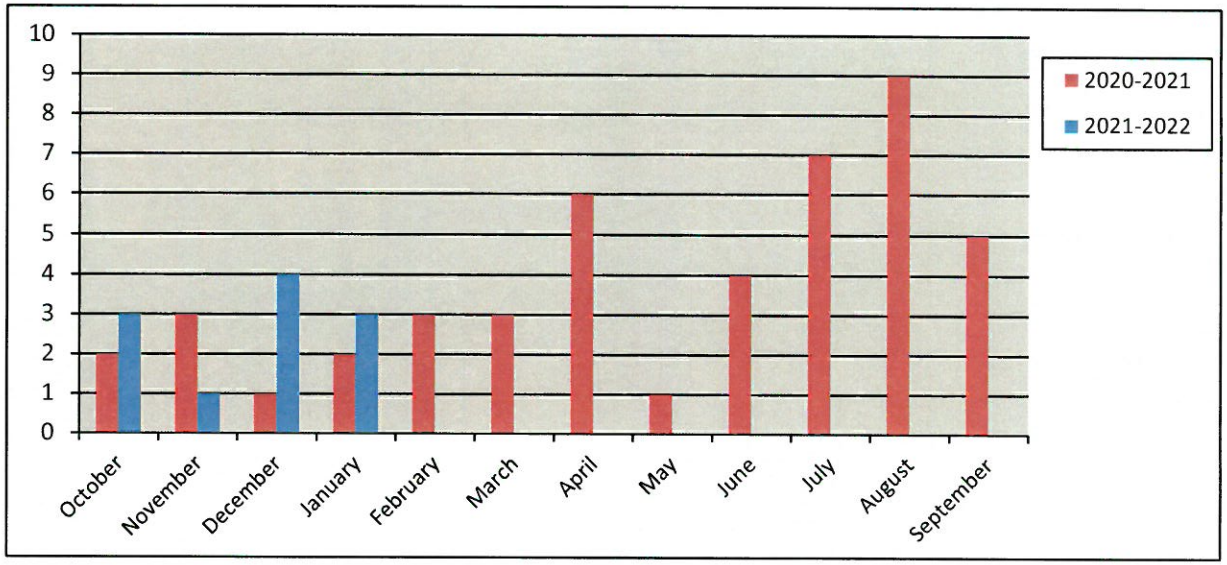
Residential Remodel Permits Calendar Year

	Year	
	2021	2022
January	2	3
February	3	
March	3	
April	6	
May	1	
June	4	
July	7	
August	9	
September	5	
October	3	
November	1	
December	4	
Totals	48	3



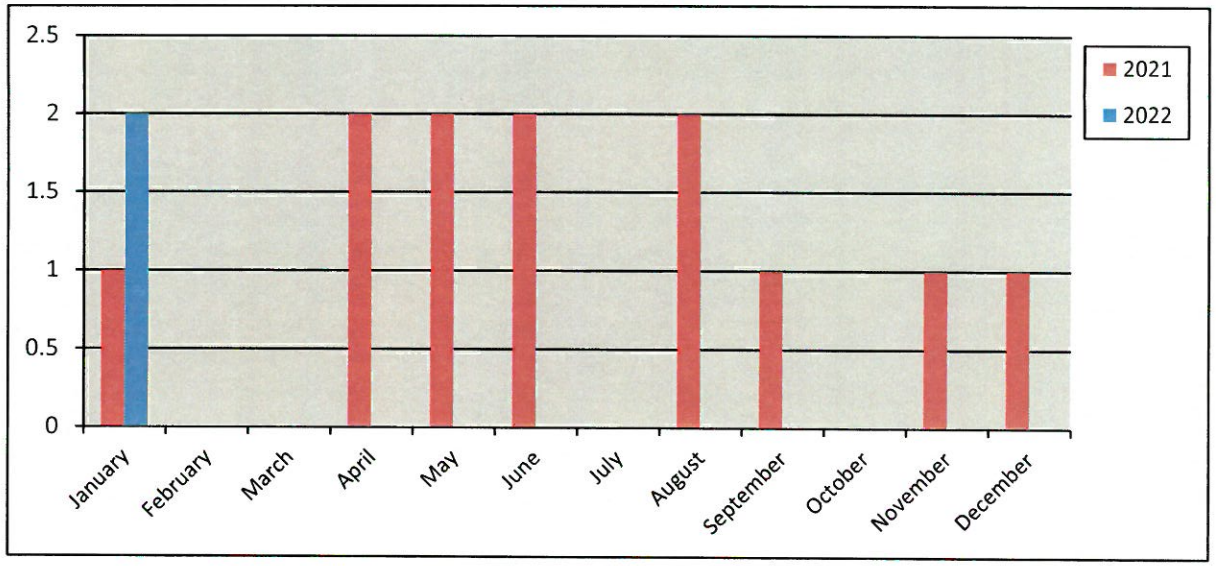
Residential Remodel Permits Fiscal Year

	Year	
	2020-2021	2021-2022
October	2	3
November	3	1
December	1	4
January	2	3
February	3	
March	3	
April	6	
May	1	
June	4	
July	7	
August	9	
September	5	
Totals	**46**	**11**



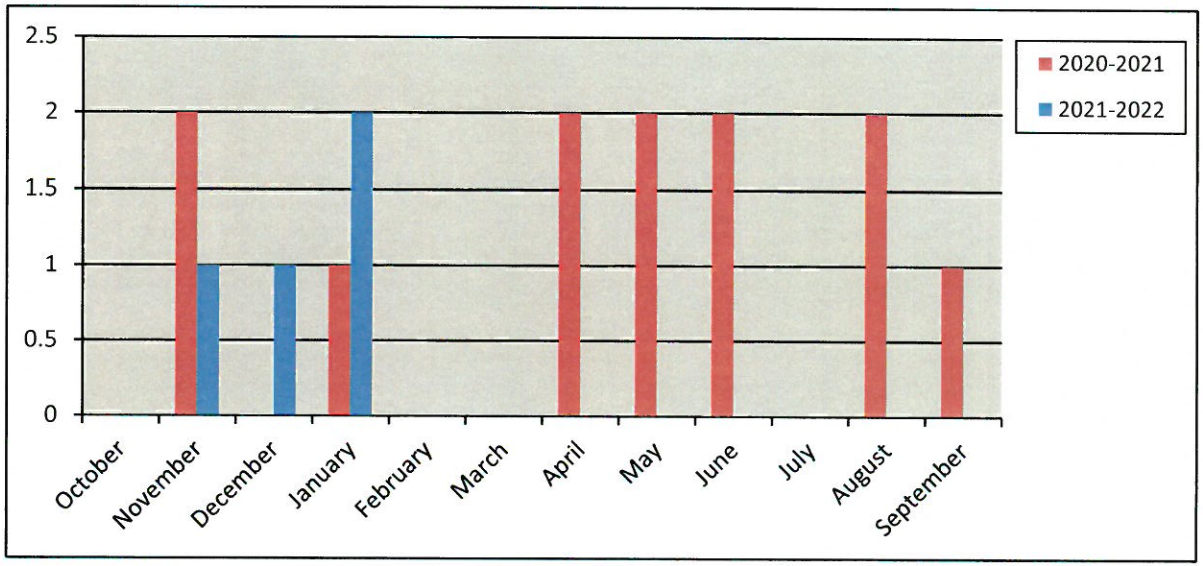
New Commercial Permits Calendar Year

Year		
	2021	2022
January	1	2
February	0	
March	0	
April	2	
May	2	
June	2	
July	0	
August	2	
September	1	
October	0	
November	1	
December	1	
Totals	**12**	**2**



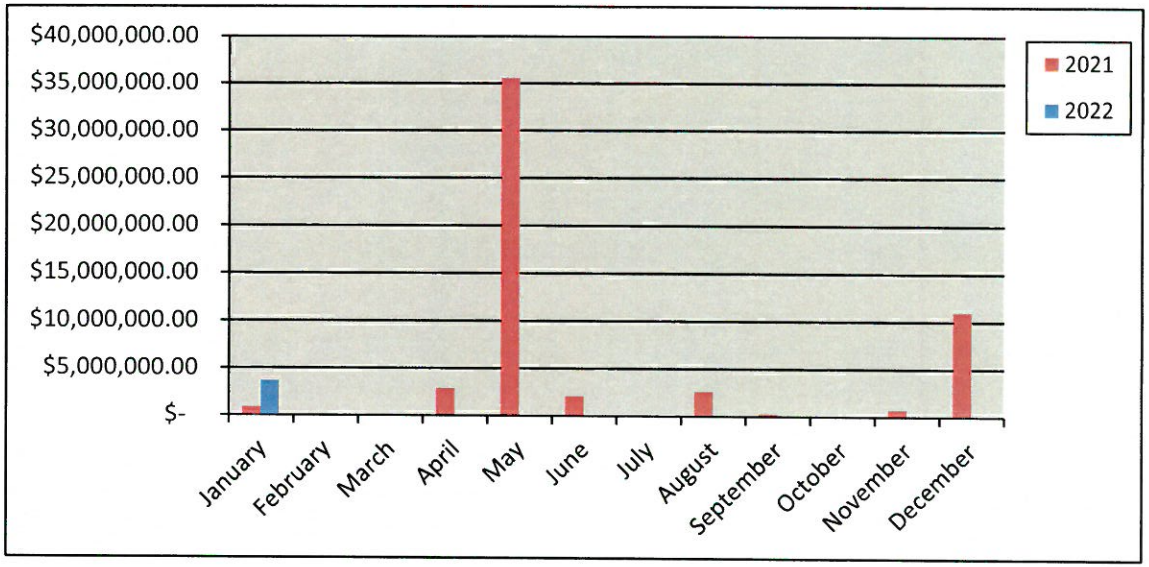
New Commercial Permits Fiscal Year

Year		
	2020-2021	2021-2022
October	0	0
November	2	1
December	0	1
January	1	2
February	0	
March	0	
April	2	
May	2	
June	2	
July	0	
August	2	
September	1	
Totals	**12**	**4**



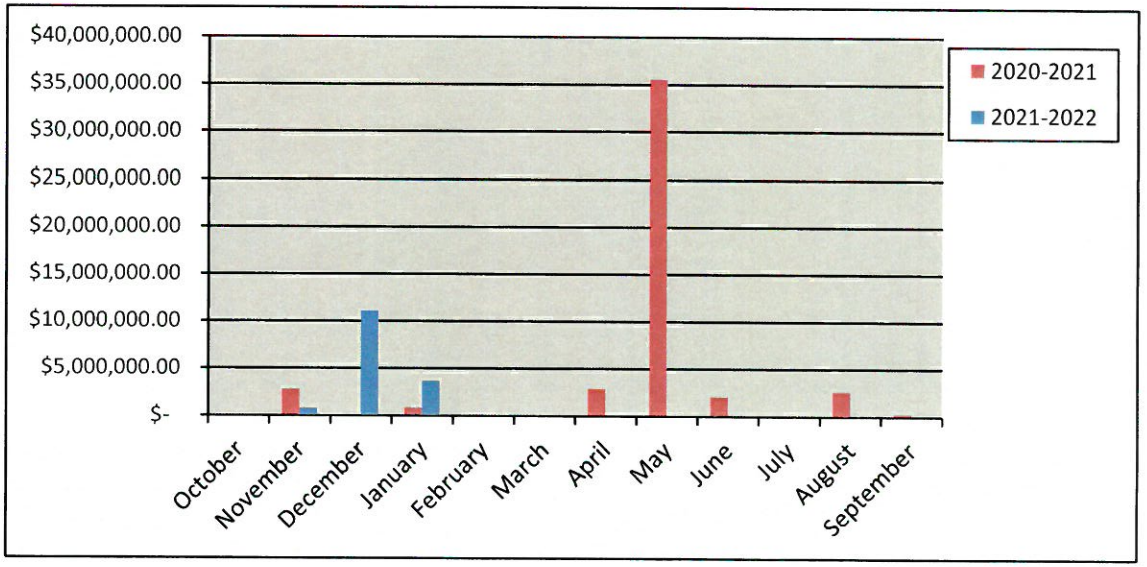
New Commercial Value Calendar Year

Year	2021	2022
January	$ 885,000.00	$ 3,625,000.00
February	$ -	
March	$ -	
April	$ 2,900,000.00	
May	$ 35,500,000.00	
June	$ 2,080,000.00	
July	$ -	
August	$ 2,650,000.00	
September	$ 286,200.00	
October	-	
November	$ 750,000.00	
December	$ 11,000,000.00	
Totals	**$ 56,051,200.00**	**$ 3,625,000.00**



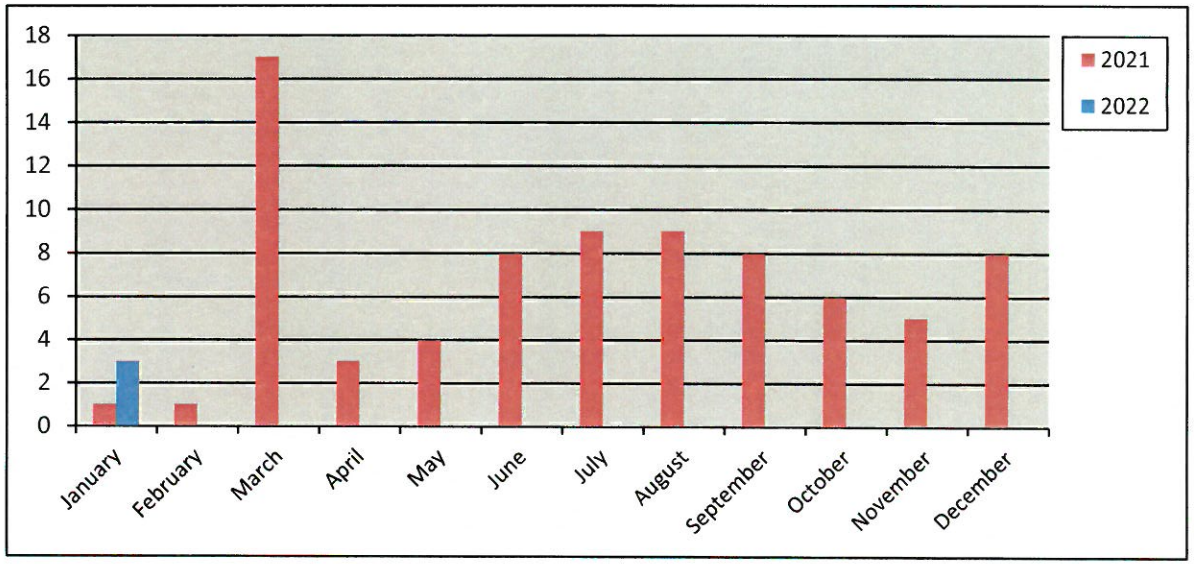
New Commercial Value Fiscal Year

Year	2020-2021	2021-2022
October	$ -	-
November	$ 2,800,000.00	$ 750,000.00
December	$ -	$ 11,000,000.00
January	$ 885,000.00	$ 3,625,000.00
February	$ -	
March	$ -	
April	$ 2,900,000.00	
May	$ 35,500,000.00	
June	$ 2,080,000.00	
July	$ -	
August	$ 2,650,000.00	
September	$ 286,200.00	
Totals	**$ 47,101,200.00**	**$ 15,375,000.00**



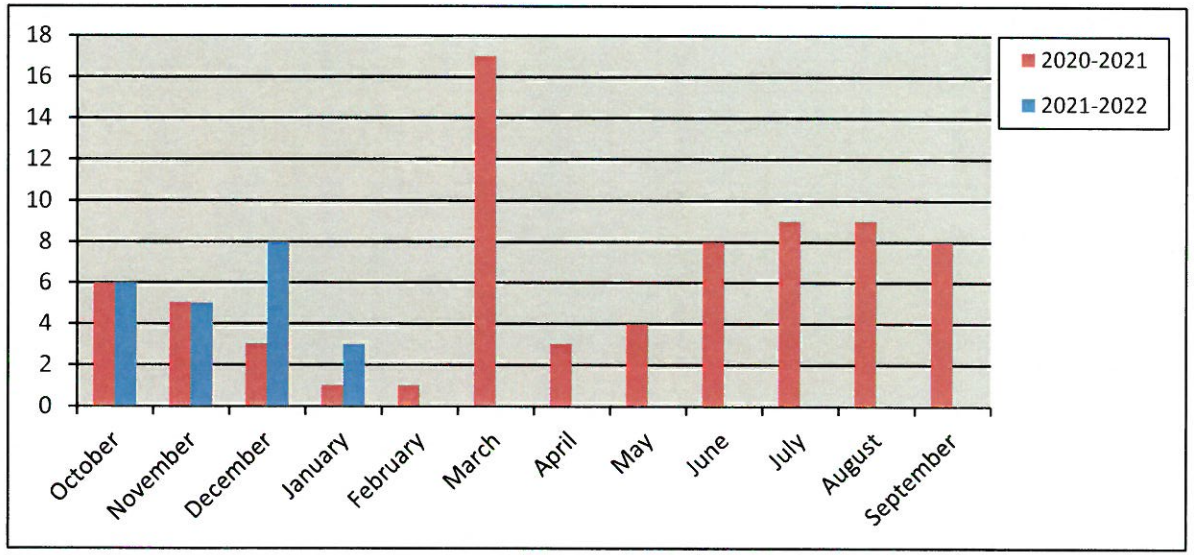
Commercial Remodel Permits Calendar Year

Year		
	2021	2022
January	1	3
February	1	
March	17	
April	3	
May	4	
June	8	
July	9	
August	9	
September	8	
October	6	
November	5	
December	8	
Totals	**79**	**3**



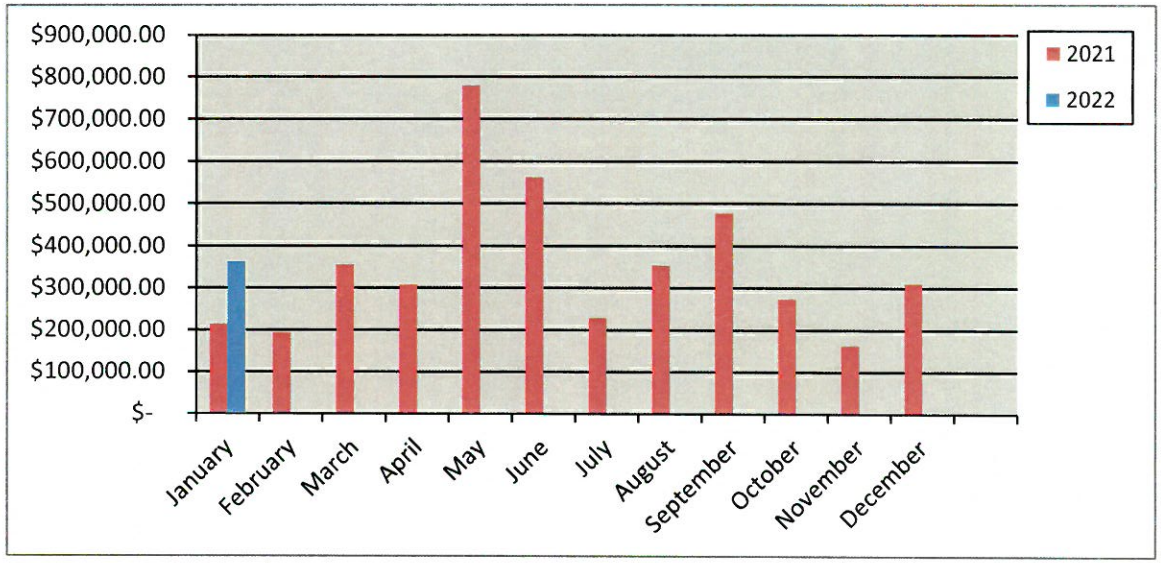
Commercial Remodel Permits Fiscal Year

Year		
	2020-2021	2021-2022
October	6	6
November	5	5
December	3	8
January	1	3
February	1	
March	17	
April	3	
May	4	
June	8	
July	9	
August	9	
September	8	
Totals	**74**	**22**



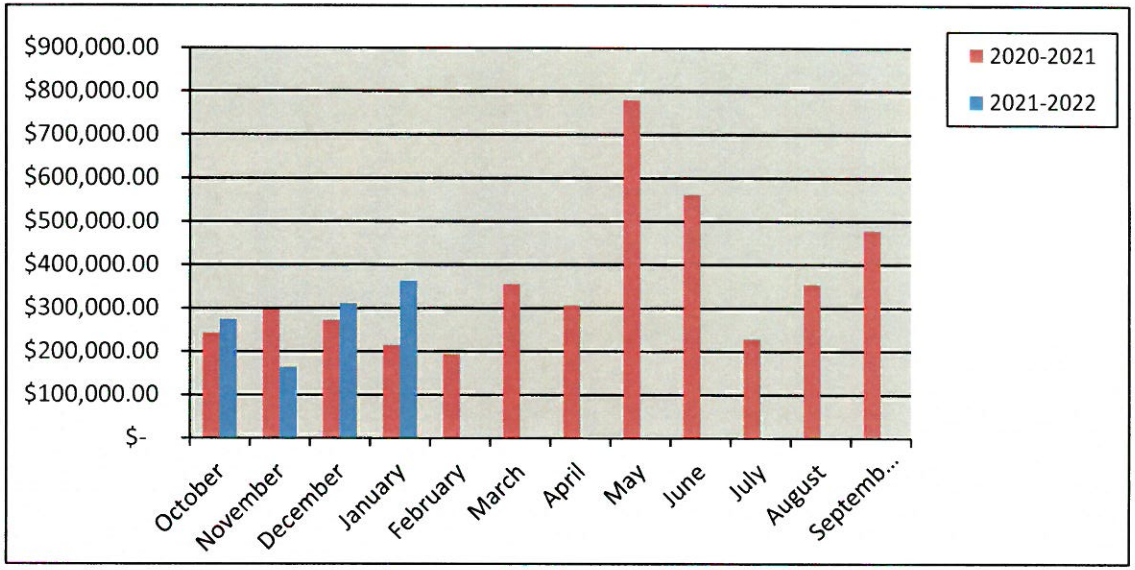
Total Fees Collected Calendar Year

Year	2021	2022
January	$ 214,263.11	$ 361,270.18
February	$ 193,245.03	
March	$ 354,901.19	
April	$ 306,654.35	
May	$ 778,422.17	
June	$ 561,245.38	
July	$ 228,777.52	
August	$ 353,601.69	
September	$ 476,935.40	
October	$ 273,670.22	
November	$ 163,206.06	
December	$ 310,002.73	
Totals	**$ 4,214,924.85**	**$ 361,270.18**



Total Fees Collected Fiscal Year

Year	2020-2021	2021-2022
October	$ 242,859.42	$ 273,670.22
November	$ 296,217.55	$ 163,206.06
December	$ 272,486.48	$ 310,002.73
January	$ 214,263.11	$ 361,270.18
February	$ 193,245.03	
March	$ 354,901.19	
April	$ 306,654.35	
May	$ 778,422.17	
June	$ 561,245.38	
July	$ 228,777.52	
August	$ 353,601.69	
September	$ 476,935.40	
Totals	**$ 4,279,609.29**	**$ 1,108,149.19**



For the Period 1/1/2022 to 1/31/2022

Permit Number / Application Date / Issue Date	Permit Type / Subtype / Status of Permit	Site Address / Parcel Number / Subdivision Name / Plan Number	Valuation	Total Fees / Total SQFT	Fees Paid
COM2021-6342	Commercial Building Permit				
11/10/2021	Certificate of Occupancy	6520 ALLIANCE DR., SUITE 130, ROCKWALL, TX 75032		$76.50	$76.50
01/11/2022	ISSUED			1,344.00	

Contact Type	Contact Name	Contact Address			
Business Owner	JEFF BODE	15301 SPECTRUCM DR. SUITE 405	Addison	TX	75001
Property Owner	5 SHARP REAL ESTATE	3021 RIDGE RD. #160	Rockwall	TX	75032

Contractors

Permit Number / Application Date / Issue Date	Permit Type / Subtype / Status of Permit	Site Address / Parcel Number / Subdivision Name / Plan Number	Valuation	Total Fees / Total SQFT	Fees Paid
COM2021-7080	Commercial Building Permit				
12/21/2021	Certificate of Occupancy	306 E WASHINGTON ST, SUITE B , ROCKWALL, TX 75087		$76.50	$76.50
01/23/2022	ISSUED			2,400.00	

Contact Type	Contact Name	Contact Address			
Business Owner	MEGAN STOECKL	306 E. WASHINGTON ST. SUITE B	Rockwall	TX	75087
Property Owner	SKY INVESTMENT	106 E. RUSK SUITE 200	Rockwall	TX	75087

Contractors

Permit Number / Application Date / Issue Date	Permit Type / Subtype / Status of Permit	Site Address / Parcel Number / Subdivision Name / Plan Number	Valuation	Total Fees / Total SQFT	Fees Paid
COM2021-7131	Commercial Building Permit				
12/28/2021	Certificate of Occupancy	3045 N GOLIAD ST		$75.00	$75.00
01/27/2022	ISSUED			976.00	

Contact Type	Contact Name	Contact Address			
Business Owner	DYSC CORPORATION	3045 N GOLIAD ST S. 103	ROCKWALL	TX	
Property Owner	Abdul Khan	1002 Creekbrook Dr	Garland	TX	75044

Contractors

Permit Number / Application Date / Issue Date	Permit Type / Subtype / Status of Permit	Site Address / Parcel Number / Subdivision Name / Plan Number	Valuation	Total Fees / Total SQFT	Fees Paid
COM2022-227	Commercial Building Permit				
01/18/2022	Certificate of Occupancy	118 NATIONAL DR, ROCKWALL, 75032		$76.50	$76.50
01/26/2022	ISSUED			6,200.00	

Contact Type	Contact Name	Contact Address			
Business Owner	ZACH CONTI	118 NATIONAL DR.	Rockwall	TX	75032
Property Owner	SCOTT FREE INVESTMENTS	519 E. INTERSTATE 30 #511	Rockwall	TX	75087

Contractors

Permit Number / Application Date / Issue Date	Permit Type / Subtype / Status of Permit	Site Address / Parcel Number / Subdivision Name / Plan Number	Valuation	Total Fees / Total SQFT	Fees Paid
COM2022-241	Commercial Building Permit				
01/18/2022	Certificate of Occupancy	2845 RIDGE RD., #211, ROCKWALL, TX 75032		$76.50	$76.50
01/23/2022	ISSUED			1,730.00	

Permit Number / Application Date / Issue Date	Permit Type / Subtype / Status of Permit	Site Address / Parcel Number / Subdivision Name / Plan Number	Valuation	Total Fees / Total SQFT	Fees Paid
COM2022-295	Commercial Building Permit				
01/21/2022	Temporary Certificate of Occupancy	710 E RALPH HALL PKWY, ROCKWALL, 75032		$300.00	$300.00
01/28/2022	ISSUED			10,266.00	

Contact Type	Contact Name	Contact Address			
Business Owner	TANYA GLENN	710 E. RALPH HALL PKWY.	Rockwall	TX	75032
Property Owner	BLPB PROPERTY GROUP, LLC.	991 E. INTERSTATE 30 #103	Rockwall	TX	75032

Contractors

Permit Number / Application Date / Issue Date	Permit Type / Subtype / Status of Permit	Site Address / Parcel Number / Subdivision Name / Plan Number	Valuation	Total Fees / Total SQFT	Fees Paid
COM2022-94	Commercial Building Permit				
01/10/2022	Certificate of Occupancy	305 N FANNIN ST, ROCKWALL, 75087		$75.00	$75.00
01/28/2022	ISSUED			1,023.00	

Contact Type	Contact Name	Contact Address			
Business Owner	LAUREN COATS	305 N. FANNIN ST.	Rockwall	TX	75087
Property Owner	LAUREN COATS	305 N. FANNIN ST.	Rockwall	TX	75087

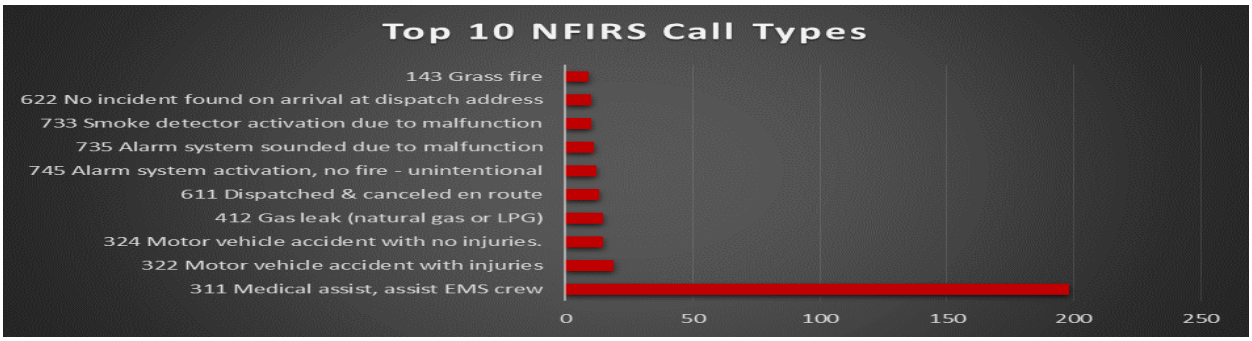
Contractors

7

Total Valuation:
Total Fees: $756.00
Total Fees Paid: $756.00



January 2022 Monthly Report

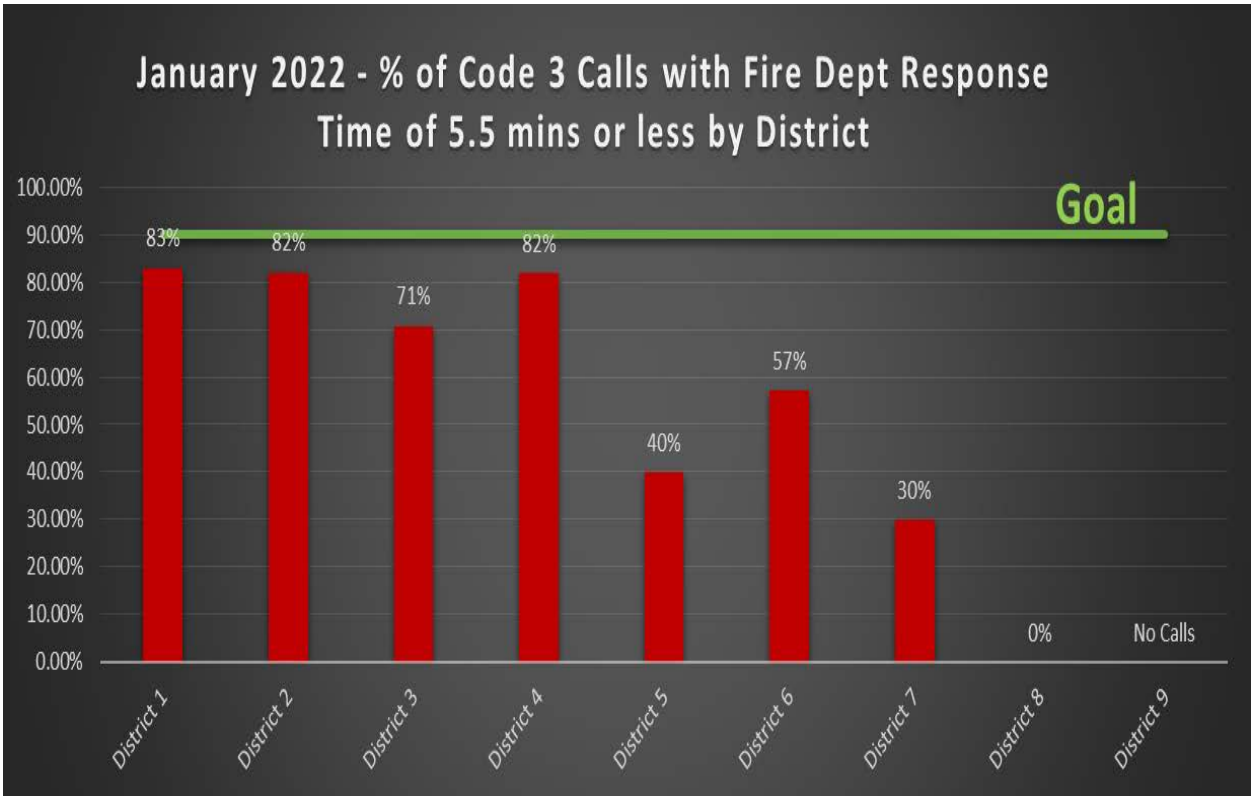


All Calls By NFIRS Call Type	Incident Count
111 Building fire	5
114 Chimney or flue fire, confined to chimney or flue	2
131 Passenger vehicle fire (cars, pickups, SUV's)	3
132 Road freight or transport vehicle fire (Commercial Vehicles)	1
140 OTHER Natural vegetation fire	1
142 Brush or brush-and-grass mixture fire	3
143 Grass fire	9
151 Outside rubbish, trash or waste fire	1
251 Excessive heat, scorch burns with no ignition	1
311 Medical assist, assist EMS crew	198
322 Motor vehicle accident with injuries	19
323 Motor vehicle/pedestrian accident (MV Ped)	1
324 Motor vehicle accident with no injuries.	15
352 Extrication of victim(s) from vehicle	1
353 Removal of victim(s) from stalled elevator	3
400 Hazardous condition, other	1
411 Gasoline or other flammable liquid spill	2
412 Gas leak (natural gas or LPG)	15
424 Carbon monoxide incident	2
441 Heat from short circuit (wiring), defective/worn	1
444 Power line down	2
445 Arcing, shorted electrical equipment	1
511 Lock-out	1
520 Water problem, other	2
522 Water or steam leak	5
531 Smoke or odor removal	2
542 Animal rescue	1
550 Public service assistance, other	3
550 Smoke Detector Battery Change/Install	6
551 Assist police or other governmental agency	1
553 Public service	2
555 Defective elevator, no occupants	1
561 Unauthorized burning	1
600 Good intent call, other	2
611 Dispatched & canceled en route	13
622 No incident found on arrival at dispatch address	10
631 Authorized controlled burning	2
651 Smoke scare, odor of smoke	8
700 False alarm or false call, other	1
730 System malfunction, other	2
731 Sprinkler activation due to malfunction	4
733 Smoke detector activation due to malfunction	10
735 Alarm system sounded due to malfunction	11
736 CO detector activation due to malfunction	3
740 Unintentional transmission of alarm, other	1
741 Sprinkler activation, no fire - unintentional	1
743 Smoke detector activation, no fire - unintentional	5
744 Detector activation, no fire - unintentional	2
745 Alarm system activation, no fire - unintentional	12
Grand Total	**399**

COVID-19 Tests	Number Administered
Rapid Covid-19	356

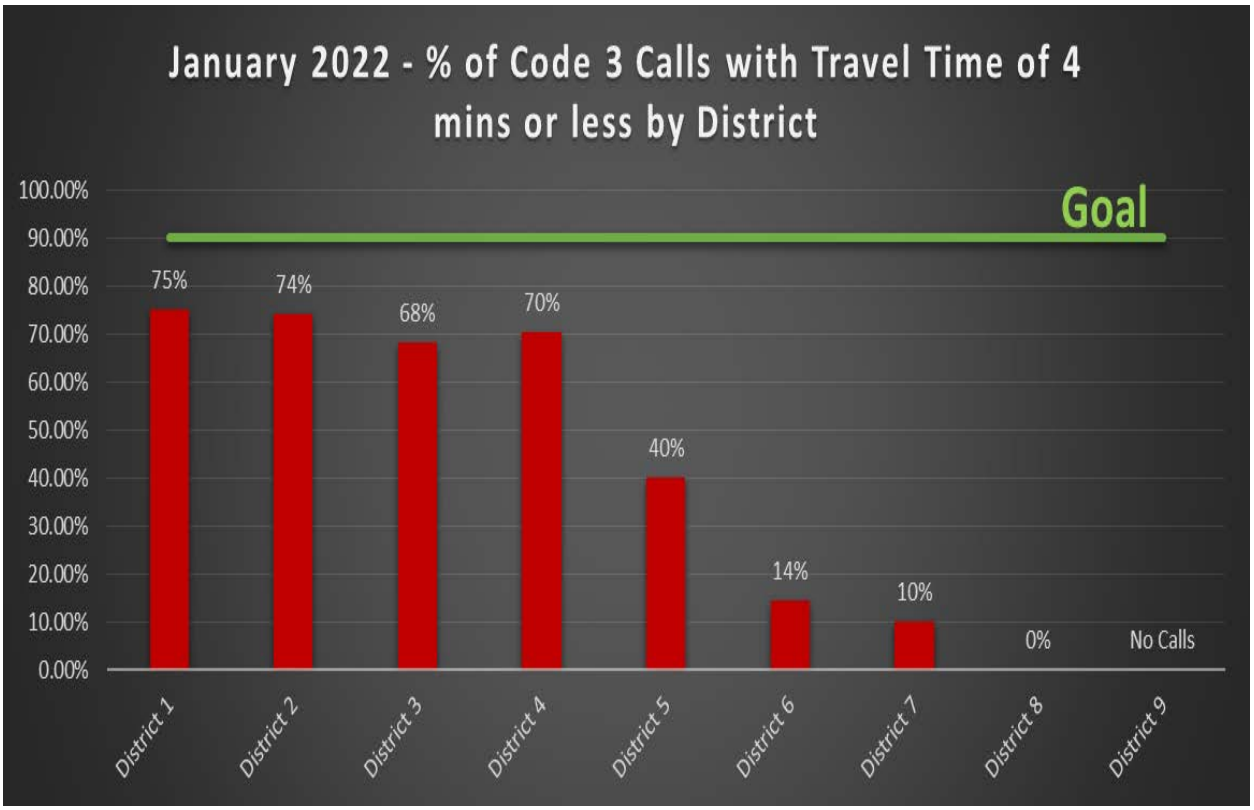
January 2022 Dispatch to Arrival Analysis

District	Total Number of Calls	Percent of Runs per District	Number of Calls in 5.5 mins or Less	Average FD Response Time Minutes	% in 5.5 min or less	Goal of 90%
District 1	88	29%	73	0:04:17	83%	90%
District 2	89	29%	73	0:04:17	82%	90%
District 3	41	13%	29	0:05:19	71%	90%
District 4	61	20%	50	0:04:47	82%	90%
District 5	5	2%	2	0:08:08	40%	90%
District 6	7	2%	4	0:07:10	57%	90%
District 7	10	3%	3	0:06:21	30%	90%
District 8	3	1%	0	0:10:53	0%	90%
District 9	0	0%	0	0:00:00	No Calls	90%
Department	304	100%	234	0:04:47	77%	90%



January 2022 Travel Time by District

District	Total Number of Calls	Percent of Runs per District	Number of Calls in 4 or Less	Average Travel Time Minutes	% in 4 min or less	Goal of 90%
District 1	88	29%	66	0:03:19	75%	90%
District 2	89	29%	66	0:03:20	74%	90%
District 3	41	13%	28	0:04:17	68%	90%
District 4	61	20%	43	0:03:44	70%	90%
District 5	5	2%	2	0:07:40	40%	90%
District 6	7	2%	1	0:06:31	14%	90%
District 7	10	3%	1	0:05:07	10%	90%
District 8	3	1%	0	0:10:06	0%	90%
District 9	0	0%	0	0:00:00	No Calls	90%
Department	304	100%	207	0:03:48	68%	90%



Total Dollar Losses

January 2022

Print Date/Time: 02/16/2022 11:30
Login ID: rck\ihatcher
Layer: All
Areas: All

Rockwall Fire Department

ORI Number: TX504
Incident Type: All
Station: All

	Current Month	Last Month	Same Month Last Year	Year To Date	Last Year To Date
Total Property Loss:	$240,300.00	$0.00	$1,000.00	$240,300.00	$1,000.00
Total Content Loss:	$100,000.00	$0.00	$4,000.00	$100,000.00	$4,000.00
Total Property Pre-Incident Value:	$381,550.00	$0.00	$24,330,930.00	$381,550.00	$24,330,930.00
Total Contents Pre-Incident Value	$100,000.00	$0.00	$10,000,000.00	$100,000.00	$10,000,000.00
Total Losses:	$340,300.00	$.00	$5,000.00	$340,300.00	$340,300.00
Total Value:	$481,550.00	$.00	$34,330,930.00	$481,550.00	$34,330,930.00

ROCKWALL FIRE

Fire Marshal Division

January 2022 Report

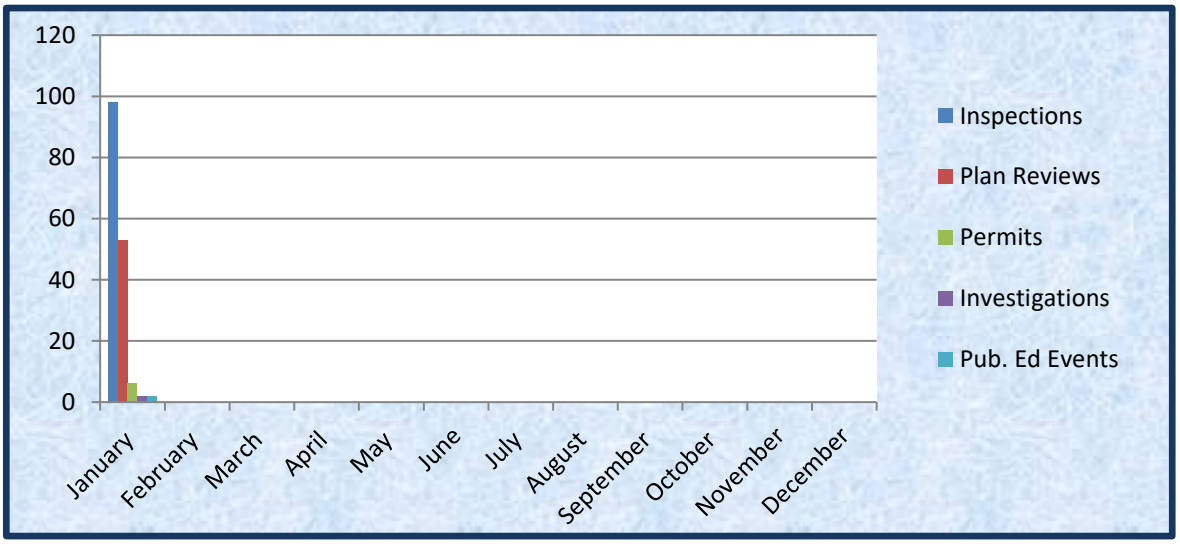
Inspections Conducted	
Total for the 2021	98

Plan Reviews Completed	
Total for 2021	53

Permits Issued	
Total for 2021	6

Fire Investigations	
Total for 2021	2

Public Education Events	
Total for 2021	2



ROCKWALL PARKS & RECREATION

GO OUTSIDE AND PLAY

PLAYROCKWALL.COM

Monthly Report
January 2022



Daddy Daughter Dance
700 Attendees

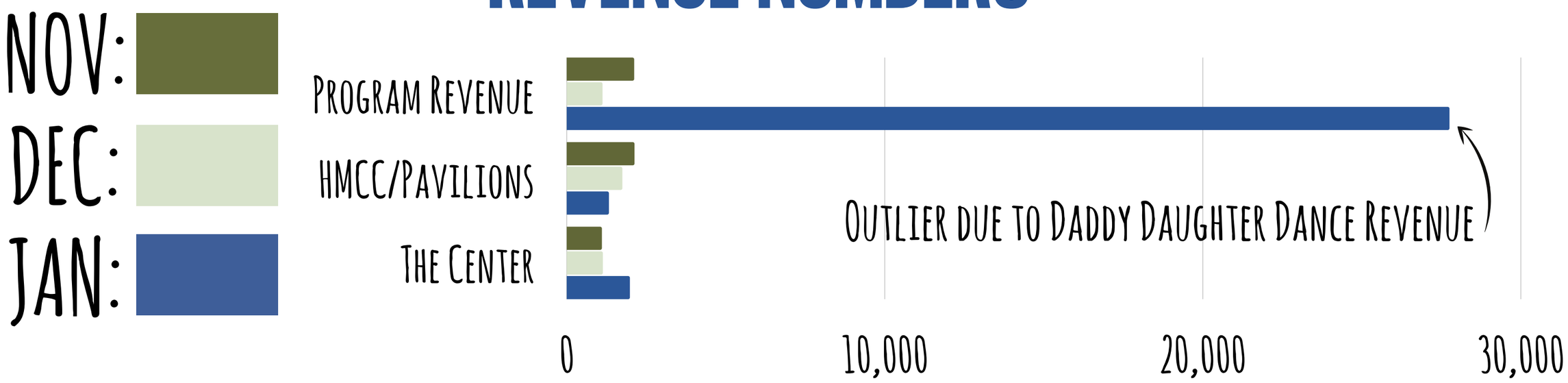




Trout stocking at Harry Myers Park



REVENUE NUMBERS



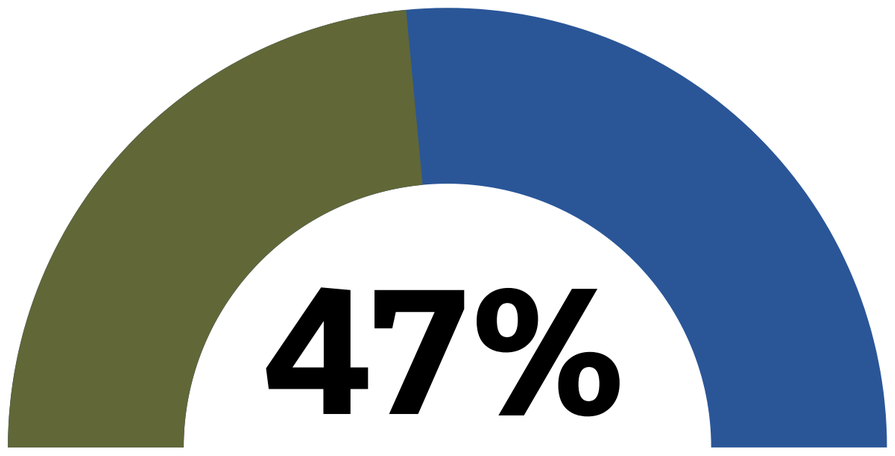
Upcoming:

Spring Break Rock Camp

Woofstock Event

Little Athletes Programs

% of Resident Accounts as of January 2022



PARKS PROJECT UPDATE – JANUARY 2022



TRAPS Park Maintenance Rodeo

STATE CHAMPS!



Harry Myers Disc Golf Course Maintenance



Harry Myers Disc Golf Course

ranked #94 in the world



Leon Tuttle Athletic Complex 2022 Pioneer Fields of Excellence Award Winner (5 years in a row)

OTHER PROJECT UPDATES:

Lofland Park Pavilion Refurbishment

Ongoing urban forestry plan

Rockwall Police Department

Monthly Activity Report

January-2022

ACTIVITY	CURRENT MONTH JANUARY	PREVIOUS MONTH DECEMBER	YTD 2022	YTD 2021	YTD % CHANGE
Homicide / Manslaughter	0	0	0	0	**0.00%**
Sexual Assault	1	1	1	5	**-80.00%**
Robbery	3	0	3	0	**300.00%**
Aggravated Assault	1	5	1	3	**-66.67%**
Burglary	3	1	3	3	**0.00%**
Larceny	57	40	57	60	**-5.00%**
Motor Vehicle Theft	5	2	5	7	**-28.57%**
TOTAL PART I	**70**	**49**	**70**	**78**	**-10.26%**
TOTAL PART II	**126**	**109**	**126**	**133**	**-5.26%**
TOTAL OFFENSES	**196**	**158**	**196**	**211**	**-7.11%**
ADDITIONAL STATISTICS					
FAMILY VIOLENCE	5	11	5	14	**-64.29%**
D.W.I.	11	10	11	20	**-45.00%**
ARREST					
FELONY	21	21	21	15	**40.00%**
MISDEMEANOR	51	39	51	58	**-12.07%**
WARRANT ARREST	7	11	7	6	**16.67%**
JUVENILE	4	2	4	3	**33.33%**
TOTAL ARRESTS	**83**	**73**	**83**	**82**	**1.22%**
DISPATCH					
CALLS FOR SERVICE	1913	2166	1913	1805	**5.98%**
ACCIDENTS					
INJURY	8	5	8	8	**0.00%**
NON-INJURY	72	90	72	48	**50.00%**
FATALITY	0	0	0	0	**0.00%**
TOTAL	**80**	**95**	**80**	**56**	**42.86%**
FALSE ALARMS					
RESIDENT ALARMS	52	42	52	31	**67.74%**
BUSINESS ALARMS	160	155	160	134	**19.40%**
TOTAL FALSE ALARMS	**212**	**197**	**212**	**165**	**28.48%**
Estimated Lost Hours	**139.92**	**130.02**	**139.92**	**108.9**	**28.48%**
Estimated Cost	**$3,328.40**	**$3,092.90**	**$3,328.40**	**$2,590.50**	**28.48%**

ROCKWALL NARCOTICS UNIT

Number of Cases	**6**
Arrests	**2**
Arrest Warrants	**0**
Search Warrants	**3**
Seized	
Cocaine	2 kg
Methamphetamine	4 kg
Dangerous Drugs	150000 pills
Money seized	$14,587.00

Rockwall Police Department

Dispatch and Response Times

January 2022

Police Department

	Average Response Time		
Priority 1		Number of Calls	**143**
Call to Dispatch	0:00:44		
Call to Arrival	0:04:50		
% over 7 minutes	17%		

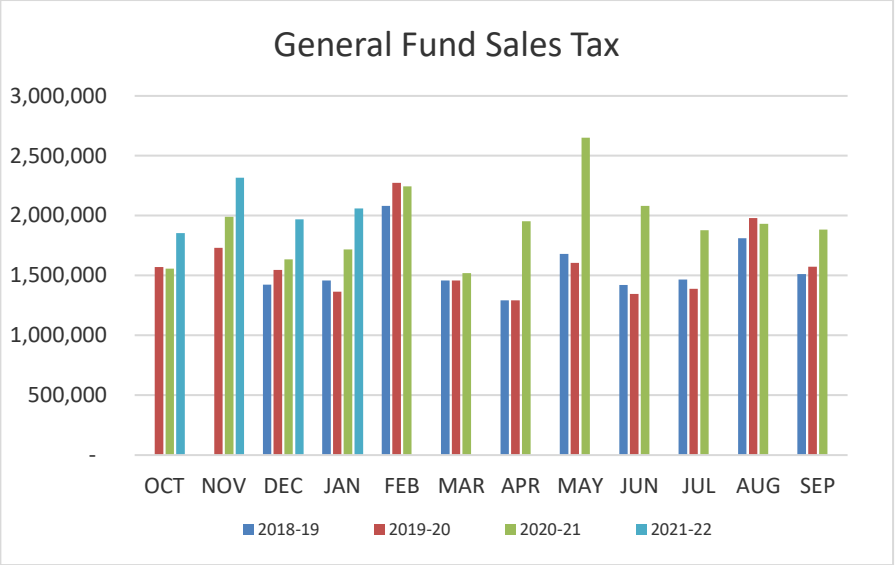
	Average Response Time		
Priority 2		Number of Calls	**632**
Call to Dispatch	0:02:14		
Call to Arrival	0:09:54		
% over 7 minutes	22%		

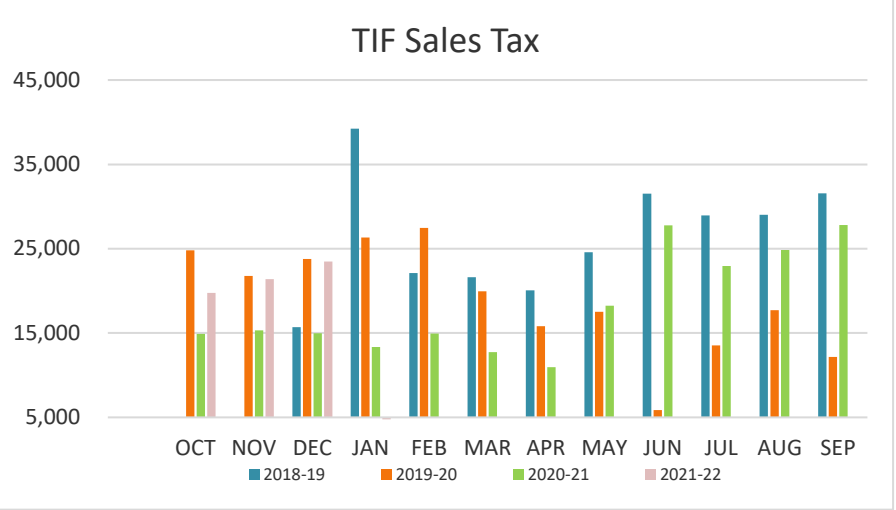
	Average Response Time		
Priority 3		Number of Calls	**64**
Call to Dispatch	0:02:37		
Call to Arrival	0:08:58		
% over 7 minutes	36%		

Average dispatch response time goals are as follows:
Priority 1: 1 Minute
Priority 2: 1 Minute, 30 Seconds
Priority 3: 3 Minutes

Sales Tax Collections - Rolling 36 Months

	General Fund Sales Tax	TIF Sales Tax
Feb-19	2,080,043	22,109
Mar-19	1,459,018	21,606
Apr-19	1,293,524	20,077
May-19	1,679,076	24,582
Jun-19	1,420,483	31,523
Jul-19	1,467,376	28,951
Aug-19	1,810,970	29,022
Sep-19	1,478,622	31,577
Oct-19	1,565,868	24,818
Nov-19	1,730,541	21,787
Dec-19	1,547,746	23,781
Jan-20	1,365,040	26,330
Feb-20	2,273,520	27,472
Mar-20	1,458,193	19,955
Apr-20	1,292,639	15,829
May-20	1,605,986	17,538
Jun-20	1,345,598	5,881
Jul-20	1,376,026	13,529
Aug-20	1,979,539	17,706
Sep-20	1,573,352	12,179
Oct-20	1,558,570	14,888
Nov-20	1,989,955	15,299
Dec-20	1,634,280	14,994
Jan-21	1,718,364	13,341
Feb-21	2,244,778	14,935
Mar-21	1,521,031	12,738
Apr-21	1,952,165	10,954
May-21	2,651,412	18,252
Jun-21	2,080,645	27,773
Jul-21	1,877,982	22,940
Aug-21	1,930,521	24,860
Sep-21	1,882,276	27,803
Oct-21	1,855,251	19,744
Nov-21	2,317,861	21,385
Dec-21	1,968,345	23,464
Jan-22	2,060,497	TBD





Notes:

75% of total sales tax collected is deposited to the General Fund each month

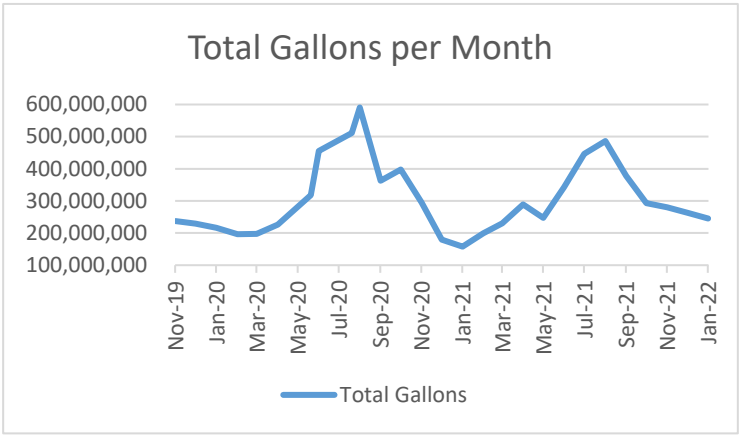
Comptroller tracks sales tax generated in the TIF and reports it monthly

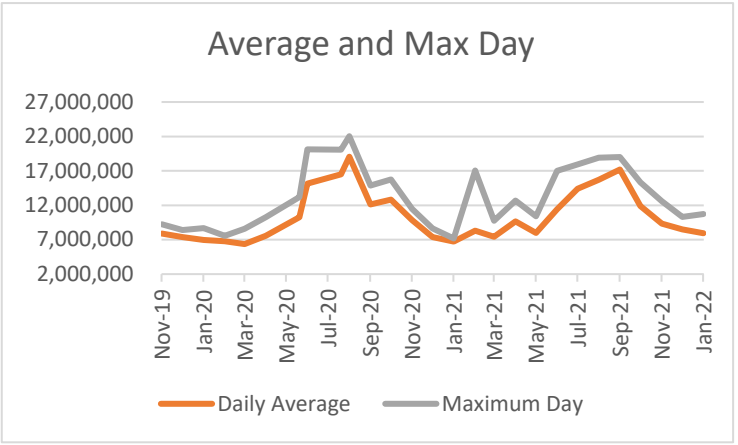
75% of TIF sales tax (city share) is pledged to the TIF

Monthly Water Consumption - Rolling 27 Months

	Total Gallons	Daily Average	Maximum Day
Nov-19	237,328,307	7,910,944	9,218,867
Dec-19	229,083,044	7,389,776	8,396,266
Jan-20	215,978,847	6,967,060	8,691,306
Feb-20	196,611,134	6,779,695	7,579,604
Mar-20	197,281,791	6,363,929	8,569,168
Apr-20	226,508,245	7,550,275	10,263,848
May-20	317,650,425	10,246,788	13,193,218
Jun-20	455,022,410	15,167,411	20,100,668
Jul-20	511,667,880	16,505,415	20,073,454
Aug-20	590,693,550	19,054,630	22,031,522
Sep-20	363,112,688	12,103,756	14,870,959
Oct-20	397,801,934	12,832,320	15,751,199
Nov-20	295,091,494	9,836,383	11,452,738
Dec-20	179,571,968	7,371,629	8,653,526
Jan-21	157,800,928	6,718,182	7,179,987
Feb-21	199,821,312	8,288,901	17,044,360
Mar-21	230,130,315	7,423,560	9,739,996
Apr-21	289,545,756	9,651,525	12,683,656
May-21	247,421,005	7,981,324	10,400,411
Jun-21	342,904,230	11,430,141	16,988,604
Jul-21	446,687,809	14,409,284	17,918,524
Aug-21	486,443,590	15,691,730	18,928,160
Sep-21	377,898,464	17,173,544	19,016,086
Oct-21	293,280,384	11,880,576	15,338,545
Nov-21	280,398,508	9,346,618	12,584,820
Dec-21	262,730,021	8,475,163	10,313,293
Jan-22	245,557,172	7,921,199	10,742,941

Source: SCADA Monthly Reports generated at the Water Pump Stations





MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, January 03, 2022 - 6:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER - (6:00 P.M.)

Mayor Fowler called the public meeting to order at 6:00 p.m. with all seven council members being present (Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels and Anna Campbell). City Manager Mary Smith was also present. Assistant City Manager Joey Boyd and City Attorney Frank Garza were absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESEN

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

III. OPEN FORUM

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and provided various comments pertaining to sidewalks and other issues related to case Z2021-048 (on tonight's Consent Agenda for 2nd reading). He generally spoke about homeowner input he personally collected, indicating that he understands that said input is not formally being accepted by the city (since those homeowners did not submit their input DIRECTLY to the city thru the proper channels). However, he hopes that the Council will consider the input, which he said shows that homeowners are overwhelmingly opposed to installation of sidewalks, and he also hopes the Council will delay taking action on the ordinance's second reading this evening. He went on to discuss floodplain related concerns pertaining to the proposed detention pond, generally indicating that he obtained a copy of the draft floodplain study from staff members earlier today. He wants Council to delay taking action to allow the HOA and homeowners to negotiate some things with the developer, as he believes approval of this will result in increased costs to the HOA.

The City Engineer pointed out that since the developer wants to construct things on the HOA's property, the HOA will have an opportunity to have input at a later point in the process.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the December 20, 2021 regular city council meeting, and take any action necessary.

2. **Z2021-048** - 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 **(2nd Reading).**

3. **Z2021-049** - 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 **(2nd Reading).**

4. Consider authorizing the City Manager to enter into a contract for Professional Engineering Services with Freese and Nichols, Inc. in the amount of $62,350.00 (to be funded by the Engineering Consulting Budget) to perform a comprehensive update of the City's Master Thoroughfare Plan (MTP), and take any action necessary.

5. **P2021-065** - Consider a request by Terri Bedford of A. J. Bedford Group, Inc. on behalf of Ray LaVigne of Agree L. P. for the approval of a *Replat* for Lot 7, Block A, Sharp Addition being a 3.212-acre parcel of land identified as Lot 6, Block A, Sharp Addition, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 2582 SH-276, and take any action necessary.

6. **P2021-066** - Consider a request by Corwin Finch of Corwin Engineering, Inc. on behalf of Christy & Willard Hester for the approval of a *Replat* for Lot 13, Block C, Ridgecrest Addition being a 0.503-acre parcel of land identified as Lot 12, Block C, Ridgecrest Addition, Rockwall County, Texas, zoned Planned Development District 81 (PD-81) for Single-Family 10 (SF-10) District land uses, addressed as 405 Fox Hollow Drive, and take any action necessary.

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

CITY OF ROCKWALL
ORDINANCE NO. 22-01

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.

CITY OF ROCKWALL
ORDINANCE NO. 22-02
SPECIFIC USE PERMIT NO. S-266

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 to approve the Consent Agenda in its entirety passed by a vote of 7 ayes to 0 nays.

V. 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 2021
2. Fire Department Monthly Report - November 2021
3. Parks & Recreation Department Monthly Report - November 2021
4. Police Department Monthly Report - November 2021

No discussion took place related to departmental reports, and Council took no action related to them. Councilmember Macalik shared that within the last few days, a serious fire occurred at a residence near Yacht Club and Harbor Landing Drive in the Chandler's Landing subdivision. She has heard that the homeowner is still in the "burn unit" at Parkland Hospital. She wanted to recognize the firefighters and the police officer who were on scene assisting that evening.

VI. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:13 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF JANUARY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY COLE, CITY SECRETARY

CITY OF ROCKWALL TEXAS SEAL

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, March 21, 2022 - 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, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Councilmember Anna Campbell was absent from the meeting.

Mayor Fowler read the below listed discussion item into the record before recessing the public meeting to go into Ex. 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 North Goliad Street pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

2. **PULLED FROM PUBLIC MTG. AGENDA – Public Hearing Item # 7: Z2022-012** - Hold a public hearing to discuss and consider approval of an **ordinance** for a Text Amendment to Section 06, *Overlay Districts*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of incorporating Airport Overlay (AP OV) District, and take any action necessary **(1st Reading).**

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:43 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 / AWARDS / RECOGNITIONS

1. **Rockwall Police Department Awards**
   - Rookie of the Year - Dylan Sparks
   - Officer of the Year - Wener Perez
   - Supervisor of the Year - Steven Brassil
   - Civilian Professional of the Year - Kayla Sorenson

Mayor Fowler and Rockwall Police Chief, Max Geron came forth and individually recognized each of the above named staff members for their respective awards.

VII. 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, Planning & Zoning Vice Chairman came forth and addressed the Council, providing a briefing on recommendations of the Commission relative to planning-related items on this evening's meeting agenda.

Ryan Joyce
767 Justin Road
Rockwall, TX

Mr. Joyce indicated that the Rockwall County 4H Club will be holding its annual, local event on April 1 and April 2 on the grassy area at the County Courthouse. He encouraged everyone to attend and support these young students for the hard work they have put in raising and caring for their animals.

Martin Ramirez
972 Dogwood
Rockwall, TX

Mr. Ramirez shared that several community races are coming up over the course of the upcoming months. He commented that race coordinators often paint directional markings in spray paint on the pavement and sidewalks in his neighborhood to assist race participants. He will appreciate an alternative (perhaps signage only in lieu of the spray paint), or possibly the paint markings being removed following the races.

Gary Freedman
1404 Willow Lane
Rockwall, TX 75087

Mr. Freedman came forth to speak to the Council regarding parking-related concerns at two businesses located across from City Hall – The Bagel Lady and Siren Rock Brewery. He suggested that a solution to the parking issues could be that the Siren Rock Brewery hire a valet service to park their patron's vehicles elsewhere (just not at the adjacent parking lot, as the owner of the lot does not want them parked there for liability reasons).

Revi Menasche
The Bagel Lady business owner
1588 N. Hills Drive

Ms. Menasche came forth and shared that she has engaged in several conversations with the owners of the brewery, trying to work out parking related concerns for patrons of both businesses. However, there has been no ability to reach a mutual agreement on parking-related concerns. She is greatly concerned because the Brewery owners are blasting her and her landlord (who owns the parking lot) on social media because the landlord is towing vehicles that belong to patrons of the brewery. Her business is being greatly and adversely impacted by these parking-related issues and the negative social media posts. She begged the City to figure out a viable solution.

Javier Gutierrez
396 Bass Road
Rockwall, TX 75032

Mr. Gutierrez came forth and expressed various concerns about his neighborhood, which is Lake Rockwall Estates. He has concerns about topics such as flooding, trash/debris, buildings that are in disrepair, junk vehicles, roadways in disrepair, etc. He believes that the City of Rockwall is too 'easy' on residents who live there and does not hold them accountable enough for being compliant with city codes and standards. He went on to show various photos that he took about 45 minutes before tonight's city council meeting. His desire is to have this neighborhood cleaned up and kept nicer.

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 Ex. Session.

IX. Consent Agenda

1. Consider approval of the minutes from the March 7, 2022 regular City Council meeting, and take any action necessary.
2. Consider approval of an **ordinance** declaring unopposed candidates for the offices of City Councilmembers Places 2, 4, and 6 and cancelling the May 7, 2022 General Election, and take any action necessary. **(2nd reading)**
3. **P2022-005** - Consider a request by Humberto Johnson of the Skorburg Company on behalf of Glen and Rosie Cox for the approval of a *Replat* of Lots 3 & 4, Block A, Cox Acres Addition being a 17.51-acre parcel of land identified as Lot 1, Block A, Cox Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, addressed as 1800 E. Quail Run Road, and take any action necessary.
4. **P2022-006** - Consider a request by Dnyanada Nevgi of the SRC Land Building and Real Estate, LLC on behalf of Rajesh Malviya of Buffalo Country Properties, LLC for the approval of a *Replat* for Lots 13 & 14 of the Rockwall Business Park East Addition being a 6.280-acre parcel of land identified as Lot 5 of the Rockwall Business Park East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated on the southside of Ralph Hall Parkway west of the intersection of Ralph Hall Parkway and S. Goliad Street [*SH-205*], and take any action necessary.
5. **P2022-007** - Consider a request by Priya Acharya of Wier & Associates, Inc. on behalf of Ross Wood of Frost Bank for the approval of a *Replat* for Lot 3, Block A, Allen Anderson Addition being a 1.198-acre parcel of land identified as Lot 2, Block A, Allen Anderson Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, located at the southwest corner of the intersection of Horizon Road and Rockwall Parkway, and take any action necessary.
6. **P2022-008** - Consider a request by William Johnson of LTL Family Holdings, LLC for the approval of a *Preliminary Plat* for the Marina Village Subdivision 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, zoned Planned Development District 8 (PD-8) [*Ordinance No. 92-39*] for Zero Lot Line (ZL-5) District land uses, generally located on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary.
7. Consider approval of the construction contract for IH-30 Utility Relocation Project from State Highway 205 to Farm to Market 3549 and authorize the City Manager to execute a construction contract with FM Utilities, LLC, in the amount of $778,043.18, to be paid for out of *Water/Sewer Funds* and refunded by TXDOT after construction, and take any action necessary.

Councilmember Macalik pulled item #6 for individual discussion.

Mayor Pro Tem Hohenshelt then moved to approve the remaining items on Consent (#s 1, 2, 3, 4, 5, and 7). Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 22-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF CITY COUNCILMEMBER PLACE 2, CITY COUNCILMEMBER PLACE 4, AND CITY COUNCILMEMBER PLACE 6, AS ELECTED; PROVIDING THAT THE MAY 7, 2022 GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 in favor with 1 absence (Campbell).

Regarding Consent Agenda item #6, Councilmember Macalik wanted to confirm that the concept plan associated with this preliminary plat matches details that were presented back during the zoning change request associated with this property. Mr. Miller confirmed that – yes – it does conform with the zoning that was previously approved.

Councilmember Macalik then moved to approve Consent Agenda item #6 (P2022-008), as presented. Councilmember Jorif seconded the motion, which passed unanimously of those present (6 ayes with 1 absence – Campbell).

X. Public Hearing Items

1. **Z2022-006** - Hold a public hearing to discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation for the approval of an **ordinance** for a *Zoning Change* from Planned Development District 73 (PD-73) to a Light Industrial (LI) District for a 8.008-acre parcel of land identified as Lot 8, Block A, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 73 (PD-73) for Commercial (C) District land uses, situated within the FM-549 Overlay (FM-549 OV) District and the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of Corporate Crossing and SH-276, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information concerning this agenda item. The subject property is located at the northwest corner of the intersection of SH-276 and Corporate Crossing (FM-549). According to Subsection 05.02, Light Industrial (LI) District, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he Light Industrial (LI) District is a zoning district intended to create a limited industrial zone that provides for modern types of industrial land uses ... [and] is intended for industrial parks and larger, cleaner types of industries." In this case, the subject property is owned by the Rockwall Economic Development Corporation (REDC) and is considered to be a part of Phase 1 of the Rockwall Technology Park. Currently, the REDC is planning to use a portion of this property for a regional detention system to serve adjacent properties and to use the other portion of the property to incorporate it with

the property directly north of the subject property (i.e. Lot 7, Block A, Rockwall Technology Park) to create a larger parcel of land for a future prospect.

Staff mailed 102 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lofland Farms Homeowner's Association (HOA), which was the only Homeowner's Association (HOA) or Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. To date, staff had not received any responses concerning the applicant's request. The Planning & Zoning Commission has recommended approval of this request by a vote of 4 in favor with 3 absences.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There being on one indicating such, he then closed the public hearing.

Mayor Pro Tem Hohenshelt moved to approve Z2022-006. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 73 (PD-73) [*ORDINANCE NO. 09-09*] AND 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 PLANNED DEVELOPMENT DISTRICT 73 (PD-73) TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR AN 8.008-ACRE PARCEL OF LAND IDENTIFIED AS LOT 8, BLOCK A, ROCKWALL TECHNOLOGY PARK ADDITION, 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 6 ayes with 1 absence (Campbell).

2. **Z2022-007** - Hold a public hearing to discuss and consider a request by Juan Aguilar on behalf of Jose A. Contreras of Black Toro Custom Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 1096 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 514 Yvonne Drive, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller briefed Council on this case. Essentially the applicant is requesting to construct a single-family home on this property. The proposed house is similar in nature to nearby, existing residential homes. The Planning & Zoning Commission did hear this case and has recommended its approval. 133 notices were sent to adjacent property and land owners; however, no notices – neither in favor, nor against – have been received back by staff to date.

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 Z2022-007. Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 1096, 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 6 ayes with 1 absence (Campbell).

3. **Z2022-008** - Hold a public hearing to discuss and consider a request by Valerie Valdez of DDS Group on behalf of Blanca Canales of JCK Custom Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.3990-acre parcel of land identified as Lot 7, Block A, Heritage Heights Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 7106 Odell Avenue, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information on this agenda item. The subject property is vacant now, but it previously had a single-family home on it that was destroyed by fire. The applicant is now requesting to construct a new, residential home on this lot. This is one of two vacant lots within this subdivision. The Council is asked to look at the size, location and architecture of the proposed new home. A housing analysis has been provided to Council so that comparisons with existing homes in the neighborhood may be made. He pointed out that this proposed home is stucco, which is a little different than adjacent homes, but – overall – it is similar. Staff mailed out 46 notices to esidents and homeowners within 500' of the property, and 3 adjacent HOAs were also notified. So far, two notices were received back in favor of the request.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. There was no one wishing to speak, so he closed the public hearing.

Councilmember Jorif moved to approve Z2022-008. Mayor Pro Tem Hohenshelt seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 0.3990-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK A, HERITAGE HIEGHTS 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 6 ayes with 1 absence (Campbell).

4. **Z2022-009** - Hold a public hearing to discuss and consider a request by Jack Kurz of RSDGP, LLC on behalf of Allen Anderson of Adlor Enterprises, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant, Less Than 2,000 SF, with a Drive-Through/Drive-In* for the purpose of constructing a restaurant with drive-through on a 1.1308-acre parcel of land identified as Lot 1, Block B, Jack Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 62 (PD-62) for General Retail (GR) District, addressed as 902 & 906 S. Goliad Street [*SH-205*], and take any action necessary **(1st Reading).**

Mayor Fowler announced that this item was tabled last week by the city's Planning & Zoning Commission. Therefore, this City Council public hearing has been delayed and will be heard on Monday, April 4 at the 6:00 p.m. meeting.

5. **Z2022-010** - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 93.97-acre tract of land identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information concerning this agenda item. The applicant is proposing to entitle the subject property for a 182-lot single-family, residential subdivision that will consists of five (5) lot sizes (i.e. [A] 9, 100' x 130' lots; [B] 29, 82' x 120' lots; [C] 45, 72'x 115' lots; [D] 22, 72' x 110' lots; and [E] 77, 62' x 110' lots). The subject property is generally located between SH-66 and FM-1141 at the southwest corner of the intersection of FM-1141 and Cornelius Road. This translates to a gross density of 1.94 dwelling units per gross acre (i.e. 182 lots/93.97-acres = 1.93679 dwelling units per gross acre) for the total development. The minimum dwelling unit size (i.e. air-condition space) will range from 2,000 SF to 2,400 SF. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry (with a minimum of 85% masonry on each façade), and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80% cementitous fiberboard utilized in a horizontal lap-siding, board-and-batten siding, or decorative pattern to allow a more Traditional Neighborhood Design product (also referred to as Gingerbread). Looking at the

proposed garage orientation proposed for the development, the applicant is requesting to allow a total of 50% of all the garages be orientated toward the street; however, the applicant is proposing to require a five (5) foot setback for the garage from the front façade. The remaining garage doors will be situated within a J-Swing (or a Traditional Swing) configuration or Recessed Entry configuration (i.e. where the garage door is situated a minimum of 20-feet behind the front façade). In addition, the applicant is proposing to incorporate upgraded finishes on all garage doors that include: [1] coach lighting, [2] decorative wood doors or wood overlays on insulated metal doors, and [3] driveways that are constructed with ornamental stamped concrete brick pavers, stained finish, or salt finished. The proposed concept plan shows that the development will consist of a total of 29.72-acres of floodplain and 13.06-acres of open space maintained by the Homeowner's Association (HOA). Staff should point out that a portion of the subject property is situated within the Runway Protection Zone (RPZ) of the Ralph Hall Municipal Airport. In addition, staff is currently bringing forward an Airport Overlay (AP OV) District [Case No. Z2022-012] that (if approved) will establish requirements for land uses in and around the Ralph Hall Municipal Airport. Based on this, staff sent a copy of the proposed plan to TXDOT Aviation for review and comment, and a copy of the proposed plan to Garver USA -- the City's Airport Consultant -- for review. TXDOT Aviation requested that the applicant [1] not have any development within the Runway Protection Zone (RPZ) and [2] establish an avigation easement over the property to ensure that future homeowners are aware they are purchasing a home in close proximity to the flight path of the Ralph Hall Municipal Airport. Garver USA requested that no development or amenity be constructed in the Runway Protection Zone (RPZ). In addition, staff requested that the applicant adhere to the future Airport Overlay (AP OV) District, and not locate any portion of any lot in the Airport Influence Zone (which if established is the zone that will prevent residential and assembly uses from being located within 500-feet of the airport). The applicant has taken these comments and adjusted the concept plan to ensure compliance with these recommendations. In addition, staff has added a condition of approval that will require the avigation easement be established at the time of final plat.

The applicant is complying with most all standards with the exception of the number of front-entry garages that are being proposed. The applicant is proposing to provide 50% J-Swing (or Traditional Swing) or Recessed Front Entry (i.e. where the garage is setback a minimum of 20-feet behind the front façade of the home) garages and 50% Flat Front Entry garages with a five (5) recess for the garage (i.e. where the garage is setback five [5] feet from the front façade). As a compensatory measure the applicant is proposing to provide additional architectural elements into all garage configurations: [A] coach lighting, [B] decorative wood doors or wood overlays on insulated metal doors, [C] driveways constructed with ornamental stamped concrete brick pavers, stained finished, or salt finished.

Notices were sent out to adjacent property owners located within 500' of the property. At the time of staff's report, the following replies had been received:

(1) Two (2) notices from two (2) property owners situated within the 500-foot notification buffer in opposition to the applicant's request.
(2) One (1) email from one (1) property owner situated within the 500-foot notification buffer in opposition to the applicant's request.
(3) One (1) notice from one (1) property owner situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall in opposition to the applicant's request.
(4) One (1) response from the City's Zoning & Specific Use Permit Input Form from a property owner in the City of Fate in favor of the applicant's request.

In addition, the Planning & Zoning Commission reviewed this case and has recommended approval of this request by a vote of 4 in favor with 3 absences.

The applicant then came forth:
Ryan Joyce
767 Justin Road
Rockwall, TX

Mr. Joyce came forth and indicated that he and his wife own and run a business working together as local land developers right here in Rockwall. He then went on to provide a PowerPoint presentation to Council, providing additional details concerning this proposed, single-family residential subdivision.

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

Amy Reeg
1414 Dhaka Drive
Rockwall, TX

She came forth and asked what the starting price point will be for homes within this subdivision. Mr. Joyce indicated that prices will likely start in the low to mid-400,000's.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and shared that, overall, he thinks what is being proposed is a nice product. He went on to share information on lot sizes within several other subdivisions located within the City (i.e. Stone Creek, Breezy Hill, Gideon Estates I and II, Nelson Lakes, etc.). He is concerned about there not being a proposed amenities center. He also has concerns about the proposed lot sizes and lot mix. He suggested that perhaps 'pods' of similarly sized-lots be placed near one another within the development. He has concerns about the proposed 50% flat entry garages (when the city only allows 20%).

Planning Director, Ryan Miller spent a few minutes explaining different types of garage styles and orientations and further explaining that which this applicant is proposing within this particular development.

Mr. Wacker went on to express that whatever Council approves for this development will set a precedence for other subdivisions that might be built in the north part of Rockwall. He acknowledged that this subdivision may allow an opportunity for more affordable homes for those wanting to live in Rockwall, but – overall – he seemed to not be in favor of several aspects of this proposed development.

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

Councilmember Daniels clarified that the only thing that does not conform to the city's existing standards is the number of proposed flat, front-entry garages. Mr. Miller confirmed this to be the case. Mr. Miller then spoke briefly about an 'amenities center,' generally explaining that this development is below the 2 units per acre threshold that the city has in place (for requiring amenity centers).

Mayor Pro Tem Hohenshelt spoke briefly about the flat, front-entry garage mix that is being proposed and the possibility of the City Council granting a waiver or variance in this regard.

Mr. Joyce, the applicant came forth and addressed the idea of an amenities center. He generally indicated that amenities are usually not built unless a development is around 280 to 300+ lots. The reason is that the burden of upkeep for an amenities center falls on the shoulders of the homeowners, and the financial burden is too large when a development is as small as this one is proposed to be.

Mr. Joyce went on to share additional details regarding lot sizes and lot mix as it pertains to the proposed front-facing garages. General discussion took place about the proposed garages and associated percentages.

Councilmember Daniels suggested that the applicant consider going back and reconsidering the garage-related waiver that he is requesting (to essentially decrease the 50% and come closer to the city's requirement of 20%). Councilmember Daniels then moved to table Z2022-010 for a later city council meeting date, not to exceed the one slated for Monday, April 18. Mayor Pro Tem Hohenshelt seconded the motion, which passed by a vote of 6 ayes with 1 absence (Campbell).

Mayor Fowler then called for a brief break and recessed the meeting at 7:28 p.m.

6. **Z2022-011** - Hold a public hearing to discuss and consider a City initiated request for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a General Retail (GR) District for a 5.812-acre tract of land identified as Tract 9 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located at the southwest corner of the intersection of FM-1141 and N. John King Boulevard, and take any action necessary **(1st Reading).**

Mayor Fowler reconvened the public meeting at 7:38 p.m.

Planning Director, Ryan Miller provided background information concerning this agenda item. He generally explained that earlier this year, the City Council authorized the city manager to enter into a 380 economic development agreement with a land owner who owned property within the municipal airport's 'runway protection zone.' Because of its location, the lot was essentially unable to be developed. The 380 agreement essentially facilitated a 'land swap' whereby the city acquired the land adjacent to the airport, and that landowner was given a city-owned parcel of land located on the corner of John King Boulevard and FM-1141. The land owner would like to construct a Boys & Girls Club on this piece property; however, it must first be rezoned.

On February 25, 2022, staff mailed 62 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Caruth Lakes (Caruth Ridge Estates) Homeowner's Association (HOA), which was the only Homeowner's Association (HOA) or Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood

Notification Program. At the time the staff report was drafted for the informational council meeting packet, staff had received the following:

(1) Four (4) property owner notifications from four (4) property owners within the 500-foot notification buffer opposed to the applicant's request.
(2) One (1) email from one (1) property owner inside the 500-foot notification buffer opposed to the applicant's request.
(3) Two (2) responses from the online Zoning & Specific Use Permit Input Form from two (2) property owners inside of the 500-foot notification buffer opposed to the applicant's request.
(4) One (1) email from one (1) property owner outside the 500-foot notification buffer opposed to the applicant's request.
(5) Three (3) emails from three (3) property owners outside of the 500-foot notification buffer stating an opposition to Commercial (C) District zoning. These emails indicate that General Retail (GR) District zoning is more appropriate for this request

In addition, the Planning & Zoning Commission has heard this case and has recommended its approval.

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

Amy Reeg
1414 Dhaka Drive
Rockwall, TX 75087

She shared that she currently resides in Caruth Lakes and recently moved there in October to downsize after selling her home in Stone Creek. She briefly spoke about housing prices in the Stone Creek and Breezy Hill subdivisions, generally indicating that homes are in the $500k and $700k range within subdivisions that exist between IH-30 up John King to Dalton Road. She generally indicated that although the Boys & Girls Club is a great organization, she believes that there are better locations (elsewhere) that would be more convenient, better suited, and/or more accessible for an organization that helps lower income kids and families.

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

Councilmember Johannesen briefly summarized details of this request before then making a motion to approve Z2022-011. Councilmember Jorif seconded the motion. Following brief comments by the Mayor and Councilmember Macalik, in which they seemed to generally express disagreement with Mrs. Reeg's comments, 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 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 GENERAL RETAIL (GR) DISTRICT FOR A 5.812-ACRE TRACT OF LAND IDENTIFIED AS TRACT 9 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122,

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 6 ayes with 1 absence (Campbell).

7. **Z2022-012** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Section 06, *Overlay Districts*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of incorporating Airport Overlay (AP OV) District, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information pertaining to this agenda item. In response to a recommendation by the Airport Subcommittee of the City Council, staff created the framework for an Airport Overlay (AP OV) District in 2014. This document was prepared in accordance with Chapter 241, Municipal and County Zoning Authority Around Airports, of the Texas Local Government Code, which enables municipalities to draft land use restrictions for properties adjacent to airports -- which are used in the interest of the general public -- to prevent the creation of an airport hazard (§214.012). The City Council reviewed this text amendment on September 15, 2014 after being unanimously recommended for approval by the Airport Zoning Commission (i.e. the Planning and Zoning Commission) on September 9, 2014. Ultimately, the City Council chose not to act on the text amendment (Case No. Z2014-022) citing that "... after further discussion with the Airport Subcommittee, they [the Airport Subcommittee] are comfortable with recommending that the City Council leave the zoning 'as is' at this time ..." More recently, the City has seen an increase in air traffic at the Ralph Hall Municipal Airport and the development of vacant land in and around the airport. In working with TXDOT Aviation and the City's Airport Consultants -- Garver USA and the Solco, Group -- to address concerns with development in the area, the idea of an Airport Overlay (AP OV) District was revisited as a way to: [1] protect the City's grant assurances and [2] to prevent inconsistent development from being approved around the airport. Based on this, staff has revised the 2014 Airport Overlay (AP OV) District document to ensure that it meets all the current standards of TXDOT Aviation and the Texas Local Government Code. Garver USA has also reviewed and helped staff revise the document to ensure compliance. Staff has sent the revised document to TXDOT Aviation for review and has received a response stating they have no major changes to the document. In accordance, with Section 02.04(B) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC) and Ordinance No. 14-28, staff bought the proposed amendment forward to the Planning and Zoning Commission (i.e. the Airport Zoning Commission) for a recommendation to the City Council. On March 15, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the text amendment by a vote of 4-0, with Commissioners Chodun, Thomas and Conway absent. Staff has sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC). In addition, on February 25, 2022 staff sent out property owner notifications to the 28 properties that could be affected by the proposed Airport Overlay (AP OV) District. This was done in accordance with the procedures and requirements of the Texas Local Government Code.

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

Dennis Lewis
310 Harbor Landing Drive
Rockwall, TX 75032

Margie Verhagen,
Executive Director of Rockwall County Meals on Wheels located on SH-276

Mr. Lewis came forth and shared that he is head of the Board of the local Meals on Wheels organization, and that organization owns a piece of property right near this location (he pointed it out on a map). He went on to explain some of the Meals on Wheels partners and how Meals on Wheels currently depends on other organizations to prepare all the meals they end up delivering to their clients. Eventually, though, Meals on Wheels desires to have its own offices built on the piece of property that it owns in this area. They also desire to have cooking facilities on-site where they can oversee preparing their own meals. Mr. Lewis indicated that hopefully in about three years or so, Meals on Wheels will have raised enough money to build such a facility on its own. Mr. Lewis expressed that he and Mrs. Verhagen want to be sure that everyone is on the 'same page' and that – eventually, in the future – Meals on Wheels will be allowed to build its one-story building. Mrs. Verhagen generally expressed that the organization would like to get something in writing saying that the balance of the land will have no restrictions placed on it (which is something needed when the organization is seeking to secure funding).

Mr. Miller shared, on the record, that the balance of the property will not be affected by the Airport Overlay District. Only the triangular piece that is depicted on the map will be affected.

Martin Ramirez
972 Dogwood Lane
Rockwall, TX

Mr. Ramirez shared that he has been fortunate to be able to rent a hangar at the municipal airport for many years. He went on to share details of the types of aircraft that operate at the municipal airport and the associated hangar sizes that would be needed in order to accommodate said aircraft. He generally expressed a desire to keep any hangars that may be constructed in the future having door widths of 40' instead of 50'.

Bill Bricker
505 Westway Drive
Rockwall, TX

Mr. Bricker came forth and shared that he owns quite a bit of property that will likely be impacted by this Airport Overlay District. His son is a pilot, and he and his son fly in and out of this municipal airport quite a bit. They have both studied this proposed text amendment (ordinance). They do not believe it would adversely impact the property they own. He went on to stress the importance of safety and briefly express concerns related to to briefly comment about the width of the hangar doors that may ultimately be constructed. He generally spoke in favor of approval of this ordinance.

Clark Staggs
1601 Seascape Court
Rockwall, TX

Mr. Staggs indicated that he is in favor of the Overlay District. He mentioned that he is unaware of the specific amount of increased air traffic at the airport, but he does acknowledge that its use has in fact increased. He has some concerns about a couple of airplane crashes that have happened in recent years. He went on to encourage Council to allow the developers to decide what width of airport hangar entrance would be best suited to fit the aircraft that will be housed within future-constructed hangars. He generally requested that the one paragraph within the proposed ordinance that deals with the airport hangar width be deleted entirely from the ordinance language so as to eliminate any potential future problems. He went on to also express that he prefers to have something lesser than 90% brick or masonry as a requirement.

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

Councilmember Johannesen clarified that city staff surveyed other municipal airports to aid in developing the language contained within this proposed ordinance.

Councilmember Johannesen moved to approve Z2022-012. Mayor Pro Tem Hohenshelt seconded the motion. Councilmember Macalik shared that if a developer comes in at a later date and wants to propose something different (width-wise on the hangar openings), then the developer will need to seek a variance. Mr. Miller explained that any multi-hangar developments proposed in the future would be coming before the council for consideration as "Planned Development Districts."

Following brief discussion, 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 THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING 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 ayes with 1 absence (Campbell).

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 possible sale/purchase/lease of real property off of North Goliad Street 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 Ex. Session following the close of the public meeting agenda.

XIII. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:18 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 4th DAY OF APRIL, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS SEAL

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, April 04, 2022 - 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 5:01 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 read the below listed discussion items into the record before recessing the public meeting to go into Ex. Session 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 legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding possible sale/purchase/lease of real property off of North Goliad Street pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding legal advice associated with Construction Service Contract for IH30 Flag Pole project pursuant to Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:38 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM HOHENSHELT

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Child Abuse Awareness & Prevention Month

Representatives from the local Child Advocacy Center, Lonestar CASA, the county District Attorney's Office (County DA, Kenda Culpepper), and local law enforcement were present for this proclamation. Each said brief words about the topic of child abuse and about their respective agency. Mayor Fowler then read and presented this proclamation.

2. Public Safety Telecommunicators Week

Mayor Fowler and Police Chief Max Geron came forth along with several 9-11 dispatch staff members. The Mayor then read and presented staff with this proclamation, thanking and honoring them for their service to our city's public safety officials and to the public.

VII. Open Forum

Eric Chodun, 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.

Alexander Stein
7508 Inwood Road
Dallas, TX

Mr. Stein came forth and encouraged the Council to support McDonald's in light of that company recent closing of all of its stores in Russia in opposition to Vladamir Putin's recent invasion of Ukraine.

Liam Jefferson
1539 Madison Drive
Rockwall, TX

Mr. Jefferson came forth and shared that he is a transgender person, and he is highly opposed to the Declaration of Independence and the Bill of Rights, as he believes they are discriminatory. He went on to cite his own, self-written clauses for these documents.

Marty Epstein
7101 Odell Avenue
Rockwall, TX 75087

Mr. Epstein came forth and shared that he is metrosexual and is a proud member of the LBGTQ community. He went on to share ways that others can show support for the gay community.

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

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

IX. Consent Agenda

1. Consider approval of the minutes from the March 21, 2022 regular City Council meeting, and take any action necessary.
2. Consider approval of a contract for professional engineering services with Cardinal Strategies Engineering Services, LLC to perform the Buffalo Creek Watershed Hydrologic & Hydraulic Update Phase 1 in an amount not to exceed $60,000 to be funded by the Engineering Consulting Budget, and take any action necessary.
3. Consider approval of the purchase of additional equipment for two existing Police Department vehicles in the amount of $51,500.00 to be funded from General Fund Reserves, approving an amendment to the Patrol Vehicle Budget, and authorizing the issuance of purchase orders to multiple vendors through purchasing cooperatives for the equipment procurement, and take any action necessary.

4. **P2022-011** - Consider a request by Dylan Adame, PE of Kimley-Horn and Associates, Inc. on behalf of Grayson Hughes of Stream 1515 Corporate Crossing, LP for the approval of a *Final Plat* for Lot 1, Block A, Stream 549 Addition being 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.

5. **Z2022-006** - Consider a request by Matt Wavering of the Rockwall Economic Development Corporation for the approval of an **ordinance** for a *Zoning Change* from Planned Development District 73 (PD-73) to a Light Industrial (LI) District for a 8.008-acre parcel of land identified as Lot 8, Block A, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 73 (PD-73) for Commercial (C) District land uses, situated within the FM-549 Overlay (FM-549 OV) District and the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of Corporate Crossing and SH-276, and take any action necessary **(2nd Reading).**

6. **Z2022-007** - Consider a request by Juan Aguilar on behalf of Jose A. Contreras of Black Toro Custom Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 1096 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 514 Yvonne Drive, and take any action necessary **(2nd Reading).**

7. **Z2022-008** - Consider a request by Valerie Valdez of DDS Group on behalf of Blanca Canales of JCK Custom Homes, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.3990-acre parcel of land identified as Lot 7, Block A, Heritage Heights Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 7106 Odell Avenue, and take any action necessary **(2nd Reading)**

8. **Z2022-011** - Consider a City initiated request for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a General Retail (GR) District for a 5.812-acre tract of land identified as Tract 9 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (205 BY-OV) District, located at the southwest corner of the intersection of FM-1141 and N. John King Boulevard, and take any action necessary **(2nd Reading).**

9. **Z2022-012** - Consider approval of an **ordinance** for a *Text Amendment* to Section 06, *Overlay Districts*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of incorporating Airport Overlay (AP OV) District, and take any action necessary **(2nd Reading).**

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

CITY OF ROCKWALL
ORDINANCE NO. 22-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 73 (PD-73) [*ORDINANCE NO. 09-09*] AND 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 PLANNED DEVELOPMENT DISTRICT 73 (PD-73) TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR AN 8.008-ACRE PARCEL OF LAND IDENTIFIED AS LOT 8, BLOCK A, ROCKWALL TECHNOLOGY PARK ADDITION, 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. 22-18
SPECIFIC USE PERMIT NO. S-273

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 1096, 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. 22-19
SPECIFIC USE PERMIT NO. S-274

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 0.3990-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK A, HERITAGE HIEGHTS 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. 22-20

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 GENERAL RETAIL (GR) DISTRICT FOR A 5.812-ACRE TRACT OF LAND IDENTIFIED AS TRACT 9 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, 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. 22-21

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, BY AMENDING 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 7 ayes to 0 nays.

X. PUBLIC HEARING ITEMS

1.Z2022-009 - Hold a public hearing to discuss and consider a request by Jack Kurz of RSDGP, LLC on behalf of Allen Anderson of Adlor Enterprises, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant, Less Than 2,000 SF, with a Drive-Through/Drive-In* for the purpose of constructing a restaurant with drive-through on a 1.1308-acre parcel of land identified as Lot 1, Block B, Jack Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 62 (PD-62) for General Retail (GR) District, addressed as 902 & 906 S. Goliad Street [*SH-205*], and take any action necessary **(1st Reading)**.

Mayor Fowler indicated that the applicant has requested to withdraw this case. Mr. Miller explained that the Council may either allow the applicant to withdraw the case, or the Council may opt to hold the public hearing and take action on the case.

Jack Kurz
15110 N. Dallas Parkway
Dallas, TX 75248

The applicant came forth and explained the various reasons why he would like to withdraw this request at this time. He generally explained that there is a long list of concerns from the Planning & Zoning Commission and from nearby neighbors.

Mayor Pro Tem Hohenshelt moved to allow the applicant an opportunity to withdraw this request. Mayor Fowler seconded the motion.

City Attorney, Frank Garza clarified that – even though the applicant is requesting to withdraw and the Council is opting to not formally hold the public hearing – citizens who are present this evening still have a right to speak about this topic under the Open Meetings Act since it is a listed agenda item.

Justin Scroggs
1512 S. Alamo
Rockwall, TX

Mr. Scroggs came forth and shared various personal concerns he has related to this applicant's proposal. He went on to encourage the Council to deny the applicant's request to withdraw and vote against it "with prejudice."

Mayor Pro Tem Hohenshelt engaged with Mr. (Justin) Scroggs concerning this topic, essentially explaining that there is a certain process that the city must allow to play out when a property owner

has land that he/she wants to develop. He encouraged Mr. Scroggs to trust the process and allow it to transpire.

Councilmember Jorif shared that members of Council have received residents' concerns by both phone and email and in person at the meetings. He too encouraged Mr. Scroggs and members of the public to allow the process to play out and the Council to take action accordingly.

Mayor Pro Tem Hohenshelt clarified with Mr. Miller that anything "general retail" or "office" could be placed at this location currently without seeking Council approval. "General retail" is more restrictive than "commercial" because of its adjacency to residential zoning.

Councilmember Campbell asked staff for clarification on what happened at the Planning & Zoning Commission. Mr. Miller shared that the P&Z denied the applicant's request to 'table' the case. Therefore, the case proceeded on and came before Council this evening. Mr. Miller again shared that the Council's options are to deny the request to withdraw, hold the public hearing and take action on the case – or – accept the applicant's request to withdraw.

The motion to allow the applicant to withdraw the case passed by a vote of 4 in favor with 3 voting against (Daniels, Campbell, Jorif).

2.Z2022-010 - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 93.97-acre tract of land identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information concerning this agenda item.

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.

The applicant, Ryan Joyce came forth.
767 Justin Road
Rockwall, TX 75087

Mayor Pro Tem Hohenshelt clarified that the lot sizes were not changed at all – only the orientation of the garages and the garage-related percentages. Councilmember Campbell thanked the applicant for working to come back and present a proposal that does actually meet the city's standards and requirements. Following Councilmember Campbell's brief comments, Councilmember Jorif moved to approve Z2022-010. Councilmember Campbell seconded 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 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 10 (SF-10) DISTRICT

LAND USES ON THE SUBJECT PROPERTY, BEING A 93.97-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-01 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, 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.

XI. ACTION ITEMS

1. Discuss and consider a bid award for the new KidZone playground at Harry Myers Park, and authorize the City Manager to execute associated contract documents in an amount not to exceed $800,000 to be funded out of the Recreational Development Fund, and take any action necessary.

Parks Director, Travis Sales came forth and briefed the Council on this agenda item. He spoke briefly about the history of this park, showing a photo of the original playground and comparing it to renderings that are representative of what the newly redesigned and reconstructed park will look like. He spoke about the amenities that will be included in the new, updated park, sharing that it will be accommodating to all 'abilities' (i.e. it is friendly to those who may have certain health-related challenges and/or disabilities). He spoke about the materials that the equipment, ground and surfaces will be made of, explaining that the city hopes to have this park reconstructed and reopened by sometime in August. He explained that "Child's Play, Inc." – the company whose bid is being considered for award - came to him just today and has offered to cover the costs of shipping and installation of two-additional amenities at the park and to sell those two additional amenities to the city "at cost." So, based on that development that arose today, Council may want to consider approving a cost not to exceed $837,268.

Councilmember Macalik moved to approve $837,268 for the reconstruction of the park, including the two additional pieces of equipment "at cost," as described this evening by Mr. Sales. Councilmember Daniels seconded the motion.

Mr. Daniels went on to share a nostalgic story about this piece of property. Following his brief comments, the motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider IH-30 expansion aesthetic plan, and take any action necessary.

Assistant City Manager, Joey Boyd presented graphic depictions of options associated with the aesthetics of future 'murals' to be placed on the interstate along IH-30 when it is reconstructed through our city limits. There is no cost to the city, as the costs are included in the cost of the project.

Council generally indicated that they are in favor of the colored graphic options that are blue and green in color.

3. Discuss and consider Capital Improvement Planning associated with Fire Station #1, and take any action necessary.

Mayor Pro Tem Hohenshelt provided information on this agenda item, indicating that he placed this item on tonight's agenda for discussion. He generally indicated that he has had several discussions with

the city's fire chief concerning renovating the city's existing Fire Station #1 and locating and building a new, Fire Station #1 in the future. This will at least be a three or four year project. Action concerning this agenda item this evening will not financially obligate the city in any way. Council generally indicated that they are ok and in agreement with staff moving forward with studying this topic further and coming back to Council with recommendations at some point in the future.

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 Department Monthly Report - February 2022
2. Fire Department Monthly Report - February 2022
3. Parks & Rec Department Monthly Report - February 2022
4. Police Department Monthly Report - February 2022

Mrs. Smith briefly spoke about the progress associated with renovations that are nearing completion at the police department's new space (at the Tech Park) as well as renovations currently underway at City Hall. Mayor Fowler went on to express his excitement that singer "Kevin Fowler" will be the headliner (singer) at the city's annual Founders Day Festival in May.

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 legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding possible sale/purchase/lease of real property off of North Goliad Street pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding legal advice associated with Construction Service Contract for IH30 Flag Pole project 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.

XV. ADJOURNMENT

Mayor Fowler adjourned the public meeting at 7:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF APRIL, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS SEAL

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, April 18, 2022 - 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 5:01 p.m. Present were Mayor Kevin Fowler 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 read the below listed discussion items into the record before recessing the public meeting to go into Executive Session. It was noted that Mayor Pro Tem John Hohenshelt joined Ex. Session at 5:10 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 possible sale/purchase/lease of real property off of North Goliad Street pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding possible abandonment of right-of-way in the vicinity of Downtown pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding a 212 Development Agreement on land in the vicinity of Jeff Boyd Road and E. Cullins Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding legal advice associated with Construction Service Contract for IH30 Flag Pole project pursuant to Section 551.071 (Consultation with Attorney)
6. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
7. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. 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 FOWLER

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

VI. Proclamations / Awards / Recognitions

1. National Day of Prayer

Mayor Fowler read the proclamation, declaring May 5 as the National Day of Prayer in the City of Rockwall and inviting the public to attend the annual, countywide mayors' prayer breakfast on that morning at The Center.

VII. Open Forum

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

Ryan Joyce
767 Justin Road
Rockwall, TX 75087

Mr. Joyce came forth and spoke about two, local RISD 'robotics teams' that have recently participated in competitions, and both teams will soon be participating in the 'world championships,' which will be held in Dallas. There is also an elementary school team from Heath that qualified and will be participating too.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and spoke about tree mitigation money and suggested that perhaps some of it might be able to be spent on getting a covered playground area at the Park at Stonecreek. He also briefly spoke about a recent meeting he attended in which the mental health of fire and other first responders was discussed. He shared that his son-in-law just became Deputy Chief and is over "EMS" and training in Mesquite. He wants first responders to know that the community is behind them and is thinking about them.

VIII. Take any Action as a Result of Executive Session

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

IX. Consent Agenda

1. Consider approval of the minutes from the April 4, 2022 regular City Council meeting, and take any action necessary.
2. Consider approval for the construction of the Fannin Street Light Replacement Project in the amount of $76,750 performed by Riggins Moreland Engineering, Inc. to be funded from the Special Revenue Fund, and take any action necessary
3. Consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of an *Alternative Tree Mitigation Settlement Agreement* in association with an approved site plan for two (2) *Restaurant/Retail Buildings* 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.

4. Discuss and consider a bid award to Riverstone Fence for new fencing at Lakeview and Dalton Lift Station sites, and authorize the City Manager to execute the contract in an amount not to exceed $72,400 to be funded out of the Water Sewer fund, and take any action necessary.
5. Discuss and consider a bid award for asphalt pavement micro-surfacing services and authorize the City Manager to execute a contract with Intermountain Slurry Seal Inc. in an amount not to exceed $185,000 to be funded out of the General Fund, Streets and Drainage construction budget, and take any action necessary.
6. Discuss and consider a bid award for concrete pavement repair services and authorize the City Manager to execute a contract with Medrano Enterprises in an amount not to exceed $900,000 to be funded out of the General Fund, Streets and Drainage construction budget, and take any action necessary.
7. Consider approval of an emergency repair of the sanitary sewer line along Williams Street (State Highway 66) in the amount of $127,002.30 performed by No-Digtec, LLC to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.
8. **Z2022-010** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 93.97-acre tract of land identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary **(2nd Reading)**.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 8). Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-22

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, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 93 (PD-93) FOR SINGLE-FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 93.97-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-01 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, 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 Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

The P&Z Chairman was not present this evening. So this item was not addressed by Council, and no action was taken.

2. Appointment with Rockwall resident, Ellis Bentley to hear concerns related to the city's Utility (water/sewer) Billing (i.e. billing/payment systems, metering), and take any action necessary.

Mr. Bentley came forth and spoke, indicating that he recently received a water bill in excess of $170, and – unbeknownst to him – the credit card he had on file had expired. He was told that he was sent a notification of the expired card via email, but he did not ever receive it. He went on to explain that he has several concerns about information that is noted on city water bills, including details regarding the number of gallons of water utilized each month. He seemed to indicate that there are likely discrepancies regarding the month-to-month water usage. He pointed out that each bill he receives has a note that indicates "credit card on file. Do not pay." He wishes there were some way for the city to notify residents in advance that a credit card on file is expiring. He also has concerns about the graph(s) that are shown each month on the water bills, as he feels they are misleading. He did acknowledge that his 17+ years old water meter was recently replaced by the city with a new 'smart meter.'

City Manager, Mary Smith, provided several comments in response to Mr. Bentley's concerns, including giving indication that some updates to water bills and to the online billing system are forthcoming. Council took no action concerning this appointment item.

XI. PUBLIC HEARING ITEMS

1. **Z2022-013** - Hold a public hearing to discuss and consider a request by Rodolfo Cardenas of CARES Home Builder, Inc. for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 985A 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 130 Chris Drive, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant would like to construct a single-family home within an established subdivision (Lake Rockwall Estates). The Council is being asked to review the size, location, and architectural design, especially compared to other, nearby, existing residential homes. Mr. Miller spoke about the applicant wanting to construct a two car garage, and the proposed setback does not meet the city's current standards. So, Council would be waiving that requirement if it approves this request this evening. Notices were sent out to residents and property owners within 500' of the property, but no notices were received back in response. The P&Z Commission did hear this case, and it has recommended its approval to the Council this evening.

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

Councilmember Macalik moved to approve Z2022-013. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 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 985A, 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.

2. **Z2022-014** - Hold a public hearing to discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to Planned Development District for limited Neighborhood Services (NS) District land uses for a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary **(1st Reading).**

Mayor Fowler indicated that Councilmember Campbell will be recusing herself from this public hearing item, as well as Public Hearing item # 3 hereafter.

Planning Director Ryan Miller provided background information pertaining to this agenda item. He explained what types of buildings could be constructed according to the zoning, comparing that to what could be constructed if an SUP were granted. He explained that this proposed Planned Development District is structured in a way that limits what can be built on the property to only RISD facilities (i.e. a public or private primary or secondary school and a track or stadium, 'by right,' with no other uses being allowed on the property 'by right'). He went on to say that notices were sent out to 273 residents and property owners located within 500' of this property. In addition, several nearby homeowners associations were also notified. Staff has received 2 notices (within the 500' notification area) back in favor, and 5 notification back (within the 500' notification area) in opposition. The P&Z Commission has unanimously recommended approval of this case to Council.

Will Salee
1050 Williams Street
Rockwall ISD
Rockwall, TX

Mr. Salee shared that this is part of the 2021 bond program that was approved by voters in the community, and a 9th grade freshmen center will be built here (to serve the south portion of the community). The site will include a smaller sized athletic field with limited seating (something

smaller like what would typically be seen at a middle school). It will have a turf practice field and a track. He emphasized that it will never be as large as Wilkerson-Sanders Stadium where high school ball is played. It will be a lit field; however, the applicant believes that the LED lighting that will be utilized will not result in 'bleed over' lighting. Lower / shorter light poles will be utilized, and they will be angled downward. In addition, they will comply with the city's photometric requirements related to lighting standards. Mr. Salee showed the Council several photos that represent what the lighting will look like on and immediately adjacent to the field itself. He pointed out that technology pertaining to lighting has notably improved over the years (he stated the last athletic field constructed by RISD was Williams Middle School, and that was 20+ years ago). He went on to address the sound amplification that will be utilized at the newly constructed stadium. He anticipates that this field will only be utilized for 9th grade (sub-varsity) teams. He stated that the school band will be shuttled to the high school for marching band practice, so it won't even utilize this field. It may be utilized for some track-related events.

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 shared that he lives near Williams Middle School, and there is a park in between the school and his home. He indicated that the lights at WMS have never been a problem. In addition, the sound emitted from that school is not bothersome either. He shared that recently there was a girls soccer game, and – for maybe the first time ever – the sound/noise was loud, and it went on until about 9:30 p.m. at night. He wonders if there are some sort of city standards in place that would regulate large public events such as school ball games. He does believe that, although it may initially be utilized for 9th grade only, it will likely grow.

Yovani Palma
3087 Fallbrook Drive
Rockwall, TX

Mr. Palma pointed out where he lives, indicating that his home is located within the (500') notification zone.' He wondered how his property might be impacted by this. Mayor Fowler explained that he just lives nearby, so he is located within the area that city staff notified. However, he will not lose his home or his property. He will just be living next door to this field/stadium.

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

Councilmember Johannesen moved to approve Z2022-014. Councilmember Jorif seconded the motion. Councilmember Daniels sought and received clarification from Mrs. Smith regarding how any noise related complaints will be addressed by the city if / when they are received by residents. Indication was given that the city's Code Enforcement Dept. (Neighborhood Improvement Services Dept.) handles noise-related complaints. She shared that the city

previously received a noise related complaint years ago regarding a pee wee team that was playing at Williams Middle School. When Monday morning came, the city contacted the school district who spoke to the leaders of the pee wee ball team, and they adjusted the noise downward. She pointed out that she knows of no complaints having been received over the years related to Wilkerson-Sanders Stadium (where the high school plays). She pointed out that the city's noise ordinance actually specifically omits stadiums. However, Mr. Salee (RISD rep. speaking this evening) came forth and shared that the school district itself does have a policy in place that regulates noise amplification at its sports fields/facilities. So, the school district would address any concerns if they were to arise.

Following those comments, 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 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 A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR NEIGHBORHOOD SERVICES (NS) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 173.00-ACRE TRACT OF LAND IDENTIFIED AS TRACT 7-1 OF THE W. H. BAIRD SURVEY, ABSTRACT NO. 25 AND LOT 1, BLOCK A, ROCKWALL CCA ADDITION, 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 passed by a vote of 6 ayes with 1 abstention (Campbell).

3. **Z2022-015** - Hold a public hearing to discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to Planned Development District for limited Neighborhood Services (NS) District land uses for a 76.068-acre tract of land identified as Tracts 14-01 & 14-11 of the J. M. Glass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northwest corner of the intersection of FM-1141 and E. Quail Run Road, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This property will be the 'north site' for an additional freshmen center for the RISD. Last month in March, 128 notices were sent out to residents and property owners located within 500' of the subject property, and two homeowners associations were also notified. Two notices from residents located within the 500' buffer were received back in opposition, and 1 notification (from within the 500' buffer) was received in favor of the request. The P&Z Commission did unanimously recommend approval of this request to the Council.

The applicant came forth and briefly addressed the Council, indicating that this will be the school district's north site for construction of a freshman center.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and expressed concerns about this being built so close next to existing residential homes. He also has concerns that the city has no noise related ordinance in place that would regulate noise, especially late night noise, at a location like this (a stadium).

Mayor Pro Tem Hohenshelt moved to approve Z2022-015. Councilmember Johannesen seconded the motion. Councilmember Macalik echoed some of Mr. Wacker's expressed concerns, as this location is in fact located so close to adjacent residential homes. Mayor Fowler shared that the city can revisit its noise ordinance, if the Council so desires, to ensure that it is still appropriate and make changes to it, if necessary. Councilmember Daniels shared that, although sound amplification devices could be potentially controlled/regulated, there is not a way to control 'crowd related noise.' Councilmember Jorif expressed that he would rather have noise from a stadium like this – where families are present and parents and kids are gathering together to have fun and do good things – rather than having kids out doing things they should not be doing.

Following additional, brief comments, 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 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 A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR NEIGHBORHOOD SERVICES (NS) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 76.068-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 14-01 & 14-11 OF THE J. M. GLASS 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.

The motion passed by a vote of 6 ayes with 1 abstention (Campbell).

Councilmember Campbell then rejoined the meeting.

XII. Action Items

1. Discuss and consider an extension of sewer services in Lake Rockwall Estates and authorize the City Manager to execute a contract with Birkhoff, Hendricks, & Carter in the amount of $744,920.00 to be funded from state and local fiscal recovery funds, and take any action necessary.

City Manager Mary Smith shared that the city would like to start putting in the necessary infrastructure to begin providing sewer services to areas of the LRE subdivision that are not

currently being served by the city. This is an excellent program that will allow the city to do so at no cost to local taxpayers. Details about the program have been included in the informational meeting packet this evening. Once the city sewer is run and tracts of land tied into it, existing septic systems would be able to be eliminated. Following brief comments, Mayor Fowler moved to authorize the City Manager to move forward with execution of the contract (as described in the item's caption above). Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider granting permission for an alcohol waiver associated with the city's May 21, 2022 Founders Day Festival at Harry Myers Park in accordance with Chapter 30, Sec. 30-2, "Regulated Activities in Parks" of the Code of Ordinances, and take any action necessary.

   Parks Director, Travis Sales, came forth and shared information about the city's upcoming, annual "Founder's Day Festival," which will be held at Harry Myers Park on Saturday, May 21st. He then explained that the city is seeking a waiver from the alcohol-related ordinance requirements – only for this one, city-sponsored event. Following brief comments, Mayor Pro Tem Hohenshelt moved to approve the waiver for 2021 Founder's Day for the entire Harry Myers Park. Councilmember Campbell seconded the motion, which passed by a vote of 6 in favor with 1 against (Daniels).

3. Discuss and consider adoption of an official city seal for the City of Rockwall, and take any action necessary.

   City Secretary Kristy Teague presented brief information regarding this agenda item. Mayor Fowler then moved to approve the older seal (the one with the star in the center) as the official city seal and authorize city staff to move forward with registering it with the State of Texas and taking any other necessary steps related to its implementation. Mayor Pro Tem Hohenshelt 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 possible sale/purchase/lease of real property off of North Goliad Street pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding possible abandonment of right-of-way in the vicinity of Downtown pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
3. Discussion regarding a 212 Development Agreement on land in the vicinity of Jeff Boyd Road and E. Cullins Road pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney)
5. Discussion regarding legal advice associated with Construction Service Contract for IH30 Flag Pole project pursuant to Section 551.071 (Consultation with Attorney)
6. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
7. 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 7:06 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 2nd DAY OF MAY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, May 02, 2022 - 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 read the below-listed discussion items into the record before recessing the public meeting to go into Ex. Session 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 legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
3. **PULLED FROM PUBLIC MTG. AGENDA – Action Item # 1: MIS2022-010** - Discuss and consider a request by Michael Hampton of 549 Crossing, LP on behalf of Justin Webb and Russell Phillips of Rockwall 205 Investors, LLC for the approval of a *Miscellaneous Case* for a *Variance* to the *Utility Placement* requirements in the *General Overlay District Standards* to allow overhead utilities in conjunction with raw land and a *Retail Store with Gasoline Sales* on 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.
4. **PULLED FROM PUBLIC MTG. AGENDA – Action Item # 2: MIS2022-009** - Discuss and consider a request by Stephen Geiger of Rayburn Electric Cooperative, Inc. for the approval of a *Miscellaneous Case* for a *Special Exception* to the fence standards on a 58.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at the northwest corner of the intersection of S. Goliad Street [*SH-205*] and Mims Road, and take any action necessary.

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:54 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 JOHANNESEN**

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

VI. **PROCLAMATIONS / AWARDS / RECOGNITIONS / HONORS**

1. Motorcycle Safety & Awareness Month

Mayor Fowler came forth and read the Motorcycle Safety & Awareness Month proclamation.

2. Older Americans Month

Mayor Fowler called forth the Rockwall County Meals on Wheels program Executive Director, Margie Verhagen; Development Director, Maureen Cook; and Volunteer Coordinator, Kimberly Gossett-Smith. He then read and presented them with a proclamation naming May as "Older Americans Month." Ms. Verhagen then said a couple of words regarding the Rockwall County Meals on Wheels program.

3. Police Memorial Week

Mayor Fowler called forth Max Geron, Rockwall Police Department's Chief of Police. He then read and presented him with the Police Memorial Week proclamation. Chief Geron then said a few, brief words.

4. Mental Health Awareness Month

Mayor Fowler called forth Rockwall Police Department's (RPD) Mental Health Officer, Monica Hardman. He then read and presented her with this proclamation.

5. Recognition of outgoing City Councilmember / Mayor Pro Tem, John Hohenshelt

Mayor Kevin Fowler said a few words regarding Mayor Pro Tem John Hohenshelt's tenure as City Councilman and Mayor Pro Tem. Several Councilmembers also said a few words of recognition about Mayor Pro Tem Hohenshelt.

Mayor Pro Tem Hohenshelt reminisced about several things related to his years of service on the REDC as well as the city council. He offered words of thanks to all of his colleagues from the City Council, City Staff, and outside organizations. Phil Wagner from the Rockwall Development Economic Corporation (REDC) then presented Hohenshelt with a plaque thanking him for his dedication and service to the REDC.

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 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 April 18, 2022 regular City Council meeting, and take any action necessary.

2. **Z2022-013** - Consider a request by Rodolfo Cardenas of CARES Home Builder, Inc. for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* on a 0.1650-acre parcel of land identified as Lot 985A 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 130 Chris Drive, and take any action necessary **(2nd Reading).**

3. **Z2022-014** - Consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to Planned Development District for limited Neighborhood Services (NS) District land uses for a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary **(2nd Reading).**

4. **Z2022-015** - Consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to Planned Development District for limited Neighborhood Services (NS) District land uses for a 76.068-acre tract of land identified as Tracts 14-01 & 14-11 of the J. M. Glass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northwest corner of the intersection of FM-1141 and E. Quail Run Road, and take any action necessary **(2nd Reading).**

5. Consider approval of an emergency repair of sanitary sewer manholes on the southwest corner of Dalton Road and N. Goliad and on the northeast corner of Horizon Road and FM-740 in the amount of $113,890.00 to be performed by Double R Utilities, Inc. and funded out of the Water and Sewer Fund, Wastewater Operations Budget, including authorizing the City Manager to execute any associated documents, and take any action necessary.

6. Consider awarding a contract to Custard Construction Services for waterproofing improvements to Rockwall City Hall and authorizing the City Manager to execute a contract totaling $157,578.53 to be funded out of the Internal Operations Department operating budget, amending the Internal Operations Department operating budget in the amount of $157,600 from General Fund Reserves, and take any action necessary.

7. Consider authorizing the City Manager to execute a contract with Peek Pro Audio in the amount of $28,375.00 for stage and sound services related to 2022 Founders Day Festival, to be funded out of 2021-2022 Hotel / Motel Funds, and take any action necessary.

8. **SP2022-021** - Consider a request by Jeff Carroll Architects on behalf of Frank Fite of the Fite Agency, LLC for the approval of an *Alternative Tree Mitigation Settlement Agreement* in conjunction with an approved site plan for an *Office Building* on a 0.392-acre parcel of land identified as Lot 1, Block A, Fite Office 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 N. Goliad Street [*SH-205*], and take any action necessary.

9. **P2022-013** - Consider a request by Christopher Zamord of Jones Carter on behalf of Metroplex Acquisition Fund, LP for the approval of a *Replat* for Lots 12 & 13, Block A, Stone Creek Retail Addition being a 5.96-acre tract of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the northeast corner of the intersection of SH-205 and Bordeaux Drive, and take any action necessary.

10. **P2022-014** - Consider a request by Dub Douphrate of Douphrate & Associates on behalf of Father Michael Vinson of St. Benedict's Anglican Church for the approval of a *Final Plat* for Lot 1, Block A, St. Benedict's Anglican Church Addition being a 7.424-acre tract of land identified as Tracts 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.

11. **P2022-019** - 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 Lots 2 & 3, 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.

12. **P2022-021** - Consider a request by David Shipman of Triten Real Estate Partners on behalf of Robert E. Lambreth of BSKJ Development Corporation for the approval of a *Preliminary Plat* for Lot 1, Block A, Revelation Addition being a 18.480-acre tract of land identified as Tracts 1, 1-3 & 1-7 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 1725 SH-276, and take any action necessary.

13. **P2022-022** - Consider a request by Gabriel Collins of Pacheco Koch a Westwood Company on behalf of Gary Hancock of First United Methodist Church for the approval of a *Replat* for Lots 10 & 11, Block A, First United Methodist Church Addition being a 17.821-acre tract of land identified as Lots 7 & 9, Block A, First United Methodist Church Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1200 E. Yellow Jacket Lane, and take any action necessary.

14. **MIS2022-007** - Consider a request Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a *Miscellaneous Case* for an *Alternative Tree Mitigation Settlement Agreement* for a 6.60-acre tract of land being a portion of Tract 21 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the north side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.

15. Consider approval of an **ordinance** amending the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2022, 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 Joriff seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-23
SPECIFIC USE PERMIT NO. S-276

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND E UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF CKWALL AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT IP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE NSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1650-ACRE PARCEL OF LAND, NTIFIED AS LOT 985A, ROCKWALL LAKE ESTATES #2 ADDITION, CITY OF CKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED D DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL NDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO OUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A VERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN FECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 22-24

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 95 (PD-95) R NEIGHBORHOOD SERVICES (NS) DISTRICT LAND USES ON THE SUBJECT OPERTY, BEING A 173.00-ACRE TRACT OF LAND IDENTIFIED AS TRACT 7-1 OF THE H. BAIRD SURVEY, ABSTRACT NO. 25 AND LOT 1, BLOCK A, ROCKWALL CCA DITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY SCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING R SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE M OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR EVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN FECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 22-25

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 94 (PD-94) R NEIGHBORHOOD SERVICES (NS) DISTRICT LAND USES ON THE SUBJECT OPERTY, BEING A 76.068-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 14-01 & 14- OF THE J. M. GLASS SURVEY, ABSTRACT NO. 88, CITY OF ROCKWALL, ROCKWALL UNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED REIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A NALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) R EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 22-26

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2021 ROUGH SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 7 ayes with 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 his briefing.

2. Appointment with representatives of the Rockwall Fire Department's "Explorer Program" to hear update regarding the program, and take any action necessary.

Chief Cullins introduced 2 members of his team that oversee this program. An informational video presentation regarding the program was played. After the video, various Councilmembers provided positive comments related to the program. No action was taken.

XI. ACTION ITEMS

1. **MIS2022-010** - Discuss and consider a request by Michael Hampton of 549 Crossing, LP on behalf of Justin Webb and Russell Phillips of Rockwall 205 Investors, LLC for the approval of a *Miscellaneous Case* for a *Variance* to the *Utility Placement* requirements in the *General Overlay District Standards* to allow overhead utilities in conjunction with raw land and a *Retail Store with Gasoline Sales* on 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

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant is requesting the City Council grant a variance to the underground requirements to allow overhead power lines along SH-205 and the current alignment of FM-549. In the applicant's letter, the applicant has stated that Farmers Electric Cooperative would need to relocate these lines in the future. Staff has requested that the applicant provide additional information from Farmers Electric Cooperative showing an itemization of how the costs in the letter were calculated; however, the applicant has stated that Farmers Electric Cooperative has not been able or willing to provide additional details on how the costs were calculated. Staff requested this information from the applicant to try and ascertain if the improvements being required by Farmers Electric Cooperative were simply related to the burial of the lines or if they are requiring the applicant to make system-wide improvements affecting properties not associated with the burial of the lines for this project.

According to Section 09.02, Variances to the General Overlay District Standards, of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC), "...an applicant may request the Planning and Zoning Commission grant a variance to any provision contained in Section 06.02, General Overlay District Standards, of Article 05, District Development Standards, where unique or extraordinary conditions exist or where strict adherence to the technical requirements of this section would create an undue hardship." Mr. Miller explained that variances to the unground utility requirements are discretionary decisions that are considered on a case-by-case basis by the City Council pending a recommendation from the Planning and Zoning Commission. On April 26, 2022, the Planning and Zoning Commission reviewed the applicant's request and approved a motion to recommend denial by a vote of 5-1, with Commissioner Welch dissenting and Commissioner Womble being absent.

Mayor Fowler made an observation regarding Councilmember Daniels's dislike of variances. He then asked Mr. Daniels to speak. Mr. Daniels stated he is a stickler when it comes to variances and he does like to have a 'good reason' for when the City does one. He cited an example of when Ridge Road was re-done. The voters decided that they did not want to pay for the underground utilities, and he believed that was a mistake in the end. Not only is it unsightly, but there is also more downtime/maintenance work. His point was many times we have a developer come in and - as Mr. Hohenshelt and others have stated – they ask Council

to solve their economic problem; basically, so they can make more money. Councilman Daniels went on to state that his opinion, in this case, is the city would not be lining this developer's pockets by doing this. This is a cost that they are going to have to incur at a dollar-for-dollar cost. Doing that will add to our tax base, which in turn will help the residents. He then stated he has no issue with allowing this variance.

Following Mr. Daniel's comments, Councilmember Dana Macalik made a motion to approve MIS2022-010 and Councilmember Daniels seconded the motion. The motion to approve passed by a vote of 7 ayes with 0 nays.

2. **MIS2022-009** - Discuss and consider a request by Stephen Geiger of Rayburn Electric Cooperative, Inc. for the approval of a *Miscellaneous Case* for a *Special Exception* to the fence standards on a 58.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at the northwest corner of the intersection of S. Goliad Street [*SH-205*] and Mims Road, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant -- Stephen Geiger of Rayburn Country Electric Cooperative, Inc. -- has submitted a request for an exception to allow the construction of a six (6) foot chain-link fence around the subject property. The subject property is a 58.72-acre tract of vacant land situated at the northwest corner of the intersection of Mims Road and S. Goliad Street [SH-205] that is zoned Heavy Commercial (HC) District and Commercial (C) District. According to the applicant's letter, Rayburn Country Electric Cooperative, Inc. purchased the subject property to ensure that they would have land to expand their business in the future. Unfortunately, they have had issues with illegal dumping on the newly acquired site and are looking for a way to secure the property. In order to achieve this, the applicant is proposing to construct a six (6) foot chain-link fence that will start south of the City's lift station on Mims Road, extend east along Mims Road to S. Goliad Street, turn north and extend along S. Goliad Street to the northern property boundary, and turn west following the existing property line approximately 530-feet (see Figure 1 below). The applicant is proposing to set the fence back 20-feet from the property line (i.e. at the front building setback line) along Mims Road and back 50-feet from the property line (i.e. at the front building setback line) adjacent to S. Goliad Street.

According to Subsection 08.04(A), Fence Standards for Properties in a Commercial District, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC), "(n)on-required fences in the Neighborhood Services (NS), General Retail (GR), and Commercial (C) Districts shall be constructed of materials outlined in Subsection 8.02(B); however, wood and vinyl coated chain-link shall be prohibited." In addition, Subsection 08.04(C), Fence Standards for Properties in an Industrial District, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) states, "(n)on-required fences in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts shall be constructed of materials outlined in Subsection 8.02(B); however, the wood shall be prohibited." As stated above, the applicant is proposing a six (6) foot chain-link fence, which is a not permitted fence material in either the Commercial (C) District or the Heavy Commercial (HC) District. With this being said, the applicant has stated that this is only a temporary solution intended to address their issues with illegal dumping and to temporarily secure the property until future expansion. It is also worth pointing out that the properties directly north (i.e. 2670 S. Goliad Street -- TransAm Trucking)

and south (i.e. 2890 S. Goliad Street -- EPES Transport System, LLC) of the subject property currently have legal, non-conforming chain-link fences. Based on this, the applicant's request does not appear to change the essential character of the area; however, a request for an exception for a fence is a discretionary decision for the Planning and Zoning Commission and for the City Council.

According to Subsection 09.01, Exceptions to the General Standards, of Article 11, Development Applications and Review Procedures, of the Unified FIGURE 3: TRANSAM TRUCKING Development Code (UDC), approval of any exception to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (i.e. three-fourths vote of those members present), with a minimum of four (4) votes in the affirmative."

On April 26, 2022, the Planning and Zoning Commission failed to get a supermajority vote for a motion to approve the applicant's request with the caveat that the fence be black vinyl coated chain-link along S. Goliad Street [SH-205]. The P&Z motion failed by a vote of 4-2, with Commissioners Chodun and Conway dissenting. In accordance with Subsection 09.01 of Article 11 of the Unified Development Code (UDC), the applicant has submitted a written letter to the Director of Planning and Zoning requesting to appeal the Planning and Zoning Commission's decision to the City Council. It was noted that in order to approve the applicant's request, the City Council would need to approve a motion by a super-majority vote.

The applicant came forward and presented the case, generally describing to the council his desire for approval of temporary, chain link fencing associated with this development.

Mayor Fowler commented this is an odd case, because it is in an overlay district, in a heavy commercial district that is requiring something ornamental when it does not fit the zoning. He also commented that this was not a hard case for him. He does not have an issue with the chain link fence or the plastic siding on the front.

Councilmember Johannesen asked the applicant if he intends to replace the chain link fence with the rod iron fence through the various phases of the project. The applicant responded, "yes" and stated that chain link is currently surrounding the original tract of land. Councilmember Johannesen inquired about the possibility of finding a way to essentially phase in the rod iron fencing and do away with the chain link fencing. He generally indicated he has the same concerns as the Planning & Zoning Commission had regarding putting a timer (so-to-speak) on the building of the fence and having there be some sort of conditional agreement in place in this regard.

Planning Director, Ryan Miller asked City Attorney, Frank Garza if staff can somehow work with the developer through the provisions of the master plan in order to ensure that the chain link fencing will eventually be replaced with a rod iron fence. Mr. Garza indicated that – yes – this is possible. Mr. Garza clarified that – if for example, 30% of the development occurs in Phase 1, then 30% of the chain link fence would need to come down and be replaced with rod iron. The percentage of development that occurs in each phase will correspond with the percent of chain link fencing that gets removed and replaced with rod iron. Mr. Garza clarified his understanding that this applicant is asking for approval of 'temporary' chain link fencing that – as the development progresses – will eventually be replaced with fencing that complies with the city's Code (rod iron).

Following various comments, Mayor Pro Tem Hohenshelt made a motion to approve MIS2002-009 for the temporary use of chain link fencing, stipulating that - as development on the project progresses (in percentages) - then an equal percentage of the chain link fencing will come down and rod iron fending will be installed in its place. Councilmember Jorif seconded the motion. The motion passed by a vote of 7 ayes with 0 nays.

3. Discuss and consider an **ordinance** amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members, and take any action necessary. **(1st reading)**

Councilmember Macalik made a motion to approve an ordinance amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members. Mayor Pro Tem Hohenshelt seconded the motion. Indication was given that there are more residents interested in serving on this Commission than there are seats available, which is the reason for this proposed ordinance change. The motion then passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider appointment(s) to the city's ART Commission, and take any action necessary.

Councilmember Macalik moved to appoint Seán Charles Martin, to the city's ART Commission to replace former member, Bonnie Lankford who is moving out of the city. She included in her motion that he will finish out Ms. Lankford's August 2022 term and thereafter continue serving a full, two-year term until August of 2024. 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 Department Monthly Report - March 2022
2. Fire Department Monthly Report - March 2022
3. Parks & Rec. Department Monthly Report - March 2022
4. Police Department Monthly Report - March 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

No discussion took place related to departmental reports, and Council took no action related to them. City Manager Mary Smith said that Police Department's South office location is finally occupied now, which is great news for staff who recently moved into that space. An Open House and Ribbon Cutting will be held at that facility on Thursday, May 19th. She also stated that Farmers Market begins this weekend on the downtown square. In addition, the city's Founders Days Festival is also coming up on May 21st. Council took no action related to Mrs. Smith's comments.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 16th DAY OF MAY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, May 16, 2022 - 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 5:01 p.m. Present were Mayor Kevin Fowler and Councilmembers Clarence Jorif, Dana Macalik, Anna Campbell, Trace Johannesen, Bennie Daniels and Mark Moeller (newly elected and officially sworn in by City Secretary, Kristy Teague, prior to going into Ex. Session). Also present were Assistant City Manager, Joey Boyd and City Attorney, Frank Garza. City Manager, Mary Smith was absent from the meeting.

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 and commissions, including interviews associated with the Planning & Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding designation of Mayor Pro Tem, pursuant to Section §551.074 (Personnel Matters).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 6:00 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 / HONORS

1. Swearing in of Newly Elected City Councilmembers - Judge David Rakow
   - Mark Moeller, Place 2
   - Trace Johannesen, Place 4
   - Anna Campbell, Place 6

   Judge David Rakow administered the Oath of Office to each of the above-named, newly elected city council members.
2. State Farm, Happy 100th Day

   Mayor Fowler read and presented this proclamation to three State Farm agents who were present at the council meeting this evening.

3. Public Works Week

Amy Williams, Director of Public Works, came forth along with several members of her city staff (from both water and wastewater departments). Mayor Fowler then read and presented this proclamation. Ms. Williams provided several statements, generally and sincerely thanking these staff members for all they do to keep the city's water and wastewater systems up and running.

4. Recognition of Rockwall Youth Advisory Council's Graduating Seniors

Kristy Teague, City Secretary, along with Councilmembers Jorif and Campbell came forth to briefly recognize three graduating seniors – Mazie Johnson, Peyton Nielsen and Rylee Braaten. Each student briefly introduced themselves and stated their plans after high school graduation.

VII. Open Forum

Mayor Fowler explained how Open Forum is conducted. He then, initially, called forth Jerry Welch of the city's Planning & Zoning Commission, who came forth and gave a brief summary of P&Z related recommendations relative to planning-related items on tonight's meeting agenda.

Mayor Fowler then asked if anyone else would like to come forth and speak during Open Forum.

Mike Oswalt
2054 Pontchartrain
Rockwall, TX 75087

Mr. Oswalt came forth and shared that he lives in Lakeside Village, and many times, he and his neighbors experience lake-goers who make quite a bit of noise late at night and even into the night. He generally expressed that he will appreciate the city helping enforce noise-related ordinances that might help alleviate these types of concerns. He will also appreciate the police department increasing patrols late at night in his neighborhood, especially during boating season. He went on to briefly express that he runs a volunteer, non-profit organization that provides therapeutic trikes to special needs kids. He urged anyone who may be in need in this regard to please contact him.

VIII. Take any Action as a Result of Executive Session

Mayor Fowler moved to appoint Trace Johannesen to serve as Mayor Pro Tem for the City of Rockwall. Councilmember Daniels seconded the motion. The motion passed by a vote of 6 in favor with 1 abstention (Jorif).

IX. Consent Agenda

1. Consider approval of the minutes from the May 2, 2022, regular City Council meeting, and take any action necessary.
2. Consider an **ordinance** amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members, and take any action necessary. **(2nd reading)**
3. **P2022-015** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a *Preliminary Plat* for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.

4. **P2022-016** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a *Master Plat* for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.
5. **P2022-017** - Consider a request by Humberto Johnson, Jr. of the Skorburg Co. on behalf of John Arnold of Falcon Place SF, LTD for the approval of a *Final 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.
6. **P2022-020** - Consider a request by Heather Cullins on behalf of Shirley Smith of Smith Family Acres, LLC for the approval of a *Preliminary Plat* for the Smith Family Acres Subdivision consisting of four (4) single-family residential lots on a 44.525-acre tract of land identified as Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located on the west side of John King Boulevard north of the intersection of John King Boulevard and FM-552, and take any action necessary.
7. **P2022-018** - Consider a request by Brian Jones for the approval of a *Replat* for Lots 1 & 2, Block A, North Alamo Addition being a 2.1325-acre tract of land identified as Block 15, 15B, 15C & 16 of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 401, 405, 501 & 503 N. Alamo Road, and take any action necessary.

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

CITY OF ROCKWALL
ORDINANCE NO. 22-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CH. 36. STREETS, SIDEWALKS AND PUBLIC PLACES; ARTICLE IV. ART IN PUBLIC PLACES MASTER PLAN; DIVISION 2. ART REVIEW TEAM (ART) COMMISSION; SEC. 36-77. "ESTABLISHED," SUBSECTION (a)(1)a. "COMPOSITION" TO CHANGE THE REQUIRED COMPOSITION FROM A FIVE (5) MEMBER COMMISSION TO A SEVEN (7) MEMBER COMMISSION; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENT ITEMS

1. Appointment with the Rockwall Youth Advisory Council (YAC) to hear year-end presentation, and take any action necessary.

Three YAC members, including (YAC Chairman) Peyton Nielsen, Jaxson Stuart, and Morgan Crosby, came forth and briefed the Council on the monthly activities of the group over the course of this past school year. They also provided a brief budgetary/financial overview as well. Council took no action as a result of this appointment item.

2. Appointment with Jim Rosenberg to discuss and consider authorizing the City Manager to execute a concession agreement between the City of Rockwall and Harbor Bay Marina Corporation, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed Council on the high points of the updated concession agreement between the City and Harbor Bay Marina, which he indicated has been worked on by staff, the city attorney and Mr. Rosenberg for the last twelve to eighteen months. In addition, the City of Dallas and the Lakeside Village HOA have also been part of the document creation/review. Under this new agreement, as part of its five year plan, the Styrofoam that is currently breaking loose will be replaced and then be fully encapsulated so it cannot break loose anymore. Also, the tires will be replaced with a concrete, breakwater system. Within 6-10 years, a fire standpipe system will be installed for fire protection purposes. Mr. Sales pointed out that there are provisions within the agreement that do address noise-related concerns.

Following Mr. Sales' brief comments, Mr. Rosenberg came forth and briefly addressed Council, indicating he has owned Harbor Bay Marina for the last thirty-three years. He stated that the facility is over fifty years old, and there will be major renovations that will occur under this new concessions agreement. Mayor Fowler indicated he initially had concerns about the long term associated with the agreement (25 years); however, considering the amount of investment that will be put into improving the facilities, he is ok with the twenty-five years. Councilmember Daniels then spoke, generally echoing the gentleman's comments who spoke this evening during Open Forum about "noise." Daniels shared that he himself lives in the Lakeside Village neighborhood. Although he personally lives on the other side of the neighborhood and does not hear 'lake related noise' late at night like some other neighborhood residents do, he knows that noise truly is a legitimate problem and concern. He would like the City to establish a concrete means by which residents are able to submit noise-related complaints and for the city to then be responsive to said complaints. He wants there to be a paper trail related to complaints so the city can determine over time if there is or is not a legitimate concern related to noise. He prefers that the public boat ramp be closed by a certain hour of the night; however, he acknowledged that Mr. Rosenberg opposes this idea. He did acknowledge that there are provisions within the contract that will allow for (noise) complaints to be addressed if / when those complaints become persistent and numerous enough. He trusts Mr. Rosenberg will get those sorts of complaints addressed if/when they arise. Councilman Daniels also pointed out that there is an area on the north side of the marina that is about 1/3 of an acre in size, and Mr. Rosenberg has agreed to allow the residents of Lakeside Village an opportunity to utilize that area for picnic and social type purposes. He also pointed out that there are objectives for every year within the "1-5 year plan" and for each year within the "6-10 year plan" under this agreement. There are provisions built into the language of the agreement that will essentially hold Mr. Rosenberg to those objectives throughout the first 10 years.

Following his comments, Councilmember Daniels moved to approve the Concessions Agreement between the City of Rockwall and Harbor Bay Marina Corporation. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. PUBLIC HEARING ITEMS

1. **Z2022-016** - Hold a public hearing to discuss and consider a request by John and Rita Canavan for the approval of an **ordinance** for a *Zoning Change* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary **(1st Reading).**

Ryan Miller, Planning Director, provided background information pertaining to this agenda item, indicating this is not far from the intersection of Clem Road and Stodghill Road. The applicant would like to request a zoning change to allow for the future subdivision of this property overall. The property is designated for low-density residential zoning currently, which encompasses everything that is 2 units per gross acre or less. Notices were sent out to nineteen adjacent property/land owners; however, no notices were received back. The P&Z Commission has recommended approval of this request by a vote of 6 to 0.

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 Moeller then moved to approve Z2022-016, with staff recommendations. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-29

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 A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A FIVE (5) ACRE TRACT OF LAND IDENTIFIED AS LOT 5 OF THE MUSTANG ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *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.

2. **Z2022-017** - Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Towing and Impound Yard* on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information related to this agenda item. The applicant approached staff back in March, and it was discovered that the property has been being used for a towing and impound yard; however, the certificate of occupancy that was issued by the city back in 2016 showed that the property was being used for 'office uses' only. The same company/owner utilizes the property directly south of this location for a towing/impound yard, and it does have an approved SUP that allows for that type of use on that southern property. When the applicant found out they were out of compliance with city regulations, they did remove all of the vehicles off of this particular property. Also, the applicant has submitted a concept plan that does reflect bringing things like the parking and landscaping up to compliance with the city's Unified Development Code. They also plan to provide screening for the proposed vehicle storage area with an existing fence that is currently in place today. He shared that the UDC does require an SUP for this type of land use, the issuance of which is a discretionary decision on the part of the city council. Mr. Miller went on to share that the P&Z Commission did vote 6-0 to recommend approval of this request to the

Council this evening. Twenty-eight notices were sent out to adjacent property and land owners, and two HOAs were also notified. Two notices were received back by the city "in favor" of this request.

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 Campbell sought and received clarification from Mr. Miller concerning each of the properties mentioned associated with this request. She wonders how the city might be able to monitor and enforce the requirement that vehicles brought to the tow yard would not stay on-site for a period longer than seventy-five days. Mr. Miller acknowledged that enforcing this requirement would be challenging for the City.

The applicant came forth and shared that the business itself will have a company procedure in place that will consist of holding an online auto action once every 45 days. So that will ensure that vehicles associated with people who failed to come pick them up with be auctioned off at that 45 day auction.

Following additional comments, Councilmember Macalik moved to approve Z2022-017. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-30
SPECIFIC USE PERMIT NO. S-278

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 *TOWING AND IMPOUND YARD* ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* AND *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.

3. **Z2022-018** - Hold a public hearing to discuss and consider a request by Carlos and Crystal Solis for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an *Accessory Building* on a 3.02-acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 2914 FM-549, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This property is located just north of the area of FM-549 and FM-1139. He went on to explain that the accessory building being proposed by this applicant will not be viewable by the public street(s). He explained that approval of an SUP to allow for an accessory building is a discretionary decision on the part of the Council. Notices were sent out to adjacent property

owners and residents located within 500' of the subject property. One notice was received back in favor, and one notice was received back in opposition.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. The applicant was not present this evening, and no one indicated a desire to speak. So Mayor Fowler closed the public hearing.

Councilmember Moeller moved to approve Z2022-018, indicating that this is a large piece of property, and he has no issue with the applicant building a structure that is slightly larger than what the city would otherwise allow. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-31
SPECIFIC USE PERMIT NO. S-279

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING ON A 3.02-ACRE TRACT OF LAND ZONED SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 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 7 ayes to 0 nays.

4. **Z2022-019** - Hold a public hearing to discuss and consider a request by Fred Gans of CDC Equities, LLC for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as Lots 8R, 9R & 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, addressed as 5879, 5917 & 5981 FM-3097 [*Horizon Road*], and take any action necessary **(1st Reading).**

Mr. Miller, Planning Director, provided background information concerning this agenda item. This property is located just south of the intersection of Ranch Trail and Horizon Road, which is directly across from the Buffalo Creek subdivision, which is located in Heath's city limits. It is currently zoned both "Agricultural" and "Commercial" district. It currently has two homes on it, one of which appears to be utilized currently for commercial purposes, and it also has various accessory buildings on it. He explained that the applicant would like to rezone the property in order to allow for a mini warehouse facility along with numerous flex "office/warehouse" type buildings. He went on to explain that the proposed units – 12 buildings in total - will actually be individually deeded automobile storage/garage units that are considered to be 'luxury' in nature. Inside of the units, things like living rooms, media rooms and kitchens may be present – along with the ability to store automobiles – and they may also be utilized for office space uses. The units are a "for sale product" that are very unique in nature.

After additional comments related to the proposed "planned development district," associated, potential land uses, infrastructure requirements, etc., Mr. Miller indicated that staff sent out notices to 16 adjacent property owners and land owners located within 500' of the subject property (within the City of Rockwall's city limits). Staff has not received any notices in return. In addition, the P&Z Commission did recently recommend approval of this request to City Council by a unanimous vote (6-0). The draft ordinance ties down the applicant's concept plan and conceptual building elevations to ensure that what is built will generally conform to these things.

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's representative then came forth and briefly addressed the Council.

Mr. Albert
6017 Main Street
Frisco, TX

Mr. Albert came forth and shared that this is a unique product that is much different than traditional auto storage products. After a few, additional comments, Mr. Albert shared that he is happy to answer any questions the council may have concerning this proposed "PD."

Following brief questions and answers, Councilmember Johannesen moved to approve Z2022-019. Councilmember Campbell seconded the motion. Councilmember Macalik clarified that the neighborhood just adjacent to this property is located just across from the Buffalo Creek subdivision, which is not located within our own city limits. That is why those residents who live there were not notified. Councilmember Jorif received clarification that this request is in compliance with the city's Master Plan. Following brief, additional comments, the ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-32

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 AND COMMERCIAL (C) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR LIMITED COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 13.55-ACRE TRACT OF LAND IDENTIFIED AS LOTS 8R, 9R, & 10 OF THE RAINBOW ACRES SUBDIVSION, 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.

5. **Z2022-020** - Hold a public hearing to discuss and consider a request by Hellen Byrd on behalf of Donald Valk for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 & 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information concerning this agenda item. This is located within the SH-276 Overlay District. The applicant would like to develop mini warehouses as well as 'flex office warehouse." The development will have to meet all land use requirements associated with the city's "light industrial" district. This proposal does conform to the city's Comprehensive Plan. Twelve notices were sent out to adjacent property and land owners; however, staff did not receive any notices in return (neither "for" nor "against"). The P&Z Commission has recommended approval of this request to Council by a vote of 6 to 0.

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 was asked if she'd like to come forth; however, she declined.

Councilmember Jorif moved to approve Z2022-020. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-33

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 14.78-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 8 & 8-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 34, 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. **Z2022-021** - Hold a public hearing to discuss and consider a request by Ruben Chapa 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 0.1214-acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller, provided background information concerning this agenda item. This property is currently vacant and is located within Phase 4 of the Chandler's Landing subdivision. He went on to explain that Council is being asked to consider the size, location and architectural design of the proposed home when compared to nearby, existing residential

homes. This proposed home meets all the requirements of PD-8 and the Unified Development Code with the exception of the (front facing) garage and associated orientation. This is not an a-typical request for the Chandler's Landing subdivision. 134 notices were sent out to adjacent property owners and residents located within 500' of the subject property; and staff received one notice back in opposition. In addition, he P&Z Commission did recommend approval of the request this evening by a unanimous vote (6-0, with Commissioner Womble absent). Many adjacent HOAs were also notified of this proposal.

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 Macalik moved to approve Z2022-021. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-34
SPECIFIC USE PERMIT NO. S-280

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 0.1214-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22, BLOCK B, CHANDLER'S LANDING, PHASE 4 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.

XII. ACTION ITEMS

1. Discuss and consider an **ordinance** granting a franchise agreement to Atmos Energy Corporation, Mid-Tex Division to provide natural gas service in the City of Rockwall, and take any action necessary. **(1st reading)**

Joey Boyd, Assistant City Manager provided brief comments concerning this agenda item. He generally shared that the previous gas franchise agreement with Atmos has expired. So it is now time to consider a new agreement. The term of the proposed agreement is 20 years, and it will provide the city with 5% of gross revenues. The city attorney has reviewed the agreement, and staff is happy to answer any questions Council may have.

Councilmember Jorif moved to approve the ordinance granting the franchise agreement. Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TWENTY (20) YEARS TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

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

2. Discuss and consider appointments to the city's ART Commission, and take any action necessary.

Regarding the two new seats that have now been added to the ART Commission, Councilmember Macalik moved to appoint Kindsay Carter to the ART Commission for an initial term to run from June 1st thru August of 2023. In addition, in her same motion, Councilmember Macalik also moved to appoint Christopher Kingsley to the ART Commission for a partial term from June 1 thru August of 2022 and thereafter continue serving a full, two-year term thru August of 2024. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Following the public agenda and associated discussions noted above, Mayor Fowler indicated that Council did not finish its Executive Session discussions prior to the start of the 6:00 p.m. public meeting. Therefore, he recessed the public meeting at 7:24 p.m. to go back into Ex. Session (to discuss the below-listed items, which he previously read into the record earlier at 5:00 p.m.).

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 and commissions, including interviews associated with the Planning & Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, §551.074 (Personnel Matters)

2. Discussion regarding designation of Mayor Pro Tem, 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 at 8:00 p.m. After a brief break, Mayor Fowler then reconvened the public meeting at 8:02 p.m. (with all seven council members being present). Mayor Pro Tem Johannesen moved to appoint Brian Llewelyn to serve in the vacant seat on the city's Planning & Zoning Commission (replacing former member, Mark Moeller). Mayor Fowler seconded the motion, which passed by a vote of 5 ayes with 2 against (Macalik and Campbell).

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:03 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th DAY OF JUNE, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, June 06, 2022 - 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 Trace Johannesen, and Councilmembers Clarence Jorif, Anna Campbell, Bennie Daniels, and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and the city's legal counsel, Patrick Lindner. City Attorney Frank Garza and Councilmember Dana Macalik were absent from the meeting.

Mayor Fowler then read the below listed discussion items into the public record before recessing the meeting to go into Ex. 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 State Highway 276 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).
3. Discussion regarding RCH Water & Blackland Water Supply contracts, pursuant to Section §551.071 (Consultation with Attorney).
4. 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).

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. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Presentation of Life-Saving Awards - Rockwall Police Department
   Officer Kristopher Adair - Life Saving Award
   Officer Zachary Stimson - Life Saving Award

Rockwall Police Chief, Max Geron came forward, inviting Officers Adair and Stimson to come forward. He then read a narrative related to these officers having recently saved the life of a seriously injured citizen behind a local business. He presented the Life Saving Awards, thanking them for their heroic act.

2. Presentation of Life-Saving Awards - Rockwall Fire Department
   Crew members of Engine 02 "A"
   Crew members of Engine 03 "A"
   Crew members of Ladder 02 "A"

Rockwall Fire Chief, Kenneth Cullins came forward and invited Rockwall firefighter Todd Rowan forward to recognize him for recently helping save the life of a male patient who was choking.

Chief Cullins called forth and recognized firefighters Tyler Baumgartner and Michael Sauder who recently helped resuscitate a cardiac patient and save his life.

Chief Cullins then recognized Driver Engineer (firefighter) Adam Honea and firefighters Tyler Buamgartner and Michael Sauder who recently helped save the life of a citizen who had been electrocuted.

It is noteworthy that Rockwall Fire Department Captain, Mike Caffey was not able to be present at the council meeting this evening; however, he was also instrumental in helping resuscitate the cardiac patient noted above as well as the citizen who had been electrocuted.

VII. Open Forum

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

Frank Tyminski
643 Windy Ridge Lane
Rockwall, TX

Mr. Tyminski came forth and spoke to the Council, requesting that the City lower its tax rate. He went on to provide various justifications regarding this request (i.e. inflation, higher fuel prices, higher food prices, increased property tax appraisals, etc.).

Pat May
308 Williams Street
Rockwall, TX 75087

Ms. May came forth and spoke to the Council regarding the proposal from Mr. Herriage to place an ingress/egress driveway on SH-66, which she indicated would be located directly across the roadway from her, existing driveway. She indicated that, if the driveway is approved by the City, it will add additional traffic. She went on to explain how many driveways are already in existence and how they are configured in this general area (on SH-66), generally expressing that they pose safety concerns. She pointed out that twenty years ago, she came to the City to request a driveway along

this general area of the SH-66 roadway, but her request was denied at that time due to "safety" reasons and concerns. She shared that, at that time, she redid her plans and came up with an alternative plan that was agreeable to both the City and her. She pointed out that this general area of the roadway and the associated homes along the south side do not have any sidewalks because they would be too dangerous. She went on to encourage the Council to 'honor the city's codes' by opposing the requested driveway so that all citizens are protected. She spoke about traffic accidents and how they happen frequently along this stretch of roadway, pointing out that many accidents occur that are not even reported to the City. She generally urged the Council to vote against the proposed driveway, mainly because it has to do with one person's potential financial gain (the individual homeowners at 501 Kernodle) vs. everyone else's safety who drives along this particular stretch of SH-66.

Carol Crow
504 Williams Street
Rockwall, TX 75087

Mrs. Crow came forward to speak about the house located at 501 Kernodle and the current home owner, Mr. Herriage. She went on to explain that the location of Mr. Herriage's proposed driveway does not meet TXDOT's specifications. She pointed out that it is her understanding that Mr. Herriage would like to construct additional homes on this property, but she believes he will not be able to do so if he is not able to build the additional driveway he's currently requesting approval for. She shared photographs with the Council and those present, generally showing pictures of the 501 Kernodle property and indicating that she has had no knowledge of any drainage related problems on this property (pointing out she was close friends with the previous owners of this home, and they never mentioned any problems with standing water or drainage). She went on to briefly comment about the traffic on Williams / SH-66 and express her understanding that Mr. Herriage is asking the Council this evening to overrule the Historic Preservation Advisory Board's recent denial of his "certificate of appropriateness" for his driveway request. She went on to provide various reasons why the Council should proceed with denying Mr. Herriage's request for this driveway. In part, she believes that a driveway in this location will pose a safety concern. She pointed out that Mr. Herriage does not even live in historic "Old Town," and she would like the City to protect those residents who do actually live in "Old Town."

Debby Wines
310 Williams Street
Rockwall, TX 75087

Mrs. Wines came forth and shared that she lives on the corner of Kernodle and Williams, directly across the street from 501 Kernodle. She shared that she watches children and adults playing and walking on sidewalks and crossing the streets in this area, including those with baby strollers. In addition, on average, three funerals per week have funeral processions that go down this area of SH-66. She generally urged the Council to consider 'safety' concerns and deny Mr. Herriage's request.

Alan Smith
506 Kernodle Street
Rockwall, TX 75087

Mr. Smith shared that he lives directly across from 501 Kernodle, and it is a very, very busy area as far as traffic is concerned. It is a dangerous area that, many times, has traffic back-ups all the way to Fannin Street. He described the ways in which he himself attempts to avoid this general area when driving. He generally indicated that he is opposed to this proposed driveway.

Paul Nicholson
405 N. Fannin
Rockwall, TX

Mr. Nicholson explained that he lives right on the curve in the road located along SH-66 right by the existing "Roundabout" restaurant. He has seen several accidents, sometimes observing them from his front porch. He indicated that he opposes the proposed driveway (at 501 Kernodle). He wonders if a past discussion at a Historic Board Meeting related to an 8' difference the lot is really true.

VIII. Take any Action as a Result of Executive Session

Mayor Pro Tem Johannesen moved to direct staff to accept the TXDOT property and associated proposal in the vicinity of SH-276 and the Rockwall Technology Park. Councilmember Campbell seconded the motion. Mayor Fowler indicated that TXDOT sent the city a proposal to purchase a piece of property, and the city is accepting TXDOT's proposal. The motion then passed by a vote of 7 ayes to 0 nays.

IX. Consent Agenda

1. Consider approval of the minutes from the May 16, 2022, regular City Council meeting, and take any action necessary.
2. Consider an **ordinance** granting a franchise agreement to Atmos Energy Corporation, Mid-Tex Division to provide natural gas service in the City of Rockwall, and take any action necessary. **(2nd reading)**
3. **Z2022-016** - Consider a request by John and Rita Canavan for the approval of an **ordinance** for a *Zoning Change* from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary **(2nd Reading).**
4. **Z2022-017** - Consider a request by Kim Lemmond of Dallas Towboys for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Towing and Impound Yard* on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary **(2nd Reading).**
5. **Z2022-018** - Consider a request by Carlos and Crystal Solis for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an *Accessory Building* on a 3.02-acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 2914 FM-549, and take any action necessary **(2nd Reading).**
6. **Z2022-019** - Consider a request by Fred Gans of CDC Equities, LLC for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as Lots 8R, 9R & 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, addressed as 5879, 5917 & 5981 FM-3097 [*Horizon Road*], and take any action necessary **(2nd Reading).**

7. **Z2022-020** - Consider a request by Hellen Byrd on behalf of Donald Valk for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 & 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and take any action necessary **(2nd Reading).**

8. **Z2022-021** - Consider a request by Ruben Chapa 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 0.1214-acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary **(2nd Reading).**

9. **P2022-023** - Consider a request by Alison Winget of Links Construction on behalf of Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a *Replat* for Lots 5, 6 & 7, Block B, Rockwall Technology Park Addition being a 7.377-acre parcel of land identified as Lot 4, Block B, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of SH-276 and Innovation Drive, and take any action necessary.

10. **P2022-024** - Consider a request by Bart Carroll of Carroll Consulting Group, Inc. on behalf of Robbie Hale of Shepherd Place Homes, Inc. the approval of a *Replat* for Lot 2, Block L, Lake Rockwall Estates East Addition being a 0.4215-acre tract of land identified as Lots 1300 & 1301, Block A, Rockwall Lake Properties Development No. 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 116 Nicole Drive, and take any action necessary.

11. **P2022-026** - Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates of PS LPT Properties Investors for the approval of a *Replat* for Lot 2, Block 1, Valk Rockwall Addition being a 4.264-acre parcel of land identified as Lot 2, Block 1, Valk Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 4028 N. Goliad Street [*SH-205*], and take any action necessary.

12. Consider a resolution suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change, 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.

13. Consider approval of a water relocation located at 105 South Hampton Drive in the amount of $62,121.00 performed by Double R Utilities, Inc., to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.

14. Consider approval of the construction contract for IH-30 Water Line Crossings Project and authorize the City Manager to execute a construction contract with Wilson Contractor Services, LLC, in the amount of $1,140,072.61, and take any action necessary.

15. Consider awarding a bid to C & M Steel for the construction of new Equipment Covers at the Service Center for $224,422.92, approve additional funds of $30,000 from General Fund Reserves and authorize the City Manager to execute a contract for this job and take any action necessary.

16. Consider approval of an emergency repair of the sanitary sewer lift station located at 905 Williams Street (State Highway 66) in the amount of $83,750.00 performed by ConNanCo, LLC to be funded out of the Water and Sewer Fund, Wastewater Operations Budget, and take any action necessary.

17. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee regarding funding for the Ski Nautique's Annual event ($12,715) and the Oasis Pickleball Tournament ($20,500), and take any action necessary.

Councilmember Jorif made a motion to approve the entire Consent Agenda, as presented (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17). Councilmember Campbell seconded the motion. Mayor Pro Tem Johannesen indicated that the budget-related item(s) on the

Consent Agenda were previously discussed, vetted and approved by Council as part of the annual fiscal year budget. The ordinance captions were then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TWENTY (20) YEARS TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

CITY OF ROCKWALL
ORDINANCE NO. 22-29

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 A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A SINGLE-FAMILY 1 (SF-1) DISTRICT FOR A FIVE (5) ACRE TRACT OF LAND IDENTIFIED AS LOT 5 OF THE MUSTANG ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *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. 22-30
SPECIFIC USE PERMIT NO. S-278

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 *TOWING AND IMPOUND YARD* ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* AND *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. 22-31
SPECIFIC USE PERMIT NO. S-279

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING ON A 3.02-ACRE TRACT OF LAND ZONED SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 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. 22-32

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 AND COMMERCIAL (C) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 96 (PD-96) FOR LIMITED COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 13.55-ACRE TRACT OF LAND IDENTIFIED AS LOTS 8R, 9R, & 10 OF THE RAINBOW ACRES SUBDIVSION, 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. 22-33

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 14.78-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 8 & 8-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 34, 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. 22-34
SPECIFIC USE PERMIT NO. S-280

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 0.1214-ACRE

PARCEL OF LAND, IDENTIFIED AS LOT 22, BLOCK B, CHANDLER'S LANDING, PHASE 4 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 6 ayes with 1 absence (Macalik).

X. Appointment Items

1. Appointment with Municipal Court Judge, Matthew Scott to hear briefing on Rockwall Municipal Court's Annual Report, and take any action necessary.

Judge Scott came forward and briefed Council on the annual report he prepared for the Rockwall Municipal Court. He shared details about various changes and improvements that have been made to Municipal Court since the time Council appointed him as Presiding Judge about one year ago. Some of these changes include modifications to the Court's 'standing orders,' the Court's webpage, aesthetics within the courtroom and in the jury room, and how Class C, misdemeanor assault cases involving family violence cases are handled. He went on to explain how these sorts of cases, in general, are handled in a very serious manner, and the defendants are generally not given an opportunity to plead for 'deferred adjudication.' He pointed out that the statistics associated with Municipal Court that have been reported are really out-of-whack due to COVID; however, numbers of court cases have begun picking back up again.

Mayor Pro Tem Johannesen thanked Judge Scott for putting together this annual report and coming before the Council to provide an update on what is going on with Municipal Court.

Judge Scott thanked Council for this opportunity, which he pointed out will occur annually, and he urged the Council to provide him any necessary feedback if and when any issues or concerns arise.

Council took no action concerning this appointment item.

XI. Action Items

1. **H2022-004** - Discuss and consider a request by Tim Herriage appealing a decision by the Historic Preservation Advisory Board (HPAB) concerning the denial of a Certificate of Appropriateness (COA) for a *High Contributing Property* being a 0.7096-acre parcel of land identified as Lot 1-R, Block 2, Buttgen 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 501 Kernodle Street, and take any action necessary.

Mayor Fowler explained to Mr. Herriage and others how this agenda item will be heard and handled this evening. Planning Director, Ryan Miller, then provided background information related to this agenda item. He indicated that the applicant recently went before the city's HPAB to seek approval of a 'certificate of appropriateness' associated with a request to install a 10' driveway; however, the HPAB denied his request for a COA. So, the applicant is now appealing the decision of the HPAB to the City Council.

Mayor Fowler then called forth the applicant, Mr. Tim Herriage to address the Council concerning this matter.

Mr. Herriage came forth and provided extensive comments, in part explaining how his request to demo the porch was approved; however, his request for the driveway was denied. He went on to explain that, while he does not live in "Old Town," he and his wife have lived in Rockwall for about eight generations. He went on to share that he does not believe his requested driveway presents a safety concern. He does not believe that he truly needs to obtain an approved "Certificate of Appropriateness" to get a variance approved associated with his driveway request. He pointed out that he likes to follow rules; however, he does not believe anything in the city's written rules calls for him to obtain an approved "COA" before he can potentially get a variance request approved. He went on to point out that there is an 8' drop that is present in the topography of his property, explaining how there are drainage related concerns on this property as a result of this. He indicated he has spent over a quarter of a million dollars digging this house out of the mud and trying to preserve it. He showed various photos of existing conditions (photos he indicated he took today), and explaining that there are various, existing drainage problems that he needs to overcome in order to preserve this house, which he believes is a good thing for Rockwall. He does plan to subdivide the property and build two more homes on the property, and he believes he can do so without the requested driveway being installed. Mr. Herriage shared that Ms. Tiffany Miller, HPAB board member, made a motion to deny his requested "COA" because his requested driveway is a safety concern and does not meet TXDOT standards. He went on to share how he has purchased and improved other properties within the city, in addition to this particular property at 501 Kernodle.

Councilmember Jorif asked for clarification on requesting a "COA" and "variances." Planning Director, Ryan Miller, provided said clarification. He went on to explain how Mr. Herriage's requests were initially made to the City and how the process has ensued since that time.

Mayor Fowler indicated that he wonders what other options may exist to address drainage concerns on the property, instead of pouring concrete and installing a driveway. Mr. Herriage indicated that he has already spent $10k on installing a drain, and he went on to explain, in general, how the driveway is needed to essentially help solve the drainage related concerns that exist on the property.

Mayor Pro Tem Johannesen asked for clarification on the criteria associated with having a "COA" requested and potentially granted by the city's HPAB. Mr. Miller provided said clarification.

Mr. Herriage and Mr. Miller each provided their understanding of the motion that was made at last month's Historic Preservation Advisory Board meeting. Councilman Jorif indicated that, whatever the motion was, it can be verified since the meeting was video recorded.

Mr. Miller explained that guidelines associated with "COAs" were originally developed with input from the residents in the neighborhood, and they were written into the city's Unified Development Code (UDC), which was ultimately approved by Council.

Mr. Herriage shared that he has submitted another "COA" request to demolish an existing greenhouse that is rotted out. He then explained how he plans to put in a drainage swale to help with drainage, plus he would like to install the driveway as well.

Councilmember Daniels asked how a driveway is going to divert water that cannot be diverted by some other means. Mr. Herriage went on to provide an answer to Mr. Daniels' question; however, Councilman Daniels did not seem to understand the explanation provided.

Mr. Herriage then provided brief comments related to Mr. Brown, who he said is currently constructing a very large home directly across the street from 501 Kernodle. He explained that Mr. brown had previously gone before the city's Board of Adjustments associated with a 5' setback he was requesting back in 2015 before construction on the home began.

Councilmember Moeller thanked Mr. Herriage for the work he has done to improve the home so far. He believes that the planned swales will help alleviate the drainage concerns he has with this property. Moeller shared that he is generally concerned about the proposed driveway essentially not being in line with maintaining the historical integrity of the property as a whole.

Councilmember Campbell commented that the existing driveway does seem to meet the needs associated with the existing home, and she is struggling with understanding how installing a new driveway might solve drainage-related issues.

Mr. Herriage went on to comment that – over time – paving, repaving and repaving of the public, asphalt roadway adjacent to the home has resulted in the home essentially existing within a bowl. So he believes the build-up of the street over time has created drainage problems, and he would like the city to look into how this issue might be solved.

Following additional, brief comments, Councilmember Jorif indicated he would like to make a motion as it relates to H2022-004. He stated that, upon review of the Historical Preservation Advisory Board's decision, it has been affirmed that the Historical Board was within its purview, and zero errors were made during the board's review (of the requested driveway). Therefore, Jorif made a motion to uphold the Historic Board's decision to deny granting the Certificate of Appropriateness. Councilmember Daniels seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

Mr. Herriage commented that, since the community is so concerned with safety, perhaps the City could ask the Chief of Police to look into those concerns because he has seen no formal complaints or information related to the curve in the roadway and people being afraid of their little kids getting hurt. Mayor Fowler indicated that the city's police chief is present and has heard Mr. Herriage's comments.

2. Discuss and consider authorizing the City Manager to execute agreements with Blackland Water Supply Corporation, including (1) Second Amendment to existing Water Supply Agreement; (2) Transfer Agreement regarding services N. of IH-30; and (3) Transfer & Collection Agreement regarding services S. of IH-30, and take any action necessary.

Mrs. Smith, City Manager, briefed the Council on the agreements that have been provided to Council for consideration this evening. Mayor Fowler moved to authorize the City Manager to execute the (three) agreements. Mayor Pro Tem Johannesen seconded the motion, which passed by a vote of 6 in favor with 1 absence (Macalik).

3. Discuss and consider filling a vacancy on the city's Park Board for a partial term through August of 2023, and take any action necessary.

Councilmember Jorif moved to appoint Jenny Krueger to fill this vacancy. Councilmember Moeller seconded the motion. Councilman Jorif indicated that Ms. Krueger has exhibited a sincere desire to serve and help Rockwall better, so he believes she will be a good addition to the Park Board. The motion then passed by a vote of 6 ayes with 1 absence (Macalik).

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 Department Monthly Report - April 2022
2. Fire Department Monthly Report - April 2022
3. Parks & Rec. Department Monthly Report - April 2022
4. Police Department Monthly Report - April 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Mrs. Smith thanked Parks Director, Travis Sales and his staff for recently hosting a successful annual Founder's Day Festival. Also, she thanked Main Street Manager, Bethany Browning for her work on various activities downtown that day as well as on the city's "butterfly project," (which is related to "art in public places"). Mrs. Smith indicated that the painted artwork butterflies are being installed around the city in various locations this week. Lastly, the annual July 4th parade will be taking place soon, and everyone is invited to attend.

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 State Highway 276 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).
3. Discussion regarding RCH Water & Blackland Water Supply contracts, pursuant to Section §551.071 (Consultation with Attorney).
4. 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).

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

Council did not reconvene in Ex. Session at the close of the public meeting agenda. See action taken near the beginning of the 6:00 p.m. meeting (above) for action taken out of Ex. Session at that time.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:33 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 20th DAY OF JUNE, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, June 20, 2022 - 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 5:01 p.m. Present were Mayor Kevin Fowler and Councilmembers Clarence Jorif, Dana Macalik, Bennie Daniels, and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Mayor Pro Tem Trace Johannesen and Councilmember Anna Campbell were absent from the meeting.

Mayor Fowler read the below-listed discussion items into the record before recessing the public meeting to go into Ex. Session 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 appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment of city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding security personnel of public facilities pursuant to Section 551.076 (Deliberations Regarding Security) and Section 551.071 (Attorney Consultation).

III. ADJOURN EXECUTIVE SESSION

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

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

Mayor Fowler reconvened the public meeting at 6:04 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MOELLER

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Elder Abuse Awareness & Prevention Month

Mayor Fowler called forth Amanda Sutherland, program administrator for Adult Protective Services. He then read and presented her with this proclamation. She spoke

briefly thereafter, encouraging everyone to look after the elderly and disabled within the community.

2. Boys & Girls Club Week

Mayor Fowler called forth representatives of the local Boys & Girls Club, including several young children. He then read and presented them with this proclamation. The Executive Director, Mrs. Houser, then spoke a few, brief words.

VII. OPEN FORUM

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

Jana Durfee
828 Cedar Bluff Drive
Rockwall, TX

Mrs. Durfee came forth and shared that she is a citizen who has concerns about the recent survey that was conducted within the Rockwall Police Department. She stated that it showed a pretty high disapproval rating (about 90%, she said). She would like the city to meet with staff in the police department to identify the source of the employees' dissatisfaction and take corrective action.

Janice Morchower
144 Westwood
Rockwall, TX 75032

Mrs. Morchower came forth and expressed that she was very disturbed when she saw the recent police department survey. She stated the essence of the morale of responding officers towards the police chief is something that the city manager and city council really need to address. She indicated that he may be a good police chief, but perhaps he is not a good leader, and there is some reason(s) why his police force is not positively responding to him. She believes it is vital to our community that our police force is strong, well-staffed, and that employees are well paid so that there is high retention. She strongly encouraged the City Council and City Manager to really look into this.

Justin Scroggs
1512 S. Alamo Road
Rockwall, TX

Mr. Scroggs came forth and expressed dissatisfaction for the Council allowing the applicant on the coffee shop proposal to withdraw his application a few minutes ago without holding the public hearing and allowing residents from the neighborhood a chance to speak. He shared that a lot of residents are against the proposal, and the Council has not denied any requests 'with prejudice' that contain a drive-thru aspect to the proposal. He believes that the Council not doing so is setting a precedence that will result in additional, drive-thru related requests to continue to come back. He suggested that because the Council is not taking action to "deny with prejudice" it must mean that the Council is considering some

type of business with a drive-thru at that location. He went on to ask the mayor if he is friends with the owner of the property. The mayor indicated that he does know the owner; however, they do not 'hang out.' Mayor Fowler furthermore indicated that he knows a lot of people, including Mr. Scroggs (the speaker) himself – that he has been in Mayor Fowler's house before. He shared that not allowing residents an opportunity to speak was a 'dirty move,' and he wishes the Council would listen to the people because they do not feel they have been listened to.

Mrs. Dawn Scroggs
813 S. Alamo
Rockwall, TX

Mrs. Scroggs came forth and shared that she does not understand why the Council took action (on the coffee shop related case) this evening before allowing the residents an opportunity to speak. She shared that last time a proposal came forth at this location (also, from the coffee shop), there was resident input and discussion before the vote. She went on to express notable dissatisfaction in the Council not allowing the public hearing to be held and citizens to be heard on the proposed coffee shop this evening. Mayor Fowler indicated that the Council is and was following a procedure, one that has happened many times before. Mrs. Scroggs expressed that her desire is that the Council would have denied the application 'with prejudice.' She was extremely dissatisfied in Council not allowing citizens to speak until after the Council took a vote on that item. She explained that she understands that applicants have rights, but homeowners also have rights. She feels she and others are having to stand up and fight for their rights. She doesn't understand why Council does not deny it with prejudice, essentially to send a clear message that any future proposal that contains a 'drive-thru' aspect at this location will be denied. She went on to speak extensively about her opposition to the proposed coffee shop and any other, future requests that may come forth that contain a proposed drive-thru.

Yvonne Sullivan
521 Cellars Court
Rockwall, TX

Mrs. Sullivan shared that an alcohol related music venue is supposed to be going in at 190 Shenandoah off of SH-205. Indication was given that this property is located in the county, and it is not at all within the city limits. Even though it is not in the city limits, Mrs. Sullivan wonders if city council members can possibly write letters in opposition of the business' proposal with TABC to sell alcohol. Mayor Fowler generally indicated that he will find out this answer from the city attorney and look into the matter.

Leslie Wilson
535 Cullins Road
Rockwall, TX

Mrs. Wilson shared that she has lived at this location for 25 years. Regarding the proposed "Highgate community" listed on tonight's agenda, she essentially wonders if the possible 'work session' that was referenced earlier would be something that the affected residents would be allowed to participate in and if that is something typical that happens with

developers. Mayor Fowler indicated that it is typical for developers to ask for a work session with Council. In addition, Mayor Fowler shared that all work sessions are advertised on public meeting agendas, and they are 'open session' events that are typically held at 4:00 p.m.

Jolt Peterson
Stableglen (no house number given) in the Somerset Community
Rockwall, TX

Mr. Peterson shared that is here to discuss Public Hearing item #7, which is scheduled to be postponed until the next, regular city council meeting. He generally encouraged the Council to slow down development and allow an opportunity for infrastructure to catch up. He has concerns about public safety response times, in particular, and would like to see some sort of study / research performed that will show how the growth has impacted response times for emergency services.

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

Mayor Fowler then reordered the agenda to address Public Hearing Item #2 next, followed by Public Hearing Item #7.

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 June 6, 2022, regular City Council meeting, and take any action necessary.
2. **P2022-025**- Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a *Final 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.
3. **P2022-027** - Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates of PS LPT Properties Investors for the approval of a *Final Plat* for Lot 1, Block A, PS Rockwall County Addition being a 2.082-acre tract of land identified as Tract 25-03 of the J. Strickland Survey Abstract No. 187, Rockwall County, Texas, situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, addressed as 4000 N. Goliad Street [*SH-205*], and take any action necessary.
4. Consider authorizing the City Manager to execute a facilities agreement with Discovery Lakes Phase 1 LLC, for the reimbursement of the cost of the oversizing of the water line along State Highway 276, to be funded out of the Water and Sewer Fund, and take any action necessary.

Councilmember Macalik moved to approve the entire Consent Agenda (#s 1, 2, 3 and 4). Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

X. Appointment Items

1. Appointment with Brad Helmer, Head of School at Heritage Christian Academy, to hear update regarding the school's classroom facility and gymnasium building program, and take any action necessary.

   Mr. Helmer came forth and updated the council on the progress the school has made towards a new gymnasium and updated classroom building. This spring they were able to finalize all necessary requirements to begin construction, and a ground-breaking ceremony was recently held in May. On June 1, their construction company began construction with the goal of having at least the parking lot completed before the start of the new, upcoming school year. In addition, they hope to have the entire project completed in about one year from now. They will be working with the construction company to be updated on the progress weekly, and they will continue to work with the city as well. He went on to thank this Council and previous Councils for the role they have played in supporting HCA and this project. Council took no action as a result of Mr. Helmer's update.

2. Appointment with John Brown to discuss and consider his ideas pertaining to further investments, growth opportunities and/or developments at the Rockwall Municipal Airport, and take any action necessary.

   Mr. Brown came forth and shared that he owns an aviation-related business at the municipal airport. Regarding economic development, they have gone from two planes to five planes, and they now have 7 (contracted) employees. He generally indicated that the airport and its activities are busy and bustling. He went on to share that he would like Council to consider allowing a light 'maintenance type' business (mechanic shop) to be opened at the airport. He would like permission to set up said facility / operation. He also will need something longer than a month-to-month lease or a year-long lease. He would also like signage to be allowed. Councilmember Jorif shared that if Mr. Brown would like to propose a minor maintenance business at the airport, he needs to do so through the proper channels (i.e. work with Assistant City Manager, Joey Boyd, and the airport manager, Melissa). Mr. Brown was given indication that will likely have to come back before Council at a later date in order to more formally propose this idea. Council took no action pertaining to this agenda item at this time.

3. 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 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 at this time following Mr. Welch's comments.

XI. Public Hearing Items

1. **Z2022-022** - Hold a public hearing to discuss and consider a request by Cameron Ehn, PE of DB Constructors on behalf of Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of an **ordinance** for a *Specific Use Permit (SUP)* to allow a *General Retail Store* on a 10.649-acre parcel of land identified as Lot 1, Block B, Rockwall Technology Park, Phase

2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, generally located at the southeast corner of Corporate Crossing and Discovery Boulevard, and take any action necessary **(1st Reading).**

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item, which is related to a property at the intersection of Corporate Crossing and Discovery Boulevard. He gave a history of the property and indicated that it has remained vacant since annexation, up until this point. The applicant would like to construct a general retail store in conjunction with an 89,000 light manufacturing facility. A general retail store does require an SUP in a Light Industrial zoned district, and they are considered by Council on a case-by-case basis. The general retail store will be a sort of gift shop for the proposed chocolate factory. The proposed parking does meet city's requirements. The P&Z Commission has recommended approval of this request to the Council. Notices were sent out to 19 adjacent property owners and applicants; however, no notices were received back from staff. In addition, one nearby HOA was also notified.

Matthew Peterson came forth on behalf of DB Constructors (the architect / builder) then came forth as the applicant, indicating he is happy to answer any questions.

Mayor Fowler then opened the public hearing, but no one indicated a desire to speak. So he closed the public hearing.

Councilmember Jorif moved to approve Z2022-022. Councilmember Daniels seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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) TO ALLOW A *GENERAL RETAIL STORE* ON A 10.649-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, ROCKWALL TECHNOLOGY PARK, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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 5 ayes with 2 absences (Campbell and Johannesen).

2. **Z2022-023** - Hold a public hearing to discuss and consider a request by Jack Kurz of RSDGP, LLC on behalf of Allen Anderson of Adlor Enterprises, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing a *Restaurant, Less Than 2,000 SF, with a Drive-Through/Drive-In* for the purpose of constructing a restaurant with drive-through on a 1.1308-acre parcel of land identified

as Lot 1, Block B, Jack Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 62 (PD-62) for General Retail (GR) District, addressed as 902 & 906 S. Goliad Street [*SH-205*], and take any action necessary **(1st Reading).**

Jack Kurz
15110 N. Dallas Parkway
Dallas, TX 75248

Mr. Kurz, the applicant, had indicated a desire to speak, so – following clarification from the City Attorney – Mayor Fowler called forth Mr. Kurz to speak. Mr. Kurz generally provided a history of this case, indicating that this is the second time a proposal by this coffee shop has come forth through the Planning & Zoning Commission and to City Council. He generally expressed a desire to withdraw this request because he hopes to find a different location within Rockwall to propose a Seven Brew Coffee, perhaps a location that makes more sense.

Councilmember Daniels moved to allow the applicant to withdraw Z2022-023. Councilmember Macalik seconded the motion, which passed by a vote of 4 ayes, 1 against (Jorif) and 2 absences (Johannesen and Campbell).

Mayor Fowler then addressed Public Hearing item #7.

3. **Z2022-024** - Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an **ordinance** for a *PD Development Plan* for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information related to this agenda item. He shared that this is located on the SW corner of the intersection of Horizon Road and Summer Lee Drive. Back in March of this year, the Council approved an ordinance allowing for a 176-unit condominium building. These were not 'new units' – they were taken from the overall number of units allowed within this district, and they were simply allocated to the subject property. The overall units were originally allowed for back in 2010 with the original establishment of this Planned Development District. He briefly spoke about the applicant's plans for realignment of two adjacent roadways (Glen Hill Way and Pinnacle Way). Along with this case, council is being asked to consider three things – (1) does it meet the intent of the Planned Development or sub-district that the property is located within; (2) will it result in an improved project that will be an attractive contribution to the PD / sub-district; and (3) will this not prevent the implementation of the intent of the PD district. He went on to share that notices were sent out to 34 adjacent property owners and nearby residents. As of tonight, staff has

received three notices back in favor of this request. In addition, the city's P&Z Commission has recommended to Council the approval of this request.

Mayor Fowler opened the public hearing, and invited forth the first speaker.

Janice Morchower
144 Westwood
Rockwall, TX

Mrs. Morchower indicated she is very strongly opposed to this development. She expressed strong concerns about existing roadways, traffic and the lack of a traffic light at the nearby intersection. She believes that these will not end up being condominiums. They will end up being apartments. She generally and strongly spoke in opposition of this development.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and commended P&Z Commissioner, Chodun, for recently standing up at a meeting and citing several areas of concern (i.e. perhaps not meeting the city's Comp Plan and the idea that perhaps infrastructure, such as streets, is not yet up to par). Indication was given that Mr. Wacker is actually inadvertently speaking right now about the Highgate development – not this case.

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

Councilmember Macalik shared that PD-32 was approved back in 2010 as, essentially, a mixed use development, and a certain number of condos (overall) were approved for allocation within this PD. She feels that a traffic impact analysis does definitely need to be looked at, especially considering the upcoming reconstruction of IH-30. Mr. Miller shared that a traffic impact study was done, and it has been reevaluated each time a developer in PD-32 is bringing something forth for consideration. Macalik also wonders about the potential need for a traffic light at this intersection / area. Mr. Miller shared that a study in this regard is currently underway, specifically concerning Horizon Road. Indication was given that emergency vehicles will still be able to traverse the proposed rerouted roadways.

Councilman Daniels moved to approve Z2022-024. Councilmember Jorif seconded 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 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK 9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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 (Campbell and Johannesen).

4. **Z2022-025** - Hold a public hearing to discuss and consider a request by Javier Silva 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 0.25-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, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 511 Bourn Street, and take any action necessary **(1st Reading).**

Mr. Miller, Planning Director provided background information concerning this agenda item. The applicant is asking for an SUP to construct a single-family home within the BF Boydstun Addition, which is an established subdivision (before the year 1959, and is built out 90% or more). The Council is asked to consider if the proposed home will be architecturally and visually similar to other, existing residential homes. Staff sent out 46 notices to adjacent land and property owners, and two notices were received back in favor of this request. In addition, the city's P&Z Commission has recommended approval of this 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.

Councilmember Jorif moved to approve Z2022-005. Councilmember Moeller seconded the motion. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 0.25-ACRE PARCEL OF LAND, IDENTIFIED AS LOT E, BLOCK 112, B.F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN

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

The motion passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

5. **Z2022-026** - Hold a public hearing to discuss and consider a request by David Scott and Christine Fischer for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing *Residential Infill Adjacent to Established Subdivision* for the purpose of constructing a single-family home on a ten (10) acre parcel of land identified as Lot 2, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the terminus of Breezy Hill Lane, and take any action necessary **(1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. This is located at the end of Breezy Hill Lane. The east side of this roadway is located within the County, and the west side is located within the Breezy Hill (existing) subdivision. The applicant would like to build a single-family home at this location, which is located on a 10-acre lot that is in close proximity to the existing Breezy Hill subdivision, which is considered to be an 'established subdivision.' This case is unique in that staff was not able to provide council with a 'housing study' of adjacent, nearby homes because, essentially, there are no other homes on Breezy Hill Lane. He explained that the applicant is requesting a flat, front-entry garage; however, it is not visible from public view since that street is not currently being utilized as public street. Staff sent out notices to 48 property owners and residents adjacent to this location; however, no notices were received back, neither "for" nor "against." In addition, the city's P&Z Commission has recommended approval of this 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.

Councilmember Moeller moved to approve Z2022-026. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL LANE 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 (Campbell and Johannesen).

6. **Z2022-027** - [***POSTPONED TO THE JULY 5, 2022 CITY COUNCIL MEETING***] - Hold a public hearing to discuss and consider a request by Adam Buczek of the Skorburg Company on behalf of Bill Lofland of the Lofland Family for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [*355.146-acres*]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract No. 25 [*45.744-acres*]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [*144.00-acres*], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [*SH-205*] at the corner of the intersection of John King Boulevard and S. Goliad Street [*SH-205*], and take any action necessary **(1st Reading).**

   Mayor Fowler indicated that Z2022-027 is postponed until the Tuesday, July 5 city council meeting. It will be heard prior to that council meeting at the June 28 Planning & Zoning Commission meeting. No action was taken at this time.

7. **Z2022-028** - Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [*50.0-acres*], 17-14 [*26.452-acres*], 17-15 [*134.33-acres*], 17-16 [*43.6-acres*], & 40-8 [*8.79-acres*] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (*S. Goliad Street*) south of the intersection of SH-205 and FM-549, and take any action necessary **(1st Reading).**

   Planning Director, Ryan Miller shared that this morning staff received a request from the applicant to withdraw this case. The Council must now decide whether to accept or disapprove the applicant's request to withdraw. Mayor Fowler shared that he met with the developers Friday afternoon. They want an opportunity revamp their plan and to perhaps hold a work session with Council to evaluate options. Councilmember Daniels made a motion to approve the request from the applicant to withdraw Z2022-028. Councilmember Moeller seconded the motion, which passed by a vote of 4 ayes, 1 against (Jorif) and 2 absences (Johannesen and Campbell).

   Mayor Fowler then held Open Forum.

XII. Action Items

1. Hold a Show Cause Hearing to discuss and consider repair, removal or demolition of a dangerous building located at 333 Yacht Club Drive, legally described as Lot 8 of Chandlers Lan-ding #9, and take any action necessary

Jeffrey Widmer, Building Official came forth and shared details pertaining to this agenda item. He indicated that a major structure fire occurred early this year in January at this location, and extensive damage was done to the residential home located on the property. After the Fire Department completed its investigation, the city's Neighborhood Improvement Services (NIS) Department attempted to make contact with the property owner, and initially some good communication transpired. The property owner, at that time, gave indication that he would be obtaining bids for a demolition company; however, since that time, the property owner has stopped all communication with city staff. Staff has not heard from him in several weeks. So staff did send, via certified mail, an "order" for the property owner to appear tonight for this scheduled "show cause hearing." Staff knows that the property owner did receive the certified mail notice because he did pick up the letter. Staff is now asking the Council to consider permitting the city to move forward with demolition of the structure, because it is open and it is deemed 'dangerous.' Mr. Widmer then shared that state law requires that the city wait at least thirty days after ordering a demolition before actually moving forward with it. So, any demolition that may ensue would be slated for July 21, 2022, which would mark the 31st day. However, if the property owner ramps up and takes action on his own in the meantime, staff will certainly work with him to see that the demolition occurs.

Councilmember Jorif asked for some clarification, and Mr. Widmer shared that the structure has been deemed 'dangerous,' and the Council is now being asked to consider approving the structure's demolition. Jorif confirmed that the city has reached out to the owner, but we have received nothing from him. Jorif then confirmed with the city's legal counsel that the city will likely not encounter liability associated with this demolition as long as proper notice has been given/received by the owner and the city waits at least 30 days after the Council takes action to move forward.

Councilmember Macalik shared that she has been in communication with the Chandler's Landing HOA board of directors, and she has been told that the homeowner has settled the fire claim with the insurance company. Also, last week the property owner was supposedly looking into securing a demolition company on his own. In addition, the owner has received a real estate offer for someone to buy the lot 'as is,' and the buyer then would incur all the expenses for the demolition, but the current owner has not accepted the offer at this time. This information was conveyed to Macalik by the Chandler's Landing HOA Board.

Councilmember Macalik shared that this fire happened on January 1st, so the residents o of Chandler's Landing have been looking at this for quite some time. Indication was given that, even if Council wants to move forward with approving demolition, a thirty-day waiting period will ensue prior to any demolition that the city would initiate. In addition, if the city ends up having to move forward with the demolition, notice of the cost would be sent to the property owner. Then, if he failed to pay, the city would place a lien for that amount against the property.

Following additional, brief discussion, Councilmember Jorif moved to approve moving forward with the demolition at 333 Yacht Club Drive. Councilmember Macalik seconded

the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

2. Discuss and consider awarding a bid to US Flag & Flagpole Supply in the amount of $174,732 for the City flagpole project on State right-of-way located between the Interstate 30 service road and Laguna Drive, authorizing the city manager to negotiate a contract, and take any action necessary.

   Assistant City Manager, Joey Boyd provided background information on this agenda item. The site location is at IH-30 and Laguna Drive on state right-of-way. Staff has received two bids, the lower of which is in the amount of approximately $174,732 (and there is an established budget of $250,000 for this flagpole project). The second bid was in excess of $376,000. He briefly spoke about additional, expected costs (i.e. running electricity to the site and any contingencies).

   Councilmember Jorif asked about the previous bid amount that was initially being considered by Council. Mr. Boyd shared that it was initially a bid for $230,000, and Mrs. Smith indicated that the initial bidder then came back and asked the city for an additional $77,000. So the city declined and decided to go back out for bid. Following additional, brief comments, Councilmember Daniels moved to accept the proposal from U.S. Flagpole Supply (as described in the agenda caption above). Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

3. Discuss and consider filling a vacancy on the Main Street Advisory and the Architectural Review Board for a partial term through January 2024, and take any action necessary.

   Indication was given that, although Mayor Pro Tem Johannesen is absent this evening, he would like the council to consider his recommended applicant, Hailee Handy-Alberti. Councilmember Macalik pointed out that her application says she is not a registered voter; however, City Secretary Kristy Teague indicated that it is a mistake, and she is in fact a registered, city qualified voter (as confirmed with the county elections office).

   Mayor Fowler then moved to appoint Hailee Handy-Alberti to the city's Main Street Advisory Board to fill a vacancy with a partial term thru January of 2024. Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

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 and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment of city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding security personnel of public facilities pursuant to Section 551.076 (Deliberations Regarding Security) and Section 551.071 (Attorney Consultation).

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 7:38 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 5th DAY OF JULY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Tuesday, July 05, 2022 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Johannesen called the meeting to order at 5:00 p.m. Present were Mayor Pro Tem Trace Johannesen and Councilmembers Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Mayor Kevin Fowler was absent from the entirety of the meeting. Mayor Pro Tem Johannesen 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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
5. **Pulled from public meeting agenda: P2022-028** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a *Preliminary Plat* for Lots 1 & 2, Block A, Rockwall ISD Addition being a 76.068-acre tract of land identified as Tracts 14-01 & 14-11 of the J. M. Glass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 94 (PD-94) for limited Neighborhood Services (NS) District land uses, generally located at the northwest corner of the intersection of FM-1141 and E. Quail Run Road, and take any action necessary. (pursuant to Section §551.071 (Consultation with Attorney)
6. **Pulled from public meeting agenda: P2022-029** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a *Preliminary Plat* for Lot 2, Block A, Rockwall – CCA Addition being a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 95 (PD-95) for limited Neighborhood Services (NS) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary. (pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:58 p.m.

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

Mayor Pro Tem Johannesen called the public meeting back to order with 6 of seven council members being present (Fowler was absent).

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Recognition of Mr. Larry Parks for service on the N. TX Municipal Water District Board of Directors

Current Executive Director, Jenna Covington, of the NTMWD came forth and shared numerous statistics about the District, making comparisons between when Mr. Parks began serving on the Board in 1993 until now (i.e. population differences, service expansions over time, various accomplishments of the District/Board over time). She generally thanked Mr. Parks for his twenty-nine years of service as a Director on the NTMWD Board. Board Member Terry Sam Anderson of the NTMWD Board (Mesquite's rep.) came forth and shared several, positive comments about Mr. Parks personally and about his service on the board. He generally thanked Mr. Parks for his many years of service on the Board. Director (board member) Chip Imrie came forth and indicated that he is the second City of Rockwall appointee to the NTMWD Board. Mr. Imrie expressed many positive comments about Mr. Parks, including comments related to both his character and his long-tenured service on the Board. Mr. Parks himself then came forth and provided comments, generally thanking several NTMWD staff members and his wife and expressing a lot of positive comments about his twenty-nine years of service on the board. Mayor Pro Tem Johannesen then presented him with an award to commemorate his years of dedicated service on the board.

2. Presentation of Life-Saving Awards - Rockwall Fire Department
Crew members of Engine 01 "C"

Fire Chief, Kenneth Cullins came forth and called forth Firefighter Josh Turner and Captain Lewis Johnson (note: Captain Todd Rowan was also a part of this life-saving event; however, he could not be present this evening). Chief Cullins then read a narrative about these three firefighters performing CPR and administering life-saving measures on a seizure patient in March of this year. He thanked them for their efforts and contributions that led to saving the patient's life.

3. Parks & Recreation Month

Mayor Pro Tem Johannesen called forth Parks Director, Travis Sales, and several of his Parks & Rec staff members. He then read and presented them with this proclamation, thanking them for their various contributions made to our community and our citizens. Mr. Sales then quickly introduced his staff members – Cory Dentler, Kyle Pullen, Daniel Gutierrez, Cassie Tabira, and Andrew Ainsworth. He mentioned that the city's staff members, Wendy Young and Brian Sartain could not be present tonight; however, he thanked them and all other Parks & Rec staff members for all their work. City Manager Mary Smith also thanked all of the Parks & Rec staff for their tireless, professional and vast efforts, especially pertaining to the annual July 4th parade and fireworks display at Harry Myers Park this past weekend.

VII. Open Forum

Mayor Pro Tem Trace Johannesen explained how Open Forum is conducted, indicating that the one public hearing item on the agenda this evening (Z2022-027) will be delayed until the Mon., July 18 city council meeting. However, anyone who would like to speak on that item or anything else is welcome to come forth at this time and speak.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and generally thanked the City for allowing him the opportunity to serve on both the city's Comprehensive Plan Advisory Committee (CPAC) and Architectural Review Boards (ARB).

There being no one else wishing to come forth and speak, Johannesen 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 June 20, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-022** - Consider a request by Cameron Ehn, PE of DB Constructors on behalf of Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of an **ordinance** for a *Specific Use Permit (SUP)* to allow a *General Retail Store* on a 10.649-acre parcel of land identified as Lot 1, Block B, Rockwall Technology Park, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, generally located at the southeast corner of Corporate Crossing and Discovery Boulevard, and take any action necessary **(2nd Reading).**
3. **Z2022-024** - Consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an **ordinance** for a *PD Development Plan* for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary **(2nd Reading).**
4. **Z2022-025** - Consider a request by Javier Silva 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 0.25-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, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 511 Bourn Street, and take any action necessary **(2nd Reading).**
5. **Z2022-026** - Consider a request by David Scott and Christine Fischer for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing *Residential Infill Adjacent to Established Subdivision* for the purpose

of constructing a single-family home on a ten (10) acre parcel of land identified as Lot 2, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the terminus of Breezy Hill Lane, and take any action necessary **(2nd Reading).**

6. **P2022-030** - Consider a request by Keaton Mai of the Dimension Group on behalf of Justin Webb 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. **P2022-032** - Consider a request by Chistophe Guignard of KRISS USA, Inc. on behalf of Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of a *Replat* for Lots 9-11, Block A, Rockwall Technology Park Addition being a 16.44-acre tract of land being identified as Lots 7 & 8, Block A, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 73 (PD-73) and Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District and the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of FM-549 and SH-276, and take any action necessary.
8. **P2022-033** - Consider a request by Josh Millsap of KFM Engineering & Design on behalf of Tony Austin of Rockwall Downtown Lofts, LTD for the approval of a *Replat* for Lot 2, Block A, TAC Rockwall Addition being a 3.338-acre tract of land identified as Lot 1, Block A, TAC Rockwall 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.
9. **MIS2022-013** - Consider a request by Keaton Mai of the Dimension Group on behalf of Justin Webb of Rockwall 205 Investors, LLC for the approval of a *Miscellaneous Case* for an *Alternative Tree Mitigation Settlement Agreement* on 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.
10. Consider approval of the construction contract for the Boydstun Elevated Water Storage Tank Dismantling Project, including authorizing the City Manager to execute said contract with Hunter Demolition and Wrecking Corp., in the amount of $177,000 to be funded out of the Water Operations Budget, and take any action necessary.
11. Consider awarding a bid to B&B Concrete for the Service Center Yard Concrete Pavement Replacement Phase II Project in the amount of $378,000, approving $116,000 for additional concrete pavement expanding the project scope, project testing and misc. expenses to various vendors to be funded by the Streets Maintenance Budget, and authorizing the City Manager to execute contracts for this project, and take any action necessary.
12. Consider awarding a bid to Chief Landscaping for NIS Forced Mowing services in the amount of $33,500 to be funded by the Neighborhood Improvement Services (NIS) Operating Budget, and authorizing the City Manager to negotiate and execute a contract, and take any action necessary.

Councilman Daniels pulled item #12 for further discussion.

Councilmember Macalik moved to approve the remainder of the Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11). Councilmember Moeller seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-35
SPECIFIC USE PERMIT NO. S-281

**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 *GENERAL RETAIL STORE* ON A 10.649-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, ROCKWALL TECHNOLOGY PARK, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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. 22-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK 9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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. 22-37
SPECIFIC USE PERMIT NO. S-282

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 0.25-ACRE PARCEL OF LAND, IDENTIFIED AS LOT E, BLOCK 112, 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. 22-38
SPECIFIC USE PERMIT NO. S-283

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 AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL LANE 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 6 ayes with 1 absence (Fowler).

Regarding Consent Agenda Item #12, Councilmember Daniels shared that he has no issue with the item itself; however, he would like staff to please explain to the public how "forced mowing" does not actually end up being paid for by the city. Mrs. Smith provided said explanation, generally indicating how a property that is out of compliance is 'force mowed,' then the owner is billed. Then, if they do not pay, a lien is placed against the property, and the city recoups its money when the property eventually sells. Following Mrs. Smith's explanation, Councilmember Daniels then moved to approve Consent Agenda item #12, with Councilmember Campbell seconding the motion. The motion passed by a vote of 6 ayes with 1 absence (Fowler).

X. Appointment Items

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

   No one from the P&Z Commission was present this evening. So this item was not heard by Council.

2. Appointment with Police Chief Max Geron to hear 'state of the department' update for the Rockwall Police Department, and take any action necessary.

   Police Chief Max Geron came forth and provided the following comments concerning the state of the Rockwall Police Department.

   It has been my great honor to serve the citizens of Rockwall as your Police Chief for the last 2 ½ years. I am honored and excited to accept a Senior Director position with a national policy institute focused on health and public safety. This is a wonderful opportunity that will allow me to have a broad, national impact of my chosen profession of policing.

   Given some of the anonymous social media posts and remarks, I thought it important you hear directly from me, before I leave, in public about the state of the department. First thing, I have

too much respect for Ms. Smith and Mr. Boyd, as well as you and council, to ever leave the police department in anything other than a good place.

I am proud of the work we have done during my tenure. We not only maintained staffing, we increased the number of sworn officers during a time when policing saw decreases and fierce competition for new officers. The Police Executive Research Forum reported in the Wall Street Journal just today that police resignations were 42.7% higher in 2021 than in 2019 - except in Rockwall where we went eight months without a resignation or retirement. This in spite of concerns expressed to council to the contrary, early in my tenure. In addition, we upped our investigative staffing to handle increased prosecutions, and we are proposing additional increases in the upcoming budget year.

As part of our strategic plan, we grew the department overall and increased its analytical capabilities by adding a full-time Crime Analyst. We added technological capabilities and better equipped our officers in the field. We solicited officers' input by, like few other departments do, forming focus groups to inform us on a host of issues important to all ranks and especially our line-level officers. We have applied that same employee input into our scheduling and the move to acquire outer-vest carriers and other equipment.

We took significant steps to modernize this police department, improving on something good and making it better. We succeeded in our primary strategic priority by "Keeping Rockwall Safe," and we did so not just with crime fighting: We increased training and reduced risk with smart and prudent policy changes. We restricted dangerous vehicle pursuits to only those crimes where the risk was commensurate with the danger of failing to act. Prior to the civil unrest of 2020, we moved the neck restraint to the category of "deadly force," thus restricting its use to only those times when someone's life was in danger. This preceded the nationwide call from the President of the United States for police departments to do just that in the wake of the murder of George Floyd.

We made significant investments in our officers' mental and physical wellbeing by screening for hidden signs of heart disease and providing private consultation with a trained physician and dietician. We also worked with HR Director, Shawn Yerks and provided cost-free gym memberships (another employee recommendation). And we are currently making an investment in the physical brain health of our leadership by partnering with the Center for Brain Health that will pay dividends in the years to come.

We were one of the first departments in the entire nation to adopt and be recognized as an ABLE Certified agenc. ABLE stands for Active Bystandership for Law Enforcement, embracing and strengthening the culture of intervention to protect and save officers' careers and reduce the devastating cost of misconduct.

We changed tack on how we addressed 1st Amendment Auditors by improving our training and understanding of what is and is not permitted relative to free speech and demonstrations. At the same time, we acquired equipment and training to address those demonstrations should they

turn violent. And in the wake of our training, confrontations with 1st Amendment Auditors virtually ceased, allowing our officers to perform their duties with less interference and accompanying stress.

I'm encouraged by our progress toward supplying our police and fire departments with a headquarters building that serves our growing community. The work is just beginning, but this exciting and ambitious project will improve our level of service and is desperately needed.

The last two years have been incredibly challenging for the profession of policing. The members of this police department have worked hard to not only serve and protect our residents, but also make an investment in the youth of our community. As a father with children in this city, I am encouraged by the relationships our SROs build with our children. Our civilian professionals have done an outstanding job in support of our mission, and I'm proud of their diligent work each day.

Records and evidence retention are not flashy and glamorous, but the accuracy and professionalism required must exist for this police department to function for the people we serve, and we have those excellent professionals. I'm proud of our Telecommunicators as we've worked to increase staffing and respond to not only increased calls but also requests for help from our partner agencies. Our telecommunicators are currently working with our partners at the County to be able to provide back-up dispatch capabilities should the need arise. Our detectives distinguish themselves every day with solid follow up and case filing, setting the example for others to follow. We maintain excellent relationships with our state and federal partners because of their cooperation and teamwork on task forces and through our collaboration on cases. Every work group has contributed to our success, and for that I am thankful.

I want to say thank you to all who work hard to protect this community and who do so with compassion and empathy. My door was always open as the Chief, and I continue to be available to you as a resource and partner and a resident, so please don't hesitate to reach out if the need arises. I wish each of you the very best and challenge you to support and build on all we've started. Thank you for this great experience.

Mayor Pro Tem Johannesen thanked the Rockwall Police Department for its work to keep the community safe. Councilmember Macalik and Councilmember Jorif thanked Chief Geron for his service and expressed to him well wishes for his future. Councilmember Jorif shared that he has formed a relationship with Chief Geron during his tenure. He is thankful for dialogue that has occurred between Chief Geron and himself, including the 'listening' that has occurred and the compassion that Chief Geron has shown to members of Council during his tenure.

Council took no action concerning this agenda item.

XI. Public Hearing Items

1. **Z2022-027** - Hold a public hearing to discuss and consider a request by Adam Buczek of the Skorburg Company on behalf of Bill Lofland of the Lofland Family for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [*355.146-acres*]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract

No. 25 [*45.744-acres*]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [*144.00-acres*], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [*SH-205*] at the corner of the intersection of John King Boulevard and S. Goliad Street [*SH-205*], and take any action necessary **(1st Reading)**.

Mayor Pro Tem Johannesen shared that this item will be addressed at the July 18, 2022 regular city council meeting.

XII. ACTION ITEMS

1. **P2022-028** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a *Preliminary Plat* for Lots 1 & 2, Block A, Rockwall ISD Addition being a 76.068-acre tract of land identified as Tracts 14-01 & 14-11 of the J. M. Glass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 94 (PD-94) for limited Neighborhood Services (NS) District land uses, generally located at the northwest corner of the intersection of FM-1141 and E. Quail Run Road, and take any action necessary.

Planning Director, Ryan Miller, provided background information concerning this agenda item. He generally explained that is located at FM1141 and E. Quail Run Road. Back in May, the City approved a zoning change for this property, on which the school district plans to construct a freshman center. The applicant is seeking waivers associated with the infrastructure requirements associated with this property. The applicant has submitted this preliminary plat for the city's consideration, along with a letter asking for the Council to consider approving a waiver for the school district associated with the infrastructure that would otherwise be required to be constructed/installed associated with this development (i.e. upgrading of certain road ways (Panhandle Drive); a portion of FM1141, Quail Run Rd., N. Country Lane). Mr. Miller explained in more detail the nature of the various waivers that the applicant (RISD) is seeking related to both the roadway improvements/extensions as well as the water/wastewater lines. The applicant has submitted a "Traffic Impact Analysis;" however, there are some discrepancies that have been identified, and those will need to be rectified. He went on to share that the city's P&Z Commission recently heard and reviewed this case, and it recommended denial of the requested waivers. Since that time, the applicant has changed its waivers-related request to some degree. Mr. Miller shared that the preliminary plat is a technical review/approval, but the waivers that are requested are discretionary on the part of Council.

Will Salee
Executive Director of Operations, RISD
1050 Williams Street
Rockwall, TX

Tim Lyssy
Director of Project Planning & Construction
RISD
1050 Williams Street

Mr. Salee (the applicant/applicant representative) came forth and addressed Council concerning this agenda item (the "North Ninth Grade Center") and the "South Ninth Grade

Center" (next agenda item). Mr. Salee shared that he has been working with city staff on infrastructure requirements associated with these projects since February. He explained RISD's plans for 'stacking cars' (related to traffic) at both the North and South RISD Ninth Grade Center sites. He went on to thank city staff and the P&Z Commission for all of their input and feedback. He generally expressed thanks to Council for giving the ISD's (revised) proposal(s) consideration this evening. He went on to explain what RISD is proposing to do/build/install as far as roadway and water/wastewater infrastructure is concerned at both the North and South site locations. (i.e. Panhandle Lane (N site); N. Country Lane (N site); and E. Quail Run Road (N. site), as well as Stableglen (S site)).

Councilmember Jorif sought clarification from Mr. Salee and Mr. Miller (city Planning Director). He clarified that the applicant is wanting to delay improvements on Panhandle and N. Country Lane for now. The applicant indicated that, yes, that is what the school district would like to do with the understanding that the RISD will agree to do the improvements in the future if/when it becomes absolutely necessary. Mayor Pro Tem Johannesen shared that he is happy to hear that E. Quail Run Road will be widened and improved, surface wise.

Mayor Pro Tem Johannesen asked if anyone in the audience would like to come forth and speak at this time, but no one indicated a desire to do so.

Johannesen then brought the item back before the council for any action. Councilmember Daniels moved to approve P2022-028. Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes, 1 abstention (Campbell) and 1 absence (Fowler).

2. **P2022-029** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a *Preliminary Plat* for Lot 2, Block A, Rockwall – CCA Addition being a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 95 (PD-95) for limited Neighborhood Services (NS) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item, generally indicating that this case intertwines with the case just above (Action Item #1). The waivers being requested by the RISD are discretionary decisions on the part of the Council. The approval of the preliminary plat is a technical review/approval. Mr. Salee with RISD came forth again and provided various comments to Council concerning his request(s), including the waivers being sought.

Mayor Pro Tem Johannesen asked if anyone in the audience would like to come forth and speak on this matter; however, no one present indicated a desire to do so.

Mr. Salee provided additional comments, including clarification regarding how the associated RISD bond proposal was estimated as related to the required infrastructure. Discussion took place related to RISD's budget(s) associated with this project, and Mr. Salee shared that the required infrastructure was essentially not included in the school district's budget estimates. Discussion took place pertaining to the estimated costs associated with the city's required infrastructure improvements.

City Manager, Mary Smith shared that part of the south side RISD location will be covered under CARES Act funding that the city will be receiving (for use on a project that includes installing a sewer line that residents in the Lake Rockwall Estates neighborhood will benefit from (and be able to get off of septic systems). Indication was given that a portion of this CARES Act funding project would also benefit this school district site; however, Mr. Salee shared that the timing of this grant-funded project may not line up with the school district's timing and associated needs. Cost-related comments and discussions ensued between Mr. Salee and Mayor Pro Tem Johannesen. Councilmember Jorif clarified that Mr. Salee is asking for a waiver on a required roadway and on required sewer. Mr. Salee again provided comments about the city's CARES Act-related sewer project, sharing that the timing of said project may not align with the school district's timeframe. Mrs. Smith clarified that the CARES Act funding (sewer line) project (1) has been funded by the government, (2) the money has been received and is currently sitting in the city's bank accounts and (3) the sewer line is currently in design (3 months in) and construction will begin just as soon as possible. Mrs. Smith shared that, short of something catastrophic happening, there is no reason why the city's sewer-related CARES Act funded project cannot and will not be completed in time to meet the school district's needs pertaining to this site location. Mr. Salee spoke, generally, about the possibilities associated with the CARES Act funding sewer project potentially not being done in time to be beneficial to the RISD's construction and subsequent opening of the newly-constructed building. Mr. Salee shared that the school district is not asking for permission to never build the required roadway - rather, the RISD is asking for a waiver to grant permission to delay the required roadway until which time as it is absolutely needed. Mayor Pro Tem Johannesen generally explained that he is not clear on the justifications provided as to the reasons why the school district is asking for waivers associated with constructing the required infrastructure improvements at this location. Mr. Salee responded, generally sharing that the RISD is actively pursuing moving bond projects forward while dealing with inflation-related challenges. Mayor Pro Tem Johannesen generally expressed concerns about the possibility of the city council approving requested waivers, essentially 'kicking the can down the road' and wanting to construct required infrastructure at a later (unspecified) date in time. General discussion took place by a secondary RISD representative (Mr. Lyssy) related to possible timeframes associated with the RISD building the required infrastructure at a future (unspecified) date and time. Councilmember Jorif shared concerns related to possibly granting waivers to the school district on required construction of infrastructure when the city has an obligation to treat ALL developers equally (even if the 'developer' is the school district).

Mayor Pro Tem Johannesen shared that his goal and desire is to have both freshmen centers constructed and that they be constructed and ultimately open 'on time.' Johannesen asked for clarification from the city attorney on ramifications associated with the city council possibly denying the preliminary plat. The city attorney explained that plats fall under a 'shot clock,' which essentially means that the governing body has to either approve or deny a plat proposal within thirty days. If the Council is going to deny a plat, then it has to specify the specific reason(s) why it is being denied so that the submitter/applicant has a clear indication of the areas of the Code that need to be remedied prior to resubmission of a (revised) plat proposal. Additional comments ensued related to the process and associated timing moving forward (if the Council denies this preliminary plat this evening).

Mr. Lyssy spoke about the general timeline that the RISD is hoping to see unfold associated with bidding the projects (August 22nd), awarding bids, and starting and ending construction. Ultimately, the RISD is hoping to begin construction sometime in December. Ultimately, they

hope to have the centers constructed (start of construction to finished product) within eighteen months.

Mr. Miller, Planning Director, then clarified that staff cannot take a site plan forward without the roadway being depicted on the site plan because it is a 'requirement.' He went on to explain how the site plan and preliminary plat could possibly move forward concurrently for consideration (if the RISD shows an agreement to build the roadway as part of the site plan process). Clarifying comments ensued.

Mrs. Smith, City Manager, shared concerns, expressing that the timeline the RISD has conveyed this evening is incredibly optimistic. In fact, it is a very, very aggressive ("light-speed") timeline, especially considering associated expectations for staff being able to get plans received, reviewed, marked-up, finalized and ultimately approved by the city (in a very busy, busy city where city staff members are also assisting other developers/customers with planning, engineering, and fire-related plan submittals, reviews, approvals, etc.).

Mr. Salee provided responses to Mrs. Smith's expressed concerns (re: the RISD's desired timeframe for the two freshmen centers). He indicated that their timeline was dictated by the passage of the bond package that voters approved. He explained that if they miss their desired timelines associated with the project, it will have to be made up on the back end, which will result in more cost (essentially). He expressed that it puts more pressure and cost on the project.

Mayor Pro Tem Johannesen asked for clarification from the city attorney if 'approval with conditions' is allowable. Mr. Garza, City Attorney, shared that 'conditions' are really not a good idea with plats. The Council either needs to approve it or deny it (with very specific denial reasons clearly stated). Johannesen asked for further clarification from staff regarding timing associated with this preliminary plat and a site plan that the RISD has already submitted to the city (which is currently under the "shot clock" (a 30 day 'time crunch'). Mr. Miller shared a possibility associated with staff working with the RISD to have P&Z review and issue a recommendation on the site plan at an upcoming work session (on July 12), which will help the RISD move things along and avoid the project potentially being delayed by two weeks. Mr. Miller generally explained how the city can potentially assist in helping not delay this project for the RISD.

Following additional, brief comments, Councilmember Jorif moved to deny P2022-029 pursuant to Section 38-8, Subsection (g)(3) (of the Municipal Code of Ordinances) – essentially (because of) "a failure to provide sufficient infrastructure." Councilmember Daniels seconded the motion to deny, which passed by a vote of 5 ayes, 1 abstention (Campbell) and 1 absence (Fowler).

3. **MIS2022-011** - Discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of a *Miscellaneous Request* for a *Variance* to the *Utility Placement* requirements in the *General Overlay District Standards* to allow overhead utilities along [*1*] a portion of SH-276 between John King Boulevard and Rochelle Road and [*2*] a portion of Corporate Crossing [*FM-549*] between the IH-30 Frontage Road and SH-276, City of Rockwall, Rockwall County, Texas, being right-of-way, and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He explained that the applicant (the REDC) is seeking permission to allow for existing, overhead power lines to remain in place for a period of five years, at which time the REDC will bury those lines underground. The affected properties are along the North side of SH-276 between John King Boulevard and Rochelle Road. The other portion that's affected is along Corporate Crossing in between the IH-30 frontage road and SH-276 on the East side of the roadway.

Mr. Miller went on to provide an explanation of the city's requirements associated with putting utility lines underground and further explain the reasons and logic behind the REDC making this request. The P&Z Commission did review this request and voted 7-0 to recommend approval of this request to the City Council.

Matt Wavering of the REDC came forth and generally shared that he would like to do this project and do it correctly and fully. So the REDC is not asking for a waiver – they are asking for a deferral. He shared more specifics related to his reasons behind requesting approval of a deferral associated with burying the lines underground. He went on to explain that TXDOT will be expanding SH-276 in two phases, and the second phase of the TXDOT expansion project will extend all the way to the Hunt County line. He provided comments on how that project will tie into this particular project, including the REDC putting lines underground.

Mayor Pro Tem Johannesen reiterated that this request is actually not a waiver, but – rather – it is a deferral request on the part of the REDC.

Following additional comments, Councilmember Macalik moved to approve MIS2022-011 as presented. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

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

Councilmember Jorif moved to reappoint to the city's Park Board for an additional two-year term (thru August of 2024) the following board members – Jake Wimpee, Kevin Johnson, Marcia Hasenyager, and Amanda Fowler. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Councilmember Jorif mentioned that two, existing board members – Brad Bassett and Matt Murphy – will be 'terming out' on the city's Airport Board next month, so he will work to find replacements for those board members. Jorif then moved to reappoint to the city's Airport Advisory Board the following individual to serve an additional two-year term (thru August of 2024) – Jacob North. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

Councilmember Macalik then moved to reappoint to the city's ART Commission board member Ginger Womble to serve an additional, two-year term (thru August of 2024) and also moved to appoint Haydon Frasier to the Historic Preservation Advisory Board (HPAB) to replace existing board member, Beverly Bowlin, for a term to run from August 2022 thru August 2024 (Bowling is 'terming out' on this board next month, in August). Mayor Pro Tem Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

Regarding the city's Architectural Review Board, Councilmember Daniels moved to appoint Phillip Craddock to fill a vacant seat on the city's Architectural Review Board (ARB) (to replace Bob Wacker who recently resigned) for a two-year term to begin immediately and run thru August of 2024. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Councilmember Daniels then moved to appoint Kevin Lefere to the city's ARB to replace Quint Avenetti for a term to begin immediately and run thru August of 2024. Councilmember Moeller seconded the motion, which passed unanimously of those present (Fowler being absent).

Councilmember Daniels moved to reappoint Robert McAngus to the city's ARB for an additional two-year term thru August of 2024. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Councilmember Daniels made a motion to reappoint to the city's Architectural Review Board (ARB) Rick Johnson to serve an additional two-year term (expiring August of 2024). Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Mayor Pro Tem Johannesen moved to appoint to the North Texas Municipal Water District (NTMWD) Board of Directors Mr. Rick Crowley to fill Rockwall's vacant seat (Mr. Larry Parks' seat). Councilmember Jorif seconded the motion, which passed unanimously of those present (Fowler).

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 Department Monthly Report - May 2022
2. Fire Department Monthly Report - May 2022
3. Parks & Rec Department Monthly Report - May 2022
4. Police Department Monthly Report - May 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

City Manager, Mary Smith commented that the city's solid waste provider has requested that their garbage collection trucks and crews be allowed to begin their routine routes one hour earlier each day in order to get their crews finished and out of the extreme, summer heat sooner. So the city has notified residents of the need to ensure their garbage is out for collection by 6:00 a.m. (rather than by 7:00 a.m.). Staff will continue efforts to remind residents of this (temporary) change. Councilmember Macalik asked for clarification on how this change may impact any HOAs (homeowners associations) that may have restrictions in place. Mrs. Smith urged that HOAs make contact with the city if they have any concerns related to this temporary change. She feels sure they will understand.

Mrs. Smith went on to thank Police Chief, Max Geron for his 2.5 years of service to the City of Rockwall and generally wished him well in his new position. She expressed that the city's

executive staff consider him to be a friend, and they would like for him to stay in touch. Also, she acknowledged that this Thursday will be a tough day for Dallas officers (both Geron and Councilman Mark Moeller are ex-Dallas PD) and for law enforcement officers in general. She wanted them to know she will be thinking of them this Thursday on that tough day.

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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

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 Pro Tem Johannesen adjourned the meeting at 8:01 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF JULY, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

Kristy Teague

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, July 18, 2022 - 4:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER (4:00 P.M.)

Mayor Fowler called the meeting to order at 4:00 p.m. Present were Mayor Fowler, Mayor Pro Tem Trace Johannesen and Councilmembers Dana Macalik, Anna Campbell, and Bennie Daniels. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmembers Mark Moeller and Clarence Jorif were absent from the entirety of the meeting.

II. WORK SESSION

1. Hold a work session with Brian Cramer of Corson Cramer Development to discuss potential residential development in the vicinity of SH-205 and FM-549.

Following brief, introductory comments by Mayor Fowler regarding setting up this work session with the developer, Mr. Cramer came forth and addressed the Council concerning this work session item. He gave a presentation to the City Council, providing a few introductory details on the project prior and then expounding on the following topics, in general: The Corson Cramer Team, the concept plan of the project; project facts; development highlights; density calculations; concept plan updates; proposed density; proposed lot mix; community concerns (traffic, schools, quality, price) timeline for development and construction of the project.

After completion of the presentation, Mayor Fowler stated that he has received feedback from nearby residents. In addition to traffic-related concerns and density, the city would like to work with the developer regarding in the layout of these lots, and what the neighborhood residents would like it to look like in the future. Residents have indicated they desire more of a buffer. In addition, several members of Council indicated that they do not want see 62' lots at all as part of this development. Councilmember Campbell shared that she personally would like to see even some 1-acre lots incorporated into the plans.

Several (unidentified) residents spoke from the audience regarding the proposed development, including comments pertaining to the lots the developer is proposing to build. They are generally concerned about the density and have a strong desire to not have the two smaller lot sizes at all whatsoever and instead see larger, 'estate size' lots. General discussion took place between councilmembers and the developer pertaining to the possibility of incorporating a smaller lot size product that everyone would be comfortable with (perhaps not 'townhomes,' per say, but perhaps some sort of housing product on smaller, say 50' lot sizes).

Leslie Wilson
535 Cullins Road
Rockwall, TX

Mrs. Wilson stated her house backs up to the far upper left corner of the greenbelt on the map being shown. Mrs. Wilson stated that she and her fellow neighbors who could not be present this afternoon are all in agreement. They do like the developer, they do understand this property will end up being developed, and they do support its development. However, they want the developer to stay consistent with existing housing already present in the area. The want to see the larger lots omitted and want to see the addition of 1-acre lots.

Tim McCallum
5140 Standing Oak
Rockwall, TX

Mr. McCallum is an adjacent resident and involved in the Oaks of Buffalo Way Homeowners Association. Mr. McCallum stated they met with the developers on two occasions and presented some questions to them regarding the development of the property. His group stated to the developer that what they see is important to them. They would like the developer to consider building a "slip street" right by "A" on the map. He acknowledged that the developer would have to omit lots in order to do so. He and his neighbors are all estate owners and have concerns regarding neighbors' views from their yards. He went on to express concerns about the proposed sizes of the lots, specifically the very small lots. He and his neighbors do not believe the smaller lots are appropriate, especially considering existing, nearby larger lots / homes. He suggested the developer perhaps look at other examples of small neighborhoods (i.e. Bentonwoods) that have larger lots and have all done a great job of developing. He understands this poses a "math problem," but that's not the city's problem, nor is it the existing residents' problem either.

Cody Barrett
5459 South FM549
(Property "B" on the map)
Rockwall, TX

Mr. Barrett stated his property is the most affected by this development and stated several items of concern. He believes the proposed plan is totally inconsistent with the existing, nearby community. There is not enough green space, and what is being proposed will undoubtedly significantly impact his property values and quality of life (he lives on a 'horse property'). The proposed density compared to the density of what currently exists nearby is not desirable. He commented that he does believe this is a reputable company, and he just hopes that the developer and the city will listen to his concerns.

Mr. Cramer (developer) came forth again and mentioned the values and anticipated pricing of these homes (minimum, starting price of $600k initially with the larger lot homes being in excess of a $1 million price point). In addition, he stated the developer would not be seeking any variances and will be following the City's Comp Plan and at the same time trying to be responsive to the community's concerns. He further stated that built into our plans and their discussions with City staff members is approximately $8 million dollars in improvements to the public infrastructure, both in terms of water and sewer lines within the city's system. These are examples of additional 'values' that will be realized, beyond the homes and their values. Mr. Miller shared that the applicant's proposal is currently actually not totally in conformance with

the city's requirements and vision for this property. So to say no variances are being requested is not entirely accurate to state. Mr. Cramer acknowledged Mr. Miller's comments and thanked him for those.

General and extensive discussion ensued with members of the audience, city council members, and Mr. Cramer, the developer concerning what he has proposed. The City Council took no formal action pertaining to this work session item.

2. Hold a work session to discuss citywide residential density.

Councilmember Macalik proposed moving this work session item to another City Council meeting (date unspecified at this time). Council did not discuss this and 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 5:00 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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding RCH Water Supply Corp. and City of Heath water related contracts, pursuant to Section §551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

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

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

Mayor Fowler called the public meeting back to order at 6:00 p.m. with 5 of seven council members being present (Moeller and Jorif were absent).

VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VI. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted, However, anyone who would like to speak on that item or anything else is welcome to come forth at this time and speak.

Keith Short

1525 Barrolo Drive
McLendon Chisholm, TX

Mr. Short is the Mayor of McClendon Chisholm. He spoke about the recent July 12th – July 13Th RCH water supply shortage that resulted in water not being available to those living within his city. He generally explained that citizens are upset over the issue, and he shared that RCH is not forthcoming with information.

City Manager, Mary Smith generally explained that it is her understanding ("second and third hand"0 that RCH's water towers were draining faster than the rate at which water was able to be put into them. That is what caused RCH to turn the water off – to get them refilled. At Mayor Short's request, Mrs. Smith indicated that the City of Rockwall can absolutely let the City of McLendon-Chisholm know specifics about how much water and when is being 'pushed' out to RCH.

Adrienne Balkum
1518 Firenza Court
Rockwall (McLendon-Chisholm), TX 75032

Mrs. Balkum thanked the City of Rockwall for its professional, responsive staff members. She explained that she has reviewed the contract in place between City of Rockwall and RCH, and she is aware that RCH is in need of some positive change in the area of 'leadership.' She hopes to meet with a representative of RCH to discuss the possibility of adding new membership to the RCH Board of Directors. She is hoping Mr. Pullen (RCH) will be responsive to her suggestions in this regard. She also hopes to be able to work with Mr. Pullen and the RCH Board on various improvements such as board membership, leadership, transparency in posting of agendas and minutes, infrastructure improvements, communication, etc. She and other residents, as well as the leadership of the City of McLendon-Chisholm are taking this matter seriously and are taking proactive steps to attempt to help.

Trudy Woessner
43 Fireside Drive
McLendon-Chisholm, TX

Mrs. Woessner shared that she has done business with members of the City of Rockwall for over 30 years, as she has lived in the Rockwall County area in various municipalities over time. She explained that she views everyone in the county as 'family,' and she expressed that she and members of McLendon-Chisholm truly need Rockwall's assistance. So, they will appreciate any way that the City of Rockwall may be able to help them 'slay the dragon' related to the RCH Water Supply Corporation issues. She mentioned the new city manager of McLendon-Chisholm, Conrad, and she knows these issues arose on his first day on the job. She hopes he stays, and she will appreciate any help the City of Rockwall may be able to provide.

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

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant 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 July 5, 2022 regular city council meeting, and take any action necessary.
2. **P2022-031** - Consider a request by Terri Bedford of A. J. Bedford Group, Inc. on behalf of Jonathan Fox for the approval of a *Replat* for Lots 1 & 2, Block A, Fox Addition being a 0.50-acre tract of land identified as a part of Block 41 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 205 S. Clark Street, and take any action necessary.
3. Consider approval of the construction contract amendment for Turtle Cove Boulevard and W. Yellowjacket Lane Reconstruction Project and authorize the City Manager to execute a change order to the construction contract with Quality Excavation, LLC, in the amount of $202,029.33 to be funded by 2018 Street Bond funds, and take any action necessary

Councilmember Daniels moved to approve the entire Consent Agenda (#s 1, 2, and 3). Councilmember Campbell seconded the motion, which passed by a vote of 5 ayes with 2 absences (Moeller & Jorif).

X. Appointment Items

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

No one from the P&Z Commission was present this evening. So this item was not heard by Council.

XI. Public Hearing Items

1. **Z2022-027** - *[POSTPONED TO AUGUST 1, 2022]* - Hold a public hearing to discuss and consider a request by Adam Buczek of the Skorburg Company on behalf of Bill Lofland of the Lofland Family for the approval of an ordinance for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [*355.146-acres*]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract No. 25 [*45.744-acres*]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [*144.00-acres*], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [*SH-205*] at the corner of the intersection of John King Boulevard and S. Goliad Street [*SH-205*], and take any action necessary (1st Reading).

Mayor Fowler shared the applicant asked that this item be postponed to the August 1, 2022, regular city council meeting.

2. **Z2022-029** - Hold a public hearing to discuss and consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 59 (PD-59) [*Ordinance No. 19-08*] being a 56.586-acre tract of land identified as a portion of R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 59 (PD-59) for Neighborhood Services (NS) District, Single-Family 7 (SF-7) District, and Residential-Office (RO) District land uses, located between W. Washington Street and T. L. Townsend Drive, and take any action necessary **(1st Reading)**.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The subject property is generally located between E. Washington Street, Renfro Street, T. L. Townsend Drive, the Union Pacific/Dallas Garland N. E. rail line, and the old Columbia Extrusion facility. The applicant is currently requesting approval of a Zoning Change amending Planned Development District 59 (PD-59) [Ordinance No. 19-08] in order to change the phase lines between phase 3 and phase 4 to reduce the number of lots within phase 4 that would be zoned Residential Office (RO) District.

On June 17, 2022, staff mailed 284 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Park Place Homeowner's Association (HOA), which is the only HOA 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 staff's report was drafted, staff had received four (4) property owner notifications and one (1) email from five (5) property owners within the 500-foot notification area in favor of the applicant's request. In addition, on July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 6-0, with Commissioner Llewellyn having been absent. Mr. Miller explained that the City Council is being asked to approve, approve with conditions, or deny the Zoning Change request.

Bill Bricker
505 Westway Drive
Rockwall TX

Mr. Bricker, the applicant came forth and gave a brief history on the project, explaining how the property was originally planned out versus how they would like to now modify what is planned. He believes that turning the space into 'residential homes' will be best, and he is requesting that the four lots essentially be 'down-zoned' at this time.

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 Campbell moved to approve Z2022-029. Councilmember Macalik seconded the motion. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 AMEND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) [*ORDINANCE NO. 19-08*] BEING A 56.70-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, 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 absences (Moeller & Jorif).

3. **Z2022-030** - Hold a public hearing to discuss and consider a request by Cory Cannon of Siren Rock Brewing Company for the approval of an **ordinance** for a *Specific Use Permit (SUP)* amending *Ordinance No.18-34* (*S-194*) to allow a *Craft Winery* in conjunction with an existing *Craft Brewery* on a 1.233-acre parcel of land identified as Lot 2, Cain Properties No. 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 310 S. Goliad Street, and take any action necessary **(1st Reading)**.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item: The applicant is requesting the approval of a *Specific Use Permit (SUP)* amending *Ordinance No. 18-34* (S-194) to allow a *Craft Winery* in conjunction with an existing Craft Brewery. The subject property is currently zoned "Downtown (DT) District." The applicant would now like to amend their SUP (*S-194*) to allow a *Craft Winery* in conjunction with an existing Craft Brewery. To facilitate the applicant's request, Operational Condition #8 will be changed to remove the prohibition of a *Craft Winery*. Mr. Miller went on to explain that on July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 6-0, with Commissioner Llewellyn being absent.

Additionally, on June 17, 2022, staff mailed 112 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Stonebridge Meadows and Bent Creek Condos 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 staff's report was drafted for tonight's meeting, staff had not received any notices back related to the applicant's request. Mr. Miller further explained that the City Council is being asked to approve, approve with conditions, or deny the requested SUP.

The applicant, Eva Cannon came forth to state that the customers who do not like beer have been requesting wine. So if this new ordinance is approved, they will be able to fulfill their customers' wine requests. When asked by Mayor Fowler if the brewery will be making the wine themselves, Mrs. Cannon shared that she is unsure at this time. They are exploring options to determine what will work best for them.

Mayor Fowler opened the public hearing; however, no one indicated a desire to come forth and speak, so he closed the public hearing.

Mayor Pro Tem Johannesen moved to approve Z2022-030. Councilmember Macalik seconded the motion. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-194

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 18-34* [*S-194*] 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 *CRAFT BREWERY, DISTILLERY AND/OR WINERY* ON A 1.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2 OF THE CAIN PROPERTIES ADDITION #1 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 4 ayes and 1 nay (Daniels) with 2 absences (Moeller & Jorif).

4. **Z2022-031** - Hold a public hearing to discuss and consider a request by Mark and Veronica Combs for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an accessory *Guest Quarters/Detached Garage* on a 0.7379-acre parcel of land identified as Block 105A-1 of the B. F. Boydston 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 401 S. Clark Street, and take any action necessary **(1st Reading)**.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The applicant is requesting the approval of a Specific Use Permit (SUP) for a Guest Quarters/Detached Garage. The subject property 401 S. Clark Street is zoned Single-Family 7 (SF-7) District and is situated within the Old Town Rockwall (OTR) Historic District. Being within the OTR Historic District, the applicant first went to the Historic Preservation Advisory Board (HPAB) and received approval for a "certificate of appropriateness" (COA). Said approval by the HPAB was followed by a recommendation of the Planning and Zoning Commission that the proposed Guest Quarters/Detached Garage be approved. On July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0, with Commissioner Llewellyn being absent. Additionally, on June 21, 2022, staff mailed 88 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Park Place Homeowner's Association (HOA), which is the only HOA 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 staff's report was drafted, staff had received two (2) notices in favor of the applicant's request. Mr. Miller shared that the City Council is now being asked to approve, approve with conditions, or deny the requested SUP.

The applicant Mr. Combs (401 S. Clark Street) came forth and briefly addressed the City Council. Mr. Combs made comments regarding moving to this location (a 154 year old farmhouse) from the Buffalo Creek subdivision. He went on to explain the existing "backyard situation," which he stated is essentially a "hot mess." He generally spoke about the updates andrenovations he plans to make to the house and the overall property.

Councilmember Macalik asked if the homeowner ever sells this home with the guest quarters/detached garage, could it be turned into some type of short-term rental. Mr. Miller

responded that – yes, it could. Mr. Miller explained that this is one of the reasons the city establishes specific use permits – that, even though it's not the current homeowner's intent to make it into a 'short-term rental,' the city has to look at what could potentially happen to the structure in the future. Mr. Miller reminded Council that the city does not currently regulate short-term rentals within the City of Rockwall.

Mayor Fowler opened the public hearing, but no one came forth to speak, so it was closed.

Councilmember Campbell moved to approve Z2022-031. Councilmember Daniels seconded the motion. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 *GUEST QUARTERS* AND *DETACHED GARAGE* ON A 0.7379-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 105A-1 OF THE B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absences (Moeller & Jorif).

5. **Z2022-032** - Hold a public hearing to discuss and consider a request by Kirk Eyring of Squirrel's Real Estate, LLC on behalf of Jeff Newland for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Self-Service Carwash* on a 2.47-acre parcel of land identified as Lot 3, Block A, The Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, generally located at the southeast corner of the intersection of W. Yellow Jacket Lane and Ridge Road [*FM-740*], and take any action necessary **(1st Reading)**.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The applicant -- *Kirk Eyring of Squirrel's Real Estate* -- is requesting the approval of a Specific Use Permit (SUP) for a *Self- Service Car Wash* (*i.e. Smitty's Car Wash*) to operate on the subject property, which is generally located at the southeast corner of W. Yellow Jacket Lane and Ridge Road. The proposed carwash will consist of a single entrance tunnel that has three (3) lanes of queuing and a "bail out" lane. Based on the concept plan, the carwash tunnel will be oriented so that the entrance of the tunnel will be facing onto W. Yellow Jacket Lane, and the tunnel will be parallel to Ridge Road [*FM-740*]. The concept plan also indicates 20 vacuum stalls and five (5) parking spaces. Staff should note that ten (10) of the vacuum bays are located adjacent to the property line along Ridge Road [*FM-740*]. Based on the noise study provided by the applicant, it does not appear that they will meet the City of Rockwall noise requirements (*Chapter 16,*

Environment, Article IV, Noise, of the Municipal Code of Ordinances). Mr. Miller shared that these types of business establishments often have difficulty meeting the city's noise-related requirements.

If the City Council chooses to approve the applicant's request for a *Specific Use Permit (SUP)* for this proposed *Self-Service Car Wash*, the Council may want to consider the following conditions of approval: As operational conditions for the proposed car wash, the applicant would be required [1] to add additional landscaping adjacent to the vacuum bays, [2] to utilize landscaping to screen the tunnel entrance and exit, and [3] to have no outside display of merchandise or outside storage. On June 21, 2022, staff mailed 32 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Turtle Cove Homeowners Association (HOA), which is the only HOA's or 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 this report was drafted, staff had received one (1) returned notice in opposition to the applicant's request. On July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6- 0, with Commissioner Llewellyn being absent.

General discussion took place pertaining to topics including the trees, mitigating for those trees, the proposed materials, and ingress/egress into and out of the carwash. Councilmember Daniels expressed concern about an existing (oil change/minor car repair) business located across the road from this particular property, explaining that – in his opinion – that business is an 'eye sore.' He does not believe that particular business or this proposed business truly 'fit' within the intent of what is otherwise best suited for this Scenic Overlay District. Councilmember Macalik shared that she is curious about a traffic impact study, especially considering school-related traffic in and around this area. Mr. Miller shared that a traffic impact analysis will be required by TXDOT in conjunction with the 'site plan' phase of this potential development.

Following additional comments, Councilmember Daniels moved to deny Z2022-032. Councilmember Campbell seconded the motion. The motion to deny passed by a vote of 5 ayes with 2 absences (Moeller & Jorif).

6. **Z2022-033** - Hold a public hearing to discuss and consider a request by Patrick Filson of Kirkman Engineering on behalf of 101 Hubbard Dr., LLC for the approval of an **ordinance** for a *PD Development Plan* for a *Restaurant* on a 1.021-acre tract of land identified as Lot 4, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, situated within the *Summit Office Subdistrict* of Planned Development District 32 (PD-32), located within the IH-30 Overlay (IH-30 OV) District, generally located at the southwest corner of the intersection of Horizon Road [*FM-3097*] and the IH-30 Frontage Road, and take any action necessary **(1st Reading)**.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. On June 17, 2022, the applicant came forth to request approval of a *PD Development Plan* for a mixed office and restaurant building. The applicant has submitted a concept plan showing the establishment of a 5,100 SF restaurant with a 1,800 SF patio, and 5,000 SF of office space. The proposed restaurant will be two (2) stories and incorporate a structured parking garage below the restaurant. The concept plan shows that 86 parking spaces are required, and 90 parking spaces will be provided. Mr. Miller shared that, taking into account all of the submitted materials, the applicant's request does appear to conform to the majority of the applicable standards and

design guidelines stipulated for the *Harbor District*; however, it should be noted that the proposed plan lacks conformance to the [*1*] maximum lot coverage, [*2*] building form, [*3*] land use location requirements, and [*4*] the surface parking requirements.

Mr. Miller explained that when evaluating a request for a waiver as part of a *PD Development Plan* the Planning and Zoning Commission and City Council are asked to consider if the request: "(a) Meets the general intent of the *PD District* or *Sub-District* that the property is located; and, (b) Will result in an improved project which will be an attractive contribution to the *PD District* or *Sub-District*; and (c) Will not prevent the implementation of the intent of this *PD District*." In this case, the applicant's request does not appear to change the intent of the *Sub-District* as approved in the City Council by *Ordinance No. 10-21* (*currently Ordinance No. 17-22*), or prevent the implementation of the intent of this *PD District*; however, a *PD Development Plan* is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

On July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the *PD Development Plan* by a vote of 6-0, with Commissioner Llewellyn being absent. In addition, staff mailed 24 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Lakeside Village and Lago Vista 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 this report was drafted, staff had received two (2) property owner notifications from one (1) property owner that owns two (2) parcels of land within the 500-foot notification area in favor of the applicant's request.

Councilmember Johannesen expressed concern regarding the many variances being requested for this property. Ryan Miller stated PD-32 was built around a large concept plan that basically laid out the district as a whole. As development is being approved in one particular area, it tends to affect another area because it essentially inhibits the ability of other properties to "meet" the plan. For example, this particular site in that concept plan showed a mid-rise office building that actually extends onto not only this property but also the property south of it. In addition, the parking field was set up in the corner of the "Care Now" property. That is one reason for variances being requested on this property. Again, approval of requested variances is at the discretion of the City Council.

Mayor Fowler asked if the parking is sufficient for the use and size of the building. Mr. Miller indicated that, yes, it is sufficient. Mr. Miller went on to add that most every project that has come forth within PD-32 has had to go thru a PD development plan because it did not meeting the overall concept plan.

It is noted that no one came forth to speak during the public hearing.

Councilmember Daniels moved to approve Z2022-033. Mayor Fowler seconded the motion. The ordinance caption was then 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 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 RESTAURANT ON A 1.021-ACRE PARCEL OF LAND IDENTIFIED AS LOT 4, BLOCK A, HARBOR DISTRICT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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 (Moeller & Jorif).

7. **Z2022-034** - Hold a public hearing to discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southwest corner of the intersection of Hays Road and John King Boulevard, and take any action necessary **(1st Reading)**.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The subject property is located between N. John King Blvd and Hays Lane by E Quail Run Rd. It is between the Gideon Grove Phase II and Stone Creek subdivisions. The subject property is zoned Agricultural (AG) District, and is situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District. The subject property was annexed in 1998. At the time of annexation, the subject property had a [*1*] a 2,236 SF single-family home, [*2*] a 64 SF storage building, [*3*] a2,400 SF metal storage building, [*4*] a 2,208 SF barn, [*5*] an 897 SF storage shed, and [*6*] an 864 SF storage building. Beyond these structures, the subject property has remained largely undeveloped, and the zoning designation has not changed since annexation.

The applicant is requesting approval of a of a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses. Specifically, the applicant is proposing to entitle the subject property for a 252-lot single-family, residential subdivision that will consists of three (3) lot sizes (*i.e. [A] 157, 62' x 120' lots; [B] 78, 72' x 120' lots; and [C] 17, 82'x 125' lots*). This translates to a gross density of *2.94* dwelling units per gross acre. The minimum dwelling unit size (*i.e. air-condition space*) will range from 2,200 SF to 2,800 SF. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry, and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 50% cementitous fiberboard utilized in a horizontal lap-siding, *board-and-batten* siding, or decorative pattern to allow a variation of materials throughout the subdivision.

Looking at the garage orientation proposed for the development, the applicant is requesting to allow a total of 32.10% of the Type 'A' Lots (51 lots or 20% of all the garages) to be orientated

toward the street in a Flat Front Entry garage configuration; however, the applicant is proposing to require a 25-foot front yard building setback for all garages oriented in a Flat Front Entry garage configuration. The remaining garage doors will be oriented in a J-Swing (or a Traditional Swing) configuration or Recessed Entry configuration (i.e. where the garage door is situated a minimum of 20-feet behind the front façade). In addition, the applicant is proposing to incorporate upgraded finishes on all garage doors that include: [1] coach lighting, [2] decorative wood doors or wood overlays on insulated metal doors, and [3] driveways that are constructed with ornamental stamped concrete brick pavers, stained finish, or salt finished. The following are some of the examples of the upgrades required in the Planned Development District ordinance:

The proposed concept plan shows that the development will consist of a total of 17.2288-acres open space that includes a 4.80-acre amenity center. This translates to an open space percentage of 20.12% (*i.e. 17.2288-acres of open space/85.63- acres gross = 20.12%*). In addition, the applicant has incorporated a ten (10) foot hike/bike trail along John King Boulevard and five (5) foot walking trails throughout the subdivision.

On June 17, 2022, staff mailed 275 notices to property owners and occupants within 500 feet of the subject property. Staff also notified the Stone Creek, Quail Run Valley, and Caruth Lakes (*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. At the time staff's report was drafted, staff had received the following notice replies:
(1) One (1) response from the City's online *Zoning and Specific Use Input Form* from one (1) property owner outside of the 500-foot notification buffer in favor of the applicant's request.
(2) One (1) response from the City's online *Zoning and Specific Use Input Form* from one (1) property owner outside of the 500-foot notification buffer in opposition of 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 one (1) property owner outside of the 500-foot notification buffer in favor of the applicant's request.

In addition, on July 12, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the Zoning Change by a vote of 6-0, with Commissioner Llewellyn being absent. The City Council is now being asked to approve, approve with conditions, or deny the *Zoning Change*.

The applicant(s) then came forth and addressed Council.

Bryan Holland
Skorburg Development Company
8214 Westchester Drive

Mr. Holland provide a slideshow and associated comments to Council, generally explaining what is being proposed for this residential housing development. He explained the density he is proposing; however, Mr. Miller spoke up, encouraging Mr. Holland to check his math because our city does not calculate density in the manner in which Mr. Holland has calculated it. Mr. Holland went on to provide additional details to Council, including the proposed housing product,

some of the builders who are proposed to be involved, the anticipated project timeline (approximately 7 years), etc.

Mayor Fowler opened the public hearing and invited the first speaker to come forth.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker sought and received brief clarification on the older portion of Quail Run in this area. Mr. Wacker shared that he is in favor of this proposed development, in part, because he knows the roadway will be improved. He is comfortable with the developer, Skorburg, and he believes the larger homes will improve home values in the area. Mr. Wacker is concerned about water pressure, especially considering all of the new and upcoming residential development, and he briefly expounded upon these concerns.

Mr. Frank Tyminski
643 Windy Ridge Lane
Rockwall, TX

Mr. Tyminski has concerns about John King eventually being 'swaped,' traffic wise, with SH-205. He has noise-related concerns pertaining to the increased traffic once that occurs someday in the future. He suggested that perhaps 'sound wall' barriers should be installed in the future in order to protect the homes from traffic-related noise.

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

Councilmember Daniels commented on the developer not agreeing to incorporate "Type C" lots, as has been requested and suggested by staff. Mr. Holland (applicant) went on to explain why his company has decided not to incorporate those lots. Councilman Daniels asked for clarification on the proposed 'evergreen trees,' and indication was given that those would be maintained by the HOA (not by the City).

Councilmember Campbell expressed concern about a larger percentage of smaller lots being proposed. She would like to see additional, larger lots incorporated, especially along the Quail Run portion of the proposed development. Mr. Holland believes that a person driving by will not be able to tell the difference between a smaller versus a larger lot.

Councilmember Daniels shared that evergreen trees will eventually die, and then it becomes a maintenance concern. He too also has a problem with more larger lots not being proposed for incorporation.

Councilmember Daniels then moved to table Z2022-034 until the August 1, 2022 city council meeting. Councilmember Macalik seconded the motion. City Attorney, Frank Garza, indicated that this will not need to go back to the P&Z Commission. The motion to table this item passed by a vote of 5 in favor with 2 absences (Moeller and Jorif).

XII. Action Items

1. **P2022-029** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a *Preliminary Plat* for Lot 2, Block A, Rockwall – CCA Addition being a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 95 (PD-95) for limited Neighborhood Services (NS) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary.

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item. The purpose of the applicant's request is to Preliminary Plat a 173.00-acre tract of land to establish the necessary easements (e.g. fire lane, public access/right-of-way, utilities, and drainage) for the future development of a school (a freshmen center). The applicant has submitted a letter requesting waivers to the required infrastructure as stipulated in Chapter 38, Subdivisions, of the Municipal Code of Ordinances. Mr. Miller explained that if the Planning and Zoning Commission chooses to recommend approval of a Preliminary Plat for Lot 2, Block A, Rockwall-CCA Addition, the Council may wish to consider the following conditions of approval: (1) All technical comments from City Staff (i.e. Engineering, Planning and Fire Department) shall be addressed prior to submittal of civil engineering plans; (2) Any construction resulting from the approval of this Preliminary Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Mr. Miller shared that the Planning and Zoning Commission previously approved a motion to recommend denial of the Infrastructure Waivers and Preliminary Plat by a vote of 7-0. Thereafter, on July 5, 2022, the City Council approved a motion to deny the requested Infrastructure Waivers and Preliminary Plat by a vote of 7-0.

The applicant then came forth to address council.

Tim Lyssy
Rockwall Independent School District
1050 Williams Street
Rockwall, TX

Mr. Lyssy indicated that the school district has gone back and looked at several aspects of the project. He shared that the ISD is now committing to building the 24' section of (roadway) infrastructure in accordance with what the city is requiring.

Mayor Fowler pointed out that Councilmember Anna Campbell has recused herself from the discussion and vote on this agenda item, as she is employed by the school district.

Mayor Pro Tem Johannsen thanked the applicant for making needed adjustments and then moved to approve P2022-029. Councilmember Macalik seconded the motion, which – after brief discussion - passed by a vote of 4 ayes, 1 abstention (Campbell), and 2 absences (Moeller & Jorif).

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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding RCH Water Supply Corp. and City of Heath water related contracts, 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 Fowler adjourned the meeting at 7:42 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 1st DAY OF AUGUST, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

Kristy Teague

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, August 01, 2022 - 6:00 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 6:01 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza and Councilmember Dana Macalik were absent from the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM JOHANNESEN

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

III. OPEN FORUM

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

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker shared comments pertaining to Quail Run near Hays Road and potential improvements to that portion of the roadway in conjunction with the developer who will be developing the Hance property (which is on tonight's agenda for 2nd reading (Skorburg)).

Michael Rasmussen
507 Park Place Blvd.
Rockwall, TX 75087

Mr. Rasmussen came forth to share that he is seeking help on what is currently the SPR Packaging business / property located behind the Park Place residential subdivision. He has concerns about the property (i.e. dead trees in need of attention). Mrs. Smith shared that our Parks Director, Travis Sales has reached out to SPR about the dead trees and has provided to the company recommended trees that will live and be viable alternatives to plant. She pointed out that planting trees right now during this time of year is not ideal, but Mr. Sales will be working with SPR to identify trees to be planted in the fall.

Adam Buczek
8214 Westchester Dr., Suite 900
Dallas, TX 75225

Mr. Buczek came forth and shared that the portion of the roadway that Mr. Wacker pointed out a few minutes ago is not actually going to be part of the "Hance property" development / project. So that portion will not be reconstructed as part of the new, residential development.

George Russell
3B Lakeway Drive
Heath, TX

Mr. Russell came forth and shared that he was in Uvalde when the school shooting tragedy happened. He does not anticipate that we have those sorts of problems here in Rockwall; however, he does have speeding-related concerns especially related to vehicles traveling on Ridge Road right near the Heath/Rockwall city limit line outside of the Chandler's Landing subdivision. He stressed that the speeds are 'out of control,' and this issue needs to be addressed by law enforcement.

There being no one else wishing to come forth and speak at this time, Mayor Fowler closed Open Forum. Fowler then recognized interim Police Chief, Ed Fowler who is joining tonight's city council meeting, with the former chief having moved on to another position elsewhere.

IV. CONSENT AGENDA

1. Consider approval of the minutes from the July 18, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-029** - Consider a request by Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 59 (PD-59) [*Ordinance No. 19-08*] being a 56.586-acre tract of land identified as a portion of R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 59 (PD-59) for Neighborhood Services (NS) District, Single-Family 7 (SF-7) District, and Residential-Office (RO) District land uses, located between W. Washington Street and T. L. Townsend Drive, and take any action necessary **(2nd Reading)**.
3. **Z2022-030** - Consider a request by Cory Cannon of Siren Rock Brewing Company for the approval of an **ordinance** for a *Specific Use Permit (SUP)* amending *Ordinance No.18-34* (*S-194*) to allow a *Craft Winery* in conjunction with an existing *Craft Brewery* on a 1.233-acre parcel of land identified as Lot 2, Cain Properties No. 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, addressed as 310 S. Goliad Street, and take any action necessary **(2nd Reading)**.
4. **Z2022-031** - Consider a request by Mark and Veronica Combs for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for an accessory *Guest Quarters/Detached Garage* on a 0.7379-acre parcel of land identified as Block 105A-1 of the B. F. Boydston 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 401 S. Clark Street, and take any action necessary **(2nd Reading)**.
5. **Z2022-033** - Consider a request by Patrick Filson of Kirkman Engineering on behalf of 101 Hubbard Dr., LLC for the approval of an **ordinance** for a *PD Development Plan* for a *Restaurant* on a 1.021-acre tract of land identified as Lot 4, Block A, Harbor District Addition, City of Rockwall, Rockwall County, Texas, situated within the *Summit Office Subdistrict* of Planned Development District 32 (PD-32), located within the IH-30 Overlay (IH-30 OV) District, generally located at the southwest corner of the intersection of Horizon Road [*FM-3097*] and the IH-30 Frontage Road, and take any action necessary **(2nd Reading)**.
6. **P2022-035** - 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 a *Replat* for Lot 3, Block 1, Rockwall Recreational Addition being a 4.40-acre parcel of land identified as Lot 2, Block 1, Rockwall Recreational 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.

7. **P2022-036** - Consider a request by Patrick Hogan, PE of Kimley Horn on behalf of Justin Day of Platform Rockwall, LP for the approval of a *Final Plat* for Lots 1 & 2, Block A, Platform Rockwall Addition being a 16.889-acre parcel of land identified as Tract 4 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, 1818, 1824 & 1860 Airport Road, and take any action necessary.

8. Consider authorizing the City Manager to execute an interlocal agreement with Rockwall County for Fire Protection Services for fiscal year 2023, and take any action necessary.

Mayor Fowler pulled item #3 from the Consent Agenda in order to consider it separately, as Councilman Daniels had voted 'against' this item at the last, regular council meeting (upon first reading).

Mayor Pro Tem Johannesen moved to approve the remaining Consent Agenda items (#s 1, 2, 4, 5, 6, 7, and 8). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-39

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, SO AS TO AMEND PLANNED DEVELOPMENT DISTRICT 59 (PD-59) [*ORDINANCE NO. 19-08*] BEING A 56.70-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, 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. 22-41
SPECIFIC USE PERMIT NO. S-285

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 *GUEST QUARTERS* AND *DETACHED GARAGE* ON A 0.7379-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 105A-1 OF THE B. F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absent (Macalik).

Regarding Consent Agenda item #3, Mayor Fowler moved to approve this agenda item (Z2022-030). Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-40
SPECIFIC USE PERMIT NO. S-284

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 18-34* [*S-194*] 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 *CRAFT BREWERY, DISTILLERY AND/OR WINERY* ON A 1.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2 OF THE CAIN PROPERTIES ADDITION #1 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 to approve passed by a vote of 4 ayes, 2 nays (Jorif and Daniels) and 1 absence (Macalik).

V. Action Items

1. **Z2022-034** - Discuss and consider a request by Kevin Harrell of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 85.63-acre tract of land identified as Tracts 2-01, 2- 04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southwest corner of the intersection of Hays Road and John King Boulevard, and take any action necessary **(1st Reading)**.

Brian Holland with Skorburg Company came forth and briefly addressed Council concerning this agenda item. He generally indicated that he went back and reduced the lot number and increased the size of some of the lots based on feedback received during the last council meeting.

Following additional, brief comments Councilmember Daniels moved to approve Z2022-034. Councilmember Jorif seconded 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 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 10

(SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 85.63-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 2-01, 2-04, 2-05 & 2-06 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, 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 Secretary, Kristy Teague, pointed out that she inadvertently overlooked reading the ordinance caption associated with Consent Agenda item #5 above (Z2022-033) a few minutes ago. Indication was given that Council does not need to 're-vote' on the item. Mrs. Teague simply needs to read the ordinance caption into the record, which she did so at this time, as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 17-22*] 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 RESTAURANT ON A 1.021-ACRE PARCEL OF LAND IDENTIFIED AS LOT 4, BLOCK A, HARBOR DISTRICT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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 Action Item #1 (Z2022-034) passed by a vote of 6 ayes with 1 absence (Macalik).

2. **A2022-002** - Discuss and consider the expiration of an existing 212 Development Agreement for five (5) properties contiguous with the City of Rockwall's corporate limits and being identified as Tracts 1-1, 17 & 17-01 of the J. Lockhart Survey, Abstract No. 137 and Tracts 6 & 6-01 of the J. H. Bailey Survey Abstract No. 22, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), generally located along and at the terminus of Zollner Road, and take any action necessary.

Planning Director, Ryan Miller shared background information concerning this agenda item. At the request of Mayor Pro Tem Johannesen, Mr. Miller explained in more detail what a "212 Development Agreement" is and how it impacts a particular piece of property. A couple of the council members shared that they would potentially like to see the term of this updated agreement be set at 5 years. Mayor Fowler went on to share that he is actually in favor of the city moving forward with annexing a portion of this property at this time, especially considering that the City did not hear back from one of the two property owners associated with this overall property. Mrs. Smith, City Manager, shared that annexing a portion of this overall property will neither 'hurt nor harm' the City of Rockwall.

Mayor Fowler made a motion to extend the 212 Development Agreement for Tracts 1-4 (being Tracts 1-1, 17, & 17-01 of the J. Lockhart Survey, Abstract No. 137 and Tract 6 of the J. H. Bailey Survey, Abstract No. 22) for a period of 5 years and then move forward with annexation on Tract 5 (being Tract 6-01 of the J. H. Bailey Survey, Abstract No. 22). Councilmember Moeller seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

VI. 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 Department Monthly Report - June 2022
2. Fire Department Monthly Report - June 2022
3. Parks & Rec Department Monthly Report - June 2022
4. Police Department Monthly Report - June 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

No discussion took place regarding monthly reports, and no action was taken.

VII. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:31 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 15th DAY OF AUGUST, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, August 15, 2022 - 5:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Kevin Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Council Members Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and City Attorney Frank Garza. Assistant City Manager Joey Boyd was absent from the meeting.

Mayor Fowler read the below listed discussion items into the public record before recessing the meeting to go into Ex. 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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding (re)appointments to city regulatory boards and commissions, including conducting applicant interviews, pursuant to Section, §551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:58 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 - MAYOR FOWLER

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Full Metal Jackets (Rockwall High School Robotics Team) Celebration Day

Mayor Fowler called for high school students who are members of this team, each of whom briefly introduced themselves. Fowler then read and presented them with a proclamation, celebrating some of the team's recent accomplishments and contributions.

VII. OPEN FORUM

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

VIII. Take any Action as a Result of Executive Session

No action was taken at this time; however, the mayor indicated they will reconvene at the end of this public meeting agenda.

IX. Consent Agenda

1. Consider approval of the minutes from the August 1, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-034** - Consider a request by Kevin Harrell of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 85.63-acre tract of land identified as Tracts 2-01, 2- 04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southwest corner of the intersection of Hays Road and John King Boulevard, and take any action necessary **(2nd Reading)**.
3. Consider authorizing the City Manager to execute a one-year contract with three 1-year renewal options with ZT Baseball Nation LP to supply umpires for Leon Tuttle RBSL Spring, Summer, and Fall baseball and softball seasons annually to be funded by the Recreation Development Fund, and take any action necessary.
4. Consider authorizing the City Manager to execute a one-year contract with three 1-year renewal options with ZT Baseball Nation LP to host Fall and Spring baseball tournaments at Leon Tuttle Athletic Complex, and take any action necessary.
5. Consider authorizing the City Manager to execute a one-year contract with three 1-year renewal options with Illumination Firework to provide our July 4th Firework Special Event at Harry Myers Park annually to be funded by the General Fund, and take any action necessary.
6. Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2022 Rate Review Mechanism filing, adopting tariffs as part of the settlement, and take any action necessary.
7. **P2022-034** - Consider a request by Bill Bricker of Columbia Development Company for the approval of a *Final Plat* for Lots 1-5, Block E, Park Place, Phase IV Addition being a 1.286-acre tract of land identified as Lot 2, Block E, Park Place, Phase III Addition and Tracts 53 & 35 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Single-Family 7 (SF-7) and Residential-Office (RO) District land uses, located at the northeast corner of the intersection of T. L. Townsend Drive and Park Place Boulevard, and take any action necessary.
8. Consider authorizing the City Manager to execute an Interlocal Agreement with Rockwall Independent School District for School Resource Officer services for school calendar year 2022-2023, 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. 22-44

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 96 (PD-96) FOR SINGLE-FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 85.63-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 2-01, 2-04, 2-05 & 2-06 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, 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. 22-43

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 2022 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 ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; 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 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.

No one from the P&Z Commission was present. So this agenda item was not addressed.

XI. Public Hearing Items

1. **Z2022-035** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Bill Bricker of Columbia Development Company, LLC for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 87 (PD-87) [*Ordinance No. 18-46*] being a 16.26-acre tract of land identified as a Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District and Light Industrial (LI) District land uses, located on the southside of E. Washington Street east of the intersection of Park Place Boulevard and E. Washington Street, and take any action necessary **(1st Reading)**.

Mr. Miller shared that staff has been contacted by this applicant, and the applicant has submitted a request to withdraw this case at this time. Mayor Fowler moved to accept the applicant's request to withdraw the case. Councilmember Jorif seconded the motion. The motion passed by a vote of 7 ayes to 0 nays. Mr. Miller shared that the applicant will now be able to resubmit a new case, if he so chooses.

2. **Z2022-036** - Hold a public hearing to discuss and consider a request by David Scott and Christine Fischer for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing an *Agricultural Accessory Building* on a ten (10) acre parcel of land identified as Lot 2, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the terminus of Breezy Hill Lane, and take any action necessary **(1st Reading)**.

Ryan Miller, City's Planning Director, provided background information related to this agenda item. Back in July, the City Council granted proper permissions that will allow for a single-family home to be constructed by the property owner on this 10 acres. The applicant is now proposing to build an agricultural accessory building that he plans to utilize to store agricultural equipment. Notices were sent out to adjacent land and property owners within 500' of the property, and no notices were received back by staff. In addition, nearby HOAs were also notified. The Planning & Zoning Commission has recommended approval of this item to the City Council based on the meeting they held on August 9.

Mayor Fowler opened the public hearing, but no one wanted to speak, so he closed the public hearing.

Councilmember Moeller moved to approve Z2022-036. Councilmember Daniels 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 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 *AGRICULTURAL ACCESSORY BUILDING* ON A TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL 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 7 ayes to nays.

3. **Z2022-037** - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bill Bricker of Columbia Development Company for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 65.309-acre tract of land identified as the Oak Creek Subdivision; Tract 6 of the G. W. Redlin Survey, Abstract No. 183; and being portions of Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally bounded by John King Boulevard, E. Williams Street, E. Washington Street, and Harry Myers Park, and take any action necessary **(1st Reading)**.

Ryan Miller, Planning Director, provided background information concerning this agenda item. The applicant would like to rezone this property to allow for construction of a 144 lot single-family home subdivision that contains various lot sizes (*i.e. [A] 41, 72' x 120' lots; [B] 75, 62' x 120' lots; and [C] 28,*

52' x 120' lots). The homes will be between 2,400 and 2,500 square feet. Looking at the garage orientation proposed for the development, the applicant is requesting to allow all of the *Type 'C'* lots (*i.e. the 52' x 120' lots*) or a total of 19.40% of the 144 lots (*equating to a total of 28 lots*) to be orientated toward the street in a *Front Entry* garage configuration; however, the applicant is proposing to require an additional five (5) foot setback from the front façade of the home for *Front Entry* garage configurations, which will create a 25-foot separation from the garage to the front property line. The remaining garage doors will be oriented in a *J-Swing* (*or a Traditional Swing*) configuration or *Recessed Entry* configuration (*i.e. where the garage door is situated a minimum of 20-feet behind the front façade*). In addition, the applicant is proposing to incorporate upgraded finishes on all garage doors that include: [1] coach lighting, [2] carriage style hardware and lighting, [3] decorative wood doors or wood overlays on insulated metal doors, and [4] driveways that are constructed with ornamental stamped concrete brick pavers, stained finish, or salt finished. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry, and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80% cementitous fiberboard utilized in a horizontal lap-siding, *board-and-batten* siding, or decorative pattern to allow a variation of materials throughout the subdivision. The following are some of the examples provided by the applicant showing horizontal lap-siding, *board-and-batten* siding, or decorative patterns that are contained within the Planned Development District ordinance. This essentially allows for the more 'farm house' style look and feel of the homes.

The Planning & Zoning Commission has unanimously recommended approval of this request. In addition, notices were sent to adjacent land/property owners within 500' of the property, and adjacent (2) HOAs (homeowners associations) were also notified. Staff has received back two notice from within the 500' buffer zone in favor of the applicant's request. Also, staff has received back one notice from within the 500' buffer zone in opposition of the applicant's proposed request.

The applicant then came forth to address Council.

Ryan Joyce
767 Justin Road
Rockwall, TX 75087

Mr. Joyce introduced himself and shared that his company is a local company. He went on to share more extensive details with the Council concerning what he is proposing related to this residential development request. He expects the price point to start in the mid to upper $500k's and go up from there.

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

Diana Devenney
2944 Pegasus Drive
Garland TX
(Property owner of 205 Dial Lane – Rockwall, TX)

Mrs. Devenney came forth and spoke about how this proposed development will affect her. She has owned this property since 1982. She is concerned about the price point of these homes being $500k-$550k +, and she does not consider that to be 'affordable housing' for Rockwall. She also spoke about

CPED – Crime Prevention by Development Design. Other cities such as Arlington and Carrollton have implemented this type of program. She wonders if staff has met with Police and Fire Departments to discuss how they will service this area. She is concerned that there are no alleyways, and some of the houses will back right up to her property line, and there is no line of sight to protect the properties from crime. She pointed out that her and her son's property (on Dial Lane) work hard to monitor their AG property for potential crime. She pointed out that she and her son have cleaned up beer cans, and – at one point – a criminal literally burned her house down at 205 Dial Lane. She believes that 'beer parties' and 'drug deals' occur, and she is concerned about the police and fire departments monitoring crime in this area and ensuring that vandalism that constantly happens stops occurring. She has concerns about the cul-de-sac that will be near Williams/Washington Street area...she is concerned that vehicles will literally jump the curb at the end of her driveway / easement. She is also concerned about a major utility line that is right on her and Mr. Bricker's property line. She wonders how the homes will receive utility services, and she gave indication that she hopes it won't be provided by 'trespassing' on her property. She pointed out that Oncor workers previously cut the lock on her property and accessed the utility easement to set utility poles, and they did a lot of damage to her property, all without even contacting her to make her aware they were doing so. She pointed out that this proposed development will cause her a lot of emotional distress, and she has a lot of safety-related concerns (especially related to the drug deals and beer cans and needles, etc.).

Jason Lain
5033 Brookview Drive
Dallas, TX

Mr. Lain shared that he is with OM Housing, and he represents Mrs. Devenney at 205 Dial Lane. He knows that the only easement is located on-site at the 205 Dial Lane, Rockwall, TX site (belonging to the previous speaker, Mrs. Devenney). He pointed out that this development will result in 'pockets' that will be unlit and will lead to kids or anyone else doing essentially 'sinister' / 'criminal' type things at the rear of some of these homes (on the easement related to 205 Dial Lane). He suggested that a roadway be installed that would be a city-built and maintained roadway that would allow access for the Police and Fire Departments to be able to see, access and more closely monitor any criminal related activities might otherwise occur at the rear of this development.

Bob Wacker
309 Featherstone Drive
Rockwall, TX

Mr. Wacker came forth and shared that he lives in Stone Creek, and he has some suggestions. He spoke about various items that the HOA will be responsible for maintaining over time, and how those costs will end up being the financial responsibility of the homeowners. He urged the City to review the HOA bylaws for this community and try to ensure that the HOA is financially solvent and stable enough to be able to afford all that it will be 'taking on.'

City Attorney, Mr. Frank Garza shared that the city cannot, by law, review HOA bylaws or make review of those contingent on approval of a zoning request / case in any way. That would legally be considered "contract zoning," and that is strictly prohibited by law.

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

Mayor Fowler asked if the developer will be notifying home buyers in this neighborhood that, at some point in the future, a major state-owned thoroughfare might run right by this development (SH-66 expansion). Mr. Joyce shared that he has no issue at all including disclosure information of some sort regarding the future plans for the SH-66 roadway improvements. Mr. Joyce shared information about setbacks, and he shared that sidewalks and landscaping will be installed. Those items will provide some level of 'buffering' related to any future SH-66 expansion/improvements that may occur. In addition, Mr. Ryan Miller, shared that a notation can be made on the face of the final plat, which is a document that is supposed to be provided to all residents at 'closing.' Mr. Joyce stated that the HOA will obtain and maintain insurance to help provide some level of protection to HOA maintained areas. He stated that, related to concerns expressed by the speakers during the Public Hearing, there is no better way to prevent crime than to have other people living adjacent to that property and having more eyes on the AG property that exists just adjacent to this proposed residential development.

Police Chief Ed Fowler shared comments related to 'crime pockets,' and he offered to meet with Mrs. Devenney to discuss the concerns she has related to crime and to try and address those concerns. Indication was given by staff that Planning and Police Department staff work together on CPTED "Crime Prevention Through Environmental Design" initiatives on any/all new development being proposed within the City of Rockwall. Mr. Miller shared that at least three police staff work with the Planning Department on 'plan review' for all new residential developments. In addition, Fire Chief Kenneth Cullins shared that the Fire Department is always involved in the plan review process as well.

Mayor Pro Tem Johannesen moved to approve Z2022-037. Councilmember Daniels seconded 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 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, TWO-FAMILY (2F) DISTRICT, AND LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 65.309-ACRE TRACT OF LAND IDENTIFIED AS THE OAK CREEK SUBDIVISION; TRACT 6 OF THE G. W. REDLIN SURVEY, ABSTRACT NO. 183; AND PORTIONS OF TRACTS 1 & 6-1 OF THE G. W. REDLINE SURVEY, ABSTRACT NO. 183, 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 passed by a vote of 7 ayes to 0 nays.

4. **Z2022-038** - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 93 (PD-93) [*Ordinance No. 22-22*] to incorporate a 21.83-acre tract of land into the existing 93.97-acre tract of land being identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 10-02, 10-03, 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (DF-10)

District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information related to this agenda item. The applicant is requesting to amend the existing PD. Specifically, the applicant is proposing to incorporate an additional 21.83-acres of land and entitle it to add an additional 82 single-family residential lots to Planned Development District 93 (PD-93). The subject property is generally located between SH-66 and FM-1141 at the southwest corner of the intersection of FM-1141 and Cornelius Road. These lots will consist of three (3) lot types that were already established by Planned Development District 93 (PD-93): [1] 40 Type 'C' lots that are a minimum of 72' x 115' (or 9,000 SF), [2] 12 Type 'D' lots that are a minimum of 72' x 110' (or 8,400 SF), and [3] 30 Type 'E' lots that are a minimum of 62' x 110' (or 7,200 SF). This adjusts the gross density of Planned Development District 93 (PD-93) from 1.93 dwelling units per acre to 2.27 dwelling units per gross acre (i.e. 263 lots/115.80-acres = 2.2712 dwelling units per gross acre) for the total development. The proposed concept plan shows that the development will consist of a total of 29.72-acres of floodplain and 13.23-acres of open space maintained by the Homeowner's Association (HOA).

The City's Planning & Zoning Commission has reviewed this request and has made a recommendation to approve it. In addition, on July 22, 2022, staff mailed 64 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Caruth Lakes (Caruth Ridge Estates) Homeowner's Association (HOA), which is the only HOA within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff has received two notices back in favor of this request being approved (and no opposition notices).

The applicant, Mr. Ryan Joyce with Michael Joyce Properties came forth again to speak regarding this particular agenda item. Following Mr. Joyce comments, 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 Z2022-038. Councilmember Campbell seconded the motion. Councilmember Macalik expressed concern about the smaller lots being included as part of this proposed development. She does not believe that the smaller lots really fit in well with other, larger existing residential lots in and around this general area. Although she does have these concerns, she did express that she is very impressed with what Mr. Joyce is proposing.

Mr. Cain owns the property adjacent to this, and he does plan to develop it in the future; however, not until his grandson is finished riding dirt bikes on the property.

The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 AMEND PLANNED DEVELOPMENT DISTRICT 93 (PD-93) [*ORDINANCE NO. 22-22*], BEING A 115.80-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-01 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, AND TRACTS 13 & 25 AND A PORTION OF TRACTS 10-02, 10-03, 25-1, & 26 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 to approve then passed by a vote of 6 ayes with 1 against (Macalik).

XII. ACTION ITEMS

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

   Mayor Fowler indicated that the city council will be going back into Ex. Session to discuss some other appointments. So he would like to delay action on this particular item in order to take all appoint-related actions afterwards.

   Mayor Pro Tem Johannesen moved to reappoint to the city's Planning & Zoning Commission John Womble, Brian Llewellyn, and Sedric Thomas (each for an additional three-year term thru August of 2025). He'd also like to newly appoint Ross Hustings to serve in the seat vacated by Eric Chodun (for a partial term thru August of 2023). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

   Councilmember Campbell moved to reappoint Gary Freedman to the Animal Advisory Board (an additional, two-year term thru Aug. 2024). Fowler seconded the motion, which passed unanimously of those present.

   Regarding the Airport Advisory Board, Councilmember Jorif made a motion to newly appoint Kyle Thompson and Kerry Shepherd to the two vacant seats left by Brad Bassett and Matt Murphey, who have both 'termed out' (terms will run thru Aug. of 2024). Macalik seconded motion, which passed unanimously of Council (7-0).

2. Discuss and consider granting permission for an alcohol waiver associated with the city's October 1, 2022, 14th Annual Rib Rub Run and Roll 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.

   Parks Director, Travis Sales, came forth and briefed Council on this agenda item.

   Mayor Pro Tem Johannesen moved to approve the alcohol waiver request for Harry Myers Park and to approve the downtown roadway closures as part of this event. Mayor Fowler seconded the motion, which passed by a vote of 5 ayes to 2 nays (Jorif and Daniels).

   Mayor Fowler then recessed the public meeting to go back into Ex. Session at 7:19 p.m.

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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)

2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding (re)appointments to city regulatory boards and commissions, including conducting applicant interviews, pursuant to Section, §551.074 (Personnel Matters)

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

Fowler reconvened the public meeting at 8:17 p.m. See "Action Item 1" above.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th DAY OF SEPTEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL SPECIAL MEETING
Thursday, August 25, 2022 - 4:00 PM
City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER (4:00 P.M.)

Mayor Fowler called the meeting to order at 4:02 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen and Councilmembers Clarence Jorif, Dana Macalik, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, as well as individual departmental directors and other staff. Councilmember Anna Campbell joined the meeting at 4:10 p.m. as noted below.

II. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

Councilmember Campbell was not yet present, so Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

III. OPEN FORUM

Frank Tyminski
643 Windy Ridge Lane
Rockwall, TX

Mr. Tyminski came forth and provided brief expressions of gratitude to some city staff members with whom he recently interacted. He went on to express brief comments pertaining to the proposed tax rate and budget.

Bob Wacker
309 Featherstone
Rockwall, TX 75087

Mr. Wacker came forth and provided a lengthy presentation to Council related to the city's financial policies, historical information related to the tax rate(s), tax dollars collected over the years, the budget over time, etc. He generally expressed that he actually wishes that the city would raise the tax rate, rather than lower it.

It was noted that Councilmember Campbell arrived at 4:10 p.m. (during Mr. Wacker's comments).

No one else came forth to speak, so Mayor Fowler closed Open Forum.

IV. WORK SESSION

1. Hold a work session to discuss the City of Rockwall proposed budget for fiscal year 2023
   (Note: a Public Hearing to hear public input re: the FY23 budget will appear on the Tues., Sept. 6, 2022 City Council Mtg. agenda)

Mayor Fowler provided brief, introductory comments related to the tax rate, sharing that this proposed budget aims to lower the effective tax rate. He commented about how the City Manager has been very conservatively projecting sales tax revenues for many years now, and she's done a good job over the years ensuring that the city has healthy 'reserves' in place. He generally indicated that he will allow City Manager Mary Smith to brief Council on the proposed budget at this time, and thereafter they will go section-by-section through the budget proposal. City Manager Mary Smith shared that her main focus for this upcoming fiscal year budget proposal is to ensure that staff salaries are adjusted so that the city can try and retain the employees it currently has while also remaining competitive in the market place. She indicated that other, neighboring cities in the area are all either proposing healthy raises or have already instituted those. So she feels strongly like this is an important focus for this upcoming budget year. She especially wants to ensure retention in public safety and also specifically in the Dispatch (911) center. She commented that the city dispatch center is fully staffed, and the current slate of employees we have in place work well together. She went on to provide a lengthy explanation regarding the "no new tax rate," under which a city must stay in order to avoid having to take the tax rate before the public for voter approval and chancing a tax rate rollback.

General discussion ensued between staff members and members of Council pertaining to the various departmental budget proposals and proposals for other, miscellaneous funds (i.e. the city's 'Recreational Development Fund;' "Airport Special Revenue Fund;" "(Police) Seized Funds).

Mayor Fowler suggested having Mrs. Smith round the proposed tax rate down to 29.25 cents (per $100 dollars of assessed value). Mrs. Smith indicated that she can do so, as that will only cause her to have to adjust downward by about $3,000.

V. ADJOURNMENT

Mayor Fowler adjourned the work session at 5:47 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th DAY OF SEPTEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Tuesday, September 06, 2022 - 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 5:01 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmember Dana Macalik was absent from the "call to order" portion of the meeting but joined Ex. Session at 5:05 p.m.

Mayor Fowler read the below listed discussion items into the record before recessing the public meeting to go into Executive Session 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 amendment(s) to 'Agreement for Professional Services & Employment as City Manager,' pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding possible purchase of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
6. **Pulled from the public agenda: Appointment Item #1.** Appointment with resident Tim Herriage to hear concerns related to the composition (board membership) of the City's Historic Preservation Advisory Board (HPAB), and take any action necessary

III. ADJOURN EXECUTIVE SESSION

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

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

Councilmember Campbell 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. There being no one indicating such, he then closed Open Forum.

VII. Take any Action as a Result of Executive Session

Mayor Pro Tem Johannesen moved to approve the amendment to the contract for professional services with the city manager. Councilmember Macalik seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

VIII. Consent Agenda

1. Consider approval of the minutes from the August 15, 2022, regular city council meeting, and take any action necessary.
2. Consider approval of the minutes from the August 25, 2022 Special (Budget Work Session) Council Meeting, and take any action necessary.
3. **Z2022-036** - Consider a request by David Scott and Christine Fischer for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing an *Agricultural Accessory Building* on a ten (10) acre parcel of land identified as Lot 2, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the terminus of Breezy Hill Lane, and take any action necessary **(2nd Reading)**.
4. **Z2022-037** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bill Bricker of Columbia Development Company for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 65.309-acre tract of land identified as the Oak Creek Subdivision; Tract 6 of the G. W. Redlin Survey, Abstract No. 183; and being portions of Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally bounded by John King Boulevard, E. Williams Street, E. Washington Street, and Harry Myers Park, and take any action necessary **(2nd Reading)**.
5. **P2022-038** - Consider a request by Bill Bricker of Columbia Extrusion Corporation for the approval of a *Conveyance Plat* for Lot 1, Block A, Park Station Addition being a 16.26-acre tract of land identified as a Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District and Light Industrial (LI) District land uses, located on the southside of E. Washington Street east of the intersection of Park Place Boulevard and E. Washington Street, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, and 5). Campbell seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-45
SPECIFIC USE PERMIT NO. S-286

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 *AGRICULTURAL ACCESSORY BUILDING* ON A TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL 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.

CITY OF ROCKWALL
ORDINANCE NO. 22-46

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, TWO-FAMILY (2F) DISTRICT, AND LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 97 (PD-97) FOR SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 65.309-ACRE TRACT OF LAND IDENTIFIED AS THE OAK CREEK SUBDIVISION; TRACT 6 OF THE G. W. REDLIN SURVEY, ABSTRACT NO. 183; AND PORTIONS OF TRACTS 1 & 6-1 OF THE G. W. REDLINE SURVEY, ABSTRACT NO. 183, 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.

IX. Appointment Items

1. Appointment with resident Tim Herriage to hear concerns related to the composition (board membership) of the City's Historic Preservation Advisory Board (HPAB), and take any action necessary.

Mr. Herriage came forth and introduced himself. He went on to share comments pertaining to two investment homes he and his wife previously purchased within the City, right near the downtown square. He subsequently purchased an additional home at 501 Kernoodle, and he has spent a great deal of time and money renovating the home.

He went on to comment on what he perceives to be the dysfunction of the city's Historic Preservation Advisory Board (the "HPAB"). He went on to share details pertaining to research he has done related to the composition of the city's HPAB, generally expressing concern about some members' terms having recently expired the end of August and several who do not meet the qualifications to serve, according to the city's ordinance. He went on to formally and publicly ask the Council to investigate city staff and a current HPAB board member. He went on to cite several apparent quotes and related details contained within emails he obtained via public information ("open records") requests. He stated that there were no public agendas posted for meetings referenced within the e-mails he has reviewed through those Open Records. He went on to speak

about how the city replatted four properties into one without so much as a hearing from P&Z or Council review and that the matter was 'fast tracked' and approved without one public hearing.

Following his various accusations and extended commentary, Mr. Herriage asked the Council to suspend all HPAB's meetings unless or until appropriately qualified members are appointed to it to serve (according to requirements laid out in the city's UDC). He stated that the city ignoring his requests and complaints over the past many months has caused him significant financial damage, and he 'reserves the right to all remedies.'

Mayor Pro Tem Johannesen expressed that he is unclear regarding what the 'alleged fraud is' that Mr. Herriage is claiming occurred, asking Mr. Miller to explain. Mr. Miller went on to share details of how a 'cover sheet' is prepared when a case is initially submitted (before he personally even reviews a case) and how the staff member puts the dates that a case "would" go to the P&Z Commission and City Council if it ends up needing to go. In this particular instance (P2021-021), this was an 'amending plat,' which Mr. Miller explained he has the ability to approve because it was not creating any new lots, it was not creating any new entitlements, nor was it requiring any changes to any covenants or restrictions on the plats.

City Attorney Frank Garza shared that the city's regulations and state law do dictate which plats may be approved administratively. He went on to recommend that the Council limit its discussions this evening, in light of Mr. Herriage having indicated that he has an attorney and he has alluded that he may pursue litigation against the city. Mr. Miller shared that the cover sheet in question is not something that gets formally 'filed,' and the approval for P2021-021 was granted 'administratively' in accordance with the Texas Local Government Code.

Mayor Fowler asked that the ordinance that deals with the composition of the HPAB membership be revisited and possibly changed. Mr. Garza shared that, under the Texas Constitution, there is a 'hold over' provision that even if a board member's term expires, a board member may stay in place until a new person is named and takes the Oath of Office. Mr. Garza did agree it's a good idea to look at the existing ordinance and possibly change the classifications to serve. He clarified that when the Council appoints a board member, they are granting a variance to that ordinance, which they do have the authority to do. However, it would be best to change the ordinance provisions (re: board member requirements to serve / the composition of the board). Mayor Pro Tem Johannesen asked for clarification on the current board composition and associated provisions. Mrs. Smith, City Manager, shared that it is a nationwide model that is in place in case the city wants to be eligible to apply for historic preservation grant funds; however, she clarified that the city has never received any such grant funding and likely will never receive such grant funding.

Ryan Miller, Planning Director, provided Mr. Herriage with clarification regarding his specific set of circumstances (on the Kernodle property), sharing that in this instance there is right-of-way dedication involved that was put into a 'reserve.' Therefore, he legally cannot 'administratively' approve Mr. Herriage's replat like had been done with the P2021-021 case. So, Mr. Herriage would have to go before the P&Z and City Council. Mr. Miller also clarified that Mr. Herriage will need to replat the entire property. Mr. Miller explained that at the time of replatting, the right-of-way reserves have to be dedicated. So by going through the replatting process and meeting Chapter 38 of the city's Subdivision ordinance, he would be required to dedicate the right-of-way reservations.

Mayor Fowler encouraged Mr. Herriage to meet with Mr. Miller outside of this city council meeting to discuss technical details as well as the process associated with Mr. Herriage's specific set of circumstances.

Council took no formal action pertaining to this agenda item.

X. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive comments regarding the Proposed FY2023 City of Rockwall Budget and tax rate, and take any action necessary.

City Manager, Mary Smith, provided background information regarding this agenda item. She shared that a work session was held with Council concerning the budget more than a week ago. It's been on the city's website, and this public hearing has been advertised publicly as well. The proposed tax rate for the city is being put forth as 29.25 cents, which meets what is needed related to the 'no new revenue rate' (it will result in the city collecting the same amount of money it collected in the prior year, with money also coming in – over and above that – associated with all the new properties that have been added on the tax rolls). Smith indicated that it is also the lowest tax rate the city has ever put forth. She explained that anything above this rate would be viewed as a tax increase and would require public hearings and votes. She suggested that the Council hear public comments on the budget and then discuss further thereafter.

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 75087

Mr. Wacker came forth and shared that he believes that the city could still keep the tax rate under the 'no new revenue' rate by setting it at 29.90 cents, which he said will result in about $308,000 in additional revenue for the city to utilize with residents still realizing a lower tax burden.

Following Mr. Wacker's comments and there being no one else wishing to come forth and speak, Mayor Fowler then closed the public hearing.

Mrs. Smith shared that Council does not need to take action this evening – action will transpire at a later meeting. So, no action was taken at this time.

XI. ACTION ITEMS

1. **Z2022-038** - Discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 93 (PD-93) [*Ordinance No. 22-22*] to incorporate a 21.83-acre tract of land into the existing 93.97-acre tract of land being identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 10-02, 10-03, 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (DF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary **(2nd Reading)**.

Mr. Miller shared that this did not receive unanimous approval at the last meeting. So that is why it is under "Action Items" and not "Consent" this evening.

Councilmember Daniels made a motion to approve Z2022-038. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-47

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 AMEND PLANNED DEVELOPMENT DISTRICT 93 (PD-93) [*ORDINANCE NO. 22-22*], BEING A 115.80-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-01 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, AND TRACTS 13 & 25 AND A PORTION OF TRACTS 10-02, 10-03, 25-1, & 26 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 6 ayes with 1 nay (Macalik).

2. Discuss and consider appointments to the city's Youth Advisory Council (YAC), and take any action necessary.

City Secretary/Assistant to the City Manager, Kristy Teague provided comments related to this agenda item. She generally explained how many seats are being filled for this school year, how many applicants were received, interviews that were held this past Thursday, and the interview panel's recommended slate of students for the 2022-2023 school year.

Following Mrs. Teague's comments, Councilmember Jorif moved to appoint the returning students and the five new appointees for the 2022-2023 school year. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

Council did not discuss this item and took no action at this time.

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 Department Monthly Report - July 2022
2. Fire Department Monthly Report - July 2022
3. Parks & Recreation Department Monthly Report - July 2022
4. Police Department Monthly Report - July 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Mrs. Smith shared that the reopening of Kidz Zone will be held on September 17. In addition, the contractor hired by the city to install and erect the very large flagpole at IH-30 and Horizon is now moving forward. They will be onsite in one week from today to begin unloading their crane, and they expect the 190' flagpole will be erected by end of next week. There is still some electrical-related work yet to be done. So the flag will not be up and flying by next Friday, but they are rapidly working on it.

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 amendment(s) to 'Agreement for Professional Services & Employment as City Manager,' pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding possible purchase of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
4. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
5. 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 6:33 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 19th DAY OF SEPTEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

Kristy Teague

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, September 19, 2022 - 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 Trace Johannesen, and City Council Members Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels, and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza.

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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters).
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
3. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims 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 5:35 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. Introduction of 2022-2023 Youth Advisory Council (YAC) students

The following YAC students were present and introduced themselves.

Student's Name	Grade, School
Jaxson Stuart	Senior, RHS
Maddoc Johnson	Junior, RHS
Emily Nielsen	Junior, RHS
Bethellen McReynolds	Freshman, RHS
Kaylen Pruitt	Sophomore, RHS
Miriam Gamez	Junior, RHS
Payton Larson	Junior, RHS
Contessa Barron	Sophomore, RHS

Morgan Crosby	Senior, RHS
Karmen Fumey-Nassah	Senior, RHHS
James Martinez	Junior, RHHS
Keaton Steen	Sophomore, RHHS

2. Constitution Week

Mayor Fowler called forth several members of the local chapter of the Daughters of the American Revolution (DAR) organization. Each of the guests went on to introduce themselves and briefly tell about the organization. Marilyn King, one of the DAR representatives in attendance, briefly recognized a few veterans, including Police Chief Ed Fowler, Councilmember Clarence Jorif and Mayor Pro Tem Trace Johannesen. Mayor Fowler then read and presented the proclamation for "Constitution Week."

3. Presentation of Life-Saving Awards - Rockwall Police Department

- Officer Kristopher Adair - Life Saving Award
- Officer Clayton Lamb - Life Saving Award
- Officer Dylan Sparks - Life Saving Award
- Officer Mitchell Attaway - Life Saving Award
- Sergeant James Watson - Life Saving Award

Each officer was called forth and recognized for heroic acts they performed that resulted in saving human lives while responding to emergency calls for service.

4. Presentation of Life-Saving Awards - Rockwall Fire Department
   Engine 01 'Shift'

- Captain Rodney Caudle - Life Saving Award
- Driver Engineer Jacob Farrell - Life Saving Award
- Firefighter Garrett Green - Life Saving Award

Each officer was called forth and recognized for heroic acts they performed that resulted in saving human lives while responding to emergency calls for service.

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

Mayor Pro Tem Johannesen moved to approve a 380 agreement with Columbia Hospital for an acute care hospital to be located in Rockwall. Councilmember Jorif seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Regarding the city's Animal Adoption Center/Shelter Advisory Board, Councilmember Moeller moved to appoint Herman Hudson (replacing Steve Albers for a term through August of 2024). Councilmember Macalik seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

IX. Consent Agenda

1. Consider approval of the minutes from the September 6, 2022 regular city council meeting, and take any action necessary.
2. Consider approval of a resolution affirming the city's investment policy, and take an action necessary.
3. Consider authorizing the City Manager to execute an Interlocal Agreement with Rockwall Independent School District for School Resource Officer services for school calendar year 2022-2023, and take any action necessary. (Note: updated amount from ILA previously approved by Council on 08/15/22).
4. Consider authorizing the City Manager to execute a professional engineering services contract with Cardinal Strategies Engineering Services, LLP to perform a drainage study for Bass Road in an amount not to exceed $31,600.00, to be funded out of the Engineering Consulting budget, and take any action necessary.
5. Consider authorizing the City Manager to execute a professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. to perform professional engineering for the Squabble Creek Wastewater Treatment Plant Decommissioning Project in an amount not to exceed $45,100.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
6. Consider authorizing the City Manager to execute an amendment to the current professional engineering services contract with Birkhoff, Hendricks, and Carter, L.L.P. in the amount of $294,800.00 to expand the original scope and design of the Little Buffalo Creek & Lake Rockwall Estates Sanitary Sewer contract, and take any action necessary.
7. Consider authorizing the City Manager to execute a professional engineering services contract with Freese and Nichols to perform an evaluation of the Village Drive bridge in an amount not to exceed $89,110.00, to be funded out of the Engineering Consulting budget, and take any action necessary.
8. **P2022-012** - Consider a request by the City of Rockwall for the approval of a *Final Plat* for Lots 1, 2, & 3, Block A, Arkoma Addition being a 2.90-acre parcel of land being a portion of a larger 11.723-acre tract of land identified as Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, Planned Development District 65 (PD-65) for Single-Family 10 (SF-10) District land uses, addressed as 228, 302, & 306 W. Quail Run Road, and take any action necessary.
9. **P2022-037** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Preliminary Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
10. **P2022-039** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Master Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
11. **P2022-041** - Consider a request by Wayne Terry of R-Delta Engineers, Inc. on behalf of Stephen Geiger of Rayburn Country Electric Cooperation for the approval of a *Preliminary Plat* for Lots 1-4, Block A, REC Campus Addition being a 99.849-acre tract of land identified as a Lots 6-9, Block 1, Rayburn Country Addition and Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located at the northwest corner of the intersection of S. Goliad Street [*SH-205*] and Mims Road, and take any action necessary.
12. **P2022-042** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, 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.

13. **P2022-043** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, 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.

Mayor Fowler removed item #3 for further discussion. Mayor Pro Tem Johannesen then moved to approve the remaining Consent Agenda Items (#s 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13), as presented. Councilmember Campbell seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

Councilmember Jorif moved to approve Consent Agenda item #3. Councilmember Moeller seconded the motion, which passed by a vote of 6 ayes with 1 abstention (Campbell).

X. Appointment Items

1. Appointment with Lorna and Mark Kipphut to hear information on the "D Day for V Day" program, a joint effort between the Terry Fisher American Legion Post 117 and Dr. Stan Lowrance (local dentist) to provide dental services to any local veteran, and take any action necessary.

Mayor Pro Tem Johannesen spoke during this item, indicating that he is a part of the local chapter of the American Legion, The Terry Fisher Post. He went on to share details about this event, as follows: It is a program called "Dental Day for Veteran's Day" or "D Day for V Day," and it was spearheaded by local dentist, Dr. Stan Lowrance as a way to give back to the community, specifically veterans who have served. It began in 2017 but was not held in 2020 due to COVID. He explained that the VA only offers dental care for veterans who meet their service connected disability, which leaves many veterans without dental care. So, Dr. Lowrance saw this as a way of thanking veterans for guaranteeing his freedom. Many veterans cannot afford dental care, and the goal of the American Legion is to enhance the well-being of America's veterans, their families, our military, and our communities by our devotion to mutual helpfulness. The American Legion's vision statement is "The American Legion: Veterans Strengthening America."
Since 2017, Dr. Lowrance's program has seen several hundred patients, and the goal for 2022 is to see 100 patients in a single day, which would beat the previous record of around 90. This year's D Day for V Day will be on 11/11/22 all day (8 AM – 4 PM). There will be teams of dentists and technicians on hand to serve, providing free treatment consisting of an exam, followed by a cleaning or "front line procedure" (extractions or fillings). Appointments opened on 09/13/22, and interested veteran's may call 520-609-4145 to schedule an appointment.

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

Sedric Thomas, Chairman of the city's P&Z Commission came forth and briefed the Council on recommendations of the Commission regarding planning-related items on tonight's agenda. The Council took no action following Mr. Thomas' comments.

XI. Public Hearing Items

1. **Z2022-039** - Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [*50.0-acres*], 17-14 [*26.452-acres*], 17-15 [*134.33-acres*], 17-16 [*43.6-acres*], & 40-8 [*8.79-acres*] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (*S. Goliad Street*) south of the intersection of SH-205 and FM-549, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information related to this agenda item. The concept plan shows that the 264.51-acre subject property will incorporate commercial and residential land uses. This includes 28.40-acres of land dedicated to limited Commercial (C) District land uses and 236.11-acres consisting of 384 residential lots, a public park, and open space. The proposed 384 single-family residential lots will consist of five (5) lot types: [1] 43 Type 'A' lots that are a minimum of 130' x 240', [2] 26 Type 'B' lots that are a minimum of 110' x 190', [3] 66 Type 'C' lots that are a minimum of 80' x 115', [4] 43 Type 'D' lots that are a minimum of 80' x 110', and [5] 206 Type 'E' lots that are a minimum of 62' x 110'. Staff should note that the proposed 384-lots represent a 106-lot reduction from the concept plan proposed with Case No. Z2022-028, this translates to a gross density of 1.45 dwelling units per acre for the total proposed development (i.e. 1.63 dwelling units per acre less the 28.40-acre tract of land designated for commercial). The minimum dwelling unit size (i.e. air-condition space) will range from 2,200 SF to 3,800 SF. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry (with a minimum of 85% masonry on each façade), and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80% cementitious fiberboard utilized in a horizontal lap-siding, board-and-batten siding, or decorative pattern to allow a more Traditional Neighborhood Design product (also referred to as Gingerbread). The proposed subdivision will be subject to the land uses and density and dimensional requirements stipulated for properties within a Single-Family 10 (SF-10) District unless otherwise specified in the Planned Development District ordinance. The subject property is generally located between FM-549, SH-205 (*S. Goliad Street*), Travis Lane, and Wylie Lane. The proposed concept plan shows that the development will consist of 25.40-acres of private open space, a 1.30-acre amenity center, and a 11.60-acre public park.

Forty-one notices were sent out by staff to property owners and residents located within 500' of the subject property. In addition, the one nearby homeowner's association was notified. One notification was received back in favor, one email was received in favor, and 10 notifications were received in opposition. Because of the number of opposing notifications received (over 20% from within 200' of the subject property), any approval of this request by Council will require a ¾ majority vote in order for it to actually pass. The P&Z Commission did previously review this case and has recommended approval of the zoning change by a vote of 6 to 0 (with Commissioner Welch being absent).

Mayor Fowler then called forth the applicant, Larry Corson, to speak. Mr. Corson then briefed Council on past history associated with this proposed, residential subdivision. He went on to give a slide presentation to Council, providing more in-depth information on what he is now proposing associated with this residential subdivision development.

Mayor Fowler dismissed the YAC students from the meeting at this point.

Mayor Fowler then opened the Public Hearing, asking that speakers please limit their comments to three (3) three minutes.

Joan Haddock
155 Willowcrest
Rockwall, TX

Mrs. Haddock came forth and shared that she and her husband live directly across the road from where this residential development is proposed to be built. They both are strongly opposed to this development since they believe the density is too high and the lots are too small. Furthermore, they believe that the way in

which the city current calculates density is flawed and needs to be changed in order to better manage growth. She urged the Council to deny this request.

Dale and Bretta Price
453 Cullins Road
Rockwall, TX

Mr. and Mrs. Price came forth and shared that they live just to the southwest of this property, and they are opposed to approval of this proposed subdivision. Mr. Price indicated that one reason they are opposed to this development is because of run-off and drainage-related concerns. On their own property, they have about two acres that are unusable because they constantly stay wet and never dry out, even in the summer. Mrs. Price shared that she has concerns about the SF-10 designation, as she wonders what will happen if it turns out that the developer ends up not being able to financially afford to do this. She believes that it could end up that homes will be allowed to be built on 10,000 square foot lots, and that is why she has an issue with this.

Cody Barrick
5459 S. FM-549
Rockwall, TX

Mr. Barrick came forth and expressed that he and his wife live on 12.5 acres adjacent to this property, and their property is utilized for equestrian activities. He went on to share that he has density-related concerns, especially relative to the existing, surrounding area. He appreciates the city council and developer encouraging and participating in negotiations with surrounding land owners. He is happy to see the proposed trees and berms, and he appreciates a cul-de-sac being incorporated over near his property. He would also like to see one additional cul-de-sac added back into the plan.

Susan Langdon
5050 Bear Claw Lane
Rockwall, TX

Ms. Langdon came forth and thanked Council, expressing that she recognizes Council will need to make a decision this evening, and she knows that not everyone will be happy with whatever decision is made. She stated that the city's "Consent Agenda" this evening collectively had 740 new households on it, and this particular property has 384 new ones. She acknowledges that a lot of new development is going on within the city. She hopes the Council will support neighbors who want to see larger half and one acre lots. She generally expressed gratitude for the developer working with the existing, surrounding land / homeowners to come to an agreeable compromise. She is in support of this request at this time and will appreciate seeing less 'postage stamp' type homes and developments in the future.

Tim McCallum
5140 Standing Oak
Rockwall, TX

Mr. McCallum came forth and shared that he is a former city council member, and he is the current President of the Oaks of Buffalo Way subdivision. Mr. McCallum shared that the city previously annexed this property so that it could have input regarding what would end up being developed on this land. Mr. McCallum shared that the developer's original proposal was generally not acceptable to the surrounding neighbors. The developer then went back and worked with the community/the neighbors, and he re-worked the plan and what he was proposing. What resulted is notably lower density – less homes, on larger lots, with larger home

sizes. He believes that what is being proposed now is much more in-line with existing, surrounding residential homes. He then made comments about the proposed lot sizes, configuration of the proposed lots, and the location of the proposed cul-de-sacs. He believes that this proposal is likely the best that the neighbors will ever get on this particular piece of property. They started out with a proposal for more than 700 homes, and this current proposal is for less than 400 homes. He thanked the developer for working with the neighbors, revising his plan, and putting forth a proposal that is much better for everyone.

Mr. Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker shared that the previous developer had asked him to take his drone and a photo stick and take photos of the effect of a berm. He indicated that berms are really effective and can really work well for properties.

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

Councilmember Jorif asked for clarification on why the developer was originally asked by staff to remove the proposed cul-de-sacs. Mr. Miller went on to share numerous reasons why the city has generally moved away from incorporating cul-de-sacs into residential developments. Jorif asked who is footing the bill related to construction of water and sewer infrastructure. The applicant indicated that he (the developer) is paying those costs. Jorif acknowledged that the estimated completion of TXDOT's SH-205 roadway improvements will coincide well with the estimated timeline associated with when the homes will actually be built.

Councilmember Daniels asked for the city's current standards to be honored as far as 'density' is concerned. Mr. Miller went on to share that the applicant is meeting those standards, and the density does conform to the city's 2040 Comprehensive Development Plan. Mr. Miller explained what a "Planned Development" is and how it stipulates the minimum lot sizes and how those are tied to the developer's concept plan, indicating that the developer can always built larger lots/larger homes, but he cannot ever build smaller ones. Councilmember Daniels shared that he understands the surrounding neighbors want as much open space as possible and that there is a lot of opposition. He pointed out that the developer started out proposing many more homes, and they are now proposing under 400 homes. He encouraged those in opposition to look into the future and consider what else neighbors could possibly end up with if a different developer perhaps came in and was not willing to work with surrounding property owners to compromise and put forth a proposal that can be mutually agreed upon.

Mayor Fowler asked how the city 'ties down' a developer's proposal to ensure that a concept plan is adhered to, regardless of if the property sells and changes hands from this developer to a different one. Mr. Miller went on to share how a concept plan that Council approves stays in place, regardless of if the property sells or if the owner changes his mind and really wants to build something that varies from what Council approves. He shared that it is called a 'concept plan' because 'engineering work' has not yet been done on it; however, it does 'tie down' the number, size, and configuration of the lots. Sometimes, after engineering work is done, a developer actually ends up losing lots because they find out it does not work, but they do not gain any lots.

Mayor Pro Tem Johannesen shared that many of the concerns he read in emails seem to have been discussed and addressed this evening. Regarding the topic of schools, the school district estimates .4 students per rooftop. The city is limited in what it can do related to the roadways and associated traffic concerns, as it is a TXDOT roadway; however, it sounds like the TXDOT timeline associated with adjacent roadway improvements (FM-549 and SH-205) coincides well with the developer's timeline. Indication was given that the developer will not be allowed to increase the drainage off of their site or change the drainage patterns.

Councilmember Moeller commented that he appreciates everything the developer has done to work with the neighbors and improve upon what he originally brought forth. Moeller went on to share that he personally has concerns about the number of small lots being proposed, even still. He wonders if it is possible to reconfigure the lots in order to further increase lot sizes on some of the smaller ones. Moeller is concerned that, even though the city's anti-monotony standards will try and ensure that the look and feel of the homes varies, there still may be some monotony. He believes that having more anti-monotony on the lot sizes themselves will enhance the neighborhood. The developer briefly addressed his efforts to incorporate as much variety as possible.

Councilmember Macalik commended the developer for listening to the neighbor's concerns and taking their concerns into consideration. She understands not everyone will be happy with the decision made this evening; however, as a whole, the City of Rockwall is going to 'win' with a development like this. She thanked the developer for addressing the density situation, and she believes that a high-quality product will result.

Mayor Pro Tem Johannesen moved to approve Z2022-039. Councilmember Daniels seconded the motion. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 10 (SF-10) DISTRICT AND COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 264.510-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 17-13, 17-14, 17-15, 17-16 & 40-8 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, 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 passed by a vote of 7 ayes to 0 nays

2. **Z2022-040** - Hold a public hearing to discuss and consider a request by Monica Hernandez and Richard Crossley for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit* and *Detached Garage* on a 1.4945-acre parcel of land identified as Lot 2, Block A, Oaks of Buffalo Way Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 1.5 (SFE-1.5) District, addressed as 2175 Arrowhead Court, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information related to this agenda item. The applicant's home is located within the Oaks of Buffalo Way subdivision. He would like to construct a 4,230 square foot detached garage/guest quarters that consists of 3,480 sq. feet of enclosed space and about 750 square feet of outdoor living space. He generally explained that the size of the proposal exceeds the city's current limits by 2,790 square feet. So its approval will require that the Council approve a Specific Use Permit. He went on to point out that the original drawings for this case included not only a living area but also a kitchen and bathroom. So staff requested an updated floor plan removing the kitchen, but the applicant has not provided that so far. Staff found only two structures of this kind within the subdivision that are in excess of 1,000 square feet with the largest being 1,886 square feet (which is right next door to this applicant's property).

The city's Planning & Zoning Commission did unanimously recommend denial of this case. So, any approval of this case by the City Council this evening will require a ¾, super majority vote of Council in order for it to be approved (6 of the 7 council members must vote in favor). Nineteen notices were sent out to property owners / residents within 500' of the subject property. Three were received back in favor, and one was received back in opposition. In addition, the one HOA was also notified.

Mayor Fowler called for the applicant, Monica Hernandez. Ms. Hernandez shared that she is speaking on behalf of the applicant, who is willing to remove the kitchen area. She explained he wants to construct this structure in order to house his various cars (essentially it will be utilized as a garage, not as a 'secondary living quarters').

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak. The owner then came forth and provided comments to Council regarding his proposed, detached garage. He stated that there are other, existing homes in the neighborhood who also have large, detached structures that actually do have dwelling units inside of them. He understands that what he is proposing is large, but a good deal of the square footage is for a grilling area. He prefers to not remove the grilling area. His neighbor's structure is about 2,000 square feet, and it has a bathroom in it. His neighbor does not utilize his for a 'dwelling unit' – it actually only contains cars too.

Mayor Fowler asked if anyone wants to speak during this public hearing.

Jack Livingston
2235 Arrowhead Court
Rockwall, TX

Mr. Livingston came forth and shared that he is the next door neighbor of the applicant, and he has a 2k square foot garage that actually has a bathroom in it. He uses it for a garage also, and he is in favor of Council approving this request this evening, as he believes it is good for the neighborhood and will help the values.

Councilmember Jorif asked for clarification regarding the size of the proposed structure and how that compares to what the city's standards allow as far as detached garages/secondary living quarters are concerned. Mr. Miller answered those questions.

The applicant came forth again and shared that he is willing to remove the proposed bathroom. Also, the HOA that oversees his subdivision did approve this proposed structure last December. He went on to show the Council an updated drawing that shows a proposal with the bathroom having been removed. The applicant reiterated that there are many 'secondary structures' in existence within this same subdivision that are also extremely large, and he has come with photos and address information of those other structures too.

General discussion ensued pertaining to the proposed size of the structure, including other existing 'secondary' structures in existence within the neighborhood. Councilmember Campbell asked for clarification on the research staff has done related to other, existing secondary structures. Mr. Miller shared that staff found two accessory structures larger than 1,000 square feet – one of which is located on the neighbor's property. Mr. Miller went on to share that this subdivision used to be located outside of the city limits, but it was subsequently annexed. So, prior to annexation, it was not subject to city requirements. The applicant reiterated that he really desires to have this garage approved, and he cannot make it any smaller because then it would not fit all of his cars.

Following the additional discussion, Councilmember Jorif moved to deny Z2022-040. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 against (Campbell).

3. **Z2022-041** - Hold a public hearing to discuss and consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Golf Driving Range* on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 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) District, generally located near the terminus of Fit Sport Life Boulevard, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information related to this agenda item. The applicant is seeking approval of a Specific Use Permit (SUP) for a Golf Driving Range on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land. The applicant's proposal includes construction of an ~74,500 SF, three-story entertainment venue that will consist of Commercial Indoor Amusement, Restaurants, Banquet Facility/Event Hall, and a Golf Driving Range. He went on to explain that notices were sent out to 12 property owners and residents located within 500' of the property. The city has not received any notice replies in return. The Planning & Zoning Commission did recommend approval of this SUP by a vote of 6 to 0 (Welch having been absent).

Mayor Fowler called fort the applicant.

Renee Ward of Weir & Associates
2201 E. Lamar Blvd.
Arlington, TX

Ms. Ward indicated she is the civil engineer assigned to this project.

Tony Winkler
637 Calvin Drive
Heath, TX

Mr. Winkler shared that he is the owner.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak; however, no one indicated such, so he closed the Public Hearing.

Mayor Pro Tem Johannesen then moved to approve Z2022-041. Councilmember Macalik 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 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 *GOLF DRIVING RANGE* ON A 7.955-ACRE TRACT OF LAND BEING A PORTION OF A LARGER 18.13-ACRE TRACT OF LAND AND A 12.868-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 & 22-2 OF THE R. IRVINE SURVEY, ABSTRACT NO 120, 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 to approve passed by a vote of 7 ayes to 0 nays.

4. **Z2022-042** - Hold a public hearing to discuss and consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In* on an 8.684-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 related to this agenda item. This is located near the northeast intersection of SH-205 and Quail Run next to the existing CVS. This is part of a mixed use Planned Development District that allows for limited General Retail District land uses. Back in January of 2022, the applicant had come forth with a PD Development Plan showing how this property would lay out. They were proposing two 10,000 sq. foot restaurant/retail buildings, one 5,400 square foot retail building and one 4,000 square foot drive-thru restaurant. The applicant is now asking for an SUP to establish a 2,325 square foot restaurant with drive-thru. He went on to explain stipulations associated with this proposed land use, according to the city's Unified Development Code. (1) drive-thru lane cannot have access from a residential street; (2) additional screening is required next to the drive-thru lane, and (3) a minimum stacking of 6 vehicles is required. The applicant's concept plan does conform to these requirements. Mr. Miller went on to share that this site is located more than 580' from the closest residential to the north and more than 1,000' from the closest residential to the east. The City's Planning & Zoning Commission has recommended approval of this request by a vote of 6-0 (Welch was absent). Approval of this SUP is discretionary on the part of Council. In addition, staff sent out seventy-four notifications to property owners located within 500' of the subject property. Staff received twelve notices back in opposition and one back in favor. In addition, several nearby HOAs were also notified.

Mayor Fowler opened the public hearing. The applicant was invited to come forth but did not do so, indicating he will answer any questions should they arise.

Michael Podina
802 York
Rockwall, TX

Mr. Podina shared that he is one of the property owners located within 500' of this proposal. He has concerns about trash that may end up in one of the two nearby ponds, as a lot of trash is already generated from the existing, nearby Kroger. He is also concerned about the increase in traffic that will likely occur. He suspects this restaurant may end up being a Chipotle. He does not consider that to be 'high quality,' and for these reasons he is opposed to this request being approved.

Mr. Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and commented on past flood plain studies that have been done on this property. He would like to see a final flood plan study conducted and approved on this piece of property. He went on to comment on the existing two-lane road, indicating that this intersection is horrible. He wants a traffic study

to be done by TXDOT, especially because the more development that occurs in this area, the more traffic will result. He is waiting for an answer from TXDOT on if they are willing to conduct a traffic study on this area or not. He believes that existing roadways, including Quail Run, are totally inadequate to accommodate this and other developments.

The applicant then came forth and addressed the Council.

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

Bowen Hendrix
4403 North Central Expressway
Dallas, TX

The applicant spoke about the various concerns that speakers expressed this evening, including committing to stay on top of cleaning up any trash on a regular basis, even weekly if necessary. The retention ponds are HOA property, so they cannot maintain those. Related to traffic, he hopes that TXDOT will address those concerns as soon as possible. The size of the restaurant, which is proposed to be a Chipotle, is nicer than some other restaurants, and the traffic that will be generated is less than, say, the Chick-fil-A nearby.

Following his brief comments, Mayor Pro Tem Johannesen asked staff to comment on the floodplain study. Ms. Williams, City Engineer, provided clarification – sharing that the flood study cannot be approved until the grading plan has been submitted and approved. The applicant shared that he hopes to have that grading plan submitted to the city for approval sometime this week.

Mayor Fowler wonders whether or not a restaurant goes in, and – as a result – it generates additional traffic; or, if a restaurant decides to go in because of the traffic that is already in existence.

Some additional, brief comments transpired related to the floodplain study that will be forthcoming.

Councilmember Daniels then moved to approve Z2022-042. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO. 19-41*] 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 ONE (1) *RESTAURANT WITH 2,000 SF OR MORE WITH DRIVE-THROUGH OR DRIVE-IN* ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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 to approve passed by a vote of 7 ayes to 0 nays.

5. **Z2022-043** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 09, *Tree Preservation*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided brief, introductory comments pertaining to this agenda item. Public notice on this case was given, as required by law. In addition, the city's P&Z Commission did review this, and they recommended approval by a vote of 6-0. He then deferred to the city's Parks Director, Travis Sales, to speak in greater detail about this agenda item. Mr. Sales expressed that these changes will make it a much better ordinance. Hackberry trees will no longer be protected. Eastern Red Cedars will be clarified for "cedar trees." In addition, 8' tall and greater cedars will be protected moving forward (instead of 11' caliper trees or greater being protected). Also, the replacement will be one, 4" caliper tree for every eight-foot tall cedar. In addition, tree surveys will be conducted by a landscape architect, an ISA certified arborist, or a horticulturist. Related to utility clearance pruning, the city will be able to rank those as a 'non protected' tree, depending on what's left after a pruning cycle. Tree surveys are being updated to also require species, caliper inch and a 'health rating' to be specified. Pruning standards are also being specified, as well as nursery stock standards. These changes will add some additional staff time for the Parks Director when doing plan reviews, but it will result in a much better document for both the city and developers.

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 Fowler made a motion to approve Z2022-043. Councilmember Campbell seconded 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 THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 09, *TREE PRESERVATION*, 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 7 ayes to 0 nays.

XII. Action Items

1. **P2022-040** - Discuss and consider a request by Harold Fetty of HD Fetty Land Surveyor, LLC on behalf of Felipe Garcia for the approval of a *Final Plat* for Lots 1, 2, & 3, Block A, Garcia-Herrera Addition being a 11.13-acre tract of land identified as Tract 8-02 of the Johnson Survey, Abstract No. 129, Rockwall County, Texas, situated within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), addressed as 675 Linda Lane, and take any action necessary.

Planning Director, Ryan Miller, provided background information related to this agenda item. The applicant is requesting the approval of a Final Plat of an 11.13-acre tract of land (i.e. Tract 8-02 of the Johnson Survey, Abstract No. 129) for the purpose of creating three (3) lots (i.e. Lots 1-3, Block A, Garcia-Herrera Addition). The applicant is also requesting an exception under Subsection D, Exception Requests, of Exhibit 'A' of the Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County. Staff sent this proposal to Rockwall County for comment, and – at that time – the applicant was proposing 103.76' of frontage, and the County was opposed to the 103'. So, the applicant increased the frontage to 130'. Staff has

sent the revised proposal to the County; however, a response has not yet been received. Due to the 'shot clock,' though, the city is having to bring this forth at this time for consideration.

According to Subsection C.2, Minimum Lot Frontage on a Street, of the agreement, the minimum lot frontage for a lot that is greater than one (1) acre but less than three (3) acres is 150-feet. In this case, Lot 2 originally showed 103.76-feet of frontage, which is 46.24-feet less than the requirement. Staff contacted the applicant, and the applicant stated that they cannot increase the size of the lot greater than 130-feet due to the existing layout of the buildings; however, the applicant stated that he would revise the plat to show 130-feet. This would still be 20-feet less than the requirement. Staff has not received these revisions depicting this change, but has made this a conditional of approval in the Conditions of Approval section of this case memo. Staff should note that the requested exception does not meet the Administrative Exemptions requirements of Subsection D.1 and must be approved by the City Council per Subsection D.2, of the Interim Interlocal Agreement By and Between the City of Rockwall and Rockwall County. Staff should also point out that the three lots directly across the street from this property are 100' in width. So this will be 30' larger. Approval of these requests and associated variances are discretionary on the part of Council. On September 13, 2022, the Planning and Zoning Commission did recommend approval of this Final Plat by a vote of 6-0, with Commissioner Welch being absent.

Councilmember Macalik then moved to approve P2022-040. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **SP2022-044** - Discuss and consider a request by Bob Pruett of Urban Structure on behalf of Garrett Poindexter of Cambridge Properties, LLC for the approval of an *Exception* to the building height in conjunction with an approved site plan for a *Mini-Warehouse Facility* on a 3.682-acre tract of land being a portion of a larger 7.154-acre tract of land identified as Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for Commercial (C) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District and the SH-276 Overlay (SH-276 OV) District, situated at the southeast corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.

Planning Director, Ryan Miller provided background information on this agenda item. The applicant, Bob Pruett of Urban Structure, is requesting the approval of an exception for a three (3) story storage facility on a 3.682-acre tract of land being a portion of a larger 7.154-acre tract of land situated at the southeast corner of the intersection of John King Boulevard and Discovery Boulevard. The applicant's Site Plan and Building Elevations indicate that Building A will be three (3) stories and 42-feet in height. On September 13, 2022, the Planning and Zoning Commission approved the exception along with the Site Plan, and recommended approval of the exception to Building Height in the Conditional Land Use Standards, by a vote of 6-0, (with Commissioner Welch absent). Requests for exceptions are discretionary decisions for both the Planning and Zoning Commission and City Council. Staff should note that a supermajority vote (e.g. six [6] out of the seven [7] council members) -- with a minimum of four (4) votes in the affirmative -- is required for the approval of this exception.

Mayor Fowler asked staff to move forward with a text amendment that will allow things like this to be heard and approved administratively by the P&Z Commission. However, he understands that Council will still need to approve the building height exception this evening.

Mr. Miller answered questions of Councilmember Jorif related to what the adjacent properties are zoned as and what exists on those and/or what will exist on those in the future ("light industrially" zoned properties on which two warehouse distribution centers will go in; plus, a vacant property followed by Discovery Boulevard and then the Rockwall Downes subdivision). This is directly across from existing apartments.

Councilmember Moeller then moved to approve SP2022-044. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider approval of an **ordinance** amending the budget for fiscal year 2022, and take any action necessary.

Mrs. Smith, City Manager, provided brief comments related to this agenda item. Mayor Pro Tem Johannesen moved to approve the ordinance. Councilmember Macalik seconded the motion. The ordinance was read as follows:

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

4. Discuss and consider approval of an **ordinance** adopting the proposed budget for fiscal year 2023, and take any action necessary.

Councilmember Jorif moved to approve the ordinance adopting the budget. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-49

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, 2022, THROUGH SEPTEMBER 30, 2023; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

5. Discuss and consider approval of the Rockwall Economic Development Corporation (REDC) budget for fiscal year (FY) 2023 and amended budget for fiscal year 2022, as well as the 'Annual Work Plan' for FY2023, and take any action necessary.

Councilmember Daniels moved to approve the REDC budget for FY2023 and the amended REDC budget for FY2022. Councilmember Johannesen seconded the motion, which passed unanimously of Council (7-0).

6. Discuss and consider approval of the Rockwall Technology Park Association budget for fiscal year 2023 and amended budget for fiscal year 2022, and take any action necessary.

Councilmember Jorif moved to approve the Rockwall Tech Park Association budget for FY2023 and the amended budget for FY2022. Mayor Fowler seconded the motion, which passed unanimously of Council (7-0).

7. Discuss and consider approval of an **ordinance** levying ad valorem taxes for the tax year 2022, and take any action necessary.

Mrs. Smith shared that this tax rate is the lowest tax rate the City of Rockwall has ever had in the history of tax rates having been recorded. Councilmember Macalik moved to approve the ordinance adopting the tax rate for tax year 2022. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 22-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2022 AT A RATE OF $.2925 PER ONE HUNDRED DOLLARS ($100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY

WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2022 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 2022 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

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

8. Discuss and consider the Hotel Tax Subcommittee recommendations for funding allocations in fiscal year 2023, including authorizing the City Manager to execute associated funding arrangements, and take any action necessary.

Mayor Fowler asked Councilmembers to be sure to recuse themselves from anything from which they need to recuse themselves pertaining to approval of these funding requests, if necessary.

Councilmember Jorif moved to approve the funding recommendations from the subcommittee for FY2023, including authorizing the City Manager to execute associated funding arrangements. Mayor Pro Tem Johannesen 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 (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
3. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).

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

XV. ADJOURNMENT

Mayor Fowler adjourned the Council meeting at 8:28 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3rd DAY OF OCTOBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

Kristy Teague

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, October 03, 2022 - 5:30 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 5:31 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney, Frank Garza joined the meeting via telephone for Ex. Session only.

Mayor Fowler then read the item below before recessing the public meeting to go into Executive Session at 5:33 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 Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:55 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 MOELLER

Councilmember Moeller 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.

Laurie Burks and Cameron Parker from the Rockwall Police Officers Association came forth to address Council, thanking them for hearing concerns of the Association over the last several months. Officer Parker thanked staff and the city council for the pay raises recently given. Officer Burks shared that in just over the last two months, the Rockwall Police Department is in a much better position. She went on to share that officers feel a lot more support from within the organization.

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

Council took no action as a result of Executive Session.

VIII. Consent Agenda

1. Consider approval of the minutes from the September 19, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-039** - Consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [*50.0-acres*], 17-14 [*26.452-acres*], 17-15 [*134.33-acres*], 17-16 [*43.6-acres*], & 40-8 [*8.79-acres*] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (*S. Goliad Street*) south of the intersection of SH-205 and FM-549, and take any action necessary **(2nd Reading)**.
3. **Z2022-041** - Consider a request by Renee Ward, PE of Weir & Associates, Inc. on behalf of Conor Keilty, AIA of Structured REA-Rockwall Land, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Golf Driving Range* on an 7.955-acre tract of land being portions of a larger 18.131-acre tract of land and a 12.868-acre tract of land identified as Tract 22 & 22-2 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) District, generally located near the terminus of Fit Sport Life Boulevard, and take any action necessary **(2nd Reading)**.
4. **Z2022-042** - Consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In* on an 8.684-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 **(2nd Reading)**.
5. **Z2022-043** - Consider approval of an **ordinance** for a *Text Amendment* to Article 09, *Tree Preservation*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary **(2nd Reading)**.
6. **P2022-050** - Consider a request by the City of Rockwall for the approval of a *Final Plat* for Lots 1 & 2, Block A, Boys and Girls Club of Rockwall Addition being a 5.812-acre tract of land identified as Tract 9 of the M. B. Jones Survey, Abstract No. 122, Rockwall County, Texas, zoned General Retail (GR) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, located at the southwest corner of the intersection of John King Boulevard and FM-1141, and take any action necessary.
7. Consider authorizing the City Manager to execute contracts with Custard Construction Services for facility improvements at City Hall in the amount of $77,232.47 and at the Municipal Service Center in the amount of $399,490.56, to be funded out of the Internal Operations Department Operating Budget, and take any action necessary.
8. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee regarding funding for the 2022 Pastor's Conference in the amount of $5,500, including authorizing the City Manager to execute associated funding arrangements, and take any action necessary.
9. Consider approval of a resolution denying Oncor Electric Delivery Company LLC's application to change rates within the City of Rockwall; approving cooperation with the Steering Committee of Cities Served by Oncor to negotiate with Oncor on the City's behalf, and take any action necessary.
10. Consider awarding a bid to Siddons-Martin Pierce for a new (Fire Department) Aerial Ladder Truck in the amount of $1,701,000 and a new Brush Truck to Cavender Grande Ford in the amount of $298,000, to be

funded by General Fund Reserves, including authorizing the City Manager to execute associated purchase order(s) for the trucks and related, loose equipment, and take any action necessary.

11. Consider awarding bids to Caldwell Country Chevrolet and Rockdale Country Ford for the purchase of model year 2023-24 vehicles for a total amount of $1,054,340, including authorizing the City Manager to execute associated purchase orders, and take any action necessary.
12. Consider authorizing the City Manager to execute an Interlocal Cooperative Agreement between the City of Rockwall and STAR Transit for transportation services for fiscal year 2023 in the amount of $114,400 to be funded by the Administration Department Operating Budget, and take any action necessary.
13. Consider authorizing the City Manager to execute an agreement with Meals on Wheels Senior Services for certain nutritional and senior service programs for fiscal year 2023 in the amount of $45,000 to be funded from the Administration Department Operating Budget, and take any action necessary.
14. Consider authorizing the City Manager to execute a grant agreement 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.

Councilmember Jorif moved to approve the entire Consent Agenda as presented (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14). Councilmember Moeller seconded the motion. At Mayor Pro Tem Johannesen's request, Mrs. Smith briefly commented on the new vehicles that appear on the agenda this evening. Mrs. Smith shared that all of the vehicles have been included in the recent budget approval, and all are being purchased from city 'reserves.' She indicated that 'reserves' are very healthy and have been built up over a period of years and years. This allows the vehicles to be bought with those funds. The ordinance captions were then read as follows.

CITY OF ROCKWALL
ORDINANCE NO. 22-51

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 98 (PD-98) FOR SINGLE FAMILY 10 (SF-10) DISTRICT AND COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 264.510-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 17-13, 17-14, 17-15, 17-16 & 40-8 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, 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. 22-52
SPECIFIC USE PERMIT NO. S-287

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 *GOLF DRIVING RANGE* ON A 7.955-ACRE TRACT OF LAND BEING A PORTION OF A LARGER 18.13-ACRE TRACT OF LAND AND A 12.868-ACRE TRACT OF LAND IDENTIFIED AS TRACT 22 & 22-2 OF THE R. IRVINE SURVEY, ABSTRACT NO 120, 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. 22-53
SPECIFIC USE PERMIT NO. S-288

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [*ORDINANCE NO. 19-41*] 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 ONE (1) *RESTAURANT WITH 2,000 SF OR MORE WITH DRIVE-THROUGH OR DRIVE-IN* ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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. 22-54

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 09, *TREE PRESERVATION*, 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 7 ayes to 0 nays.

IX. 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 Department Monthly Report - August 2022
2. Fire Department Monthly Report - August 2022
3. Parks & Recreation Department Monthly Report - August 2022
4. Police Department Monthly Report - August 2022

5. Sales Tax Historical Comparison

City Manager, Mary Smith briefly spoke, indicating that the city's annual Rib Rub Run & Roll special event was held this past weekend, and the event went very well. She thanked Parks Director, Travis Sales and his staff for all their hard work on the event. She thanked the Downtown Merchants' Association for the car show downtown. She briefly spoke about some upcoming events, such as "Scare on the Square," and a jazz concert called "Date by the Lake" on October 29 at The Harbor. If it works well, staff hopes to possibly have a full jazz/blues music series next fall.

Councilmember Macalik recognized and thanked staff member, Laurie Dodd for recently assisting her with a presentation she gave to a local women's club organization. She thanked Laurie for her talents and commitment to the City.

X. 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).

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

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

XII. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 17th DAY OF OCTOBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, October 17, 2022 - 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 Trace Johannesen, and Councilmembers Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney, Frank Garza joined via telephone for Ex. Session only. Councilmember Dana Macalik joined Ex. Session at 5:04 p.m.

Mayor Fowler then read the items below 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 cellular lease agreement in the vicinity of North Goliad Street and North Lakeshore Drive, pursuant to Section §551.071 (Consultation with Attorney)
2. Discussion regarding fees assessed under the City Code of Ordinances and variance to those fees pursuant to Section §551.071 (Consultation with Attorney).
3. Discussion regarding possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive 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. with all seven councilmembers being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF

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

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

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
390 Featherstone

Rockwall, TX

Mr. Bob Wacker addressed the Council to ask for clarification on the bond election coming up because he hopes some of that money can go towards widening North Goliad Street.

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

Mayor Fowler read a proclamation for Chamber of Commerce Week. Darby Burkey from the Chamber of Commerce said a few words regarding the chamber and thanked the City for its support and recognition of the Chamber.

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

The following actions were taken as result of Exec. Session:

Mayor Pro Tem Johannesen made a motion to authorize the City Manager to negotiate and execute a land lease agreement with American Tower Corporation. Councilmember Jorif seconded the motion. The motion passed unanimously by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Johannesen made a motion to authorize the City Manager to negotiate and execute a contract with Rayburn Electric Cooperative for the purchase of land. Councilmember Macalik seconded the motion. The motion passed unanimously by a vote of 7 ayes to 0 nays.

Mayor Pro Tem Johannesen made a motion to authorize the City Manager to negotiate and execute a facilities agreement with the Rockwall Independent School District. Councilmember Moeller seconded the motion. The motion passed by a vote of 6 ayes with 1 recusal (Campbell).

VIII. Consent Agenda

1. Consider approval of the minutes from the Oct. 3, 2022 regular city council meeting, and take any action necessary.
2. Consider authorizing the City Manager to execute a professional service agreement with Garver, LLC for Water Service Line Inventory in an amount of $271,429.00 to be paid for out of the Water and Sewer Funds, and take any action necessary.
3. Consider awarding a bid to John Deere & Company for $49,306.50 for the purchase of a new utility tractor out of the Water & Sewer fund and authorize the City Manager to execute a purchase order and take any action necessary.
4. Consider a bid award to MHC Kenworth for $161,259 for a new 12-14 yard dump truck out of the Water & Sewer Fund and authorize the City Manager to execute a purchase order and take any action necessary.
5. Consider awarding a bid to Sunbelt Pools, Inc. and authorizing the City Manager to execute associated purchase order(s) for the demolition/removal of all plaster and replacing it with Diamond Brite Blue Quartz at the Harry Myers community swimming pool in the amount not to exceed $137,438 as funded by the Recreational Development Fund budget, and take any action necessary.
6. Consider awarding a bid and authorizing the City Manager to execute associated purchase order(s) with Master System Courts for resurfacing of basketball courts and pickleball courts at The Park @ Stone Creek, The Park @ Fox Chase, and Hickory Ridge Park, in an amount not to exceed $55,000 to be funded out of the Recreational Development Fund budget, and take any action necessary.

7. Consider awarding a bid to Child's Play, Inc. and authorizing the City Manager to execute associated purchase order(s) for the installation of shade canopies over swing bays at various city-owned parks in an amount not to exceed $100,000 to be funded by the Recreational Development Fund Budget, and take any action necessary.

8. Consider awarding a bid to Tri-Tex Grass, Inc. and authorizing the City Manager to execute associated purchase order(s) for core aeration and installation of USGA golf course sand on the outfield turf grass at Leon Tuttle Athletic Complex in an amount not to exceed $45,000 to be funded by the Recreation Development Fund budget, and take any action necessary.

9. Consider awarding a bid to DH Pace and authorizing the City Manager to execute associated purchase order(s) for new garage doors at Springer, N. Country Lane and Southside water towers in the amount of $107,099.52 to be funded by the Water and Sewer Fund, and take any action necessary.

10. **P2022-046** - Consider a request by Robert Alexander for the approval of a *Final Plat* for Lots 1 & 2, Block A, Alexander Addition being a 5.0095-acre tract of land identified as Tract 39-01 of the McFadgin Survey, Abstract No. 142, Rockwall County, Texas, situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, addressed as 2320 S. Munson Road, and take any action necessary.

11. **P2022-047** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bill Bricker of Columbia Development Company for the approval of a *Preliminary Plat* for the Park Hills Subdivision consisting of 144 single-family residential lots on a 65.309-acre tract of land identified as the Oak Creek Subdivision; Tract 6 of the G. W. Redlin Survey, Abstract No. 183; and being portions of Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 97 (PD-97) [*Ordinance No. 22-46*] 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 bounded by John King Boulevard, E. Williams Street, E. Washington Street, and Harry Myers Park, and take any action necessary.

12. **P2022-048** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bret Pedigo of TM Terraces, LCC for the approval of a *Master Plat* for the Terraces Subdivision consisting of 263 single-family residential lots on a 115.804-acre tract of land being identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 10-02, 10-03, 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary.

13. **P2022-049** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bret Pedigo of TM Terraces, LCC for the approval of a *Preliminary Plat* for the Terraces Subdivision consisting of 263 single-family residential lots on a 115.804-acre tract of land being identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 10-02, 10-03, 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary.

14. Consider authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter, LLP. for the Wastewater Flow Monitoring Study Phase 1 in an amount of $300,000.00 to be paid for out of the Engineering Consulting Funds, and take any action necessary

15. Consider authorizing the City Manager to execute a contract with Pipeline Analysis, LLC for the Sanitary Sewer Condition Assessment in an amount of $167,483.00 to be paid for out of the Water and Sewer Funds, 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, 13, 14, and 15). Councilmember Macalik seconded the motion. The motion to approve 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.

Sedric Thomas, Chairman of the city's P&Z Commission came forth and briefed the Council on recommendations of the Commission regarding planning-related items on tonight's agenda. The Council took no action following Mr. Thomas' comments.

2. Appointment with representatives of the Rockwall Breakfast Rotary Club to make a brief presentation concerning a financial donation related to the purchase of an American Flag for the 190' flagpole, generally located at between Laguna Drive and Horizon Rd./Village Rd. near IH-30.

Mayor Fowler made brief comments regarding this agenda item. They City has established a fund for the flag project where citizens, organizations, or businesses can donate to the upkeep of the flags that are on the 190' flagpole that was recently installed. These flags are very expensive. The City has of course budgeted for these expenses, but it would be nice to get to the point where they there are enough funds in that account to where it is self-generating. These funds are only going towards the maintenance/replacement of the American flag only.

Mr. Herman Hudson, President of the Rockwall Breakfast Rotary Club, and Bill Bricker the club's Treasurer came forth and gave a brief presentation concerning their $7,500 financial donation to the City of Rockwall. Again, this donation is for the maintenance of an American Flag for the 190' flagpole, located at between Laguna Drive and Horizon Rd./Village Rd. near IH-30. Council took no formal action related to this agenda item and thanked the Rotary Club for its generous donation.

X. Public Hearing Items

1. **Z2022-044** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 02, *Development Review Authority*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information related to this agenda item. On September 6, 2022, the City Council directed staff to make changes to the qualification requirements for appointments to the Historic Preservation Advisory Board (HPAB). In response to this direction, staff has prepared an amendment that will remove the requirement that the HPAB's membership consist of: [1] an architect, planner or representative of a design profession, [2] a member of the Rockwall County Historical Foundation, [3] a general contractor, [4] an owner of property within a historic district, and [5] three citizens of Rockwall interested in historic preservation. In addition, staff has removed the HPAB and Architectural Review Board's (ARB) organizational requirements from Article 02, Development Review Authority, of the Unified Development Code (UDC) and placed them into Article III, Boards, Commissions, Committees, of Chapter 2, Administration, of the Municipal Code of Ordinances. A redlined copy of the proposed changes along with a draft ordinance has been provided in tonight's informational meeting packet. In accordance with Section 02.04(B) of Article 11 "Development Applications and Review Procedures" of the Unified Development Code (UDC), staff brought the proposed text amendment to the Planning and Zoning Commission for a recommendation to the City Council, and on October 11, 2022 the P&Z Commission approved a motion to recommend approval by a vote of 5-0 (with Commissioners Womble and Deckard having been

absent). In addition, staff sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

2. **Z2022-045** - Hold a public hearing to discuss and consider a request by Tony Trammel for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing *Solar Panels* exceeding 1,000 SF of coverage on a residential home situated on a 0.1947-acre parcel of land identified as Lot 20, Block D, Lynden Park Estates Subdivision, Phase 3, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 17 (PD-17) for Single Family 7 (SF-7) District land uses, addressed as 125 Lanshire Drive, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information related to this agenda item. Mr. Miller stated the following: The subject property is located at 125 Lanshire Drive. It's in the Lynden Park subdivision currently zoned single-family 7 district. The applicant is requesting an SUP for the purpose of allowing solar panels in excess of 1000 square feet on the roof of the existing single-family home. Specifically, the applicant is proposing to install 1,150 square feet of solar panels on the roof. According to the city's Unified Development Code, there are a certain set of rules with regards to solar panels that allow them by right, and one of the requirements is that they must not exceed 1000 square feet. But the code does go on to give the City Council the ability to review these on a case-by-case basis through a specific use permit process. In this case, the applicant's request does meet all of the criteria with the exception of it exceeding the maximum limit by 150 square feet. The Planning & Zoning department did look at the subdivision, and there are multiple houses with solar panels. One of these houses does have solar panels in excess of 1000 square feet, and those were actually installed in 2018. Staff sent 162 notices out to property owners and residents located within 500' of the subject property on September 28. Also notified was the Lyden Park Homeowners Association. This case was brought to the P&Z Commission on October 11, and they voted five to zero to recommend approval to the City Council with Commissioners Womble and Deckard being absent. As a note, the Planning and Zoning Commission did ask staff to review the solar ordinance compared to other cities and bring back recommendations to the Planning and Zoning Commission. Staff is currently working to review Rockwall's regulations against other cities.

The applicant, Mr. Trammel came up to the podium to answer any questions the City Council might have.

Councilmember Moeller stated the solar panels are fine. He doesn't have a problem with them, except for the appearance of them on the front of a house. He asked the applicant if he would consider just removing those panels in the front of the home. The applicant stated he would, but the reason for the panels on the front of the house is they are 150 square feet over because they are trying to obtain 100% offset. They usually don't try to put them on the front of a house, but rather they try to keep them as hidden as possible. Sometimes, however, keeping them off the front of a home is just not possible when the main goal is attaining 100% offset, which means no electricity bill and no solar bill. If they are removed from the front of the home, he would probably only get a 65% offset, so he explained that he'd still be paying two bills. Councilmember Moeller generally gave indication that he cannot support this request.

Mayor Fowler asked Mr. Miller if there is anything in the ordinance that prevents or dictates where solar panels are located. Mr. Miller stated there's nothing that specifically addresses that issue. It deals mostly with the glare and how far they can protrude from the roof's surface. With that being said, though, staff believes the purpose of the 1,000 square foot limitation is likely

to allow for only the sides and the back of a home to have solar panels placed on it, but the ordinance, as written, doesn't explicitly state that. Mayor Fowler then commented it'll be interesting to see what other cities are doing regarding solar panels.

Councilmember Campbell stated that it does saturate the roof of the house. He asked the applicant if there is any way that take off 100 sq. ft. of the panels. He wonders what effect this would have. Mr. Trammel indicated they typically try to get about 120% offset, but this one is right at 100%. He explained that if one panel is omitted, then he's already decreasing the desired offset.

Councilmember Daniels asked Mr. Miller to explain how it came to be that our ordinance limits solar panels to 1000 feet. He wonders if it matters what size the house is. Mr. Miller indicated the belief that the 1,000 square foot limitation was probably derived at in an attempt to regulate placement to only the sides and back of a home. He clarified that the ordinance does not make any allotments regarding the size of the home. It's1000 square feet for residential structures, across the board, regardless of the size of the home.

Councilmember Macalik commented that she is in the real estate business. She indicated that during any future resale of the home, depending on how the solar panels are funded (i.e. a lease perhaps), it can sometimes pose problems when trying to sell the house.

Regarding the anticipated 100% offset of the electric bill(s), Councilmember Jorif asked if they are they going to be selling back any electricity. The applicant stated yes – they will be selling back one-to-one. So as solar panels produce electricity, they monitor the 100% offset, and there is essentially a buyback program.

Councilmember Macalik moved to approve Z2022-045. Councilmember Jorif seconded the motion. The ordinance caption was then 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 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 *SOLAR PANELS* ON A 0.1947-ACRE PARCEL OF LAND IDENTIFIED AS LOT 20, BLOCK D, LYNDEN PARK ESTATES 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 5 ayes to 2 nays (Moeller, Daniels)

3. **Z2022-046** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information related to this agenda item. On September 19, 2022, the City Council directed staff to make minor changes to Article 04, Permissible Uses, of the Unified Development Code (UDC) to correct a procedural requirement associated with the Conditional Land Use Standards for the Mini-Warehouse land use. Specifically, the Conditional Land Use Standards state, "(o)nly single-story units are allowed; however, no multistory buildings will be permitted unless an exception is approved by the Planning and Zoning Commission and City Council." Staff has changed this to only require approval by the Planning and Zoning Commission, as this is a technical requirement. In addition, the Conditional Land Use Standards also state, "(n)o direct access from FM-740, SH-205, SH-66, SH-276, FM-3097, FM-552, FM-549 and John King Boulevard. The City Council may consider granting direct access from the above-mentioned roadways after review and determination of the availability to the specific property." This has also been changed to be an approval of the P&Z Commission. Staff noted that in 2019 the City Council directed staff to remove the City Council as the approving body for variances and exceptions relating to the technical standards associated with site plans. This was done in favor of allowing the P&Z Commission to be the approving body, with the City Council acting as an appeals board. These two (2) references were overlooked when staff made the changes to the Unified Development Code (UDC) under Case No. Z2019-016. In addition, staff has identified a conflict between Subsection 04.02, Dumping, Excavating or Filling Floodplain, of Article 04, Permissible Uses, of the Unified Development Code (UDC) and the Engineering Standards of Design and Construction. Specifically, Subsection 04.02 states: *Any dump, excavation, storage or filling operation within that portion of a district having a floodplain designation shall require a permit, which must be approved by the City Council, before such operation has is begun. However, if those operations in the floodplain were specifically approved as part of a site plan approval by the City Council, then a permit may be issued by the City Engineer.* Staff is suggesting that Council consider rewording this section as follows: *Any dumping, excavation, storage or filling operation on any property within any district having a floodplain designation or that is within a creek or drain way shall require a permit from the City Engineer prior to the commencement of such activity.*

If the changes to Subsection 04.02 are approved, this would bring the two (2) documents (i.e. the Engineering Standards of Design and Construction Manual and the UDC) into agreement. A redlined copy of the proposed changes along with a draft ordinance have been provided to council in tonight's meeting packet. In accordance with Section 02.04(B) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC), staff brought the proposed text amendment to the P&Z Commission for a recommendation to the City Council, and on October 11, 2022 the P&Z Commission approved a motion to recommend approval by a vote of 5-0 (with Commissioners Womble and Deckard being absent). In addition, staff sent out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC).

Councilmember Daniels moved to approve Z2022-046. Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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*, 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 7 ayes to 0 nays.

XI. ACTION ITEMS

1. Discuss and consider adoption of a resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation, and take any action necessary.

City Manager Mary Smith briefed Council on this item, indicating this is the first step in issuing the REDC debt and a portion of water and sewer debt. For those debts, there is no election held, so the city issues the debt through certificates of obligation ("COs"). The City has to publish notice of intent to issue the COs 46 days in advance of the actual action. So tonight's needed action by Council is to simply decide on instructing her to publish the notice. Tonight's action by Council will not actually result in issuing anything. It just puts an ad in the paper. The $85 million authorization will come at a later time. At this point, nothing in the past bond election was associated with the widening of North Goliad. The City continues to work with the state and the county to try to move that project along. Mayor Fowler restated that the bond that was voted on in 2018 was for residential streets only. It was a City bond. Mrs. Smith generally indicated that the city continues to work with the County and the State regarding N. Goliad.

Mayor Pro Tem Johannesen made a motion to adopt the resolution and direct the publication of a notice of intent to issue combination tax and revenue certificates of obligation. Councilmember Jorif seconded the motion. The motion to approve passed unanimously 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 possible purchase of real property in the vicinity of SH-205, generally located near Mims Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding cellular lease agreement in the vicinity of North Goliad Street and North Lakeshore Drive, pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding fees assessed under the City Code of Ordinances and variance to those fees 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 follow the close of the public meeting agenda. See action taken after the start of the 6:00 p.m. mtg. above as a result of the first Executive Session held.

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:40 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 7th DAY OF NOVEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, November 07, 2022 - 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 Trace Johannesen, and Councilmember Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller, Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined the meeting virtually for Executive Session only.

Mayor Fowler then read the below-listed discussion item 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 appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
3. **Pulled from Public Meeting Agenda - Action Item #3** - Discuss and consider an **ordinance** amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary **(1st reading).**

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:35 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 / AWARDS / RECOGNITIONS

1. Rockwall's American Flag Dedication Celebration Day

Mayor Fowler announced that an official dedication ceremony is scheduled to be held this Saturday, on-site, at 9:30 a.m. He then called forth Councilmember Daniels, Mayor Pro Tem Trace Johannesen and Rockwall citizen John Adams and read and presented them with this proclamation. Mayor Fowler generally indicated that he and members of Council have all received many, many comments and compliments related to the new flag. Councilmember Daniels shared that Mr. David Cutcomb, who was a part of this project, just had open heart surgery today. He asked that everyone please keep him in

your prayers. He also asked that when folks see the flag, that they think of positive things when doing so. Councilman Daniels generally thanked all those who have played a part in this project.

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

Regarding existing REDC board members Carin Brock, Justin Lee, Eric Burress, and Darren Shue, Mayor Pro Tem Johannesen moved to reappoint each of these board members to serve an additional, two-year term on the Rockwall Economic Development Corporation (REDC) Board (expiring in December of 2024). Councilmember Campbell 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 October 17, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-044** - Consider approval of an **ordinance** for a *Text Amendment* to Article 02, *Development Review Authority*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances, and take any action necessary **(2nd Reading)**.
3. **Z2022-046** - Consider approval of an **ordinance** for a *Text Amendment* to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary **(2nd Reading)**.
4. **P2022-051** - Consider a request by Sam Carroll of Carroll Consulting Group, Inc. on behalf of Erick Cruz Mendoza for the approval of a *Final Plat* for Lot 1, Block G, Lake Rockwall Estates East Addition being a 0.1652-acre parcel of land identified as Lot 873-A of 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 481 Blanche Drive, and take any action necessary.
5. **P2022-052** - Consider a request by Keaton Mai of the Dimension Group on behalf of Justin Webb of Rockwall 205 Investors, LLC and Michael Hampton of 549 Crossing, LP for the approval of a *Final 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.
6. **P2022-053** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a *Master Plat* for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
7. **P2022-054** - Consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a *Final Plat* for Lots 1-3, Block A, DuWest Addition being an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, 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, located on the eastside

of N. Goliad Street [*SH-205*] north of the intersection of Quail Run Road and N. Goliad Street [*SH-205*], and take any action necessary.

8. Consider approving and authorizing the City Manager to execute a contract with B&B Concrete Sawing for emergency culvert repairs at Emerald Bay Park in the amount of $27,500 to be funded by General Fund Reserves, and take an action necessary.

9. Consider authorizing the City Manager to execute a professional engineering services contract and associated purchase orders with Parkhill to perform professional engineering services for a 4-acre park development over a closed TCEQ landfill at 219 Cornelius Rd, in an amount not to exceed $37,000.00 to be funded by the Recreation Development Fund, and take any action necessary.

10. Consider awarding a contract to C and M Steel Services and authorize the City Manager to execute said contract for the design build of a new Parks Department Building at the city's Service Center in the amount of $106,244.75 to be funded by the Parks Operations Budget, and take any action necessary.

11. Consider approval of joining multiple cooperative purchasing programs and authorizing the City Manager to execute associated agreements, and take any action necessary.

12. Consider approving contract renewals for concrete and asphalt pavement repairs and maintenance and authorizing the City Manager to execute associated purchase orders to multiple vendors for a total of $2,067,000 to be funded by the Streets & Drainage Operating Budget, and take any action necessary.

13. Consider awarding a bid to Wilson Bauhaus Interiors and authorizing the City Manager to execute associated purchase orders in the amount of $88,064.85 for new office furniture at Police Department South, Rockwall City Hall, and The Center to be funded by the Police Criminal Investigations Budget and the Internal Operations Department budget, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *BOARDS, COMMISSIONS, COMMITTEES*, OF CHAPTER 2, *ADMINISTRATION*, OF THE MUNICIPAL CODE OF ORDINANCES AND ARTICLE 02, *DEVELOPMENT REVIEW AUTHORITY*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A' & '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.

CITY OF ROCKWALL
ORDINANCE NO. 22-57

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*, 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 7 ayes to 0 nays.

X. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive public comments on a Texas Enterprise Zone Application pursuant to the Texas Enterprise Zone Act, for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism and to also receive public comment on proposed ordinance.

Phil Wagner, President of the Rockwall Economic Development Corporation, came forth and introduced a consultant, Reece Macdonald, Director of Site Selection and Business Incentives Consulting for a company called "Ryan." Mr. Wagner explained that this application has no fiduciary impact on the City of Rockwall. Essentially, Channell is applying in hopes of receiving some economic incentives from the State of Texas. Mr. Reece explained that only 12 applications are accepted, statewide each quarter.

Mayor Fowler opened the public hearing; however, no one indicated a desire to speak, so he closed the public hearing.

No action was taken at this point related to this agenda item (see Action Item #2 below for related action).

XI. ACTION ITEMS

1. **Z2022-045** - Discuss and consider a request by Tony Trammel for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing *Solar Panels* exceeding 1,000 SF of coverage on a residential home situated on a 0.1947-acre parcel of land identified as Lot 20, Block D, Lynden Park Estates Subdivision, Phase 3, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 17 (PD-17) for Single Family 7 (SF-7) District land uses, addressed as 125 Lanshire Drive, and take any action necessary **(2nd Reading)**.

Indication was given that this agenda item did not receive unanimous approval last time. So it has been placed under Action Items for consideration. Mayor Pro Tem Johannesen moved to approve this ordinance. Councilmember Macalik seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-56
SPECIFIC USE PERMIT NO. S-289

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 *SOLAR PANELS* ON A 0.1947-ACRE PARCEL OF LAND IDENTIFIED AS LOT 20, BLOCK D, LYNDEN PARK ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes to 2 nays (Daniels and Moeller).

2. Discuss and consider an **ordinance** regarding City of Rockwall's participation in the Texas Enterprise Zone Program for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism, and take any action necessary. **(1st reading)**

Councilmember Jorif moved to approve this ordinance. Councilmember Daniels seconded the motion. Councilmember Daniels asked if the city will be involved in any way in monitoring any monies received from the State of TX. Mr. Reece indicated that his company will have to prepare a report once per year, and the city will have no involvement in said report. Clarification was given that this could result in the company receiving an exemption from state sales taxes (not local, though).

The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING THE CITY MANAGER AS A LIAISON AND NOMINATING CHANNELL COMMERCIAL CORPORATION ("CHANNELL") TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT ("PROJECT").

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

3. Discuss and consider an **ordinance** amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary **(1st reading).**

City Manager Mary Smith provided brief background information related to this agenda item. She has provided a memo the city council that outlines the history of ambulance service provision for the city over the last 20+ years. Mayor Fowler again mentioned the explanatory memo that has been made available to the public online within the informational meeting packet. Councilmember Jorif indicated that he would like to recuse himself from this vote because he is a nationally registered EMT (and the contractor, Medic Rescue, holds his license on his behalf).

Councilmember Campbell moved to approve the ordinance, as presented. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12, ARTICLE XII, SECTION 12 BY AMENDING SECTIONS 12-1250 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING AMBULANCE SERVICES IN THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY PROVISION; PROVIDNG FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 abstention (Jorif).

4. Discuss and consider an appointment to the city's ART Commission to fill a vacant seat, and take any action necessary.

Councilmember Macalik moved to appoint Kathy Howard to the city's ART Commission to fill a vacant seat (left by Kosterman, to run through August of 2023). Councilmember Campbell seconded the motion, which passed unanimously of Council (7 to 0).

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 Department Monthly Report - September 2022
2. Police Department Monthly Report - September 2022
3. Parks & Rec. Department Monthly Report - September 2022
4. Sales Tax Historical Comparison
5. Water Consumption Historical Statistics

City Manager, Mrs. Smith encouraged city councilmembers to be prepared for a lot of upcoming holiday-related events and to be sure to add those events to their calendars. Mayor Fowler mentioned the upcoming flag dedication ceremony the day after Veteran's Day (Sat., Nov. 12 at 9:30 AM).

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 - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
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 6:26 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 21st DAY OF NOVEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, November 21, 2022 - 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 Trace Johannesen, and Councilmembers Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined Ex. Session by telephone.

Mayor Fowler then read the below listed discussion item 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 status of case in the Northern District of Texas, Dallas Division pursuant to Section §551.071 (Consultation with Attorney).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:30 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 - MAYOR PRO TEM JOHANNESEN

Mayor Pro Tem Johannesen 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. He then called forth Cedric Thomas, Chairman of the Planning & Zoning Commission, who briefed the Council on recommendations of the Commission regarding planning-related items on tonight's agenda.

No one else indicated a desire to come forth and speak at this time, so Mayor Fowler 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 November 7, 2022 regular city council meeting, and take any action necessary.
2. Consider approval of an **ordinance** regarding City of Rockwall's participation in the Texas Enterprise Zone Program for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism, and take any action necessary. **(2nd Reading)**
3. Consider approval of an **ordinance** amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary **(2nd reading).**
4. Consider authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter, LLP. for the John King Blvd. Utility Relocation Project in the amount of $582,780.00 to be funded by Water/Sewer Bonds, and take any action necessary.
5. Consider awarding a bid to Axis Construction and authorizing the City Manager to execute the contract for modifications to the Squabble Creek Sewer Bypass Pump in the amount of $33,630 to be funded by the Wastewater Operating Budget, and take any action necessary.
6. **P2022-055** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter H. Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a *Final Plat* for Phase 1 of the Homestead Subdivision consisting of 175 single-family residential lots and being a 129.485-acre portion of a larger 195.3177-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. **P2022-056** - Consider a request by Ryan Joyce of Michael Joyce Properties on behalf of William Johnson of LTL Family Holdings, LLC for the approval of a *Final Plat* for the Marina Village Subdivision 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, zoned Planned Development District 8 (PD-8) [Ordinance No. 92-39] for Zero Lot Line (ZL-5) District land uses, generally located on the south side of Henry M. Chandler Drive west of Ridge Road [FM-740], and take any action necessary.

Mayor Fowler pulled items #3 and 7. Mayor Pro Tem Johannesen then moved to approve the remaining items (#s 1, 2, 4, 5, and 6). Councilmember Jorif seconded the motion. The ordinance for #2 was read as follows, and the motion to approve passed unanimously:

CITY OF ROCKWALL
ORDINANCE NO. 22-58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING THE CITY MANAGER AS A LIAISON; NOMINATING CHANNELL COMMERCIAL CORPORATION ("CHANNELL") TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT ("PROJECT"); AND PROVIDING FOR AN EFFECTIVE DATE.

Regarding Consent Agenda item #3, Councilmember Jorif recused himself. Councilmember Macalik then moved to approve Consent Agenda item #3. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12, ARTICLE XII, SECTION 12 BY AMENDING SECTIONS 12-1250 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING AMBULANCE SERVICES IN THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY PROVISION; PROVIDNG FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 in favor with 1 abstention (Jorif).

Regarding Consent Agenda item #7, Councilmember Macalik asked the Planning Director to provide clarification on if this final plat approval has anything to do with the landscaping. Mr. Miller generally explained that landscaping gets addressed later in the development process. Councilmember Macalik then moved to approve Consent Agenda item #7. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. PUBLIC HEARING ITEMS

1. **Z2022-047** - Hold a public hearing to discuss and consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of an **ordinance** for a *Zoning Change* from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary **(1st Reading).**

Planning Director, Ryan Miller provided background information concerning this agenda item. The Planning & Zoning Commission did review this case and has recommended its approval to the City Council. Fifty-six notifications were mailed to adjacent property / land owners living within 500' of the subject property, and the Caruth Lakes HOA was also notified. Staff has received two notices from two property owners in opposition to this 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.

Councilmember Jorif asked for and received clarification on the future process associated with this piece of property. Jorif wants to ensure that whatever ends up being built on the property is appropriate and takes into consideration the adjacent homes and homeowners. Indication was given that "General Retail" is more restrictive than "Commercial" zoning.

Councilmember Daniels moved to approve Z2022-047. Councilmember Moeller seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 GENERAL

RETAIL (GR) DISTRICT FOR A 1.837-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *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 to approve passed by a vote of 7 ayes to 0 nays.

2. **Z2022-048** - Hold a public hearing to discuss and consider a request by Bryan Cook for the approval of an **ordinance** for a *Specific Use Permit (SUP)* allowing a *Guest Quarters/Secondary Living Unit* and *Detached Garage* on a one (1) acre parcel of land identified as Lot 13, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2348 Saddlebrook Lane, and take any action necessary **(1st Reading)**.

Mayor Fowler announced that this agenda item will be heard and considered on Monday, December 5, 2022.

3. **Z2022-049** - Hold a public hearing to discuss and consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information concerning this agenda item. The applicant wants to construct a single-family home. The city council is being asked to consider the size, location and architecture of this proposed home when compared to adjacent, existing homes. Staff has performed and provided said comparative analysis. Council approving this SUP is discretionary on the part of City Council. The city's Planning & Zoning Commission has recommended approval of this SUP to the Council. Sixty-six notices were sent out to adjacent property owners and residents, and two notices in favor were received back. In addition, staff also notified the Waterstone Estates HOA.

Mayor Fowler opened and then closed the public hearing, as no one indicated a desire to come forth and speak.

Mayor Pro Tem Johannesen moved to approve Z2022-049. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.3080-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, EAGLE POINT 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 7 ayes to 0 nays.

4. **Z2022-050** - Hold a public hearing to discuss and consider approval of an **ordinance** for a *Text Amendment* to Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of making minor changes to Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller provided background information concerning this agenda item. Mr. Miller explained that currently, in the city's Takeline Overlay District ordinance regulations, concrete seawalls with concrete caps are required. In addition, the city does not allow private walkways to be constructed of concrete. Instead, they may only be stone or pavers. Recently, it was brought to staff's attention that perhaps a change to these regulations would make more sense. This text amendment will allow concrete (walkways) to extend from the house down to the concrete seawall itself. The city's Planning & Zoning Commission voted 5-0 to recommend approval of this item to the City Council this evening.

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

Councilmember Jorif moved to approve Z2022-050. Councilmember Campbell seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-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 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 7 ayes to 0 nays.

X. **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 status of case in the Northern District of Texas, Dallas Division pursuant to Section §551.071 (Consultation with Attorney).

XI. **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.

XII. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:24 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 5th DAY OF DECEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, December 05, 2022 - 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 Trace Johannesen, and Councilmember Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined Executive Session remotely.

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 filling vacancy for City Council Member Place 5, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:25 p.m.

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

Mayor Fowler reconvened the meeting at 6:00 p.m.

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; however, no one indicated a desire to come forth and speak. So, he 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 November 21, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-047** - Consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of an **ordinance** for a *Zoning Change* from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally

located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary **(2nd Reading).**

3. **Z2022-049** - Consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary **(2nd Reading).**

4. **Z2022-050** - Consider approval of an **ordinance** for a *Text Amendment* to Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of making minor changes to Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, and take any action necessary **(2nd Reading).**

5. **P2022-057** - Consider a request by Jeff Kilburg of Apex Design Build on behalf of Chad Capps of CMH Real Estate, LLC for the approval of a *Replat* for Lot 12, Block B, Horizon Ridge Addition being a 1.253-acre parcel of land identified as Lot 5, Block B, Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated at the northwest corner of the intersection of Rockwall Parkway and Summer Lee Drive, and take any action necessary.

6. Consider approval of a 12 month service agreement with Fidelis Security in the amount of $48,000 for cybersecurity consulting to be funded by the Information Technology Department Operating Budget, and authorize the City Manager to execute the agreement, and take any action necessary.

7. Consider approving and authorizing the City Manager to execute a contract with Riverstone Fence Co. for installation of 800 linear feet of wrought iron perimeter fence at the 66 cemetery in the amount of $44,250.00 to be funded by the Cemetery Fund, and take any action necessary.

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

CITY OF ROCKWALL
ORDINANCE NO. 22-60

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 GENERAL RETAIL (GR) DISTRICT FOR A 1.837-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *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. 22-61
SPECIFIC USE PERMIT NO. S-290

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 AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.3080-

located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary **(2nd Reading).**

3. **Z2022-049** - Consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary **(2nd Reading).**

4. **Z2022-050** - Consider approval of an **ordinance** for a *Text Amendment* to Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of making minor changes to Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, and take any action necessary **(2nd Reading).**

5. **P2022-057** - Consider a request by Jeff Kilburg of Apex Design Build on behalf of Chad Capps of CMH Real Estate, LLC for the approval of a *Replat* for Lot 12, Block B, Horizon Ridge Addition being a 1.253-acre parcel of land identified as Lot 5, Block B, Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated at the northwest corner of the intersection of Rockwall Parkway and Summer Lee Drive, and take any action necessary.

6. Consider approval of a 12 month service agreement with Fidelis Security in the amount of $48,000 for cybersecurity consulting to be funded by the Information Technology Department Operating Budget, and authorize the City Manager to execute the agreement, and take any action necessary.

7. Consider approving and authorizing the City Manager to execute a contract with Riverstone Fence Co. for installation of 800 linear feet of wrought iron perimeter fence at the 66 cemetery in the amount of $44,250.00 to be funded by the Cemetery Fund, and take any action necessary.

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

CITY OF ROCKWALL
ORDINANCE NO. 22-60

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 GENERAL RETAIL (GR) DISTRICT FOR A 1.837-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *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. 22-61
SPECIFIC USE PERMIT NO. S-290

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 AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.3080-

ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, EAGLE POINT 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.

CITY OF ROCKWALL
ORDINANCE NO. 22-62

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 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 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.

No representative was present, so this agenda item was not addressed.

X. PUBLIC HEARING ITEMS

1. **Z2022-048** - Hold a public hearing to discuss and consider a request by Bryan Cook for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit/Detached Garage/Carport* on a one (1) acre parcel of land identified as Lot 13, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2348 Saddlebrook Lane, and take any action necessary **(1st Reading)**.

The applicant is requesting to construct a 30'x52' or 1,560 SF metal Guest Quarters/Detached Garage. The Guest Quarters/Detached Garage will have 1,200 SF of enclosed area and a 360 SF outdoor living area and a carport. According to the applicant, the structure will be constructed of metal and used as a garage; however, there will be a bathroom, which is one element of a dwelling unit qualifying this request as a Guest Quarters/Secondary Living Unit. On October 20, 2022, staff mailed 24 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Stoney Hollow Homeowners Association (HOA), which is the only HOA 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) Two property owner notifications from within the 500-foot buffer in favor of the applicant's request and (2) Three property owner notifications from within the 500-foot buffer in opposition of the applicant's request. Mr. Miller went on to share that the City's Planning & Zoning Commission met and reviewed this case and has made a recommendation to deny this

request. In addition, a super majority vote of Council is required in order for this case to receive approval from Council this evening.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So the public hearing was closed.

Councilmember Daniels then moved to deny Z2022-048. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. **Z2019-027** - Discuss and consider a request by Raymond Jowers of Jowers, Inc. for the extension of Ordinance No. 20-01 (*S-212*) allowing outside storage in conjunction with an existing trailer and parts sales and service facility (*Big-Tex Trailers*) on a 4.4317-acre tract of land identified as Tract 22-01 of the R. 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, addressed as 2260 E. IH-30, and take any action necessary.

Mr. Miller provided background information concerning this agenda item. The location is along IH-30 (on the South side) just to the East of IH-30 and Corporate Crossing (SH-549). On February 3, 2020, the City Council approved Ordinance No. 20-01 (S-212) allowing outside storage of trailers for Big-Tex Trailers on the subject property at 2260 E. IH-30. This Specific Use Permit (SUP) was an extension of a previously granted SUP that was originally adopted on August 4, 2008, extended on April 1, 2011 and April 7, 2014, and amended on February 14, 2017. A case memo for (previous) Case Z2019-027 has been provided to Council in tonight's meeting packet for a complete history of the subject property. As with the previous ordinances, Ordinance No. 20-01 included an operational condition that stated the following: The Specific Use Permit (SUP) shall be valid for a period of three (3) years from the date of the approval of this ordinance. If an extension of the SUP is necessary, the owner shall submit a request in writing to staff no less than 90 days prior to the expiration of the SUP. Upon receipt of the request, the City Council shall review the SUP and determine if an extension of the SUP is permitted based on the development of FM-549 and the IH-30 overpass construction and/or other development activity in the area.

In accordance with this operational condition, the property owner -- Raymond Jowers of Jowers, Inc. -- submitted a development application and letter on October 28, 2022 requesting to extend the Specific Use Permit (SUP). Based on this request, staff is bringing the case forward to the City Council for consideration of an extension. Staff noted that there are currently three (3) projects that have been approved on adjacent properties in the area. These include: [1] a sports complex (i.e. Fit Sport Life), which is currently under construction; [2] a Golf Driving Range (i.e. the Texas Wedge), which was granted a Specific Use Permit (SUP) on October 3, 2022; and [3] two (2) Warehouse/Distribution Facilities off Data Drive, which are currently nearing completion of civil engineering plans. In addition, since Ordinance No. 20-01 was approved, the FM-549 overpass construction was completed, and the City has completed the utility relocations for the IH-30 improvements. The IH-30 project was also let on November 2, 2022. For the City Council's reference, staff has included a map showing the subject property in relation to the location of each of these projects. Should the City Council choose to grant the extension of the Specific Use Permit (SUP) for a period not to exceed three (3) years, no additional approvals or process will be necessary. If the City Council chooses to extend the Specific Use Permit (SUP) for a period in excess of three (3) years, staff will be required to advertise the case in accordance with the requirements of the Unified Development Code (UDC) and bring a revised ordinance forward to the Planning and Zoning and City Council for public hearing and action. If the City Council chooses not to grant the extension request, the Specific Use Permit (SUP) will expire in accordance with the operational conditions contained in Ordinance No. 20-01, and all outside storage activities on the site will be required to cease.

Mayor Fowler then called forth the applicant to speak.

Raymond Jowers
3290 Anna Cade Circle
Rockwall, TX

Applicant's representative (from "Big-Tex Trailers" but name was indistinguishable)
A St. Louis, MO address was given.

The applicant and his representative came forth and shared that they have been at this location since 2008. Also, the Big-Tex company has 63 retail locations nationwide and six manufacturing facilities. In addition to manufacturing and selling trailers, they also now 'up-fit' and enhance trucks (a business within Big Tex named "Truck Fitters"). The representative expressed that having an SUP granted for only three years is concerning to him and his employees, so they would really prefer to be able to obtain an SUP for a longer period of time if that is possible.

Councilmember Daniels asked for clarification regarding alternatives to granting the requested extension. Mr. Miller shared that the Council can grant up to a three-year extension. Anything more than 3 years would require the applicant to have to go back through the SUP process because it would be considered more of a substantial change. In addition, they would have to change the outside storage associated with their current SUP. They will potentially need to come back once every three years to re-up the SUP. Clarification was given regarding changing the current draft ordinance and what would necessitate the applicant having to go back through the entire SUP process (or not). Questions and answers ensued pertaining to the existing ordinance (Ord. 20-01, S-212) that is in place, specifically related to possible screening requirements associated with this property on the SUP that's currently in place. Mr. Miller shared that, although screening requirements were mentioned in a memo associated with a previous SUP case for Big-Tex, that verbiage did not actually make it into the language of that previously adopted SUP ordinance (that council is now being asked to consider extending).

Following additional discussion, Councilmember Daniels moved to approve Z2019-027. Councilmember Macalik seconded the motion. Additional dialogue ensued between Councilmembers and the applicant, and the motion to approve eventually passed by a vote of 7 ayes to 0 nays.

2. **MIS2022-023** - Discuss and consider a request by Patricia Mejia on behalf of the Children's Advocacy Center of Rockwall County for the approval of a *Miscellaneous Case* for an *Exception* to the *Street Improvement Requirements* contained in the Municipal Code of Ordinances for a 7.497-acre tract of land identified as Tract 68 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located northwest of the curve connecting Airport Road and E. Washington Street, and take any action necessary.

Mr. Miller, Planning Director, provided background information pertaining to this agenda item. This property is currently vacant, and the applicant is requesting exceptions to the city's current street improvement-related requirements. The applicant plans to build and establish a 31,500 square foot service provider type facility at this location. According to the applicant, adhering to the city's requirements will result in an unnecessary hardship on the part of the applicant.

Based on this requirement, the President and CEO of the CACRC -- Patricia Mejia -- has submitted a letter requesting an exception to the construction of the roadway and sidewalks for E. Washington Street. The

letter indicates a willingness to provide the necessary right-of-way for the future roadway. So the applicant is only requesting the exception for the street improvements. As stated in the letter, this request is predicated on the CACRC's plans to not take access off of E. Washington Street and to reduce the costs associated with this street on this Social Service Provider. Based on Section 38-19 of the Municipal Code of Ordinances, the City Council has the ability to grant an exception to the street improvement requirements, as it states, "(w)here in its judgement the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured upon recommendation by the City Planning and Zoning Commission, the City Council may, in specific cases, at a regular meeting of the City Council, and subject to appropriate conditions and safeguards, authorize special exceptions to these regulations in order to permit reasonable to these regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship." In this case, granting this exception does not appear to change the essential character of the area, nor would it substantially injure any adjacent properties; however, this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Based on this, staff brought the case forward to the Planning and Zoning Commission on November 30, 2022 for a recommendation, and after deliberation the Planning and Zoning Commission has recommended approval of this request by a vote of 6-0.

Patricia Mejia from the Child Advocacy Center of Rockwall County then came forth and briefly addressed the Council. She generally expressed that this organization was formed about four years ago, and it is the only organization of its kind in the County. The organization provides a collaborative response to child victims of abuse and their non-offending family members. She went on to explain that the Council's decision this evening will directly impact whether or not the organization is able to build a facility that is able to adequately accommodate the volume that is currently being experienced in the County.

Mayor Pro Tem Johannesen moved to approve MIS2022-023. Councilmember Campbell 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 Department Monthly Report - October 2022
2. Fire Department Monthly Report - October 2022
3. Parks & Recreation Department Monthly Report - October 2022
4. Police Department Monthly Report - October 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Brief comments were made related to this past weekend's Kiwanis Christmas parade, the city's Christmas tree lighting event and other downtown-related holiday events that were held, all of which were successful. The mayor thanked the city's staff, specifically the Parks Department, as well as all organizations who were involved in making the various events successful.

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 filling vacancy for City Council Member Place 5, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the 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 Ex. Session following the close of the public meeting agenda.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:40 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 19th DAY OF DECEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL SPECIAL MEETING
Wednesday, December 14, 2022 - 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 Trace Johannesen, and Councilmembers Clarence Jorif, Dana Macalik, Bennie Daniels, Mark Moeller and Anna Campbell. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney, Frank Garza joined (for Executive Session) remotely via video teleconference (ZOOM).

II. OPEN FORUM

No one came forth to speak during Open Forum, so Mayor Fowler moved to the next item.

Mayor Fowler read the below-listed discussion item into the record before recessing the public meeting to go into Executive Session at 5:01 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 filling City Council Member Place 5 vacancy, including holding applicant interviews, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Council came out of Executive Session at 7:09 p.m.

V. RECONVENE PUBLIC MEETING

Mayor Fowler reconvened the public meeting at 7:09 p.m.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Trace Johannesen moved to appoint applicant Dennis Lewis to fill the upcoming Place 5 city council member vacancy that will result upon Dana Macalik's resignation on December 31, 2022, noting that Lewis will be sworn in at the Tuesday, January 3 city council meeting. Councilmember Bennie Daniels seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

VII. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 19th DAY OF DECEMBER, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING
Monday, December 19, 2022 - 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 Trace Johannesen and Councilmembers Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).
3. **PULLED FROM PUBLIC MEETING AGENDA - Z2022-055** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Ryan Lewis and Scott Sutton of Crosspoint Community Church for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 87 (PD-87) [*Ordinance No. 18-46*] being a 16.26-acre tract of land identified as a Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District and Light Industrial (LI) District land uses, located on the southside of E. Washington Street east of the intersection of Park Place Boulevard and E. Washington Street, and take any action necessary **(1st Reading)**

III. ADJOURN EXECUTIVE SESSION

Council adjourned Executive Session at 5:27 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 CAMPBELL

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Recognition of outgoing Councilmember, Place 5 - Dana K. Macalik

Mayor Fowler read and presented Councilmember Macalik with a proclamation and a plaque in honor of her service on the city council. Dana then spoke, thanking her husband, family members, fellow councilmembers and others for their help and support over the years.

VII. Open Forum

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

VIII. Take any Action as a Result of Executive Session

Councilmember Jorif moved to reappoint Shannon Bennett to the Board of Adjustments (BOA) (for a term thru August of 2024) and appoint Kyle Thompson to a full voting member (moving up from an 'alternate' BOA member and replacing G. David Smith, who has termed out), and appoint James Smith and Joseph Wright as "alternate" board members on the BOA. Councilmember Campbell 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 December 5, 2022 regular City Council meeting, and take any action necessary.
2. Consider approval of the minutes from the December 14, 2022 Special City Council Meeting, and take any action necessary.
3. Consider bid award to Caldwell Country Chevrolet in the amount of $36,275 for a new Police CID vehicle and authorize City Manager to execute associated purchase order, and take any action necessary.
4. 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.
5. Consider approval of HOT subcommittee recommendations for Texas K9 Conference ($22,400), RHS Wrestling Program state-wide championship ($18,000), Rockwall Historical Foundation ($5,249) and Rockwall Summer Musicals ($5,000); authorize the City Manager to execute funding agreements and take any action necessary.

Mayor Pro Tem Johannesen moved to approve the Consent Agenda, as presented (#s 1, 2, 3, 4 and 5). Councilmember Moeller 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.

Dereck Deckard, Vice Chair of the city's P&Z Commission, came forth and briefed the Council on recommendations of the Commission concerning planning-related items on tonight's meeting agenda. Council took no action as a result of this briefing.

XI. PUBLIC HEARING ITEMS

1. **Z2022-051** - Hold a public hearing to discuss and consider a request by Mariel Street on behalf of Cathy Strother for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Commercial (C) District for a two (2) acre parcel of land identified as Lot 1, Block A, Roadside Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2410 S. Goliad Street [*SH-205*], and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item. This is located on the west side of SH-205 just south of the intersection of S. Goliad Street and Ralph Hall Parkway. He generally explained that much of the adjacent area is comprised of industrial type development and businesses. The applicant became the tenant of this bar not long ago, and they reconstructed and renovated the building to establish a tavern. They would like to rezone this property in order to have a food truck on site. They are attempting to rezone to "commercial" so that they can have a food truck on site. Seventeen notices were sent out to adjacent land and property owners located within 500' of the subject property. One notice was received back in opposition. The city's P&Z Commission recently met and voted unanimously to recommend approval of this request to the Council.

Mayor Fowler opened the public hearing, but no one came forth to speak. So he closed the Public Hearing. Councilmember Moeller then moved to approve Z2022-051. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-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 COMMERCIAL (C) DISTRICT FOR A 2.00-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK A, ROADSIDE ADDITION, 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.

2. **Z2022-054** - Hold a public hearing to discuss and consider a request by Scott Clements on behalf of Dana Moffatt for the approval of an **ordinance** for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* allowing the construction of a single-family home on a 0.1837-acre parcel of land identified as Lot 7, Block B, North Towne Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the North SH-205 Overlay (N.

SH-205 OV) District, addressed as 211 Jacob Crossing, and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant would like to construct a single-family home at this location. The Council is being asked to consider the size, location, and architecture of this proposed home compared to existing, adjacent housing. The only real major difference in this proposed house is that the applicant would like to utilize more hardyboard than the adjacent, existing housing. So it will have a slightly different 'look' than the surrounding housing. He went on to explain that this is a discretionary decision on the part of Council. The city's P&Z Commission has unanimously voted to recommend approval of this request to the Council this evening. 129 notices were sent out to adjacent property owners, and nearby HOAs were also notified. Two notices were received back in favor of this request.

Mayor Fowler opened the public hearing, but no one came forth to speak. So he closed the Public Hearing.

Councilmember Jorif moved to approve Z2022-054. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-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 0.1837-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK B, NORTH TOWN 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. **Z2022-055** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Ryan Lewis and Scott Sutton of Crosspoint Community Church for the approval of an **ordinance** for a *Zoning Change* amending Planned Development District 87 (PD-87) [*Ordinance No. 18-46*] being a 16.26-acre tract of land identified as a Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District and Light Industrial (LI) District land uses, located on the

southside of E. Washington Street east of the intersection of Park Place Boulevard and E. Washington Street, 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. 60-01* [*Case No. A1960-001*]. According to the City's historic zoning maps, the subject property has been zoned Light Industrial (LI) District since at least January 3, 1972. On July 14, 2000, the City Council approved a final plat for a portion of this property (*i.e. 7.409-acres*), establishing it as Lot 1, Block 1, Indalloy Addition by *Case No. PZ2000-055-01*. On November 19, 2018, the City Council approved a change in zoning [*Case No. Z2018-032; Ordinance No. 18-46*] from a Light Industrial (LI) District to Planned Development District 87 (PD-87) for Single- Family 10 (SF-10) District, General Retail (GR) District, and Light Industrial (LI) District land uses. On July 15, 2019, the City Council approved a preliminary plat [*Case No. P2019-026*] for the purpose of establishing a lot layout for a townhome development (*i.e. Park Station, Phase 1*). This preliminary plat expired on July 15, 2020. The subject property is currently vacant with the exception of a private driveway that connects the property south of the subject property to E. Washington Street.

The Planing & Zoning Commission originally recommended denial of this request back in August, so the applicant withdrew his application at that time, and it was never heard at a previous council meeting since Council granted his request to withdraw. The applicant more recently resubmitted his request with substantive changes being included when compared to the original submittal at that time.

Mr. Miller went on to share that 70 notices were mailed by staff to property owners and occupants located within 500-feet of the subject property. 18 notices from 12 property owners have been received back in opposition of the request. In addition, thirty-six (36) responses from thirty (30) property owners have been received back in favor of the applicant's request. In addition, notices were sent out to nearby HOAs, and the city's Planning & Zoning Commission has recommended approval of the case by a vote of 4 in favor with 3 against with Commissioners Womble, Deckard and Thomas dissenting.

Mayor Fowler called the applicant forth to speak at this time.

Scott Sutton
1200 E. Washington
Rockwall, TX

Mr. Sutton came forth and identified himself as the Executive Pastor of the proposed church (Crosspoint) at this location. Mr. Sutton proceeded to give a presentation to Council concerning what his church is proposing to build at this location, including the estimated traffic that may ensue, especially on Sundays.

Bill Bricker
505 Westway Drive
Rockwall, TX 75087

Bill Bricker then came forth and spoke on behalf of the Park Place subdivision. He provided a brief history of the piece of property over the years (since the year 1981 when Columbia

Extrusion purchased it as part of the plant that was opened). He explained that this piece of property was originally purchased in case it was needed for future expansion of the plant. It, however, ended up not being needed for expansion. So around 2017, he began efforts to rezone the property. He went on to explain how it came to be that Crosspoint Church approached him wanting to purchase 8 acres (initially) and then ultimately wanting to purchase the entire tract (15(ish) acres).

Mayor Fowler then opened the public hearing.

Jeffrey Mateer
405 Park Place Boulevard
Rockwall, TX

Mr. Mateer came forth and shared that his and his wife's home is located closest to this piece of land. He went on to share that he is strongly in favor of this request, and he believes a church is be best, highest use for this piece of property. He believes this church at this location will be greatly beneficial to this location and to the community as a whole. He went on to share that he is a constitutional lawyer with over thirty-two years of legal experience. He served as first assistant attorney general of Texas from 2016 to 2020 where he oversaw the entire operations of the Texas Attorney General's Office. Prior to that, he was in private practice and then worked for First Liberty Institute, the largest religious liberty law firm in the country. First Liberty has offered the church its pro bono assistance if this request is denied this evening. He went on to share various comments about the legal-related ramifications – both state and federally - should the Council end up denying this request this evening. At the inquiry of Mayor Fowler, Mr. Mateer confirmed that the church has asked him/his firm for legal advice. He confirmed that – on a pro bono basis – his firm is in fact giving the church legal advice. The Pastor shared that he has had a ZOOM teleconference with Mr. Mateer to seek advice but there is no formal 'engagement' between the church and Mr. Mateer's firm.

Ronnie Howell
434 Jordan Farm Circle
Rockwall

Mr. Howell generally expressed support for the church's proposed project. He believes this project is the best of what could otherwise be bad options. He believes the church will be 'good neighbors' and will listen and try to remedy any concerns, should they arise in the future. Also, the developer allowing Park Place to annex the townhomes that will be built into the Park Place HOA so that the HOA will have a voice regarding those townhomes.

Dennis Fox
1027 St. Thomas Ct.
Rockwall, TX 75087

Mr. Fox came forth and shared that his home borders Washington Street. He is an ordained minister and is very pro-church. He believes that churches are to unite the community, but this one is dividing the community. He has concerns about the 'blind entry' that is near this area, and it resulted in a notable traffic accident near this location that he was personally involved in while on his motorcycle, and he sustained some noteworthy injuries. He has large concerns about 300+

cars that will factually be present and will result in concerning, notable traffic backups. He believes this will take a long time to clear out, multiple times on any given Sunday. He believes this project will result in unsafe conditions, and the city has an obligation to disapprove anything they know will create unsafe conditions. He went on to encourage the Council to protect everyone's safety and protect the community. He urged the Council to potentially wait and hire a traffic expert to further evaluate this project.

Karen Fox
1027 St. Thomas Ct.
Rockwall, TX 75087

Mrs. Fox came forth and shared that her husband was hit on his motorcycle near this area, and it was one of the worst days of her life. She found her husband lying flat in a ditch and saw his motorcycle and parts of it scattered all across the roadway. She passed out some photos of her husband's motorcycle accident. She has concerns about several hundred cars being present during each church service. She has concerns about visibility in and around this property and Harry Myers Park. With 'safety' having been a reason why the city's Planning & Zoning Commission previously voted against approval of this church back in August, she pointed out that nothing about the roadway and area has changed since that time – safety is still of utmost concern. She urged Council to think very carefully and clearly as they vote to do the right thing for the community. She urged that a traffic and roadway study be conducted to really see if this is a viable, safe option for this property.

Judy Dubreuil
1023 St. Thomas Ct.
Rockwall, TX 75087

Ms. Dubreuil thanked Councilmember Macalik for her service. She went on to share that she grew up right across from a church that her grandfather built. The church brought a lot of activities – not only on Sundays but for additional reasons (weddings, funerals, etc.). She went on to share that she does not believe a church at this location is a good idea. Mostly, she is concerned about safety and the 'blind spots' on the roadway in this area. She is also concerned about the increased traffic. She told a story about a little boy recently involved in an accident when he was hit near Washington St. She is also concerned about the impact that will be realized related to Myers Park. She thanked Council for its time and for all they do for our community.

Dianna Johnson
1035 St. Thomas Court
Rockwall, TX

Mrs. Johnson came forth, indicating she is speaking for both herself and on behalf of her husband. She went on to generally explain that she is in opposition of this project (a church) on this property. She is a member of First Baptist Church, she grew up here, graduated from Rockwall High School, and she has seen a lot of growth and changes in the city over time. She indicated that she would prefer a coffee shop or a nail salon at this location, and she would probably walk over and use a nail salon from time-to-time. She went on to express that she is concerned about the hundreds of cars, including where even more cars may park for 'overflow parking.' She is concerned about the property value of her home and other homes in the Park

Place subdivision. She pointed out that line of cars is already backed up daily related to Dobbs Elementary School traffic, and a church at this location will just exacerbate the traffic concerns. She is against this request this evening.

Cynthia Olson
1039 St. Thomas Ct.
Rockwall, TX 75087

Mrs. Olson came forth and shared that she is a Christian, and she loves that she lives in a community that opens its public (Council) meeting with prayer. She is very disappointed that the first speaker came forth and essentially threatened the city with a lawsuit. She shared that Crosspoint is already a large church, and they are planning to build a church to accommodate 750 to 1,000 people. Also, they will likely make plans for future expansion as well. She has concerns about 30 minutes being allotted in between Sunday morning church services – she does not believe this is an adequate timeframe for drivers to come and go in between. She understands that previous churches expressed interest in this property but were told 'no.' Perhaps those previous churches would have been smaller and have less of an impact. She generally has concern about the increased traffic. In addition, a lot of investment has been made to Harry Myers Park, including its playground and the disc golf course. She wonders what sort of negative impact this church may have on that city park. She knows many of her neighbors have embraced this proposed church project; however, she wonders if we are allowing 'popular decision' to dictate zoning in this community. She generally spoke in opposition of approval of this case.

Rick Carroll
1523 Shady Grove Circle
Rockwall, TX

Mr. Carroll came forth and spoke on behalf of the Child Advocacy Center, which is currently located right adjacent to this property. He believes that the CAC will be able to positively interact with the church, its leadership and its members. He generally spoke in favor of approval of this request this evening.

Mike Mishler
1009 Ivy Lane
Rockwall, TX

Mr. Mishler shared that he knows Washington Street will eventually be reconstructed to a four-lane roadway. He thinks that Sunday mornings will be a good, ideal time for there to be increased traffic in this area. He seemed to generally speak in favor of this request this evening.

David David
1020 St. Charles Court
Rockwall, TX

Mr. David commented on other types of businesses that could possibly occupy this land/location if the church is not approved and does not move in (including restaurants and other 'higher use'

type developments). Those other possibilities could be a lot worse than a church. He urged the Council to consider those things and what is best for Rockwall when voting.

Frosine Rubertino
1048 Michael Gardens
Rockwall, TX

Mrs. Rubertino came forth and shared that she is not going to criticize what other speakers have shared this evening. She spoke about the Hometown Vision Plan (which is the city's comprehensive plan) as related to the concept of 'community character.' She does not believe that things like 'light commercial' or 'retail' or 'industrial' meet the vision of the city's Comp Plan and of the community. She can think of nothing better to have next door to her home than a church, especially this one. She generally spoke in favor of this request.

Joe Rubertino
1048 Michael Gardens
Rockwall, TX

Mr. Rubertino came forth and shared that he disagrees that this church has already divided the community. He also disagrees that this project won't affect those who do not live on St. Thomas – it will affect others who live elsewhere in the Park Place subdivision too. He acknowledged there will be more traffic. He's only lived here 2.5 years, as he just moved here that long ago from Ohio. He enjoys the lights and kids and 'community' that gathers and creates additional traffic, lights, and people from nearby ball fields (including the high school football field on Friday nights), and he equates a church and all that comes with it to being very similar to that. He wishes those who are opposed would try to come together and find some common ground so that we can all get along. He generally spoke in favor of this church project and its approval this evening.

Marsha Mason
901 Ivy Lane
Rockwall, TX

Mrs. Mason shared that she has been friends with the pastor and his family for about 20 years. She is, without reservation, in favor of this church and its request this evening. She went on to share examples of other, potential businesses could possibly be built on this tract of land if the church is not approved and built. She prefers to coexist with the church than any other business that could otherwise, potentially be built at this location. She generally spoke in favor of approval of this request.

Ky Martin
266 Windy Lane
Rockwall, TX

Mr. Martin came forth and shared that he is the pastor of this church and also a member of the community. He went on to speak in favor of approval of this request this evening. He went on to share all the ways that his church is involved in the community, including related to various non-profit organizations and the police department. He pointed out how much his and other

churches help serve the community and its citizens. He strongly believes the church is the 'highest and best use' that can be found for this particular piece of property. He generally urged the Council to approve this request this evening.

Bruce Ivey
1026 St. Thomas Ct.
Rockwall, TX 75087

Mr. Ivey came forth and shared that the church presented that 260 cars per service (with three services) are anticipated every Sunday morning. The roadway on Washington is in bad condition. The Park Place HOA Board of Directors sent a letter to the City Council; however, that letter was not voted on by the residents who actually live in the subdivision. He went on to share that Jean Conway, who serves on the city's Planning & Zoning Commission, is a spouse to a man who sits on the Park Place HOA Board. He therefore believes Mrs. Conway should have recused herself from voting on this case when it went before the P&Z Commission. He has no problem with churches, in general, but he believes there will be bumper-to-bumper traffic. He believes that the traffic will end up driving down Park Place Blvd., and he is not in favor of this. He attends a large church elsewhere in the community. He recently asked himself "if this were my church that was going to be built at this location, would I be in favor of it?" The answer he gave himself was 'no, he would not be in favor of it.' He generally spoke in opposition of this case being approved this evening.

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

Councilmember Moeller asked the applicant to come forth to answer several questions.

Mayor Pro Tem Johannesen spoke, sharing extensive thoughts regarding various points of view that have been brought up by various people who have both emailed the Council and spoke at the public meetings. He shared that the city always has a traffic-related plan for its annual 4th of July fireworks event at Harry Myers Park. He believes the city's thoroughfare plan will result in a wider, better roadway being built in the future. Mr. Miller explained that it will end up being a four-lane divided roadway. However, the city is at the mercy of TXDOT, as it is a state roadway, so funding and construction will be up to the State. Johannesen went on to share his various thought processes related to the many thoughts and concerns that have been expressed by both the speakers who shared thoughts in opposition to approval of this request and those who've expressed support for it.

Councilmember Macalik wonders – if traffic does become problematic in the future – would the church consider employing off-duty police officers to direct traffic. The pastor indicated that – yes – the church would absolutely be open to doing so should that become necessary and be helpful. She is not sure if traffic accidents in this area have been a result of the roadway itself or a result of drivers themselves.

Mayor Fowler asked if this project would need a 'traffic impact analysis.' Mr. Miller went on to share that the church is not considered to be creating a 'higher intensity use,' so one is not necessarily required.

Councilmember Jorif went on to share his own comments regarding this case. He believes everything comes down to 'the best use' for this piece of property, and he cannot think of a better use at this location. He pointed out that what ends up going here, if it isn't the church, could be a lot worse (i.e. past examples with the Kroger and the Tom Thumb). He generally expressed support for approval of this case this evening.

Councilmember Macalik asked for clarification on the church's relationship with First Liberty (Mr. Mateer, the first public speaker this evening who is an attorney). Pastor Sutton generally indicated that one ZOOM call has transpired with the church and Mr. Mateer.

Following additional comments, Councilmember Macalik moved to approve Z2022-055. Councilmember Daniels seconded the motion. Mayor Pro Tem Johannesen provided additional, brief comments. The ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 87 (PD-87) [*ORDINANCE NO. 18-46*] 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. 18-46*, BEING A 16.26-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, INDALLOY ADDITION AND TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, 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 the case / ordinance passed by a vote of 7 ayes to 0 nays.

XII. ACTION ITEMS

1. Discuss and consider adoption of an **ordinance** authorizing the issuance and sale of City of Rockwall, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2023; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Sam Gill, the city's bond counsel with McCall, Parkhurst and Horton and Dan Mahoney, Financial Advisory with Hilltop Securities, came forth and spoke to Council to brief them on the bond sale that happened this morning. The information in the presentation covered details pertaining to this agenda item as well as the next one (Action Item #2). Mr. Gill briefly explained that these two agenda items are related to the city's issuance of Certificates of Obligation, which were

successfully priced in the bond market today. The second item is related to the issuance of GO bonds for new money street projects which were approved in elections in 2012 and 2018. A refunding component is also part of that, and it has saved the city some money today. These two ordinances and associated documents will authorize the sales. Bond purchase agreements have been negotiated on behalf of the city with investment bankers who have purchased the bonds and will sell them to investors. Mr. Gill went on to share brief details of 'next steps' moving forward in the process.

Mr. Mahoney then came forth and provided the Council with a detailed presentation on the bond sales that occurred today on behalf of the city. He generally shared that the bond sale was very successful for both the GO and CO bonds. The yields were better than expected, and investor interest was strong overall. The bond ratings on the offerings of the securities were rated very high by both Standard and Poors and Moody's.

Following Mr. Mahoney's presentation, Mayor Pro Tem Johannesen moved for approval of the ordinance authorizing the issuance and sale of City of Rockwall, Texas, combination tax and limited surplus revenue certificates of obligation, series 2023; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 22-63

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

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

2. Discuss and consider adoption of an **ordinance** authorizing the issuance and sale of City of Rockwall, Texas General Obligation Refunding and Improvement Bonds, Series 2023; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date and enacting other provisions relating to the subject.

Mayor Pro Tem Johannesen moved for approval of the ordinance authorizing the issuance and sale of City of Rockwall, Texas general obligation refunding and improvement bonds, series 2023; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 22-64

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2023; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

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

3. Discuss and consider adoption of a resolution setting solid waste collection rates, and take any action necessary.

Mrs. Smith shared that this rate increase is part of the solid waste collection contract in place with Republic Waste. The contract sets a 3% rate increase annually. The rate increase for garbage collection, coupled with the rate increase for household hazardous waste collection services will result in a .73 cent increase per month for residents. Following Mrs. Smith's comments, Councilmember Jorif moved to approve the resolution. Councilmember Macalik seconded the motion, which passed unanimously of Council present (7 to 0).

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 (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).

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

Council did not convene in Executive Session following the close of the public meeting agenda.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3rd DAY OF JANUARY, 2023.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY

CITY OF ROCKWALL TEXAS