

**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 JOHANNESSEN**

**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 UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SP) 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 PENALTIES; 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. 22-24**

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF 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 PROPERTY, 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 DESCRIBED 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 EFFECTIVE 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 OF 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 PROPERTY, 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 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 fencing 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 19<sup>th</sup>. 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 21<sup>st</sup>. 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  
16<sup>th</sup> DAY OF MAY, 2022.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

