
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 SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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