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**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, November 15, 2021 - 4:30 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Fowler called the public meeting to order at 4:30 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt and Councilmembers Dana Macalik, Bennie Daniels and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Councilmembers Clarence Jorif and Trace Johannesen were absent from the meeting.

**II. WORK SESSION**

1. Hold a work session with Robert Weinstein of WB Companies to discuss the potential development of a Mixed-Use Development (*i.e. Age Restricted Multi-Family Apartments, Retail/Restaurant, and Office land use*) on a 12.1148-acre tract of land identified as Tract 2 of the D. Atkins Survey, Abstract No. 1, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 4 (PD-4) for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, and generally located in between Lakedale Drive and Becky Lane on the eastside of Ridge Road [FM-740].

Following brief, introductory comments by Mayor Fowler, Mr. Weinstein came forth and addressed the Council concerning this work session item. He essentially presented his proposal for an age-restricted / older, active adults (seniors) apartment complex with retail space, a restaurant, 300 apartment units, and two pickle ball courts. Sixty percent of the units would be one bedrooms, and forty percent would be two bedrooms. Indication was given that the age-restriction will be for those age 55 years old and above. The City attorney indicated that there would be no city ability to enforce any sort of age restriction. It would instead need to be done by 'deed restrictions,' and any non-compliance would have to be addressed in court. General discussion ensued pertaining to the difficulties associated with enforcing 'age restrictions' on a piece of property / on a development in Texas. Mayor Fowler shared that he is only one vote among his other, fellow council members, but for him personally, he has issues with a 'multi-family' product being built at this location. He believes the adjacent neighborhood and the town as a whole (citizens) would be resistant to "multi-family" being built on this piece of property. Councilmember Daniels shared that there is nothing that could be added to or changed regarding Mr. Weinstein's presentation (for 'multi-family') that would change his mind and make him vote 'for' apartments at this location.

Council took no formal action pertaining to this work session item.

Mayor Fowler then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 4:58 p.m.

**III. EXECUTIVE SESSION.**

**THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

1. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding the city's concession agreement with Harbor Bay Marina Corporation, pursuant to Section 551.071 (Consultation with Attorney).

**IV. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 5:20 p.m.**

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

**Mayor Fowler reconvened the public meeting at 6:00 p.m.**

**VI. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK**

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

**VII. PROCLAMATIONS / AWARDS / RECOGNITIONS**

1. 'Happy 30th Anniversary, Rockwall County Sheriff's Posse' Day

**Mayor Fowler called forth Rockwall County Sheriff's Posse member, Deryl Peoples. He then read and presented him and his organization with this proclamation, commemorating the organization's 30<sup>th</sup> anniversary.**

**VIII. OPEN FORUM**

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

**Russell Phelps  
214 Alta Vista Drive  
Rockwall, TX**

**Mr. Phelps came forth to address the Council concerning a greenbelt that is located behind his home. He provided a series of photos pertaining to said greenbelt (located behind Walmart Neighborhood Market off SH-66). He pointed out that this area has not been designated as parking for the Walmart Neighborhood Market or a place to park equipment. He shared that heavy equipment (small tractors), trailers and other vehicles have been parked in this greenbelt area off and on for a while now, and the "no parking" signs are being ignored. He would like for someone to indicate that these individuals have a right to park there, or tell them to no longer park in that location.**

Harold Young  
1210 N. Goliad  
Rockwall, TX 75087

Mr. Young came forth and shared that he is the new Executive Director of the local YMCA. He wanted to introduce himself and invite any of the councilmembers to stop by and visit the "Y" to be his guest for a tour of the facilities. He thanked everyone for their recent support of the "Y's" Veteran's Day event.

There being no one else wishing to come forth and speak,

**IX. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

Mayor Pro Tem Hohenshelt made a motion to authorize the city manager to negotiate a 6 month extension to the existing concession agreement for Harbor Bay Marina. Councilmember Daniels seconded the motion, which passed by a vote of 5 in favor with 2 absences (Jorif and Johannesen).

**X. CONSENT AGENDA**

1. Consider approval of the minutes from the November 1, 2021 regular city council meeting, and take any action necessary.
2. **P2021-053** - Consider a request by Cameron Slown of Teague, Nall & Perkins, Inc. on behalf of Nick DiGiuseppe of Discovery Lakes, LLC for the approval of a *Final Plat* for Phase 1 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 36.42-acre tract of land identified as a portion of Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for Single-Family 10 (SF-10) District, generally located on the north side of SH-276 east of the intersection of SH-276 and Rochelle Road, and take any action necessary.
3. **P2021-054** - Consider a request by Chase Finch of Corwin Engineering, Inc. on behalf of Suresh Shridharani of Harlan Properties, Inc. for the approval of a *Final Plat* for the Emerson Farms Subdivision consisting of 107 single-family residential lots on a 138.756-acre tract of land identified as Tract 1 of the J. Lockhart Survey, Abstract No. 137, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 76 (PD-76) for Single-Family 1 (SF-1) District land uses, generally located on the east side of Dowell Road south of the intersection of Dowell Road and SH-276, and take any action necessary.
4. **P2021-055** - Consider a request Ryan King of Engineering Concepts & Design on behalf of Jose Campos of Saddle Star South Holdings, LLC for the approval of a *Final Plat* for Phase 2 of the Saddle Star Subdivision consisting of 77 single-family residential lots on a 29.001-acre tract of land identified as Tracts 1, 1-05, 2-03, & 2-07 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 79 (PD-79) for Single-Family 8.4 (SF-8.4) District land uses, situated within the SH-205 By-Pass (SH-205 BY OV) District, generally located east of the intersection of Featherstone Drive and N. John King Boulevard, and take any action necessary.
5. **P2021-056** - Consider a request by Greg Helsel of Spiars Engineering, Inc. on behalf of Bill Gietema of Arcadia Lakes of Somerset Holdings, LLC for the approval of a *Final Plat* for Phase 2 of the Somerset Park Subdivision consisting of 165 single-family residential lots on a 82.809-acre tract of land identified as Tract 7 of the A. Johnson Survey, Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 63 (PD-63) for Single-Family 10 (SF-10) District land uses, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and FM-549, and take any action necessary.

6. Consider a request by Nick Hobbs of BGE Engineering on behalf of Randall Schwimmer of Baker Schwimmer Ventures, LP for the approval of an Alternative Tree Mitigation Settlement Agreement associated with a Warehouse/Distribution Facility on a 23.071-acre tract of land identified as Tracts 25 & 25- 1, of the R. B. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, generally located on the southside of the IH-30 Frontage Road east of the intersection of Corporate Crossing and IH-30, and take any action necessary.
7. Consider authorizing the City Manager to enter into the Standard Utility Agreement with Texas Department of Transportation for the IH-30 utility relocates from Dalrock Road to State Highway 205, and take any action necessary.
8. Consider approval of Engineering Service Agreement with Pipeline Analysis, LLC, to provide engineering services for Sanitary Sewer Condition Assessments and authorize the City Manager to execute a contract for \$156,830.00, to be funded by the Water and Sewer Fund, and take any action necessary.
9. Consider authorizing the City Manager to execute an agreement between the City of Rockwall and Rockwall County for Animal Control Services, and take any action necessary.

**Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, and 9). Councilmember Macalik seconded the motion, which passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).**

#### XI. APPOINTMENT ITEMS

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

**Jerry Welch from the City's P&Z Commission came forth and briefed Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. No action was taken as a result of this appointment item.**

#### XII. PUBLIC HEARING ITEMS

1. **Z2021-043** - Hold a public hearing to discuss and consider a request by Kenneth A. Selden on behalf of Johnathan Brown for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.426-acre tract of land identified as a portion of Lot 3, Block B, F & M Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 601 Kernodle Street, and take any action necessary **(1st Reading)**.

**Planning Director Ryan Miller shared background information concerning this agenda item. The applicant would like to construct a single-family home in this established subdivision. He briefed Council on the city's requirements according to the Unified Development Code. He showed elevation renderings of the home that the applicant would like to construct. This applicant already received approval from the city's Historic Preservation Advisory Board back in the year 2015. In addition, the city's P&Z Commission has recommended approval of this request. Of the notices that were sent out to adjacent property owners, three notices were received back in favor of this request, and no notices were received back in opposition.**

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

Johnathan Brown  
7814 Killarney Lane  
Rowlett, TX

The applicant introduced himself briefly and indicated that he and his family look forward to building this home and becoming a part of the Rockwall community by Christmas next year.

Mayor Pro Tem Hohenshelt moved to approve Z2021-043. Councilmember Campbell seconded the motion. The ordinance was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.426-ACRE TRACT OF LAND, IDENTIFIED AS A PORTION OF LOT 3, BLOCK B, F & M ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).

2. **Z2021-044** - Hold a public hearing to discuss and consider a request by Alex Flores for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.33-acre parcel of land identified as a Lot 2, Block M, Lake Rockwall Estates East Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 478 Renee Drive, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He showed elevations showing what the proposed home will look like, generally explaining that it does 'fit' with other, newer homes that have been constructed in this subdivision in recent years. Notices were sent out to adjacent property owners; however, no notices were received back.

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

Councilmember Macalik moved to approve Z2021-044. Councilmember Campbell seconded the motion.

Mayor Pro Tem Hohenshelt commented briefly that he really likes 'residential infill' in these established subdivisions, and he really appreciates people 'playing by the rules' and seeking Council's permission first before moving forward with construction.

Following brief comments, the ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.33-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK M, LAKE ROCKWALL ESTATES EAST ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).

3. **Z2021-045** - Hold a public hearing to discuss and consider a request by Vanio Dilov for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.1102-acre parcel of land identified as a Lot 40 of the Chandler's Landing Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 418 Columbia Drive, and take any action necessary (1st Reading).

Mr. Miller indicated that this property is located within Phase II of the Chandler's Landing Subdivision. The applicant is proposing to build a new, single-family home that is 2,094 square feet. The only regulation this proposal does not meet is the city's garage setback requirements; however, what is being proposed in this case is not out-of-the-ordinary for other, existing homes within the Chandler's Landing subdivision. Notices were sent out to adjacent property owners and the homeowner's associations; however, staff did not receive any responses back as a result of those notices.

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

Following brief comments, Councilmember Macalik moved to approve Z2021-0045. Councilmember Campbell seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 21-XX

**SPECIFIC USE PERMIT NO. S-2XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [ORDINANCE NO. 84-04] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1102-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 40 OF THE CHANDLERS LANDING, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**The motion passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).**

4. **Z2021-046 - Hold a public hearing to discuss and consider a request by Mike Peoples for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing two (2) *Agricultural Accessory Buildings* and an *Animal Shelter/Loafing Shed* on a 42.66-acre tract of land identified as Tract 7 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1700 E. SH-66, and take any action necessary (1st Reading).**

**Planning Director, Ryan Miller provided background information pertaining to this agenda item. On this property, structures, including a detached garage and an 'animal shelter' (loafing shed) were both constructed without permits having been obtained prior to their being built. Mr. Miller went on to provide lengthy details pertaining to this case / request. Indication was given that the applicant's request does not have any negative impact on adjacent property owners because the property is so large. Notices were sent out to adjacent property owners, and four notices were received back in favor of this request. In addition, the P&Z Commission did vote 4 to 1 to recommend approval of this request to the City Council at this time.**

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

**Bob Wacker  
309 Featherstone  
Rockwall, TX**

**Mr. Wacker asked for clarification on the structure that was constructed within the floodplain. Indication was given that it was illegally built and that a court case concerning the matter is pending at this time.**

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

Mayor Pro Tem Hohenshelt asked the applicant why he did not comply with the city's regulations the first time around.

Mike Peoples  
1700 E. SH-66  
Rockwall, TX

Mr. Peoples explained that the structure was built because he needed a place to store his equipment and hay for his cattle. He apologized for not doing things the right way, but he indicated that he is going to pay the penalties, and he will move the structure out of the floodplain.

Councilmember Daniels asked for clarification on the time limit that the applicant will have to relocate / move the structure that's been built in the floodplain. Mr. Miller shared that, essentially, the applicant will have one year to come into compliance with the terms of the SUP. If he does not comply within that one-year timeframe, the city will have to pursue court action in order to achieve compliance. Councilmember Daniels pointed out that Mr. Peoples built multiple structures without obtaining permits to build them. He generally expressed a lack of confidence in Mr. Peoples doing what he says he will do (move the structure out of the flood plain). General discussion took place among staff, the Council and the city attorney pertaining to possible, future enforcement action (i.e. Code Enforcement citation(s) that would need to be issued and then be moved into the court system in order to ultimately gain compliance).

Following brief questions from Councilmember Campbell, Mr. Peoples promised to move the shed and relocate it out of the floodplain if the Council does vote in favor of his request(s) this evening.

Mayor Fowler moved to approve Z2021-046 with the stipulation that there be no additional building permits issued until the applicant comes into compliance. Councilmember Macalik seconded the motion. The ordinance was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW TWO (2) AGRICULTURAL ACCESSORY BUILDINGS AND AN ANIMAL SHELTER OR LOAFING SHED ON A 42.66-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 7 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO



**THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**The motion passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).**

5. **Z2021-047** - Hold a public hearing to discuss and consider a request by Andrea Danley on behalf of Mike Peoples for the approval of an ordinance for a Specific Use Permit (SUP) allowing an *Animal Shelter/Loafing Shed* on a 14.219-acre tract of land identified as Tract 10-03 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 555 Cornelius Road, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This property is currently zoned "Agricultural," and this request is essentially to replace an existing "animal shelter" / loafing shed, (a small barn) that is in grave disrepair, with a newly constructed loafing shed. What the applicant is proposing to build does meet the city's standards within an "AG" zoned district. The P&Z Commission has recommended approval of this request this evening. In addition, notices were sent out to adjacent property owners, and three were received back in favor of this request.

Mayor Fowler opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he closed the public hearing.

Councilmember Campbell moved to approve Z2021-047. Councilmember Daniels seconded the motion, and the ordinance caption was read as follows:

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ANIMAL SHELTER OR LOAFING SHED ON A 14.219-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 10-03 OF THE WILLIAM DALTON SURVEY, ABSTRACT NO. 72, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**The motion passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).**

**XIII. ACTION ITEMS**

1. Discuss and consider filling vacancy on the city's Architectural Review Board and (re)appointments to the Rockwall Economic Development Corporation (REDC), and take any action necessary.

Mayor Pro Tem Hohenshelt moved to reappoint board members Rick Johnson and Matthew Neyland to serve an additional two-year term on the Rockwall Economic Development Corporation (REDC) Board. Mayor Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).

Councilmember Daniels moved to appoint Robert McAngus to the city's Architectural Review Board (ARB) to replace former board member, Lindsay Mitchell, for an initial term that will expire in August of 2022. Mayor Fowler seconded the motion, which passed by a vote of 5 ayes with 2 absences (Jorif and Johannesen).

**XIV. EXECUTIVE SESSION.**

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding possible sale/purchase/lease of real property off of John King Blvd pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
2. Discussion regarding the city's concession agreement with Harbor Bay Marina Corporation, pursuant to Section 551.071 (Consultation with Attorney).

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

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

**XVI. ADJOURNMENT**

Mayor Fowler adjourned the meeting at 7:03 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6<sup>th</sup>  
DAY OF DECEMBER, 2021.**

  
\_\_\_\_\_  
KEVIN FOWLER, MAYOR

ATTEST:

  
\_\_\_\_\_  
KRISTY COLE, CITY SECRETARY

