

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 JOHANNESSEN

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; PROVIDING 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

