

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, June 07, 2021 - 4:30 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 4:30 p.m. with the following Council and staff being present: Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Council Members Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels, and Anna Campbell. Also present were Interim City Manager, Mary Smith and Assistant City Manager, Joey Boyd. City Attorney, Frank Garza arrived to the meeting and joined Ex. Session at 5:31 p.m.

Mayor Fowler then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding appointment of Presiding Judge and Associate Judge of the Rockwall Municipal Court, including conducting associated interviews, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding city council subcommittees and board liaison designations, pursuant to Section, §551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 6:00 p.m.

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

Mayor Fowler reconvened the public meeting at 6:03 p.m. with all seven council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JOHANNESSEN

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

VI. PROCLAMATIONS

1. Certificate of Merit - Rockwall Police Officer Michael Manuel

Mayor Fowler and Chief Geron called forth Officer Manuel and his guest. They then presented him with this Certificate of Merit in recognition of the "anonymous tips sharing" program he created at Utley Middle School called, "Thought You Should Know, SRO."

2. "2020 Large Partner of the Year" - City Award from Rockwall Area Chamber of Commerce

Darby Burkey, Director of the Chamber of Commerce, came forth and provided the City and its leaders with various compliments, especially pertaining to how the city responded to and handled the COVID-19 pandemic that was so prevalent last year. She shared details of the process associated with how it came to be that the City of Rockwall was chosen as

the Chamber's "Large Partner of the Year" for 2020. She then congratulated the city and its leaders for receiving this honor.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted and asked if anyone would like to come forth and speak at this time. There being no one indicating such, he then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Hohenshelt moved to appoint Matt Scott as Presiding Municipal Court Judge. Councilmember Daniels seconded the motion, which passed by a vote of 6 in favor with 1 against (Campbell). Hohenshelt move to appoint Ryan Lee as Associate Municipal Court Judge. Councilmember Johannesen seconded the motion, which passed by a vote of 5 in favor with 2 against (Campbell and Jorif).

IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 17, 2021 regular city council meeting, and take any action necessary.
2. **P2021-022** - Consider a request by Bryan Connally of CBG Surveying Texas, LLC on behalf Helen Comeav Neller for the approval of a Final Plat for Lots 1 & 2, Block A, Neller Addition being an 11.368-acre parcel of land identified as Lot 7, Block 1, Lofland Lake Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estates 4.0 (SFE-4.0) District, addressed as 2380 FM549, and take any action necessary.
3. **P2021-023** - Consider a request by Cameron Slown, PE of Teague, Nall & Perkins on behalf of Rockwall Rental Properties, LP for the approval of a Replat for Lot 12 & 13, Block 1, Alliance Addition, Phase 2 being a 4.992-acre tract of land identified as Lots 8, 9, 10, & 11, Block 1, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Commercial (C) District land uses, located at the southeast corner of Horizon Road [FM-3097] and Andrews Drive, and take any action necessary.
4. **P2021-024** - Consider a request by Scott H. Johnson for the approval of a Replat for Lot 1, Block A, Johnson Addition being an 0.24-acre parcel of land identified as Lot E, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 505 E. Bourne Street, and take any action necessary.
5. **P2021-025** - Consider a request by Austin McDaniel of Landev Engineers on behalf of Josh Kirby for the approval of a Replat for Lot 2, Block 1, Our Savior Lutheran Church Addition being a 4.0152-acre parcel of land identified as Lot 1, Block 1, Our Savior Lutheran Church Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 13 (PD-13), addressed as 3003 Horizon Road [FM-3097], and take any action necessary.
6. **P2021-027** - Consider a request by Keaton Mai of the Dimension Group on behalf of Russell Phillips of Rockwall 205 Investors, LLC for the approval of a Preliminary Plat for Lots 1-14, Block A, Creekside Commons being a 34.484-acre tract of land identified as Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [SH-205] and S. FM-549, and take any action necessary.
7. **P2021-028** - Consider a request by Akhil D. Vats for the approval of a Replat for Lot 9, Block A, Ellis Centre, Phase Two Addition being a 0.70-acre parcel of land identified as Lot 6, Block A, Ellis Centre #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, located at the western corner of the intersection of Alpha Drive and Beta Drive, and take any action necessary.
8. **Z2021-008** - Consider a request by Lance Tyler on behalf of the owner Mike Worster for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill Adjacent to an Established Subdivision*, an *Accessory Building*, and a *Guest Quarters/Secondary Living Unit* for the purpose of

constructing a single-family home, accessory building, detached garage, and guest quarters/secondary living unit on a 8.011-acre tract of land identified as Tract 19-2 of the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 5 (PD-5) for Single-Family 8.4 (SF-8.4) District land uses, addressed as 550 E. Quail Run Road, and take any action necessary **(2nd Reading)**.

9. **Z2021-009** - Consider a request by Michael Morgan on behalf of the owner Gary Scott Barron for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.16-acre parcel of land identified as Lot 9, Block D, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 704 Parks Avenue, and take any action necessary **(2nd Reading)**.
10. Consider approving an amendment to the professional engineering services contract with Birkhoff, Hendricks and Carter, LLP, to prepare the engineering design and construction plan for the FM-552 Utility Relocation Project in an additional amount not to exceed \$244,310.00, to be paid out of the Water and Sanitary Sewer Fund, and taken any action necessary.
11. Consider approval of the funding recommendation from the Hotel Occupancy Tax subcommittee for the 2021 Texas Canine Workshop in the amount of \$13,600 and authorize the Interim City Manager to execute a contract for the conference funding, and take any action necessary.
12. Consider an amendment to the operating budget for fiscal year 2021 in the amount of \$289,283.54 for electric ancillary services charges to Gexa Energy to be paid from General Fund Reserves, and take any action necessary.

Councilmember Macalik moved to approve the Consent Agenda, as presented.
Councilmember Jorif seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-19
SPECIFIC USE PERMIT NO. S-246**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5) [*ORDINANCE NO. 19-38*] 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 ADJACENT TO AN ESTABLISHED SUBDIVISION, A GUEST QUARTERS/SECONDARY LIVING UNIT, AND AN ACCESSORY STRUCTURE THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME, ACCESSORY STRUCTURE, DETACHED GARAGE, AND GUEST QUARTERS/SECONDARY LIVING UNIT ON AN 8.011-ACRE TRACT OF LAND, IDENTIFIED AS TRACT 19-2 OF THE S. S. MCCURRY SURVEY, ABSTRACT NO. 146, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.*

**CITY OF ROCKWALL
ORDINANCE NO. 21-20
SPECIFIC USE PERMIT NO. S-247**

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 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 9, BLOCK D, FOREE 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.

X. ACTION ITEMS

1. **Z2021-011** - Discuss and consider a request by Kristi Bryant for the approval of an ordinance for a *Specific Use Permit (SUP)* for an *Accessory Building* to allow an existing greenhouse on a 0.496-acre tract of land identified as Lot 5 & 6, Block A, Highridge Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 710 & 804 S. Alamo Road, and take any action necessary (2nd Reading).

Mr. Miller shared that this was placed as an "Action Item" because it did not receive a unanimous vote of approval at the last council meeting (4 ayes to 3 nays last time, upon 1st reading). Mayor Fowler pointed out that this property is located on a 'double lot,' so the scale is a little bit improved in this regard. Following brief comments, Councilmember Macalik moved to approve Z2021-011 and the associated ordinance. Mayor Fowler seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-21
SPECIFIC USE PERMIT NO. S-248**

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 *ACCESSORY BUILDING* THAT EXCEEDS THE MAXIMUM ALLOWABLE SIZE ON A 0.496-ACRE TRACT OF LAND, IDENTIFIED AS LOTS 5 & 6, BLOCK A, HIGHRIDGE ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve failed by a vote of 3 ayes with 4 nays (Jorif, Hohenshelt, Daniels, Campbell voted against).

2. **Z2021-013** - Discuss and consider approval of an ordinance for a *Text Amendment* to Subsection 06.15, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of clarifying the requirements for temporary structures on leased property within the takeline area (2nd Reading).

Mayor Pro Tem Fowler recused himself from this agenda item, so Mayor Pro Tem Hohenshelt facilitated this item. Councilmember Johannesen moved to approve Z2021-013. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-22**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SUBSECTION 06.15, LAKE RAY HUBBARD TAKELINE OVERLAY (TL OV) DISTRICT, OF ARTICLE 05, DISTRICT DEVELOPMENT STANDARDS, AS DEPCITED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 in favor with 1 recusal (Fowler).

3. Discuss and consider a resolution approving a Multiple Use Agreement with the Texas Department of Transportation (TXDOT) for the City flagpole project on State right-of-way located between the Interstate 30 service road and Laguna Drive, including project update and associated budget, and take any action necessary.

Councilmember Bennie Daniels began discussion of this item, providing a history of this topic up until this point in time. He then called upon Assistant City Manager, Joey Boyd, to provide additional details concerning this project. Councilmember Johannesen went into a bit of detail concerning how incredibly tall and large this flagpole and flag will be, explaining that it will be an incredible display of patriotism for Rockwall and this community. Daniels went on to explain that benches and landscaping will eventually be installed, and this will be a place where folks will be able to gather for "Flag Day" and other important, patriotic type holidays to hold brief ceremonies / events.

Jim Pruitt
110 S. Goliad
Rockwall, TX

Mr. Pruitt (recent, former Mayor) came forth and provided brief comments concerning this topic, in part, thanking Councilmember Daniels for all of his persistency and hard work on this flag-related project. He believes this will be a large benefit to the City of Rockwall.

Councilmember Daniels made a motion to approve the resolution and the Multiple Use Agreement with TXDOT, including approval of the associated budget. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

4. Discuss and consider the "Discovery" Sculpture Project, including authorizing the project budget in the amount of \$324,800, and take any action necessary.

Mayor Fowler explained that this is a project that has been ongoing for a long number of years. Lorne Leichty recently contacted Fowler, explaining that he is willing to champion this project and move it forward in order to finally get it completed. This life size rendering of "Discovery," which commemorates in a cast bronze statue / piece of artwork the

founding of “Rockwall” by early settlers who discovered the wall for which the city and county are named, would be placed on the downtown square on the corner of the courthouse property (diagonally across from where Zanata restaurant is currently located). He went on to explain that the city’s fund balance is healthy, and – in light of pricing that continues to increase more and more as time passes – the City would like to get this project funded and moving along in time for an unveiling by “Founders Day” of next year (2022).

Councilmember Macalik moved to approve the “Discovery” sculpture project, including authorizing the funding in the amount of \$324,800. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

5. Discuss and consider an ordinance granting a Franchise Agreement to Si Energy, L.P. to provide natural gas service in the City of Rockwall, and take any action necessary.

Two gentleman from Si Energy – Daniel Pope, Vice President of Business Development and David Oliva, Director of N. TX Business Development - came forth and provided a brief presentation to Council concerning this agenda item. The stated business address was as follows: 13215 Bee Cave Pkwy, Suite B250 Bee Cave, TX 78738. Mr. Pope then proceeded to provide Council with details concerning the company, new infrastructure the company will put in, how the business is run, etc. They have just over 33k active customers and an additional 164k+ residential lots under contract for service. They provide services from NW Fort Worth to SW Houston.

Mayor Fowler shared that Atmos is the only competitor to this energy company. Indication was given that a 5% franchise fee will be collected by the City, as reflected in the proposed Franchise Agreement.

Following brief comments, Councilmember Johannesen moved to approve the ordinance and authorize execution of the franchise agreement. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 21-___**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, GRANTING TO SIENERGY, L.P. A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF TEN (10) YEARS TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND TO TRANSPORT, DELIVER, SELL, AND DISTRIBUTE GAS IN AND OUT OF AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

XI. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Monthly Report - April 2021
2. Fire Department Monthly Report - April 2021
3. Parks & Rec. Monthly Report - April 2021
4. Police Department Monthly Report - April 2021

5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Mayor Fowler thanked the city's Parks and Rec Department and staff for all their hard work on a successful Founders Day Festival.

XII. EXECUTIVE SESSION.

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

1. Discussion regarding appointment of Presiding Judge and Associate Judge of the Rockwall Municipal Court, including conducting associated interviews, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding city council subcommittees and board liaison designations, pursuant to Section, §551.074 (Personnel Matters)

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda. See action taken at the start of the 6:00 p.m. portion of the meeting for action taken at that time.

XIV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:51 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ON THIS 21st
DAY OF JUNE, 2021.**



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY COLE, CITY SECRETARY

