

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 16, 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 5:01 p.m. Present were Mayor Kevin Fowler and Councilmembers Clarence Jorif, Dana Macalik, Anna Campbell, Trace Johannesen, Bennie Daniels and Mark Moeller (newly elected and officially sworn in by City Secretary, Kristy Teague, prior to going into Ex. Session). Also present were Assistant City Manager, Joey Boyd and City Attorney, Frank Garza. City Manager, Mary Smith was absent from the meeting.

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 appointments to city regulatory boards and commissions, including interviews associated with the Planning & Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, §551.074 (Personnel Matters)**
- 2. Discussion regarding designation of Mayor Pro Tem, pursuant to Section §551.074 (Personnel Matters).**

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 6:00 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 CAMPBELL

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS / HONORS

- 1. Swearing in of Newly Elected City Councilmembers - Judge David Rakow**
 - Mark Moeller, Place 2**
 - Trace Johannesen, Place 4**
 - Anna Campbell, Place 6**

Judge David Rakow administered the Oath of Office to each of the above-named, newly elected city council members.

- 2. State Farm, Happy 100th Day**

Mayor Fowler read and presented this proclamation to three State Farm agents who were present at the council meeting this evening.

- 3. Public Works Week**

Amy Williams, Director of Public Works, came forth along with several members of her city staff (from both water and wastewater departments). Mayor Fowler then read and presented this proclamation. Ms. Williams provided several statements, generally and sincerely thanking these staff members for all they do to keep the city's water and wastewater systems up and running.

4. Recognition of Rockwall Youth Advisory Council's Graduating Seniors

Kristy Teague, City Secretary, along with Councilmembers Jorif and Campbell came forth to briefly recognize three graduating seniors – Mazie Johnson, Peyton Nielsen and Rylee Braaten. Each student briefly introduced themselves and stated their plans after high school graduation.

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted. He then, initially, called forth Jerry Welch of the city's Planning & Zoning Commission, who came forth and gave a brief summary of P&Z related recommendations relative to planning-related items on tonight's meeting agenda.

Mayor Fowler then asked if anyone else would like to come forth and speak during Open Forum.

**Mike Oswalt
2054 Pontchartrain
Rockwall, TX 75087**

Mr. Oswalt came forth and shared that he lives in Lakeside Village, and many times, he and his neighbors experience lake-goers who make quite a bit of noise late at night and even into the night. He generally expressed that he will appreciate the city helping enforce noise-related ordinances that might help alleviate these types of concerns. He will also appreciate the police department increasing patrols late at night in his neighborhood, especially during boating season. He went on to briefly express that he runs a volunteer, non-profit organization that provides therapeutic trikes to special needs kids. He urged anyone who may be in need in this regard to please contact him.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Fowler moved to appoint Trace Johannesen to serve as Mayor Pro Tem for the City of Rockwall. Councilmember Daniels seconded the motion. The motion passed by a vote of 6 in favor with 1 abstention (Jorif).

IX. CONSENT AGENDA

- 1. Consider approval of the minutes from the May 2, 2022, regular City Council meeting, and take any action necessary.**
- 2. Consider an ordinance amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members, and take any action necessary. (2nd reading)**
- 3. P2022-015 - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Preliminary Plat for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.**

4. **P2022-016** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Master Plat for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 & 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 & 26 and all of Tract 13 & 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.
5. **P2022-017** - Consider a request by Humberto Johnson, Jr. of the Skorburg Co. on behalf of John Arnold of Falcon Place SF, LTD for the approval of a Final Plat for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 & 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.
6. **P2022-020** - Consider a request by Heather Cullins on behalf of Shirley Smith of Smith Family Acres, LLC for the approval of a Preliminary Plat for the Smith Family Acres Subdivision consisting of four (4) single-family residential lots on a 44.525-acre tract of land identified as Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located on the west side of John King Boulevard north of the intersection of John King Boulevard and FM-552, and take any action necessary.
7. **P2022-018** - Consider a request by Brian Jones for the approval of a Replat for Lots 1 & 2, Block A, North Alamo Addition being a 2.1325-acre tract of land identified as Block 15, 15B, 15C & 16 of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 401, 405, 501 & 503 N. Alamo Road, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda, as presented (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Macalik seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-27**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CH. 36. STREETS, SIDEWALKS AND PUBLIC PLACES; ARTICLE IV. ART IN PUBLIC PLACES MASTER PLAN; DIVISION 2. ART REVIEW TEAM (ART) COMMISSION; SEC. 36-77. "ESTABLISHED," SUBSECTION (a)(1)a. "COMPOSITION" TO CHANGE THE REQUIRED COMPOSITION FROM A FIVE (5) MEMBER COMMISSION TO A SEVEN (7) MEMBER COMMISSION; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

X. APPOINTMENT ITEMS

1. Appointment with the Rockwall Youth Advisory Council (YAC) to hear year-end presentation, and take any action necessary.

Three YAC members, including (YAC Chairman) Peyton Nielsen, Jaxson Stuart, and Morgan Crosby, came forth and briefed the Council on the monthly activities of the group over the course of this past school year. They also provided a brief budgetary/financial overview as well. Council took no action as a result of this appointment item.

2. Appointment with Jim Rosenberg to discuss and consider authorizing the City Manager to execute a concession agreement between the City of Rockwall and Harbor Bay Marina Corporation, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed Council on the high points of the updated concession agreement between the City and Harbor Bay Marina, which he indicated has been worked on by staff, the city attorney and Mr. Rosenberg for the last twelve to eighteen months. In addition, the City of Dallas and the Lakeside Village HOA have also been part of the document creation/review. Under this new agreement, as part of its five year plan, the Styrofoam that is currently breaking loose will be replaced and then be fully encapsulated so it cannot break loose anymore. Also, the tires will be replaced with a concrete, breakwater system. Within 6-10 years, a fire standpipe system will be installed for fire protection purposes. Mr. Sales pointed out that there are provisions within the agreement that do address noise-related concerns.

Following Mr. Sales' brief comments, Mr. Rosenberg came forth and briefly addressed Council, indicating he has owned Harbor Bay Marina for the last thirty-three years. He stated that the facility is over fifty years old, and there will be major renovations that will occur under this new concessions agreement. Mayor Fowler indicated he initially had concerns about the long term associated with the agreement (25 years); however, considering the amount of investment that will be put into improving the facilities, he is ok with the twenty-five years. Councilmember Daniels then spoke, generally echoing the gentleman's comments who spoke this evening during Open Forum about "noise." Daniels shared that he himself lives in the Lakeside Village neighborhood. Although he personally lives on the other side of the neighborhood and does not hear 'lake related noise' late at night like some other neighborhood residents do, he knows that noise truly is a legitimate problem and concern. He would like the City to establish a concrete means by which residents are able to submit noise-related complaints and for the city to then be responsive to said complaints. He wants there to be a paper trail related to complaints so the city can determine over time if there is or is not a legitimate concern related to noise. He prefers that the public boat ramp be closed by a certain hour of the night; however, he acknowledged that Mr. Rosenberg opposes this idea. He did acknowledge that there are provisions within the contract that will allow for (noise) complaints to be addressed if / when those complaints become persistent and numerous enough. He trusts Mr. Rosenberg will get those sorts of complaints addressed if/when they arise. Councilman Daniels also pointed out that there is an area on the north side of the marina that is about 1/3 of an acre in size, and Mr. Rosenberg has agreed to allow the residents of Lakeside Village an opportunity to utilize that area for picnic and social type purposes. He also pointed out that there are objectives for every year within the "1-5 year plan" and for each year within the "6-10 year plan" under this agreement. There are provisions built into the language of the agreement that will essentially hold Mr. Rosenberg to those objectives throughout the first 10 years.

Following his comments, Councilmember Daniels moved to approve the Concessions Agreement between the City of Rockwall and Harbor Bay Marina Corporation. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. PUBLIC HEARING ITEMS

1. **Z2022-016** - Hold a public hearing to discuss and 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 (**1st Reading**).

Ryan Miller, Planning Director, provided background information pertaining to this agenda item, indicating this is not far from the intersection of Clem Road and Stodghill Road. The applicant would like to request a zoning change to allow for the future subdivision of this property overall. The property is designated for low-density residential zoning currently, which encompasses everything that is 2 units per gross acre or less. Notices were sent out to nineteen adjacent property/land owners; however, no notices were received back. The P&Z Commission has recommended approval of this request by a vote of 6 to 0.

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 Moeller then moved to approve Z2022-016, with staff recommendations. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**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.

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

2. **Z2022-017** - Hold a public hearing to discuss and 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 (**1st Reading**).

Planning Director, Ryan Miller provided background information related to this agenda item. The applicant approached staff back in March, and it was discovered that the property has been being used for a towing and impound yard; however, the certificate of occupancy that was issued by the city back in 2016 showed that the property was being used for 'office uses' only. The same company/owner utilizes the property directly south of this location for a towing/impound yard, and it does have an approved SUP that allows for that type of use on that southern property. When the applicant found out they were out of compliance with city regulations, they did remove all of the vehicles off of this particular property. Also, the applicant has submitted a concept plan that does reflect bringing things like the parking and landscaping up to compliance with the city's Unified Development Code. They also plan to provide screening for the proposed vehicle storage area with an existing fence that is currently in place today. He shared that the UDC does require an SUP for this type of land use, the issuance of which is a discretionary decision on the part of the city council. Mr. Miller went on to share that the P&Z Commission did vote 6-0 to recommend approval of this request to the

Council this evening. Twenty-eight notices were sent out to adjacent property and land owners, and two HOAs were also notified. Two notices were received back by the city “in favor” of this request.

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

Councilmember Campbell sought and received clarification from Mr. Miller concerning each of the properties mentioned associated with this request. She wonders how the city might be able to monitor and enforce the requirement that vehicles brought to the tow yard would not stay on-site for a period longer than seventy-five days. Mr. Miller acknowledged that enforcing this requirement would be challenging for the City.

The applicant came forth and shared that the business itself will have a company procedure in place that will consist of holding an online auto auction once every 45 days. So that will ensure that vehicles associated with people who failed to come pick them up will be auctioned off at that 45 day auction.

Following additional comments, Councilmember Macalik moved to approve Z2022-017. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**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.

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

3. **Z2022-018** - Hold a public hearing to discuss and 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 (1st Reading).

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. This property is located just north of the area of FM-549 and FM-1139. He went on to explain that the accessory building being proposed by this applicant will not be viewable by the public street(s). He explained that approval of an SUP to allow for an accessory building is a discretionary decision on the part of the Council. Notices were sent out to adjacent property

owners and residents located within 500' of the subject property. One notice was received back in favor, and one notice was received back in opposition.

Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time. The applicant was not present this evening, and no one indicated a desire to speak. So Mayor Fowler closed the public hearing.

Councilmember Moeller moved to approve Z2022-018, indicating that this is a large piece of property, and he has no issue with the applicant building a structure that is slightly larger than what the city would otherwise allow. Councilmember Daniels seconded the motion. The ordinance was read as follows:

**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.

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

4. **Z2022-019** - Hold a public hearing to discuss and 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 (**1st Reading**).

Mr. Miller, Planning Director, provided background information concerning this agenda item. This property is located just south of the intersection of Ranch Trail and Horizon Road, which is directly across from the Buffalo Creek subdivision, which is located in Heath's city limits. It is currently zoned both "Agricultural" and "Commercial" district. It currently has two homes on it, one of which appears to be utilized currently for commercial purposes, and it also has various accessory buildings on it. He explained that the applicant would like to rezone the property in order to allow for a mini warehouse facility along with numerous flex "office/warehouse" type buildings. He went on to explain that the proposed units – 12 buildings in total - will actually be individually deeded automobile storage/garage units that are considered to be 'luxury' in nature. Inside of the units, things like living rooms, media rooms and kitchens may be present – along with the ability to store automobiles – and they may also be utilized for office space uses. The units are a "for sale product" that are very unique in nature.

After additional comments related to the proposed “planned development district,” associated, potential land uses, infrastructure requirements, etc., Mr. Miller indicated that staff sent out notices to 16 adjacent property owners and land owners located within 500’ of the subject property (within the City of Rockwall’s city limits). Staff has not received any notices in return. In addition, the P&Z Commission did recently recommend approval of this request to City Council by a unanimous vote (6-0). The draft ordinance ties down the applicant’s concept plan and conceptual building elevations to ensure that what is built will generally conform to these things.

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.

The applicant’s representative then came forth and briefly addressed the Council.

Mr. Albert
6017 Main Street
Frisco, TX

Mr. Albert came forth and shared that this is a unique product that is much different than traditional auto storage products. After a few, additional comments, Mr. Albert shared that he is happy to answer any questions the council may have concerning this proposed “PD.”

Following brief questions and answers, Councilmember Johannesen moved to approve Z2022-019. Councilmember Campbell seconded the motion. Councilmember Macalik clarified that the neighborhood just adjacent to this property is located just across from the Buffalo Creek subdivision, which is not located within our own city limits. That is why those residents who live there were not notified. Councilmember Jorif received clarification that this request is in compliance with the city’s Master Plan. Following brief, additional comments, the ordinance caption was read as follows:

**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 XX (PD-XX) 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.

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

5. **Z2022-020** - Hold a public hearing to discuss and 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 (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This is located within the SH-276 Overlay District. The applicant would like to develop mini warehouses as well as "flex office warehouse." The development will have to meet all land use requirements associated with the city's "light industrial" district. This proposal does conform to the city's Comprehensive Plan. Twelve notices were sent out to adjacent property and land owners; however, staff did not receive any notices in return (neither "for" nor "against"). The P&Z Commission has recommended approval of this request to Council by a vote of 6 to 0.

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.

The applicant was asked if she'd like to come forth; however, she declined.

Councilmember Jorif moved to approve Z2022-020. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**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.

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

6. **Z2022-021** - Hold a public hearing to discuss and 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 (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This property is currently vacant and is located within Phase 4 of the Chandler's Landing subdivision. He went on to explain that Council is being asked to consider the size, location and architectural design of the proposed home when compared to nearby, existing residential

homes. This proposed home meets all the requirements of PD-8 and the Unified Development Code with the exception of the (front facing) garage and associated orientation. This is not an atypical request for the Chandler's Landing subdivision. 134 notices were sent out to adjacent property owners and residents located within 500' of the subject property; and staff received one notice back in opposition. In addition, the P&Z Commission did recommend approval of the request this evening by a unanimous vote (6-0, with Commissioner Womble absent). Many adjacent HOAs were also notified of this proposal.

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 Macalik moved to approve Z2022-021. Councilmember Campbell seconded the motion. The ordinance caption was read as follows:

**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 7 ayes to 0 nays.

XII. ACTION ITEMS

1. Discuss and 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. **(1st reading)**

Joey Boyd, Assistant City Manager provided brief comments concerning this agenda item. He generally shared that the previous gas franchise agreement with Atmos has expired. So it is now time to consider a new agreement. The term of the proposed agreement is 20 years, and it will provide the city with 5% of gross revenues. The city attorney has reviewed the agreement, and staff is happy to answer any questions Council may have.

Councilmember Jorif moved to approve the ordinance granting the franchise agreement. Mayor Pro Tem Johannesen seconded the motion. The ordinance caption was 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.

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

2. Discuss and consider appointments to the city's ART Commission, and take any action necessary.

Regarding the two new seats that have now been added to the ART Commission, Councilmember Macalik moved to appoint Kindsay Carter to the ART Commission for an initial term to run from June 1st thru August of 2023. In addition, in her same motion, Councilmember Macalik also moved to appoint Christopher Kingsley to the ART Commission for a partial term from June 1 thru August of 2022 and thereafter continue serving a full, two-year term thru August of 2024. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Following the public agenda and associated discussions noted above, Mayor Fowler indicated that Council did not finish its Executive Session discussions prior to the start of the 6:00 p.m. public meeting. Therefore, he recessed the public meeting at 7:24 p.m. to go back into Ex. Session (to discuss the below-listed items, which he previously read into the record earlier at 5:00 p.m.).

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 appointments to city regulatory boards and commissions, including interviews associated with the Planning & Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding designation of Mayor Pro Tem, pursuant to Section §551.074 (Personnel Matters).

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

Council came out of Executive Session at 8:00 p.m. After a brief break, Mayor Fowler then reconvened the public meeting at 8:02 p.m. (with all seven council members being present). Mayor Pro Tem Johannesen moved to appoint Brian Llewelyn to serve in the vacant seat on the city's Planning & Zoning Commission (replacing former member, Mark Moeller). Mayor Fowler seconded the motion, which passed by a vote of 5 ayes with 2 against (Macalik and Campbell).

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:03 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6th
DAY OF JUNE, 2022.

KEVIN FOWLER, MAYOR

ATTEST:

KRISTY TEAGUE, CITY SECRETARY