

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, August 07, 2023 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza was present by video teleconferencing (“ZOOM”). Mayor Johannesen read the below listed discussion items into the record before recessing the public meeting to go into Executive Session at 5:01 p.m.

**II. EXECUTIVE SESSION.**

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

1. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters)
2. Discussion regarding state law requirements for local option elections and petitions, pursuant to §551.071 (Consultation with Attorney)
3. Discussion regarding status of *City of Rockwall vs. Richard Brooks & Lake Pointe Health Science Center*, pursuant to §551.071 (Consultation with Attorney)

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 6:00 p.m.**

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

Mayor Johannesen reconvened the public meeting at 6:00 p.m. with all seven councilmembers being present.

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF**

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

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

**1. Life Saving Awards**

- Brian Escobar - City Parks & Rec. Dept. Employee
- Daniel Ramirez - City Parks & Rec. Dept. Employee
- Garrett Stewart, Police Officer
- Lewis Johnson, Fire Dept. Captain
- Bogdan Rusmanica, Firefighter

- Clay Crawford, Firefighter

#### **Related Honorable Mentions**

- Jose Urive, Police Dept. Sergeant
- Sonja Doss, Police Officer
- Cameron Parker, Police Officer
- Aaron Woolverton, Police Officer

**Mayor Johannesen called forth the city's Parks & Recreation Director, Travis Sales; Fire Chief Kenneth Cullins, and Police Chief Ed Fowler and all of the above named staff members. A synopsis was read which detailed an event that transpired on the downtown Rockwall square on July 1 in which a Farmer's Market vendor experienced cardiac arrest, and each of the individuals above helped save his life. Each person was recognized and commended for helping to save a human life that day.**

#### **VII. APPOINTMENT ITEMS**

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

**Mr. Deckard came forth to answer any questions the Council may have had; however, no questions were asked. So no discussion transpired, and no action was taken regarding this agenda item.**

#### **VIII. OPEN FORUM**

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

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

**Regarding the Animal Adoption Center / Shelter Advisory Committee, Councilmember Moeller moved to reappoint Dr. Darren Goucher (for a two-year term, to expire in August of 2025). Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Regarding the Board of Adjustments, Mayor Pro Tem Anna Campbell moved to appoint Sue Conway as a regular board member through August of 2024 and David Rohlf as an 'alternate' board member through August of 2025. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Mayor Pro Tem Campbell then moved to reappoint Sarah Freed to the Historic Preservation Advisory Board (for an additional, two-year term to run through August of 2025). Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Councilmember Jorif made a motion to reappoint Jason Alvarado and Jenny Krueger to an additional two-year term on the city's Park Board (to run through August of 2025). Mayor Pro Tem Campbell seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**Regarding Park Board Member Angela Kleinheksel, Councilmember Jorif moved to not reappoint Mrs. Kleinheksel and to, instead, fill her seat with a new appointee, Mr. Vincent Harris (for a two-year term**

to run through August of 2025). Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Mayor Johannesen moved to reappoint Dereck Deckard to the P&Z Commission for an additional term. Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

**X. CONSENT AGENDA**

1. Consider approval of the minutes from the July 17, 2023 city council meeting, and take any action necessary.
2. **Z2023-029** - Consider a request by the City of Rockwall for the approval of an **ordinance** for a Zoning Change amending Planned Development District 8 (PD-8) [*Ordinance No.'s 73-48, 84-04, 84-16, 84-19, 85-43, 86-04, 86-64, 86-87, 87-45, 88-17, 88-51, 90-38, 91-43, 92-39, 92-41, 92-43, 02-50, 05-30, 14-15, & 21-38 and Resolution No.'s 87-19 & 87-20*] for the purpose of consolidating the regulating ordinances and resolutions for a 230.80-acre tract of land situated within the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), generally located south of Summer Lee Drive and west of Ridge Road [*FM-740*], and take any action necessary (**2nd Reading**).
3. **Z2023-030** - Consider a request by Christopher Touoboun on behalf of Dennis Lewis of Meals on Wheels Senior Service of Rockwall County for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to Light Industrial (LI) District on a 6.21-acre tract of land identified as a portion of Tract 4 and all of Tract 2 of the D Harr. Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the Airport Overlay (AP OV) District, addressed as 1780 Airport Road, and take any action necessary (**2nd Reading**).
4. **P2023-022** - Consider a request by Jeff Carroll of Carroll Architects on behalf of Eric Borkenhagen of Kohl's for the approve of a Replat for Lots 8 & 9, Block A, Rockwall Market Center East Addition being a 7.383-acre parcel of land identified as Lot 7, Block A, Rockwall Market Center East Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 828 Rochell Court, and take any action necessary.
5. Consider approval of a quote from Nema 3 Electric, Inc. and authorize the City Manager to execute associated purchase order(s) for the installation of electrical services, lights, outlets for block heaters, battery chargers, and general electrical equipment needs at the City Service Center in the amount of \$57,176 to be funded by the Streets Operations Budget, and take any action necessary.

Mayor Johannesen pulled item #3 and then moved to approve the remaining Consent Agenda items (#s 1, 2, 4 and 5). Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-40**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 230.80-ACRE TRACT OF LAND SITUATED WITHIN THE E. TEAL SURVEY, ABSTRACT NO. 207, 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 to approve passed by a vote of 7 ayes to 0 nays.

Councilmember Lewis recused himself from Consent Agenda item #3 and filed an appropriate affidavit with the City Secretary. Councilmember Jorif moved to approve Consent Agenda item #3. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-41**

**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 LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.21-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 4 AND ALL OF TRACT 2 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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 6 ayes with 1 abstention (Lewis).

**XI. PUBLIC HEARING ITEMS**

1. **Z2023-031** - Hold a public hearing to discuss and consider a request by Manuel Tijerina 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 0.248-acre parcel of land identified as Lot 13, Block A, Highridge Estate Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 709 Forest Trace, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information regarding this agenda item. He explained that the applicant is seeking an SUP to allow construction of a single-family home at this address. Council is being asked to evaluate the size, location and architecture of the proposed home when compared to existing, nearby homes within the subdivision. Originally the city's Planning & Zoning Commission heard this proposal and decided to continue the public hearing, asking the applicant to consider changing the design of the home from a two-story home to a one-story home. The applicant ultimately chose to not make the change. The Planning & Zoning Commission then heard the proposal again at its meeting later that month, and – ultimately – they voted to recommend approval of this request by a vote of 4 to 0 (with Commissioners Deckard, Womble and Llewellyn being absent). Staff did mail out (85) notices to adjacent land a property owners within 500 feet of the subject property, and relevant homeowners associations (HOAs) were also notified. Four e-mails were received back in opposition.

Mayor Johannesen opened the public hearing, but no one indicated a desire to come forth and speak. So, he then closed the public hearing.

Councilmember Lewis moved to approve Z2023-031. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 23-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) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.248-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 13, BLOCK A, HIGHRIDGE 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 to approve passed by a vote of 7 ayes to 0 nays.

2. **Z2023-032** - Hold a public hearing to discuss and consider a request by Drew Donosky of Claymoore Engineering on behalf of Clay Cooley of 1540 East IH-30 Rockwall, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* superseding *Ordinance No. 22-02 [S-266]* and allowing the expansion of an existing *Motor Vehicle Dealership (i.e. Clay Cooley Hyundai)* being a 7.17-acre tract of land identified as Lot 2, Block 1, Rockwall Recreation Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1540 E. IH-30, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information concerning this agenda item. He generally explained that over the years since its annexation in 1985, the zoning on this property has changed, with a Specific Use Permit (SUP) and site plan ultimately being approved in 2012 to allow for a new and used automotive dealership. In 2022 the SUP was amended to allow for the addition of a carwash and minor automotive bays as well as outside storage to the site. The applicant is now requesting to amend the SUP to allow for a "major" automotive bays (to increase the number of bays from 3 up to 8), and change the minor automotive land use to "major automotive land use," all of which also changes the concept plan (and the orientation of the automotive repair bays). Also, they would like to be able to not only do automotive repairs, but also do auto body work, engine work and painting on-site. It was pointed out that some of this type of work is already being done on site, and staff is working with the applicant to try and clear that "use" up. The applicant would like to increase the canopy on the west side of the building, increasing it from two-lanes to three, in addition to reorienting the direction of the bays. Staff has worked with the applicant to recommend three-tiered screening of the bay doors because they are facing towards a public street. The applicant, however, failed to provide the updated, (staff) recommended changes. So, the P&Z Commission originally recommended its denial, and the City Council remanded it back to P&Z at that time.

The Planning & Zoning Commission revisited this case, and, upon doing so, the P&Z Commission did ultimately end up recommending approval of this request by a vote of 5 ayes with 2 absences (Womble and Llewellyn). The applicant did make several changes to the proposed site plan, including some pretty heavy screening within the landscape plan, and a reorientation of the 'drives' (lanes). Several variance requests are associated with this case, including a cementitious materials variance, a stone variance, and a four-sided architecture variance. In addition, the garage door orientation will require an 'exception' to be granted by Council.

The P&Z Commission did revisit this case on July 25 and recommended its approval by a vote of 4 to 0 (with 3 commissioners being absent). Notices were sent out to adjacent land and property owners, and three were received back in favor (one of which was from the applicant himself). If Council approves this case tonight, the applicant will still have to thereafter go back through the site plan process.

Following Mr. Miller's briefing, Mayor Johannesen opened the public hearing, calling forth the applicant to speak.

Lynn Rowland  
Claymoore Engineering  
1903 Central Drive  
Bedford, TX

Mr. Rowland thanked Council for the opportunity to return to the P&Z Commission to work through outstanding items such as screening improvements.

Zach Amick  
1957 Stevens Drive  
Rockwall, TX

Mr. Amick shared that he is the General Contractor on this project. He generally expressed that there may have been some initial miscommunication on what would be required on this project. He went on to explain that the city's Planning staff was very helpful in helping to clear up the requirements and address concerns that were originally noted concerning the initial proposal.

Councilmember McCallum sought and received clarification from staff regarding the variances currently being requested. Mr. Miller indicated that this re-worked proposal is more substantially in conformance with the city's Unified Development Code requirements when compared to the original proposal. Mr. McCallum sought clarification regarding outside storage, including the applicant continuing to park cars on grass. Mr. Miller shared that it actually is not against code to park cars on grass. Rather, it is the potential 'storage' of inventory on grass that could become problematic and, essentially, against code. Mr. Miller explained that the city has been working with this property owner to try and address and clear up inventory being parked on city streets and on areas that are 'unimproved.' Councilmember McCallum conveyed that some things have been being done at this location, such as putting up a fence without a permit, so he would really like to hear from a representative of the company that could help him better understand their level of willingness to comply with city regulations and expectations.

Mr. Amick shared that the current owner purchased this dealership from Mr. Keith Young who had passed away in a motorcycle accident. The new owner increased the volume, service, and sales, but the dealership location has not been large enough to park every single car. Because of the dealership's growth over time after it changed ownership, they are now seeking to work with the city to expand the driveways, parking areas and inside storage areas. So, that is what this case is all about – trying to address these issues and be in compliance at this location.

Councilmember McCallum indicated that, although he understands this dealership's desire to 'take care of the customer,' he pointed out that the dealership also needs to be a responsible member of our community and ensure they aren't parking inventory on city streets and not obtaining proper permits. Those things are not acceptable, and he hopes these issues get remedied.

Mayor Johannesen then closed the public hearing.

Councilmember Jorif moved to approve Z2023-032. Mayor Johannesen seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 23-XX  
SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 22-02 [S-266]* 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) TO ALLOW A *NEW MOTOR VEHICLE DEALERSHIP FOR CARS AND LIGHT TRUCKS, A MAJOR AUTO REPAIR GARAGE, AND OUTSIDE STORAGE* ON A 7.17-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK 1 , ROCKWALL RECREATIONAL 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 passed by a vote of 7 ayes to 0 nays.

## XII. ACTION ITEMS

1. Discuss and consider directing staff to amend Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) to allow Homeowner's Associations (HOAs) to lease certain areas of the takeline, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item. On January 4, 2020, the City Council adopted changes to the Lake Ray Hubbard Takeline Overlay (TL OV) District [Case No. Z2020-041] for the purpose of [1] providing clearer requirements with regard to the land uses, building materials, and construction standards permitted within the takeline, [2] providing a process that incentivizes property owners to construct erosion control measures (i.e. seawalls) by allowing additional land uses when such measures are provided, and [3] providing for a process to try

and facilitate more property owners to pursue takeline leases. Prior to the adoption of these changes, staff met with several citizens who owned property that backed up to areas of the takeline that were not leasable. These citizens were interested in creating a process that would allow Homeowner's Associations (HOA's) the ability to lease these areas of the takeline; however, this was ultimately not pursued in the changes that were brought forward to the City Council in January 2020. More recently, several residents of the Lakeside Village Subdivision have met with staff to express concern about erosion that is occurring along the banks of the takeline adjacent to this subdivision. Specifically, these residents were inquiring about constructing seawalls to correct the erosion issues. The problem that City staff encounter in considering this, is tied to the issue of allowing private property owners to make improvements on public land, and the fact that these improvements -- after construction -- would become the City's responsibility to maintain (i.e. since these areas of the takeline were not leasable there is no way to tie the improvements in the takeline to the private property owner's property after construction). To facilitate a solution to this issue, staff is proposing to amend the Lake Ray Hubbard Takeline Overlay (TL OV) District to allow Homeowner's Associations (HOA's) the ability to lease non-leasable areas adjacent to their jurisdictional boundaries. This would allow these property owners the ability to work with the Homeowner's Associations (HOA's) to make the necessary erosion control improvements without subjugating the City to the maintenance of these structures moving forward.

In researching this proposal, staff identified four (4) Homeowner's Associations (HOA's) that could be eligible to lease areas of the takeline that are currently unleaseable. These include: [1] the Chandler's Landing Subdivision (i.e. adjacent to Blocks B & C, Chandler's Landing, Phase 17), [2] the Signal Ridge Subdivision (i.e. adjacent to Signal Ridge, Phase 4), [3] the Water's Edge Subdivision at Lake Ray Hubbard (aka Villas De Portofino), and [4] the Lakeside Village Subdivision. If approved, the amendment prepared by staff -- contained in the attached packet -- would create the following requirements for the lease of the takeline for these Homeowner's Associations (HOA's):

- (1) A site plan would be required to be approved by the Planning and Zoning Commission that will be incorporated into the Sublease Agreement. This site plan will show all proposed improvements within the leased takeline area -- which are required to be located within Activity Areas -- and the required seawalls necessary to make these improvements.
- (2) All Activity Areas are permitted to be a maximum of 50-feet by 50-feet in size and be spaced a minimum of 200-feet apart.
- (3) Seawalls are required to be installed a minimum of 100-feet on either side of an Activity Area.
- (4) Fixed Piers and Dock Decks are required to be spaced a minimum of 200-feet apart along the leased area.
- (5) Boathouses are prohibited to be constructed in the takeline in these leased areas.
- (6) The Homeowner's Association (HOA) would be required to assume the responsibility for any existing improvements in the leased area.
- (7) Fees for a new lease, annual renewal of a lease, and reinstatement of an expired lease are the same as the fees established for a standard takeline sublease agreement.

In addition to the proposed amendment, staff has included an updated Sublease Agreement that allows Homeowner's Associations (HOA's) to sublease the takeline area. Staff should note that the City Attorney has reviewed the proposed text amendment and Sublease Agreement, and has provided staff with comments that have been incorporated into these documents. Should the City Council choose to direct staff to proceed with this text amendment, the proposed amendment would be subject to the following schedule:



- **Planning and Zoning Commission Work Session: August 29, 2023**
- **Planning and Zoning Commission Public Hearing: September 12, 2023**
- **City Council Public Hearing/First Reading: September 18, 2023**
- **City Council Second Reading: October 2, 2023**

Following Mr. Miller’s briefing, Councilmember Thomas moved to instruct staff to move forward with this text amendment, including the associated process and timeline. Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. **A2023-001** - Discuss and consider the expiration of an existing 212 Development Agreement for a 2.77-acre tract of land that is contiguous with the City of Rockwall’s city limits, situated within the City’s Extraterritorial Jurisdiction (ETJ), addressed as 417 & 463 Green Circle and identified as Tract 8 of the R. Dickens Survey, Abstract No. 73, City of Rockwall, Rockwall County, Texas, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item. He explained that a 212 development agreement was initially established on this property back in November of 2010 for a period of 7 years. Thereafter, it was extended for an additional three years (in 2017) and then an additional 3 years (in July of 2020). The applicant is now requesting consideration for extension of the 212 development agreement for a period of 7 additional years (thru Dec. of 2030). Mr. Miller explained that the cumulative duration of the 212 agreement cannot exceed 45 years. At this time, Council can decided to (1) grant an extension (not to exceed (up to) 15 years; (2) take no action and allow the 212 agreement to expire and return the property to the city’s ETJ; or (3) allow the agreement to expire, thereby directing staff to proceed with annexation of the property.

Councilmember Jorif moved to move forward with extending the 212 development agreement for a period of 15 additional years. Councilmember McCallum asked staff for clarification regarding the timing of the extension. So far the property has previously received two, three-year extensions. Jorif then suggested a motion granting an additional 7 year term. Following additional, clarifying questions and answers, Councilmember Jorif ultimately amended his motion to move forward with extension of the 212 development agreement for an additional 3 year timeframe. Councilmember McCallum seconded the motion, which passed unanimously of those present (7 ayes to 0 nays).

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

1. Building Inspections Department Monthly Report - June 2023
2. Budget Report - Quarter End June 30, 2023
3. Fire Department Monthly Report - June 2023
4. Parks & Recreation Monthly Report - June 2023
5. Police Department Monthly Report - June 2023
6. Sales Tax Historical Comparison
7. Water Consumption Historical Statistics

City Manager Mary Smith indicated that a budget-related work session is being scheduled for August 23 at 6:00 p.m. Staff is diligently working to finalize the budget notebooks and get them distributed to the various council members hopefully by the end of the week.

XIV. ADJOURNMENT

Mayor Johannesen adjourned the meeting at 7:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 21<sup>st</sup> DAY OF AUGUST, 2023.

  
TRACE JOHANNESSEN, MAYOR

ATTEST:

  
KRISTY TEAGUE, CITY SECRETARY

