

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, June 20, 2022 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the public meeting to order at 5:01 p.m. Present were Mayor Kevin Fowler and Councilmembers Clarence Jorif, Dana Macalik, Bennie Daniels, and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Mayor Pro Tem Trace Johannesen and Councilmember Anna Campbell were absent from the meeting.

Mayor Fowler read the below-listed discussion items into the record before recessing the public meeting to go into Ex. Session at 5:02 p.m.

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, pursuant to Section, §551.074 (Personnel Matters)**
- 2. Discussion regarding appointment of city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).**
- 3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)**
- 4. Discussion regarding security personnel of public facilities pursuant to Section 551.076 (Deliberations Regarding Security) and Section 551.071 (Attorney Consultation).**

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 6:04 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MOELLER

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

- 1. Elder Abuse Awareness & Prevention Month**

Mayor Fowler called forth Amanda Sutherland, program administrator for Adult Protective Services. He then read and presented her with this proclamation. She spoke

briefly thereafter, encouraging everyone to look after the elderly and disabled within the community.

2. Boys & Girls Club Week

Mayor Fowler called forth representatives of the local Boys & Girls Club, including several young children. He then read and presented them with this proclamation. The Executive Director, Mrs. Houser, then spoke a few, brief words.

VII. OPEN FORUM

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

Jana Durfee
828 Cedar Bluff Drive
Rockwall, TX

Mrs. Durfee came forth and shared that she is a citizen who has concerns about the recent survey that was conducted within the Rockwall Police Department. She stated that it showed a pretty high disapproval rating (about 90%, she said). She would like the city to meet with staff in the police department to identify the source of the employees' dissatisfaction and take corrective action.

Janice Morchower
144 Westwood
Rockwall, TX 75032

Mrs. Morchower came forth and expressed that she was very disturbed when she saw the recent police department survey. She stated the essence of the morale of responding officers towards the police chief is something that the city manager and city council really need to address. She indicated that he may be a good police chief, but perhaps he is not a good leader, and there is some reason(s) why his police force is not positively responding to him. She believes it is vital to our community that our police force is strong, well-staffed, and that employees are well paid so that there is high retention. She strongly encouraged the City Council and City Manager to really look into this.

Justin Scroggs
1512 S. Alamo Road
Rockwall, TX

Mr. Scroggs came forth and expressed dissatisfaction for the Council allowing the applicant on the coffee shop proposal to withdraw his application a few minutes ago without holding the public hearing and allowing residents from the neighborhood a chance to speak. He shared that a lot of residents are against the proposal, and the Council has not denied any requests 'with prejudice' that contain a drive-thru aspect to the proposal. He believes that the Council not doing so is setting a precedence that will result in additional, drive-thru related requests to continue to come back. He suggested that because the Council is not taking action to "deny with prejudice" it must mean that the Council is considering some

type of business with a drive-thru at that location. He went on to ask the mayor if he is friends with the owner of the property. The mayor indicated that he does know the owner; however, they do not 'hang out.' Mayor Fowler furthermore indicated that he knows a lot of people, including Mr. Scroggs (the speaker) himself – that he has been in Mayor Fowler's house before. He shared that not allowing residents an opportunity to speak was a 'dirty move,' and he wishes the Council would listen to the people because they do not feel they have been listened to.

Mrs. Dawn Scroggs
813 S. Alamo
Rockwall, TX

Mrs. Scroggs came forth and shared that she does not understand why the Council took action (on the coffee shop related case) this evening before allowing the residents an opportunity to speak. She shared that last time a proposal came forth at this location (also, from the coffee shop), there was resident input and discussion before the vote. She went on to express notable dissatisfaction in the Council not allowing the public hearing to be held and citizens to be heard on the proposed coffee shop this evening. Mayor Fowler indicated that the Council is and was following a procedure, one that has happened many times before. Mrs. Scroggs expressed that her desire is that the Council would have denied the application 'with prejudice.' She was extremely dissatisfied in Council not allowing citizens to speak until after the Council took a vote on that item. She explained that she understands that applicants have rights, but homeowners also have rights. She feels she and others are having to stand up and fight for their rights. She doesn't understand why Council does not deny it with prejudice, essentially to send a clear message that any future proposal that contains a 'drive-thru' aspect at this location will be denied. She went on to speak extensively about her opposition to the proposed coffee shop and any other, future requests that may come forth that contain a proposed drive-thru.

Yvonne Sullivan
521 Cellars Court
Rockwall, TX

Mrs. Sullivan shared that an alcohol related music venue is supposed to be going in at 190 Shenandoah off of SH-205. Indication was given that this property is located in the county, and it is not at all within the city limits. Even though it is not in the city limits, Mrs. Sullivan wonders if city council members can possibly write letters in opposition of the business' proposal with TABC to sell alcohol. Mayor Fowler generally indicated that he will find out this answer from the city attorney and look into the matter.

Leslie Wilson
535 Cullins Road
Rockwall, TX

Mrs. Wilson shared that she has lived at this location for 25 years. Regarding the proposed "Highgate community" listed on tonight's agenda, she essentially wonders if the possible 'work session' that was referenced earlier would be something that the affected residents would be allowed to participate in and if that is something typical that happens with

developers. Mayor Fowler indicated that it is typical for developers to ask for a work session with Council. In addition, Mayor Fowler shared that all work sessions are advertised on public meeting agendas, and they are 'open session' events that are typically held at 4:00 p.m.

Jolt Peterson
Stableglen (no house number given) in the Somerset Community
Rockwall, TX

Mr. Peterson shared that is here to discuss Public Hearing item #7, which is scheduled to be postponed until the next, regular city council meeting. He generally encouraged the Council to slow down development and allow an opportunity for infrastructure to catch up. He has concerns about public safety response times, in particular, and would like to see some sort of study / research performed that will show how the growth has impacted response times for emergency services.

There being no one else wishing to come forth and speak, Mayor Fowler then closed Open Forum.

Mayor Fowler then reordered the agenda to address Public Hearing Item #2 next, followed by Public Hearing Item #7.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the June 6, 2022, regular City Council meeting, and take any action necessary.
2. **P2022-025**- Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of Peter Shaddock, Jr. of SH Dev Klutts Rockwall, LLC for the approval of a *Final Plat* for the Homestead Subdivision being a 196.009-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.
3. **P2022-027** - Consider a request by Trey Braswell of Kimley-Horn on behalf of Jarrod Yates of PS LPT Properties Investors for the approval of a *Final Plat* for Lot 1, Block A, PS Rockwall County Addition being a 2.082-acre tract of land identified as Tract 25-03 of the J. Strickland Survey Abstract No. 187, Rockwall County, Texas, situated within the Extraterritorial Jurisdiction (ETJ) of the City of Rockwall, addressed as 4000 N. Goliad Street [SH-205], and take any action necessary.
4. Consider authorizing the City Manager to execute a facilities agreement with Discovery Lakes Phase 1 LLC, for the reimbursement of the cost of the oversizing of the water line along State Highway 276, to be funded out of the Water and Sewer Fund, and take any action necessary.

Councilmember Macalik moved to approve the entire Consent Agenda (#s 1, 2, 3 and 4). Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

X. APPOINTMENT ITEMS

1. Appointment with Brad Helmer, Head of School at Heritage Christian Academy, to hear update regarding the school's classroom facility and gymnasium building program, and take any action necessary.

Mr. Helmer came forth and updated the council on the progress the school has made towards a new gymnasium and updated classroom building. This spring they were able to finalize all necessary requirements to begin construction, and a ground-breaking ceremony was recently held in May. On June 1, their construction company began construction with the goal of having at least the parking lot completed before the start of the new, upcoming school year. In addition, they hope to have the entire project completed in about one year from now. They will be working with the construction company to be updated on the progress weekly, and they will continue to work with the city as well. He went on to thank this Council and previous Councils for the role they have played in supporting HCA and this project. Council took no action as a result of Mr. Helmer's update.

2. Appointment with John Brown to discuss and consider his ideas pertaining to further investments, growth opportunities and/or developments at the Rockwall Municipal Airport, and take any action necessary.

Mr. Brown came forth and shared that he owns an aviation-related business at the municipal airport. Regarding economic development, they have gone from two planes to five planes, and they now have 7 (contracted) employees. He generally indicated that the airport and its activities are busy and bustling. He went on to share that he would like Council to consider allowing a light 'maintenance type' business (mechanic shop) to be opened at the airport. He would like permission to set up said facility / operation. He also will need something longer than a month-to-month lease or a year-long lease. He would also like signage to be allowed. Councilmember Jorif shared that if Mr. Brown would like to propose a minor maintenance business at the airport, he needs to do so through the proper channels (i.e. work with Assistant City Manager, Joey Boyd, and the airport manager, Melissa). Mr. Brown was given indication that will likely have to come back before Council at a later date in order to more formally propose this idea. Council took no action pertaining to this agenda item at this time.

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

Jerry Welch of the city's P&Z Commission came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action at this time following Mr. Welch's comments.

XI. PUBLIC HEARING ITEMS

1. **Z2022-022** - Hold a public hearing to discuss and consider a request by Cameron Ehn, PE of DB Constructors on behalf of Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of an ordinance for a *Specific Use Permit (SUP)* to allow a *General Retail Store* on a 10.649-acre parcel of land identified as Lot 1, Block B, Rockwall Technology Park, Phase

2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, generally located at the southeast corner of Corporate Crossing and Discovery Boulevard, and take any action necessary (1st Reading).

Mr. Miller, the city's Planning Director, provided background information concerning this agenda item, which is related to a property at the intersection of Corporate Crossing and Discovery Boulevard. He gave a history of the property and indicated that it has remained vacant since annexation, up until this point. The applicant would like to construct a general retail store in conjunction with an 89,000 light manufacturing facility. A general retail store does require an SUP in a Light Industrial zoned district, and they are considered by Council on a case-by-case basis. The general retail store will be a sort of gift shop for the proposed chocolate factory. The proposed parking does meet city's requirements. The P&Z Commission has recommended approval of this request to the Council. Notices were sent out to 19 adjacent property owners and applicants; however, no notices were received back from staff. In addition, one nearby HOA was also notified.

Matthew Peterson came forth on behalf of DB Constructors (the architect / builder) then came forth as the applicant, indicating he is happy to answer any questions.

Mayor Fowler then opened the public hearing, but no one indicated a desire to speak. So he closed the public hearing.

Councilmember Jorif moved to approve Z2022-022. Councilmember Daniels seconded the motion. The ordinance 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, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *GENERAL RETAIL STORE* ON A 10.649-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, ROCKWALL TECHNOLOGY PARK, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND 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 5 ayes with 2 absences (Campbell and Johannesen).

2. **Z2022-023** - Hold a public hearing to discuss and consider a request by Jack Kurz of RSDGP, LLC on behalf of Allen Anderson of Adlor Enterprises, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing a *Restaurant, Less Than 2,000 SF, with a Drive-Through/Drive-In* for the purpose of constructing a restaurant with drive-through on a 1.1308-acre parcel of land identified

as Lot 1, Block B, Jack Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 62 (PD-62) for General Retail (GR) District, addressed as 902 & 906 S. Goliad Street [SH-205], and take any action necessary (1st Reading).

Jack Kurz
15110 N. Dallas Parkway
Dallas, TX 75248

Mr. Kurz, the applicant, had indicated a desire to speak, so – following clarification from the City Attorney – Mayor Fowler called forth Mr. Kurz to speak. Mr. Kurz generally provided a history of this case, indicating that this is the second time a proposal by this coffee shop has come forth through the Planning & Zoning Commission and to City Council. He generally expressed a desire to withdraw this request because he hopes to find a different location within Rockwall to propose a Seven Brew Coffee, perhaps a location that makes more sense.

Councilmember Daniels moved to allow the applicant to withdraw Z2022-023. Councilmember Macalik seconded the motion, which passed by a vote of 4 ayes, 1 against (Jorif) and 2 absences (Johannesen and Campbell).

Mayor Fowler then addressed Public Hearing item #7.

- 3. Z2022-024 - Hold a public hearing to discuss and consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an ordinance for a PD Development Plan for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the *Hillside Mixed Use Subdistrict* and the *Horizon/Summer Lee Subdistrict* of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary (1st Reading).**

Planning Director, Ryan Miller provided background information related to this agenda item. He shared that this is located on the SW corner of the intersection of Horizon Road and Summer Lee Drive. Back in March of this year, the Council approved an ordinance allowing for a 176-unit condominium building. These were not ‘new units’ – they were taken from the overall number of units allowed within this district, and they were simply allocated to the subject property. The overall units were originally allowed for back in 2010 with the original establishment of this Planned Development District. He briefly spoke about the applicant’s plans for realignment of two adjacent roadways (Glen Hill Way and Pinnacle Way). Along with this case, council is being asked to consider three things – (1) does it meet the intent of the Planned Development or sub-district that the property is located within; (2) will it result in an improved project that will be an attractive contribution to the PD / sub-district; and (3) will this not prevent the implementation of the intent of the PD district. He went on to share that notices were sent out to 34 adjacent property owners and nearby residents. As of tonight, staff has

received three notices back in favor of this request. In addition, the city's P&Z Commission has recommended to Council the approval of this request.

Mayor Fowler opened the public hearing, and invited forth the first speaker.

Janice Morchower
144 Westwood
Rockwall, TX

Mrs. Morchower indicated she is very strongly opposed to this development. She expressed strong concerns about existing roadways, traffic and the lack of a traffic light at the nearby intersection. She believes that these will not end up being condominiums. They will end up being apartments. She generally and strongly spoke in opposition of this development.

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and commended P&Z Commissioner, Chodun, for recently standing up at a meeting and citing several areas of concern (i.e. perhaps not meeting the city's Comp Plan and the idea that perhaps infrastructure, such as streets, is not yet up to par). Indication was given that Mr. Wacker is actually inadvertently speaking right now about the Highgate development – not this case.

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

Councilmember Macalik shared that PD-32 was approved back in 2010 as, essentially, a mixed use development, and a certain number of condos (overall) were approved for allocation within this PD. She feels that a traffic impact analysis does definitely need to be looked at, especially considering the upcoming reconstruction of IH-30. Mr. Miller shared that a traffic impact study was done, and it has been reevaluated each time a developer in PD-32 is bringing something forth for consideration. Macalik also wonders about the potential need for a traffic light at this intersection / area. Mr. Miller shared that a study in this regard is currently underway, specifically concerning Horizon Road. Indication was given that emergency vehicles will still be able to traverse the proposed rerouted roadways.

Councilman Daniels moved to approve Z2022-024. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32)
[ORDINANCE NO. 17-22] AND THE UNIFIED DEVELOPMENT CODE**

[ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK 9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

- 4. Z2022-025 - Hold a public hearing to discuss and consider a request by Javier Silva 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 0.25-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, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 511 Bourn Street, and take any action necessary (1st Reading).**

Mr. Miller, Planning Director provided background information concerning this agenda item. The applicant is asking for an SUP to construct a single-family home within the BF Boydston Addition, which is an established subdivision (before the year 1959, and is built out 90% or more). The Council is asked to consider if the proposed home will be architecturally and visually similar to other, existing residential homes. Staff sent out 46 notices to adjacent land and property owners, and two notices were received back in favor of this request. In addition, the city's P&Z Commission has recommended approval of 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 moved to approve Z2022-005. Councilmember Moeller seconded the motion. The ordinance caption was then 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, 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 0.25-ACRE PARCEL OF LAND, IDENTIFIED AS LOT E, BLOCK 112, B.F. BOYDSTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN

EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

- 5. Z2022-026 - Hold a public hearing to discuss and consider a request by David Scott and Christine Fischer for the approval of an ordinance for a Specific Use Permit (SUP) allowing *Residential Infill Adjacent to Established Subdivision* for the purpose of constructing a single-family home on a ten (10) acre parcel of land identified as Lot 2, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the terminus of Breezy Hill Lane, and take any action necessary (1st Reading).**

Planning Director Ryan Miller provided background information pertaining to this agenda item. This is located at the end of Breezy Hill Lane. The east side of this roadway is located within the County, and the west side is located within the Breezy Hill (existing) subdivision. The applicant would like to build a single-family home at this location, which is located on a 10-acre lot that is in close proximity to the existing Breezy Hill subdivision, which is considered to be an 'established subdivision.' This case is unique in that staff was not able to provide council with a 'housing study' of adjacent, nearby homes because, essentially, there are no other homes on Breezy Hill Lane. He explained that the applicant is requesting a flat, front-entry garage; however, it is not visible from public view since that street is not currently being utilized as public street. Staff sent out notices to 48 property owners and residents adjacent to this location; however, no notices were received back, neither "for" nor "against." In addition, the city's P&Z Commission has recommended approval of 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 Moeller moved to approve Z2022-026. Councilmember Macalik seconded the motion. The ordinance 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, ROCKWALL COUNTY, TEXAS, 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 TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL LANE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE

SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

6. **Z2022-027 - [POSTPONED TO THE JULY 5, 2022 CITY COUNCIL MEETING]** - Hold a public hearing to discuss and consider a request by Adam Buczek of the Skorburg Company on behalf of Bill Lofland of the Lofland Family for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [355.146-acres]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract No. 25 [45.744-acres]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [144.00-acres], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [SH-205] at the corner of the intersection of John King Boulevard and S. Goliad Street [SH-205], and take any action necessary (1st Reading).

Mayor Fowler indicated that Z2022-027 is postponed until the Tuesday, July 5 city council meeting. It will be heard prior to that council meeting at the June 28 Planning & Zoning Commission meeting. No action was taken at this time.

7. **Z2022-028** - Hold a public hearing to discuss and consider a request by Brian Cramer of Corson Cramer Development on behalf of Scott Asbury of Rockwall Highgate LTD for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development District for Single Family 10 (SF-10) District and Commercial (C) District land uses on a 264.510-acre tract of land identified as Tracts 17-13 [50.0-acres], 17-14 [26.452-acres], 17-15 [134.33-acres], 17-16 [43.6-acres], & 40-8 [8.79-acres] of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located on the east side of SH-205 (S. Goliad Street) south of the intersection of SH-205 and FM-549, and take any action necessary (1st Reading).

Planning Director, Ryan Miller shared that this morning staff received a request from the applicant to withdraw this case. The Council must now decide whether to accept or disapprove the applicant's request to withdraw. Mayor Fowler shared that he met with the developers Friday afternoon. They want an opportunity revamp their plan and to perhaps hold a work session with Council to evaluate options. Councilmember Daniels made a motion to approve the request from the applicant to withdraw Z2022-028. Councilmember Moeller seconded the motion, which passed by a vote of 4 ayes, 1 against (Jorif) and 2 absences (Johannesen and Campbell).

Mayor Fowler then held Open Forum.

XII. ACTION ITEMS

1. Hold a Show Cause Hearing to discuss and consider repair, removal or demolition of a dangerous building located at 333 Yacht Club Drive, legally described as Lot 8 of Chandlers Lan-ding #9, and take any action necessary

Jeffrey Widmer, Building Official came forth and shared details pertaining to this agenda item. He indicated that a major structure fire occurred early this year in January at this location, and extensive damage was done to the residential home located on the property. After the Fire Department completed its investigation, the city's Neighborhood Improvement Services (NIS) Department attempted to make contact with the property owner, and initially some good communication transpired. The property owner, at that time, gave indication that he would be obtaining bids for a demolition company; however, since that time, the property owner has stopped all communication with city staff. Staff has not heard from him in several weeks. So staff did send, via certified mail, an "order" for the property owner to appear tonight for this scheduled "show cause hearing." Staff knows that the property owner did receive the certified mail notice because he did pick up the letter. Staff is now asking the Council to consider permitting the city to move forward with demolition of the structure, because it is open and it is deemed 'dangerous.' Mr. Widmer then shared that state law requires that the city wait at least thirty days after ordering a demolition before actually moving forward with it. So, any demolition that may ensue would be slated for July 21, 2022, which would mark the 31st day. However, if the property owner ramps up and takes action on his own in the meantime, staff will certainly work with him to see that the demolition occurs.

Councilmember Jorif asked for some clarification, and Mr. Widmer shared that the structure has been deemed 'dangerous,' and the Council is now being asked to consider approving the structure's demolition. Jorif confirmed that the city has reached out to the owner, but we have received nothing from him. Jorif then confirmed with the city's legal counsel that the city will likely not encounter liability associated with this demolition as long as proper notice has been given/received by the owner and the city waits at least 30 days after the Council takes action to move forward.

Councilmember Macalik shared that she has been in communication with the Chandler's Landing HOA board of directors, and she has been told that the homeowner has settled the fire claim with the insurance company. Also, last week the property owner was supposedly looking into securing a demolition company on his own. In addition, the owner has received a real estate offer for someone to buy the lot 'as is,' and the buyer then would incur all the expenses for the demolition, but the current owner has not accepted the offer at this time. This information was conveyed to Macalik by the Chandler's Landing HOA Board.

Councilmember Macalik shared that this fire happened on January 1st, so the residents of Chandler's Landing have been looking at this for quite some time. Indication was given that, even if Council wants to move forward with approving demolition, a thirty-day waiting period will ensue prior to any demolition that the city would initiate. In addition, if the city ends up having to move forward with the demolition, notice of the cost would be sent to the property owner. Then, if he failed to pay, the city would place a lien for that amount against the property.

Following additional, brief discussion, Councilmember Jorif moved to approve moving forward with the demolition at 333 Yacht Club Drive. Councilmember Macalik seconded

the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

2. Discuss and consider awarding a bid to US Flag & Flagpole Supply in the amount of \$174,732 for the City flagpole project on State right-of-way located between the Interstate 30 service road and Laguna Drive, authorizing the city manager to negotiate a contract, and take any action necessary.

Assistant City Manager, Joey Boyd provided background information on this agenda item. The site location is at IH-30 and Laguna Drive on state right-of-way. Staff has received two bids, the lower of which is in the amount of approximately \$174,732 (and there is an established budget of \$250,000 for this flagpole project). The second bid was in excess of \$376,000. He briefly spoke about additional, expected costs (i.e. running electricity to the site and any contingencies).

Councilmember Jorif asked about the previous bid amount that was initially being considered by Council. Mr. Boyd shared that it was initially a bid for \$230,000, and Mrs. Smith indicated that the initial bidder then came back and asked the city for an additional \$77,000. So the city declined and decided to go back out for bid. Following additional, brief comments, Councilmember Daniels moved to accept the proposal from U.S. Flagpole Supply (as described in the agenda caption above). Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

3. Discuss and consider filling a vacancy on the Main Street Advisory and the Architectural Review Board for a partial term through January 2024, and take any action necessary.

Indication was given that, although Mayor Pro Tem Johannesen is absent this evening, he would like the council to consider his recommended applicant, Hailee Handy-Alberti. Councilmember Macalik pointed out that her application says she is not a registered voter; however, City Secretary Kristy Teague indicated that it is a mistake, and she is in fact a registered, city qualified voter (as confirmed with the county elections office).

Mayor Fowler then moved to appoint Hailee Handy-Alberti to the city's Main Street Advisory Board to fill a vacancy with a partial term thru January of 2024. Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes with 2 absences (Campbell and Johannesen).

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, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding appointment of city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
3. Discussion regarding Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding security personnel of public facilities pursuant to Section 551.076 (Deliberations Regarding Security) and Section 551.071 (Attorney Consultation).

XIV. 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.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:38 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 5th
DAY OF JULY, 2022.**



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

