

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 07, 2022 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmember Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller, Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined the meeting virtually for Executive Session only.

Mayor Fowler then read the below-listed discussion item 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 MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding appointments to city regulatory boards, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
3. **Pulled from Public Meeting Agenda - Action Item #3** - Discuss and consider an ordinance amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary (**1st reading**).

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:35 p.m.

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

Mayor Fowler reconvened the public meeting at 6:00 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MACALIK

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Rockwall's American Flag Dedication Celebration Day

Mayor Fowler announced that an official dedication ceremony is scheduled to be held this Saturday, on-site, at 9:30 a.m. He then called forth Councilmember Daniels, Mayor Pro Tem Trace Johannesen and Rockwall citizen John Adams and read and presented them with this proclamation. Mayor Fowler generally indicated that he and members of Council have all received many, many comments and compliments related to the new flag. Councilmember Daniels shared that Mr. David Cutcomb, who was a part of this project, just had open heart surgery today. He asked that everyone please keep him in

your prayers. He also asked that when folks see the flag, that they think of positive things when doing so. Councilman Daniels generally thanked all those who have played a part in this project.

VII. OPEN FORUM

Mayor Fowler 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.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Regarding existing REDC board members Carin Brock, Justin Lee, Eric Burrell, and Darren Shue, Mayor Pro Tem Johannesen moved to reappoint each of these board members to serve an additional, two-year term on the Rockwall Economic Development Corporation (REDC) Board (expiring in December of 2024). Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the October 17, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-044** - Consider approval of an ordinance for a Text Amendment to Article 02, *Development Review Authority*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Article III, *Boards, Commissions, Committees*, of Chapter 2, *Administration*, of the Municipal Code of Ordinances, and take any action necessary (**2nd Reading**).
3. **Z2022-046** - Consider approval of an ordinance for a Text Amendment to Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*], and take any action necessary (**2nd Reading**).
4. **P2022-051** - Consider a request by Sam Carroll of Carroll Consulting Group, Inc. on behalf of Erick Cruz Mendoza for the approval of a Final Plat for Lot 1, Block G, Lake Rockwall Estates East Addition being a 0.1652-acre parcel of land identified as Lot 873-A of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 481 Blanche Drive, and take any action necessary.
5. **P2022-052** - Consider a request by Keaton Mai of the Dimension Group on behalf of Justin Webb of Rockwall 205 Investors, LLC and Michael Hampton of 549 Crossing, LP for the approval of a Final Plat for Lots 1-14, Block A, Creekside Commons being a 34.484-acre tract of land identified as Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [*SH-205*] and S. FM-549, and take any action necessary.
6. **P2022-053** - Consider a request by Humberto Johnson, Jr. of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of a Master Plat for the Quail Hollow Subdivision consisting of 250 single-family residential lots on a 85.63-acre tract of land identified as Tracts 2-01, 2-04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 96 (PD-96) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
7. **P2022-054** - Consider a request by Bowen Hendrix of DuWest Realty, LLC for the approval of a Final Plat for Lots 1-3, Block A, DuWest Addition being an 8.684-acre tract of land identified as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located on the eastside

of N. Goliad Street [SH-205] north of the intersection of Quail Run Road and N. Goliad Street [SH-205], and take any action necessary.

8. Consider approving and authorizing the City Manager to execute a contract with B&B Concrete Sawing for emergency culvert repairs at Emerald Bay Park in the amount of \$27,500 to be funded by General Fund Reserves, and take an action necessary.
9. Consider authorizing the City Manager to execute a professional engineering services contract and associated purchase orders with Parkhill to perform professional engineering services for a 4-acre park development over a closed TCEQ landfill at 219 Cornelius Rd, in an amount not to exceed \$37,000.00 to be funded by the Recreation Development Fund, and take any action necessary.
10. Consider awarding a contract to C and M Steel Services and authorize the City Manager to execute said contract for the design build of a new Parks Department Building at the city's Service Center in the amount of \$106,244.75 to be funded by the Parks Operations Budget, and take any action necessary.
11. Consider approval of joining multiple cooperative purchasing programs and authorizing the City Manager to execute associated agreements, and take any action necessary.
12. Consider approving contract renewals for concrete and asphalt pavement repairs and maintenance and authorizing the City Manager to execute associated purchase orders to multiple vendors for a total of \$2,067,000 to be funded by the Streets & Drainage Operating Budget, and take any action necessary.
13. Consider awarding a bid to Wilson Bauhaus Interiors and authorizing the City Manager to execute associated purchase orders in the amount of \$88,064.85 for new office furniture at Police Department South, Rockwall City Hall, and The Center to be funded by the Police Criminal Investigations Budget and the Internal Operations Department budget, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-55**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES AND UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE III, *BOARDS, COMMISSIONS, COMMITTEES*, OF CHAPTER 2, *ADMINISTRATION*, OF THE MUNICIPAL CODE OF ORDINANCES AND ARTICLE 02, *DEVELOPMENT REVIEW AUTHORITY*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A' & 'B'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 22-57**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;

PROVIDING FOR AN EFFECTIVE DATE.

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

X. PUBLIC HEARING ITEMS

1. Hold a public hearing to receive public comments on a Texas Enterprise Zone Application pursuant to the Texas Enterprise Zone Act, for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism and to also receive public comment on proposed ordinance.

Phil Wagner, President of the Rockwall Economic Development Corporation, came forth and introduced a consultant, Reece Macdonald, Director of Site Selection and Business Incentives Consulting for a company called "Ryan." Mr. Wagner explained that this application has no fiduciary impact on the City of Rockwall. Essentially, Channell is applying in hopes of receiving some economic incentives from the State of Texas. Mr. Reece explained that only 12 applications are accepted, statewide each quarter.

Mayor Fowler opened the public hearing; however, no one indicated a desire to speak, so he closed the public hearing.

No action was taken at this point related to this agenda item (see Action Item #2 below for related action).

XI. ACTION ITEMS

1. **Z2022-045** - Discuss and consider a request by Tony Trammel for the approval of an ordinance for a *Specific Use Permit (SUP)* allowing *Solar Panels* exceeding 1,000 SF of coverage on a residential home situated on a 0.1947-acre parcel of land identified as Lot 20, Block D, Lynden Park Estates Subdivision, Phase 3, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 17 (PD-17) for Single Family 7 (SF-7) District land uses, addressed as 125 Lanshire Drive, and take any action necessary (2nd Reading).

Indication was given that this agenda item did not receive unanimous approval last time. So it has been placed under Action Items for consideration. Mayor Pro Tem Johannesen moved to approve this ordinance. Councilmember Macalik seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-56
SPECIFIC USE PERMIT NO. S-289**

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 SOLAR PANELS ON A 0.1947-ACRE PARCEL OF LAND IDENTIFIED AS LOT 20, BLOCK D, LYNDEN PARK ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 5 ayes to 2 nays (Daniels and Moeller).

2. Discuss and consider an **ordinance** regarding City of Rockwall's participation in the Texas Enterprise Zone Program for the following project: Channell Commercial Corporation located at 1700 Justin Road, Rockwall, TX 75087 as a Texas Enterprise Zone Project to the Office of the Governor Economic Development and Tourism, and take any action necessary. **(1st reading)**

Councilmember Jorif moved to approve this ordinance. Councilmember Daniels seconded the motion. Councilmember Daniels asked if the city will be involved in any way in monitoring any monies received from the State of TX. Mr. Reece indicated that his company will have to prepare a report once per year, and the city will have no involvement in said report. Clarification was given that this could result in the company receiving an exemption from state sales taxes (not local, though).

The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-58**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING THE CITY MANAGER AS A LIAISON AND NOMINATING CHANNELL COMMERCIAL CORPORATION ("CHANNELL") TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT ("PROJECT").

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

3. Discuss and consider an **ordinance** amending Chapter 12, Article XII, Section 12 by amending Section 12-1250 through 12-1253 of the Code of Ordinances regarding regulation of non-emergency ambulance services in the City, and take any action necessary **(1st reading)**.

City Manager Mary Smith provided brief background information related to this agenda item. She has provided a memo the city council that outlines the history of ambulance service provision for the city over the last 20+ years. Mayor Fowler again mentioned the explanatory memo that has been made available to the public online within the informational meeting packet. Councilmember Jorif indicated that he would like to recuse himself from this vote because he is a nationally registered EMT (and the contractor, Medic Rescue, holds his license on his behalf).

Councilmember Campbell moved to approve the ordinance, as presented. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12, ARTICLE XII, SECTION 12 BY AMENDING SECTIONS 12-1250 THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING AMBULANCE SERVICES IN THE CITY; PROVIDING FOR RELATED MATTERS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 abstention (Jorif).

4. Discuss and consider an appointment to the city's ART Commission to fill a vacant seat, and take any action necessary.

Councilmember Macalik moved to appoint Kathy Howard to the city's ART Commission to fill a vacant seat (left by Kosterman, to run through August of 2023). Councilmember Campbell seconded the motion, which passed unanimously of Council (7 to 0).

XII. 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 - September 2022
2. Police Department Monthly Report - September 2022
3. Parks & Rec. Department Monthly Report - September 2022
4. Sales Tax Historical Comparison
5. Water Consumption Historical Statistics

City Manager, Mrs. Smith encouraged city councilmembers to be prepared for a lot of upcoming holiday-related events and to be sure to add those events to their calendars. Mayor Fowler mentioned the upcoming flag dedication ceremony the day after Veteran's Day (Sat., Nov. 12 at 9:30 AM).

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, commissions, and committees - specifically the Rockwall Economic Development Corporation (REDC) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)

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

Council did not reconvene in Ex. Session following the close of the public meeting agenda.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:26 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 21st DAY OF NOVEMBER, 2022.



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

