



# MINUTES

## ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, July 20, 2020 - 5:00 PM

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

### I. CALL PUBLIC MEETING TO ORDER

Mayor Pro Tem Fowler called the meeting to order at 5:01 p.m. Present were Mayor Pro Tem Fowler and Council Members Anna Campbell, John Hohenshelt, Bennie Daniels and Trace Johannesen. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Joey Boyd and City Attorney Frank Garza. Mayor Jim Pruitt and Councilmember Dana Macalik were not present in person at the meeting; however, they did join the 6:00 p.m. public meeting virtually, via ZOOM (they did not participate in Executive Session).

Mayor Pro Tem Fowler read the below listed items into the record before recessing the public meeting to go into Executive 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 City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding Loan Ranger Capital, LLC vs. City of Rockwall pursuant to Section §551.071 (Consultation with Attorney).

Pulled from the Public Meeting Agenda - Public Hearing Item #2. **Z2020-024** - Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of an ordinance for a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary (1st Reading).

### III. ADJOURN EXECUTIVE SESSION

Councilmembers adjourned from Ex. Session at 5:55 p.m.

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

Mayor Pro Tem Fowler called the meeting back to order at 6:03 p.m. Present in person were Mayor Pro Tem Fowler and Council Members Anna Campbell, John Hohenshelt, Bennie Daniels and Trace Johannesen. Present virtually (by ZOOM) were Mayor Jim Pruitt and Councilmember Dana Macalik.

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM FOWLER**

**Mayor Pro Tem Fowler delivered the invocation and led the Pledge of Allegiance.**

**VI. OPEN FORUM**

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

**VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

**Council took no action as a result of Executive Session.**

**VIII. CONSENT AGENDA**

1. Consider approval of the minutes from the July 6, 2020 regular city council meeting, and take any action necessary.
2. Consider approval of a facilities agreement with Saddle Star Holdings LLC, for the reimbursement of the cost of the oversizing of the water line along John King, to be funded out of the Water and Sewer Fund, and take any action necessary.
3. **P2020-022** - Consider a request by Ryan Joyce of Northgate Rockwall LD, LP for the approval of a Final Plat for the Northgate Subdivision being a 61.45-acre tract of land identified as Tract 4 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 88 (PD-88) for Single-Family 1 (SF-1) District land uses, located at the southwest corner of the intersection of Stodghill Road [FM-3549] and Clem Road, and take any action necessary.
4. **P2020-027** - Consider a request by Brandon Davidson of Corwin Engineering, Inc. on behalf of Paul Taylor of Paul Taylor Homes Limited for the approval of a Replat for Lot 33, Block A, Ridgecrest Addition being a 0.3017-acre parcel of land identified as Lot 24, Block A, Ridgecrest Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 81 (PD-81) for Single-Family 10 (SF-10) District land uses, addressed as 2605 Cypress Drive, and take any action necessary.
5. Consider approval of a professional engineering services contract with Freese & Nichols, Inc., to perform the engineering design services for the North Lakeshore Bridge repair in an amount not to exceed \$59,000, to be funded out of the Engineering Budget, and take any action necessary.

**Councilmember Hohenshelt moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, and 5). Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absent (Macalik).**

**Fowler then reordered the agenda to address Action Item #1 next during the meeting. Councilmember Macalik joined the meeting (remotely by ZOOM) at this point.**

**IX. APPOINTMENT ITEMS**

1. Appointment with Planning & Zoning Commission chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.

**Jerry Welch, Vice Chair of the P&Z Commission, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda.**

2. Appointment with resident Jared Guynes and other residents to hear concerns pertaining to the Boydston/Forest Trace reconstruction rehabilitation project, and take any action necessary.

Lynn Crosby (704 Alexander, Rockwall) came forth, as indication was given that Jared Guynes was not able to attend the meeting this evening. Ms. Crosby came forth and generally expressed opposition to the widening of the streets associated with this reconstruction project as well as the installation of sidewalks. She believes that both the widening and the sidewalk installation will pose dangers to citizens in the neighborhood. Furthermore, she does not believe that the street widening or sidewalk installation will add any value to their homes. She expressed that they have provided Council with a petition that shows that a large majority of the residents in the community do not wish for the street to be widened or for sidewalks to be installed.

Stephen Swofford  
713 W. Boydston  
Rockwall, TX

Mr. Swofford came forth and introduced himself, indicating that he is the lead pastor at First Baptist Church, explaining that the church property spans both sides of Boydston. He went on to express strong opposition to the installation of sidewalks associated with this reconstruction project. He expressed that he would like Council to make an exception to the city's ordinance requiring sidewalks.

Richard Marks  
204 W. Boydston Avenue  
Rockwall, TX 75087

Mr. Marks shared that he has lived in this home for 20 years at this point. He shared photographs of his home and the 6' tall retaining wall in front of his house. He also showed photos of how he measured the distance from the curb to the retaining wall. He went on to explain various measurements he took associated with the area in front of his retaining wall. He has concerns about sidewalks being installed because (generally) he believes it will compromise the strength and structural integrity of his retaining wall, and his home.

John Ruess  
202 W. Boydston Avenue  
Rockwall, TX 75087

Mr. Ruess explained that last year an 18 wheeler came onto this street and got stuck. He explained that these streets were not made to be a cut through for large trucks and other vehicles. He went on to show a photo of Boydston looking up the hill towards the First Baptist Church. He explained that churchgoers do not park along the street, and he does not believe sidewalks are needed 'because of the church.' He expressed that he and others would like the Council to make an exception to the city's ordinance that would otherwise require sidewalks to be installed associated with this reconstruction project. He believes that installation of the sidewalks and the widening of the street would not be fiscally wise or responsible, as no one wants them. He went on to point out that the petition against the sidewalks and the widening of the street represent the 'will of the people,' and the residents do not want these things. He encouraged Council to make an exception.



Darlene Reed  
701 S. Alamo  
Rockwall, TX 75087

She explained that she lives at the corner of S. Alamo and W. Boydston. She shared some photographs of her standing in front of her home with a tape measure, showing how much of the property in front of her home would be 'lost' if the street is widened and sidewalks are installed. She believes that widening the street will be very dangerous. She is generally opposed to the widening of the street and the installation of sidewalks. She went on to share some information concerning the real estate market, generally expressing that these two things (sidewalks and street widening) will adversely impact property values in this neighborhood and will change its 'charm.'

Sarah Freed  
704 Forest Trace  
Rockwall, TX 75087

Ms. Freed came forth and indicated that she has been living in this neighborhood for 9 years. She specifically bought her home in this neighborhood because of its beauty, 'nature' and trees that are prevalent, and because of the church that's nearby. She believes the church has ample parking and has done a good job of adding parking over time to accommodate its attendees. She has never had any church overflow parking at her home. She has safety related concerns if the street is widened, as she has had a vehicle in her front yard before. She believes that vehicles already ignore the 25 mph speed limit in this area, and the steepness of the slope of the street will only cause more safety concerns if the road is widened.

Mayor Pro Tem Fowler asked if anyone else would like to come forth and speak at this time. There being no one indicating such, he then opened the floor for Council discussion.

Councilmember Hohenshelt spoke, generally indicating that these issues have been discussed off and on for at least the last four years. He shared that this topic is a matter of previously passed bond elections that voters voted in favor of. He explained that "sidewalks" is highly a matter of limiting the interaction of pedestrians and vehicles. Council has evaluated the issue of 'sidewalks vs. no sidewalks' extensively, and Council came up with a policy (an ordinance) to address the matter so that every project, from that point forward, would be treated uniformly. He shared that he personally has very likely been at about 9 meetings where sidewalks vs. no sidewalks has been discussed, and hours and hours have been spent by council members and staff to evaluate this matter. He went on to explain that the property where these sidewalks will be installed is already designated as 'city owned right of way,' so no one's personal property is being 'taken.' A photograph of Mr. Marks' property was then shown, and City Engineer, Amy Williams walked through (visually) where the new back of curb and sidewalks will be located within the right-of-way as compared to his retaining wall, mailbox, etc.

Councilmember Johannesen spoke briefly, generally expressing that no matter what decision the City Council makes, there will be those who are unhappy and dissatisfied with its decision. So it is essentially a 'no win' situation. He shared that some council members have actually received emails and/or phone calls from citizens who have essentially said, "don't tell my neighbors, but I am actually in favor of sidewalks being installed."



Mayor Pruitt shared that the traffic counts that City Engineer Amy Williams spoke of from December of 2017 do show that the widening of the street is supported by said counts. So, he will have to go with that information when making the decision to move forward with the street widening and sidewalks installation.

Councilmember Macalik spoke, generally expressing that she will have to go with 'supporting' the street widening and sidewalks installation as well.

Councilmember Campbell asked for clarification regarding 'why 6' on the sidewalks?' Ms. Williams shared the reasoning behind the six-foot sidewalk that is planned, generally expressing that they will be that wide for safety-related reasons.

Councilmember Daniels shared that he had one person at First Baptist Church (where he is a member) say to him verbally, "I don't have a problem with sidewalks," but yet his name appeared on the petition (for "no sidewalks"). Another person indicated that he doesn't have a preference regarding sidewalks, but he told Councilman Daniels that he signed the petition because he 'wanted those folks to leave him alone.'

Mr. Marks came forth again and asked some clarifying questions to the City Engineer regarding the slope of the sidewalk. Discussion also took place pertaining to liability if someone were to slip and fall or otherwise become injured while utilizing the sidewalk in front of his home. City Attorney Frank Garza shared that the adjoining property owner is generally responsible for maintaining the sidewalk, and the City has 'governmental immunity.' He also has concerns about his existing irrigation and its relocation.

Mayor Pruitt shared that if there are any problems at all with irrigation, residents should contact him or the city, and he assured the residents that the city will take care of the irrigation systems that get disturbed.

Mr. Marks asked for and received clarification related to the new location of his mailbox.

Mr. Ruess came forth again and shared that the City kept using the church as a reason why sidewalks are needed (because there is supposedly overflow parking along Boydston, and those pedestrians need sidewalks to walk on to get to the church). He took a photograph at 11:00 AM on a Sunday morning that shows that there is no street overflow parking, and he indicated that the church has plenty of parking.

Steve Swofford came forth again and expressed additional arguments, generally indicating that he prefers to have 5' sidewalks instead of 6' ones. He believes that there is inconsistency regarding when and where sidewalks are installed throughout the city. General discussion took place regarding why a policy related to sidewalks was put into place to begin with, with Councilmember Hohenshelt explaining in greater detail why and how the city arrived at establishing said 'sidewalks policy.'

Darlene Reed came forth and provided additional comments, generally explaining that although other residents located more towards Forest Trace are also not in favor of the roadway widening and the sidewalk installation, the residents here this evening did not have them sign the petition. She went on to appeal to the Council to conduct an additional traffic count and to listen to the voice of the residents who do not want the sidewalks installed.

Mrs. Gail O'Brien (713 Alexander) came forth and shared that she lives on the corner of Alexander and Forest Trace. She would like to know why a 3' sidewalk couldn't be installed on each side of the roadway. She suggested that they could be 'one-way' sidewalks on either side of the road. She is generally not in favor of sidewalks being installed.

Mayor Pro Tem Fowler indicated that he would like to entertain any motion that any council member would like to make at this time. Following clarification between Councilmember Campbell and Ms. Williams regarding where the 1,000 feet is relative to the church, Mayor Pro Tem Fowler acknowledged that no motion was made, so therefore no action would be taken by Council this evening.

Mayor Pro Tem Fowler called for a break at 7:27 p.m. He then reconvened the meeting at 7:36 p.m. and addressed Public Hearing item #4 next.

**X. PUBLIC HEARING ITEMS**

1. **Z2020-023** - Hold a public hearing to discuss and consider a request by James Best 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 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 54 Shadydale Lane, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is requesting construction of a single-family home. The Planning & Zoning Commission and Council are asked to consider size, location and architecture of the proposed home as compared with other, existing homes in the area...these are required to be similar or at least complimentary of existing structures nearby. Eighty-two notices were sent out to property owners located within 500' of the property, and several nearby HOAs (homeowner's associations) were also notified. Staff has not received any notices back. In addition, the Planning & Zoning Commission has recommended approval of this item by a vote of 6-0.

Mayor Pro Tem Fowler opened the public hearing, asking if anyone would like to speak. There being no one indicating such, he then closed the public hearing. Councilmember Hohenshelt moved to approve Z2020-023. Councilmember Macalik seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 20-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 2.60-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, BEST ESTATE 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.**

2. **Z2020-024** - Hold a public hearing to discuss and consider a request by Chris Cuny, PE of Teague, Nall & Perkins on behalf of the Nick DiGiuseppe of Discovery Lakes, LLC for the approval of an ordinance for a Zoning Amendment to Planned Development District 78 (PD-78) [Ordinance No. 15-24] for the purpose of changing the concept plan and development standards on a 316.315-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100 and Tract 2 of the R. K. Brisco Survey, Abstract No. 16, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) for General Retail (GR) District and Single-Family 10 (SF-10) District, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary (1st Reading).

**Planning Director Ryan Miller provided extensive background information pertaining to this agenda item. Notices were sent out to 13 property owners located within 500' of the property. HOAs were also notified. Thus far, no notices have been received back in favor or in opposition. The Planning & Zoning Commission has recommended approval of this item by a vote of 5 in favor with one commissioner dissenting.**

**Mayor Pro Tem Fowler opened the public hearing, asking if anyone would like to come forth and speak at this time.**

**Jim Turner  
1691 E. Old Quail Run Road  
Rockwall, TX**

**Mr. Turner likes the larger lots that are being proposed within this development. However, he does have concern about the septic systems that are proposed to be installed, especially how these septic systems will leach into the surrounding soil. He went on to reiterate the County's requirement that septic systems only be installed on lots that are 1.5 acres or larger. He believes that packing these sorts of septic systems into smaller neighborhoods with smaller lots is not a good idea. He suggests that the lots be increased to 1.5 acres/each and that there be fewer homes within this proposed development.**

**There being no one else wishing to come forth and speak at this time, Mayor Pro Tem Fowler closed the public hearing.**

**Chris Cuny  
2 Horizon Court (business address)  
Heath, TX  
2730 Pin Oaks Circle (home address)  
Rockwall, TX**

**Mr. Cuny, the applicant, came forth and briefed the Council on his proposed development within this Planned Development.**

**Following various, brief comments from Councilmembers Hohenshelt, Johannesen and Daniels, Councilmember Daniels moved to approve Z2020-04. Councilmember Hohenshelt seconded the motion. Following additional discussion, the ordinance was read as follows:**



CITY OF ROCKWALL  
ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 78 (PD-78) [*ORDINANCE NO. 15-24*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF CHANGING THE CONCEPT PLAN AND DEVELOPMENT STANDARDS FOR A 316.315-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY, ABSTRACT NO. 100 AND TRACT 2 OF THE R. K. BRISCO SURVEY, ABSTRACT NO. 16, 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 6 ayes to 1 nays (Pruitt).

3. **Z2020-025** - Hold a public hearing to discuss and consider a request by Hallie Fleming for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *General Retail Store and Hair Salon and/or Manicurist* on a 0.2254-acre parcel of land identified as Lot 1, Block A, Artventures Studio Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District, addressed as 507 N. Goliad Street, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. Mayor Pro Tem 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. Following brief Council comments, Councilmember Johannesen moved to approve Z2020-025. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 20-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 A *GENERAL RETAIL STORE AND HAIR SALON AND/OR MANICURIST* ON A 0.2254-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, ARTVENTURES STUDIO 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.

4. **Z2020-026** - Hold a public hearing to discuss and consider a request by Jake Fears, PE of Wier & Associates, Inc. on behalf of Chad DuBose of JCDB Goliad Holdings, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for *Restaurant with Drive-Through, Less Than 2,000 SF* on a 2.542-acre parcel of land identified as Tract 1 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 150 Pecan Valley Drive, and take any action necessary (1st Reading).

**Councilmember Hohenshelt moved to allow the applicant to withdraw. Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

5. **Z2020-027** - Hold a public hearing to discuss and consider a request by Leslie & Scott Milder for the approval of an ordinance for a Specific Use Permit (SUP) for a *General Retail Store and Banquet Facility/Event Hall* on a 0.66-acre parcel of land identified as Lot 1, Block A, Our House Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 803 N. Goliad Street, and take any action necessary (1st Reading).

**Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant is proposing the addition of a small store that will specialize in high end cigars. Notices were sent out to property owners and residents within 500'. A total of 5 notices were received back in favor of the request. In addition, the P&Z Commission has recommended its approval by a vote of 6-0.**

**Mayor Pro Tem 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 owner of the cigar store (no name or address given) came forth and briefly addressed the Council.**

**Councilmember Daniels moved to approve Z2020-027. Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 20-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 A GENERAL RETAIL STORE AND BANQUET FACILITY/EVENT HALL ON A 0.66-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, OUR HOUSE 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.**



6. **Z2020-028** - Hold a public hearing to discuss and consider a request by Lucas Altoe on behalf of STAR Hubbard, LLC for the approval of an ordinance for a Zoning Amendment to Planned Development District 10 (PD-10) for the purpose of allowing an office on a 32.6546-acre parcel of land identified as Lot 1, Block A, Mansions Family Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for Multi-Family 14 (MF-14) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, addressed as 1650 S. John King Boulevard, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. Staff mailed out 1,339 notices to all property owners located within 500' of the the PD. Also, the two, nearby HOAs were also notified. Staff has received a total of two notices back in favor of the request and one in opposition. In addition, the P&Z Commission voted 5-1 (with Chairman Chodun dissenting) to recommend approval of this request.

Mayor Pro Tem 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 came forth and provided comments to the Council concerning this request.

Councilmember Hohenshelt then moved to approve Z2020-028. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 20-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 10 (PD-10) [ORDINANCE NO.'S 74-32, 96-03, 00-08, 04-25, 04-40, 12-13 & 13-39] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 10 (PD-10), BEING A ~580.48-ACRE TRACT OF LAND SITUATED WITHIN THE J. CADLE SURVEY, ABSTRACT NO. 65; J. M. ALLEN SURVEY, ABSTRACT NO. 2; W. H. BAIRD SURVEY, ABSTRACT NO. 25; W. H. BARNES SURVEY, ABSTRACT NO. 26; A. JOHNSON SURVEY, ABSTRACT NO. 123; AND J. R. JOHNSON SURVEY, ABSTRACT NO. 128, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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.

7. **Z2020-029** - Hold a public hearing to discuss and consider a request by Donald and Cathy Wallace for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District for a two (2) acre tract of land identified as a portion of Tract 44-01 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located northeast of the intersection of H. Wallace Lane and Horizon Road [FM-3097], and take any action necessary (1st Reading).



Planning Director Ryan Miller provided background information pertaining to this agenda item. Notices were sent out to property owners and residents located within 500', and one notice was received in favor of the request. In addition, the P&Z Commission unanimously recommended approval of this item.

Mayor Pro Tem Fowler opened the public hearing, asking if anyone would like to speak at this time. There being no one indicating such, he then closed the public hearing.

Councilmember Hohenshelt then moved to approve Z2020-029. Councilmember Johannesen seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 20-XX**

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 SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A TWO (2) ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 44-01 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY 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.

**XI. ACTION ITEMS**

1. Discuss and consider a resolution at the request of John Vick expressing support for dedicating the SH-66 bridge over Lake Ray Hubbard between Rockwall and Rowlett as the 'Heroes Bridge' to raise awareness of the issue of veteran and first responder suicide, and take any action necessary.

John Vick came forth and briefed the Council on this request, generally indicating that Senator Hall will soon sign a resolution of support for the naming of this bridge. Brian Wilburn then came forth and addressed the Council, further explaining the nature of this request. He generally expressed that these efforts are being undertaken to raise awareness for suicide associated with military and first responders and to encourage its prevention.

Following the comments from Vick and Wilburn, Councilmember Hohenshelt moved to approve the resolution expressing support for the naming of the bridge "Heroes Bridge." Councilmember Johannesen seconded the motion, which passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider overview of the city's budget process and outlook for Fiscal Year 2021 and designation of the Chief Appraiser to perform and certify the tax rate calculations, and take any action necessary.

Assistant City Manager / Finance Director, Mary Smith provided background information pertaining to this agenda item. She generally indicated that Council was provided a memo that shows numbers that are strictly and solely estimations at this point, and they will likely change within the next week or two. The "No New Revenue Tax Rate" was formerly known as the

**“Effective Tax Rate.”** It is anticipated that this rate will be lower than the current rate, as it has been for many years now. Staff has been diligently working to estimate sales tax revenue numbers; however, to predict this information is very, very challenging. She has received budget request proposals from the various departments, and that information is being sorted through. It most likely will prove to be a very ‘boring’ budget for the upcoming fiscal year. Mr. Crowley went on to indicate that staff will be proposing to hold upcoming budget work session on “off” council meeting Mondays. He believes that staff and Council may be able to work through the budget within one or two Monday evenings. Most all of Council indicated that they like the idea of holding budget work sessions on those ‘off’ Mondays.

**Mayor Pro Tem Fowler** moved to appoint Kevin Passons as the Chief Appraiser to perform and certify the tax rate calculations. Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider (re)appointments to the city's Park Board, Art Review Commission, Historic Preservation Advisory Board, Animal Advisory Board and Airport Advisory Board, and take any action necessary.

**Councilmember Campbell** moved to newly appoint Tiffany Miller (to replace outgoing member, Dick Clark) and reappoint Maurice Thompson and Beverly Bowlin to the Historic Preservation Advisory Board (for an additional, two-year term expiring in August of 2022). Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes and 0 nays.

**Mayor Pro Tem Fowler** moved to reappoint Brad Bassett and Matt Murphy to the Airport Advisory Board (for an additional, two-year term expiring in August of 2022). Councilmember Daniels seconded the motion, which passed by a vote of 7 ayes to 0 nays.

**Councilmember Macalik** moved to reappoint Betty Hougland and Doug Agee to the ART Commission (for an additional, two-year term expiring in August of 2022). Mayor Pro Tem Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

**This item was not discussed.**

**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 City of Rockwall vs. Richard Brooks pursuant to Section §551.071 (Consultation with Attorney).
2. Discussion regarding the appeal to the Public Utility Commission filed by the cities of Garland, Mesquite, Plano and Richardson against the North Texas Municipal Water District (NTMWD) regarding water rates pursuant to Section §551.071 (Consultation with Attorney)
3. Discussion regarding appointments to city regulatory boards, commissions, and committees (Board of Adjustments & Planning and Zoning Commission), pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding Loan Ranger Capital, LLC vs. City of Rockwall pursuant to Section §551.071 (Consultation with Attorney).

**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 Pro Tem Fowler adjourned the meeting at 8:54 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 3<sup>rd</sup> DAY OF AUGUST, 2020.

  
JIM PRUITT, MAYOR

ATTEST:

  
KRISTY COLE, CITY SECRETARY

