

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, November 20, 2023 - 5:00 PM

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

I. Call Public Meeting to Order

Mayor Johannesen called the public meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell, and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza participated in Executive Session via teleconference. Councilmember Dennis Lewis was absent from the meeting.

Mayor Johannesen then read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. Executive Session

1. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters).
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)

III. Adjourn Executive Session

Council adjourned Executive Session at 5:48 p.m.

IV. Reconvene Public Meeting (6:00 P.M.)

Mayor Johannesen reconvened the public meeting at 6:00 p.m. with six of seven councilmembers being present (absent – Lewis).

V. Invocation and Pledge of Allegiance - Mayor Johannesen

Mayor Johannesen delivered the invocation and led the Pledge of Allegiance.

VI. Proclamations / Awards / Recognitions

1. Lifesaving Award (06/16/2023) – Rockwall Fire Department, Engine 1 Shift A

- Rodney Caudle – Captain
- Clay Crawford – Firefighter
- Zach Yates – Firefighter

Lifesaving Award (09/29/2023) – Rockwall Fire Department, Engine 1 Shift A

- Rodney Caudle – Captain
- Clay Crawford – Firefighter
- Collin Taylor – Firefighter

Fire Chief, Kenneth Cullins and the Operations Chief from Rockwall County EMS, Russ Warren, came forth and provided details of two, recent, life-saving events that transpired, resulting in the City issuing these awards this evening. Each of the staff members was introduced, and they were all recognized and thanked for the excellent work they performed during these particular incidents and also each and every day.

2. "Texas Indian Association Recognition Day" Proclamation

Mayor Johannesen called forth members of the Texas Indian Association. He then read and presented them with this proclamation, thanking them for their various contributions towards the promotion of the Indian culture and for various benevolent, beneficial efforts with which this organization is involved in our local community.

VII. Appointment Items

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

No Planning & Zoning Commission representative was present this evening. So this item was not addressed.

VIII. Open Forum

Mayor Johannesen explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. No one indicated such, so he closed Open Forum.

IX. Take Any Action as a Result of Executive Session

Mayor Pro Tem Campbell made a motion to authorize the City Manager to execute a lease agreement related to parking in downtown. Councilmember Moeller seconded the motion, which passed by a vote of 6 ayes with 1 absence (Lewis).

X. Consent Agenda

1. Consider approval of the minutes from the November 6, 2023 city council meeting, and take any action necessary.
2. Consider approval of an ordinance updating purchasing policy limits, and take any action necessary. (2nd Reading)
3. Consider authorizing the City Manager to engage Portillo, Brown & Hill, LLP as the firm to conduct the City's audit for the fiscal year ending September 30, 2023, and take any action necessary.

4. Consider authorizing the city manager to negotiate and execute a contract with Custard Construction for renovations of office space in the Rockwall Technology Park and issue purchase orders for additional technology, security, and furniture components of the project totaling \$640,650 to be funded out of Tenant Finish-out Allowance, General Fund Reserves, Police Seized Fund, and take any action necessary.
5. Consider authorizing the city manager to execute a professional service agreement with Garver, LLC for Water Service Line Inventory in the amount of \$59,897.00 to be paid from the Water Operations budget, and take any action necessary
6. **P2023-034** - Consider a request by Billy Duckworth of A&W Surveyors, Inc. on behalf of David Gamez for the approval of a Replat for Lots 2 & 3, Block A, Gamez Addition being a 0.369-acre parcel of land identified as Lot 1, Block A, Gamez Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Neighborhood Residential Overlay (SRO) District, addressed as 614 E, Boydston Avenue, and take any action necessary.

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

**CITY OF ROCKWALL
ORDINANCE NO. 23-63**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE NO. 04-18 IN ITS ENTIRETY; ESTABLISHING GENERAL AUTHORITY FOR UPDATED PURCHASING POLICIES FOR THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 6 ayes with 1 absence (Lewis).

XI. Public Hearing Items

1. **Z2023-049** - Hold a public hearing to discuss and consider a request by Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of an ordinance for a Specific Use Permit (SUP) for Heavy Manufacturing on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller, provided background information concerning this agenda item. This is currently a vacant tract of land on the southeast corner of Discovery Boulevard and Data Drive and is zoned Light Industrial District (within the Rockwall Technology Park). According to the Future Land Use Plan contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is designated for Technology/Employment Center land uses. This land use designation is defined as being "... characterized by employment-oriented businesses, which are generally situated in larger centers (e.g. Rockwall Technology Park) with access to key transportation networks." According to the District Strategies for the Technology District properties designated for Technology/Employment Center land uses "...should be designated for larger clean industrial businesses that can help diversify the City's tax base..." In this case, the applicant is proposing a Heavy Manufacturing Facility that specializes in the construction of hydrogen fuel cells and hydrogen fuel cell engines. This type of business is characterized as a clean industrial business,

and should further diversify the City's tax base by adding another industrial land use that involves a high initial investment in the community. In addition, the phasing plan shows that through future phases this facility could continue to grow and further add to the City's tax base.

In this case, the proposed conceptual building elevations submitted by the applicant appear to be consistent with the existing design scheme of the Rockwall Technology Park, and does a good job of incorporating elements from the adjacent buildings (i.e. Bimbo Bakery and Pratt Industries) while still creating a unique identity. Also, the proposed concept plan and conceptual building elevations appear to conform to all of the city's density and dimensional requirements for a property in a Light Industrial (LI) District. The applicant's proposal also appears to conform to the intent of the OURHometown Vision 2040 Comprehensive Plan. Staff has included provisions in the Specific Use Permit (SUP) ordinance that will require general conformance with the concept plan and conceptual building elevations at the time of site plan approval. At the request of the applicant, staff has also included a four (4) year initial term for the Specific Use Permit (SUP). This appears to be warranted due to the large scale of the proposed facility and the amount of time that may be necessary to establish the proposed land use. To allow for additional flexibility, staff has also included the ability for the applicant to extend the Specific Use Permit (SUP) at the discretion of the City Council.

The city's Planning & Zoning Commission has reviewed this case and has recommended its approval. In addition, 16 notices were mailed out to property owners / occupants within 500' of the subject property, and one nearby HOA was also notified. However, staff received no responses to said notifications.

The applicant, Phil Wagner of the REDC, came forth and shared comments pertaining to this request, indicating that this case is coming forward after about a five month 'cite selection process.' Rockwall has been chosen by this company as the U.S. manufacturing location, which is world-renowned and is based out of Vancouver.

COO of Ballard Power Systems, Mark Biznek and CEO, Randy MacEwen then came forth and briefly address Council. Mr. MacEwen explained more about Ballard and why Rockwall has been selected. They design and manufacture fuel celled ('zero emission') engines for medium and heavy duty mode of applications (i.e. buses, trucks, rail and marine) – essentially heavy vehicles that travel long range and need fast refueling. The company is 44 years old and has about 1,400 employees globally. Also, the company has about \$850 million in cash in the U.S. and no debt on their balance sheet, and the company is known in the industry for technology leadership (including about 1,200 patents and patent applications globally).

Mr. Mark Biznek shared that 48 states across the U.S. were searched during efforts by the company to find and select a location to establish their manufacturing facility, and Rockwall was ultimately chosen from among four states and 11 possible sites. He spoke about some of the various reasons why the company ultimately selected Rockwall for their location.

Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak. No one indicated such, so he then closed the public hearing.

Following brief comments, Councilmember Jorif moved to approve Z2023-049. Councilmember McCallum provided brief, positive comments and then seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-64
SPECIFIC USE PERMIT NO. S-320**

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 HEAVY MANUFACTURING ON A 32.00-ACRE PORTION OF A LARGER 77.148-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. H. B. JONES SURVEY, ABSTRACT NO. 125, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY 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 6 ayes with 1 absence (Lewis).

2. **Z2023-050** - Hold a public hearing to discuss and consider a request by Keith Green for the approval of an ordinance for a Specific Use Permit (SUP) for Guest Quarters/Secondary Living Unit on a 0.22-acre parcel of land identified as Block 43A of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 605 E. Washington Street, and take any action necessary (1st Reading).

Mr. Miller, Planning Director provided background information on this case. The proposed accessory building is planned to be 14' x 25' or 360 square feet and will be located behind the front façade in the rear yard of the subject property. The City's Historic Preservation Advisory Board (HPAB) recently reviewed this request and approved the issuance of a 'certificate of appropriateness' associated with this case. Also, the City's Planning & Zoning Commission reviewed this case and made a recommendation for its approval. So far, of the 82 public notices that were mailed out to adjacent land / property owners, staff has received one response in favor of the applicant's request.

Mayor Johannesen opened the public hearing, but no one came forth to speak. So he closed the public hearing.

Mayor Pro Tem Campbell then moved to approve Z2023-050. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-65
SPECIFIC USE PERMIT NO. S-321**

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, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR GUEST QUARTERS/SECONDARY LIVING UNIT ON A 0.22-ACRE PARCEL OF LAND, IDENTIFIED AS BLOCK 43A OF THE B.F. BOYDSTUN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS

**(\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

The motion to approve passed by a vote of 6 ayes with 1 absence (Lewis).

- 3. Z2023-051 - Hold a public hearing to discuss and consider a request by Jeff Carroll of Carroll Architects, Inc. on behalf of Frank Conselman of Conselman Equities for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 6.60-acre tract of land identified as Tracts 21 & 21-01 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated in the Airport Overlay (AP OV) District, addressed as 1775 Airport Road, and take any action necessary (1st Reading).**

Planning Director, Ryan Miller provided background information concerning this agenda item. This property is located on the north side of Airport Road just east of the city's existing municipal airport, and it is within the city's Airport Overlay District. The request is to change the zoning from "AG" to "Light Industrial," which does conform to the city's future land use and comprehensive plans. The Planning & Zoning Commission did review this case and voted 7-0 to recommend its approval. In addition, fourteen notices were mailed out to adjacent land owners / occupants within 500' of the subject property, but staff did not receive any responses.

Mayor Johannesen opened the public hearing, but no one indicated a desire to speak. He then closed the public hearing.

The applicant, Jeff Carroll with Carroll Architects (address: 750 E. IH-30) briefly came forth and introduced himself.

Councilmember Moeller then moved to approve Z2023-051. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL

ORDINANCE NO. 23-66

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT FOR A 6.60-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 21 & 21-01 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBITS 'A' & '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 to approve passed by a vote of 6 ayes with 1 absence (Lewis).

XII. Action Items

- 1. Discuss and consider directing the City Manager to execute a Facilities Agreement with Chad**

Dubose of DA 3009 Goliad Partners, LP allowing the expansion of an existing retention/detention pond on a 9.33-acre tract of land identified as Tract 5 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 land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, generally located at the terminus of Pecan Valley Drive, and take any action necessary.

Planning Director, Ryan Miller provided background information regarding this agenda item. In March of 2023, the city council approved an SUP for a 2,000 sq. feet or more restaurant with drive thru/drive in on a half-acre tract of land. This property is located on the northwest corner of N. Goliad Street at Pecan Valley Drive. Councilmember Moeller sought clarification on what will end up happening with the creek that runs through this property. Staff clarified that the creek will run under the roadway and into a pond. The concept plan and proposed building elevations have been provided to Council in the informational meeting packet. This case is essentially the applicant's next step, prior to then moving forward to the 'site plan' phase. Back in June, discussions transpired between the applicant and staff about the possibility of this site utilizing city property (an existing pond) for retention / detention of their storm water run-off. The city property in question was dedicated to the city in 2019 by Arkoma Company, and it is currently vacant. In order to formally make this request, a facilities agreement is needed. As part of the agreement, the applicant is proposing some improvements to the city's property – (1) 500' linear feet of 5' concrete trail with a 15' concrete turnaround, and (2) the installation of two benches and three trash cans, which will have to be approved by the city's Parks & Recreation Department. Also proposed is a concrete parking lot with six parking spaces and 44" caliber trees that would be placed around the detention pond area. A draft of the full agreement has been made available to Council for review and consideration. The city attorney, city engineering, and city parks departments have all reviewed the plan / agreement.

Councilmember Moeller sought and received brief clarification regarding the creek that runs through the property.

Councilmember Jorif moved to direct the city manager to execute the Facilities Agreement. Councilmember McCallum sought clarification regarding some aspects of the proposed concept plan for this property.

At the request of Councilmember McCallum, the applicant representative then came forth to answer some questions related to the terrain on the property and the proposed trail.

Dewayne Zinn
Cross Engineering
1720 W. Virginia St.
McKinney, TX

Mr. Zinn came forth and generally explained that they did look at and consider the possibility of trying to tie in the proposed trail to the Quail Run trail. However, there were a couple of areas where the floodplain and terrain would essentially cause complications.

Councilmember McCallum sought further clarification regarding if the trail system could continue on into Quail Run. Parks Director, Travis Sales, indicated that the topography is very difficult. However, the proposed amenities will be very nice as they are designed. Staff thought that there were so many challenges that it likely would not be worth the effort.

Following additional, brief comments by staff, Councilmember Thomas seconded the motion that was made by Councilmember Jorif. The motion passed by a vote of 6 ayes with 1 absence (Lewis).

2. Discuss and consider a resolution amending the Rockwall Economic Development Corporation (REDC) bylaws, and take any action necessary.

Regarding this agenda item, as one of the two Council liaisons to the REDC, Councilmember McCallum provided brief background information concerning this agenda item. Mayor Pro Tem Campbell moved to approve the resolution amending the REDC bylaws. Councilmember Thomas seconded the motion, which – after brief comments – passed unanimously of those present (6 ayes with 1 absence (Lewis)).

XIII. Adjournment

Mayor Johannesen adjourned the meeting at 6:43 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 4th DAY OF DECEMBER, 2023.


TRACE JOHANNESEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

