



ROCKWALL CITY COUNCIL REGULAR MEETING**Tuesday, February 20, 2024 - 6:00 PM****City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087****I. Call Public Meeting to Order**

Mayor Pro Tem Campbell called the meeting to order at 6:00 p.m. Present were Mayor Pro Tem Anna Campbell and Councilmembers Mark Moeller, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney, Frank Garza was present remotely / virtually. Mayor Trace Johannesen and Councilmember Sedric Thomas were absent from the meeting.

II. Invocation and Pledge of Allegiance - Councilmember Jorif

Councilmember Jorif delivered the invocation and led the Pledge of Allegiance

III. Appointment Items

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

Chairman of the P&Z Commission, Derek Deckard, came forth and briefed Council on recommendations of the Commission concerning planning-related items on tonight's meeting agenda. Council took no action following Mr. Deckard's brief comments.

IV. Open Forum

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

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and provided comments pertaining to the current "Primary Election" that is occurring, specifically showing a map on the screen entitled "House District 33." He pointed out that he's not sure that any Rockwall city council member has formally 'endorsed' any candidate(s), and he is not sure why. He indicated he believes some voters do look to local city council members for perspectives concerning who to possibly vote for. He went on to share that he was at a local polling location for a couple of hours or more this morning, and he believes that the candidates present outnumbered voters who were showing up to vote.

There being no one else wishing to come forth and speak, Mayor Pro Tem Campbell closed Open Forum.

V. Consent Agenda

1. Consider approval of the minutes from the February 5, 2024 city council meeting, and take any action necessary.
2. Consider an **ordinance** amending Section 26-505, *Prohibited in Specific Places*, of Article VII, *Stopping, Standing, or Parking*, of Chapter 26, *Motor Vehicles & Traffic*, of the Municipal Code of Ordinances to include the prohibition of semi-trucks and trailers parking on either side of Fit Sport Life Boulevard, and take any action necessary. **(1st reading)**
3. Consider authorizing the City Manager to execute a contract extension agreement with SRH Landscapes LLC for grounds maintenance in the amount of \$100,945.16 to be funded by the Parks Operations budget, and take any action necessary.
4. Consider authorizing the City Manager to execute a contract with Phasetec Electric, Inc. to provide VT SCADA (Supervisory Control and Data Acquisition) software and server upgrades in the amount of \$83,116.09, and take any action necessary
5. Consider amending the Water Operations Budget to appropriate funds and authorizing the City Manager to execute payment to Axis Construction in the amount of \$255,610 for emergency repairs to the Heath St. Pump Station, and take any action necessary.
6. **P2024-001** - Consider a request by Meredith Joyce of Michael Joyce Properties on behalf of John Vick of Qualico Development, Inc. for the approval of a Final Plat for Phase 1 of the Peachtree Meadows Subdivision consisting of 148 single-family residential lots on a 45.95-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 101 (PD-101) [*Ordinance No. 23-11*] for Single-Family 10 (SF-10) District land uses, generally located on the south side of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary.
7. **P2024-002** - Consider a request by Robert Cruse for the approval of a Final Plat for Lots 1 & 2, Block A, Cruse Addition being a 0.2410-acre tract of land identified as Lot 5, Block F, Sanger Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 12 (PD-12) [*Ordinance No. 06-46*], located at the northeast corner of S. Alamo Street and W. Ross Street, and take any action necessary.
8. **P2024-003** - Consider a request by Chuck Lamping of Engineering Concepts & Design, LP on behalf of Clint Vincent of Bloomfield Homes, LP for the approval of a Preliminary Plat for Phase 2 of the Terracina Estates Subdivision consisting of 94 single-family residential lots on a 31.331-acre tract of land identified as Tract 16 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 82 (PD-82) [*Ordinance No. 18-08*] for Single-Family 10 (SF-10) District land uses, generally located at the terminus of Guadalupe Drive, Mesa Verde Drive and Oakcrest Drive, and take any action necessary.

Councilmember McCallum moved to approve #s 1, 2, 3, 4, 5 and 7. He pulled items #6 and #8 for further discussion. Councilmember Jorif seconded the motion. The ordinance caption for #2 was read as follows:

CITY OF ROCKWALL ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE ORDINANCES OF THE CITY OF ROCKWALL, BY AMENDING SECTION 26-505, *PROHIBITED IN SPECIFIC PLACES*, OF ARTICLE VII, *STOPPING, STANDING OR PARKING*, OF CHAPTER 26, *MOTOR VEHICLES AND TRAFFIC*, TO INCORPORATE ADDITIONAL STREETS SUBJECT TO PROHIBITED PARKING REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) 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 (Johannesen and Thomas).

Regarding both Consent Agenda item #6 and #8, Councilmember McCallum shared that he is not in favor of either of these items, and he will be voting against both this evening. He has never supported the project associated with Consent Agenda item #6, and he believes agenda item on #8 is a "high density" project.

Councilmember Jorif then moved to approve Consent Agenda items #6 and #8. Councilmember Lewis seconded the motion, which passed by a vote of 4 ayes, 1 nay (McCallum), and 2 absences (Johannesen and Thomas).

VI. Public Hearing Items

1. **Z2024-001** - Hold a public hearing to discuss and consider a request by the City of Rockwall for the approval of an ordinance for a Zoning Change amending Planned Development District 2 (PD-2) [Ordinance No.'s 72-02, 73-33, 80-19, 84-53, 85-16, 86-28, 92-08, 92-23, 96-06, 96-24 & 99-46] for the purpose of consolidating the regulating ordinances for a 171.135-acre tract of land situated within the M. J. Barksdale Survey, Abstract No. 11; W. Blevins Survey, Abstract No. 9; and, E. P. G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 2 (PD-2), generally located north of IH-30 and west of Ridge Road [FM-740], and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. Mr. Miller explained that in June of last year, staff was directed by Council to amend the city's old PD districts in order to consolidate them. The reason that PDs accumulate so many ordinances over time is that amendments over time were needed. However, under our new process, the goal is to make the zoning easier to understand for the public and to enable staff to more quickly and easily understand PD ordinance regulations (in a consolidated, easily understood way). He explained that the purpose of this zoning case is to again consolidate ordinances associated with PD-2. Notices were sent out to adjacent land and property owners and nearby HOAs. Six notices were received back by staff 'in favor,' and two notices were received back in opposition (however, one of those opposed was not related to / germane to this item).

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

Councilmember Lewis made a motion to approve Z2024-001. Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
AMENDING PLANNED DEVELOPMENT DISTRICT 2 (PD-2) AND THE UNIFIED**

DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CONSOLIDATE THE REGULATING ORDINANCES OF THE PLANNED DEVELOPMENT DISTRICT, BEING A 171.135-ACRE TRACT OF LAND SITUATED WITHIN THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11; W. BLEVINS SURVEY, ABSTRACT NO. 9; AND THE E. P. G. CHISUM SURVEY, ABSTRACT NO. 64, 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 5 ayes with 2 absences (Johannesen and Thomas).

2. Z2024-002 - Hold a public hearing to discuss and consider a request by Javier Silva of JMS Custom Homes, LLC on behalf of Ruben Fragoso of RSR Capital, LLC for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit* on a 0.22-acre parcel of land identified as Lot C, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 52 (PD-52) and Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 715 Sherman Street, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information concerning this agenda item. Mr. Miller explained that this property is located in the Southside Overlay District at 715 Sherman Street. Previously, a case came forth and was approved for the construction of a single-family home at this location. At this time, the applicant is asking for approval in order to construct a secondary living quarters/guest quarters, which will require approval and issuance of a Specific Use Permit (SUP). Mr. Miller went on to explain that the applicant would like to construct this secondary structure. What is being proposed does meet all of the city's requirements / regulations. In addition, nearby property owners/land owners within 500' of the property were notified, and staff received one notice back in favor. Also, the city's P&Z Commission has recommended its approval.

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

Councilmember Jorif asked if any similar, nearby structures exist in this area. Mr. Miller indicated that, yes, there are some like this sporadically located throughout this older area of town.

Councilmember Jorif then made a motion to approve Z2024-002. Councilmember Lewis seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-XX
SPECIFIC USE PERMIT NO. S-2XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 52 (PD-52) [ORDINANCE NO. 02-14] AND 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 LOT C, BLOCK 112, 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 passed by a vote of 5 ayes with 2 absences (Johannesen and Thomas).

3. **Z2024-003** - Hold a public hearing to discuss and consider a request by Michael Twichell of Michael F. Twichell, LP on behalf of Jim Duggan of NEC John King & 552, LP for the approval of an ordinance for a Zoning Change and PD Development Plan amending Planned Development District 74 (PD-74) [*Ordinance No. 17-60*] being a 17.3750-acre portion of a larger 405.184-acre Planned Development District situated within the J. Strickland Survey, Abstract No. 187; T. R. Bailey Survey, Abstract No. 30; and, J. Simmons Survey, Abstract No. 190, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for limited General Retail (GR) District land uses, situated within the SH-205 By-Pass Overlay (BY-OV) District, generally located at the northeast corner of the intersection of John King Boulevard and FM-552, and take any action necessary (**1st Reading**).

Indication was given that this case had been postponed to the March 18, 2024 city council meeting. (It will be heard on March 12, 2024 at the Planning & Zoning Commission meeting). No action was taken on this agenda item at this time.

4. **Z2024-004** - Hold a public hearing to discuss and consider a request by Zach Butler for the approval of an ordinance for a Specific Use Permit (SUP) for an *Accessory Building* and *Carport* on a one (1) acre parcel of land identified as Lot 9 of the Northcrest Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 9 Crestview Circle, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information concerning this agenda item. The property in question is a single-family home located at 9 Crestview Circle, and it used to be located within the city's extraterritorial jurisdiction. It was annexed into the city in 2004, and according to the Rockwall Central Appraisal District, the applicant purchased the property in Aug. of 2014. The applicant had requested a permit to do some electrical work, and – in the process of doing so – staff discovered that a lot of work had been done without first having obtained permits to do so. A “stop work” order had been issued by the City; however, it appeared as though work ensued on the property, despite the ‘stop work’ order having been given. Mr. Miller went on to provide more details pertaining to the various work that ensued, even following the ‘stop work’ issuance (i.e. electrical work, expansion of a detached garage, a concrete pad, etc. – all work that was done without permits). Staff discovered that an SUP would need to be requested and obtained by the City in order for the applicant to seek approval for construction of a detached garage / carport (2,378 sq. feet, standing just over 16’ high, and it’s clad in the same sort of material as the primary structure (the home)). He went on to relay the various ways in which the detached garage / carport structure does not currently meet the city’s existing codes / regulations (i.e. pertaining to size, height, roof pitch, etc.). Mr. Miller shared that approval of an SUP is discretionary on the part of Council. The City’s P&Z Commission did vote 4 to 1 (Commissioner Womble dissented) to recommend approval of this request. In addition, nearby property owners / residents were also notified, and three notices were received back ‘in favor’ of this request. Should Council approve this, staff will work with the homeowner / applicant on needed building inspections on the various work that’s previously been performed without permits.

Mayor Pro Tem Campbell opened the public hearing, asking if the applicant and/or anyone would like to

come forth and speak at this time.

Zach Butler
9 Crestview Circle
Rockwall, TX

The applicant, Mr. Butler came forth, thanking council members for their time, apologizing for not having pulled permits. He shared that his road is older and is located in an area with private sewer, private water, etc. and – although it is no excuse – he did not realize he needed to pull permits to do all of this work.

Mr. Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and pointed out a past case in which a lady had built a greenhouse without having first pulled a permit. He does not recall what happened in that case, but he encouraged Council to be fair and apply decisions equally / similarly.

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

Councilmember McCallum explained that the purpose of pulling permits and having city inspections performed is for safety reasons. The goal is to keep the homeowners safe and ensure work has been done ‘to code’ and in a safe way. He wonders how, with walls having already been erected and substantial work having already been completed, the city inspectors would evaluate the work that’s already been done. Mr. Miller went on to share the various ways in which city staff will work to try and ensure that work that’s already been completed is safe and ‘to code.’ As one example, some dry wall may need to be removed in order to access electrical work that’s already been completed.

Councilmember Lewis shared that the applicant used to play baseball with his son, and he can personally vouch for Zach’s character. He does believe that contractors who did the work should have known, and likely did know, that they needed to have pulled permits. He expressed concern that ‘stop work’ order(s) issued by the city were ignored. He believes that additional fines should be imposed on property owners and/or contractors for not pulling permits and violating and/or ignoring ‘stop work’ orders the city issued. He does know this location well and knows there is agricultural areas all around this location.

Councilmember Lewis made a motion to approve Z2024-004. There being no ‘second’ provided in response to the motion, the motion to approve died / failed.

Councilmember Moeller then spoke, sharing there was a lot of work performed without permits being pulled. He does not understand how all this work was done, over the course of about 10 years, and never once was a permit applied for or obtained. He also has great concern about the ‘stop work order’ having been issued and then ignored.

The applicant explained that the only way pulling a permit ever even came up was when Oncor needed to relocate a line, and – it was at that point that the need to have pulled permits came to light. Mr. Butler shared that he believed the ‘stop work order’ only pertained to discontinuance of work on the ‘shop’ (carport). So, he explained, no additional work ensued specifically on the shop; however, work did ensue on other things on the property. He apologized, generally explaining that he essentially misunderstood the nature of the ‘stop work’ order that had been issued.

Councilmember Moeller again expressed a lot of consternation about permits not having been pulled and inspections not having been conducted. He prefers that permits and inspections transpire first, before any issuance of an SUP is considered by Council at a later date. Mr. Miller shared that, procedurally, the SUP would have to be issued first, before permits and inspections could transpire.

Councilmember Jorif observed that various work began back about 9 years or more ago, and he has concerns about this. He shared that the applicant Mr. Wacker mentioned - a lady who accepted a greenhouse as a gift - was ultimately instructed by the city to tear it down after she had failed to pull a permit for it. When asked by Jorif about his profession, the applicant shared that he used to be an educator; however, he is now in real estate. Councilmember Jorif essentially indicated that the repeated failure to pull permits and have inspections conducted is quite concerning. The carport structure is almost three times larger than the size that the city would typically allow (by right, without obtaining an SUP). Jorif expressed he is mindful of how things have been enforced by the city pertaining to past applicants (for example, the lady with the greenhouse that was only about 240-250 square feet larger than what would otherwise have been allowed by the city who was instructed to tear it down after not having pulled a permit for it).

When asked by Councilmember McCallum regarding options the Council has at this juncture, Mr. Miller shared that Council can approve the SUP; or, it can be 'conditionally approved;' or it can be denied outright.

Councilmember McCallum asked what ramifications the applicant will realize if the Council takes no action and/or if the request is denied (not approved). He is not inclined to expect the applicant to tear it down. Mr. Miller shared that if Council takes no action, then it will be considered as 'denied with prejudice,' so the applicant would not be allowed to come forth with any similar requests for a period of one year. Mr. Miller continued to explain the various contingencies - i.e. if Council were to deny it 'without prejudice,' the applicant could come back immediately to try and apply for an SUP with some noteworthy changes being proposed at that time. Councilmember McCallum shared that, since the applicant is a real estate agent, he believes the applicant absolutely knows where he lives (in the city limits) and that permits were/are a requirement. He does not believe the Butlers need to tear the structure down entirely; however, he does believe that some steps need to transpire to ensure permits are obtained, inspections are performed and the work that's already been completed 'meets code.'

Mr. Miller shared that 'requests for forgiveness' have been heard and addressed by Council in the past. Regarding alternative options in this instance, Mr. Miller shared that this case may be something where Council might consider approving the SUP, essentially with conditions, such as a 'date certain' (perhaps within 90 days) where the applicant has to come back and show that permits have been sought and that inspections have been performed, as well as indication that the work 'meets code' is put forth.

Councilmember Moeller generally expressed that, yes, a viable option for Council and the applicant this evening may be that the SUP be approved by Council but with several conditions being placed on it. Moeller more specifically suggested that perhaps the SUP be conditionally approved, stipulating that all unpermitted work get permitted, that inspections be conducted by city staff, that all the work meet (or be brought up to) "code."

Mr. Miller shared that, procedurally, the Council will have to approve the SUP before permits can be issued. So, perhaps Council might consider approving the SUP request and place a 90 day review on it thereafter so that, at that time, the Council can revisit the SUP and hear updates regarding permitting, inspections, work previously done being up to Code, etc.

Councilmember McCallum asked if the 'stop work' order can stay in place. Mr. Miller shared that he believes the existing 'stop work' order can stay in place; however, if for some reason that's not the case, a new 'stop work' order can be issued to the applicant by staff.

Following additional commentary between the City Council and Mr. Miller, Councilmember McCallum made a motion to approve Z2024-004 to allow the applicant be able to submit building permits; however, Councilmember McCallum requested that an additional Operational Condition be included in the ordinance to require the applicant to bring the Specific Use Permit (SUP) back for additional Council consideration after building permits issued for prior, unpermitted improvements have been approved (inspections are conducted / the work is 'up to code'). In addition, Mr. McCallum also conditioned the motion to require the "stop work" order to remain in effect until after Council's reconsideration of the Specific Use Permit (SUP). Councilmember Moeller seconded the motion. The ordinance caption was read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-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 *DETACHED GARAGE AND CARPORT* ON A ONE (1) ACRE PARCEL OF LAND IDENTIFIED AS LOT 9 OF THE NORTHCREST ESTATES #2 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 4 ayes. 1 nay (Jorif), and 2 absences (Johannesen and Thomas).

VII. Adjournment

Mayor Pro Tem Campbell adjourned the meeting at 7:00 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 4th DAY OF MARCH, 2024.


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

