

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, June 05, 2023 - 4:30 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Johannesen called the meeting to order at 4:31 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell, and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza.

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.**

**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 Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development)
2. Discussion regarding (re)appointments of Presiding Judge and Associate Judge of the Rockwall Municipal Court, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding appointment to the Planning & Zoning Commission (filling of vacancy), pursuant to Section 551.074 (Personnel Matters)
4. Discussion regarding possible sale/purchase/lease of real property in the vicinity of (1) the downtown area and (2) Airport Rd. and John King Blvd., pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
5. Discussion regarding agreement between City of Rockwall and The Shores Country Club, LLC pursuant to Section §551.071 (Consultation with Attorney)
6. Discussion regarding status of *North TX Municipal Water District (NTMWD) v. City of Heath* lawsuit, pursuant to Section 551.071 (Consultation with Attorney)
7. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters).
8. **Pulled from public agenda – Action Item #2.** Discuss and consider the approval of an ordinance amending Article IV, Noise, of Chapter 16, Environment, of the Municipal Code of Ordinances for the purpose of extending the applicability of this section, and take any action necessary. **(1st reading)**

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 5:57 p.m.**

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

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

**V. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MCCALLUM**

**Councilmember McCallum delivered the invocation and led the Pledge of Allegiance.**

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS / OATH OF OFFICE**

1. Swearing in of newly appointed City Councilmember, Place 4 - Sedric Thomas

**City Secretary, Kristy Teague administered the Oath of Office to newly appointed City Councilmember, Sedric Thomas.**

2. Elder Abuse Awareness & Prevention Month

**Mayor Johannesen read and presented this proclamation to Mrs. Sutherland with the local office of the State's Adult Protective Services division. She shared some brief words, encouraging members of the public to report any neglect or abuse of the elderly and/or disabled either on their website or via calling their hotline.**

**VII. OPEN FORUM**

**Mayor Johannesen explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. There being no one wishing to do so, Mayor Johannesen closed Open Forum at this time.**

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

**Mayor Pro Tem Campbell moved to appoint Kyle Thompson to fill the vacant seat on the Planning & Zoning Commission. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

**Mayor Pro Tem Campbell then moved to reappoint Matthew Scott as Presiding Judge and Ryan Lee as Associated Judge of the Rockwall Municipal Court. Councilmember Jorif seconded the motion, which passed by a vote of 7 to 0.**

**Mayor Pro Tem Campbell then made a motion to authorize the sale of real property identified as Parcel 11 on John King Blvd owned by the City of Rockwall to TXDOT for the amount of \$104,968 and a Possession Use Agreement in the amount of \$10,496.90, for the purposes of widening the roadway, authorizing the City Attorney to finalize all necessary documents to complete the transaction and authorizing the City Manager to execute all necessary agreements on behalf of the City. Councilmember Moeller seconded the motion, which passed unanimously (7 ayes to 0 nays).**

**IX. CONSENT AGENDA**

1. Consider approval of the minutes from the May 15, 2023 city council meeting, and take any action necessary.
2. Consider approval of the minutes from the May 23, 2023 special city council meeting, and take any action necessary.
3. **Z2023-021** - Consider a request by James Stringfellow and Bethany Rood of Stingfellow Holdings, LLC for the approval of an **ordinance** for a Zoning Change from a Single-Family 10 (SF-10) District to a Single-Family 7 (SF-7) District for a 1.2811-acre parcel of land identified as Lot 2, Block A, North Alamo Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District,

situated within the SH-66 Overlay (SH-66 OV) District, addressed as 405 N. Alamo Road, and take any action necessary (2nd Reading).

4. **Z2023-022** - Consider a request by Dub Douphrate of Douphrate and Associates on behalf of Dewayne Cain for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Freestanding Commercial Antenna* on a 0.1234-acre tract of land identified as a portion of Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 100 (PD-100) for Single-Family 1 (SF-1) and General Retail (GR) District land uses, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary (2nd Reading).
5. **Z2023-023** - Consider the approval of an ordinance for a *Text Amendment* to Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) for the purpose of creating an *Alcoholic Beverage Package Sales* land use, and take any action necessary (2nd Reading).
6. **P2023-013** - Consider a request by Dub Douphrate of Douphrate & Associates, Inc. on behalf of Joanne Vuckovic of the Pregnancy Resource Center for the approval of a *Replat* for Lot 2, Block A, Pregnancy Resource Center Addition being a 0.32-acre tract of land identified as Lot 1, Block A, Pregnancy Resource Center Addition, City of Rockwall, Rockwall County, Texas, situated within the Scenic Overlay (SOV) District, addressed as 1010 Ridge Road [FM-740], and take any action necessary.
7. **P2023-014** - Consider a request by John Gardner of Kirkman Engineering on behalf of Jesus Sanchez of Victory Shops on 205, LLC for the approval of a *Replat* for Lots 3 & 4, Block 1, Meadowcreek Business Center Addition being a 1.93-acre tract of land identified as Lots 1 & 2, Block 1, Meadowcreek Business Center Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2325 S. Goliad Street [SH-205], and take any action necessary.
8. Consider approval of a recommendation from the Hotel Occupancy Tax (HOT) Subcommittee awarding funding for the Oasis Pickleball Tournaments in the amount of \$101,500 and authorize the City Manager to execute associated contract, and take any action necessary.
9. Consider renewing contracts with B&B Concrete (in the amount of \$250,000) and Medrano Enterprises (in the amount of \$200,000) for concrete pavement repairs, authorizing the City Manager to execute said contracts, which are to be funded by the Streets Maintenance Budget, and take any action necessary.

**Councilmember Jorif pulled item #8 for further discussion. Councilmember Lewis moved to approve the remainder of the Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 9). Councilmember Thomas seconded the motion. The ordinance captions were read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-32**

**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 A SINGLE-FAMILY 10 (SF-10) DISTRICT TO A SINGLE-FAMILY 7 (SF-7) DISTRICT FOR A 1.2811-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK A, NORTH ALAMO ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING 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.

CITY OF ROCKWALL  
ORDINANCE NO. 23-33  
SPECIFIC USE PERMIT NO. S-305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 100 (PD-100) [ORDINANCE NO. 23-07] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *COMMERCIAL FREESTANDING ANTENNA* ON A 0.1234-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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. 23-34

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*, AND ARTICLE 13, *DEFINITIONS*, 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.

Regarding Consent Agenda item #8, Councilman Jorif referred to Councilmember McCallum for comments. Councilmember McCallum pointed out that the Oasis facility is not located within the City of Rockwall. Mrs. Smith shared that it is located in McLendon-Chisholm, but the sub-committee recognizes this and has traditionally considered funding events in nearby locales, depending on where the event is to be held and whether or not there are any hotels available in those locales for the tourists who will be coming to the event (McLendon-Chisholm does not have any hotels). Councilmember McCallum went on to share that he has concerns about how the applicant may utilize funds granted to them for advertising. McCallum has concerns that, in some cases, the advertising for these sorts of events might 'outpace' the revenue generated. Mrs. Smith pointed out that this facility recently hosted an event that was televised on ESPN. McCallum has concerns that some of what the applicant has asked for is funding for infrastructure (i.e. parking lots, additional (pickleball) courts). Mrs. Smith shared that the applicant was already told that they cannot be given funding for those permanent things; however, some funding could potentially be given for 'temporary court rentals,' for example. He shared that he has been involved with advertising for a lot of organizations here in Rockwall, and most of them don't spend \$100k on advertising, especially not on Google and/or Facebook advertising. Also, he pointed out they will be charging 'entry fees' for patrons. He questions if all \$100k will in fact be utilized strictly for

advertising purposes. Councilmember Lewis pointed out that the initial request submitted by the applicant was far greater and for additional items than those which are actually being recommended for consideration of approval by the HOT Subcommittee at this time. He went on to share that this tournament attracts people from all over the United States. Also, what the HOT subcommittee is recommended for approval is an amount far less than what the applicant was originally seeking. Lewis explained that the first thing the subcommittee considers is whether or not an event is going to put 'heads in beds' (folks booking and staying locally, overnight in our hotels here within our city). He stated that this facility hosts multiple tournaments each year that in fact 'fill up our hotels' here locally in Rockwall. While here in our community, those who are attending the tournaments and staying in our local hotels also shop in our city and eat out at our local restaurants. So, the economic impact far exceeds the dollar amount the applicant is requesting. He pointed out that their advertising for this tournament actually goes out all over the United States. Mayor Pro Tem Campbell shared that over 1,500 players – both amateur and pro - from all over the world were present at a pickleball tournament ("the Texas Open") this past weekend, and ESPN aired the game(s). For over two hours, "Rockwall, TX" was being advertised all over those televisions. So that is quite a bit of media exposure for our tiny community of Rockwall (a worldwide event). Mrs. Smith shared that the law does allow for monies granted to be spent on more than just advertising alone (i.e. 'space' and 'technical aspects' of putting on a tournament of this caliber). Councilmember Campbell shared that this one, recent tournament – the Texas Open – went on from a Wednesday through a Saturday, and it brought in hundreds and hundreds of people into our community. Councilmember Jorif said he has had recent conversations with some Rockwall residents to discuss the various benefits of a tournament of this type. Mr. Jorif shared that part of the money, if granted, will be partially utilized for a parking area. Councilmember Lewis shared that this particular portion of the request (parking infrastructure) was actually not approved by the HOT Subcommittee. Mayor Johannesen pointed out that the point of approving funding for these sorts of events is to put 'heads in beds' here locally in Rockwall (and have those visitors spend money within our city (i.e. for shopping, restaurants, gas stations, etc.).

Councilmember Lewis moved to approve Consent Agenda item #8. Councilmember Thomas suggested that the applicant could perhaps work with the local hotels and restaurants to essentially attempt to quantify the economic impact to the city and report back on that at a later date. Mayor Pro Tem Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

#### **X. ACTION ITEMS**

1. Discuss and consider the Lone Star PACE (Property Assessed Clean Energy) as a funding tool for commercial development, and take any action necessary.

Ryan McCormick of "Lone Star PACE" came forth and provided Council with a presentation on this program, which aims to assist developers in funding their projects, especially in light of the more difficult lending environment that has come to light when compared to previous years / previous times. When developers come in, the benefit to the City is that they can be told that the City of Rockwall is a "PACE city," and therefore developers can have access to some funding-related advantages. It was explained, in part, that Mr. McCormick is coming forward to Council this evening due to a request of an upcoming commercial developer that intends to utilize PACE as their funding mechanism, if the City of Rockwall in fact takes the necessary steps and becomes a "PACE city." Mrs. Smith shared that – because the lending environment on the financing side of things has so drastically changed in recent years – this program is in fact a beneficial one for developers. Councilmember Thomas wonders if the Council can



get any sort of additional information from cities, counties, developers, etc. that further explains the kinds of benefits that a city supporting this type of program may be able to realize / experience.

A developer (Glenn Silva) who was present along with Mr. McCormick then came forth and briefly spoke to the Council, generally explaining the way the program works and why it is advantageous related to funding development projects within the City.

Following the presentation and various comments, Council gave general indication that they are okay with having a resolution come forth at a future meeting date to consider its possible adoption related to this program. No formal action was taken at this time.

2. Discuss and consider the approval of an ordinance amending Article IV, Noise, of Chapter 16, Environment, of the Municipal Code of Ordinances for the purpose of extending the applicability of this section, and take any action necessary. (1st reading)

Building Official, Jeffrey Widmer shared that this ordinance first came forth to Council for consideration at a council meeting back in April. It originated from noise-related nuisance concerns expressed by several residential homeowners living near The Northside Bar & Grill, which is located just beyond the northern portion of the city and abuts the city limits' boundary. At that time, Council desired to not move forward with adopting this ordinance and, instead, wanted to allow time for Councilmember Jorif to meet with the business and the residents to try and facilitate an alternative solution (short of adopting this ordinance). Mayor Johannesen shared that this noise-related ordinance would extend noise-related regulations out to 500' beyond Rockwall's city limit line (citywide).

Councilmember Lewis moved to approve the ordinance, as presented. Mayor Pro Tem Campbell seconded the motion. Councilmember Thomas shared that he does not have confidence that passage of this ordinance is going to solve the noise-related concerns that existing residents currently have related to the one, particular business up North at this time (the Northside Bar & Grill). He suggested that another alternative could be for the business to put up some sort of noise-related barriers to try and control the sounds that are bothersome to nearby residential neighbors. Therefore, he will not be supporting passage of this ordinance at this time.

Councilmember McCallum thanked Councilmember Jorif for all of his efforts related to this topic and these concerns. He shared that, although passage of this ordinance may not totally solve the issue, if this is the best the city can do, then at least the city is taking some sort of action to try and help the residents who are troubled by the music and noise being emitted from this business (that's located in the city's extraterritorial jurisdiction (ETJ)). He does recognize the business owner could voluntarily take actions, such as turning their stage and/or putting up sound barrier type screening. However, they may not be willing to do so, and inaction on the part of the city is not an option.

Councilmember Jorif then spoke, generally indicating that being a good neighbor works two ways. The business has a right to exist and conduct its business, while the residents also have a right to have peace and quiet while at their homes. He went on to explain that the noise coming from this particular business is notably bothersome to the nearby residential neighbors. He generally expressed that – in his opinion – the noise emitting from the business is not acceptable. He explained that he believes the business has made some attempts to control the noise and adjust the music volume downward; however, he believes that when the owner or managers are not physically present on site, turning down of the music may not be consistently happening. He acknowledged that the business owner could also do additional things such as relocate the stage and point it back towards the venue itself and not

towards the neighborhood. He could also put up screening, such as trees, which would take a while to grow. He believes passage of this ordinance will essentially afford the city and its residents some level of protection.

The ordinance caption was read as follows:

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE IV, NOISE, OF CHAPTER 16, ENVIRONMENT, FOR THE PURPOSE OF EXTENDING THE APPLICABILITY OF THE ARTICLE TO PROPERTIES WITHIN 500-FEET OF THE CITY OF ROCKWALL'S CORPORATE LIMITS AND THAT ARE SITUATED WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ); 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 against (Thomas).

3. Discuss and consider directing staff to initiate a review of certain Planned Development District (PD) ordinances, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item. Mr. Miller generally explained that "PDs" first started being utilized in the 1970s to help regulate residential and commercial developments coming into the City. The City of Rockwall currently has about 100 PDs in place. Prior to about 2015, when a PD needed amendments, instead of superseding the original, regulating ordinance, they would pass an additional, regulating ordinance. This has resulted in PDs having been amended multiple times throughout the years. So, essentially, this results in PDs that have been amended over time being very difficult for both staff and the public to understand. He used the "Chandler's Landing" subdivision PD as an example, pointing out that it originated in the 1970s but has been amended so many times that it is now over 200 pages in length when all amending ordinances are compiled. That length is large, especially when compared to Rockwall's overall, citywide zoning code, which is about 240 pages long. The Chandler's PD has 20 regulating ordinances, two resolutions, and over 100 development cases. So, staff's ability to answer what should be simple questions such as "what are my required setbacks for this residential lot," can take a day or more of staff research to answer. He went on to explain that staff would, therefore, like to initiate 'zoning' on these old PDs so that a consolidating ordinance can then be written. So, there will not be any change to the ordinances themselves but, rather, it will take all of the current development requirements and put them into an easy to understand, easy to read, consolidated format. We hope this will help citizens, the development community, and staff. Also, it will help staff and the City ensure we are interpreting things and applying regulations uniformly and accurately.

Following additional explanations from Mr. Miller and brief comments from Councilmember Lewis and Councilmember McCallum, Councilmember McCallum made a motion to direct staff to move forward with initiating these efforts to review certain Planned Development District ordinances. Councilmember Jorif seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

**XI. 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 - April 2023
2. Fire Department Monthly Report - April 2023
3. Parks & Recreation Monthly Report - April 2023
4. Police Department Monthly Report - April 2023
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

No questions were asked concerning the departmental reports. Mrs. Smith, City Manager, shared that the city's Farmer's Market is in full swing. Also, the Dallas Morning News' Summer Fun Guide featured the amphitheater at The Harbor and the "Fleetwood X" on the cover. The amphitheater was recently redone, and it looks great. Also, Fourth of July festivities will be underway on that day to celebrate Independence Day, and the annual parade will begin at 9AM. Councilmember Thomas then had his son come forth and introduce himself. His son, who is in town on leave from Germany currently, then briefly came forth and briefly spoke, generally expressing support of his father and of him having recently been appointed to the City Council.

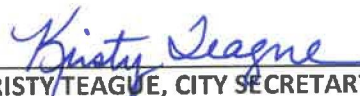
**XII. ADJOURNMENT**

Mayor Johannesen adjourned the meeting at 7:11 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 19<sup>th</sup> DAY OF JUNE, 2023.**

  
TRACE JOHANNESEN, MAYOR

ATTEST:

  
KRISTY TEAGUE, CITY SECRETARY

