

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 15, 2023 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Trace Johannesen called the meeting to order at 5:00 p.m. Councilmembers present included: Trace Johannesen, Anna Campbell, Dennis Lewis, Clarence Jorif, Mark Moeller and Tim McCallum. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. It is noted that Councilmember, Place 4 was a vacant seat (vacated by Johannesen who ran unopposed and became Mayor).

Johannesen read the below-listed discussion items into the record before recessing the meeting to go into Executive Session. (It is noted for the record that an official "Oath of Office" was administered to incoming Councilmember, Tim McCallum and to newly elected mayor, Trace Johannesen prior to the start of the meeting / Ex. 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 appointment of Mayor Pro Tem and assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding process associated with filling upcoming vacancy for City Council Member - Place 4, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
3. Discussion regarding city noise and nuisance-related ordinances, pursuant to Section §551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Executive Session at 5:51 p.m.

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

Johannesen reconvened the meeting at 6:00 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER LEWIS

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS / OATHS OF OFFICE

1. Swearing in of the following Newly Elected City Councilmembers by Matthew R. Scott, Presiding Judge - Rockwall Municipal Court:
 - Tim McCallum - Place 1

- Clarence Jorif - Place 3
- Dennis Lewis - Place 5
- Trace Johannesen - Mayor
 - Mayor's report regarding goals for this term of office

Judge Scott administered Oaths of Office to each of the above-listed, newly-elected councilmembers and mayor.

Mayor Johannesen briefly spoke following taking his Oath of Office. He explained that he plans to focus on transparency and facilities, including the city's Police Station, Fire Station 1 and the municipal airport. He thanked everyone for their faith in him and expressed that it is an honor to serve as Rockwall's mayor.

2. Older Americans Month Proclamation

Maureen Cook from the Rockwall Area Committee on Aging / Meals on Wheels organization came forth and accepted this proclamation from the mayor.

3. Police Memorial Week Proclamation

Mayor Johannesen called forth Police Chief Ed Fowler, Assistant Police Chief David Valliant and several members of the Rockwall Police Department. He then read and presented them with this proclamation.

4. Public Works Week Proclamation

Mayor Johannesen called forth Amy Williams, the city's Public Works Director, along with several members of her staff. He then read and presented them with this honorary proclamation.

VII. OPEN FORUM

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

**Danny Johnson
712 Monterey Drive
Rockwall, TX 75087**

Mr. Johnson came forth and expressed concern about the city's infrastructure, such as roadways, potholes and crosswalks, generally explaining that his main concern is related to roads. He shared that the poor road conditions are especially hard on cars. So he will appreciate the city working to address these sorts of concerns.

**Tisa White
3718 Huntcliff Drive
Rockwall, TX**

Ms. White came forth and asked the City to extend the city's noise ordinance beyond the city's city limit line so that the residents living on the edge of those limits may also be protected from disturbing noise.

There being no one else wishing to come forth and speak, the mayor then closed Open Forum.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Jorif moved to name Councilmember Anna Campbell as Mayor Pro Tem. Mayor Johannesen seconded the motion, which passed unanimously of those present (6 ayes to 0 nays, with one vacant seat (Place 4)).

IX. CONSENT AGENDA

1. Consider approval of the minutes from the May 1, 2023 city council meeting, and take any action necessary.
2. **P2023-010** - Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a Master Plat for the Discovery Lakes Subdivision consisting of 289 single-family residential lots 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 land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.
3. **P2023-011** - Consider a request by Cameron Slown, PE of Teague, Nall & Perkins, Inc. on behalf of the Alberto Dal-Cin of Discovery Lakes, LLC for the approval of a Preliminary Plat for Phase 2 of the Discovery Lakes Subdivision consisting of 31 single-family residential lots on a 27.465-acre portion of a larger 174.5990-acre tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 78 (PD-78) Single-Family 10 (SF-10) District land uses, generally located at the northeast corner of the intersection of SH-276 and Rochelle Road, and take any action necessary.
4. Consider authorizing the City Manager to execute a contract for emergency repairs for the Heath Pump Station with Crescent Construction, Inc., in an amount not to exceed \$249,541.00, to be funded out of the Water and Sewer Fund, and take any action necessary.
5. Consider awarding a bid to Magnum Manhole and authorizing the City Manager to execute associated contract(s) in an amount not to exceed \$125,000 for the rehabilitation of 20 manholes within the city - to be funded by the Wastewater Operating Budget - and take any action necessary.

Councilmember McCallum pulled item #1. Councilmember Lewis then moved to approve the remaining Consent Agenda items (#s 2, 3, 4, and 5). Councilmember Moeller seconded the motion, which passed by a vote of (6 ayes with one vacant seat (Place 4)).

Regarding Consent Agenda item #1, Councilmember McCallum indicated he will be abstaining from this item. Councilmember Jorif then explained that Consent Agenda #5 is associated with an expenditure that was pre-budgeted in advance. He then moved to approve the minutes (Consent Agenda item #1), as presented. Councilmember Moeller seconded the motion, which passed by a vote of 5 ayes and 1 abstention (McCallum), with one vacant seat (Place 4).

X. APPOINTMENT ITEMS

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

Derek Deckard from the City's Planning & Zoning Commission very briefly spoke to Council, offering to answer any questions councilmembers may have regarding planning-related items on tonight's meeting agenda. No questions were asked, and the Council took no action at this time.

XI. PUBLIC HEARING ITEMS

1. **Z2023-021** - Hold a public hearing to discuss and 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 (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. The property is on the west side of N. Alamo Street near the intersection of Goliad Street. The applicant would like to rezone the property in order to subdivide it into two, separate residential lots for the purpose of building two, residential homes on each property. Mr. Miller explained that the applicant meets the required lot size; however, the lots don't meet the city's 'lot frontage' requirements. So, they would like to rezone it to SF-7, which is consistent with zoning across the street and would meet lot size requirements. If they are approved this evening, they will eventually come back to Council at a later date in order to request a Specific Use Permit (SUP) to construct the single-family homes in this established subdivision. This zoning is consistent with the city's Zoning Map and Future Land Use Map in the Comprehensive Plan. In addition, the request does meet the density (requirements). The City's Planning & Zoning Commission has recommended approval of this request. Public notices were sent out to 136 property owners within 500' of the property. Two notices and one email were received back in favor of the request, and one notice was received back in opposition of this request. In addition, one HOA was also notified of this request.

Mayor Johannesen opened the Public Hearing, asking if anyone would like to come forth and speak at this time.

Brittany Rood, the applicant, came forth and indicated that her name is misstated as "Bethany" on the agenda. She provided very brief comments, expressing appreciation to Council for its consideration in approving this request.

Mayor Johannesen then closed the public hearing. Councilmember Jorif moved to approve Z2023-021. Councilmember Campbell seconded the motion. 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 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.

The motion passed by a vote of 6 ayes to 0 nays, with one vacant seat (Place 4).

2. **Z2023-022** - Hold a public hearing to discuss and 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 (**1st Reading**).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. This property is on the south side of SH-66 near Davis Drive. The property is earmarked for General Retail District Land Uses. This Planned Development District (PD-100) was established in March of this year. The approved PD allows for one free-standing commercial antenna on the property, but it may only be constructed with approval of a Specific Use Permit (SUP). The applicant is here requesting said SUP in order to construct a cellular, monopole antenna that will stand 110 feet in overall height and be surrounded with a wrought iron fence and have some tree screening along parts of it as well (i.e. along the adjacent residential neighborhood). Fourteen notices were sent out to adjacent land and property owners within 500' of the property. Of those, six notices from four property owners were received back in favor. In addition, the Rolling Meadows HOA was also notified. In addition, the City's Planning & Zoning Commission did unanimously vote to recommend approval of this request.

Mayor Johannesen opened the public hearing, asking if anyone would like to come forth and speak at this time. There being no one wishing to come forth and speak at this time, Mayor Johannesen then closed the public hearing.

The applicant then came forth to speak.

Dewayne Cain
305 Stonebridge
Rockwall, TX

Mr. Cain shared that he and his family have been here for many generations, and their children and grandkids are here in Rockwall too. Mr. Cain went on to provide historical information about previous developments that were put into place many, many years (decades) ago, including a previous developer named Art Weir. Mr. Cain went on to ask Council for its unanimous support of this request this evening. He explained that the antenna tower will be no higher than the existing Oncor lines. Also, there will be a lot of tree-related screening in the area. He shared that there currently is horrible cellular reception in this area, so this tower will help with that. Also, first responders and their communications equipment will also be helped by this tower being approved and erected.

Following brief questions from Councilmember Moeller and Councilmember Jorif, Councilmember Campbell moved to approve Z2023-022. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-XX
SPECIFIC USE PERMIT NO. S-XXX**

**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.

The motion passed by a vote of 6 ayes to 0 nays, with one vacant seat (Place 4).

3. **Z2023-023** - Hold a public hearing to discuss and 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 (1st Reading).

Planning Director, Ryan Miller provided background information pertaining to this agenda item. Mr. Miller explained that this ordinance would create two new land uses – (1) alcoholic beverages package sales (beer, wine, liquor, and or distilled spirits) by a person, establishment or place of business and (2) an alcoholic beverage store (a standalone retail establishment that sells beer, wine, liquor, and or distilled spirits to the general public for off-premise consumption). Mr. Miller went on to explain that for alcoholic beverage package sales, the packaged sales will only be permitted with an alcoholic beverage store (and not as an accessory use to any other land use); and (2) package sales (beer and wine) should be permitted ‘by right’ as an accessory use to a general retail store, retail store with gasoline sales, brew pub, micro / craft brewery or winery, etc. The conditional land use standards for the alcoholic beverage store are that they shall include the sale of beer, wine and liquor or distilled spirits. It cannot locate within 1,000 feet of any ‘like use’ as measured from the parcel line to the nearest parcel line. Mr. Miller explained that the City is establishing these standards in order to be proactive, even though currently these sorts of stores / liquor sales are not currently allowed within the City of Rockwall. Proactively establishing these standards and guidelines will ensure the city has provisions in place in advance of any potential changes to State law(s) and/or any potential local option (liquor) election(s). Fifteen day advanced notice was published in the newspaper. In addition, the Planning & Zoning Commission did review this item and has unanimously recommended its approval.

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

Councilmember Lewis moved to approve Z2023-023. Councilmember Campbell seconded the motion. Following brief, clarifying comments from Councilmember Jorif, 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 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 6 ayes to 0 nays, with one vacant seat (Place 4).

XII. ADJOURNMENT

Mayor Johannesen reminded everyone that the Bellamy Brothers are opening up for Easton Corbin this weekend at the city's annual (free admission) Founder's Day Festival at Harry Myers Park. Also, the weekly Farmers Market will be held that morning on the downtown square.

The meeting was adjourned at 6:55 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 5th DAY OF JUNE, 2023.


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

