



ROCKWALL CITY COUNCIL MEETING

Monday, March 4, 2024 - 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 Dennis Lewis. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza. Councilmember Tim McCallum was absent from the meeting.

Mayor Johannesen 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 possible land lease agreement for a cellular communication tower on real property owned by the City in the vicinity of Springer Road, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney).
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)
4. Discussion regarding terms contained in a mutual aid interlocal agreement for specialized police services between the City of Rockwall and the City of Rowlett, pursuant to Section §551.071 (Consultation with Attorney)

III. Adjourn Executive Session

Council adjourned from Executive Session at 6:00 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 - Mayor Johannesen

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

VI. 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 indicating such, he then closed Open Forum.

VII. Take Any Action as a Result of Executive Session

Mayor Pro Tem Campbell moved to authorize the City Manager to negotiate and execute a land lease agreement for a cellular communication tower located on city owned property at the Springer Road Water tower site. Councilmember Thomas seconded the motion, which passed by a vote of 6 ayes with 1 absence (McCallum).

Mayor Pro Tem moved to authorize the City Manager to negotiate and execute an interlocal agreement for specialized police services (mutual aid) between the City of Rockwall and the City of Rowlett. Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (McCallum).

VIII. Consent Agenda

1. Consider approval of the minutes from the February 20, 2024 city council meeting, and take any action necessary.
2. **Z2024-001** - 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 **(2nd Reading)**.
3. **Z2024-002** - 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 **(2nd Reading)**.
4. 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. **(2nd reading)**
5. **P2024-005** - Consider a request by Juan J. Vasquez of Vasquez Engineering, LLC on behalf of Shane Shoulders of Kennor Rockwall Retail, LLC for the approval of a Replat for Lot 10, Block A, Dalton Goliad Addition being a 1.93-acre tract of land identified as Lots 8 & 9, Block A, Dalton Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated within the N. SH-205 Overlay (N. SH-205 OV) District, generally located on the west side of SH-205 north of the intersection of SH-205 and FM-552, and take any action necessary.

6. Consider approval of a resolution cancelling the City of Rockwall's May 4, 2024 General Election, declaring unopposed candidates to be duly elected in city council member Places 2, 4, and 6, and take any action necessary.
7. Consider approval of the Rockwall Police Department's 2023 Racial Profiling Report, 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 \$35,000, authorizing the City Manager to execute associated contracts, and take any action necessary.

Mayor Pro Tem Campbell requested to pull item #8 from the Consent Agenda for further discussion.

Mayor Pro Tem Campbell then moved to approve the remainder of the Consent Agenda items (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Thomas seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-07**

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.

**CITY OF ROCKWALL
ORDINANCE NO. 24-08
SPECIFIC USE PERMIT NO. S-326**

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.

**CITY OF ROCKWALL
ORDINANCE NO. 24-06**

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 was approved by a vote of 6 ayes with 1 absence (McCallum).

Regarding Consent Agenda item #6, Mayor Johannesen congratulated Councilmembers Moeller, Thomas and Campbell for not drawing any opponents for the May 4 General Election, thereby enabling the city to cancel its election and save money in doing so. He expressed that them not having drawn opponents is indication that the public is happy with their service on the Council.

Regarding Consent Agenda item #8, Mayor Pro Tem Campbell moved to approve Consent Agenda item #8 with funding in the amount of \$35,000, requesting that – as part of the funding – Oasis will need to provide receipts associated with use of funds that are granted (i.e. for any advertising and/or promotional items purchased with the funds). Councilmember Lewis seconded the motion. At the request of Mayor Johannesen, Councilmember Lewis explained why approving this funding request for a facility located outside of our own city limits is a good idea. Councilmember Lewis shared that Oasis has three (sometimes) tournaments annually. Tournament attendees fill up our hotels, they eat in our restaurants and they shop in our stores – all things which produce revenue for the City. He went on to explain that there are four reasons why this and previous city councils have been able to lower taxes – (1) good fiscal management by staff; (2) increases in appraised home values; (3) new homes being built and (4) sales tax revenues. New homes being built have slowed when comparing last year to the year before. In addition, appraised values are not going up as fast, and our city sales tax revenues have increased. In order to ensure sales taxes remain healthy and increasing, the city has to bring people here, and those people need to be shopping and spending money in our city. So, that aspect is one of the main things he looks at when evaluating HOT funding requests. He explained Oasis’ original request came in at just over \$90k, and it, thereafter, was significantly reduced down to the \$35k amount.

Following Councilmember Lewis’ comments, Mayor Pro Tem Campbell shared that anywhere from 1,500 to about 2,200 hotel stays are booked within our city during each tournament held. This is a significant, positive impact on our city. Mayor Johannesen pointed out that Oasis is located in McLendon-Chisholm, and there are no hotels in existence in that municipality. So, it stands to reason that attendees will be staying in hotels located within our city limits. City Manager, Mary Smith shared that she recently visited with local hotel managers at both The Hilton and Springhill Suites. The Springhill Suites manager in particular shared with Mrs. Smith that if she could get pickleball tournaments regularly, she would not ever have to worry about her weekday vacancies.

The motion to approve Consent Agenda item #8 (\$35k with the requirement that Oasis submit receipts) then passed by a vote of 6 ayes with 1 absence (McCallum).

IX. Action Items

- 1. Z2024-004** - 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 (2nd Reading).

Planning Director, Ryan Miller provided background information on this item, indicating that it passed by a

vote of 5 to 0 at the last, regular council meeting. Mr. Miller went on to explain the provisions that have been added to this ordinance at the request of Council based on discussions at the last meeting. Councilmember Jorif interjected, clarifying that this ordinance passed at the last meeting by a vote of 4 ayes, 1 nay (Jorif), (with 2 absences) – not a vote of 5 to 0.

Councilmember Lewis moved to approve Z2024-004. Councilmember Thomas seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-09
SPECIFIC USE PERMIT NO. S-327**

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* 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 then passed by a vote of 5 ayes, 1 nay (Jorif), and 1 absence (McCallum).

2. **MIS2024-002** – Discuss and consider a request by Revi Menasche for the approval of a Miscellaneous Case for a *Variance* to the proximity requirements for the sale and on-site consumption of alcoholic beverages on a 1.254-acre parcel of land identified as Lot 1RA of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 316 S. Goliad Street, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item, indicating that this property is located directly across from Rockwall City Hall at “The Bagel Lady” (existing) business. He went on to explain the variance that is being requested associated with the proximity requirement, which stipulates that alcohol should not be sold less than 300 feet away from a church. This is measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. He explained that granting a variance to the distance requirement(s) is a discretionary decision on the part of Council. Following Mr. Miller’s briefing, the applicant then came forth.

Revi Menasche
The Bagel Lady (business)
316 South Goliad
Rockwall, TX 75087

Mrs. Menasche shared that she and her husband would like to open a comedy place and utilize space that is currently not being used by her business, especially during evening hours. She explained that she and her husband want to honor their late daughter, who was a comic and a chef, and who recently passed away. Mrs. Menasche indicated that she has asked her business neighbors about their thoughts pertaining to her desire to begin selling alcohol at this location. She indicated that, in speaking with the nearby church, she

has learned they are ok with her selling alcohol there. She is only interested in selling beer and wine (no liquor or mixed drinks). She also explained that she is willing to serve / sell alcohol only on evenings when adult comedy is taking place. She explained she might also want to have evenings when teenagers are present for events, and – on those nights – she would not be serving alcohol at all. She went on to explain that a lot of coffee shops sell beer and wine.

Mayor Pro Tem Campbell provided condolences to Mrs. Menasche for the passing of her daughter. She sought clarification regarding if members of Reach Church (nearby) have been asked how they feel about alcohol sales. Mrs. Menasche expressed that – yes, she has spoken to them, and the nearby church has given her indication they are okay with it, as they are drinkers themselves. Right now, she is planning on having comedy on Friday and Saturday nights, as well as “open mic” comedy on Sundays. Doors would open at 6:00, and comedy would last until about 10:00 – 10:30 at night.

Councilmember Moeller also expressed condolences about the passing of Mrs. Menasche’s daughter. He indicated that this venue will be something unique and different and will bring something new to Rockwall. He thanked her for talking to the nearby church about wanting to begin selling alcohol.

Councilmember Sedric expressed his condolences and shared that he thinks this is a good way to honor her late daughter and provide a new type of entertainment venue to the city and to patrons. Mrs. Menasche shared that there will be some “R rated” comedy; however, there will also be family-friendly, PG-13 comedy provided as well.

Councilmember Thomas then moved to approve MIS2024-002. Mayor Pro Tem Campbell seconded the motion. Councilmember Jorif then commented that he understands reasons behind why Mrs. Menasche is doing this (to honor her late daughter). However, he explained that – in order to maintain neutrality – he is going to vote against approving this request this evening since he believes in the 300’ rule in place by TABC. Councilmember Lewis expressed the belief that having ‘clean comedy’ is doable, and he encouraged her to try to do so, while also recognizing that she is the business owner, so it will be her decision. Mayor Johannessen clarified that the City has adopted TABC alcohol-related provisions, and he shared that he has no problem supporting this request.

The motion to approve passed by a vote of 5 ayes, 1 nay (Jorif) and 1 absence (McCallum).

Mrs. Smith shared that Mrs. Menasche’s daughter actually won the competition on one of the television episodes called “Chopped” not long before she passed away. Mrs. Menasche shared that she passed away a month after she filmed that show. She shared that some of the food served will be inspired by flavors her late daughter used and loved.

3. Discuss and consider approval of a resolution authorizing an update to the impact fee program for roadway, water, and wastewater facilities and appointing a Capital Improvements Advisory Committee (CIAC), and take any action necessary.

Mr. Miller, the city’s Planning Director, provided background information related to this agenda item. At the last Council meeting, Council authorized execution of an agreement with a consultant – Freese & Nichols, to assist with updating impact fees, which the state requires be done once every five years. In addition, Birkhoff, Hendricks and Carter, LLP (engineering firm) will be doing updates to the impact fees for the city’s water / wastewater facilities.

He went on to share that a Capital Improvements Advisory Committee (CIAC) is required by the Texas Local Government Code to be put in place to serve in an advisory capacity to the City Council related to updating

these impact fees. He went on to explain that State law allows for a city to appoint its existing Planning & Zoning Commission to serve in this role. Or, the Council may appoint an ad-hoc committee of at least five members where 40% of the membership consists of representatives of the real estate, development or building industries plus at least one representative from the city's Extraterritorial Jurisdiction (ETJ).

Mr. Miller shared that the last several times, the Council has opted to utilize the city's existing P&Z Commission for this purpose. The resolution being presented to Council this evening has been drafted in order to name the city's P&Z Commission to serve in this capacity; however, it can also be changed if Council would like to instead appoint an alternative committee as described above.

Councilmember Lewis moved to approve the resolution "as is," appointing the P&Z Commission to serve as the Capital Improvements Advisory Committee (CIAC) and authorizing an update to the city's impact fee program for roadway, water and wastewater facilities. Councilmember Jorif seconded the motion, which passed unanimously of those present (6 to 0 with McCallum being absent).

X. 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
2. Fire Department Monthly Report
3. Parks & Recreation Department Monthly Report
4. Police Department Monthly Report
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

City Manager Mary Smith provided brief comments, indicating the city recently received indication that it will be awarded a TX Parks & Wildlife Boat Ramp Parking Grant. It is a \$1 million grant with \$250k being for design and \$750k for construction and the city's portion being \$312,500. She explained that design will happen over the summer, and then the city will be ready to start construction on it by the fall.

XI. Adjournment

The meeting was adjourned at 6:32 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 18th DAY OF MARCH, 2024.

ATTEST:


KRISTY TEAGUE, CITY SECRETARY




TRACE JOHANNESSEN, MAYOR