

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, May 01, 2023 - 5:00 PM

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

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen and Councilmembers Dennis Lewis, Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Mayor Fowler 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 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)
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 status of *North TX Municipal Water District (NTMWD) v. City of Heath* lawsuit, pursuant to Section 551.071 (Consultation with Attorney)

III. ADJOURN EXECUTIVE SESSION

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

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

Mayor Fowler reconvened the public meeting at 6:00 p.m. with all seven council members being present.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER MOELLER

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Lemonade Day Proclamation - Rockwall Area Chamber of Commerce
2. Professional Municipal Clerks Week Proclamation
3. National Day of Prayer Proclamation
4. Mental Health Awareness Month Proclamation
5. Rockwall County's Sesquicentennial Recognition Day Proclamation
6. Recognition of outgoing city councilmembers - Bennie Daniels (Place 1) and Kevin Fowler (Mayor)

Mayor Fowler read and presented each of the above noted proclamations (#s 1 – 5) to respective representatives who were present to accept each one. Regarding item #6 above, Mayor Fowler read a proclamation recognizing Councilmember Bennie Daniels for his years of dedicated service on the Rockwall City Council. Councilman Daniels briefly spoke, generally expressing gratitude to his Lord and Savior, Jesus Christ, his wife of nearly 61 years, Gloria, his fellow council members, city staff and the citizens of Rockwall. Mayor Pro Tem Johannesen then came forth and presented a proclamation to Mayor Kevin Fowler, recognizing him for his service as a councilman and as mayor of the city. Mayor Fowler expressed gratitude to his family, friends, staff, and the public for allowing him the opportunity to serve. Thereafter, Michael Caffey, on behalf of the Rockwall Professional Firefighters Association, then came forth and provided brief remarks, thanking Councilman Daniels and Mayor Fowler for all of their support of public safety and for their years of service to the city.

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

VII. OPEN FORUM

**Jim Pruitt
209 Stonebridge
Rockwall, TX**

Former Mayor, Jim Pruitt came forth and shared that her daughter, who is currently on the Youth Advisory Council and is a high school student now, was six years old when he first began serving on Council. He went on to provide brief comments of gratitude to both Councilmember Daniels and Mayor Fowler for their service to this city and its citizens.

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

Mrs. White came forth and shared that this is her third visit to City Council to express concerns about The Northside (Bar and Grill) and the noise emitting from this business. She thanked Councilmember Jorif in particular for the attention and work he has given to the noise concerns. She shared that the noise is invasive, and it is daily and it is 'hour after hour.' Despite multiple requests to the owners to lower the volume, she and her neighbors are repeatedly subjected to loud noise in their backyards and in their homes. She shared that she emailed Council Members a photo today that shows grass that has been worn down behind her home from patrons walking to/from The Northside venue. She expressed that the venue is a good idea; however, it is not located in an appropriate location. She earnestly urged Council to not 'sweep this under the rug' but rather go ahead and extend the city's noise ordinance regulations to beyond 500' of the city limits line.

Mayor Fowler shared that the city is working to put up 'no parking signs.' Fowler went on to share that the proposed ordinance sets a '55' decibel limit, and it has to be measured for a 30 minute time period. So if the noise drops below that level during a 30 minute timeframe, the clock resets. So, he believes that an ordinance won't solve the problem. So, he eagerly suggested that an alternative, better solution needs to be found.

Jennifer Dayman
519 Cellars Court
Rockwall, TX

Mrs. Dayman shared that she has concerns about noise emitting from The Northside Bar & Grill. She believes that extending the city's noise ordinance to 500' beyond the city's city limit line is reasonable. She believes she has a right to live in peace without the noise, just like any other city resident who lives elsewhere in the city (not so near the city limits line). She reiterated that she and her neighbors live with the noise daily, and it is difficult to not view that the concerns are being 'swept under the rug.' She thanked Councilmember Jorif for visiting her and her neighbors' homes to truly listen and experience what she and her neighbors are experiencing regularly.

Yvonne Sullivan
521 Cellars Court
Rockwall, TX

Mrs. Sullivan also has concerns about The Northside Bar & Grill. She agrees with Mrs. Dayman's support of extending the city's noise ordinance to beyond 500' of the city limits line. She understands the business exists in the county's jurisdiction, and she blames the county a lot for what all is occurring at that business. She explained that the land on which the business sits is surrounded by neighborhoods and homes, and it is just not in a good location. She is upset about the possibility of having to be forced to sell her home and leave. She believes she has lost a lot of home value as a result of these concerns, and it will be difficult to sell her home if she has to do so. She shares that at 10:30 AM this past Sunday morning, she heard karaoke ("practice"). Then, it started back up later that afternoon around 4:30 p.m. She does not believe that them closing at 10:00 p.m. is 'fair,' and it is not desirable to the neighbors who are impacted. She will appreciate and welcome any ideas and help the city may be able to provide.

Karla Mussetter
516 Cellars Court
Rockwall, TX

Mrs. Mussetter shared that she has lived in that home for almost 32 years, and her home was the first one built on the cul-de-sac. Her neighbors are all wonderful, and they are all reflective of what Rockwall represents. They are all good people, and they exhibit "the Golden Rule." She expressed concern about the very loud music that continues to emit from The Northside Bar & Grill. She is not able to sit out and read a book on her back porch because of all of the loud, loud music and karaoke that emits from the venue. This is the first time in 32 years that she has come to a Council meeting, so this is a very important topic. She thanked Councilmember Jorif for coming out yesterday and for spending at least an hour to listen and observe the loud music and discuss the concerns. She urged Council to help in any way possible and to be reasonable about helping to solve the concerns.

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Johannesen moved to authorize the city manager to negotiate and execute an agreement with the Cain Irrevocable Family Trust for land uses in downtown Rockwall. Councilmember Jorif seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

IX. CONSENT AGENDA

1. Consider approval of the minutes from the April 17, 2023 regular city council meeting, and take any action necessary.
2. **Z2023-014** - Consider a request by Julius Waffer for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 1.0620-acre parcel of land identified as Lot 22 of the Canup Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 512 Dickey Street, and take any action necessary (**2nd Reading**).
3. **Z2023-015** - Consider a request by Martha Balleza and Ana Quezada for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.1650-acre parcel of land identified as Lot 1290 of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 223 Russell Drive, and take any action necessary (**2nd Reading**).
4. **Z2023-017** - Consider a request by Javier Silva on behalf of Nixon Estate and Judy Wible the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.16-acre parcel of land identified as Lot 11, Block C, Foree Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, addressed as 711 Parks Avenue, and take any action necessary (**2nd Reading**).
5. **Z2023-019** - 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) to create a Credit Access Business land use, and take any action necessary (**2nd Reading**).
6. **Z2023-020** - Consider the approval of an ordinance for an Amendment to the Comprehensive Plan for the purpose of adopting changes to the Master Thoroughfare Plan contained in Appendix 'C', Maps, and take any action necessary (**2nd Reading**).
7. **P2023-008** - Consider a request by Daniel Boswell of RIV Properties on behalf of Brad Boswell of RIV Properties for the approval of a Conveyance Plat for Lots 1 & 2, Block A, George Morton Estates Addition being a 3.59-acre tract of land identified as Lots 1 & 2, Block 1; Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary.
8. **P2023-009** - Consider a request by Bob Pruett of Urban Structure on behalf of Garrett Poindexter of Cambridge Properties, LLC for the approval of a Final Plat for Lots 1 & 2, Block A, Cambridge Estates Addition being a 6.247-acre tract of land identified as Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 10 (PD-10) for Commercial (C) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District and the SH-276 Overlay (SH-276 OV) District, situated at the southeast corner of the intersection of John King Boulevard and Discovery Boulevard, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7 and 8). Councilmember Campbell seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 23-27
SPECIFIC USE PERMIT NO. S-302**

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 *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 1.0620-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22 OF THE CANUP 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. 23-28
SPECIFIC USE PERMIT NO. S-303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND 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 *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1690-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1290 OF THE LAKE ROCKWALL 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.

CITY OF ROCKWALL
ORDINANCE NO. 23-29
SPECIFIC USE PERMIT NO. S-304

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 *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.16-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 11, BLOCK C, FOREE 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. 23-30**

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.

**CITY OF ROCKWALL
ORDINANCE NO. 23-31**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER THOROUGHFARE PLAN CONTAINED WITHIN THE OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.

The motion to approve the Consent Agenda passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

1. Appointment with representatives of the City of Rockwall Youth Advisory Council (YAC) to hear year-end program report and recognize graduating high schools seniors.

Jaxson Stuart, James Martinez and Emily Nielsen came forth and briefed Council on the various activities they and their YAC peers were involved in throughout this school year. The YAC members thanked City Secretary Kristy Teague and Councilmembers Jorif and Campbell for the work they do related to the YAC program and its students each school year. Councilmembers Jorif and Campbell, along with Mrs. Teague, then recognized three graduating high school seniors – Karmen Fumey-Nassah, Morgan Crosby and Jaxson Stuart, wishing each of them well in their future endeavors. They also recognized Payton Larson, whose family is moving away soon to Florida. No action was taken by Council related to this agenda item.

XI. ACTION ITEMS

1. Discuss and consider (re)appointments to the city's Historic Preservation Advisory Board and the Main Street Advisory Board, and take any action necessary.

Councilmember Moeller moved to appoint Chad Fogg to begin serving on the city's Main Street Advisory Board for an initial term to run through January of 2025. Councilmember Campbell seconded the motion, which passed unanimously (7 - 0).

Councilmember Moeller then moved to appoint Alison McNeely to the Historic Preservation Advisory Board for a term to run through August of 2024 and to reappoint Tiffany Miller, whose term will also run through August of 2024. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

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

On behalf of city staff, City Manager Mary Smith expressed gratitude to both Councilmember Daniels and Mayor Fowler for their service on the City Council, sharing that each of them will surely be missed.

XIII. ADJOURNMENT

Mayor Fowler adjourned the meeting at 7:15 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 15th DAY OF MAY, 2023.


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY



