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**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, October 16, 2023 - 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 and Assistant City Manager Joey Boyd. The city’s legal counsel, Lea Ream, participated in Executive Session virtually by video teleconference (“ZOOM”). Mayor Johannesen read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session. Councilmember Tim McCallum arrived to the meeting and joined Executive Session at 5:05 p.m.

**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 (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters).

**III. Adjourn Executive Session**

Council adjourned from Ex. Session at 5:38 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 Moeller**

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

**VI. Proclamations / Awards / Recognitions**

1. Texas Chamber of Commerce Week

Ms. Darby Burkey, Leslie Johnson, and one additional representatives from the Rockwall Area Chamber

of Commerce came forth and accepted this proclamation from Mayor Johannesen.

## **VII. Appointment Items**

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

Dereck Deckard, Chairman of the P&Z Commission, came forth and briefed the Council on recommendations of the Commission regarding planning-related items on tonight's meeting agenda. No action was taken following his briefing.

## **VIII. Open Forum**

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

Joy Bounds Murphy  
209 Tanya Drive  
Rockwall, TX

Mrs. Murphy shared her desire for the City Council to create some policies, boundaries and/or guidelines related to short-term rentals / 'vacation homes' within our city. She wants the City of Rockwall to set a precedence for regulations of these sorts of homes. She has concerns about who is renting these properties, including concern about increased crime. She wants to know what these sorts of properties are contributing to our community. She wonders who these properties attract. She believes a person can more easily turn their residential home into a 'vacation rental' than they can to get a permit approved to build a structure to protect their vehicles from hail. She wants to know how to request that the issue of short-term rentals be placed on a future Council agenda for discussion. She stated that Rockwall prides itself on 'taking the lead,' and she encouraged our city to take the lead on 'vacation homes.' She pointed out that cities all around us are trying to 'clamp down' on these properties. Mayor Johannesen shared that this topic will be on the November 6 Council meeting agenda, and the city attorney will be participating in said discussion.

Mrs. Paulette Weddle  
1601 S. Alamo Road  
Rockwall, TX

Mrs. Weddle came forth and expressed various concerns about short-term rentals, including the property at 1400 Ridge Road, which recently opened up as a short-term rental. She shared that she walks her dog daily, and she runs into neighbors who do not even realize that these short-term rentals are located in their neighborhood, and – when she lets them know this – they are appalled. She suggested that 'single-family home' designations should be utilized truly for families. She shared various photographs, and she pointed out that the garage is way back at the rear of the property, and it is being used as a 'party barn.' She pointed out that the 'party barn' in the backyard at this property does not have a restroom, so she wonders where they are going to use the restroom. She pointed out that she saw on the news where the City of Lewisville is having a public discussion about the topic of short-term rentals, as these have increased 84 or 89% with just as many problems. She indicated that she welcomes our city having these sorts of discussions as well.

Erica Lyle  
1603 S. Alamo Road  
Rockwall, TX

Mrs. Lyle came forth and read a poem, sharing that she hopes her reading it will help the Council think similarly to how many people in the audience are thinking.

Greg Oehler  
207 Tanya Drive  
Rockwall, TX

Mr. Oehler indicated that he looks forward to the City having a discussion on November 6 about short-term rentals. He has concerns about what the property at 1400 Ridge Road is doing to his neighborhood. He shared that he will be coming forth later tonight during the public hearing regarding the SUP request at that particular location. He stressed that the City really needs to address short-term rentals, especially since transients don't really care about what happens to the neighborhoods or our city.

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

#### **IX. Take Any Action as a Result of Executive Session**

No action was taken as a result of Executive Session.

#### **X. Consent Agenda**

1. Consider approval of the minutes from the October 2, 2023 city council meeting, and take any action necessary.
2. **P2023-029** - Consider a request by Dakota and Claire Brewer for the approval of a *Final Plat* for Lots 1-3, Block A, Brewer Bend Addition being a 5.41-acre tract of land identified as Tract 4-2 and a portion of Tract 4-06, of the W.W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 626 Cullins Road, and take any action necessary.
3. Consider approving contract renewals for concrete and asphalt pavement repairs and maintenance and authorizing the City Manager to execute associated purchase orders to multiple vendors for a total of \$2,750,000 to be funded by the Streets & Drainage Operating Budget, and take any action necessary.
4. Consider authorizing the City Manager to execute purchase order(s) with Avsant for the purchase and installation of an audio and recording solution at municipal court in the amount of \$37,692.40 to be funded by the Municipal Court Budget, and take any action necessary.
5. Consider awarding bids to Caldwell Country Chevrolet, Rockdale Country Ford, Longhorn & Maverick Harley Davidson, Cavender Nissan, and Rush Truck Center for the purchase of model year 2024-25 vehicles for a total amount of \$871,406 to be funded by Police Patrol, Criminal Investigations Division and Sewer Operating Budgets, as well as authorizing the City Manager to execute associated purchase orders, and take any action necessary.

6. Consider authorizing the City Manager to execute a contract with Pipeline Analysis, LLC to conduct a Sanitary Sewer Condition Assessment in an amount of \$162,600.00 to be funded by Water / Sewer Funds, and take any action necessary.

Councilmember Lewis moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5 and 6). Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 ayes. Councilmember Jorif pointed out that several of these items have been previously discussed and were already approved in the budget.

Mayor Johannesen then reordered the agenda to address Public Hearing item #3 next.

## **XI. Public Hearing Items**

1. **Z2023-045** - Hold a public hearing to discuss and consider a request by Cari Foote of CFPC Investments, LLC for the approval of an **ordinance** for a Zoning Change amending Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] for the purpose of allowing the *General Personal Services* land use by Specific Use Permit (SUP) for all properties within the district, being a 21.266-acre tract of land situated within the S. S. McCurry Survey, Abstract No. 146 and B. F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, generally located along N. Goliad Street [*SH-205*] north of Olive Street and south of Live Oak Street, and take any action necessary (**1st Reading**).

Planning Director, Ryan Miller provided background information regarding this agenda item. According to the applicant's letter, the intent of the request is to allow for a greater variety of tenants within Planned Development District 50 (PD-50). According to Article 13, *Definitions*, of the Unified Development Code (UDC) the definition of the *General Personal Service* land use is an "(e)stablishment primarily engaged in providing services generally involving the care of the person and/or his/her apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and salons/health clubs." Planned Development District 50 (PD-50) is a highly restrictive zoning district that was originally created to allow the residential properties along N. Goliad Street [*SH-205*] the flexibility to convert to a live/work or non-residential land use permitted within the Residential-Office (RO) District. Over the years, the zoning district has been amended to add land uses that are not typically permitted within the Residential-Office (RO) District (*e.g. Antique/Collectable Sales, Banquet Facility, and/or Animal Clinic for Small Animals*) on a *case-by-case* basis through a Specific Use Permit (SUP). In reviewing the applicant's request, staff acknowledges that not all of the potential land uses permitted under the *General Personal Services* land use may not be appropriate within the district, and -- *that by allowing this land use through a Specific Use Permit (SUP)* -- the Planning and Zoning Commission and City Council retain discretion to determine if a particular use is in character with the district.

Mr. Miller shared that 378 notices were mailed out to adjacent land / property owners within 500' of the subject property. Also, adjacent homeowners associations were also sent notice. Three notices were received back in opposition of the request, and two were received back in favor. In addition, the City's P&Z Commission approved a motion by 7-0 to recommend approval of this request.

Mayor Johannesen opened the public hearing, but no one indicated a desire to speak. So he closed the

public hearing.

Councilmember Lewis then made a motion to approve Z2023-045. Mayor Pro Tem Campbell seconded the motion. Following brief, additional clarification regarding this request and the city's existing code(s), 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 PLANNED DEVELOPMENT DISTRICT 50 (PD-50) [ORDINANCE NO. 17-19] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) TO ALLOW AN *GENERAL PERSONAL SERVICE* LAND USE TO BE PERMITTED BY A SPECIFIC USE PERMIT (SUP) WITHIN THE SUBJECT PROPERTY, BEING A 21.266-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY SURVEY, ABSTRACT NO. 146 AND B. F. BOYDSTON SURVEY, ABSTRACT NO. 14, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 unanimously of Council (7 ayes to 0 nays).

2. **Z2023-046** - 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 *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home 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 regarding this agenda item. Mr. Miller shared that the applicant would like approval of an SUP to allow construction of a 2,700 square foot single-family home. With this request, Council is being asked to consider the size, location and architecture of the proposed home when compared to existing, nearby housing in the area. He shared that staff has provided Council with a housing analysis for comparison, and this home does appear to be similar to other, existing homes. Also, it does meet all of the city's requirements with the exception of the proposed orientation of the garage. The front entry garage is required to sit back 20' from the front façade; however, this proposed home will have a garage that only sits back 11'; however, this is not abnormal for the area. The City's P&Z Commission did recently reviewed and unanimously recommend approval of this request. Also, after 67 notices were mailed out to adjacent property and land owners; however, none were received back by staff.

Mayor Johannesen opened the public hearing, but no one indicated a desire to speak. So he closed the public hearing.

Mayor Pro Tem Campbell moved to approve Z2023-046. Councilmember Jorif seconded the motion. The

ordinance caption was read as follows:

CITY OF ROCKWALL  
ORDINANCE NO. 23-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, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME 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 to approve the request passed by a vote of 7 ayes to 0 nays.

3. **Z2023-047** - Hold a public hearing to discuss and consider a request by Jeff Wolf of Nexcourt, Inc. on behalf of Rafael Hidalgo for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Tennis Courts (Pickleball Courts)* on a 0.7940-acre parcel of land identified as Lot 3, Block B, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1400 Ridge Road, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information regarding this agenda item. He generally shared that the applicant is coming forth to request this SUP after the owner of the property already had a contractor who had begun constructing a 'tennis court' at this location without having first applied for and received a permit / approval from the City. So, the city instructed the property owner to cease construction on the court and let them know they would need to obtain the city's approval before proceeding. Mr. Miller went on to share that the city's P&Z Commission reviewed this case on October 10, and they recommended (by a vote of 7 ayes to 0 nays) that this request be denied. Seventy notices were mailed out to property owners located within 500' of the subject property, and 22 responses were received back in opposition. Because so many notices of opposition were submitted, any possible approval of this request will require a ¾ majority approval of Council in order for it to be approved / to pass.

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

Bob Wacker  
309 Featherstone  
Rockwall, TX

Mr. Wacker shared that, although they initially ceased construction, they have since resumed construction despite having not yet received approval from the city. He went on to share that in 2013 the developer established deed restrictions on properties, including the one at this location. This property is not governed by a Homeowners Association (HOA), so members of the public are relying on the City Council to help enforce the deed restrictions. He hopes the City Council will do the right thing concerning this request.

**Greg Oehler**  
207 Tanya Drive  
Rockwall, TX

Mr. Oehler shared that when the city's notice went out, it was initially described as the applicant requesting approval for a pickleball court. He went on to share that he has done a lot of research to find out what a person can and cannot do on a property that is zoned as "single-family" within the city's Code(s). He shared the Air B&B listing for the property at 1400 Ridge Road that is already advertising "a forthcoming pickleball court" even though it has not been approved by the City. He shared that the website / app listing essentially "sells" this rental as an entertainment, game, and party house. He urged the Council to not approve this request, as it will further violate the city's existing Code. He pointed out that it can be a pickleball court, a tennis court or even potentially a basketball court. The variance the applicant is asking for has been mislabeled in the applicant's request. He asked the Council to reject and deny this request with prejudice. He is tired of people trying to make 'commercial runs' at the houses along Ridge Road.

**Joy Bounds Murphy**  
209 Tanya Drive  
Rockwall, TX

Mrs. Murphy stated she echoes many concerns expressed by Mr. Oehler, the previous speaker. She went on to read a description of how this short-term rental is being advertised / described on the rental website / app. Mayor Johannesen shared that he would like Mrs. Murphy to please be respectful and abide by the Council's request to keep her comments limited to 3 minutes. She went on to share some photos (aerial) that show the existing home from an 'air view' as well as some photos of the metal building that is being used as a party barn. She also generally expressed that she is feeling disrespected, and she believes this is a very important issue. So, she will continue to finish her comments, and she will be back in the future because she is very concerned about this and related issues. Mrs. Murphy thanked the Council for its consideration and for making some decisions to protect existing property owners.

**Bill Childs**  
1611 S. Alamo Road  
Rockwall, TX

Mr. Childs came forth and expressed concern about the sound and lighting that will emit from a potential pickleball court. He went on to share research he has conducted concerning the amount (in decibels) of noise that will emit from things such as tennis and/or pickleball courts. He also shared statistics on how many lumens is required to light a pickleball court. With no governance of the noise and light, the level of annoyance that will result if this is approved is quite substantial. He strongly spoke against this request.

Erica Lyle  
1603 S. Alamo Road  
Rockwall, TX

Mrs. Lyle came forth and shared that her own, personal home is behind and diagonally adjacent to this short-term rental. She shared information about the 'grade' that her home sits beneath this property (which is on a hill above her home). She wants Council to deny this request with prejudice.

Terry Nevitt  
201 Becky Lane

Mrs. Nevitt shared that she will soon be a twenty-five year resident of our city. She moved to this neighborhood for many reasons. She went on to explain where her street is located and how close the pickleball court is located to the adjacent homes. She shared that this is a commercial property and is not a residential home. It transferred ownership last June, and the city is not collecting hotel / motel taxes on the property. Furthermore, she believes there should be heavy restrictions on this commercial property. She pointed out that a family has not lived in the home or occupied it since the time its ownership changed hands. She has concerns about all kinds of different things the pickleball court could be used for (i.e. a dance floor in conjunction with the party barn). She does have concerns about more and more properties being turned into short-term rentals, which are 'commercial' uses. This should not be allowed. She thanked Council for the work it does. She loves our city and would like to keep our city and her neighborhood like it has always been. She pointed out that residents in her neighborhood are voters.

Barrett Howard  
1511 S. Alamo Road  
Rockwall, TX

Mr. Howard shared that he and his wife are working individuals, and they bought their home in 2005. They bought it for the beautiful views and the attractive neighborhood. He went on to express (generally) the closeness between his family members and their neighbors nearby. He shared that his wife is a teacher and he is a physical therapist. He enjoys yoga on his back patio, and sometimes he has conversations with neighbors behind him while doing so because the homes are so close that this sort of thing is possible. He went on to explain specifically where his home is located. The pickleball court is something he can stand in his backyard and see a person at 1400 Ridge Road and have a discussion about it and the party barn. He has concerns about things at this home being very disruptive (renters laughing, playing music, having bright lights shining, etc.). He generally expressed he has concerns about short-term rentals having very negative impacts on his neighborhood to the extent he is questioning if he may need to sell his home and move elsewhere. He urged Council to vote against this request.

There being no one else wishing to come forth and speak, Mayor Johannesen closed the public hearing.

Councilmember Jorif provided commentary following the public hearing, sharing that Council is aware of what is going on at this property, and many councilmembers personally went and looked at it in person. He went on to make a motion to deny Z2023-047. Councilmember Thomas seconded the motion. He commented that the contractor working on constructing the pickleball courts was very disrespectful at the recent Planning & Zoning Commission meeting. He noted that neither that contractor nor the



applicant were present this evening. Councilmember McCallum shared that he and others on the Council went and looked at this. He acknowledged that this request is concerning, and it is located very close to the neighbors. He clarified that the city / Council cannot enforce deed restrictions, as doing so is outside of the city's scope / reach. However, the City can vote down this request. Mayor Pro Tem Campbell shared that she lives in this neighborhood, raised her boys in this neighborhood, and shares a lot of the same concerns expressed by speakers this evening. She thanked everyone for taking time to come to tonight's meeting and speak. Councilmember Lewis echoed Ms. Campbell's sentiments. He thanked everyone for coming out and speaking this evening. Following the comments, the motion to deny the request passed by a vote of 7 ayes to 0 nays. Planning Director, Ryan Miller clarified that, since Council did not specify in its motion to deny, it is (by default) considered to be a denial 'with prejudice.'

Public Hearing Item #1 (Z2023-045) was addressed next by Council.

4. **Z2023-048** - Hold a public hearing to discuss and consider a request by Clay Cristy of ClayMoore Engineering on behalf of Staci Bowen of Metroplex Acquisitions for the approval of an ordinance for a Specific Use Permit (SUP) for a *Restaurant with Less Than 2,000 SF with a Drive-Through or Drive-In* for the purpose of constructing a restaurant (i.e. *HTeaO*) on a 0.93-acre portion of a larger 5.16-acre parcel of land identified as Lot 13, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD70) for General Retail (GR) District land uses, situated within North SH-205 Overlay (N. SH-205 OV) District, generally located at the northeast corner of the intersection of N. Goliad Street [SH-205] and Bordeaux Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller provided background information regarding this agenda item. The location associated with this request is the northeast corner of SH-205 and Bordeaux Drive. The applicant is wanting approval of an SUP for a restaurant less than 2,000 square feet with a drive-thru. He went on to explain the existing, nearby establishments (i.e. "Salads to Go," "Tom Thumb," and McDonald's) as well as the roadway orientation(s). He shared brief details about their landscape plan and associated requirements. He explained that approval of this SUP request is a discretionary decision on the part of Council. Thirty-five notices were mailed out to adjacent property and land owners within 500' of the subject property. One notice was received back in favor, and two notices were received back in opposition. In addition, the P&Z Commission recently approved a motion to recommend approval of this request by a vote of 7 to 0.

Mayor Johannesen opened the public hearing and called the applicant forth to speak.

Clay Cristy of ClayMoore Engineering, the applicant, came forth and briefly spoke, indicating that he will be submitting some additional items (re: landscaping) to the city's Planning Department for inclusion in this request. He apologized for the delay in getting these items to Mr. Miller.

Bob Wacker  
309 Featherstone  
Rockwall, TX

Mr. Wacker and commented on the John King roadway as compared to the Goliad roadway. He has concerns about the speed limit being 50 mph, as he believes it would be safer at a speed limit of 45 mph. For this reason he is both in favor of this request being approved and also somewhat in opposition of its approval.

Councilmember Moeller moved to approve Z2023-048. Councilmember Jorif seconded the motion. Councilmember Thomas asked if the applicant knows an estimate of how many cars will be going through the drive-thru. The applicant expressed that he does not have these specific numbers with him tonight, but it is expected that the volume will not be detrimental. The ordinance caption was read as follows:

**CITY OF ROCKWALL**

**ORDINANCE NO. 23-XX  
SPECIFIC USE PERMIT NO. S-2XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [ORDINANCE NO. 19-41] 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 A RESTAURANT WITH LESS THAN 2,000 SF WITH DRIVE-THROUGH OR DRIVE-IN ON A 0.93-ACRE PORTION OF A LARGER 5.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 13, BLOCK A, STONE CREEK RETAIL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN EXHIBIT 'A' AND DEPICTED IN EXHIBIT 'B' 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 7 ayes to 0 nays.

**XII. Action Items**

1. Discuss and consider a request from Rockwall Independent School District Executive Director, William Salee for approval of the height and size of two new ninth grade / freshmen center monument signs, and take any action necessary.

Building Official, Jeffrey Widmer provided brief background information regarding this agenda item. He shared that the school district is currently constructing their two new freshmen centers. They would like a little more visibility, so they are requesting a little larger and little higher signs. (Note: The City of Rockwall Sign Ordinance allows monument signs to be a maximum height of seven (7) feet and a maximum size of ninety-eight (98) square feet. Mr., Salee is requesting approval to allow their proposed signs to be eleven (11) feet high and one hundred and fifty-four (154) square feet in size to allow sufficient visibility of the proposed signs). Mayor Pro Tem Campbell moved to approve the request for the height and size of the two signs. Councilmember Lewis seconded the motion, which – following brief comments – passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider acceptance of SAFER Grant Funding for the Rockwall Fire Department and associated FY2024 budget amendments related to funding the City's share of said grant program, and take any action necessary.

City Manager, Mary Smith provided information concerning this agenda item. She shared that our city is the recipient of this grant for a second time now. This grant will allow the City to add twelve additional

firefighters. Indication was given that this will fund the twelve new firefighters for an initial period of three years. Councilmember McCallum moved to approve acceptance of the grant and associated budget amendments. Councilmember Lewis seconded the motion. Councilmember Jorif pointed out that, just as the name implies, this grant will help make Rockwall 'safer.' The motion to approve passed unanimously of Council (7 ayes to 0 nays).

3. Consider approving a lease agreement with JBC Land & Cattle Company, LLC for office space in the Rockwall Technology Park, including authorizing the City Manager to negotiate and execute the contract on behalf of the City, and approving a project budget for renovations, and take any action necessary.

Assistant City Manager, Joey Boyd provided brief information concerning this agenda item. He explained that this (additional) space at the Tech Park is 25,692 square feet, and it will be utilized by staff from the city's Police and Fire Departments (both Fire Administration and the Fire Marshal's office). Mayor Johannesen pointed out that this is part of a long-term growth plan to help provide additional office space for both fire and police staff.

Councilmember Jorif moved to authorize the City Manager to negotiate and execute the agreement. Councilmember Moeller seconded the motion, which passed unanimously of Council (7 ayes to 0 nays).

### XIII. Adjournment

Mrs. Smith reminded Council of the city's Volunteer Appreciation Reception, which is slated for this Wednesday. Mayor Johannesen adjourned the meeting at 7:34 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6<sup>th</sup>  
DAY OF NOVEMBER, 2023.

  
TRACE JOHANNESSEN, MAYOR

ATTEST:

  
KRISTY TEAGUE, CITY SECRETARY

