

MINUTES

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, December 19, 2022 - 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 Clarence Jorif, Dana Macalik, 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).
3. **PULLED FROM PUBLIC MEETING AGENDA - Z2022-055** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Ryan Lewis and Scott Sutton of Crosspoint Community Church for the approval of an **ordinance** for a Zoning Change amending Planned Development District 87 (PD-87) [*Ordinance No. 18-46*] being a 16.26-acre tract of land identified as a Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District and Light Industrial (LI) District land uses, located on the southside of E. Washington Street east of the intersection of Park Place Boulevard and E. Washington Street, and take any action necessary **(1st Reading)**

III. ADJOURN EXECUTIVE SESSION

Council adjourned Executive Session at 5:27 p.m.

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

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

V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER CAMPBELL

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

VI. PROCLAMATIONS / AWARDS / RECOGNITIONS

1. Recognition of outgoing Councilmember, Place 5 - Dana K. Macalik

Mayor Fowler read and presented Councilmember Macalik with a proclamation and a plaque in honor of her service on the city council. Dana then spoke, thanking her husband, family members, fellow councilmembers and others for their help and support over the years.

VII. OPEN FORUM

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

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Councilmember Jorif moved to reappoint Shannon Bennett to the Board of Adjustments (BOA) (for a term thru August of 2024) and appoint Kyle Thompson to a full voting member (moving up from an 'alternate' BOA member and replacing G. David Smith, who has termed out), and appoint James Smith and Joseph Wright as "alternate" board members on the BOA. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. CONSENT AGENDA

1. Consider approval of the minutes from the December 5, 2022 regular City Council meeting, and take any action necessary.
2. Consider approval of the minutes from the December 14, 2022 Special City Council Meeting, and take any action necessary.
3. Consider bid award to Caldwell Country Chevrolet in the amount of \$36,275 for a new Police CID vehicle and authorize City Manager to execute associated purchase order, and take any action necessary.
4. Consider authorizing the City Manager to execute an agreement with Rockwall County for Municipal Court Judge services associated with upcoming 'No Refusal Weekends,' and take any action necessary.
5. Consider approval of HOT subcommittee recommendations for Texas K9 Conference (\$22,400), RHS Wrestling Program state-wide championship (\$18,000), Rockwall Historical Foundation (\$5,249) and Rockwall Summer Musicals (\$5,000); authorize the City Manager to execute funding agreements and take any action necessary.

Mayor Pro Tem Johannesen moved to approve the Consent Agenda, as presented (#s 1, 2, 3, 4 and 5). Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays.

X. APPOINTMENT ITEMS

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

Dereck Deckard, Vice Chair of the city's P&Z Commission, came forth and briefed the Council on recommendations of the Commission concerning planning-related items on tonight's meeting agenda. Council took no action as a result of this briefing.

XI. PUBLIC HEARING ITEMS

1. **Z2022-051** - Hold a public hearing to discuss and consider a request by Mariel Street on behalf of Cathy Strother for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Commercial (C) District for a two (2) acre parcel of land identified as Lot 1, Block A, Roadside Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 2410 S. Goliad Street [SH-205], and take any action necessary **(1st Reading)**.

Planning Director Ryan Miller provided background information pertaining to this agenda item. This is located on the west side of SH-205 just south of the intersection of S. Goliad Street and Ralph Hall Parkway. He generally explained that much of the adjacent area is comprised of industrial type development and businesses. The applicant became the tenant of this bar not long ago, and they reconstructed and renovated the building to establish a tavern. They would like to rezone this property in order to have a food truck on site. They are attempting to rezone to "commercial" so that they can have a food truck on site. Seventeen notices were sent out to adjacent land and property owners located within 500' of the subject property. One notice was received back in opposition. The city's P&Z Commission recently met and voted unanimously to recommend approval of this request to the Council.

Mayor Fowler opened the public hearing, but no one came forth to speak. So he closed the Public Hearing. Councilmember Moeller then moved to approve Z2022-051. Councilmember Daniels 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 AN AGRICULTURAL (AG) DISTRICT TO A COMMERCIAL (C) DISTRICT FOR A 2.00-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK A, ROADSIDE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND FURTHER 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.

2. **Z2022-054** - Hold a public hearing to discuss and consider a request by Scott Clements on behalf of Dana Moffatt for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision allowing the construction of a single-family home on a 0.1837-acre parcel of land identified as Lot 7, Block B, North Towne Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the North SH-205 Overlay (N.

SH-205 OV) District, addressed as 211 Jacob Crossing, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. The applicant would like to construct a single-family home at this location. The Council is being asked to consider the size, location, and architecture of this proposed home compared to existing, adjacent housing. The only real major difference in this proposed house is that the applicant would like to utilize more hardyboard than the adjacent, existing housing. So it will have a slightly different 'look' than the surrounding housing. He went on to explain that this is a discretionary decision on the part of Council. The city's P&Z Commission has unanimously voted to recommend approval of this request to the Council this evening. 129 notices were sent out to adjacent property owners, and nearby HOAs were also notified. Two notices were received back in favor of this request.

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

Councilmember Jorif moved to approve Z2022-054. Councilmember Campbell 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 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 0.1837-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 7, BLOCK B, NORTH TOWN 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 passed by a vote of 7 ayes to 0 nays.

3. **Z2022-055** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Ryan Lewis and Scott Sutton of Crosspoint Community Church for the approval of an ordinance for a Zoning Change amending Planned Development District 87 (PD-87) [*Ordinance No. 18-46*] being a 16.26-acre tract of land identified as a Lot 1, Block 1, Indalloy Addition and Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District and Light Industrial (LI) District land uses, located on the

southside of E. Washington Street east of the intersection of Park Place Boulevard and E. Washington Street, and take any action necessary (1st Reading).

Planning Director Ryan Miller provided background information pertaining to this agenda item. The subject property was annexed on February 6, 1961 by *Ordinance No. 60-01 [Case No. A1960-001]*. According to the City's historic zoning maps, the subject property has been zoned Light Industrial (LI) District since at least January 3, 1972. On July 14, 2000, the City Council approved a final plat for a portion of this property (*i.e. 7.409-acres*), establishing it as Lot 1, Block 1, Indalloy Addition by *Case No. PZ2000-055-01*. On November 19, 2018, the City Council approved a change in zoning [*Case No. Z2018-032; Ordinance No. 18-46*] from a Light Industrial (LI) District to Planned Development District 87 (PD-87) for Single-Family 10 (SF-10) District, General Retail (GR) District, and Light Industrial (LI) District land uses. On July 15, 2019, the City Council approved a preliminary plat [*Case No. P2019-026*] for the purpose of establishing a lot layout for a townhome development (*i.e. Park Station, Phase 1*). This preliminary plat expired on July 15, 2020. The subject property is currently vacant with the exception of a private driveway that connects the property south of the subject property to E. Washington Street.

The Planning & Zoning Commission originally recommended denial of this request back in August, so the applicant withdrew his application at that time, and it was never heard at a previous council meeting since Council granted his request to withdraw. The applicant more recently resubmitted his request with substantive changes being included when compared to the original submittal at that time.

Mr. Miller went on to share that 70 notices were mailed by staff to property owners and occupants located within 500-feet of the subject property. 18 notices from 12 property owners have been received back in opposition of the request. In addition, thirty-six (36) responses from thirty (30) property owners have been received back in favor of the applicant's request. In addition, notices were sent out to nearby HOAs, and the city's Planning & Zoning Commission has recommended approval of the case by a vote of 4 in favor with 3 against with Commissioners Womble, Deckard and Thomas dissenting.

Mayor Fowler called the applicant forth to speak at this time.

Scott Sutton
1200 E. Washington
Rockwall, TX

Mr. Sutton came forth and identified himself as the Executive Pastor of the proposed church (Crosspoint) at this location. Mr. Sutton proceeded to give a presentation to Council concerning what his church is proposing to build at this location, including the estimated traffic that may ensue, especially on Sundays.

Bill Bricker
505 Westway Drive
Rockwall, TX 75087

Bill Bricker then came forth and spoke on behalf of the Park Place subdivision. He provided a brief history of the piece of property over the years (since the year 1981 when Columbia

Extrusion purchased it as part of the plant that was opened). He explained that this piece of property was originally purchased in case it was needed for future expansion of the plant. It, however, ended up not being needed for expansion. So around 2017, he began efforts to rezone the property. He went on to explain how it came to be that Crosspoint Church approached him wanting to purchase 8 acres (initially) and then ultimately wanting to purchase the entire tract (15(ish) acres).

Mayor Fowler then opened the public hearing.

Jeffrey Mateer
405 Park Place Boulevard
Rockwall, TX

Mr. Mateer came forth and shared that his and his wife's home is located closest to this piece of land. He went on to share that he is strongly in favor of this request, and he believes a church is the best, highest use for this piece of property. He believes this church at this location will be greatly beneficial to this location and to the community as a whole. He went on to share that he is a constitutional lawyer with over thirty-two years of legal experience. He served as first assistant attorney general of Texas from 2016 to 2020 where he oversaw the entire operations of the Texas Attorney General's Office. Prior to that, he was in private practice and then worked for First Liberty Institute, the largest religious liberty law firm in the country. First Liberty has offered the church its pro bono assistance if this request is denied this evening. He went on to share various comments about the legal-related ramifications – both state and federally - should the Council end up denying this request this evening. At the inquiry of Mayor Fowler, Mr. Mateer confirmed that the church has asked him/his firm for legal advice. He confirmed that – on a pro bono basis – his firm is in fact giving the church legal advice. The Pastor shared that he has had a ZOOM teleconference with Mr. Mateer to seek advice but there is no formal 'engagement' between the church and Mr. Mateer's firm.

Ronnie Howell
434 Jordan Farm Circle
Rockwall

Mr. Howell generally expressed support for the church's proposed project. He believes this project is the best of what could otherwise be bad options. He believes the church will be 'good neighbors' and will listen and try to remedy any concerns, should they arise in the future. Also, the developer allowing Park Place to annex the townhomes that will be built into the Park Place HOA so that the HOA will have a voice regarding those townhomes.

Dennis Fox
1027 St. Thomas Ct.
Rockwall, TX 75087

Mr. Fox came forth and shared that his home borders Washington Street. He is an ordained minister and is very pro-church. He believes that churches are to unite the community, but this one is dividing the community. He has concerns about the 'blind entry' that is near this area, and it resulted in a notable traffic accident near this location that he was personally involved in while on his motorcycle, and he sustained some noteworthy injuries. He has large concerns about 300+

cars that will factually be present and will result in concerning, notable traffic backups. He believes this will take a long time to clear out, multiple times on any given Sunday. He believes this project will result in unsafe conditions, and the city has an obligation to disapprove anything they know will create unsafe conditions. He went on to encourage the Council to protect everyone's safety and protect the community. He urged the Council to potentially wait and hire a traffic expert to further evaluate this project.

Karen Fox
1027 St. Thomas Ct.
Rockwall, TX 75087

Mrs. Fox came forth and shared that her husband was hit on his motorcycle near this area, and it was one of the worst days of her life. She found her husband lying flat in a ditch and saw his motorcycle and parts of it scattered all across the roadway. She passed out some photos of her husband's motorcycle accident. She has concerns about several hundred cars being present during each church service. She has concerns about visibility in and around this property and Harry Myers Park. With 'safety' having been a reason why the city's Planning & Zoning Commission previously voted against approval of this church back in August, she pointed out that nothing about the roadway and area has changed since that time – safety is still of utmost concern. She urged Council to think very carefully and clearly as they vote to do the right thing for the community. She urged that a traffic and roadway study be conducted to really see if this is a viable, safe option for this property.

Judy Dubreuil
1023 St. Thomas Ct.
Rockwall, TX 75087

Ms. Dubreuil thanked Councilmember Macalik for her service. She went on to share that she grew up right across from a church that her grandfather built. The church brought a lot of activities – not only on Sundays but for additional reasons (weddings, funerals, etc.). She went on to share that she does not believe a church at this location is a good idea. Mostly, she is concerned about safety and the 'blind spots' on the roadway in this area. She is also concerned about the increased traffic. She told a story about a little boy recently involved in an accident when he was hit near Washington St. She is also concerned about the impact that will be realized related to Myers Park. She thanked Council for its time and for all they do for our community.

Dianna Johnson
1035 St. Thomas Court
Rockwall, TX

Mrs. Johnson came forth, indicating she is speaking for both herself and on behalf of her husband. She went on to generally explain that she is in opposition of this project (a church) on this property. She is a member of First Baptist Church, she grew up here, graduated from Rockwall High School, and she has seen a lot of growth and changes in the city over time. She indicated that she would prefer a coffee shop or a nail salon at this location, and she would probably walk over and use a nail salon from time-to-time. She went on to express that she is concerned about the hundreds of cars, including where even more cars may park for 'overflow parking.' She is concerned about the property value of her home and other homes in the Park

Place subdivision. She pointed out that line of cars is already backed up daily related to Dobbs Elementary School traffic, and a church at this location will just exacerbate the traffic concerns. She is against this request this evening.

Cynthia Olson
1039 St. Thomas Ct.
Rockwall, TX 75087

Mrs. Olson came forth and shared that she is a Christian, and she loves that she lives in a community that opens its public (Council) meeting with prayer. She is very disappointed that the first speaker came forth and essentially threatened the city with a lawsuit. She shared that Crosspoint is already a large church, and they are planning to build a church to accommodate 750 to 1,000 people. Also, they will likely make plans for future expansion as well. She has concerns about 30 minutes being allotted in between Sunday morning church services – she does not believe this is an adequate timeframe for drivers to come and go in between. She understands that previous churches expressed interest in this property but were told ‘no.’ Perhaps those previous churches would have been smaller and have less of an impact. She generally has concern about the increased traffic. In addition, a lot of investment has been made to Harry Myers Park, including its playground and the disc golf course. She wonders what sort of negative impact this church may have on that city park. She knows many of her neighbors have embraced this proposed church project; however, she wonders if we are allowing ‘popular decision’ to dictate zoning in this community. She generally spoke in opposition of approval of this case.

Rick Carroll
1523 Shady Grove Circle
Rockwall, TX

Mr. Carroll came forth and spoke on behalf of the Child Advocacy Center, which is currently located right adjacent to this property. He believes that the CAC will be able to positively interact with the church, its leadership and its members. He generally spoke in favor of approval of this request this evening.

Mike Mishler
1009 Ivy Lane
Rockwall, TX

Mr. Mishler shared that he knows Washington Street will eventually be reconstructed to a four-lane roadway. He thinks that Sunday mornings will be a good, ideal time for there to be increased traffic in this area. He seemed to generally speak in favor of this request this evening.

David David
1020 St. Charles Court
Rockwall, TX

Mr. David commented on other types of businesses that could possibly occupy this land/location if the church is not approved and does not move in (including restaurants and other ‘higher use’

type developments). Those other possibilities could be a lot worse than a church. He urged the Council to consider those things and what is best for Rockwall when voting.

Frosine Rubertino
1048 Michael Gardens
Rockwall, TX

Mrs. Rubertino came forth and shared that she is not going to criticize what other speakers have shared this evening. She spoke about the Hometown Vision Plan (which is the city's comprehensive plan) as related to the concept of 'community character.' She does not believe that things like 'light commercial' or 'retail' or 'industrial' meet the vision of the city's Comp Plan and of the community. She can think of nothing better to have next door to her home than a church, especially this one. She generally spoke in favor of this request.

Joe Rubertino
1048 Michael Gardens
Rockwall, TX

Mr. Rubertino came forth and shared that he disagrees that this church has already divided the community. He also disagrees that this project won't affect those who do not live on St. Thomas – it will affect others who live elsewhere in the Park Place subdivision too. He acknowledged there will be more traffic. He's only lived here 2.5 years, as he just moved here that long ago from Ohio. He enjoys the lights and kids and 'community' that gathers and creates additional traffic, lights, and people from nearby ball fields (including the high school football field on Friday nights), and he equates a church and all that comes with it to being very similar to that. He wishes those who are opposed would try to come together and find some common ground so that we can all get along. He generally spoke in favor of this church project and its approval this evening.

Marsha Mason
901 Ivy Lane
Rockwall, TX

Mrs. Mason shared that she has been friends with the pastor and his family for about 20 years. She is, without reservation, in favor of this church and its request this evening. She went on to share examples of other, potential businesses could possibly be built on this tract of land if the church is not approved and built. She prefers to coexist with the church than any other business that could otherwise, potentially be built at this location. She generally spoke in favor of approval of this request.

Ky Martin
266 Windy Lane
Rockwall, TX

Mr. Martin came forth and shared that he is the pastor of this church and also a member of the community. He went on to speak in favor of approval of this request this evening. He went on to share all the ways that his church is involved in the community, including related to various non-profit organizations and the police department. He pointed out how much his and other

churches help serve the community and its citizens. He strongly believes the church is the 'highest and best use' that can be found for this particular piece of property. He generally urged the Council to approve this request this evening.

Bruce Ivey
1026 St. Thomas Ct.
Rockwall, TX 75087

Mr. Ivey came forth and shared that the church presented that 260 cars per service (with three services) are anticipated every Sunday morning. The roadway on Washington is in bad condition. The Park Place HOA Board of Directors sent a letter to the City Council; however, that letter was not voted on by the residents who actually live in the subdivision. He went on to share that Jean Conway, who serves on the city's Planning & Zoning Commission, is a spouse to a man who sits on the Park Place HOA Board. He therefore believes Mrs. Conway should have recused herself from voting on this case when it went before the P&Z Commission. He has no problem with churches, in general, but he believes there will be bumper-to-bumper traffic. He believes that the traffic will end up driving down Park Place Blvd., and he is not in favor of this. He attends a large church elsewhere in the community. He recently asked himself "if this were my church that was going to be built at this location, would I be in favor of it?" The answer he gave himself was 'no, he would not be in favor of it.' He generally spoke in opposition of this case being approved this evening.

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

Councilmember Moeller asked the applicant to come forth to answer several questions.

Mayor Pro Tem Johannesen spoke, sharing extensive thoughts regarding various points of view that have been brought up by various people who have both emailed the Council and spoke at the public meetings. He shared that the city always has a traffic-related plan for its annual 4th of July fireworks event at Harry Myers Park. He believes the city's thoroughfare plan will result in a wider, better roadway being built in the future. Mr. Miller explained that it will end up being a four-lane divided roadway. However, the city is at the mercy of TXDOT, as it is a state roadway, so funding and construction will be up to the State. Johannesen went on to share his various thought processes related to the many thoughts and concerns that have been expressed by both the speakers who shared thoughts in opposition to approval of this request and those who've expressed support for it.

Councilmember Macalik wonders – if traffic does become problematic in the future – would the church consider employing off-duty police officers to direct traffic. The pastor indicated that – yes – the church would absolutely be open to doing so should that become necessary and be helpful. She is not sure if traffic accidents in this area have been a result of the roadway itself or a result of drivers themselves.

Mayor Fowler asked if this project would need a 'traffic impact analysis.' Mr. Miller went on to share that the church is not considered to be creating a 'higher intensity use,' so one is not necessarily required.

Councilmember Jorif went on to share his own comments regarding this case. He believes everything comes down to 'the best use' for this piece of property, and he cannot think of a better use at this location. He pointed out that what ends up going here, if it isn't the church, could be a lot worse (i.e. past examples with the Kroger and the Tom Thumb). He generally expressed support for approval of this case this evening.

Councilmember Macalik asked for clarification on the church's relationship with First Liberty (Mr. Mateer, the first public speaker this evening who is an attorney). Pastor Sutton generally indicated that one ZOOM call has transpired with the church and Mr. Mateer.

Following additional comments, Councilmember Macalik moved to approve Z2022-055. Councilmember Daniels seconded the motion. Mayor Pro Tem Johannesen provided additional, brief comments. The ordinance caption was then 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 87 (PD-87) [*ORDINANCE NO. 18-46*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT STANDARDS APPROVED WITH *ORDINANCE NO. 18-46*, BEING A 16.26-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK 1, INDALLOY ADDITION AND TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, 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.

The motion to approve the case / ordinance passed by a vote of 7 ayes to 0 nays.

XII. ACTION ITEMS

1. Discuss and consider adoption of an ordinance authorizing the issuance and sale of City of Rockwall, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2023; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Sam Gill, the city's bond counsel with McCall, Parkhurst and Horton and Dan Mahoney, Financial Advisory with Hilltop Securities, came forth and spoke to Council to brief them on the bond sale that happened this morning. The information in the presentation covered details pertaining to this agenda item as well as the next one (Action Item #2). Mr. Gill briefly explained that these two agenda items are related to the city's issuance of Certificates of Obligation, which were

successfully priced in the bond market today. The second item is related to the issuance of GO bonds for new money street projects which were approved in elections in 2012 and 2018. A refunding component is also part of that, and it has saved the city some money today. These two ordinances and associated documents will authorize the sales. Bond purchase agreements have been negotiated on behalf of the city with investment bankers who have purchased the bonds and will sell them to investors. Mr. Gill went on to share brief details of 'next steps' moving forward in the process.

Mr. Mahoney then came forth and provided the Council with a detailed presentation on the bond sales that occurred today on behalf of the city. He generally shared that the bond sale was very successful for both the GO and CO bonds. The yields were better than expected, and investor interest was strong overall. The bond ratings on the offerings of the securities were rated very high by both Standard and Poors and Moody's.

Following Mr. Mahoney's presentation, Mayor Pro Tem Johannesen moved for approval of the ordinance authorizing the issuance and sale of City of Rockwall, Texas, combination tax and limited surplus revenue certificates of obligation, series 2023; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Councilmember Jorif seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-63**

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

The motion passed by a vote of 7 ayes to 0 nays.

2. Discuss and consider adoption of an ordinance authorizing the issuance and sale of City of Rockwall, Texas General Obligation Refunding and Improvement Bonds, Series 2023; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date and enacting other provisions relating to the subject.

Mayor Pro Tem Johannesen moved for approval of the ordinance authorizing the issuance and sale of City of Rockwall, Texas general obligation refunding and improvement bonds, series 2023; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-64**

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ROCKWALL, TEXAS GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2023; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

The motion passed by a vote of 7 ayes to 0 nays.

3. Discuss and consider adoption of a resolution setting solid waste collection rates, and take any action necessary.

Mrs. Smith shared that this rate increase is part of the solid waste collection contract in place with Republic Waste. The contract sets a 3% rate increase annually. The rate increase for garbage collection, coupled with the rate increase for household hazardous waste collection services will result in a .73 cent increase per month for residents. Following Mrs. Smith's comments, Councilmember Jorif moved to approve the resolution. Councilmember Macalik seconded the motion, which passed unanimously of Council present (7 to 0).

XIII. 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 (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).

XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not convene in Executive Session following the close of the public meeting agenda.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 8:10 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 3rd DAY OF JANUARY, 2023.



KEVIN FOWLER, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

