



REGULAR CITY COUNCIL MEETING

Tuesday, January 16, 2024 - 6:00 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 6:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Anna Campbell, and Councilmembers Sedric Thomas, Mark Moeller, Clarence Jorif, Dennis Lewis and Tim McCallum. Also present were City Manager, Mary Smith and Assistant City Manager, Joey Boyd. City Attorney, Frank Garza was absent from the meeting; however, Lea Ream, legal counsel for the city attended the meeting remotely / virtually.

II. Invocation and Pledge of Allegiance - Councilmember Thomas

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

III. Proclamations / Awards / Recognitions

1. Rockwall Police Citizens on Patrol Appreciation Day

Mayor Johannesen read and presented COPs volunteers with this honorary proclamation in recognition of their many contributions to our city and the community.

2. Health for Humanity Yogathon

At the request of the person(s) seeking this proclamation, its reading was delayed until the next (Feb. 5) regular council meeting.

IV. Appointment Items

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

The Chairman of the P&Z Commission, Mr. Deckard, briefly commented to Council regarding planning-related cases on the agenda. No discussion ensued, and no action was taken.

V. 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.

VI. Consent Agenda

1. Consider approval of the minutes from the January 2, 2024 city council meeting, and take any action necessary.

Councilmember Lewis moved to approve the Consent Agenda item (#1). Mayor Pro Tem Campbell seconded the motion, which passed unanimously (7 ayes to 0 nays).

VII. Public Hearing Items

1. **Z2023-054** - Hold a public hearing to discuss and consider a request by Pare Underwood on behalf of Annette Lall of HIS Covenant Children, Inc. for the approval of an **ordinance** for a Specific Use Permit (SUP) for an *Event Hall/Banquet Facility* on a 0.689-acre tract of land identified as Lots A & B, Block 2, Griffith Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 303 E. Rusk Street, and take any action necessary **(1st Reading)**.

Planning Director, Ryan Miller, provided background information about this case. This property is located in the downtown historic area of the city. The applicant is requesting approval associated with an event space / banquet center on the second story of an office space. Granting of said request would need to be done so via issuance of an SUP that's approved by Council. Indication was given that this business has already been operating; however, there essentially was some confusion on the part of the business owner and the city as to what the requirements were prior to opening up. Part of the confusion is because the City very recently changed some requirements. The applicant, however, was proactive in working with city staff to get this case brought before Council for review and consideration.

Mr. Miller indicated that staff mailed out notices to 145 property and land owners within 500' of the subject property. Also, staff notified the Bent Creek Condos HOA, which is the only HOA within 1,500' of the property. Staff received 1 notice returned that was in favor of the applicant's request.

The applicant, Pare Underwood, then came forth to speak. She briefly introduced herself and indicated that she recently went before the city's Historic Board, and she has received their approval.

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

Councilmember Thomas then moved to approve Z2023-054. Councilmember Lewis seconded the motion. Following brief comments, the ordinance caption was then read as follows:

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

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, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW AN *EVENT HALL/BANQUET FACILITY* ON A 0.689-ACRE TRACT OF LAND IDENTIFIED AS LOTS A & B, BLOCK 2, GRIFFITH ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

2. **Z2023-055** - Hold a public hearing to discuss and consider a request by Dean Cathey of Dean Cathey Custom Homes on behalf of Chris Malek for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* for the purpose of constructing a single-family home on a 0.2070-acre tract of land identified as Lots N38, N39 & N40 of Lakeside Village, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 2 (PD-2),

addressed as 3601 Highpoint Drive, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information about this case. The applicant would like to seek approval for the construction of a 3,993 square foot, single-family home within the Lakeside Village subdivision. Council is being asked to evaluate the proposed size, location and architecture as compared to nearby, existing homes. Staff has provided a housing analysis related to nearby, existing homes and has found that the proposed home is similar to those homes as far as size and architecture are concerned. Staff mailed out 94 notices to property owners and occupants within 500' of the property, and one HOA was also notified. Staff received one notice back in favor. Mr. Miller indicated that the city's Planning & Zoning Commission did review this case and has recommended its approval.

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

Mayor Pro Tem Campbell moved to approve Z2023-055. Councilmember Moeller seconded the motion. the ordinance caption was then read as follows:

CITY OF ROCKWALL
ORDINANCE NO. 24-
SPECIFIC USE PERMIT NO. S-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 2 (PD-2) 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 0.2070-ACRE TRACT OF LAND, IDENTIFIED AS LOTS N38, N39 & N40 OF LAKESIDE VILLAGE, PHASE 4 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 7 ayes to 0 nays.

3. **Z2023-056** - Hold a public hearing to discuss and consider a request by Paul Arce on behalf of Kisanet Ghebretsadik 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 0.1377-acre parcel of land identified as Lot 22, Block B, Harbor Landing, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8), addressed as 295 Harborview Drive, and take any action necessary (1st Reading).

Mr. Miller indicated that the applicant would like to obtain approval for the construction of a 5,443 square foot, single-family home at 295 Harborview Drive within the Harbor Landing Subdivision. Council is being asked to evaluate the proposed size, location and architecture as compared to nearby, existing homes. Staff has provided a housing analysis related to nearby, existing homes. He pointed out that the home being proposed at this time has a 'modern' type architectural look to it, and with the exception of the garage orientation and roof pitch, it meets all the standards outlined in the city's Unified Development Code. He pointed out that there are other, existing nearby homes that also have garage orientations similar to this proposed one, and there are other

nearby homes with similar roof designs / pitches too. Staff sent out 133 notices to adjacent land and property owners within 500' of the subject property. Two notices in favor of the request were received back by staff. Mr. Miller also indicated that the city's Planning & Zoning Commission did review this case and has recommended its approval.

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

Following brief comments, Councilmember Lewis moved to approve Z2023-056. Councilmember Thomas seconded the motion.

The ordinance caption was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-
SPECIFIC USE PERMIT NO. S-2**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [ORDINANCE NO. 23-40] 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 0.1377-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22, BLOCK B, OF THE HARBOR LANDING, PHASE 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 passed by a vote of 7 ayes to 0 nays.

VIII. Action Items

1. Discuss and consider review and acceptance of a "Certificate of Insufficiency" related to a local option election petition recently circulated within the City of Rockwall, and take any action necessary.

City Secretary, Kristy Teague, provided brief comments regarding a recent local option election-related petition that was being circulated within the City of Rockwall by a consultant working on behalf of Total Wine & More. The petitioner(s) was attempting to garnish enough valid signatures to get on the General Election ballot in May a proposition that would essentially allow liquor stores within the City. Their efforts, however, were unsuccessful - now for a second time (having previously tried back in the summer months, earlier this year).

Following Ms. Teague's brief comments, Mayor Pro Tem Campbell moved to accept the Certificate of Insufficiency. Councilmember Moeller seconded the motion, which passed by a vote of 7 ayes to 0 nays. The certificate of insufficiency is hereby inserted in its entirety into the minute as follows:

CERTIFICATE OF INSUFFICIENCY OF PETITION FOR LOCAL OPTION ELECTION

I **Kristy Teague, City Secretary of the City of Rockwall, Texas**, hereby certify the following:

An initiative petition proposing that a local option election be called in accordance with the terms and provisions of Title 17, Chapter 277 of the Texas Election Code in the City of Rockwall to allow the "legal sale of all alcoholic beverages for off-premise consumption only" was filed with the City Secretary on December 28, 2023.

At the time of filing, the petition submission was comprised of **871 pages** containing **6,865 signatures**. In accordance with the Section 501.032 of the Texas Election Code, the number of signatures required for a sufficient local option election petition is thirty-five percent (35%) of the qualified voters in the most recent gubernatorial election. Per the last gubernatorial election, the number of registered voters of the City of Rockwall who voted in the election was 18,786. Therefore, **the petitioner was required to provide 6,576 valid signatures**.

The Texas Election Code authorizes the use of random sampling to verify petitions of large size. Under that method, and in accordance with law, twenty-five percent (25%) of the total number of submitted signatures on this petition were reviewed, which equates to a sample size of 1,718 signatures. Based on verification against the voter registration rolls obtained from the Rockwall County Elections Department on the date the petition was initially issued (October 30, 2023), I have determined the following facts regarding this local option Petition.

The raw-count number of signature line entries filed with the Petition on December 28, 2023 was **6,865**. The required number of valid signatures needed was **6,576**. Based on review of 25% of the total number of submitted signatures, it has been determined that **the petition does not meet the requirement for the minimum number of valid signature entries**. Of the signatures submitted and checked, 633 of the Petition entries/signatures were disqualified. The reasons for the Petition lines being disqualified are on account of the following:

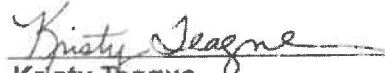
<u>TOTAL</u>	<u>DEFINITIONS of "REASON CODES"</u>	
<u>"BAD"</u>	<u>REASON</u>	<u>FOR "BAD" / "INVALID" SIGNATURE SUBMISSIONS</u>
<u>NOs.</u>	<u>CODE</u>	
185	WD	Wrong District (Does Not Live Within City of Rockwall)
3	OOC	Out of County (Signer Lives in Another County)
2	AR	Address Rejected
1	RES	Resident's (Signer's) Address Missing
180	NR	Not Registered (Not a Registered (City) Voter at all Within Voter Reg. System) Voter "Cancelled" in Voter Reg. System (Used to be, but CURRENTLY not a Valid,
12	CAN	Reg. City Voter)
5	RD	Registration Date (Voter Registered After Date of Petition Issuance)
70	DAT	Date of Signature is Missing
110	SDI	Signing Date Incomplete (Date of Signing is Incomplete)
25	DOB	Date of Birth Is Missing (or Incomplete, or Incorrect)
4	SIG	Signature Itself is Missing (completely)
32	SR	Signature is Rejected (didn't match signature(s) in the Voter Reg. System)
4	VD	Valid Duplicate (Signer/Voter is Valid; however, he/she signed petition more than once)
633 TOTAL NUMBER OF SIGNATURES VERIFIED & DETERMINED TO BE "BAD"		

Based on the above, the Petition is determined to be insufficient by at least 344 qualified signer entries.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Rockwall on this the 10th day of January, 2024.



[CITY SEAL]



Kristy Teague
City Secretary – Rockwall, TX

2. Discuss and consider reappointments to city advisory board(s), including the Main Street Advisory Board, and take any action necessary.

Councilmember Moeller moved to reappoint the following individuals to serve an additional two-year term on the Main Street Advisory Board (to expire in January of 2026):

- Stacy Fuqua,
- Hailee Handy-Alberti,
- Geoffrey Lyons, and
- Gary Cannavo.

Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

IX. Adjournment

Mayor Johannesen adjourned the meeting at 6:25 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 5th DAY OF FEBRUARY, 2024.



TRACE JOHANNESSEN, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

