



ROCKWALL CITY COUNCIL MEETING**Monday, August 5, 2024 - 5:00 PM****City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087****I. Call Public Meeting to Order**

Mayor Johannesen called the meeting to order at 5:00 p.m. Present were Mayor Trace Johannesen, Mayor Pro Tem Clarence Jorif, and Councilmembers Sedric Thomas, Mark Moeller, Anna Campbell, Dennis Lewis and Tim McCallum. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd and City Attorney Frank Garza. Mayor Johannesen then read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session.

II. Executive Session

1. Discussion regarding status of City of Rockwall vs. Richard Brooks & Lake Pointe Health Science Center, pursuant to §551.071 (Consultation with Attorney)
2. Discussion regarding Economic Development prospects, projects, and/or incentives, pursuant to §Section 551.087 (Economic Development)
3. Discussion regarding possible sale/purchase/lease of real property in the vicinity of the downtown area, pursuant to Section §551.072 (Real Property) and Section §551.071 (Consultation with Attorney)
4. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to §551.074 (Personnel Matters)

III. Adjourn Executive Session

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

IV. Reconvene Public Meeting (6:00 P.M.)

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

V. Invocation and Pledge of Allegiance - Mayor Pro Tem Jorif

Mayor Pro Tem Jorif delivered the invocation and led the Pledge of Allegiance.

VI. Appointment Items

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

Chairman of the P&Z Commission, Derek Deckard came forth and briefed the Council on recommendations of the Commission regarding planning-related items on tonight's meeting agenda. Councilmember

McCallum asked Mr. Deckard to provide clarification on the P&Z's discussion regarding possible approval of the artificial turf (related case) setting a precedence. Mr. Deckard provided numerous comments, clarifying this issue and generally expressing a desire for the topic of artificial turf to be further discussed between the P&Z Commission and the City Council, as this topic will likely begin coming up more and more as time progresses. No action was taken by Council following this appointment item.

VII. Open Forum

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

Bob Wacker
309 Featherstone
Rockwall, TX

Mr. Wacker came forth and provided various comments related to the 'artificial turf case' on tonight's meeting agenda. He shared that he believes this particular location warrants an exception and that artificial turf should be allowed to remain in place there.

Scott Blackwood
3514 Lakeside Drive
(in the Lakeside Village subdivision)
Rockwall, TX 75087

Mr. Blackwood expressed that he and his wife live in a home along the shores of Lake Ray Hubbard. There were two very large, mature pecan trees in the takeline when they bought the home. He has concerns about one tree that got blown over during the May 28 storms. After it fell, city Parks Department staff (Director Travis Sales) did come out and cut down and removed that tree that initially fell. Now, the second remaining tree, which is a 65-70' tall pecan tree located in the takeline area along Lake Ray Hubbard, has since fallen. He shared that City of Dallas says it's the City of Rockwall's responsibility; however, City of Rockwall states it's Dallas' responsibility. He also mentioned that the seawall is an issue, and Dallas says it's Rockwall's responsibility, but Rockwall says it's Dallas' responsibility for seawall repair.

Richard Henson
2424 FM 549
Rockwall, TX

Mr. Henson shared that "controlling density" has been recently utilized by some county officials as part of their successful campaign strategies for attaining elected office. He expressed that Rockwall does not have a road problem; rather, Rockwall has a density problem. He went on to share concerns about developers who are bringing forth proposals for lots that are quite small. He expressed that the city recently received a proposal from a developer related to a very large tract of land located south of IH-30. In the proposal, his own personal (2,800 square foot) brick and mortar home is wider than 90% of the residential lots being proposed within the development. Out of 960 proposed lots, his 2,800 square foot home would not fit on 875 of the lots. He went on to express that 52' to 72' wide lots should not be defined as 'low density' in the city's Comprehensive Plan. He explained that 33 of the proposed lots would fit within the boundaries of his own, personal 5 acre tract of land that he lives on. He encouraged the Council to not allow the developer to proceed with those size lots when this case lands before it next month. He thanked Councilmembers for their service to the community, expressing great adoration for each of them.

Melba Jeffus
2606 Cypress Drive
Rockwall, TX 75087

Mrs. Jeffus shared that she and her husband moved to Rockwall in 2004 to fulfill his husband's dream of having a home on some acreage. They bought a home on some acreage that had a barn on it. However, that dream got destroyed by the "Fontana Ranch" development that came in. Since 2004, she has watched development after development after development get approved by the P&Z Commission and City Council. She wonders what the city defines "high density" as vs. "low density," as she strongly believes that all the developments that are being regularly approved are absolutely 'high density' neighborhoods. Intersections are highly congested, especially considering that most households have multiple vehicles because a lot of them have teenage drivers in the home. She expressed extreme dissatisfaction with the 'high density' developments going on in the city and county.

VIII. Take Any Action as a Result of Executive Session

Mayor Pro Tem Jorif moved to reappoint to the Board of Adjustments the following individuals for an additional two-year term (to expire August 2026): Eric Smith (as a member, replacing Joseph Wright) and Sue Conaway (as a member) and Kerry Shepherd (as an "alternate" (newly appointed) board member, with a term to run through Aug. 2026). Councilmember Thomas seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding the Park Board, Mayor Pro Tem Jorif moved to reappoint Jake Wimpee, Amanda Fowler and Marcia Hassenyager to an additional two-year term (through August of 2026) and to newly appoint Mike McEwen (to replace Kevin Johnson, who 'termed out' – a two-year appointment to run through August of 2026). Councilmember Thomas seconded the motion, which passed unanimously (7 ayes to 0 nays).

Regarding the Animal Adoption Center / Shelter Advisory Committee, Councilmember Moeller moved to reappoint Herman Hudson and Gary Freedman to an additional term to run through August of 2026. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Regarding the Historic Preservation Advisory Board, Councilmember Campbell moved to reappoint Tiffany Miller, Allison McNeely and Haydon Frasier (for an additional, two-year term to expire in August of 2026). Councilmember Thomas 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 July 15, 2024 city council meeting, and take any action necessary.
2. **P2024-026** - Consider a request by Brian Berry of PR BBS, LLC for the approval of a Final Plat for Lot 1, Block A, Vigor Way Plaza Addition being a 1.74-acre parcel of land identified as Lot 1, Block A, BW Plus Executive Residency Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 550 E. IH-30, and take any action necessary.
3. **Z2024-028** - Consider a request by David Naylor of Rayburn Electric Cooperative for the approval

of an **ordinance** for a Zoning Change from Planned Development District 44 (PD-44), Commercial (C) District, and Heavy Commercial (HC) District to Planned Development District 44 (PD-44) for Commercial (C) District and Heavy Commercial (HC) District land uses for a 95.00-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26; Lots 6, 7, 8, & 9, Block A, Rayburn Country Addition; Lot 1, Block 1, Helwig Addition; and Lot 1, Block A, Estep Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, Heavy Commercial (HC) District, and Planned Development District 44 (PD-44) for Commercial (C) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located in between Mims Road, Sids Road, and S. Goliad Street [*SH-205*], and take any action necessary (**2nd Reading**).

4. **Z2024-030** - Consider a request by David Bohorquez for the approval of an **ordinance** for a Specific Use Permit (SUP) for Residential Infill Adjacent to an Established Subdivision on a 0.2273-acre parcel of land identified as Lot 5, Block B, Harbor Landing, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for Single-Family 10 (SF-10) District land uses, addressed as 329 Harborview Drive, and take any action necessary (**2nd Reading**).

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

CITY OF ROCKWALL
ORDINANCE NO. 24-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 44 (PD-44) [*ORDINANCE NO.'S 97-28 & 09-03*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A HEAVY COMMERCIAL (HC) DISTRICT AND COMMERCIAL (C) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 44 (PD-44) AND FOR THE PURPOSES AMENDING THE CONCEPT PLAN AND DEVELOPMENT STANDARDS FOR A 90.37-ACRE TRACT OF LAND IDENTIFIED AS LOTS 6, 7, 8 & 9, BLOCK A, RAYBURN COUNTRY ADDITION; LOT 1, BLOCK 1, HELWIG ADDITION; LOT 1, BLOCK A, ESTEP ADDITION; AND TRACT 3 OF THE W. H. BARNES SURVEY, ABSTRACT NO. 26, 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.

CITY OF ROCKWALL
ORDINANCE NO. 24-32
SPECIFIC USE PERMIT NO. S-340

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 ADJACENT TO AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.2273-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 5, 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 the entire Consent Agenda passed unanimously of those present (7 ayes to 0 nays).

X. Action Items

1. **Z2024-029** - Discuss and consider a request by Ben Lewis for the approval of an ordinance for a Specific Use Permit (SUP) for a Detached Garage that exceeds the maximum size and height on a 0.3168-acre parcel of land identified as Lot 3, Block 5, Garner Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the North SH-205 Overlay (N. SH-205 OV) District, addressed as 911 N. Alamo Street, and take any action necessary (2nd Reading).

Councilmember Lewis moved to approve Z2024-029. Councilmember Moeller seconded the motion. Mayor Pro Tem Jorif indicated he will again vote against this variance, as he believes approval of this request may set a precedence. So, he indicated his vote will remain a 'no.' The ordinance caption was then read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 24-31
SPECIFIC USE PERMIT NO. S-339**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A *DETACHED GARAGE* THAT EXCEEDS THE MAXIMUM SIZE AND HEIGHT ON A 0.3168-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 3, BLOCK 5, GARNER 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 6 ayes with 1 nay (Jorif).

2. **MIS2024-016** - Discuss and consider a request for an appeal of a decision by the Planning and Zoning Commission concerning a request by John Hagaman of Sabre Realty for the approval of a *Miscellaneous Case* for an *Exception* to allow artificial or synthetic plant materials on a 10.104-acre parcel of land identified as Lot 3 of the Carlisle Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within IH-30 Overlay (IH-30 OV) District and the Scenic Overlay (SOV) District, addressed as 559 E. IH-30, and take any action necessary.

Planning Director, Ryan Miller, provided background and historical information concerning this agenda item. The applicant is asking Council to consider appealing a decision recently made by the city's Planning & Zoning Commission regarding the applicant's request to allow previously installed artificial turf to remain in place at the subject property. The turf is located within four median islands within the shopping center

(parking lot). The city council previously adopted ordinance number 24-21 back on June 3 of this year (2024), which allowed the Planning & Zoning Commission to grant exceptions that would allow synthetic / artificial plant material to exist on certain non-residential properties in certain circumstances. Prior to the June 2024 ordinance adoption, artificial plant materials ('artificial turf') were prohibited. Mr. Miller explained that on June 14, 2024, the applicant submitted an application asking for an exception that would allow for the (previously installed) artificial turf to remain in place. However, at the June 25 Planning & Zoning Commission, the request for an exception was "denied without prejudice" by the Commission by a vote of 6 to 0. The applicant then resubmitted an application seeking an exception on July 19. Exhibits and additional information was provided by the applicant along with the July 19 (application) submittal. Thereafter, the request was considered to have been 'denied with prejudice' by the Planning & Zoning Commission after a motion to approve it failed to result in the required 'super majority' vote needed. So, the applicant is now submitting this appeal, asking the City Council to consider overturning the Planning & Zoning Commission's decision. A potential approval to overturn the P&Z Commission's prior ruling will require a 'super majority' vote of Council this evening (six out of seven members of Council must agree to overturn the P&Z's prior decision).

He explained that the Commission recently 'voted down' this request for the artificial turf installed at this location (which is within an existing shopping center along IH-30 near Ridge Road) after it has previously voted down the request "without prejudice" earlier this calendar year.

The applicant, John Hagaman (address given as 30 Shadydale Lane – Rockwall, TX) then came forth and addressed Council. He explained that this artificial turf was installed in these medians three years ago, and – at the time – he did not know that there was a ban on the allowance of artificial turf within the city. The turf that was installed in four islands within the shopping center's parking lot after trying various alternatives to attempt to address the muddy medians. It's only been within the last six months that the artificial turf has been noticed (though, again, it was installed before that time). He explained that the alternatives to the artificial turf are mud or dead grass or nothing. He explained that rocks do not work well, as they present a safety (trip) hazard. He explained a bit about how he plans to maintain the turf over time within these four medians. He shared that two owners own this shopping center, and he helps manage it. He believes approval of this turf is a 'no brainer.' He thinks that artificial turf will be a topic that will begin to come before the city more and more as time progresses, and he believes approval of this request will be a good 'case study' for the city. He thinks the city beginning to allow artificial turf in residential areas is a move in the right direction. Also, he believes the City should begin allowing the material in some commercial areas as well.

Councilmember McCallum shared that he is personally in this shopping center area every morning at 5:45 a.m. He pointed out that no irrigation exists in the medians of this shopping center, and there is no way to get irrigation to these medians. He believes the turf looks good and is a good solution at this location / in this instance. So he would like to see a motion made to grant approval for this exception so that the turf is able to remain in place.

Mayor Pro Tem Jorif sought and received clarification on the timeline associated with when the turf was installed and when the city council adopted related ordinance regulations. He shared that the turf was installed originally in the Fall of 2020, and it was installed without permission / without a permit. Mr. Miller confirmed that, if the applicant had applied for a permit at that time, he would not have been allowed to install the turf.

Councilmember Thomas clarified that a lot of the areas in and around this shopping center (built in 1987)

have either grass or rocks in them. These four medians are the only ones where artificial turf has been placed. Councilmember Thomas pointed out that maintenance of the medians / islands within the parking lot area is the responsibility of the shopping center owner. Mr. Hagaman shared that grass just will not grow in these four medians. Mr. Hagaman shared that changing this to turf greatly enhanced the customer satisfaction for patrons to the shopping center, especially for those visiting the Cici's restaurant.

In the fall of 2020 (when this was initially installed), approval of artificial turf was not even something that would have been considered by the city. Mr. Miller shared that in June of 2024, the ordinance that was adopted by Council did begin allowing for the P&Z Commission to consider possibly granting exceptions to allow for artificial turf under certain circumstances.

Mayor Pro Tem Jorif asked if the applicant would be willing to remove the artificial turf, then go through the proper process to request it, and – if approved – have it installed again. Mr. Hagaman shared that he will prefer to not have to 'play that game' and go to the extra financial expense that doing so would involve.

Councilmember Lewis shared that he personally and historically has a lot of concerns with individuals and/or companies who do things without first seeking a permit and/or city approval prior to doing those things. He asked and received clarification on how the turf will be maintained over time and by whom. Mr. Hagaman shared that they have property maintenance staff who visit this site and the other site in Carrollton regularly (daily), and they have been maintaining the turf well over the last four years since the fall of 2020 when the turf was initially laid.

Councilmember Moeller shared that he traditionally also has issues with individuals who do not first seek and receive approval from the city before moving forward with something. However, in this particular situation, common sense tells him that the artificial turf installed in this particular location within these medians makes good sense.

Councilmember Campbell expressed the belief that this is the best these areas have ever looked. She then asked for clarification on how long it took for the turf to be repaired and wrinkles removed after the FedEx mailbox was removed from the one median. Mr. Hagaman shared that it took two days to make the repairs. She understands that installation of artificial turf is very important, and its maintenance over time is also very important. She acknowledged that the way these areas currently look (with the turf installed) is the best it's looked in the 30+ years she has lived here in Rockwall.

Mr. Miller, Planning Directors, shared that artificial turf has a permit process associated with it because installation of turn does tend to impact 'water run off' / drainage. Also, ensuring it's properly installed is also very important to ensure grass and weeds do not grow up in it over time and that it does not become wrinkled over time. It's important for the city to ensure that the water drains properly and that the run off that turf creates does not adversely impact water flow, water speed, and adjacent properties.

Mayor Johannesen asked if Mr. Hagaman's turf would pass the city's standards (i.e. related to drainage) for turf today. Mrs. Williams, City Engineer, shared that she does not know since she has not seen the plans and does not have knowledge of its installation and specifics related to it.

Councilmember Campbell shared that, although the current owner is maintaining the turf well, it is uncertain how it will be maintained in the future if a new shopping center owner were to buy the property.

Mr. Hagaman asked for clarification on if the city watched and had oversight on the turf that was installed

in front of Gloria's at The Harbor. Mr. Miller shared that city staff (specifically the city's Parks Director, Travis Sales) did oversee its installation. Mr. Hagaman shared that his turf is very similar to the turf in front of Gloria's, and that turf has held up very well over time. Mr. Miller shared that, for several reasons, these two installations really cannot rightfully be compared.

Councilmember Lewis asked if the medians could be concreted (underneath the turf). Mr. Miller shared that he could put concrete, however, the existing trees must remain in place. Mr. Hagaman expressed that he really does not want to potentially lose the only trees that exist within the shopping center / within these medians.

Councilmember McCallum shared that he believes the turf at this particular location has made this property look better. He acknowledged that Mr. Hagaman has been rightfully 'slapped on the hand' for installing it without first seeking permission from the city. He explained that he listened in on the recent P&Z Commission meeting, and he understands the request was denied due to the requirement that it have a super majority vote of members in order for it to be approved.

Councilmember McCallum then went on to make a motion to approve the request associated with MIS2024-016, allowing the previously installed turf to remain in place. Councilmember Moeller seconded the motion. City Attorney Frank Garza clarified that, in order for this motion to pass, it will require 6 affirmative votes of the Council as a whole. Following that clarification, the motion to approve MIS2024-016 failed by a vote of 5 ayes with 2 nays (Jorif and Thomas).

3. Discuss and consider a status update from the Rockwall Area Chamber of Commerce regarding Hotel Occupancy Tax ("HOT") funding received from the City and regarding programs offered through the Convention & Visitors Bureau on behalf of the City of Rockwall.

Jodi Willard, Director of Tourism with the Rockwall Area Chamber, came forth and briefed Council on various activities and tourism-promoting efforts that the Chamber has been involved with over the last few months.

Councilmember Campbell thanked Ms. Willard for all of her work since the time she came on board and began these efforts 14 months ago. She believes Mrs. Willard has done a fabulous job. Mayor Pro Tem Jorif echoed Councilmember Campbell's positive sentiments and compliments of Mrs. Willard and her efforts on behalf of the City of Rockwall. Council took no formal action as a result of Mrs. Willard's briefing / this agenda item.

4. Discuss and consider possible amendments to the City Charter and associated process, and take any action necessary.

Councilmember McCallum shared that several months ago he and Mayor Pro Tem Jorif begun discussing some possible changes to the city's Charter. He then consulted with the city attorney, Frank Garza, to glean some feedback. He went on to explain that he is proposing Council consider a potential review of the City Charter. Councilmember McCallum went on to brief Council on several things including a history of past Charter reviews, some of his suggested considerations, reasons why periodic review is important, as well as the few ways by which the Charter can (legally) be amended.

City Attorney Frank Garza indicated he is not aware of anything in the existing Charter that is out of compliance with state law at this time; however, he's not done a thorough review of it recently. He went on

to explain that, if such changes are needed, they can go in one future ballot proposition to just clean up technical things that may need to be changed to become up-to-date and compliant with any new state laws. This was done back in 2015 when that Charter update occurred.

McCallum went on to explain that, by Charter, if a Charter Review Commission is appointed by Council, it must consist of ten citizens and it is given a maximum of six months to conduct its review of the Charter and propose any changes to City Council. He went on to suggest that a Charter Review Commission be formed, with each sitting councilmember selecting one citizen to serve on it and three Commission members being chosen 'at large' by the collective Council as a whole. He suggested that the timeline be such that the Commission be appointed and begin its work in Sept. and finish its work by the January / February 2025 timeframe so that any Charter amendments could then be placed on a May 2025 ballot (at the General Election). He stressed that any changes to the Charter would not impact sitting council members or the city until May 2026 and beyond.

Councilmember Lewis shared that he may not agree with some of the proposed changes Councilmember McCallum has suggested may need to be made to the Charter; however, he has no problem forming a Charter Review Commission and having a review of the City Charter.

One of the things Councilmember McCallum expressed should be changed in the existing Charter is to do away with Council appointing members to the city council when vacancies arise. He believes a 'special election' should be called and citizens should vote on who fills the vacant seats. Also, he believes that candidates being elected by plurality vote should be changed to them being elected by majority vote, and that run-off elections should be held accordingly. He acknowledged that three of the current seven council members came onto the city council via being appointed to fill vacancies. He means no offense to them and believes they are great council members; however, he believes citizens should get to vote on who fills vacant seats in the future.

Mayor Johannesen clarified that, when vacancies on Council are filled, the elected officials that serve as the "voice of the citizens" are the ones making the decisions regarding who will fill the vacant seat(s). He expressed he likes how our current process requires that any vacant seat that is filled must then be placed on the very next, upcoming election ballot for the voters to decide. He believes this affords a good 'checks and balances.' He is open to look into the Charter; however, he did point out that conducting special elections can be expensive.

City Attorney, Frank Garza pointed out years ago, cities could hold elections at four different times per year; however, that is no longer the case. Now cities can only hold elections twice per year – in May and in November. He clarified that – if, for example, a councilmember were to resign the last week of August in a given year...that would be too late to call for an election to be held in November to fill the vacant seat. So that vacancy would exist until the following May if the city council did not have a Charter option to appoint someone to fill the vacancy. So this is something Council needs to consider when evaluating a possible change in in this regard.

Councilmember McCallum shared he would like to see either the Council review the City Charter and move forward with some recommended changes or that a Charter Review Commission be formed to do so. He stressed his opinion that he is not in favor of councilmember being elected by 'plurality' vote. He believes a candidate should be required to glean fifty percent of the vote, and – if they don't – they should have to be forced into a runoff election. He thinks our city is big enough now to require this and he believes that is a

pretty common standard nowadays. He went on to also suggest that the Charter be evaluated to decide if councilmembers serving in “even numbered seats” should be required to give up their seat and put it up for election if they decide to run for the mayor’s race.

Mayor Johannesen suggested that this be placed on an upcoming Executive Session item for discussion with the city attorney. Councilmember McCallum requested that the topic also be placed as an Action Item on the next council meeting, as he prefers that possible formation of a Charter Review Commission not be potentially delayed. Mr. Garza indicated this can be an Executive Session item for attorney/client consultation. Mayor Johannesen expressed that, when government aims to move quickly, it causes him to give pause and be inclined to slow down. Mr. Garza, city attorney, went on to further clarify that action could potentially be taken as a result of the Executive Session discussion if this is placed (solely) on Ex. Session (without it having to be listed under “Action Items”).

Mayor Pro Tem Jorif shared a desire to make sure that citizens have an opportunity to make informed decisions about who fills a council seat. He shared that, over the last three years, the Council has experienced ‘appointment after appointment after appointment.’ Indication was given that, following each city council (vacancy) appointment, those seats were to be placed on a ballot for election; however, no one stepped up to file to run (against the incumbent who had been appointed). Mayor Johannesen asked if this concern is truly a concern related to a City Charter problem or to an ‘involvement’ problem. Mayor Pro Tem Jorif responded by expressing he believes there is a lackadaisical attitude and an ‘involvement problem’ when it comes to candidates running for city council.

Councilmember Campbell shared that she is in favor of a Charter review. She does have concerns about the costs to the citizens related to putting on elections. When the city does not have any contested races for an election, the costs of putting on elections can be pretty hefty.

Councilmember Thomas shared that he does not have an issue with forming a Charter Review Commission / Committee, as he believes reviewing the Charter at least once every ten years is prudent to do. He would like to see what a Charter Review Commission might recommend related to some of the existing Charter provisions.

Councilmember Lewis shared that, related to council member vacancies that get filled by someone being appointed, citizens still make their voices known and ‘have a say’ when they show up during election season. He was appointed to fill a vacancy; however, four months later he had to run for election. He believes it is probably very rarely that someone who gets appointed to fill a vacancy really serves for a long time – he guesses someone could be appointed in June to fill a vacant seat, and that person would then serve for 11 months until the next (May) election, but the citizens do ultimately have ‘a say’ in whether a council member stays or goes.

Mayor Johannesen shared that he, while understands Councilmember McCallum has put a lot of research and thought into this topic and some suggestions, perhaps there additional things that have not yet been thought of that need consideration relative to our existing City Charter. Since this is the first time the full council is seeing this information or considering possible formation of a citizen review committee or possible charter amendments, he will appreciate an ability to think about these matters and digest the information first before moving forward.

Following brief, additional remarks by Councilmember McCallum, Council took no action as a result of this

discussion item.

XI. City Manager's Report, Departmental Reports and Related Discussions Pertaining To Current City Activities, Upcoming Meetings, Future Legislative Activities, and Other Related Matters.

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

City Manager, Mary Smith, shared that IH-30 (re)construction related closures went as well as could be expected this past weekend. Also, yesterday the local Kiwanis Club's Triathlon took place with 30% more participants this year compared to last year. A lot of police officers helped with that, and they did a great job.

XII. Adjournment

Mayor Johannesen adjourned the meeting at 7:24 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 19th DAY OF AUGUST, 2024.


TRACE JOHANNESSEN, MAYOR

ATTEST:


KRISTY TEAGUE, CITY SECRETARY

