

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, August 15, 2022 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Kevin Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Council Members Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and City Attorney Frank Garza. Assistant City Manager Joey Boyd was absent from the meeting.

Mayor Fowler read the below listed discussion items into the public record before recessing the meeting to go into Ex. Session at 5:01 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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters).
2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding (re)appointments to city regulatory boards and commissions, including conducting applicant interviews, pursuant to Section, §551.074 (Personnel Matters)

**III. ADJOURN EXECUTIVE SESSION**

Council adjourned from Ex. Session at 5:58 p.m.

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

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

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR FOWLER**

Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

1. Full Metal Jackets (Rockwall High School Robotics Team) Celebration Day

Mayor Fowler called for high school students who are members of this team, each of whom briefly introduced themselves. Fowler then read and presented them with a proclamation, celebrating some of the team's recent accomplishments and contributions.

**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**

**No action was taken at this time; however, the mayor indicated they will reconvene at the end of this public meeting agenda.**

**IX. CONSENT AGENDA**

1. Consider approval of the minutes from the August 1, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-034** - Consider a request by Kevin Harrell of the Skorburg Company on behalf of Larry Hance of R & R Investments for the approval of an **ordinance** for a *Zoning Change* from an Agricultural (AG) District to a Planned Development District for Single-Family 10 (SF-10) District land uses on a 85.63-acre tract of land identified as Tracts 2-01, 2- 04, 2-05 & 2-06 of the P. B. Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southwest corner of the intersection of Hays Road and John King Boulevard, and take any action necessary **(2nd Reading)**.
3. Consider authorizing the City Manager to execute a one-year contract with three 1-year renewal options with ZT Baseball Nation LP to supply umpires for Leon Tuttle RBSL Spring, Summer, and Fall baseball and softball seasons annually to be funded by the Recreation Development Fund, and take any action necessary.
4. Consider authorizing the City Manager to execute a one-year contract with three 1-year renewal options with ZT Baseball Nation LP to host Fall and Spring baseball tournaments at Leon Tuttle Athletic Complex, and take any action necessary.
5. Consider authorizing the City Manager to execute a one-year contract with three 1-year renewal options with Illumination Firework to provide our July 4<sup>th</sup> Firework Special Event at Harry Myers Park annually to be funded by the General Fund, and take any action necessary.
6. Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division regarding the 2022 Rate Review Mechanism filing, adopting tariffs as part of the settlement, and take any action necessary.
7. **P2022-034** - Consider a request by Bill Bricker of Columbia Development Company for the approval of a *Final Plat* for Lots 1-5, Block E, Park Place, Phase IV Addition being a 1.286-acre tract of land identified as Lot 2, Block E, Park Place, Phase III Addition and Tracts 53 & 35 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 57 (PD-57) for Single-Family 7 (SF-7) and Residential-Office (RO) District land uses, located at the northeast corner of the intersection of T. L. Townsend Drive and Park Place Boulevard, and take any action necessary.
8. Consider authorizing the City Manager to execute an Interlocal Agreement with Rockwall Independent School District for School Resource Officer services for school calendar year 2022-2023, and take any action necessary.

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

**CITY OF ROCKWALL  
ORDINANCE NO. 22-44**

**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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 96 (PD-96) FOR SINGLE-FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 85.63-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 2-01, 2-04, 2-05 & 2-06 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, 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.

CITY OF ROCKWALL  
ORDINANCE NO. 22-43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

The motion 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.

No one from the P&Z Commission was present. So this agenda item was not addressed.

XI. PUBLIC HEARING ITEMS

1. **Z2022-035** - Hold a public hearing to discuss and consider a request by Dub Douphrate of Douphrate and Associates on behalf of Bill Bricker of Columbia Development Company, LLC 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**).

Mr. Miller shared that staff has been contacted by this applicant, and the applicant has submitted a request to withdraw this case at this time. Mayor Fowler moved to accept the applicant’s request to withdraw the case. Councilmember Jorif seconded the motion. The motion passed by a vote of 7 ayes to 0 nays. Mr. Miller shared that the applicant will now be able to resubmit a new case, if he so chooses.

2. **Z2022-036** - Hold a public hearing to discuss and consider a request by David Scott and Christine Fischer for the approval of an ordinance for a Specific Use Permit (SUP) allowing an Agricultural Accessory Building on a ten (10) acre parcel of land identified as Lot 2, Block A, Breezy Hill Lane Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the terminus of Breezy Hill Lane, and take any action necessary (1st Reading).

Ryan Miller, City's Planning Director, provided background information related to this agenda item. Back in July, the City Council granted proper permissions that will allow for a single-family home to be constructed by the property owner on this 10 acres. The applicant is now proposing to build an agricultural accessory building that he plans to utilize to store agricultural equipment. Notices were sent out to adjacent land and property owners within 500' of the property, and no notices were received back by staff. In addition, nearby HOAs were also notified. The Planning & Zoning Commission has recommended approval of this item to the City Council based on the meeting they held on August 9.

Mayor Fowler opened the public hearing, but no one wanted to speak, so he closed the public hearing.

Councilmember Moeller moved to approve Z2022-036. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 22-XX  
SPECIFIC USE PERMIT NO. S-XXX**

**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) TO ALLOW AN AGRICULTURAL ACCESSORY BUILDING ON A TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND 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 nays.

3. **Z2022-037** - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Bill Bricker of Columbia Development Company for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District to a Planned Development District for Single-Family 8.4 (SF-8.4) District land uses on a 65.309-acre tract of land identified as the Oak Creek Subdivision; Tract 6 of the G. W. Redlin Survey, Abstract No. 183; and being portions of Tracts 1 & 6-1 of the G. W. Redlin Survey, Abstract No. 183, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, Two-Family (2F) District and Light Industrial (LI) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, generally bounded by John King Boulevard, E. Williams Street, E. Washington Street, and Harry Myers Park, and take any action necessary (1st Reading).

Ryan Miller, Planning Director, provided background information concerning this agenda item. The applicant would like to rezone this property to allow for construction of a 144 lot single-family home subdivision that contains various lot sizes (i.e. [A] 41, 72' x 120' lots; [B] 75, 62' x 120' lots; and [C] 28,

52' x 120' lots). The homes will be between 2,400 and 2,500 square feet. Looking at the garage orientation proposed for the development, the applicant is requesting to allow all of the *Type 'C'* lots (i.e. the 52' x 120' lots) or a total of 19.40% of the 144 lots (equating to a total of 28 lots) to be orientated toward the street in a *Front Entry* garage configuration; however, the applicant is proposing to require an additional five (5) foot setback from the front façade of the home for *Front Entry* garage configurations, which will create a 25-foot separation from the garage to the front property line. The remaining garage doors will be oriented in a *J-Swing* (or a *Traditional Swing*) configuration or *Recessed Entry* configuration (i.e. where the garage door is situated a minimum of 20-feet behind the front façade). In addition, the applicant is proposing to incorporate upgraded finishes on all garage doors that include: [1] coach lighting, [2] carriage style hardware and lighting, [3] decorative wood doors or wood overlays on insulated metal doors, and [4] driveways that are constructed with ornamental stamped concrete brick pavers, stained finish, or salt finished. With regard to the proposed housing product, staff has incorporated anti-monotony and masonry standards into the proposed Planned Development District ordinance. Specifically, the ordinance will require a minimum of 90% masonry, and be subject to the City's upgraded anti-monotony standards; however, the Planned Development District ordinance will also incorporate provisions that allow up to 80% cementitious fiberboard utilized in a horizontal lap-siding, *board-and-batten* siding, or decorative pattern to allow a variation of materials throughout the subdivision. The following are some of the examples provided by the applicant showing horizontal lap-siding, *board-and-batten* siding, or decorative patterns that are contained within the Planned Development District ordinance. This essentially allows for the more 'farm house' style look and feel of the homes.

The Planning & Zoning Commission has unanimously recommended approval of this request. In addition, notices were sent to adjacent land/property owners within 500' of the property, and adjacent (2) HOAs (homeowners associations) were also notified. Staff has received back two notice from within the 500' buffer zone in favor of the applicant's request. Also, staff has received back one notice from within the 500' buffer zone in opposition of the applicant's proposed request.

The applicant then came forth to address Council.

Ryan Joyce  
767 Justin Road  
Rockwall, TX 75087

Mr. Joyce introduced himself and shared that his company is a local company. He went on to share more extensive details with the Council concerning what he is proposing related to this residential development request. He expects the price point to start in the mid to upper \$500k's and go up from there.

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

Diana Devenney  
2944 Pegasus Drive  
Garland TX  
(Property owner of 205 Dial Lane – Rockwall, TX)

Mrs. Devenney came forth and spoke about how this proposed development will affect her. She has owned this property since 1982. She is concerned about the price point of these homes being \$500k-\$550k+, and she does not consider that to be 'affordable housing' for Rockwall. She also spoke about

CPED – Crime Prevention by Development Design. Other cities such as Arlington and Carrollton have implemented this type of program. She wonders if staff has met with Police and Fire Departments to discuss how they will service this area. She is concerned that there are no alleyways, and some of the houses will back right up to her property line, and there is no line of sight to protect the properties from crime. She pointed out that her and her son's property (on Dial Lane) work hard to monitor their AG property for potential crime. She pointed out that she and her son have cleaned up beer cans, and – at one point – a criminal literally burned her house down at 205 Dial Lane. She believes that 'beer parties' and 'drug deals' occur, and she is concerned about the police and fire departments monitoring crime in this area and ensuring that vandalism that constantly happens stops occurring. She has concerns about the cul-de-sac that will be near Williams/Washington Street area...she is concerned that vehicles will literally jump the curb at the end of her driveway / easement. She is also concerned about a major utility line that is right on her and Mr. Bricker's property line. She wonders how the homes will receive utility services, and she gave indication that she hopes it won't be provided by 'trespassing' on her property. She pointed out that Oncor workers previously cut the lock on her property and accessed the utility easement to set utility poles, and they did a lot of damage to her property, all without even contacting her to make her aware they were doing so. She pointed out that this proposed development will cause her a lot of emotional distress, and she has a lot of safety-related concerns (especially related to the drug deals and beer cans and needles, etc.).

Jason Lain  
5033 Brookview Drive  
Dallas, TX

Mr. Lain shared that he is with OM Housing, and he represents Mrs. Devenney at 205 Dial Lane. He knows that the only easement is located on-site at the 205 Dial Lane, Rockwall, TX site (belonging to the previous speaker, Mrs. Devenney). He pointed out that this development will result in 'pockets' that will be unlit and will lead to kids or anyone else doing essentially 'sinister' / 'criminal' type things at the rear of some of these homes (on the easement related to 205 Dial Lane). He suggested that a roadway be installed that would be a city-built and maintained roadway that would allow access for the Police and Fire Departments to be able to see, access and more closely monitor any criminal related activities might otherwise occur at the rear of this development.

Bob Wacker  
309 Featherstone Drive  
Rockwall, TX

Mr. Wacker came forth and shared that he lives in Stone Creek, and he has some suggestions. He spoke about various items that the HOA will be responsible for maintaining over time, and how those costs will end up being the financial responsibility of the homeowners. He urged the City to review the HOA bylaws for this community and try to ensure that the HOA is financially solvent and stable enough to be able to afford all that it will be 'taking on.'

City Attorney, Mr. Frank Garza shared that the city cannot, by law, review HOA bylaws or make review of those contingent on approval of a zoning request / case in any way. That would legally be considered "contract zoning," and that is strictly prohibited by law.

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

Mayor Fowler asked if the developer will be notifying home buyers in this neighborhood that, at some point in the future, a major state-owned thoroughfare might run right by this development (SH-66 expansion). Mr. Joyce shared that he has no issue at all including disclosure information of some sort regarding the future plans for the SH-66 roadway improvements. Mr. Joyce shared information about setbacks, and he shared that sidewalks and landscaping will be installed. Those items will provide some level of 'buffering' related to any future SH-66 expansion/improvements that may occur. In addition, Mr. Ryan Miller, shared that a notation can be made on the face of the final plat, which is a document that is supposed to be provided to all residents at 'closing.' Mr. Joyce stated that the HOA will obtain and maintain insurance to help provide some level of protection to HOA maintained areas. He stated that, related to concerns expressed by the speakers during the Public Hearing, there is no better way to prevent crime than to have other people living adjacent to that property and having more eyes on the AG property that exists just adjacent to this proposed residential development.

Police Chief Ed Fowler shared comments related to 'crime pockets,' and he offered to meet with Mrs. Devenney to discuss the concerns she has related to crime and to try and address those concerns. Indication was given by staff that Planning and Police Department staff work together on CPTED "Crime Prevention Through Environmental Design" initiatives on any/all new development being proposed within the City of Rockwall. Mr. Miller shared that at least three police staff work with the Planning Department on 'plan review' for all new residential developments. In addition, Fire Chief Kenneth Cullins shared that the Fire Department is always involved in the plan review process as well.

Mayor Pro Tem Johannesen moved to approve Z2022-037. Councilmember Daniels seconded the motion. The ordinance caption was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 22-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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT, TWO-FAMILY (2F) DISTRICT, AND LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR SINGLE-FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 65.309-ACRE TRACT OF LAND IDENTIFIED AS THE OAK CREEK SUBDIVISION; TRACT 6 OF THE G. W. REDLIN SURVEY, ABSTRACT NO. 183; AND PORTIONS OF TRACTS 1 & 6-1 OF THE G. W. REDLINE SURVEY, ABSTRACT NO. 183, 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 passed by a vote of 7 ayes to 0 nays.

4. Z2022-038 - Hold a public hearing to discuss and consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of an ordinance for a Zoning Change amending Planned Development District 93 (PD-93) [Ordinance No. 22-22] to incorporate a 21.83-acre tract of land into the existing 93.97-acre tract of land being identified as Tract 4-01 of the M. B. Jones Survey, Abstract No. 122 and Tracts 13 & 25 and a portion of Tracts 10-02, 10-03, 25-1 & 26 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Planned Development District 93 (PD-93) for Single-Family 10 (DF-10)

District land uses, situated within the SH-66 Overlay (SH-66 OV) District, located south of the intersection of Cornelius Road and FM-1141, and take any action necessary (1st Reading).

Planning Director, Ryan Miller, provided background information related to this agenda item. The applicant is requesting to amend the existing PD. Specifically, the applicant is proposing to incorporate an additional 21.83-acres of land and entitle it to add an additional 82 single-family residential lots to Planned Development District 93 (PD-93). The subject property is generally located between SH-66 and FM-1141 at the southwest corner of the intersection of FM-1141 and Cornelius Road. These lots will consist of three (3) lot types that were already established by Planned Development District 93 (PD-93): [1] 40 Type 'C' lots that are a minimum of 72' x 115' (or 9,000 SF), [2] 12 Type 'D' lots that are a minimum of 72' x 110' (or 8,400 SF), and [3] 30 Type 'E' lots that are a minimum of 62' x 110' (or 7,200 SF). This adjusts the gross density of Planned Development District 93 (PD-93) from 1.93 dwelling units per acre to 2.27 dwelling units per gross acre (i.e. 263 lots/115.80-acres = 2.2712 dwelling units per gross acre) for the total development. The proposed concept plan shows that the development will consist of a total of 29.72-acres of floodplain and 13.23-acres of open space maintained by the Homeowner's Association (HOA).

The City's Planning & Zoning Commission has reviewed this request and has made a recommendation to approve it. In addition, on July 22, 2022, staff mailed 64 notices to property owners and occupants within 500-feet of the subject property. Staff also notified the Caruth Lakes (Caruth Ridge Estates) Homeowner's Association (HOA), which is the only HOA within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Staff has received two notices back in favor of this request being approved (and no opposition notices).

The applicant, Mr. Ryan Joyce with Michael Joyce Properties came forth again to speak regarding this particular agenda item. Following Mr. Joyce comments, Mayor Fowler opened the public hearing, asking if anyone would like to come forth and speak. There being no one indicating such, he then closed the Public Hearing.

Councilmember Jorif moved to approve Z2022-038. Councilmember Campbell seconded the motion. Councilmember Macalik expressed concern about the smaller lots being included as part of this proposed development. She does not believe that the smaller lots really fit in well with other, larger existing residential lots in and around this general area. Although she does have these concerns, she did express that she is very impressed with what Mr. Joyce is proposing.

Mr. Cain owns the property adjacent to this, and he does plan to develop it in the future; however, not until his grandson is finished riding dirt bikes on the property.

The ordinance was read as follows:

**CITY OF ROCKWALL  
ORDINANCE NO. 22-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 AMEND PLANNED DEVELOPMENT DISTRICT 93 (PD-93) [ORDINANCE NO. 22-22], BEING A 115.80-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-01 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, AND TRACTS 13 & 25 AND A PORTION OF TRACTS 10-02, 10-03, 25-1, & 26 OF THE W. M. DALTON SURVEY, ABSTRACT NO. 72 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 then passed by a vote of 6 ayes with 1 against (Macalik).

## XII. ACTION ITEMS

1. Discuss and consider (re)appointments to non-regulatory city boards and commissions, and take any action necessary.

Mayor Fowler indicated that the city council will be going back into Ex. Session to discuss some other appointments. So he would like to delay action on this particular item in order to take all appointment-related actions afterwards.

Mayor Pro Tem Johannesen moved to reappoint to the city's Planning & Zoning Commission John Womble, Brian Llewellyn, and Sedric Thomas (each for an additional three-year term thru August of 2025). He'd also like to newly appoint Ross Hustings to serve in the seat vacated by Eric Chodun (for a partial term thru August of 2023). Councilmember Macalik seconded the motion, which passed by a vote of 7 ayes to 0 nays.

Councilmember Campbell moved to reappoint Gary Freedman to the Animal Advisory Board (an additional, two-year term thru Aug. 2024). Fowler seconded the motion, which passed unanimously of those present.

Regarding the Airport Advisory Board, Councilmember Jorif made a motion to newly appoint Kyle Thompson and Kerry Shepherd to the two vacant seats left by Brad Bassett and Matt Murphey, who have both 'termed out' (terms will run thru Aug. of 2024). Macalik seconded motion, which passed unanimously of Council (7-0).

2. Discuss and consider granting permission for an alcohol waiver associated with the city's October 1, 2022, 14<sup>th</sup> Annual Rib Rub Run and Roll at Harry Myers Park in accordance with Chapter 30, Article I, Sec. 30-2, 'Regulated Activities in Parks' of the Code of Ordinances, and take any action necessary.

Parks Director, Travis Sales, came forth and briefed Council on this agenda item.

Mayor Pro Tem Johannesen moved to approve the alcohol waiver request for Harry Myers Park and to approve the downtown roadway closures as part of this event. Mayor Fowler seconded the motion, which passed by a vote of 5 ayes to 2 nays (Jorif and Daniels).

Mayor Fowler then recessed the public meeting to go back into Ex. Session at 7:19 p.m.

## 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 City Manager employee evaluation, pursuant to Section 551.074 (Personnel Matters)

2. Discussion regarding appointment assignments for city council subcommittees and board liaisons, pursuant to Section, §551.074 (Personnel Matters)
3. Discussion regarding (re)appointments to city regulatory boards and commissions, including conducting applicant interviews, pursuant to Section, §551.074 (Personnel Matters)

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

**Fowler reconvened the public meeting at 8:17 p.m. See "Action Item 1" above.**

**XV. ADJOURNMENT**


**Mayor Fowler adjourned the meeting at 8:20 p.m.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2022.**



**KEVIN FOWLER, MAYOR**

**ATTEST:**

  
**KRISTY TEAGUE, CITY SECRETARY**

