

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Tuesday, July 05, 2022 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Pro Tem Johannesen called the meeting to order at 5:00 p.m. Present were 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 Kevin Fowler was absent from the entirety of the meeting. Mayor Pro Tem Johannesen 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 and commissions, 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 Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).
5. **Pulled from public meeting agenda: P2022-028** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a Preliminary Plat for Lots 1 & 2, Block A, Rockwall ISD Addition being a 76.068-acre tract of land identified as Tracts 14-01 & 14-11 of the J. M. Glass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 94 (PD-94) for limited Neighborhood Services (NS) District land uses, generally located at the northwest corner of the intersection of FM-1141 and E. Quail Run Road, and take any action necessary. (pursuant to Section §551.071 (Consultation with Attorney)
6. **Pulled from public meeting agenda: P2022-029** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a Preliminary Plat for Lot 2, Block A, Rockwall – CCA Addition being a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 95 (PD-95) for limited Neighborhood Services (NS) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary. (pursuant to Section §551.071 (Consultation with Attorney)

**III. ADJOURN EXECUTIVE SESSION**

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

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

**Mayor Pro Tem Johannesen called the public meeting back to order with 6 of seven council members being present (Fowler was absent).**

#### **V. INVOCATION AND PLEDGE OF ALLEGIANCE - COUNCILMEMBER JORIF**

**Councilmember Jorif delivered the invocation and led the Pledge of Allegiance.**

#### **VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

- 1. Recognition of Mr. Larry Parks for service on the N. TX Municipal Water District Board of Directors**

**Current Executive Director, Jenna Covington, of the NTMWD came forth and shared numerous statistics about the District, making comparisons between when Mr. Parks began serving on the Board in 1993 until now (i.e. population differences, service expansions over time, various accomplishments of the District/Board over time). She generally thanked Mr. Parks for his twenty-nine years of service as a Director on the NTMWD Board. Board Member Terry Sam Anderson of the NTMWD Board (Mesquite's rep.) came forth and shared several, positive comments about Mr. Parks personally and about his service on the board. He generally thanked Mr. Parks for his many years of service on the Board. Director (board member) Chip Imrie came forth and indicated that he is the second City of Rockwall appointee to the NTMWD Board. Mr. Imrie expressed many positive comments about Mr. Parks, including comments related to both his character and his long-tenured service on the Board. Mr. Parks himself then came forth and provided comments, generally thanking several NTMWD staff members and his wife and expressing a lot of positive comments about his twenty-nine years of service on the board. Mayor Pro Tem Johannesen then presented him with an award to commemorate his years of dedicated service on the board.**

- 2. Presentation of Life-Saving Awards - Rockwall Fire Department  
Crew members of Engine 01 "C"**

**Fire Chief, Kenneth Cullins came forth and called forth Firefighter Josh Turner and Captain Lewis Johnson (note: Captain Todd Rowan was also a part of this life-saving event; however, he could not be present this evening). Chief Cullins then read a narrative about these three firefighters performing CPR and administering life-saving measures on a seizure patient in March of this year. He thanked them for their efforts and contributions that led to saving the patient's life.**

- 3. Parks & Recreation Month**

**Mayor Pro Tem Johannesen called forth Parks Director, Travis Sales, and several of his Parks & Rec staff members. He then read and presented them with this proclamation, thanking them for their various contributions made to our community and our citizens. Mr. Sales then quickly introduced his staff members – Cory Dentler, Kyle Pullen, Daniel Gutierrez, Cassie Tabira, and Andrew Ainsworth. He mentioned that the city's staff members, Wendy Young and Brian Sartain could not be present tonight; however, he thanked them and all other Parks & Rec staff members for all their work. City Manager Mary Smith also thanked all of the Parks & Rec staff for their tireless, professional and vast efforts, especially pertaining to the annual July 4<sup>th</sup> parade and fireworks display at Harry Myers Park this past weekend.**

## VII. OPEN FORUM

Mayor Pro Tem Trace Johannesen explained how Open Forum is conducted, indicating that the one public hearing item on the agenda this evening (Z2022-027) will be delayed until the Mon., July 18 city council meeting. However, anyone who would like to speak on that item or anything else is welcome to come forth at this time and speak.

Bob Wacker  
309 Featherstone  
Rockwall, TX

Mr. Wacker came forth and generally thanked the City for allowing him the opportunity to serve on both the city's Comprehensive Plan Advisory Committee (CPAC) and Architectural Review Boards (ARB).

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

## VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

## IX. CONSENT AGENDA

1. Consider approval of the minutes from the June 20, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-022** - Consider a request by Cameron Ehn, PE of DB Constructors on behalf of Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow a General Retail Store on a 10.649-acre parcel of land identified as Lot 1, Block B, Rockwall Technology Park, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, generally located at the southeast corner of Corporate Crossing and Discovery Boulevard, and take any action necessary (**2nd Reading**).
3. **Z2022-024** - Consider a request by Asher Hamilton of RIV Properties, LLC on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of an **ordinance** for a PD Development Plan for a 176-unit condominium building on a 3.59-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas, situated within the Hillside Mixed Use Subdistrict and the Horizon/Summer Lee Subdistrict of Planned Development District 32 (PD-32), generally located at the southwest corner of the intersection of Horizon Road and Summer Lee Drive, and take any action necessary (**2nd Reading**).
4. **Z2022-025** - Consider a request by Javier Silva for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.25-acre parcel of land identified as Lot E, Block 112, B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Southside Residential Neighborhood Overlay (SRO) District, addressed as 511 Bourn Street, and take any action necessary (**2nd Reading**).
5. **Z2022-026** - Consider a request by David Scott and Christine Fischer for the approval of an **ordinance** for a Specific Use Permit (SUP) allowing Residential Infill Adjacent to Established Subdivision for the purpose

of constructing a single-family home 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 **(2nd Reading)**.

6. **P2022-030** - Consider a request by Keaton Mai of the Dimension Group on behalf of Justin Webb of Rockwall 205 Investors, LLC for the approval of a Preliminary Plat for Lots 1-14, Block A, Creekside Commons being a 34.484-acre tract of land identified as Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [SH-205] and S. FM-549, and take any action necessary.
7. **P2022-032** - Consider a request by Christophe Guignard of KRISS USA, Inc. on behalf of Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of a Replat for Lots 9-11, Block A, Rockwall Technology Park Addition being a 16.44-acre tract of land being identified as Lots 7 & 8, Block A, Rockwall Technology Park Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 73 (PD-73) and Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District and the SH-276 Overlay (SH-276 OV) District, located at the northwest corner of the intersection of FM-549 and SH-276, and take any action necessary.
8. **P2022-033** - Consider a request by Josh Millsap of KFM Engineering & Design on behalf of Tony Austin of Rockwall Downtown Lofts, LTD for the approval of a Replat for Lot 2, Block A, TAC Rockwall Addition being a 3.338-acre tract of land identified as Lot 1, Block A, TAC Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Downtown (DT) District, situated at the southwest corner of the intersection of SH-66 and SH-205 [N. Goliad Street], and take any action necessary.
9. **MIS2022-013** - Consider a request by Keaton Mai of the Dimension Group on behalf of Justin Webb of Rockwall 205 Investors, LLC for the approval of a Miscellaneous Case for an *Alternative Tree Mitigation Settlement Agreement* on a 34.484-acre tract of land identified as Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [SH-205] and S. FM-549, and take any action necessary.
10. Consider approval of the construction contract for the Boydston Elevated Water Storage Tank Dismantling Project, including authorizing the City Manager to execute said contract with Hunter Demolition and Wrecking Corp., in the amount of \$177,000 to be funded out of the Water Operations Budget, and take any action necessary.
11. Consider awarding a bid to B&B Concrete for the Service Center Yard Concrete Pavement Replacement Phase II Project in the amount of \$378,000, approving \$116,000 for additional concrete pavement expanding the project scope, project testing and misc. expenses to various vendors to be funded by the Streets Maintenance Budget, and authorizing the City Manager to execute contracts for this project, and take any action necessary.
12. Consider awarding a bid to Chief Landscaping for NIS Forced Mowing services in the amount of \$33,500 to be funded by the Neighborhood Improvement Services (NIS) Operating Budget, and authorizing the City Manager to negotiate and execute a contract, and take any action necessary.

**Councilman Daniels pulled item #12 for further discussion.**

**Councilmember Macalik moved to approve the remainder of the Consent Agenda (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11). Councilmember Moeller seconded the motion. The ordinance captions were read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 22-35  
SPECIFIC USE PERMIT NO. S-281**

**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 A *GENERAL RETAIL STORE* ON A 10.649-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, ROCKWALL TECHNOLOGY PARK, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL  
ORDINANCE NO. 22-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 17-22*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK 9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; 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. 22-37  
SPECIFIC USE PERMIT NO. S-282

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 0.25-ACRE PARCEL OF LAND, IDENTIFIED AS LOT E, BLOCK 112, B.F. BOYDSTON 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.

CITY OF ROCKWALL  
ORDINANCE NO. 22-38  
SPECIFIC USE PERMIT NO. S-283

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 ADJACENT TO AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A TEN (10) ACRE PARCEL OF LAND, IDENTIFIED AS LOT 2, BLOCK A, BREEZY HILL LANE 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 6 ayes with 1 absence (Fowler).

Regarding Consent Agenda Item #12, Councilmember Daniels shared that he has no issue with the item itself; however, he would like staff to please explain to the public how "forced mowing" does not actually end up being paid for by the city. Mrs. Smith provided said explanation, generally indicating how a property that is out of compliance is 'force mowed,' then the owner is billed. Then, if they do not pay, a lien is placed against the property, and the city recoups its money when the property eventually sells. Following Mrs. Smith's explanation, Councilmember Daniels then moved to approve Consent Agenda item #12, with Councilmember Campbell seconding the motion. The motion passed by a vote of 6 ayes with 1 absence (Fowler).

#### 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 this evening. So this item was not heard by Council.**

2. Appointment with Police Chief Max Geron to hear 'state of the department' update for the Rockwall Police Department, and take any action necessary.

**Police Chief Max Geron came forth and provided the following comments concerning the state of the Rockwall Police Department.**

*It has been my great honor to serve the citizens of Rockwall as your Police Chief for the last 2 ½ years. I am honored and excited to accept a Senior Director position with a national policy institute focused on health and public safety. This is a wonderful opportunity that will allow me to have a broad, national impact of my chosen profession of policing.*

*Given some of the anonymous social media posts and remarks, I thought it important you hear directly from me, before I leave, in public about the state of the department. First thing, I have*

*too much respect for Ms. Smith and Mr. Boyd, as well as you and council, to ever leave the police department in anything other than a good place.*

*I am proud of the work we have done during my tenure. We not only maintained staffing, we increased the number of sworn officers during a time when policing saw decreases and fierce competition for new officers. The Police Executive Research Forum reported in the Wall Street Journal just today that police resignations were 42.7% higher in 2021 than in 2019 - except in Rockwall where we went eight months without a resignation or retirement. This in spite of concerns expressed to council to the contrary, early in my tenure. In addition, we upped our investigative staffing to handle increased prosecutions, and we are proposing additional increases in the upcoming budget year.*

*As part of our strategic plan, we grew the department overall and increased its analytical capabilities by adding a full-time Crime Analyst. We added technological capabilities and better equipped our officers in the field. We solicited officers' input by, like few other departments do, forming focus groups to inform us on a host of issues important to all ranks and especially our line-level officers. We have applied that same employee input into our scheduling and the move to acquire outer-vest carriers and other equipment.*

*We took significant steps to modernize this police department, improving on something good and making it better. We succeeded in our primary strategic priority by "Keeping Rockwall Safe," and we did so not just with crime fighting: We increased training and reduced risk with smart and prudent policy changes. We restricted dangerous vehicle pursuits to only those crimes where the risk was commensurate with the danger of failing to act. Prior to the civil unrest of 2020, we moved the neck restraint to the category of "deadly force," thus restricting its use to only those times when someone's life was in danger. This preceded the nationwide call from the President of the United States for police departments to do just that in the wake of the murder of George Floyd.*

*We made significant investments in our officers' mental and physical wellbeing by screening for hidden signs of heart disease and providing private consultation with a trained physician and dietician. We also worked with HR Director, Shawn Yerks and provided cost-free gym memberships (another employee recommendation). And we are currently making an investment in the physical brain health of our leadership by partnering with the Center for Brain Health that will pay dividends in the years to come.*

*We were one of the first departments in the entire nation to adopt and be recognized as an ABLE Certified agenc. ABLE stands for Active Bystandership for Law Enforcement, embracing and strengthening the culture of intervention to protect and save officers' careers and reduce the devastating cost of misconduct.*

*We changed tack on how we addressed 1<sup>st</sup> Amendment Auditors by improving our training and understanding of what is and is not permitted relative to free speech and demonstrations. At the same time, we acquired equipment and training to address those demonstrations should they*

turn violent. And in the wake of our training, confrontations with 1<sup>st</sup> Amendment Auditors virtually ceased, allowing our officers to perform their duties with less interference and accompanying stress.

I'm encouraged by our progress toward supplying our police and fire departments with a headquarters building that serves our growing community. The work is just beginning, but this exciting and ambitious project will improve our level of service and is desperately needed.

The last two years have been incredibly challenging for the profession of policing. The members of this police department have worked hard to not only serve and protect our residents, but also make an investment in the youth of our community. As a father with children in this city, I am encouraged by the relationships our SROs build with our children. Our civilian professionals have done an outstanding job in support of our mission, and I'm proud of their diligent work each day.

Records and evidence retention are not flashy and glamorous, but the accuracy and professionalism required must exist for this police department to function for the people we serve, and we have those excellent professionals. I'm proud of our Telecommunicators as we've worked to increase staffing and respond to not only increased calls but also requests for help from our partner agencies. Our telecommunicators are currently working with our partners at the County to be able to provide back-up dispatch capabilities should the need arise. Our detectives distinguish themselves every day with solid follow up and case filing, setting the example for others to follow. We maintain excellent relationships with our state and federal partners because of their cooperation and teamwork on task forces and through our collaboration on cases. Every work group has contributed to our success, and for that I am thankful.

I want to say thank you to all who work hard to protect this community and who do so with compassion and empathy. My door was always open as the Chief, and I continue to be available to you as a resource and partner and a resident, so please don't hesitate to reach out if the need arises. I wish each of you the very best and challenge you to support and build on all we've started. Thank you for this great experience.

**Mayor Pro Tem Johannesen thanked the Rockwall Police Department for its work to keep the community safe. Councilmember Macalik and Councilmember Jorif thanked Chief Geron for his service and expressed to him well wishes for his future. Councilmember Jorif shared that he has formed a relationship with Chief Geron during his tenure. He is thankful for dialogue that has occurred between Chief Geron and himself, including the 'listening' that has occurred and the compassion that Chief Geron has shown to members of Council during his tenure.**

**Council took no action concerning this agenda item.**

## **XI. PUBLIC HEARING ITEMS**

- 1. Z2022-027** - Hold a public hearing to discuss and consider a request by Adam Buczek of the Skorburg Company on behalf of Bill Lofland of the Lofland Family 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) and General Retail (GR) District land uses on a 544.89-acre tract of land identified as Tracts 3 & 3-1 of the A. Johnson Survey, Abstract No. 123 [355.146-acres]; Tracts 7 & 7-2 of the W. H. Baird Survey, Abstract



No. 25 [45.744-acres]; and Tracts 3 & 4 of the J. R. Johnson Survey, Abstract No. 128 [144.00-acres], City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 Overlay (SH-205) and SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located on the east and west side of S. Goliad Street [SH-205] at the corner of the intersection of John King Boulevard and S. Goliad Street [SH-205], and take any action necessary (1st Reading).

**Mayor Pro Tem Johannesen shared that this item will be addressed at the July 18, 2022 regular city council meeting.**

## **XII. ACTION ITEMS**

- 1. P2022-028** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a Preliminary Plat for Lots 1 & 2, Block A, Rockwall ISD Addition being a 76.068-acre tract of land identified as Tracts 14-01 & 14-11 of the J. M. Glass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 94 (PD-94) for limited Neighborhood Services (NS) District land uses, generally located at the northwest corner of the intersection of FM-1141 and E. Quail Run Road, and take any action necessary.

**Planning Director, Ryan Miller, provided background information concerning this agenda item. He generally explained that is located at FM1141 and E. Quail Run Road. Back in May, the City approved a zoning change for this property, on which the school district plans to construct a freshman center. The applicant is seeking waivers associated with the infrastructure requirements associated with this property. The applicant has submitted this preliminary plat for the city's consideration, along with a letter asking for the Council to consider approving a waiver for the school district associated with the infrastructure that would otherwise be required to be constructed/installed associated with this development (i.e. upgrading of certain road ways (Panhandle Drive); a portion of FM1141, Quail Run Rd., N. Country Lane). Mr. Miller explained in more detail the nature of the various waivers that the applicant (RISD) is seeking related to both the roadway improvements/extensions as well as the water/wastewater lines. The applicant has submitted a "Traffic Impact Analysis;" however, there are some discrepancies that have been identified, and those will need to be rectified. He went on to share that the city's P&Z Commission recently heard and reviewed this case, and it recommended denial of the requested waivers. Since that time, the applicant has changed its waivers-related request to some degree. Mr. Miller shared that the preliminary plat is a technical review/approval, but the waivers that are requested are discretionary on the part of Council.**

**Will Salee  
Executive Director of Operations, RISD  
1050 Williams Street  
Rockwall, TX**

**Tim Lyssy  
Director of Project Planning & Construction  
RISD  
1050 Williams Street**

**Mr. Salee (the applicant/applicant representative) came forth and addressed Council concerning this agenda item (the "North Ninth Grade Center") and the "South Ninth Grade**

Center” (next agenda item). Mr. Salee shared that he has been working with city staff on infrastructure requirements associated with these projects since February. He explained RISD’s plans for ‘stacking cars’ (related to traffic) at both the North and South RISD Ninth Grade Center sites. He went on to thank city staff and the P&Z Commission for all of their input and feedback. He generally expressed thanks to Council for giving the ISD’s (revised) proposal(s) consideration this evening. He went on to explain what RISD is proposing to do/build/install as far as roadway and water/wastewater infrastructure is concerned at both the North and South site locations. (i.e. Panhandle Lane (N site); N. Country Lane (N site); and E. Quail Run Road (N. site), as well as Stableglen (S site)).

Councilmember Jorif sought clarification from Mr. Salee and Mr. Miller (city Planning Director). He clarified that the applicant is wanting to delay improvements on Panhandle and N. Country Lane for now. The applicant indicated that, yes, that is what the school district would like to do with the understanding that the RISD will agree to do the improvements in the future if/when it becomes absolutely necessary. Mayor Pro Tem Johannesen shared that he is happy to hear that E. Quail Run Road will be widened and improved, surface wise.

Mayor Pro Tem Johannesen asked if anyone in the audience would like to come forth and speak at this time, but no one indicated a desire to do so.

Johannesen then brought the item back before the council for any action. Councilmember Daniels moved to approve P2022-028. Councilmember Jorif seconded the motion, which passed by a vote of 5 ayes, 1 abstention (Campbell) and 1 absence (Fowler).

2. **P2022-029** - Discuss and consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of a Preliminary Plat for Lot 2, Block A, Rockwall – CCA Addition being a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 95 (PD-95) for limited Neighborhood Services (NS) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary.

Planning Director, Ryan Miller provided background information concerning this agenda item, generally indicating that this case intertwines with the case just above (Action Item #1). The waivers being requested by the RISD are discretionary decisions on the part of the Council. The approval of the preliminary plat is a technical review/approval. Mr. Salee with RISD came forth again and provided various comments to Council concerning his request(s), including the waivers being sought.

Mayor Pro Tem Johannesen asked if anyone in the audience would like to come forth and speak on this matter; however, no one present indicated a desire to do so.

Mr. Salee provided additional comments, including clarification regarding how the associated RISD bond proposal was estimated as related to the required infrastructure. Discussion took place related to RISD’s budget(s) associated with this project, and Mr. Salee shared that the required infrastructure was essentially not included in the school district’s budget estimates. Discussion took place pertaining to the estimated costs associated with the city’s required infrastructure improvements.

City Manager, Mary Smith shared that part of the south side RISD location will be covered under CARES Act funding that the city will be receiving (for use on a project that includes installing a sewer line that residents in the Lake Rockwall Estates neighborhood will benefit from (and be able to get off of septic systems). Indication was given that a portion of this CARES Act funding project would also benefit this school district site; however, Mr. Salee shared that the timing of this grant-funded project may not line up with the school district's timing and associated needs. Cost-related comments and discussions ensued between Mr. Salee and Mayor Pro Tem Johannesen. Councilmember Jorif clarified that Mr. Salee is asking for a waiver on a required roadway and on required sewer. Mr. Salee again provided comments about the city's CARES Act-related sewer project, sharing that the timing of said project may not align with the school district's timeframe. Mrs. Smith clarified that the CARES Act funding (sewer line) project (1) has been funded by the government, (2) the money has been received and is currently sitting in the city's bank accounts and (3) the sewer line is currently in design (3 months in) and construction will begin just as soon as possible. Mrs. Smith shared that, short of something catastrophic happening, there is no reason why the city's sewer-related CARES Act funded project cannot and will not be completed in time to meet the school district's needs pertaining to this site location. Mr. Salee spoke, generally, about the possibilities associated with the CARES Act funding sewer project potentially not being done in time to be beneficial to the RISD's construction and subsequent opening of the newly-constructed building. Mr. Salee shared that the school district is not asking for permission to never build the required roadway - rather, the RISD is asking for a waiver to grant permission to delay the required roadway until which time as it is absolutely needed. Mayor Pro Tem Johannesen generally explained that he is not clear on the justifications provided as to the reasons why the school district is asking for waivers associated with constructing the required infrastructure improvements at this location. Mr. Salee responded, generally sharing that the RISD is actively pursuing moving bond projects forward while dealing with inflation-related challenges. Mayor Pro Tem Johannesen generally expressed concerns about the possibility of the city council approving requested waivers, essentially 'kicking the can down the road' and wanting to construct required infrastructure at a later (unspecified) date in time. General discussion took place by a secondary RISD representative (Mr. Lyssy) related to possible timeframes associated with the RISD building the required infrastructure at a future (unspecified) date and time. Councilmember Jorif shared concerns related to possibly granting waivers to the school district on required construction of infrastructure when the city has an obligation to treat ALL developers equally (even if the 'developer' is the school district).

Mayor Pro Tem Johannesen shared that his goal and desire is to have both freshmen centers constructed and that they be constructed and ultimately open 'on time.' Johannesen asked for clarification from the city attorney on ramifications associated with the city council possibly denying the preliminary plat. The city attorney explained that plats fall under a 'shot clock,' which essentially means that the governing body has to either approve or deny a plat proposal within thirty days. If the Council is going to deny a plat, then it has to specify the specific reason(s) why it is being denied so that the submitter/applicant has a clear indication of the areas of the Code that need to be remedied prior to resubmission of a (revised) plat proposal. Additional comments ensued related to the process and associated timing moving forward (if the Council denies this preliminary plat this evening).

Mr. Lyssy spoke about the general timeline that the RISD is hoping to see unfold associated with bidding the projects (August 22<sup>nd</sup>), awarding bids, and starting and ending construction. Ultimately, the RISD is hoping to begin construction sometime in December. Ultimately, they

hope to have the centers constructed (start of construction to finished product) within eighteen months.

Mr. Miller, Planning Director, then clarified that staff cannot take a site plan forward without the roadway being depicted on the site plan because it is a 'requirement.' He went on to explain how the site plan and preliminary plat could possibly move forward concurrently for consideration (if the RISD shows an agreement to build the roadway as part of the site plan process). Clarifying comments ensued.

Mrs. Smith, City Manager, shared concerns, expressing that the timeline the RISD has conveyed this evening is incredibly optimistic. In fact, it is a very, very aggressive ("light-speed") timeline, especially considering associated expectations for staff being able to get plans received, reviewed, marked-up, finalized and ultimately approved by the city (in a very busy, busy city where city staff members are also assisting other developers/customers with planning, engineering, and fire-related plan submittals, reviews, approvals, etc.).

Mr. Salee provided responses to Mrs. Smith's expressed concerns (re: the RISD's desired timeframe for the two freshmen centers). He indicated that their timeline was dictated by the passage of the bond package that voters approved. He explained that if they miss their desired timelines associated with the project, it will have to be made up on the back end, which will result in more cost (essentially). He expressed that it puts more pressure and cost on the project.

Mayor Pro Tem Johannesen asked for clarification from the city attorney if 'approval with conditions' is allowable. Mr. Garza, City Attorney, shared that 'conditions' are really not a good idea with plats. The Council either needs to approve it or deny it (with very specific denial reasons clearly stated). Johannesen asked for further clarification from staff regarding timing associated with this preliminary plat and a site plan that the RISD has already submitted to the city (which is currently under the "shot clock" (a 30 day 'time crunch'). Mr. Miller shared a possibility associated with staff working with the RISD to have P&Z review and issue a recommendation on the site plan at an upcoming work session (on July 12), which will help the RISD move things along and avoid the project potentially being delayed by two weeks. Mr. Miller generally explained how the city can potentially assist in helping not delay this project for the RISD.

Following additional, brief comments, Councilmember Jorif moved to deny P2022-029 pursuant to Section 38-8, Subsection (g)(3) (of the Municipal Code of Ordinances) – essentially (because of) "a failure to provide sufficient infrastructure." Councilmember Daniels seconded the motion to deny, which passed by a vote of 5 ayes, 1 abstention (Campbell) and 1 absence (Fowler).

3. **MIS2022-011** - Discuss and consider a request by Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of a *Miscellaneous Request* for a *Variance* to the *Utility Placement* requirements in the *General Overlay District Standards* to allow overhead utilities along [1] a portion of SH-276 between John King Boulevard and Rochelle Road and [2] a portion of Corporate Crossing [FM-549] between the IH-30 Frontage Road and SH-276, City of Rockwall, Rockwall County, Texas, being right-of-way, and take any action necessary.

Planning Director, Ryan Miller provided background information pertaining to this agenda item. He explained that the applicant (the REDC) is seeking permission to allow for existing, overhead power lines to remain in place for a period of five years, at which time the REDC will bury those lines underground. The affected properties are along the North side of SH-276 between John King Boulevard and Rochelle Road. The other portion that's affected is along Corporate Crossing in between the IH-30 frontage road and SH-276 on the East side of the roadway.

Mr. Miller went on to provide an explanation of the city's requirements associated with putting utility lines underground and further explain the reasons and logic behind the REDC making this request. The P&Z Commission did review this request and voted 7-0 to recommend approval of this request to the City Council.

Matt Wavering of the REDC came forth and generally shared that he would like to do this project and do it correctly and fully. So the REDC is not asking for a waiver – they are asking for a deferral. He shared more specifics related to his reasons behind requesting approval of a deferral associated with burying the lines underground. He went on to explain that TXDOT will be expanding SH-276 in two phases, and the second phase of the TXDOT expansion project will extend all the way to the Hunt County line. He provided comments on how that project will tie into this particular project, including the REDC putting lines underground.

Mayor Pro Tem Johannesen reiterated that this request is actually not a waiver, but – rather – it is a deferral request on the part of the REDC.

Following additional comments, Councilmember Macalik moved to approve MIS2022-011 as presented. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

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

Councilmember Jorif moved to reappoint to the city's Park Board for an additional two-year term (thru August of 2024) the following board members – Jake Wimpee, Kevin Johnson, Marcia Hasenyager, and Amanda Fowler. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Councilmember Jorif mentioned that two, existing board members – Brad Bassett and Matt Murphy – will be 'termining out' on the city's Airport Board next month, so he will work to find replacements for those board members. Jorif then moved to reappoint to the city's Airport Advisory Board the following individual to serve an additional two-year term (thru August of 2024) – Jacob North. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

Councilmember Macalik then moved to reappoint to the city's ART Commission board member Ginger Womble to serve an additional, two-year term (thru August of 2024) and also moved to appoint Haydon Frasier to the Historic Preservation Advisory Board (HPAB) to replace existing board member, Beverly Bowlin, for a term to run from August 2022 thru August 2024 (Bowling is 'termining out' on this board next month, in August). Mayor Pro Tem Johannesen seconded the motion, which passed by a vote of 6 ayes with 1 absence (Macalik).

Regarding the city's Architectural Review Board, Councilmember Daniels moved to appoint Phillip Craddock to fill a vacant seat on the city's Architectural Review Board (ARB) (to replace Bob Wacker who recently resigned) for a two-year term to begin immediately and run thru August of 2024. Councilmember Macalik seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Councilmember Daniels then moved to appoint Kevin Lefere to the city's ARB to replace Quint Avenetti for a term to begin immediately and run thru August of 2024. Councilmember Moeller seconded the motion, which passed unanimously of those present (Fowler being absent).

Councilmember Daniels moved to reappoint Robert McAngus to the city's ARB for an additional two-year term thru August of 2024. Councilmember Campbell seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Councilmember Daniels made a motion to reappoint to the city's Architectural Review Board (ARB) Rick Johnson to serve an additional two-year term (expiring August of 2024). Councilmember Jorif seconded the motion, which passed by a vote of 6 ayes with 1 absence (Fowler).

Mayor Pro Tem Johannesen moved to appoint to the North Texas Municipal Water District (NTMWD) Board of Directors Mr. Rick Crowley to fill Rockwall's vacant seat (Mr. Larry Parks' seat). Councilmember Jorif seconded the motion, which passed unanimously of those present (Fowler).

**XIII. 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 - May 2022
2. Fire Department Monthly Report - May 2022
3. Parks & Rec Department Monthly Report - May 2022
4. Police Department Monthly Report - May 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

City Manager, Mary Smith commented that the city's solid waste provider has requested that their garbage collection trucks and crews be allowed to begin their routine routes one hour earlier each day in order to get their crews finished and out of the extreme, summer heat sooner. So the city has notified residents of the need to ensure their garbage is out for collection by 6:00 a.m. (rather than by 7:00 a.m.). Staff will continue efforts to remind residents of this (temporary) change. Councilmember Macalik asked for clarification on how this change may impact any HOAs (homeowners associations) that may have restrictions in place. Mrs. Smith urged that HOAs make contact with the city if they have any concerns related to this temporary change. She feels sure they will understand.

Mrs. Smith went on to thank Police Chief, Max Geron for his 2.5 years of service to the City of Rockwall and generally wished him well in his new position. She expressed that the city's

executive staff consider him to be a friend, and they would like for him to stay in touch. Also, she acknowledged that this Thursday will be a tough day for Dallas officers (both Geron and Councilman Mark Moeller are ex-Dallas PD) and for law enforcement officers in general. She wanted them to know she will be thinking of them this Thursday on that tough day.

**XIV. 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 and commissions, 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 Buffalo Creek Interceptor System Contract, pursuant to Section §551.071 (Consultation with Attorney)
4. Discussion regarding Economic Development prospects, projects, and/or incentives pursuant to Section 551.087 (Economic Development).

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

**Council did not reconvene in Ex. Session following the close of the public meeting agenda.**

**XVI. ADJOURNMENT**

**Mayor Pro Tem Johannesen adjourned the meeting at 8:01 p.m.**

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

  
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**KEVIN FOWLER, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**KRISTY TEAGUE, CITY SECRETARY**

