

**ROCKWALL CITY COUNCIL REGULAR MEETING**

**Monday, March 06, 2023 - 5:00 PM**

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

**I. CALL PUBLIC MEETING TO ORDER**

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmembers Clarence Jorif, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. Mayor Fowler read the below-listed discussion items into the record before recessing the public meeting to go into Executive Session. It was noted that (1) City Attorney Frank Garza joined Ex. Session remotely via video teleconference (ZOOM), and Councilmember Dennis Lewis joined Ex. Session at 5:15 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 status of *NTMWD v. City of Heath* lawsuit , pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding growth and development of the N. TX Municipal Water District (NTMWD), pursuant to Section 551.087 (Economic Development) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding *City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications*, pursuant to Section §551.071 (Consultation with Attorney).

**III. ADJOURN EXECUTIVE SESSION**

**Council adjourned from Ex. Session at 5:40 p.m.**

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

**Council adjourned Ex. Session at 5:40 p.m.**

**V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR PRO TEM JOHANNESSEN**

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

**VI. PROCLAMATIONS / AWARDS / RECOGNITIONS**

1. Cindy Tayem Appreciation Day

Mayor Fowler read and recognized Mrs. Tayem for her 45 year career with Oncor. He generally thanked her for all she has done for the City of Rockwall over the last many years. She will be missed.

2. Deborah Waters, 'Happy Retirement!' Day

Mayor Fowler read and recognized Mrs. Waters for her 30 years of service with the Rockwall Municipal Court. Current Municipal Court Judge, Matthew Scott, was present and let Mrs. Waters know that the Jury Room at the Municipal Court Building will be named in her honor, and a copy of the proclamation will be framed and displayed on the wall there.

3. Severe Weather Awareness Week

Mayor Fowler read this proclamation, and City Secretary Kristy Teague said a few, brief follow-up comments. She encouraged citizens to purchase a NOAA weather radio that's enabled with S.A.M.E technology and to not dial 9-1-1 when they hear outdoor warning sirens going off. They are intended to warn those currently outdoors to immediately go indoors, seek shelter and find out more specific information about current weather conditions (i.e. from their weather radio, local news, social media, NIXLE text alerts, etc.). Rockwall County residents should text "RCOEM" to 888777 to sign up to receive NIXLE text alerts (re: severe weather and other emergency-related info).

VII. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time. He called forth a young, female Boy Scout, to briefly be recognized and say a few words.

VIII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Johannesen moved to authorize the City Manager to execute a Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications. Councilmember Jorif 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 February 21, 2023 regular City Council meeting, and take any action necessary.
2. **Z2022-060** - Consider approval of an ordinance for a Text Amendment to Article 04, Permissible Uses, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of making changes to the Solar Collector Panels and Systems requirements for residential properties, and take any action necessary (**2nd Reading**).
3. **Z2022-057** - Consider a request by Dub Douphrate of Douphrate and Associates, Inc. for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Planned Development (PD) District for General Retail (GR) District and Single-Family 1 (SF-1) District land uses on a 25.87-acre tract of land identified as parcel of land identified as Tract 14 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the East SH-66 Overlay (E. SH-66 OV) District, generally located southside of SH-66 east of the intersection of SH-66 and Davis Drive, and take any action necessary (**2nd Reading**).
4. **Z2022-059** - Consider a request by Dewayne Zinn of Cross Engineering Consultants, Inc. on behalf of Chad Dubose of JCDB Goliad Holdings, LLC for the approval of an ordinance for a Specific Use Permit (SUP) for a Restaurant with 2,000 SF or more with a Drive-Through (i.e. Smoothie King) on a 0.579-acre portion of a larger 2.542-acre parcel of land identified as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the northwest corner of the intersection of Pecan Valley Drive and N. Goliad Street [*SH-205*], and take any action necessary (**2nd Reading**).
5. **Z2023-001** - Consider a request by Ali Abedini on behalf of John Fenianos for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.20-acre parcel of land identified as Lot 16, Block C, Harborview Landing, Phase 2, City of Rockwall, Rockwall

County, Texas, zoned Planned Development District 8 (PD-8) for Single-Family 7 (SF-7) District, addressed as 310 Harborview Drive, and take any action necessary **(2nd Reading)**.

6. **Z2023-002** - Consider a request by Matthew J. Peterson of DB Constructors, Inc. on behalf of Jeff Fleming for the approval of an **ordinance** for a Specific Use Permit (SUP) to allow a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on a 1.99-acre portion of a larger 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development 46 (PD-46) District for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate Crossing, and take any action necessary **(2nd Reading)**.
7. **Z2023-003** - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Vicmar I, LTD 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 140.50-acre tract of land identified as Tract 5 of the J. R. Johnson Survey, Abstract No. 128 and Tract 3 of the G. Wells Survey, Abstract No. 219, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the southside of Mims Road west of the intersection of Mims Road and National Drive, and take any action necessary **(2nd Reading)**.
8. **Z2023-005** - Consider a request by Peter and Janyce Gardner for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 2.0 (SFE-2.0) District on a 6.019-acre parcel of land identified as Lot 11 of the Dowell Road Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 548 Dowell Road, and take any action necessary **(2nd Reading)**.
9. **Z2023-006** - Consider a request by Harold Fetty of HD Fetty Land Surveyor on behalf of Gene and Brooke Rogers for the approval of an **ordinance** for a Zoning Change from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District on a 5.41-acre parcel of land identified as a portion of Tract 4-06 and all of Tract 4-2 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, addressed as 626 Cullins Road, and take any action necessary **(2nd Reading)**.
10. **Z2023-007** - Consider a request by Urbano Fernandez for the approval of an **ordinance** for a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* on a 0.27-acre parcel of land identified as Lot 905A of the Lake Rockwall Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District, addressed as 124 Lynne Drive, and take any action necessary **(2nd Reading)**.
11. **P2023-002** - Consider a request by Humberto Johnson, Jr. of the Skorborg Company on behalf of John Arnold of Quail Hollow SF, LTD for the approval of a Final Plat for the Quail Hollow Subdivision consisting of 250 single-family residential lots on an 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 Planned Development District 97 (PD-97) for Single-Family 10 (SF-10) District land uses, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally located at the southeast corner of the intersection of Hays Road and John King Boulevard, and take any action necessary.
12. Consider approval of an **ordinance** cancelling the May 6, 2023 General (city council) Election, and take any action necessary. **(1st reading)**
13. Consider approval of a contract extension with SRH Landscapes LLC for grounds maintenance in the amount of \$97,062.65 to be funded by the Parks Operations budget, and take any action necessary.
14. Consider approval of a contract extension with Southlake Landscaping and Maintenance (SLM) for parks maintenance in the amount of \$653,485.93 to be funded by the Parks Operation budget, and take any action necessary.

15. Consider awarding purchase order to Siddons-Martin Emergency Group for a new (Fire Department) Aerial Ladder Truck in the amount of \$1,800,000 to be funded by General Fund Reserves, and authorize the City Manager to execute said purchase order, and take any action necessary.
16. Consider approval of the Rockwall Police Department's 2022 Racial Profiling Report, and take any action necessary.

**Councilmember Daniels moved to approve the entire Consent Agenda (#s 1 through 16). Councilmember Campbell seconded the motion. Mayor Fowler pointed out that items 13, 14, and 15 are all budgeted funds. Mayor Fowler also pointed out the Police Department's Racial Profiling Report. Following brief, additional comments, the ordinance captions were read as follows:**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-06**

**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, BY AMENDING SUBSECTION 02.03(K)(7), *SOLAR ENERGY COLLECTOR PANELS AND SYSTEMS*, OF ARTICLE 04, *PERMISSIBLE USES*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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. 23-07**

**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 100 (PD-100) FOR GENERAL RETAIL (GR) DISTRICT AND SINGLE-FAMILY 1 (SF-1) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 25.87-ACRE TRACT OF LAND IDENTIFIED AS TRACT 14 OF THE D. HARR SURVEY, ABSTRACT NO. 102, 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. 23-08  
SPECIFIC USE PERMIT NO. S-293**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [*ORDINANCE NO. 17-03*] 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 A**

**RESTAURANT WITH 2,000 SF OR MORE WITH A DRIVE-THROUGH OR DRIVE-IN ON A 0.579-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, PECAN VALLEY RETAIL 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. 23-09  
SPECIFIC USE PERMIT NO. S-294**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) [ORDINANCE NO. 84-30] AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.20-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 16, BLOCK C, HARBORVIEW 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.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-10  
SPECIFIC USE PERMIT NO. S-295**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 21-32] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A NEW AND/OR USED INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM ON A 1.99-ACRE PORTION OF A LARGER 3.853-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-09 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO 186, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**CITY OF ROCKWALL  
ORDINANCE NO. 23-11**

**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 101 (PD-101) FOR**

SINGLE FAMILY 10 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 140.50-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128 AND TRACT 3 OF THE G. WELLS SURVEY, ABSTRACT NO. 219, 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. 23-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 6.019-ACRE PARCEL OF LAND IDENTIFIED AS LOT 11 OF THE DOWELL ROAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *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. 23-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT FOR A 5.41-ACRE TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 4-06 AND ALL OF TRACT 4-2 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *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. 23-14  
SPECIFIC USE PERMIT NO. S-296

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [*ORDINANCE NO. 16-01*] AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A

**SPECIFIC USE PERMIT (SUP) FOR *RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION* TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.27-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 905A OF THE LAKE ROCKWALL ESTATES #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.**

**CITY OF ROCKWALL, TEXAS  
ORDINANCE NO. 23-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS DECLARING UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND CITY COUNCILMEMBER PLACE 1, CITY COUNCILMEMBER PLACE 3, AND CITY COUNCILMEMBER PLACE 5, AS ELECTED; PROVIDING THAT THE MAY 6, 2023 GENERAL MUNICIPAL ELECTION IS CANCELLED AND SHALL NOT BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE.**

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

**X. ACTION ITEMS**

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

**Councilmember Moeller moved to appoint Steve Gaskin to the Historic Preservation Advisory Board for an initial term through August of 2023 and thereafter for a full-two year term through August of 2025. Councilmember Lewis seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

2. Discuss and consider granting permission for an alcohol waiver associated with the city's May 20, 2023 Founders Day Festival at Harry Myers Park in accordance with Chapter 30, Sec 30-2, "Regulated Activities in Parks" of the Code of Ordinances, and take any action necessary.

**Director of Parks & Recreation, Travis Sales came forth and provided brief comments pertaining to the upcoming Founder's Day Festival. He then requested that Council consider the above described alcohol-related waiver. Mayor Pro Tem Johannensen moved to grant the waiver for the entirety of Harry Myers Park for Founders Day. Councilmember Moeller seconded the motion, which passed by a vote of 4 ayes to 3 nays (Fowler, Daniels, and Jorif).**

**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 - January 2023
2. Fire Department Monthly Report - January 2023

3. Parks and Recreation Department Monthly Report - January 2023
4. Sales Tax Historical Comparison
5. Water Consumption Historical Statistics
6. Police Department Monthly Report - January 2023

Mrs. Smith, City Manager, showed photos of two newly painted municipal buildings – the Harry Myers Community Center and the city’s Service Center. No additional discussion took place regarding monthly reports.

**XII. 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 status of *NTMWD v. City of Heath* lawsuit, pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding growth and development of the N. TX Municipal Water District (NTMWD), pursuant to Section 551.087 (Economic Development) and Section 551.071 (Consultation with Attorney)
3. Discussion regarding *City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications*, pursuant to Section §551.071 (Consultation with Attorney).

**XIII. 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. (See action noted above as a result of pre-public meeting Ex. Session).

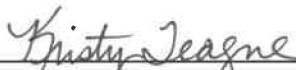
**XIV. ADJOURNMENT**

Mayor Fowler adjourned the meeting at 6:39 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 20<sup>th</sup> DAY OF MARCH, 2023.**

  
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**KEVIN FOWLER, MAYOR**

**ATTEST:**

  
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**KRISTY TEAGUE, CITY SECRETARY**

