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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 16, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

7 I. CALL PUBLIC MEETING TO ORDER

8
9 Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt,
10 Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John
11 Hohenshelt, Scott Milder and Kevin Fowler. City Manager Rick Crowley, Assistant City
12 Managers Mary Smith and Brad Griggs and City Attorney Frank Garza were also present.

13
14 II. WORK SESSION

- 15
16 1. Hold a work session with Gene Babb regarding potential development of property
17 located on La Jolla Pointe Drive west of Ridge Road, and take any action necessary.

18
19 Mayor Pruitt explained that this will not be a public hearing or opportunity for public
20 comment, but, rather it will be a chance for Mr. Babb and his associated to share with the
21 city council information about their potential project.

22
23 Mr. Fred Hazel
24 Davis Development
25 403 Corporate Center Drive
26 McDonough, GA 30252

27
28 Mr. Hazel came forth and introduced himself and Mr. Babb, the company's head of the
29 Dallas market. His company develops luxury multifamily communities throughout the
30 Southeast and Southwest. He then passed around a site plan. He indicated that the
31 project would have a total of eight buildings, made up of one, two and three bedroom
32 units on La Jolla Pointe Drive. There would be primarily three story buildings with some
33 four story ones too. The buildings would be terraced down the hill to go along with the
34 topography of the site. There would be two entry points, and two onsite detention areas
35 would be maintained. He explained that additional storm water studies would be done to
36 ensure sufficiency, but an engineer has looked at the site to gain a preliminary
37 understanding in order to put together a site plan. The exterior of the buildings would be
38 a mixture of stone, brick and stucco. He explained that his company is a small company
39 out of Georgia, with the board of directors being a couple of family members and himself.
40 So there are not a lot of other decision makers outside of him. He briefly touched on the
41 amenities that would be included, such as a pool, fitness center, computer area, common
42 areas, and coffee room.

43
44 Mr. Babb indicated that about a month ago, Mayor Pruitt requested that they meet with
45 the Turtle Cove and Lakeside Village HOAs, which they have done. Mr. Hazel pointed out
46 that the development will have some attached garages. Also, there is an interior corridor
47 associated with those, so any of the garages can be leased to any of the residents. Also,
48 elevators have been added to the buildings to accommodate elderly and other clients
49 who may not be able to utilize stairs.

50
51 Mayor Pruitt asked what sort of price point these units would have per units. The
52 developer answered that there would be about 100 one bedrooms, 135 two bedrooms,
53 and the balance would be about 43 three bedrooms. The smallest one bedroom would be
54 right under 700 square feet, and they would be about \$1.40-\$1.50/square feet for a total of
55 about \$1000 per month. Then, the three bedroom / 2 baths in the 1,400 square foot range
56 would be about \$1,500 or more / month.

57
58 Mayor Pro Tem Lewis asked what sort of response Mr. Babb and Mr. Hazel received from
59 residents nearby with whom they recently met to discuss this possible project. The
60 developer indicated that residents had a variety of questions. He indicated that, after
61 resident's questions were answered, he believes they felt satisfied with the answers as to
62 the product.

63
64 Councilman Milder asked how they became interested in Rockwall. Mr. Babb explained
65 that he previously looked at Rockwall years ago but did not find any properly zoned land
66 available at that time. This time, however, he did find this particular piece of property,
67 and they believe it is attractive for several reasons, including that it is in a great ISD.
68 They believe it is a good location and has positive retail nearby. Additionally, he believes
69 the product caters to an underserved market. He explained that there would be an
70 average of two residents per unit. Councilmember Fowler asked some questions about
71 population estimates that may accompany this project, as well as what sort of impact it
72 may have on the school district (i.e. about how many school aged children). The
73 developer indicated that there would be, on average, about two residents per unit on the
74 whole. He approximated that there would be about 500-600 residents total. Also, he
75 guessed that there may be about 30-40 students living in the development; however, he
76 cautioned that this is only a guess. Mayor Pruitt asked how much ad valorem tax value
77 might result from a development like this. Mr. Hazel explained that, once the product is
78 on the ground and is fully operational, these sorts of developments sell for about
79 \$140,000 - \$175,000 per unit in the open market. So, a tax assessor may assume about
80 an 80-85% tax appraisal off of that market street value.

81
82 Councilman Milder asked what kind of interest there has been from developers
83 concerning this particular piece of property. Mr. Crowley recalled that the city was last
84 aware of someone who potentially wanted to propose a similar development on this
85 particular property. However, as he recalled, they were not respecting the need for
86 drainage detention and a few other things that caused it to not come to fruition. It would
87 have also required a zoning change like this one would.

88
89 Councilmember Townsend expressed that this property sits on a major hill. He is
90 concerned about the impact that these units would have on the view from Ridge Road or
91 IH-30. He is concerned about people seeing massive "apartment type complexes" when
92 looking in that direction from some of these major roadways. Mr. Hazel indicated that
93 they have not necessarily looked into this particular aspect of the development.

94
95 Councilmember Milder asked what would prevent this development from essentially
96 becoming a run-down eyesore years down the road, over time. Mr. Hazel indicated that a
97 lot of that has to do with the quality of product that is put on the ground to begin with,
98 indicating that they utilize nice "everything" in their developments, including the highest
99 finishes. Also, the asset must be well maintained over time.

100

101 Mayor Pro Tem Lewis suggested that the developer may want to consider conducting a
102 sight / view corridor study from Ridge Road and from IH-30.
103

104 Mr. Crowley asked for clarification on the 20 units per acre, asking if some sort of "PD
105 zoning" would need to transpire. Mr. Miller, Planning Director, clarified that, yes, it would
106 require creation of a planned development. Mr. Crowley asked if this would be 'phased,'
107 or if it would be built in one installment. Mr. Hazel indicated it would be constructed in
108 'one installment.'
109

110 Mayor Pruitt thanked Mr. Babb and Mr. Hazel for their presentation, indicating that staff
111 would be in touch with them shortly. The Council took no action concerning this agenda
112 item.
113

- 114 2. Hold work session to discuss and consider the results of a Public Input Survey
115 distributed to residents adjacent to South Lakeshore Drive / Summit Ridge Drive in
116 connection with a future roadway reconstruction project, and take any action necessary.

117
118 Tim Tumulty, City Engineer, provided brief introductory comments, indicating that staff
119 has secured assistance from consultants with Kimley Horn to conduct a survey and
120 solicit input from residents along this street. A public meeting will be held with residents
121 of this street on December 9th. Brad Tribble, P.E. and Jacob Reinig, P.E. with Kimley
122 Horn then came forth and presented results of the survey that was conducted. Indication
123 was given that houses were contacted along S. Lakeshore and Summit Ridge, resulting
124 in 93 residents being contacted with 33 total respondents (20 on Lakeshore and 13 on
125 Summit Ridge). The following topics were included in the survey and reported to Council
126 during the presentation: drainage; the driving experience along the roadway; the
127 pedestrian/bicyclist experience; utilization of the street as a cut through from SH-66 over
128 to Ridge Road; the aesthetics; sidewalks; and the use of / desire for traffic calming
129 devices/techniques. In general, residents expressed they'd like to see sidewalks as well
130 as street lighting, bike lanes, and traffic calming techniques in order to improve these
131 roadways. Indication was given that, overall, residents do not feel as though there is a
132 major drainage problem along the roadway; however, there are a few, select residents
133 who do have a significant drainage problem. The consultant indicated that there are
134 beautiful trees along the roadway. When residents indicate a desire for sidewalks, these
135 trees and the need for about 10' from the curb up into what is essentially the residents'
136 front yards will need to be considered. Also, having a shared bike lane versus having a
137 dedicated bike lane will need to be considered, especially pertaining to the more narrow
138 portions of the roadways. Discussion took place related to various 'traffic calming'
139 techniques that could be utilized in order to discourage cut through traffic. Mr. Tumulty
140 also offered comments related to improvements or changes outside of these two
141 roadways that could be evaluated and considered in order to discourage drivers from
142 ever even considering this as a cut through when, for example, traffic on IH-30 is stopped
143 or significantly backed up.
144

145 Mr. Crowley indicated that sometimes residents express that they would like sidewalks;
146 however, later on, once they realize what impact sidewalks would have on their front
147 yards and lawns, they change their minds regarding the idea of adding them.
148

149 The council took no action as a result of this discussion.
150

151 3. Hold work session to discuss and consider additional sidewalk improvements in the
152 downtown area, specifically those located in the walkway/store front area along Goliad
153 Street between Washington and Rusk Streets, and take any action necessary.

154 **City Engineer Tim Tumulty indicated that this section of sidewalk was not included with**
155 **the original bond / downtown improvements project. However, staff has asked the**
156 **contractor and architect for cost estimates associated with completing both the design**
157 **and construction associated with finishing out this particular section. Mr. Tumulty**
158 **indicated that about \$727,000 is the estimated cost that has been provided by Hill**
159 **Wilkinson (contractor), and about \$50,000 is the cost quoted by La Terra for the design**
160 **work. Mrs. Smith briefed the city council on possible funding options if the city council**
161 **would like to proceed.**

162 **Mayor Pruitt expressed a desire for consideration to be given to the possible need for**
163 **improvements to be made to the existing gas lines that run underneath this sidewalk**
164 **area before, or along with, any improvements that might be made. Mr. Tumulty indicated**
165 **that staff will reach out to Atmos to let them know of this concern.**

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

167 4. Hold work session to discuss The Harbor's Tax Increment Financing District (TIF), and
168 take any action necessary.

169 **Mr. Crowley indicated that Mayor Pruitt had requested this agenda item. He understands**
170 **that the mayor would like to approach Rockwall County about continued participation in**
171 **the TIF upon expiration of their commitment. Mrs. Smith, Assistant City Manager and**
172 **Finance Director, then briefed the Council on specific details regarding the financials**
173 **associated with the county's past and possible future involvement in the TIF. Indication**
174 **was given that the County's initial obligation regarding participating in the TIF began in**
175 **the year 2004 and is set to expire in the year 2016. Several new projects are coming up in**
176 **the area of the TIF zone, including Condos south of Summer Lee, the Springhill Suites**
177 **and HG Sply. Mayor Pruitt indicated that he hopes the county will choose to continue**
178 **participating in the TIF, in some form, for at least an additional five years, especially**
179 **since The Harbor will soon be competing with the new development going on across the**
180 **lake near Dalrock and IH-30. Councilmember White asked what the burden on the city**
181 **would be if the County drops out of participating in the year 2016. Mrs. Smith indicated**
182 **that the burden would be roughly \$250,000, and we would have to come up with that**
183 **money via some other source. White then indicated that he is in favor of the County**
184 **continuing its participation. Mrs. Smith indicated that the initial debt in the TIF was**
185 **issued for 20 years; however, it can last up to 40 years without any additional action from**
186 **the Council.**

187
188 **At 5:15 p.m., Mayor Pruitt read the below listed discussion items into the public record**
189 **before recessing the meeting into Executive Session.**

190
191 **III. EXECUTIVE SESSION.**

192
193 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
194 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
195 **CODE:**

196
197 1. Discussion regarding ballot voting associated with appointments to the Rockwall Central
198 Appraisal District Board pursuant to Section 551.074 (personnel matters)

- 199 2. Discussion regarding legal advice associated with homeowners association (HOA)
200 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
- 201 3. Discussion regarding legal matters related to land lease operations at Ralph Hall
202 Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
- 203 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and
204 committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to
205 Section 551.074 (personnel matters)
- 206 5. Discussion regarding process associated with City Manager performance evaluation
207 pursuant to Section 551.074 (personnel matters)

208

209 **IV. ADJOURN EXECUTIVE SESSION**

210

211 **Executive Session was adjourned at 5:55 p.m.**

212

213 **V. RECONVENE PUBLIC MEETING**

214

215 **The public meeting was reconvened at 6:00 p.m. with all seven city council members**
216 **being present.**

217

218 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

219

220 **Mayor Pro Tem Lewis made a motion to reappoint the following individuals to the**
221 **Rockwall Economic Development Corporation (REDC) for the below specified terms:**

222

- 223 • **Reappoint Rick Carroll to serve his first, full (two year) term (expiring December**
224 **2017);**
- 225 • **Reappoint Chip Imrie for the last remaining (one) year he is able to serve (expiring**
226 **December 2016);**
- 227 • **To reappoint Stewart Storms and Bob Amick, both to two year terms (expiring**
228 **December 2017).**

229

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

231

232 **Mayor Pro Tem Lewis made a motion to cast the City of Rockwall's ballot to the Rockwall**
233 **Central Appraisal district board, dividing up its 562 votes as specified by the following**
234 **distribution of votes:**

235

- 236 • **Ben Weible – 362 votes**
- 237 • **Mark Moeller – 101 votes**
- 238 • **John Hohenshelt – 99 votes**

239

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

241

242 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS**

243

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

245

246

247 **VIII. PROCLAMATIONS / AWARDS**

248

- 249 1. American Diabetes Month

250

251 **Mayor Pruitt asked if any representative from the American Diabetes Association was**
252 **present in the audience. There being no one indicating such, he then read the**
253 **proclamation into the public record.**

254

255 **IX. OPEN FORUM**

256

257 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**
258 **come forth and speak. There being no one, he closed the Open Forum.**

259

260 **Mayor Pruitt recognized a few Boy Scouts in the audience this evening, indicating that**
261 **they are here to observe the city council meeting.**

262

263 **X. CONSENT AGENDA**

264

- 265 1. Consider approval of the minutes from the November 2, 2015 regular city
266 council meeting, and take any action necessary.

- 267 2. Consider granting a 15 foot electric easement across the City of Rockwall
268 Eastside Pump Station property to Farmers Electric Cooperative, and
269 take any action necessary.

- 270 3. Consider authorizing the City Manager to execute a Facilities Agreement
271 with Master Developer – SNB, LLC to reconstruct 666 linear feet of
272 existing sanitary sewer line within the first phase of The Preserve
273 development in an amount not to exceed \$65,245.10 to be funded from
274 2008 Revenue Bonds, and take any action necessary.

- 275 4. Consider awarding a bid to MHC Kenworth and authorizing the City
276 Manager to execute a Purchase Order for two new 12 yard dump trucks
277 in the amount of \$218,214 to be funded out of the General Fund
278 Reserves and Water Sewer Fund, and take any action necessary.

- 279 5. Consider awarding a bid to Silsbee Ford and authorizing the City
280 Manager to execute a Purchase Order for a new service trucks in the
281 amount of \$474,669 to be funded out of the General and Water Sewer
282 Funds, and take any action necessary.

- 283 6. Consider awarding a bid to Holt CAT and authorizing the City Manager to
284 execute a Purchase Order for a new Steel Wheel Roller in the amount of
285 \$41,690 to be funded out of the General Fund Streets Operations Budget,
286 and take any action necessary.

- 287 7. Consider awarding a bid to Freedom CDJ (Dodge) and authorizing the
288 City Manager to execute a Purchase Order for three (3) new Police Patrol
289 Dodge Chargers in the amount of \$79,020 to be funded out of the
290 General Fund Police Patrol Budget, and take any action necessary.

- 291 8. Consider awarding a bid to Government Sales Freedom Auto Group and
292 authorizing the City Manager to execute a purchase order for a Dodge
293 Charger (including safety equipment) in the amount of \$21,500 to be used

294 by Citizens on Patrol and to be funded from the Police Department seized
295 asset account, and take any action necessary.

296 9. Consider awarding a bid to Caldwell Country Chevrolet and authorizing
297 the City Manager to execute a purchase order for a Chevy Suburban
298 including safety equipment in the amount of \$41,500 to be used by the
299 Community Service Unit and to be funded from the Police Department
300 seized asset account, and take any action necessary.

301 10. Consider authorizing the City Manager to execute a Facility Agreement
302 with Dewayne Cain of Cain Cemetery Corporation to allow for the delay of
303 the required fire protection requirements for buildings on a 40.57-acre
304 tract of land identified as a portion of Tracts 11 & 12 and all of Tracts 1, 2-
305 1 & 11-1 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall,
306 Rockwall County, Texas, addressed as 2500 SH-66, and take any action
307 necessary.

308 11. Consider approval of a resolution expressing support for and reinforcing
309 the importance of the North Texas Municipal Water District's Lower Bois
310 d'Arc Creek Reservoir (LBCR) project, including its timeliness as it
311 pertains to the critical mission of delivering water to the region by the year
312 2020, and take any action necessary.

313 12. Consider authorizing the City Manager to execute an additional services
314 agreement (contract amendment) with La Terra Studio, Inc. to provide for
315 the design of the walkway/store front area along Goliad Street between
316 Washington and Rusk Streets to match the design in the Downtown area
317 in the amount of \$50,500, and take any action necessary.

318 **Councilmember White pulled item #12 for further discussion. Councilmember White then**
319 **made a motion to approve the remaining items (#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11).**
320 **Mayor Pro Tem Lewis seconded the motion. Mayor Pruitt commented that he is very**
321 **proud of our Police Department for expending funds to purchase vehicles for the**
322 **Citizens on Patrol volunteers who really do a lot to give back to our community. The**
323 **motion passed unanimously of Council (7 ayes to 0 nays).**

324
325 **Councilman White indicated that he has no intention of voting in favor of item #12.**
326 **Councilmember Milder made a motion to approve Consent Agenda item #12.**
327 **Councilmember Fowler seconded the motion, which failed by a vote of 3 in favor with 4**
328 **against (White, Townsend, Hohenshelt, Pruitt).**

329
330 **XI. APPOINTMENTS**

331
332 1. Appointment with the Planning and Zoning Chairman to discuss and
333 answer any questions regarding cases on the agenda and related issues
334 and take any action necessary.

335 **Chairman of the Planning and Zoning (P&Z) Commission, Craig Renfro, came forth and**
336 **briefed the city council members on recommendations of the Commission relative to**
337 **items on tonight's city council meeting agenda. He explained that on case number**
338 **MIS2015-009, he personally inadvertently voted differently than the way he intended to**
339 **vote had he better understood what he was voting on. Therefore, he explained, this case**
340 **should be coming before the city council with a recommendation to approve it, and his**

341 dissenting vote should not have been so. After Mr. Renfro's comments, the Council took
342 no formal action.

343
344 **XII. PUBLIC HEARING ITEMS**

345
346 1. **MIS2015-009** - Hold a public hearing to discuss and consider the
347 approval of a special request by Michael Hunter on behalf of the Rockwall
348 Housing Development Corporation (RHDC) to allow the construction of
349 two (2) single-family attached homes on a 0.27-acre parcel of land
350 identified as Lot 984A of the Rockwall Lake Estates #2 Subdivision, City
351 of Rockwall, Rockwall County, Texas, zoned Planned Development
352 District 75 (PD-75) for Single Family-7 (SF-7) District land uses, located
353 at 112 Chris Street, and take any action necessary.

354 Mayor Pruitt indicated that Laura Morales, a member of the city's Planning Department, is
355 here this evening to provide Spanish translation associated with this particular Public
356 Hearing case. The City's Planning Director, Ryan Miller, indicated that this item is being
357 brought back before the City Council at this time following it being remanded back to the
358 Planning & Zoning Commission for public hearings to be held. Mr. Miller stated that two
359 people expressed being in favor of this request, and two people expressed being against
360 it.

361
362 Mayor Pruitt explained that after the first time this item was heard at City Council
363 meeting, it was discovered that certain deed restrictions are in place within the Lake
364 Rockwall Estates neighborhood that essentially inhibit 'attached housing.' He explained
365 that, although he previously voted for this item to be approved, had he known that these
366 deed restrictions were in place, he would not have voted the way he did.

367
368 G. David Smith, an attorney who has been working with the Rockwall Housing
369 Development Corporation and the homeowners, came forth and spoke concerning this
370 request. He indicated that only one property in LRE currently has sewer service in place.
371 He strongly encouraged the city to kick their efforts into high gear in order to get sewage
372 services to the remaining properties in LRE. He went on to explain that on the one lot in
373 LRE that does have water and sewer, they have devised a proposed plan to put two
374 homes on it with one, shared wall. He explained that all of the expense associated with
375 building this structure would be coming out of the non-profit organization's pocket, and
376 it will be set up as a 're-sell' to the occupants who will benefit from it. He explained that
377 this would be a home that these occupants would be able to afford. He went on to
378 strongly encourage the city council to approve this proposed construction, reiterating
379 that this proposal is likely the best that can be done in order to help these individuals.
380 He explained that having the two lots but the structures being "single family attached"
381 will help them save a lot of money on the construction. He went on to share that it is not
382 a duplex, but, rather, a townhome. He shared that he has read the deed restrictions, and
383 he knows there was one gentleman who brought those up when speaking against this
384 proposal. He explained that Mr. and Mrs. Conteras' home was totally destroyed in the
385 recent flood and that they have been living in a travel trailer. He explained that another
386 couple who lives on the other side of LRE lives in a structure that repeatedly has to be
387 jacked up in order to hold it together due to such a large crack being present. He
388 expressed that if the Council will not approve the 'single family attached,' he is hoping
389 the Council will grant a 7' setback from the sideline along County Line Road, along with
390 the other council-approved conditions, and they will build two single-family, detached

391 dwellings that will comply with the deed restrictions and the other conditions otherwise
392 approved by the city. However, he expressed that his preference is to have the single
393 family, attached proposal approved by Council. He went on to say that there are eleven
394 other structures along County Line Road that sit right on the property line. Granting the
395 7' setback would mean this particular structure would actually be set back farther than
396 a lot of the other structures along the roadway. He also asked the city to consider waiving
397 the permit fees and the impact fees because these can be expensive, and every penny
398 counts. Mr. Michael Hunter with the RHDC came forth and offered brief comments
399 related to setbacks and the proposed design.

400
401 **Jose Contreras Junior**
402 (son of Jose and Martha Contreras at 142 Renee Drive in Rockwall, TX)

403
404 Mr. Contreras expressed that his parents were one of the victims of flooding at their
405 home located at 142 Renee Drive. He expressed appreciation for the trailer home that his
406 parents are staying in right now. He shared that he was raised in Rockwall. He generally
407 expressed love for Rockwall and pride in calling the city 'home.' He stated that he does
408 not live there with his parents. He shared that it is very muddy where his parents live,
409 and his mother has to put Walmart grocery sacks over her shoes in order to walk out to
410 his father's car and have him take her to work. She is unable to get her car out of the
411 mud in order to drive herself to work. He expressed that his parents living in the little
412 bitty space of the travel trailer wears on them, but they are, at the same time, very
413 appreciative of having the trailer as a temporary living space.

414
415 **Maria Guillen**
416 **382 Eagle Place**
417 **Rockwall, TX**

418
419 Mrs. Guillen came forth and indicated that she and her husband live in the home that Mr.
420 Smith was referring to (the one that is falling apart). She explained that her husband has
421 to go underneath the home about once every two weeks to jack it up to hold it together
422 because it is falling apart. She explained that they have four kids who have been being
423 raised in Rockwall, they enjoy calling Rockwall "home," and they do not want to leave
424 Rockwall. She explained that if it were not for this opportunity that would enable her to
425 own a home in Rockwall, she would not be able to afford to do so without this type of
426 approval and assistance. She stated that her son is in the advanced classes program in
427 RISD, and they truly do not want to leave Rockwall. She strongly urged the council to
428 grant

429
430 **James Merkel**
431 **420 Wayne**
432 **Rockwall, TX 75032**

433
434 Mr. Merkel came forth and indicated that the intention of the deed restrictions in LRE are
435 to not allow for multifamily housing like what is being proposed with this concept. High
436 density living was not the intent. Rather, less density was and is desired in order to
437 allow for room for kids to play in the neighborhood. He encouraged that these structures
438 be built as two separate homes after splitting the lot, even though he is really not in favor
439 of splitting the lots because the structures and the space would be quite small. Mr.
440 Merkel explained that he personally knows Jose and does believe that he is a good
441 person who does need some help. He explained that Jose currently runs a business out

442 of his home, and he is 'grandfathered' which allows him to currently do so. However, if
443 he were to move into this proposed home, then he could no longer run his business out
444 of his new home, and he would have to find another place to store his equipment. This
445 would result in additional expense for him. Also, he believes that the traffic counts along
446 this stretch of roadway (about 6,000 cars per 24 hour period along County Line) would be
447 dangerous to Jose's attempts to store and take out his equipment on a daily basis. Mr.
448 Merkel generally spoke against Council approving this request.

449
450 **Freddie Jackson**
451 **1812 Bristol Lane**
452 **Rockwall, TX 75087**

453
454 Mr. Jackson came forth and indicated that the Council has a unique opportunity to
455 develop the neighborhood in the way it sees fit. He explained that no matter what the
456 council allows to be built, people will come to Rockwall to move into those homes
457 because Rockwall is such a desirable place to be. He expressed the belief that homes
458 can be built in the upper \$90,000's or lower \$100,000's.

459
460 **Marta Contreras**
461 **142 Renee Drive**
462 **Rockwall, TX**

463
464 Mrs. Contreras explained that she is one of the flood victims who will benefit from this
465 home if it is approved. She urged the Council to please approve it because she enjoys
466 living here.

467
468 Mr. Contreras Junior came forth again and recalled Mr. Smith's comments pertaining to
469 keeping the cost down. He explained that his family knows a lot of construction workers,
470 including builders, framers, roofers, foundation and concrete people as well as laborers
471 who live within the community and would be willing to help in order to keep costs down.

472
473 Mr. Michael Hunter, the applicant, came forth and indicated that he is requesting a
474 setback variance for the house. He explained that the hope is that these structures /
475 homes could someday be expanded in the rear, if the homeowner desires to do so in the
476 future. Mr. Smith indicated that these setbacks being requested do comply with the deed
477 restrictions. He stated that construction costs associated with this home would be under
478 \$100k. It would hopefully be closer to \$80k because of so many in the community who
479 have expressed a willingness and desire to help.

480
481 Councilmember Hohenshelt asked the City Attorney for clarification regarding the
482 council's leeway in casting a vote for the alternative being proposed this evening. Mr.
483 Garza indicated that the Council couldn't put "multi-family," but it could do most
484 anything within reason.

485
486 Councilmember Townsend made a motion to allow for the lot to be separated, to allow
487 for the two separate houses to be built with the 7' setback, and to waive the building
488 permit fees, and associated impact fees. Councilmember Milder seconded the motion.
489 Mr. Crowley indicated that there would normally be a roadway impact fee due, and
490 currently the Council does not have the authority to waive the fee; however, staff can
491 speak with the RHDC about this cost.

492

493 Mr. Smith indicated that the Rockwall Housing Development Corporation will essentially
494 do the interim, the construction and then partner with the owner.
495

496 Councilmember Fowler clarified that “option 1” is the RHDC’s preference. He asked for
497 clarification regarding what benefits or hindrances would be associated with “option 2.”
498 Mr. Smith generally indicated that Option #1 is preferred because it is thought to be the
499 less expensive option of the two. Councilmember Fowler asked if Councilman Townsend
500 would consider withdrawing his motion to see if option 1 would pass instead. Then, if it
501 does not pass, Option 2 could be put forth for approval in the form of a motion. Mayor
502 Pruitt expressed concern about the Council possibly approving Option 1 and then a
503 property owner filing an injunction in court in order to try and have the LRE deed
504 restrictions enforced. Mr. Garza clarified that this could possibly happen with Option #1;
505 however, that would not occur if Option #2 were approved.
506

507 City Attorney Frank Garza indicated that while the city does not enforce deed
508 restrictions, it does not stop an individual property owner from filing a motion to enforce
509 those restrictions.
510

511 Councilmember White provided comments, generally indicating that the residents in the
512 LRE subdivision expressed a long time ago (when annexation occurred and zoning was
513 put into place) that they do not desire to have this type of multifamily housing. Because
514 of this reason, he could only support Option #2. Councilmember Fowler indicated that
515 since not many showed up to speak at the P&Z public hearing, it seems like perhaps
516 there may not be as much interest in this type of housing proposal, either “for” or
517 “against” currently.
518

519 The motion on the floor passed by a vote of 7 in favor with 0 against.
520

521 Councilmember Townsend left the remainder of the meeting at this point (at 7:11 p.m.).
522

- 523 2. Z2015-027 - Hold a public hearing to discuss and consider a request by
524 Bobby Dale and Bretta Price for the approval of an ordinance for a
525 zoning change from an Agricultural (AG) District to a Single Family Estate
526 2.0 (SFE-2.0) District for a 5.5-acre tract of land identified as Tract 17-7 of
527 the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall
528 County, Texas, zoned Agricultural (AG) District, addressed as 453 Cullins
529 Road, and take any action necessary [1st Reading].

530 Planning Director Ryan Miller provided background information related to this agenda
531 item. He indicated that this is being proposed so that the applicant may construct a
532 “mother-in-law suite” with a garage attached to it. Nineteen notices were mailed out to
533 property owners located within 500’ and the Oaks of Buffalo Way Homeowners
534 Association was notified as well. Two notices have been received back in favor, and the
535 P&Z Commission has recommended approval of this request. Mayor Pruitt opened the
536 public hearing and asked if anyone would like to come forth and speak. There being no
537 one indicating such, he then closed the public hearing. Councilmember Hohenshelt
538 made a motion to approve Z2015-027. Mayor Pro Tem Lewis seconded the motion, which
539 passed by a vote of 6 in favor with 1 absent (Townsend).
540

- 541 3. Z2015-029 - Hold a public hearing to discuss and consider a City initiated
542 zoning request for the approval of an ordinance for a text amendment to

543 various sections of Article V, District Development Standards, Article VIII,
544 Landscaping Standards, and Article IX, Tree Preservation, and to create
545 Appendix F, Landscaping Guidelines, of the Unified Development Code
546 [Ordinance No. 04-38] for the purpose of incorporating recommendations
547 made by the Landscape Ordinance Review Committee, and take any
548 action necessary [1st Reading].

549 **Mr. Miller provided background information related to this agenda item. The P&Z**
550 **Commission has voted 5-0 to recommend approval of this item to the city council. Mayor**
551 **Pruitt opened the public hearing, asking if anyone would like to come forth and speak at**
552 **this time. There being no one indicating such, he then closed the public hearing.**

553
554 **Councilmember White made a motion to approve Z2015-029. Councilmember Hohenshelt**
555 **seconded the motion. Councilmember Milder comment that it seems like we are**
556 **reducing the burden on property owners, which is something he is in favor of doing.**
557 **Mayor Pruitt indicated that he disagrees with some parts of this, including reducing the**
558 **number of canopy trees so that the signage could be better seen. Also, using wrought**
559 **iron fences and plants in lieu of masonry walls are things Mayor Pruitt expressed he is**
560 **against as well.**

561
562 **The ordinance was read as follows:**

563
564 **CITY OF ROCKWALL**
565 **ORDINANCE NO. 15-XX**
566

567 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
568 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
569 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,**
570 **BY AMENDING SECTION 6 OF ARTICLE V, DISTRICT DEVELOPMENT**
571 **STANDARDS; SECTIONS 3, 5, 6 & 7 OF ARTICLE VIII, LANDSCAPE**
572 **STANDARDS; SECTION 7 OF ARTICLE IX, TREE PRESERVATION; AND**
573 **TO CREATE APPENDIX F, LANDSCAPE GUIDELINES; PROVIDING FOR A**
574 **PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND**
575 **DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**
576 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**
577 **PROVIDING FOR AN EFFECTIVE DATE.**

578
579 **The motion passed by a vote of 5 in favor, 1 against (Pruitt) and 1 absent (Townsend).**

580
581 **XIII. ACTION ITEMS**

- 582
583 **1. Discuss and consider approval of a variance request from Spiars**
584 **Engineering associated with the city's ordinance provisions related to**
585 **standards for design of development within subdivisions, specifically**
586 **pertaining to retaining walls in detention areas within Phase One of the**
587 **Preserve, and take any action necessary.**

588
589 **Mr. Greg Helsel, P.E. with Spiars Engineering out of Plano, TX came forth and explained**
590 **that he represents the owner, and they are requesting that the city grant a variance to**
591 **allow vertical retaining walls to be constructed in the detention areas. He explained that**
592 **this is a unique drainage basin that will, according to the flood study, require more**
593 **volume in the detention ponds. He explained that due to the constraints on the site**

594 (existing flood plain, trees, and underground utilities), the only option is to go vertical
595 with walls in order to get the volume needed for the flood study to be approved.
596 Therefore, they are requesting a variance to allow for the vertical walls. They are willing
597 to screen the detention areas with trees and shrubs so that it is not an eyesore.
598

599 Mayor Pruitt asked what would happen if this variance were not granted. Mr. Tumulty
600 indicated that the applicant would have to find somewhere to expand to meet the
601 detention requirements, and it would start encroaching on some of their lots. He
602 indicated that council and staff spoke about this possibility at a retreat a couple of years
603 ago and agreed that these requests would be evaluated and considered on a case-by-
604 case basis. Mr. Tumulty answered Mr. Lewis' question, indicating that the homeowners
605 association would ultimately be responsible for maintenance of this area.
606

607 Mayor Pro Tem Lewis made a motion to approve the variance request. Councilmember
608 White seconded the motion, which passed by a vote of 4 in favor, 2 against (Milder and
609 Fowler) and 1 absent (Townsend).
610

- 611 2. Discuss and consider adoption of an ordinance authorizing the issuance
612 of City of Rockwall, Texas, General Obligation Refunding Bond, Series
613 2015; establishing procedures and delegating authority for the sale and
614 delivery of the bond; providing for the security for and payment of said
615 bond; providing an effective date; enacting other provisions relating to the
616 subject and take any action necessary.

617 Mrs. Smith indicated that an opportunity has arisen that will allow the city to refinance
618 2005 and 2006 bonds, which will result in a significant savings. Mayor Pruitt made a
619 motion to approve refinancing. Councilmember Hohenshelt seconded the motion. The
620 ordinance was read as follows:
621

622 CITY OF ROCKWALL, TEXAS
623 ORDINANCE NO. _____

624 ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF ROCKWALL,
625 TEXAS, GENERAL OBLIGATION REFUNDING BOND, SERIES 2015;
626 ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE
627 SALE AND DELIVERY OF THE BOND; PROVIDING FOR THE SECURITY
628 AND PAYMENT OF SAID BOND; PROVIDING AN EFFECTIVE DATE; AND
629 ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT
630

631 The motion passed by a vote of 6 in favor with 1 absent (Townsend).
632

- 633 3. Discuss and consider appointment to fill a vacancy on the Main Street
634 Advisory Board, and take any action necessary.

635 Councilmember Milder made a motion to recommend Gene Stroman to serve on the
636 city's Main Street Advisory Board to serve a term that will expire in January of 2018.
637 Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 6 in favor with 1
638 absent (Townsend).
639

640 XIV. EXECUTIVE SESSION
641

642 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
643 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
644 CODE:

- 645
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659
1. Discussion regarding ballot voting associated with appointments to the Rockwall Central Appraisal District Board pursuant to Section 551.074 (personnel matters)
 2. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
 3. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (personnel matters)
 5. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

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

661
662 **The Council did not reconvene in Executive Session at the conclusion of the public**
663 **meeting agenda.**

664
665 **XVI. ADJOURNMENT**

666
667 **The meeting was adjourned at 7:32 p.m.**

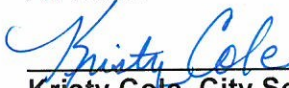
668
669
670 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

671 **THIS 7th day of December, 2015.**

672
673
674

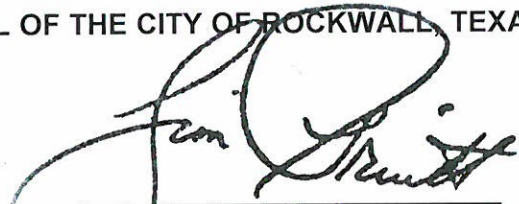
675 **ATTEST:**

676
677
678



Kristy Cole, City Secretary





Jim Fruitt, Mayor