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MINUTES
ROCKWALL CITY COUNCIL
Monday, January 05, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt and City Council Members David White, John Hohenshelt, Scott Milder, Bennie Daniels and Dennis Lewis. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza. Councilmember Townsend was absent from the meeting.

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Mayor Pruitt indicated that Mr. Skorburg is running late for the 4:00 p.m. work session. Therefore, the city council will recess into Executive Session first to allow time for him to arrive. Mayor Pruitt then read the below listed Executive Session discussion items (III. 1-4) into the public record before recessing the public meeting into Executive Session.

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II. WORK SESSION

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1. HOLD WORK SESSION WITH DICK SKORBURG REGARDING A PROPOSED RESIDENTIAL DEVELOPMENT PROJECT, GENERALLY LOCATED AT THE NORTHWEST CORNER OF FM-552 AND JOHN KING BOULEVARD AND POTENTIAL RESIDENTIAL PROJECT(S) IN THE STONE CREEK SUBDIVISION, AND TAKE ANY ACTION NECESSARY.

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Members of the city council came back into the council chambers, and Mayor Pruitt reconvened the public meeting at 4:38 p.m. He called forth Mr. Skorburg to address the council concerning this work session item. Mr. Skorburg came forth and gave a presentation concerning the idea of 'single family attached homes' (also known as 'townhomes') on single family lots. He would like the council to consider allowing this type of housing product mixed in with single family homes on these types of lots. Councilmember Milder asked if Mr. Skorburg would consider 'zero lot line' single family homes in lieu of townhomes. Mr. Skorburg indicated that he would like to combine townhomes with zero lot line, single family homes. He indicated that he is willing to take city council members on a tour to show them townhome products that have been constructed in other cities, such as Allen and McKinney.

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Mr. Skorburg also presented an idea he would like the council to consider related to doing a townhome development in Stone Creek in the area located on the west side of the fire station adjacent to the existing CVS Pharmacy store (the area is currently zoned general retail GR)).

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45
46

The council took no action concerning this work session item and went back into Executive Session upon its conclusion (at 5:23 p.m.).

51 **III. EXECUTIVE SESSION**

52
53 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
54 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
55 **CODE:**

- 56
- 57 1. Discussion regarding possible claim related to Oncor pursuant to Section 551.071
58 (Consultation with Attorney)
 - 59 2. Discussion regarding Economic Development prospects pursuant to Section 551.087
60 (Economic Development)
 - 61 3. Discussion regarding possible claim or settlement agreement related to enforcing the
62 city's sign ordinance regarding a billboard pursuant to Section 551.071 (Consultation
63 with Attorney).
 - 64 4. Discussion regarding appointment of city council subcommittees, board liaisons and
65 designation of mayor pro tem pursuant to Section, § 551.074 (Personnel Matters).

66
67 **IV. ADJOURN EXECUTIVE SESSION**

68
69 **Executive Session was recessed at 4:38 p.m. and then resumed again at 5:23 p.m.**
70 **following the Work Session item. It was adjourned thereafter at 5:56 p.m.**

71
72 **V. RECONVENE PUBLIC MEETING**

73
74 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members, except**
75 **Townsend, being present.**

76
77 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

78
79 **Councilmember Milder made a motion to name Dennis Lewis as Mayor Pro Tem.**
80 **Councilmember Daniels seconded the motion, which passed unanimously of those**
81 **present (Townsend absent).**

82
83 **Councilmember Daniels made a motion to appoint Kathleen Morrow and David Sweet to**
84 **serve on the city's ART Review Team (ART) Commission. Mayor Pruitt seconded the**
85 **motion, which passed by a vote of 6 ayes with 1 absent (Townsend).**

86
87 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR JIM PRUITT**

88
89 **Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.**

90
91 **VIII. PROCLAMATIONS / AWARDS**

- 92
93 1. Recognition of Fire Chief Mark Poindexter for thirty-five years of service

94
95 **Mayor Pruitt called Chief Poindexter forward. He then read and presented an honorary**
96 **proclamation to him for 35 years of service. Chief Poindexter thanked his staff for all**
97 **they do, and thanked Mayor Pruitt for this honor.**

98
99

100 IX. OPEN FORUM

101
102 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to
103 come forth and speak at this time. There being no one in the audience indicating such,
104 Mayor Pruitt stated he will leave this agenda item open, as he would like to come back to
105 it shortly.

106
107 Following Action Item #1, Mayor Pruitt readdressed the Open Forum portion of the
108 meeting agenda, sharing the statement below, which he read into the public record as
109 follows:

110
111 *I want to thank our outgoing Mayor and County Judge David Sweet for the*
112 *excitement and leadership he has shown for our city over the past four*
113 *years. I also want to thank my fellow councilmen who have worked*
114 *tirelessly in making Rockwall not just a city but a community. I look*
115 *forward to serving you as Mayor of this dynamic growing community, and*
116 *want to share some of my visions for the upcoming year.*

117
118 *Fiscal Responsibility*

119
120 *We must concentrate on fiscal responsibility that focuses on the growth in*
121 *expenditures. Increases in expenditures in the city should be no greater*
122 *than the rate of inflation plus the increase in population. I am proud that I*
123 *was part of a council that decreased the tax rate paid by our citizens this*
124 *past year. I hope to continue this conservative trend.*

125
126 *Residential Development*

127
128 *We should encourage developers to increase the quality and size of homes*
129 *on the remaining developable residential land in our city. Increases in size*
130 *and quality of homes will add increased taxable valuation.*

131
132 *Business Development*

133
134 *This city is committed to attracting quality commercial and retail projects.*
135 *Our Economic Development Corporation must continue to attract great*
136 *companies like the ones that now call Rockwall home.*

137
138 *The downtown revitalization project should be completed in late summer*
139 *and will make downtown Rockwall more visitor and pedestrian friendly. We*
140 *will have entertainment activities on the new plaza and courthouse stages*
141 *that will continue to support Rockwall being called "The Live Music Capital*
142 *of North Texas".*

143
144 *The Harbor District is a jewel that needs to be redefined to encourage its*
145 *use by residents of our city as well as the many visitors that it attracts*
146 *annually. The city put money into the Harbor because the council at the*
147 *time believed in the project – we still believe in that original vision.*
148 *However, unfortunately, in recent years, communication has broken down*
149 *between the city and the group that currently owns the harbor retail center*
150 *and manages or mismanages the assets. While we have on many*

151 occasions requested meetings with that group, we have instead been met
152 with lawsuits instead of cooperation. Therefore, I am ready to move forward
153 with developing additional property that the City still owns in the district
154 and try to move beyond the barriers of the past. The Harbor is a jewel that
155 needs to be enjoyed by our residents. Additional parking is a key to that
156 enjoyment and the new parking garage that recently opened will provide
157 some relief from the congested events in the past. I would encourage our
158 residents to rediscover the Harbor and see what a truly spectacular
159 complex it is.

160
161 Roadways/Transportation

162
163 *The council remains committed to improving roadways and transportation.*
164 *We will continue to partner with Rockwall County to provide relief in this*
165 *area. But we also need to be vigilant about making repairs to existing*
166 *streets that have deteriorating concrete and asphalt surfaces which are*
167 *constantly requiring temporary repairs. I will be asking the city staff to do*
168 *a comprehensive survey to determine the roads that need these major*
169 *improvements.*

170
171 Parks

172
173 *We must do a better job of informing our citizens of what park facilities,*
174 *bike and hike trails we already have. We must continue to invest in our*
175 *existing ball fields, senior and kids programs, and camps.*

176
177 *We have already approved the construction of one of the first all accessible*
178 *parks in North Texas. Yellowjacket Park will be a place in which children of*
179 *all abilities can play together without the barriers that exist in many parks.*
180 *Hopefully this new park can be used as an educational tool to promote*
181 *better communications between all our residents. In the future, I would*
182 *additionally like to see the City design a lakeside park which will enhance*
183 *our lakeside community image.*

184
185 Volunteerism

186
187 *I encourage each citizen to get involved in our city in one of our many*
188 *volunteer opportunities. We must do a better job of publicizing the*
189 *different volunteer positions available, however. We have a lot of positions*
190 *that are open. For example, we have a top notch, well trained and well-*
191 *staffed volunteer fire department, but we can always use additional*
192 *interested people.*

193
194 *If you want to get involved in this city, we will do our very best to find you a*
195 *spot that gels with your experience level, interests, or available time*
196 *commitment. It doesn't matter if you have ever been involved before. If*
197 *you want a voice in this city, come talk to us at city hall or go onto our*
198 *website www.rockwall.com.*

202 Schools

203
204 *We must maintain a partnership with our schools and continue to put*
205 *School Resource Officers on the premises of our schools to encourage a*
206 *safe friendly learning environment. We also need to be vigilant to make*
207 *sure that these resources are effectively used. SRO's need to spend more*
208 *time talking to kids about safety, drugs and other crime related prevention*
209 *programs. The schools have some great outreach programs for parents –*
210 *but sometimes they aren't effectively publicized. We can use city*
211 *resources to help publicize these great programs which include prevention*
212 *against drug use, teen suicide, the dangers of the internet, etc.*
213

214 Customer Service

215
216 *Our city employees are our best asset. We are in a customer service*
217 *business – whether you are the water meter reader or a patrol officer. We*
218 *expect every employee to treat citizens with respect and to do their job as*
219 *professionally as possible.*
220

221 *As your mayor, I plan to be very accessible to all Rockwall citizens. Open*
222 *office hours for any citizen wishing discuss any topic with me will be every*
223 *Monday from noon until 4:00 p.m. If you need to meet another day or*
224 *another time, just call and we will work out the details. Again, I am so*
225 *honored to be your mayor, and I look forward to working with each of you*
226 *to make this the best city in the State of Texas.*
227

228 Following his comments, Mayor Pruitt called for agenda section XIII (City Manager's
229 Report) to be addressed.
230

231 X. CONSENT AGENDA

- 232
- 233 1. Consider approval of the minutes from the December 15, 2014 regular
234 city council meeting, and take any action necessary.
 - 235 2. Consider authorizing the Rockwall Fire Chief to execute an interlocal
236 agreement for purchase of radio equipment for the following cities/fire
237 departments: Rockwall Fire, Heath DPS, Fate DPS, Royse City Fire and
238 McLendon Chisolm Volunteer Fire Department, and take any action
239 necessary.
 - 240 3. **Z2014-035** – Consider a request by Chris & Jill Blasé for the approval of
241 an ordinance for a zoning change from Planned Development District 3
242 (PD-3) to a Single Family 10 (SF-10) District for a one (1) acre portion of
243 land located within Tract 11-3 being a 13.3-acre tract of land situated
244 within the A. Hanna Survey, Abstract No. 98, City of Rockwall, Rockwall
245 County, Texas, being zoned Planned Development District 3 (PD-3) for
246 Commercial (C) District land uses, situated east of the intersection of East
247 Fork Road and North Lakeshore Drive, and take any action necessary.
248 **(2nd reading)**

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4. **P2014-041** - Consider a request by Dave Hanby of TKC CLXXXVI, LLC on behalf of the owner Rick Sharp for the approval of a replat creating Lots 4, 5 & 6, Block A, Sharp Addition being three (3) non-residential lots currently identified as Lot 2, Block A, Sharp Addition, City of Rockwall, Rockwall County, Texas, being a 6.22-acre parcel of land zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located east of the intersection of Corporate Crossing [FM-549] and SH-276, and take any action necessary.
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5. **P2014-042** - Consider a request by John Spiars of Spiars Engineering, Inc. on behalf of Bill Lavin of Security Holdings, LLC for the approval of a replat creating Lot 1, Block A, Nissan of Rockwall Addition, being one (1) non-residential lot currently identified Lot 1, Block A, Lafon Subdivision, and a portion of Tract 2 & Tract 12 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) and Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, and take any action necessary.
- 267
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6. Consider approval of a resolution approving submission of a co-op grant application to the Texas Parks and Wildlife Department (100% reimbursement grant), and take any action necessary.
- 270
271
272
7. Consider approval of the Facilities Agreement for the Breezy Hill Estates, Phase Four water line installation and allow the City Manager to execute the agreement with BH Phase IV SF, Ltd. and take any action necessary.

273 **Councilmember White made a motion to approve the Consent Agenda (#1, 2, 3, 4, 5, 6,**
274 **and 7). Councilmember Lewis seconded the motion.**

275
276 **The ordinance was read as follows:**

277
278 **CITY OF ROCKWALL**
279 **ORDINANCE NO. 15-01**

280
281 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
282 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
283 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED**
284 **SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN**
285 **ZONING FROM PLANNED DEVELOPMENT DISTRICT NO. 3 (PD-3) TO A**
286 **SINGLE FAMILY RESIDENTIAL (SF-10) DISTRICT FOR A 10,000 SQUARE**
287 **FOOT PORTION OF LAND LOCATED WITHIN TRACT 11-3 BEING A 13.3-**
288 **ACRE TRACT OF LAND SITUATED WITHIN THE A. HANNA SURVEY,**
289 **ABSTRACT NO. 98, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS**
290 **AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS**
291 **ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR**
292 **A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND**
293 **DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**
294 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**
295 **PROVIDING FOR AN EFFECTIVE DATE.**

296
297 **The motion passed by a vote of 6 ayes with 1 absent (Townsend).**
298
299

300 **XI. APPOINTMENTS**

- 301
302 1. Appointment with the Planning and Zoning Chairman to discuss and
303 answer any questions regarding cases on the agenda and related issues
304 and take any action necessary.

305 **Chairman of the Planning and Zoning Commission, Craig Renfro, came forth and**
306 **provided brief comments to the city council concerning planning-related items on**
307 **tonight's meeting agenda. The council took no action related to this item.**
308

309 **XII. ACTION ITEMS**

- 310
311 1. Discuss and consider appointments to city advisory boards including the
312 Art Review Team (ART) Commission, Architectural Review Board, and
313 nomination for the Rockwall County Open Space Master Plan Steering
314 Committee, and take any action necessary.

315 **Regarding the Rockwall County Open Space Master Plan Steering Committee, Mr.**
316 **Crowley indicated that the council is being asked to nominate individuals to be**
317 **submitted to the county for possible appointment to this steering committee. The**
318 **County Commissioner's Court will be the body to ultimately make final appointments.**
319 **Following this explanation, Councilmember White made a motion to nominate Ken**
320 **Dickson to serve on the Steering Committee and to submit Tom Hughes and Ben Weible**
321 **for nomination to assist with the committee's work to update the countywide Open Space**
322 **Master Plan. Councilmember Daniels seconded the motion, which passed by a vote of 6**
323 **eyes with 1 absent (Townsend).**

324
325 **Councilmember Milder indicated that he recently received a list of certified architects**
326 **living in Rockwall from the Texas Board of Architectural Examiners. He explained that he**
327 **hopes some of them may apply for the Architectural Review Board after receiving a letter**
328 **from the city encouraging them to do so. At this time, however, he does not have any**
329 **appointment(s) to recommend.**
330

331 **Mayor Pruitt then revisited the Open Forum portion of the meeting agenda at this time.**
332

333 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
334 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
335

- 336 1. Departmental Reports
337 Building Inspections Monthly Report - November 2014
338 Fire Dept. Monthly Reports - November 2014
339 Harbor PD Monthly Report - November 2014
340 Internal Operations Department Monthly Report - November 2014
341 Police Department Monthly Report - November 2014
342 Recreation Monthly Report - November 2014
343 Rockwall Animal Adoption Center - November 2014
- 344 2. City Manager's Report
345

346 **City Manager Rick Crowley explained that the city has been dealing with power outages**
347 **for a number of years now. He indicated that staff will be looking into the possibility of**
348 **obtaining outside assistance to help evaluate the reliability of the electric system and**

349 compare this information against the standards that Oncor is prescribed by the Public
350 Utilities Commission. This may or may not require a contract to come back before the
351 council for approval, but he did want to make the council aware that this process will be
352 underway shortly.

353
354 Council and staff wished Assistant City Manager, Mary Smith, a happy birthday.

355
356 Mayor Pruitt adjourned the public meeting at 6:23 p.m.

357
358 **XIV. EXECUTIVE SESSION**

359
360 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
361 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
362 CODE:

- 363
364 1. Discussion regarding possible claim related to Oncor pursuant to Section
365 551.071 (Consultation with Attorney)
- 366 2. Discussion regarding Economic Development prospects pursuant to
367 Section 551.087 (Economic Development)
- 368 3. Discussion regarding possible claim or settlement agreement related to
369 enforcing the city's sign ordinance regarding a billboard pursuant to
370 Section 551.071 (Consultation with Attorney).
- 371 4. Discussion regarding appointment of city council subcommittees, board
372 liaisons and designation of mayor pro tem pursuant to Section, § 551.074
373 (Personnel Matters).

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

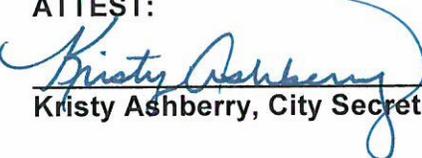
375
376 The council did not reconvene into Executive Session following the end of the public
377 meeting agenda. See item VI. for actions taken as a result of the first Executive Session.

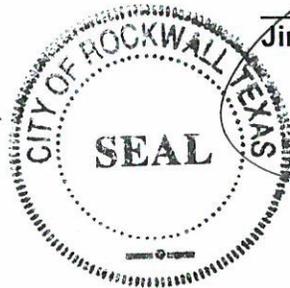
378
379 **XVI. ADJOURNMENT**

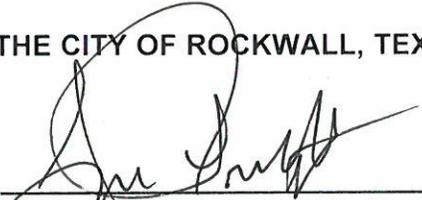
380
381 Mayor Pruitt adjourned the public meeting at 6:23 p.m.

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384 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
385 **this 20th day of January, 2015.**

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388 **ATTEST:**

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390 _____
391 **Kristy Ashberry, City Secretary**





Jim Pruitt, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, January 20, 2015
6:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

IV. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members except Daniels and Townsend being present.

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

Mayor Pro Tem Lewis indicated that no action was needed as a result of Executive Session.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS

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

VII. CONSENT AGENDA

1. Consider approval of the minutes from the January 5, 2015 regular city council meeting, and take any action necessary.
2. Consider of approval of contract with CrimeReports.com for the purchase of crime analysis software for the Police Department in the amount of \$40,355.30 to be funded by seized funds, and take any action necessary.
3. Consider approval of retaining the law firm of Lloyd Gosselink as required by City Charter Section 4.04 to assist the City with ongoing Oncor matters, and take any action necessary.
4. Consider approval of a resolution expressing support for the 84th Texas Legislature to increase funding for the Texas Recreation & Parks Account and the Large County and Municipality Recreation and Parks Account, which administer local park grant programs and funding, and take any action necessary.
5. Consider approval of a resolution updating and supporting the city's clean fleet vehicle policy, and take any action necessary.
6. **P2014-043** - Consider a request by Bryan Powell, PE of Westwood Professional Services on behalf of David Booth of D. R. Horton Texas, LTD for the approval of a final plat for Castle Ridge, Phase 3 containing 62 single family lots on a 19.521-acre tract of land currently identified as Tract 37 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Single Family Residential (SF-10) District, general located east of SH-205, and take any action necessary.

Councilmember White made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5, and 6). Mayor Pro Tem Lewis seconded the motion, which passed unanimously of those present (Milder and Daniels absent).

89 VIII. APPOINTMENTS

- 90
91
92
93 1. Appointment with the Planning and Zoning Chairman to discuss and answer any questions regarding cases on the agenda and related issues and take any action necessary.

94 Chair of the Planning and Zoning Commission, Craig Renfro, came forth and briefed the
95 council on recommendations of the Commission relative to planning-related items on
96 tonight's city council meeting agenda. After brief discussion, the council took no action
97 related to this agenda item.

- 98
99 2. Appointment with representatives of the city council appointed Charter
100 Review Commission to hear report regarding recommended changes to the
101 City Charter, including a possible Charter Amendment Election, and take any
102 action necessary.

103 Mr. Lofland, Chair of the Charter Review Commission appointed by the city council, came
104 forth and provided a brief report to the council regarding proposed charter amendment
105 language for several sections of the city's existing charter. Mr. Lofland indicated that the
106 Commission recently held a public hearing to glean public input concerning the proposed
107 changes. One member of the public, Mr. Sol Villasana, did come forth and speak in favor of
108 single member districts for the city during that public hearing. Mr. Lofland explained that,
109 although this topic is not a formal recommendation of the Charter Review Commission at
110 this time, the Commission is urging the city council to begin studying this topic, as it will be
111 something our city will face at some point in the future as it grows.

112 After brief commentary, Mayor Pruitt made a motion to call a public hearing to allow for
113 citizen input to be provided to the city council regarding the recommended Charter
114 amendments and to place an item on the next city council meeting agenda to call a Charter
115 Amendment election. The motion passed unanimously of those present (Daniels and Milder
116 absent).

117 IX. PUBLIC HEARING ITEMS

- 118
119 1. **Z2014-036** - Hold a public hearing to discuss and consider approval of an
120 ordinance for a request by Rick Dirkse on behalf of D. W. Bobst of J-BR2,
121 LLC for the approval of a zoning change from a Single Family 10 (SF-10)
122 District to a Planned Development District allowing for office, medical office
123 and single-family land uses on two (2) parcels of land, being 1.666-acres,
124 identified as Lots 1 & 2, Block B, Eagle Point Estates Addition, City of
125 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District,
126 situated within the Scenic Overlay (SOV) District, addressed as 1312 & 1316
127 Ridge Road [FM-740], and take any action necessary. **(1st Reading)**

128 Planning Director Robert LaCroix provided background information concerning this agenda
129 item. Notices were mailed out to sixty-one property owners in this area, and signs were
130 posted on the subject property. The homeowner's association for Waterstone Estate was
131 also sent notice. Of those notices sent, six notices came back in opposition, and five
132 notices came back in favor. In addition, three individuals sent in emails or notices in
133 opposition of the request; however, they were located outside of the prescribed notification
134 area. The Planning & Zoning Commission recommended denial, which failed by a 3 to 3
135 vote. They next recommended approval of the request, but that motion also failed.

137 Councilmember Lewis asked how long the property has been zoned single family. Mr.
138 LaCroix indicated that it has probably had a SF zoning designation for over thirty years.

139 Mayor Pruitt opened the public hearing and called forth the applicant.

140 Mr. Dirkse, the applicant, came forth to address the council. He explained that he and his
141 wife have been residents and business owners in Rockwall for thirty-one years. He
142 generally explained that he is requesting the following: a Planned Development with
143 Residential Office Zoning with limited uses (single-family, professional offices or small
144 medical offices); maximum sq. ft of 5,000 and 6,000; architectural style to blend with
145 adjacent neighbors; shared parking with existing curb cuts; serve as transition between
146 residential and high-intensity, non-residential uses; and the back of the property to generally
147 conform to adjacent single-family residential.

148 After Mr. Dirkse's introductory comments, Mayor Pruitt called for members in the audience
149 who would like to come forth and speak during the public hearing.

150 Ron Gilleland
151 310 Meadowdale
152 Rockwall, TX 75087

153
154 Mr. Gilleland came forth and spoke in opposition of this request. He indicated that he has
155 lived here for more than thirty years, and he believes that someone could very possibly
156 purchase the property and build a large, single-family residential home on it.

157
158 John White
159 1929 S. Lakeshore Drive
160 Rockwall, TX 75087

161
162 Mr. White came forth and indicated that he is generally opposed to this request. He stated
163 that eleven residents of the neighborhood spoke against the request, and only one resident
164 spoke in favor of it. Mr. White indicated that the local government has a covenant with
165 existing residential property owners and therefore has an associated obligation to help
166 protect the resident's property rights.

167
168 Madison Lyle
169 1603 S. Alamo
170 Rockwall, TX 75087

171
172 Mr. Lyle spoke in opposition of this request. He is fearful that these lots may turn into
173 Commercial zoning, and a parking lot may end up in the rear of these lots, which would
174 basically be in and overlooking his back yard.

175
176 Andrea Burke
177 1724 Ridge Road
178 Rockwall, TX 75087

179
180 Mrs. Burke came forth and indicated that she has concerns about some of the signage in
181 front of the residential office zoned properties currently located on Ridge Road. She
182 expressed that she believes the Planning & Zoning Commission is intentionally working
183 against residents. She desires to leave the zoning as "residential" in hopes that an actual
184 residential home will end up being built on these lots. She would like to protect the integrity
185 of her street.

186

187 Ron Mason
188 1402 Ridge Road
189 Rockwall, TX 75087

190 Mr. Mason came forth and indicated that his home was built on Ridge Road in 1954. He
191 read a brief email from Council Member Bennie Daniels, in which Daniels indicated that he
192 is in opposition of the proposal and will be disappointed if the request is approved by the
193 city council. Mr. Mason went on to indicate that lots on Ridge Road have been purchased,
194 and new homes have been built within the last ten years on this road. He strongly spoke in
195 opposition of this rezoning request.
196

197
198 Mr. Clark Staggs
199 1601 Seascape Court
200 Rockwall, TX

201
202 Mr. Staggs indicated that he is a real estate broker, and he has done some research on the
203 values of some of the properties located along Ridge Road and in this area. Generally
204 speaking, values of the homes in this neighborhood have been depreciating. He does not
205 believe an individual will spend this much money on a residential lot and then build a large,
206 residential home on the property. He does believe these lots will eventually end up
207 transitioning to commercial lots.
208

209 Erica Lyle
210 1603 S. Alamo Road
211 Rockwall, TX 75087

212
213 Mrs. Lyle generally spoke in opposition of this request, expressing concern that its
214 approval will adversely affect her residential property value. She suggested that Mr. Dirkse
215 consider constructing this type of building on his own property that he already currently
216 owns elsewhere in town. She is strongly opposed to this request.
217

218 Tom Hawkins
219 201 Dartbrook Street
220 Rockwall, TX 75087

221
222 Mr. Hawkins indicated that he and his wife moved to Rockwall about seven years ago. He
223 questioned if Mr. Dirkse is acting an agent on behalf of Mr. Bobst. Mr. Hawkins indicated
224 that Mr. Bobst previously came forth to propose use for these lots, and his proposal was
225 turned down and opposed by the residents at the time. He expressed that he is against this
226 rezoning.
227

228 Larry Wilcoxson
229 301 Stonecrest
230 Rockwall, TX 75087

231
232 Mr. Wilcoxson indicated that he is in opposition of this request and has various concerns,
233 including things like undesirable lighting, medical waste potentially being left out in the
234 trash, parking limitations, animals getting into the trash / dumpsters. He encouraged the
235 council to stop the spread of commercial businesses on this stretch of Ridge Road. He is
236 opposed to this request.
237
238

239 **Mr. Mike Rogers**
240 **1404 Ridge Road**
241 **Rockwall, TX 75087**

242
243 **Mr. Rogers indicated the moved to Rockwall with his parents in 1951. He indicated he and**
244 **his wife have lived in their home since 1983. He believes Ridge Road is a great place to live,**
245 **raise a family, and have pets. He believes it is a valuable neighborhood. He has concerns**
246 **about allowing an office building to be built in this residential area. He generally spoke in**
247 **opposition of this request and urged the council to vote ‘no’ on the rezoning request.**

248
249 **Mrs. Rella Rogers**
250 **1404 Ridge Road**
251 **Rockwall, TX 75087**

252
253 **Mrs. Rogers spoke in opposition of this item, indicating, in part, that it would be ‘spot**
254 **zoning’ and would add to the devaluation of her home if this request is approved. She**
255 **indicated that her home is in direct proximity to her home, and the lots in question overlook**
256 **her private back yard and pool area. She believes that her home will be significantly**
257 **devalued if this rezoning is granted. She suggested that there are other, appropriate**
258 **locations in Rockwall for Mr. Dirske’s commercial business. She respectfully asked the**
259 **council to vote ‘no’ to this request.**

260
261 **Mr. Bill Lofland**
262 **1200 Ridge Road**
263 **Rockwall, TX 75087**

264
265 **Mr. Lofland indicated he has lived on Ridge Road for at least thirty-five years. He also owns**
266 **the properties from 1026 Ridge Road to 1202 Ridge Road. When the city agreed to allow**
267 **some of the smaller homes on Ridge Road to turn into offices, this was stopped at 1024**
268 **Ridge Road. He indicated he believes that approval of this rezoning would represent ‘spot**
269 **zoning.’ He has nothing personal against Mr. Dirkse; however, he did speak in opposition**
270 **of this request and urged the council to vote ‘no.’**

271
272 **Mr. Rod Holland**
273 **536 Loma Vista**
274 **Heath, TX**

275
276 **Mr. Holland indicated that he owns property at 1510 South Alamo. He has been a resident**
277 **of Rockwall since 1972, has been in real estate in this area since the early 1990s and is also**
278 **a real estate broker. Mr. Holland indicated that he purchased a lot located behind these**
279 **lots, not knowing what would end up going there, because he is not concerned about what**
280 **may end up being built on these lots. He is a real estate broker, and he does not represent**
281 **Dan Bobst. He does not have concerns about it possibly turning into Commercial. He is in**
282 **favor of this request.**

283
284 **Mr. Timothy Greenawalt**
285 **335 Dalton Road**
286 **Rockwall, TX 75087**

287
288 **Mr. Greenawalt came forth to speak in favor of this request. He is a neighbor of Mr. Dirkse**
289 **and has been for about eighteen years. He indicated that Mr. Dirske’s business does not**
290 **bring a lot of traffic, and there are no concerns of “trash,” as he keeps his property very**

291 well maintained. He indicated that Mr. Dirkse is a very good neighbor, and he urged the city
292 council to vote in favor of this request.

293 }
294 }
295 }
296 **Mr. Jeff Wong**
1410 Ridge Road
Rockwall, TX 75087

297
298 Mr. Wong indicated that he and his wife used to live in Rockwall, but then they moved to a
299 condo in Dallas, and thereafter moved back to Rockwall. Mr. Wong indicated that he and
300 his wife purchased this home at 1410 Ridge Road, and they love living there. They love the
301 view and the neighborhood, in general, but they would not like living immediately adjacent
302 to the lots down the road that contain office-type businesses. He spoke in opposition of
303 this rezoning request.

304
305 At 7:48 p.m., Mayor Pruitt recessed the meeting and called for a short break.

306
307 At 7:59 p.m., Mayor Pruitt called the meeting back to order.

308
309 **Nathan Najmabadi**
1412 Ridge Road
310 Rockwall, TX 75087
311

312
313 Mr. Najmabadi expressed that he and his wife have lived at this address for about a year-
314 and-a-half. Noise, traffic and lights have not been problems. He believes the homes in this
315 area are nice homes and have nice views. He and his wife both recently got out of the
316 service, and they plan to have a family and stay for the long term. He loves his neighbors,
317 and he is very against this rezoning request.

318 }
319 }
320 }
321 **Joy Bounds Greenwalt**
209 Tanya Drive
Rockwall, TX 75087

322
323 Mrs. Greenwalt indicated that she is a very longtime resident of Rockwall and has lived in
324 this home for thirty-one years. She expressed that young couples and children are moving
325 into her neighborhood, which is vibrant and growing and is in fact not declining as Mr.
326 Bobst suggested back in 2012. She spoke against this zoning change request, and urged
327 the city council to vote 'no' with prejudice. She wants the neighborhoods and homes to be
328 kept separate from commercial development and indicated that combining them is
329 inappropriate.

330
331 **Marsha Mason**

332 Ms. Mason explained that she currently lives at 1130 Sierra Pass in a rental home, but she
333 owns a lot in Park Place and will be living there in the future. Mrs. Mason generally spoke in
334 favor of this request. She indicated that she lived next to Mr. and Mrs. Dirkse for about
335 twenty years, and it never posed any sort of problem (not traffic, not trash, not security, not
336 lighting). She generally indicated that she believes the lots along Ridge Road and Goliad
337 will eventually turn into Commercial. She spoke in favor of Mr. Dirkse's and supports his
338 business and rezoning request. Trash, security and additional traffic were never of concern
339 when living next to Mr. Dirkse's business, which looks like a home, for twenty years.

341 Ms. Mason indicated that she has a letter from 3055 North Goliad, Mr. Joel Steed, and is
342 prepared to read it to the city council on his behalf. The mayor and council members
343 indicated they did receive Mr. Steed's emailed letter.
344

345 Mr. David Mitchell
346 206 Dartbrook
347 Rockwall, TX 75087
348

349 Mr. Mitchell spoke in opposition of this request. He suggested that Mr. Dirkse should find
350 an alternate location for his business, perhaps on his existing property or perhaps on the
351 East side of Ridge Road. He strongly urged the council to reject this request.
352

353 Ken Dickson
354 205 Meadowdale
355 Rockwall, TX
356

357 Mr. Dickson came forth and spoke in opposition of this request. He spoke highly of his
358 neighbors and his neighborhood. He expressed that his neighborhood is unique and has
359 individual homes with varying architecture (no track homes). He indicated that the previous
360 owner of this property, Mr. Mitchell, who passed away, was a good neighbor. After his
361 passing, Dickson explained, Mr. Bobst purchased the property. He strongly urged the
362 council to reject this request with prejudice.
363

364 Freddie Jackson
365 1812 Bristol Lane
366 Rockwall, TX
367

368 Mr. Jackson indicated that his wife is from Rockwall, and he loves this city. He expressed
369 that nobody wants the Residential Office (RO) zonings that keep popping up in residential
370 neighborhoods. He urged the council to vote against this request.
371

372 Jim Greenwalt
373 209 Tanya Drive
374 Rockwall, TX
375

376 Mr. Greenwalt indicated that he is a retired residential, commercial and shopping center
377 developer, and he used to work for Dallas' Economic Development Department. He served
378 on Rockwall's Planning & Zoning Commission for about eight years, some of which was as
379 the "chair." He expressed that there is adequate office and retail space on the East side of
380 Ridge Road and there will be for years to come. He believes approval of this request would
381 be "spot zoning." Just because these lots may eventually and inevitably turn into
382 Commercial does not mean that he desires for them to do so now. He expressed various
383 concerns about this request, including 'spot zoning,' and urged the city council to not
384 approve the request for a zoning change and deny it with prejudice.
385

386 Gregg Napier
387 1505 S. Lakeshore
388 Rockwall, TX
389

390 Mr. Napier indicated that he and his wife moved to this home about three years ago from
391 Rowlett, and they put a lot of money into their home to improve it. He stated he often sees

392 cars driving slowly, and he believes they are people who are looking for homes in this
393 neighborhood. He spoke in opposition of this request.

394
395
396 **Jennifer Ziesk**
397 **7120 Hunt Lane**
398 **Rockwall, TX 75087**

399 **Mrs. Ziesk read a letter on behalf of:**
400 **Mary Stacey**
401 **912 N. Goliad**
402 **Rockwall, TX 75087**

403
404 **Mrs. Ziesk read a letter from Mrs. Stacey, who now lives in a neighborhood by what is now**
405 **the birthing center. The letter read generally seemed in favor of this rezoning request. She**
406 **expressed in her letter that it has been her experience that businesses moving in near her**
407 **residential home has had very little effect on her home and her quality of life. She**
408 **expressed that her residential home has increased steadily in value over the last ten years.**
409 **Afterwards, speaking on her own behalf, Mrs. Ziesk generally expressed support for this**
410 **request. She expressed she has officed in the same building as Mr. Dirkse for the last five**
411 **years, and she believes he is a good neighbor and will continue to be, whether he is a**
412 **residential or a business neighbor.**

413
414 **Shannon Greenberg**
415 **404 Driftwood**
416 **Rockwall, TX 75087**

417
418
419 **Mrs. Greenberg spoke in favor of this request. She stated she recently began working for**
420 **Dirkse and Associates. She believes the staff at Dirkse and Associates supports each other**
421 **and works as a family. Ms. Greenberg explained she believes Mr. Dirkse is very**
422 **conscientious about trash and ensuring things are cleaned up.**

423 **Kathy Oehler**
424 **207 Tanya Drive**
425 **Rockwall, TX**

426
427 **Mrs. Oehler came forth and expressed opposition to this request. She indicated that her**
428 **neighborhood is not declining. She has observed many contractors working on upgrading**
429 **homes in this neighborhood. She believes Mr. Bobst's inability to sell the property to an**
430 **individual for a residential home to be built on it is essentially due to it being priced too**
431 **high. She indicated that she had a conversation with Mr. Dirkse in which he expressed that**
432 **he wants to build his office on this lot because he is "greedy and wants the view." She**
433 **believes rezoning would diminish property values and would in fact contribute to the**
434 **decline of the neighborhood.**

435
436 **Alexia Fields**
437 **1603 Seascape Court (next to Clark Staggs)**
438 **Rockwall, TX**

439
440 **Mrs. Fields indicated she is a dentist in the area and has lived here over twenty years. She**
441 **spoke in opposition of this request, indicating that she and her neighbors feel they are**
442 **being bullied every few years. She urged the council to not approve this request.**

444 Tammy Tinkle
445 1270 Antioch Drive
446 Rockwall, TX 75087

447
448 Mrs. Tinkle indicated that if she were to choose a residential lot, she would not choose this
449 one. She would instead choose one close to a school where they can walk and ride their
450 bikes to school. She has lived here in Rockwall for over seven years. She generally
451 expressed that there would be no significant, negative impacts related to traffic or trash.
452 The employees who work for Dirkse and Associates are conservative accountants. She
453 generally spoke in favor of this request and believes approving it would be a good decision.
454

455 Renee Sneed
456 310 Orbit Drive
457 Lavon, TX 75166

458
459 Mrs. Sneed indicated that she grew up in Rockwall, and she is the daughter of Mr. Dirkse.
460 She and her husband hope to live in Rockwall again someday. She works for Mr. Dirkse
461 and believes the best use of these lots is for them to be rezoned with very specific,
462 restrictive zoning. She and her father have been discussing the possibility of her taking
463 over his business in a number of years down the road. She generally spoke in favor of this
464 request.
465

466 G. David Smith
467 601 Stonebridge Drive
468 Rockwall, TX

469
470 Mr. Smith indicated that he is a close friend of Mr. Dirkse. He lives about a mile from this
471 property. He believes Mr. Dirkse would be a tremendous asset to this area long Ridge
472 Road. He stated that he and his wife purchased the property at 702 North Goliad Street
473 some years ago (2002) and worked with the city to have the zoning changed from residential
474 to residential office. He believes these lots are not well suited for residential lots, especially
475 since they are located along a major, four-lane thoroughfare. He generally spoke in favor of
476 this request for a zoning change.
477

478 Mrs. Terri Nevitt
479 201 Becky Lane
480 Rockwall, TX

481
482 Mrs. Nevitt indicated that she feels she is being bullied. She is currently in the process of
483 trying to decide if she wants to refinance, rent out, or sell her home. She is not in favor of
484 this request because it is "spot zoning." She expressed concerns about some of the
485 representatives currently serving on the Planning & Zoning Commission. She spoke in
486 opposition of this request, and she urged the council to deny this request.
487

488 Greg Oehler
489 207 Tanya
490 Rockwall, TX

491
492 Mr. Oehler expressed that his neighborhood is very desirable and it is the envy of other
493 neighborhoods. He believes that in twenty years, this property will be diminished
494 aesthetically and that it will not be well maintained if it is built as commercial. He believes
495 homeowners in this neighborhood have invested a lot of time and money into their homes,

496 including improving and maintaining them. He indicated that commercial properties do not
497 increase in value over time, and they are not as well maintained. He generally spoke
strongly in opposition of this request and urged the council to vote "no" with prejudice.

500 There being no one else to come forth and speak, Mayor Pruitt then closed the public
501 hearing.

503 Councilmember White made a motion to deny Z2014-036.

505 Mr. Dirkse asked Mayor Pruitt if he would have an opportunity to speak at this point
506 (following the public comments). City Attorney Patrick Lindner indicated that it is ok to
507 allow the applicant to speak again at this time. Mayor Pruitt then re-opened the public
508 hearing to allow the applicant five minutes to wrap up and provide closing comments.

510 Mr. Rick Dirkse then came forth and provided some closing comments. He generally and
511 strongly urged the council to approve this request. He expressed that he would like the
512 privilege of stewarding this property well by agreeing to place an office at this location that
513 looks like a home.

515 Mayor Pruitt closed the public hearing and opened the floor up for Council discussion.

517 Councilmember White indicated that he is not in favor of zoning at all; however, he respects
518 the process, and the residents in this neighborhood have indicated they do not want it.

520 Councilmember White then made a motion to deny Z2014-036. Mayor Pruitt seconded the
521 motion.

523 Mayor Pro Tem Lewis indicated that he knows Mr. Dirkse, and they go to church together. If
524 this matter was about Mr. Dirkse's character, he would vote to approve this request right
525 now. He believes that Mr. Lofland's comments are 'spot on,' in that the commercial
526 properties need to stop at his property. He expressed that his decision is solely based on
527 what he believes is right, and it is not based on how he feels or what he thinks about Dan
528 Bobst. He pointed out that by law the council has to consider zoning requests, and
529 property owners have a right to request that zoning changes be considered. He indicated
530 that he will be voting against this request.

532 Mayor Pruitt indicated that he lives not far from this property, and he and his wife own two
533 homes in this general area/neighborhood. He expressed the belief that residents in this and
534 other neighborhoods in Rockwall should get to control decisions related to what happens
535 to their neighborhood. He believes it is important for the city council to make a statement
536 that this is the way these properties are going to be – either we are going to allow
537 Commercial zoning on these lots, or we are not going to allow it, and the lots will remain
538 residential. Mayor Pruitt thanked the public for coming out to speak tonight. He then called
539 for the vote.

541 The motion to deny the request passed unanimously of council present (5 ayes with 2
542 absent (Milder and Daniels).

544 At 9:21 p.m., Mayor Pruitt recessed the public meeting and called for a short break.

546 Mayor Pruitt reconvened the meeting at 9:33 p.m.

548 2. **Z2014-037** - Hold a public hearing to discuss and consider approval of an
549 **ordinance** for a request by Bill Bricker of Bricker Enterprise Company (DBA
550 Brick House Cars) on behalf of Rockwall Commercial Property Management
551 for the approval of a Specific Use Permit to allow for an Indoor Motor Vehicle
552 Dealership/Showroom on a one (1) acre portion of a larger 50.826-acre tract
553 of land, identified as Tract 31 of the R. Ballard Survey, Abstract No. 29, City
554 of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District,
555 addressed as 1200 E. Washington Street, and take any action necessary.
556 **(1st Reading)**

557 **Planning Director Robert LaCroix provided brief background information concerning this**
558 **agenda item. He stated that 135 notices were sent out to adjacent property owners located**
559 **within 500 feet, and five were received back in favor.**

560
561 **Mr. Bill Bricker**
562 **505 Westway Drive**
563 **Rockwall, TX**

564
565 **Mayor Pruitt asked if anyone else would like to come forth and speak. There being no one**
566 **indicating such, he then closed the public hearing**

567
568 **Councilmember White made a motion to approve Z2014-037. Councilmember Townsend**
569 **seconded the motion. The ordinance was read as follows:**

570
571 **CITY OF ROCKWALL**
572 **ORDINANCE NO. 15-**
573 **SPECIFIC USE PERMIT NO. S-**

574
575 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
576 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.**
577 **04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,**
578 **SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT**
579 **INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR VEHICLE**
580 **DEALERSHIP/SHOWROOM LOCATED IN A 12,500 SQUARE FOOT BUILDING**
581 **INDICATED IN "EXHIBIT A" OF THIS ORDINANCE AND ADDRESSED AS 1200**
582 **E. WASHINGTON STREET, WHICH IS LOCATED ON A PORTION OF A**
583 **LARGER 50.826-ACRE TRACT OF LAND DESCRIBED AS TRACT 31 OF THE**
584 **R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL,**
585 **ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;**
586 **PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO**
587 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**
588 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**
589 **PROVIDING FOR AN EFFECTIVE DATE.**

590
591 **The motion passed by a unanimous vote.**

592
593 3. **Z2014-038** - Hold a public hearing to discuss and consider approval of an
594 **ordinance** for a request by Ben McMillian of Hazel & Olive on behalf of the
595 owner of the property for the approval of a Specific Use Permit to allow for a
596 General Retail Store in conjunction with an office and photography studio
597 within Planned Development District 50 (PD-50) for two (2) parcels of land,
598 being 0.43-acres of land, identified as Lots 19A & 19B of the Amick Addition,
599 City of Rockwall, Rockwall County, Texas, zoned Planned Development
600 District 50 (PD-50) for Residential-Office (RO) District land uses, addressed

601 as 503 N. Goliad Street [SH-205], and take any action necessary. (1st
602 Reading)

603 Mr. LaCroix provided brief background information for this agenda item. He indicated that
604 110 notices were mailed out to adjacent property owners located within 500 feet. Three
605 notices were received back in favor, and two were received back in opposition of this
606 request. The P&Z Commission did recommend approval of this item by a vote of 6 to 0.

607 Mayor Pruitt opened the public hearing and called the applicant forth.

608
609 Ben McMillian
610 176 Hampton Drive
611 Fate, TX
612

613 Mr. McMillian indicated that he and his wife own this business currently, and it has been very
614 successful for the last year or so that they have been in operation. They would like to move
615 and expand the business because they currently only have about 700 square feet of retail
616 space at the current location.

617
618 Mayor Pruitt asked if anyone would like to come forth and speak. There being no indication
619 of such, Mayor Pruitt then closed the public hearing.

620
621 Councilmember Townsend made a motion to approve this item. Councilmember White
622 seconded the motion. The ordinance was read as follows:

623
624 CITY OF ROCKWALL
625 ORDINANCE NO. 15-XX
626
627 SPECIFIC USE PERMIT NO. S-XXX
628

629 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
630 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
631 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
632 SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A
633 A GENERAL RETAIL STORE IN CONJUNCTION WITH AN OFFICE AND
634 PHOTOGRAPHY STUDIO IN A RESIDENTIAL-OFFICE (RO) DISTRICT, ON
635 TWO (2) PARCELS OF LAND, BEING 0.43-ACRES AND IDENTIFIED AS LOTS
636 19A & 19B OF THE AMICK ADDITION, AND GENERALLY LOCATED AT 503
637 NORTH GOLIAD STREET, ZONED PLANNED DEVELOPMENT DISTRICT NO.
638 50 (PD-50); AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A;
639 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF
640 FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
641 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
642 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE
643 DATE.
644

645 The motion passed unanimously of those present (5 ayes with 2 absent (Daniels and
646 Milder)).
647

- 648 4. **Z2014-039** - Hold a public hearing to discuss and consider approval of an
649 ordinance for a request by Zack Amick of Gordon Rockwall Investments,
650 LLC for the approval of a zoning change from an Agricultural (AG) District to
651 a Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract
652 4 of the N. M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall
653 County, Texas, zoned Agricultural (AG) District, located in between

654 Commerce Street and T. L. Townsend Drive, and take any action necessary.
655 (1st Reading)

656 Mr. LaCroix provided brief background information related to this agenda item. He stated
657 that the surrounding zoning is mainly commercial and light industrial with the exception of
658 multi-family housing located to the east. Forty-eight notices were sent out to adjacent
659 property owners within five hundred feet, and two notices have been returned back in favor.
660 The P&Z Commission has recommended approval of this request by a vote of 6 to 0.

661 Mayor Pruitt opened the Public Hearing and called the applicant forth.

662 Michael Amick
663 1957 Stevens Road
664 Rockwall, TX

665
666 Mr. Amick explained that this zoning change is being requested to allow the property to have
667 some improvements made on it so something can be done with it (other than AG).

668 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
669 public hearing.

670 Councilmember White made a motion to approve this item (Z2014-039). Councilmember
671 Hohenshelt seconded the motion. The ordinance was read as follows:
672

673 CITY OF ROCKWALL
674 ORDINANCE NO. 15-__

675
676 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
677 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.
678 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS
679 TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING
680 FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI)
681 DISTRICT FOR A 21.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF
682 THE N.M. BALLARD SURVEY, ABSTRACT NO. 24, CITY AND COUNTY OF
683 ROCKWALL, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"
684 OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
685 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
686 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
687 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
688 PROVIDING FOR AN EFFECTIVE DATE.
689

690 The motion passed unanimously of council present (5 ayes with 2 absent (Daniels and
691 Milder)).

692 5. Z2014-040 - Hold a public hearing to discuss and consider approval of an
693 ordinance for a request by Cameron Slown of FC Cuny Corporation on
694 behalf of Tom Kirkland of Tekmak Development Company for the approval of
695 a Specific Use Permit (SUP) for a hotel on a 2.968-acre tract of land
696 identified as Lot 3A, Block A, Shoreline Plaza Addition and Lot 1-1, Block A,
697 Henry Africa Subdivision, City of Rockwall, Rockwall County, Texas, zoned
698 Planned Development District 32 (PD-32), situated within the IH-30 Overlay
699 (IH-30 OV) District, located at the southeast corner of the intersection of the
700 IH-30 Frontage Road and Lakefront Trail, and take any action necessary.
701 (1st Reading)

702 Mr. LaCroix provided brief background information related to this agenda item, indicating
703 that this request is related to building a hotel. It is recommended that the hotel be
704 accompanied with some restrictions such that it cannot be utilized as an "extended stay,"
705 "residence," or "transient-oriented" type hotel. Eighteen notices were sent out to adjacent
706 property owners located within 500 feet, but no replies have been received back by staff at
707 this time. The P&Z Commission did recommend approval of this item by a vote of 5 to 1.
708

709 Mayor Pruitt opened the public hearing and called the applicant forth to speak.

710
711 Tom Kirkland
712 613 Willow Springs
713 Heath, TX
714

715 Mr. Kirkland indicated that he and his wife started their hotel business by constructing a
716 first one in College Station, TX. He generally indicated that he has been in consultation with
717 Marriott regarding the possibility of constructing this hotel in Rockwall as a "Springhill"
718 property.
719

720 Mayor Pruitt asked if anyone would like to come forth and speak during the public hearing.
721

722 Craig Renfro
723 1556 Parkside Circle
724 Rockwall, TX 75032
725

726 Mr. Renfro indicated that he lives in Lago Vista and was in the notification area for the
727 public notice that was sent out. He generally spoke in favor of this request.
728

729 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
730 public hearing.
731

732 Councilmember Townsend how big of an event a 3,000 square foot conference center will
733 accommodate. Mr. Kirkland indicated that about 150-200 people can be seated in a
734 classroom style. For a dinner type setting with round tables, about 100 can be
735 accommodated. He explained that there is a "pre-function" area that is about 1,000
736 additional square feet (for example, if you want to set up a buffet out in this area).
737 Councilmember Townsend indicated that he would like to see a hotel that can compete with
738 the existing Hilton Hotel as far as event space is concerned. He would like to see a larger
739 conference center space that would be better able to compete with the existing Hilton.
740

741 Lengthy discussion took place related to Hilton, Hampton, and high end versus lower end
742 hotel properties.
743

744 Mayor Pruitt expressed concerns that, with this hotel and what it offers related to meeting
745 space, it will never be able to compete with the existing Hilton. He asked if the size of the
746 building could be changed to size it up. He generally indicated that several on the council
747 have previously expressed an interest in attracting another full-service type of hotel. Mr.
748 Kirkland indicated that the market is moving away from full-service hotels. In his opinion,
749 Mr. Kirkland expressed, it would be difficult for Rockwall to attract an additional full-service
750 hotel.
751

752 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
753 public hearing.

754
755 **Councilmember Lewis made a motion to table this item until the next city council meeting.**
756 **Mayor Pruitt seconded the motion, which passed by a vote of 5 in favor with 2 absent**
757 **(Milder and Daniels).**

758
759 **X. ACTION ITEMS**

760
761 **1. MIS2014-018 - Discuss and consider a request by Michael Swiercinsky of**
762 **Sky Investment Property, Inc. for the approval of an alternative method for**
763 **purchasing trees associated with an approved tree mitigation plan for two (2)**
764 **tracts of land, being 7.969-acres, identified as Tracts 4 & 19, E. P. G.**
765 **Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas,**
766 **zoned Commercial (C) District, situated within the Scenic Overlay (SOV)**
767 **District, located at the northwest corner of the intersection of Ridge Road**
768 **[FM-740] and W. Yellow Jacket Lane, and take any action necessary.**

769 **Planning Director Robert LaCroix provided background information related to this agenda**
770 **item, explaining that Mr. Swiercinsky has a large number of trees that he must mitigate for**
771 **concerning these tracts of land. Under the city's tree mitigation ordinance, the applicant**
772 **may either donate trees or make a monetary payment to the city in order to mitigate for the**
773 **trees. Mr. LaCroix explained that the applicant would like to make a lump sum payment of**
774 **\$111,262.00, which represents the applicant's costs to purchase the required trees and pay**
775 **to have them delivered to the City. Staff has verified the estimate listed on the invoice for**
776 **the trees and delivery costs. If the applicant's request is approved the lump sum payment**
777 **would need to be satisfied prior to filing a final plat for the subject property; however, if the**
778 **request is denied the applicant would be required to provide the Parks Department with the**
779 **required mitigation.**

780
781 **Michael Swiercinsky**
782 **307 Russwood**
783 **Rockwall, TX**

784
785 **Mr. Swiercinsky expressed that he would be complying with the city's tree mitigation policy.**
786 **It will just be monetarily rather than buying and delivering trees to the city.**

787
788 **Councilmember White made a motion to approve MIS2014-018. Councilmember Townsend**
789 **seconded the motion, which passed by a vote of 5 in favor with 2 absent (Daniels and**
790 **Milder).**

791
792 **2. Discuss and consider appointments to city advisory boards including the Art**
793 **Review Team (ART) Commission and Architectural Review Board (ARB),**
794 **and take any action necessary.**

795 **Councilmember White made a motion to appoint Enid Reyes to the Architectural Review**
796 **Board (ARB) (to fill a partial term vacancy left by former member Mike Mershawn to expire**
797 **in August of 2015). Councilmember Lewis seconded the motion, which passed by a vote of**
798 **5 ayes with 2 absent (Milder and Daniels).**

799
800 **3. Discuss and consider authorizing the City Manager to proceed with**
801 **development, scheduling, and recruiting for expanding participation by**
802 **citizen volunteers, and take any action necessary.**

803 City Manager Rick Crowley provided brief comments related to this agenda item.
804 Councilmember Townsend made a motion to authorize the city manager to proceed with
805 this recruiting project as described. Councilmember Lewis seconded the motion, which
806 passed by a vote of 5 ayes with 2 absent (Milder and Daniels).

808 The council did not reconvene into Executive Session following the close of the public
809 meeting agenda.

811 **XI. EXECUTIVE SESSION**

812
813 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
814 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
815 CODE:

- 816 1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL
817 Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
- 818 2. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas and
819 Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with Attorney)
- 820 3. Discussion regarding Economic Development prospects pursuant to Section 551.087
821 (Economic Development)
- 822 4. Discussion regarding proposed lease/sale of city land for possible private project pursuant to
823 Sections 551.072 (Real Property) and Section 551.087 (Economic Development negotiations)
- 824
- 825

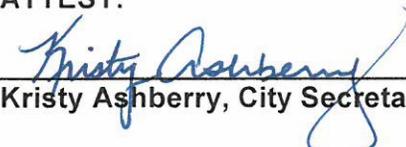
826 **XII. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

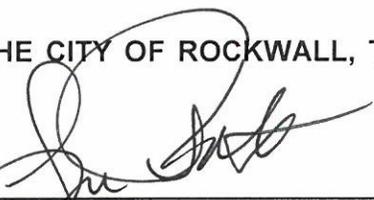
827
828 The council did not reconvene into Executive Session following the close of the public
829 meeting agenda.

831 **XIII. ADJOURNMENT**

832
833 Mayor Pruitt adjourned the meeting at 11:08 p.m.

836 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
837 this 2nd day of February, 2015.

838
839
840 ATTEST:
841 
842 _____
843 Kristy Ashberry, City Secretary
844



Jim Pruitt, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, February 02, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL PUBLIC MEETING TO ORDER

9 Mayor Jim Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Pruitt,
10 Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend,
11 John Hohenshelt, Scott Milder and Bennie Daniels. Also present for the work session
12 were members of the city's Park Board, including Chairman Brad Bassett and Board
13 Members Ray Harton, Bob Lewis, Charles Johnson, and Kevin Moffatt.

14
15 City staff members present at the meeting included City Manager Rick Crowley, Assistant
16 City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza.

17
18
19

II. WORK SESSION

- 20
21
22
1. HOLD JOINT WORK SESSION WITH THE CITY'S PARK BOARD REGARDING PARK BOARD DIRECTION AND PRIORITIES, AND TAKE ANY ACTION NECESSARY.

23 Mayor Pruitt began discussion of this item, indicating that one of his goals as mayor is to
24 work towards development of a lakeside park in the north area of the city. Chairman of
25 the Park Board, Brad Bassett, came forth and provided introductory comments related to
26 his goals for the work session. He indicated that, although he knows a multi-sport,
27 competitive ballpark complex is needed in Rockwall, he understands that the voters
28 voted this down a couple of years back, so that idea is going to be taken off the table and
29 will not be discussed at this time. He shared that the Park Board and staff will be
30 focusing on a review and update to the Parks & Rec Department Business Plan,
31 maintenance standards, and marketing strategies. He generally indicated a desire to
32 establish, with help from the city council, the city's park-related goals for the next year
33 and for the next three-to-five years. Mayor Pro Tem Lewis also indicated a desire to
34 establish a lakeside park. Lewis shared that the City of Richardson bought several
35 houses and tore them down in order to build a beautiful lakeside park near where his
36 daughter lives. He generally expressed a desire for the Park Board to find out from
37 citizens what they would like to see as far as our parks and rec facilities and programs
38 are concerned. He also suggested they consider a review of the policies and procedures
39 governing the use of city parks and evaluate additional parks and trails, especially south
40 of IH-30. Lewis also suggested that the Board consider evaluating current and future use
41 of the city's swimming pools, including evaluating if more marketing and additional
42 parking may be needed.

43
44 Councilmember Daniels stated it would be good to know what percentage of our
45 population is within a safe, reasonable walking distance or bicycle riding distance from a
46 city park. He suggested that in some areas of the country, he knows that developers are
47 responsible for, not only putting in biking and walking trails, but also for connecting
48 those trails to adjacent neighborhoods or communities. Daniels also expressed that he
49 would like to see some sort of lakeside park.
50

51 Councilmember Townsend expressed that he likes the idea of adding a lakeside park. He
52 also indicated an interest in changing the way developers do the parks to make parks
53 more of a prominent feature in each future subdivision / neighborhood that is developed,
54 focusing on the most optimal 'proximity to parks' and greenspace. He also expressed a
55 desire to create some sort of park-type setting along major entry corridors into the city to
56 more strongly establish that we as a city value parks. He thinks focusing on marketing
57 our city parks and facilities is a good idea. He would also like to see trails that not only
58 lead to parks and subdivisions, but ones that lead to destination areas that the city is
59 focused on, such as downtown. He would also like the Park Board to focus on reaching
60 out to the public to find out in which direction the city needs to go, park-wise, and let the
61 city council know.

62
63 Councilmember Milder expressed that, as a lakeside community, we should go the extra
64 mile to take care of the lake and shoreline. He also expressed a desire for a lakeside
65 park and accessibility to the lake on the north and south side of the city. Milder shared
66 that he was recently in Austin and visited Town Lake, which is a gravel hike and bike trail
67 around the lake. He explained that it seems like Town Lake has a 'foundation' in place to
68 raise money to help maintain the trail around the lake, and he suggested perhaps
69 Rockwall could have something similar. He would like to find a way to complete and
70 connect sidewalks which help get people to the city's trails. He suggested that streets
71 be striped with bike lanes and ways for people to traverse by bike throughout the city.
72 Councilmember Milder indicated that the city's pools could potentially be of benefit to
73 the community; however, he expressed that the pool in the Southside area needs to be
74 improved or perhaps taken out of service.

75
76 Councilmember White suggested that the Park Board hold town hall meetings around the
77 city and invite the public to those meetings for the purpose of asking what they would
78 like to see related to parks. Councilmember White reminded Councilmember Milder
79 about the city evaluating, a couple of years back, modifications to and/or closing the
80 Southside pool, and that those conversations were not met with favorable feedback from
81 residents in that community.

82
83 Mayor Pro Tem Lewis suggested it may be a good idea for Rockwall to talk to some other
84 cities, such as Austin and Frisco, who have great park systems in place in order to glean
85 some ideas. He thanked the Park Board for their work and efforts.

86
87 Mayor Pruitt pointed out that trails along the lakeside are likely not feasible due to sub-
88 leases that are in place by homeowners along the takeline area, many of which may not
89 expire for thirty years or more. He further indicated that he does not believe the city will
90 be condemning anyone's property along the lake for park purposes. He went on to
91 express an interest in the Park Board evaluating a facility (leased space) where Pickleball
92 could be played and enjoyed by members of the public, as it has been recently brought
93 to his attention that people of all ages, young and old, are playing it.

94
95 Councilmember Hohenshelt indicated that his wife is a very active walker, and she has
96 walked about 1,600 miles in a year. He would like to see how someone who enjoys
97 walking could make it from Point A to Point B in the city if they wanted to walk to various
98 areas. He suggested that more coordination with the school district or other entities in
99 the city that own ball fields to help facilitate play on those fields may be of benefit.

100

101 Park Board Member Bob Lewis came forward and generally expressed that he gets a lot
102 of questions about a lakeside park and about where someone may go to see 'the rock
103 wall.' He expressed that he has heard the past bond proposition related to the park
104 associated with displaying and preserving the 'rock wall' most likely failed because its
105 design was too elaborate. He further indicated that he has received mixed input and
106 feedback regarding the idea of a lakeside park, referencing a past flyer that circulated
107 around years ago to discourage the idea of a lake side park. He stated that it may be a
108 good idea to poll residents to see if they really do desire to have a lakeside park. Mayor
109 Pruitt pointed out that there is a certain piece of property in the north area of town that
110 he has in mind, and he stated that there are not any houses anywhere near this particular
111 land. Mr. Lewis went on to express that joining the areas south of IH-30 with the areas
112 north of IH-30 may be challenging, especially 'by foot,' regarding implementing some of
113 the ideas that have been expressed this evening. He further expressed concern about
114 the high expense associated with undeveloped land at the city's main entry points,
115 especially related to the idea of developing these pieces of property as community parks.
116

117 Park Board Member Charles Johnson came forth and indicated he has been on the Park
118 Board for about a year. He expressed a desire to have the Park Board work on more
119 meaningful things rather than just placing 'seals of approval' on routine items that come
120 before them for consideration. Mr. Johnson suggested that the Council consider a
121 "Ridge Road overlook" to evaluate the possibility of preserving the lakeside view and
122 scenic overlook associated with the now undeveloped land along Ridge Road. Perhaps
123 it could be called "The Scenic Overlook of Rockwall," and people could enjoy the
124 sunsets and take photographs from this vantage point.
125

26 Park Board Member Ray Harton came forth and briefly spoke to the council. He
27 expressed that he often gets asked by citizens about the possibility of a lake side park.
128 He has received feedback that there were perhaps too many items on the ballot to
129 consider regarding bond propositions that went before voters a while back. He would
130 like to further investigate what people may be interested in regarding parks. He
131 mentioned a property up by Dalton Road, and expressed that, although there is no
132 money for development of this area yet, maybe there will be in the future, as he believes
133 this area would be a great asset to the city. He expressed that he will look into the game
134 of Pickleball further.
135

136 Park Board Member Kevin Moffatt came forth and indicated that he has been on the Park
137 Board for about six years. He expressed that he is an active runner. He would like the
138 city to consider having the Police Department be more proactive in enforcing the city's
139 pedestrian and biking related regulations. He suggested a pedestrian lane be stripped
140 off in order to allow pedestrians to travel from place-to-place, for example from Myers
141 Park to the ball fields. Mr. Moffatt also suggested that perhaps some of the commercial
142 buildings that have been vacant for a number of years could be purchased or utilized for
143 youth related programs.
144

145 Mayor Pruitt mentioned that, in the future, Summit Ridge and Lakeshore will be
146 redesigned and redone, and he would like to get some public input as to how citizens
147 want it designed.
148

49 Park Board Member Charles Johnson asked if an app may be able to be developed to
50 show the user where the parks and trails are located within the city. Parks and Rec
51 Manager, Andy Hesser, generally indicated that this may be a possibility. Assistant City

152 **Manager Brad Griggs pointed out that the trails at Myers Park are already on the app**
153 **called “Map My Run.”**

154
155 **Park Board Chairman Brad Bassett thanked city council members for the feedback and**
156 **suggestions they provided during the work session. The mayor thanked members of the**
157 **Park Board for the work session and for all they do.**

158
159 **Mayor Pruitt read the below-listed discussion items into the public record before**
160 **recessing the meeting into Executive Session at 4:50 p.m.**

161
162 **III. EXECUTIVE SESSION.**

163
164 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
165 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
166 **CODE:**

- 167
168 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
169 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
170 551.071 (Consultation with Attorney)
- 171 2. Discussion regarding Economic Development prospects pursuant to
172 Section 551.087 (Economic Development)
- 173 3. Discussion regarding possible claim or settlement agreement related to
174 enforcing the city's sign ordinance regarding a billboard pursuant to
175 Section 551.071 (Consultation with Attorney).
- 176 4. Discussion regarding pending litigation: Tracie Peters individually and as
177 next friend (Parent) for Noah Peters V. City of Rockwall and Lara Pitek
178 pursuant to Section 551.071 (Consultation with Attorney)

179
180 **IV. ADJOURN EXECUTIVE SESSION**

181
182 **Executive Session was adjourned at 5:53 p.m.**

183
184 **V. RECONVENE PUBLIC MEETING**

185
186 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council**
187 **members present.**

188
189 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

190
191 **Mayor Pro Tem Lewis indicated that no action is needed as a result of Executive Session.**

192
193 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**

194
195 **Councilmember White delivered the invocation and led the Pledge of Allegiance.**

196
197 **VIII. PROCLAMATIONS / AWARDS**

- 198
199 1. Constable Randy Earl Parks: Life-Saving Recognition Day

200

201 Mayor Pruitt called forth Constable Parks as well as Jack Key and his service dog, tattoo.
202 Mayor Pruitt explained that Parks recently took lifesaving measures to help Mr. Key, who,
203 while driving down the road, began driving erratically due to a diabetic episode. He
204 thanked Constable Parks for his service to the community and for saving Mr. Key's life.
205 He then read and presented an honorary proclamation to Parks.
206

207 2. Rockwall Community Playhouse 20th Anniversary Recognition
208

209 Mayor Pruitt called forth representatives of the Rockwall Community Playhouse who
210 introduced themselves. Mayor Pruitt then read and presented a proclamation to the
211 organization to commemorate its 20th anniversary.
212

213 3. 800th Anniversary of the Magna Carta
214

215 Mayor Pruitt acknowledged a group of Cub Scouts who were guests in the audience at
216 the city council meeting. He then read a proclamation into the public record to recognize
217 the 800th anniversary of Magna Carta and gave the proclamation to the Cub Scout Pack.
218

219 IX. OPEN FORUM
220

221 Mayor Pruitt explained how Open Forum is conducted and asked if anyone in the
222 audience would like to come forth and speak during this time. There being no one
223 wishing to speak, Mayor Pruitt then closed Open Forum.
224

225 X. CONSENT AGENDA
226

- 227 1. Consider approval of the minutes from the January 20, 2015 regular city
228 council meeting, and take any action necessary.
- 229 2. Consider authorizing the City Manager to enter into a contract extension
230 with Clean Harbors Inc. to manage Household Hazardous Waste
231 Collection Day April 18, 2015 and take any action necessary.
- 232 3. Consider approval of the First Amendment to the RCH Water Supply
233 Corporation Wholesale Water Contract and take any action necessary.
- 234 4. Consider approval of a resolution calling a General Election to be held on
235 May 9, 2015 in the City of Rockwall for the purpose of electing a mayor
236 and city council members for Places 1, 3 and 5, each for two-year terms,
237 and a Special Election to be held in conjunction with the General Election
238 for the purpose of filling a one-year unexpired term associated with City
239 Council Place 2, and take any action necessary.
- 240 5. P2015-001 - Consider a request by Harold Fetty of H. D. Fetty Land
241 Surveyor, LLC on behalf of the owner J-BR2, LLC for the approval of a
242 final plat for Lots 1, 2 & 3, Block A, Buffalo Crossing Addition being three
243 (3) non-residential lots currently identified as Tract 17-12 of the W. W.
244 Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas,
245 being a 7.32-acre tract of land zoned Commercial (C) District, generally
246 located at the southeast corner of the intersection of S. Goliad Street [SH-
247 205] and FM-549, and take any action necessary.

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256
6. **Z2014-037** - Consider approval of an **ordinance** for a request by Bill Bricker of Bricker Enterprise Company (DBA Brick House Cars) on behalf of Rockwall Commercial Property Management for the approval of a Specific Use Permit to allow for an Indoor Motor Vehicle Dealership/Showroom on a one (1) acre portion of a larger 50.826-acre tract of land, identified as Tract 31 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, addressed as 1200 E. Washington Street, and take any action necessary. **(2nd Reading)**
- 257
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266
7. **Z2014-038** - Consider approval of an **ordinance** for a request by Ben McMillian of Hazel & Olive on behalf of the owner of the property for the approval of a Specific Use Permit to allow for a General Retail Store in conjunction with an office and photography studio within Planned Development District 50 (PD-50) for two (2) parcels of land, being 0.43-acres of land, identified as Lots 19A & 19B of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for Residential-Office (RO) District land uses, addressed as 503 N. Goliad Street [SH-205], and take any action necessary. **(2nd Reading)**
- 267
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273
8. **Z2014-039** - Consider approval of an **ordinance** for a request by Zack Amick of Gordon Rockwall Investments, LLC for the approval of a zoning change from an Agricultural (AG) District to a Light Industrial (LI) District for a 21.684-acre tract of land identified as Tract 4 of the N. M. Ballard Survey, Abstract No. 24, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located in between Commerce Street and T. L. Townsend Drive, and take any action necessary. **(2nd Reading)**

274 **Councilmember Milder made a motion to approve the entire Consent Agenda (#s 1, 2, 3,**
275 **4, 5, 6, 7 and 8). Councilmember White seconded the motion. The ordinances were read**
276 **as follows:**

277
278 **CITY OF ROCKWALL**
279 **ORDINANCE NO. 15-02**
280 **SPECIFIC USE PERMIT NO. S-129**

281
282 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
283 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE***
284 ***NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
285 **AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) WITHIN A**
286 **LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR**
287 **VEHICLE DEALERSHIP/SHOWROOM LOCATED IN A 12,500 SQUARE**
288 **FOOT BUILDING INDICATED IN “EXHIBIT A” OF THIS ORDINANCE AND**
289 **ADDRESSED AS 1200 E. WASHINGTON STREET, WHICH IS LOCATED ON**
290 **A PORTION OF A LARGER 50.826-ACRE TRACT OF LAND DESCRIBED**
291 **AS TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF**
292 **ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL**
293 **CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED**
294 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
295 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**
296 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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CITY OF ROCKWALL
ORDINANCE NO. 15-03
SPECIFIC USE PERMIT NO. S-130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A GENERAL RETAIL STORE IN CONJUNCTION WITH AN OFFICE AND PHOTOGRAPHY STUDIO IN A RESIDENTIAL-OFFICE (RO) DISTRICT, ON TWO (2) PARCELS OF LAND, BEING 0.43-ACRES AND IDENTIFIED AS LOTS 19A & 19B OF THE AMICK ADDITION, AND GENERALLY LOCATED AT 503 NORTH GOLIAD STREET, ZONED PLANNED DEVELOPMENT DISTRICT NO. 50 (PD-50); AND MORE SPECIFICALLY DESCRIBED IN 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. 15-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 21.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 4 OF THE N.M. BALLARD SURVEY, ABSTRACT NO. 24, CITY AND COUNTY OF ROCKWALL, TEXAS AND MORE SPECIFICALLY DESCRIBED 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 7 ayes to 0 nays.

XI. APPOINTMENTS

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

Mayor Pruitt indicated that Mr. Renfro, Chair of the P&Z Commission, will not be present this evening, as a conflict arose in his schedule. No discussion or action took place regarding this agenda item.

2. Appointment with representative of Hill Wilkinson to hear update regarding downtown construction phasing and progress, and take any action necessary.

351 City Engineer Tim Tumulty came forth and briefly introduced Max Scott and Gary
352 Borchard, the general contractor and superintendent on the downtown reconstruction
353 project. They explained that several, unexpected things have caused the project
354 schedule to fall behind and indicated that the completion date is now estimated to be
355 around the end of October.

356
357 City Manager Rick Crowley pointed out that John Cranson is the employee who is
358 assigned as the inspector on the project, and he has done a great job. Mayor Pruitt also
359 acknowledged Mr. Cranson for his work.

360
361 City Engineer, Mr. Tumulty, indicated that staff has been working hard to frequently
362 communicate with the merchants and business owners regarding the project.

363
364 Councilmember Milder asked if the project is still projected to be 'within budget.' Mr.
365 Tumulty indicated that, yes, it is still expected to be within budget, especially with the
366 contingency fund that is in place.

367
368 **XII. PUBLIC HEARING ITEMS**

- 369
370 1. Hold a public hearing to receive input related to proposed amendments to
371 the City Charter, and take any action necessary.

372 Mayor Pruitt thanked members of the city's Charter Review Commission for their time
373 and suggestions related to review of the city charter. He then opened the public hearing.

374
375 Sol Villasana
376 809 Village Green Drive
377 Rockwall, TX

378
379 Mr. Villasana came forth and also thanked members of the Charter Review Commission
380 for the hours and work they put in. Mr. Villasana then read a speech he prepared, which,
381 in part spoke about the Voting Rights Act and the importance of its provisions remaining
382 in tact. He explained that a trend, which favors single member districts, is occurring with
383 regards to the political process. He urged the city council to move forward with the
384 Charter Review Commission's recommendation to look into single member districts for
385 Rockwall to ensure representation for the city's growing minority populations.

386
387 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
388 public hearing.

389
390 Mayor Pruitt then reordered the agenda to discuss and consider Action Item #5. Mayor
391 Pro Tem Lewis made a motion to approve the resolution calling a Special Election
392 associated with putting forth proposed ballot language to the voters concerning
393 proposed Charter Amendments. Councilmember Milder seconded the motion. The
394 motion passed by a vote of 7 ayes to 0 nays.

395
396 **XIII. ACTION ITEMS**

- 397
398 1. **MIS2015-001** - Discuss and consider a request by Dub Douphrate of
399 Douphrate & Associates, Inc. on behalf of D. R. Horton for the approval of
400 an alternative tree mitigation plan for Phase IV of the Lakeview Summit

401 Subdivision being a 38.056-acre subdivision situated within the J. H. B.
402 Survey, Abstract No. 124 and Nathan Butler Survey, Abstract No. 21, City
403 of Rockwall, Rockwall County, Texas, zoned Planned Development
404 District 29 (PD-29) for residential land uses, located along the northern
405 side of N. Lakeshore Drive east of the intersection of N. Lakeshore Drive
406 and N. Goliad Street [SH-205], and take any action necessary.

407 **Planning Director Robert LaCroix provided background information related to this**
408 **agenda item, explaining that the request is for approval of an alternative tree mitigation**
409 **plan. Instead of having trees bought and delivered, the applicant would like to pay for**
410 **the trees by depositing money into the city's tree mitigation fund.**

411
412 **Dub Douphrate**
413 **Douphrate & Associates**
414 **2235 Ridge Road**
415 **Rockwall, TX**

416
417 **Mr. Douphrate indicated that he is here tonight representing DR Horton.**

418
419 **Mayor Pruitt clarified that the city does not have any big projects going right now or any**
420 **place to put this large number of physical trees. Mr. Griggs, Assistant City Manager,**
421 **confirmed this and indicated that the money in lieu of the trees is a better option at this**
422 **point.**

423
424 **Councilmember White made a motion to approve MIS2015-001. Councilmember Daniels**
425 **seconded the motion, which passed by a unanimous vote of Council (7 ayes to 0 nays).**

- 426
427 **2. Z2014-040 - Discuss and consider approval of an ordinance for a request**
428 **by Cameron Slown of FC Cuny Corporation on behalf of Tom Kirkland of**
429 **Tekmak Development Company for the approval of a Specific Use Permit**
430 **(SUP) for a hotel on a 2.968-acre tract of land identified as Lot 3A, Block**
431 **A, Shoreline Plaza Addition and Lot 1-1, Block A, Henry Africa**
432 **Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned**
433 **Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30**
434 **OV) District, located at the southeast corner of the intersection of the IH-**
435 **30 Frontage Road and Lakefront Trail, and take any action necessary.**
436 **(1st Reading)**

437 **The city's Architectural Review Board (ARB) did reconvene after the last city council**
438 **meeting, and some changes have been made to the rendering by the applicant as a result**
439 **of recommendations of the ARB. Mr. Kirkland explained that the event/conference space**
440 **was originally proposed to be 3,000 square feet. However, this planned space has been**
441 **increased to about 3,650 square feet without encroaching on the pre-function event**
442 **space. The pre-function area has increased from 1,000 square feet to now 1,800 square**
443 **feet.**

444
445 **Councilmember Lewis clarified the increases in square footage for the event space (3,650**
446 **sq. ft.) and the pre-event space (1,800 sq. ft.). He also clarified that the outdoor**
447 **courtyard space would be 2,030 square feet, and it will be fully enclosed.**

448
449 **Mr. Kirkland indicated that pretty significant renovations typically occur with Marriott**
450 **properties about six to seven years after the hotel opens in order to maintain a certain**

451 level and quality of appearance. He stated that his franchise agreement will be for twenty
452 years; however, he will most likely begin looking to renew the agreement after about
453 fifteen years. Marriott also has an ongoing quality assurance program where the hotel
454 gets graded once per month for cleanliness and quality of the property and services.
455

456 Councilmember Townsend asked how many people the event space will now
457 accommodate since the square footage has increased. Mr. Kirkland indicated that in
458 round seating of tables of ten, it will accommodate about 250-300 people. Regarding the
459 outdoor courtyard area, it will not be covered (no roof); however, some portions of it will
460 have trellises, and the perimeter will be closed in.
461

462 Councilmember Milder thanked Mr. Kirkland for the changes made to the original plan
463 and for his responsiveness to some of the council's concerns.
464

465 Councilmember Townsend made a motion to approve Z2014-040 with the understanding
466 that the square footage will be increased to 3,650 for the ballroom event space. Mayor
467 Pro Tem Lewis clarified that the pre-event space will increase to 1,800 square feet and
468 the courtyard space will increase to 2,030 square feet.
469

470 Mayor Pro Tem Lewis then seconded the motion. The ordinance was read as follows:

471
472 CITY OF ROCKWALL
473 ORDINANCE NO. 15-__
474 SPECIFIC USE PERMIT NO. S-1__
475

476 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
477 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
478 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,
479 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC
480 USE PERMIT (SUP) FOR A HOTEL WITHIN PLANNED
481 DEVELOPMENT DISTRICT 32 (PD-32), FOR A 2.968-ACRE LOT,
482 CONTAINING TWO (2) PARCELS OF LAND IDENTIFIED AS LOT 3A,
483 BLOCK A, SHORELINE PLAZA ADDITION (1.824-ACRES) AND LOT
484 1-1, BLOCK A, HENRY AFRICA ADDITION (1.143-ACRES), CITY OF
485 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
486 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT
487 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
488 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
489 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
490 EFFECTIVE DATE.
491

492 The motion passed unanimously of council (7 ayes to 0 nays).
493

494 3. Discuss and consider Resolution commending the Regional
495 Transportation Council's (RTC) and Texas Department of Transportation
496 (TxDOT) responsiveness to the City's concerns regarding the Blacklands
497 Corridor toll road, and take any action necessary.

498 City Manager Rick Crowley provided background information related to this agenda item.
499 Mayor Pruitt indicated that he requested this agenda item be placed on the city council
500 agenda. He expressed gratitude for having recently found out that TXDOT entirely
501 removed any reference to the Blacklands Corridor/Tollway project from its future plans.
502 Mayor Pruitt indicated that the city would like IH-30 to increase free road lanes to the

503 existing IH-30 interstate lanes in and out of the City of Rockwall. He would also like to
504 see service roads extend at least to Horizon (further than Dalrock) so that IH-30 does not
505 get shut down due to wrecks on the interstate. Mayor Pruitt then made a motion to
506 approve the resolution. Councilmember White seconded the motion, which passed by a
507 vote of 7 ayes to 0 nays.
508

509 4. Discuss and consider authorizing the city manager to execute the
510 Contract for Election Services between the City of Rockwall, Rockwall
511 County Elections Administrator and the Rockwall Independent School
512 District (RISD), and take any action necessary.

513 City Manager Rick Crowley provided brief background information related to this agenda
514 item. City Secretary Kristy Ashberry pointed out that early voting for Rockwall citizens
515 will not be held at the County Elections Office, but, instead, it will be held at the Rockwall
516 County Library. Councilmember White asked if the city ever received reimbursement for
517 the \$10 we had to pay for our own list of registered voters. Ms. Ashberry indicated that,
518 no, we did not receive a reimbursement; however, the new county elections
519 administrator has indicated that we will not be charged for that list in the future.
520

521 Councilmember White made a motion to authorize the City Manager to execute the
522 contract. Mayor Pro Tem Lewis seconded the motion. After brief comments, the motion
523 passed by a vote of 7 ayes to 0 nays.
524

525 5. Discuss and consider approval of a resolution calling a Special Election to
526 be held on May 9, 2015 in conjunction with the General Election for the
27 purpose of submitting proposed amendments to the City Charter to the
28 voters, and take any action necessary.

529 Assistant City Manager Rick Crowley indicated that this item was previously addressed
530 by the city council earlier on in the meeting following Public Hearing item #1.

531 6. Discuss and consider a recommendation from the City Council's Hotel
532 Tax Subcommittee regarding funding request for the Rockwall Rubber
533 Duck Regatta and a new Memorial Day event and take any action
534 necessary.

535 Assistant City Manager Mary Smith indicated that Councilmembers Lewis, Townsend and
536 White serve on the hotel/motel tax subcommittee. She explained that the Rockwall
537 Rubber Duck Regatta originally requested \$32,200 for their upcoming event. After
538 careful consideration, the subcommittee is recommending \$20,000 in funding. Of that
539 amount, about \$7,200 will come back to the city for rental of the Harbor facility.
540

541 In addition, the city's Recreation staff was approached by representatives of some local
542 veterans groups, who want to partner with the city on a newly, revamped Memorial Day
543 event. The city's staff would be in charge of the logistics, and Commissioner Gilbert,
544 Gary Bunch and others would take care of scheduling speakers and the program. The
545 cost of set-up, sound and performers is estimated to be \$5,000, and the subcommittee is
546 recommending approval of this \$5,000 funding request.
547

548 Councilmember Daniels expressed concern about having difficulty following and
49 understanding the form and associated dollar figures included in the city
50 councilmember's packet concerning the funding requests submitted by each of these

551 organizations. It was suggested that perhaps staff could modify the form to be more
552 easily understood to a lay person.
553

554 After brief comments, Councilmember White made a motion to approve the funding
555 requests for the Rubber Duck Regatta and the new Memorial Day event. Councilmember
556 Townsend seconded the motion, which passed unanimously of council (7 ayes to 0
557 nays).

558
559 7. Discuss and consider appointments to city advisory boards, specifically
560 the Art Review Team (ART) Commission, and take any action necessary.

561
562 There was no action taken at this time concerning this item.
563

564 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
565 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
566

567 1. Departmental Reports
568 Building Inspections Monthly Report - December 2014
569 Fire Department Monthly Report - December 2014
570 Fire Department Annual Report - 2014
571 Harbor PD Monthly Report - December 2014
572 Internal Operations Department Monthly Report - December 2014
573 Meals on Wheels Senior Services Quarterly Report
574 Police Department Monthly Report - December 2014
575 Recreation Monthly Report - December 2014
576 Rockwall Animal Adoption Center Report - December 2014

577 2. City Manager's Report
578

579 City Manager Crowley pointed out that tomorrow night the annual Rockwall Chamber
580 Awards Banquet will be held, and the annual Rockwall PAWS event will take place this
581 weekend. Assistant City Manager Brad Griggs provided an update on the number of kids
582 and teams signed up for this year's baseball and softball league. No action was taken
583 concerning this agenda item.
584

585 **XV. EXECUTIVE SESSION**
586

587 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
588 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
589 CODE:

590 1. Discussion regarding the following legal claim: TF-Harbor LLC v. City of
591 Rockwall, Texas and Rockwall Rental Properties L.P. pursuant to Section
592 551.071 (Consultation with Attorney)

593 2. Discussion regarding Economic Development prospects pursuant to
594 Section 551.087 (Economic Development)

595 3. Discussion regarding possible claim or settlement agreement related to
596 enforcing the city's sign ordinance regarding a billboard pursuant to
597 Section 551.071 (Consultation with Attorney).

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4. Discussion regarding pending litigation: Tracie Peters individually and as next friend (Parent) for Noah Peters V. City of Rockwall and Lara Pitek pursuant to Section 551.071 (Consultation with Attorney)

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

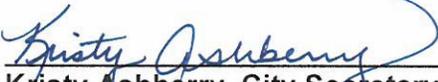
The Council did not reconvene in Executive Session following the close of the public meeting agenda.

XVII. ADJOURNMENT

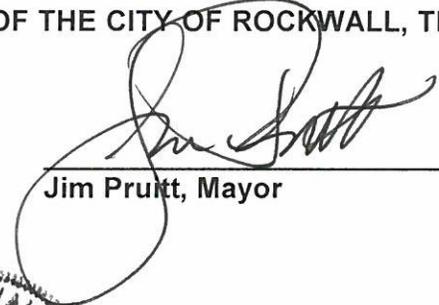
The meeting was adjourned at 7:18 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of February, 2015.

ATTEST:



Kristy Ashberry, City Secretary



Jim Pruitt, Mayor



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4
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6

MINUTES
ROCKWALL CITY COUNCIL
Monday, February 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 City Council Members David White, Mike Townsend,
11 John Hohenshelt, Scott Milder and Bennie Daniels. Also present were City Manager Rick
12 Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank
13 Garza.

14
15 II. WORK SESSION

- 16
17 1. Hold Work Session to discuss the acquisition of portable furniture for San Jacinto Plaza,
18 and take any action necessary.

19
20 City Manager Rick Crowley provided brief, introductory comments related to this work
21 session item, indicating that Parks & Recreation staff has included several different
22 portable furniture options in the council members' informational meeting packet for
23 review and consideration. Assistant City Manager Brad Griggs indicated that the City of
24 Dallas utilizes this same company and similar furniture in Clyde Warren Park in
25 downtown. Mayor Pruitt asked where the furniture will be stored. Mr. Griggs indicated
26 that it will mostly be kept out; however, it would be able to be stored at The Center if and
27 when needed. Mr. Crowley indicated he would like the council's feedback concerning
28 who should be involved in selection of furniture for the San Jacinto Plaza.
29 Councilmember Daniels asked if the furniture that has been evaluated is sturdy enough
30 to withstand high winds. Mr. Griggs indicated that, yes, even though it is light weight, it
31 is pretty durable and should be ok. Councilmember Milder expressed concern related to
32 it being left out overnight. Councilmember Hohenshelt suggested that a variety of table
33 sizes be chosen to accommodate both couples and small groups. Mayor Pro Tem Lewis
34 asked if graffiti will come off of the furniture easily. Mr. Griggs indicated that he believes
35 it will come off pretty easily. Lewis expressed that he favors the "Bistro Collection" that
36 is included in the council packet. Mr. Griggs indicated that a combination of two seat
37 tables and four seat tables will likely be selected, and a possible combination of high
38 tops and low tops may be selected. Councilmember White suggested that staff and / or
39 whomever oversees maintenance of the plaza should chose the furniture (possibly staff
40 members Bethany Browning and Andy Hesser). Councilmember White inquired as to the
41 expected lifespan of the furniture. Mr. Griggs indicated it will likely be about five to
42 seven years. The general consensus among council members was to allow staff to
43 choose the furniture. No formal action was taken regarding this agenda item.

- 44
45 2. Hold Work Session to discuss and consider initiating amendment to the Unified
46 Development Code in Article IX. Tree Preservation, Section 11. Tree Fund, Section 11.1
47 Tree Fund Administration, and take any action necessary.
48

49 Mr. Crowley began discussion of this item, indicating that this change is related to how
50 the city uses funds it receives from developers associated with tree mitigation. Assistant
51 City Manager Brad Griggs provided additional comments, indicating that this change
52 would allow for funds received to be used to purchase, not only trees, but also any type
53 of plant material that is not an “annual,” such as shrubs and bushes. It would also allow
54 funds to be used to pay for the installation or equipment needed for installation. This
55 change would also allow for funds to be spent on purchase and installation of irrigation
56 systems to keep new plantings alive. He explained that the city has received about
57 \$235,000 in tree credit payments in the last several months. City Manager Rick Crowley
58 mentioned that if the city council is ok with this amendment, in general, then staff will run
59 it through the Planning & Zoning Commission for them to evaluate it and submit its
60 recommendation back to the council for formal consideration and action at a later date.
61 The council generally agreed to this, and no formal action was taken related to this
62 agenda item at this time.

63
64 3. Hold Work Session to discuss and consider city branding, including updating the city
65 logo, and take any action necessary.
66

67 Assistant City Manager Mary Smith provided introductory comments related to this work
68 session item, including rough, preliminary costs associated with changing out the city’s
69 logo (i.e. cost associated with things such as facility monument signs, street signs,
70 business cards, vehicle decals, city flags, letterhead, water towers, etc.). She indicated
71 that a rough estimate of cost associated with a logo change is about \$367,720.00. Brief
72 comments were provided related to possibly phasing in a new logo should the council
73 opt to move forward with its modification.
74

75 Mayor Pruitt indicated that he has reviewed the rendering of the suggested new logo, and
76 he believes it only conveys the ‘lake’ part of our city and not the peacefulness of it.
77 Mayor Pruitt expressed that he would like the city council to ensure that the proposed,
78 new logo conveys that which the city wishes to convey about itself.
79

80 Councilmember Milder expressed that the current logo is dated, and he believes the
81 city’s logo and brand should reflect who we are today and what we want to be in the
82 future. He believes that the updated design currently being proposed has a lot of
83 symbolism to it. He feels like it is time for the city to move forward with changing its
84 brand and logo, even if it is not this particular logo currently being circulated.
85

86 Councilmember Hohenshelt explained that the thought of a potential logo change and
87 rebranding was birthed out of discussions at the REDC because they were considering
88 new, improved marketing strategies to help better attract businesses to Rockwall. He
89 explained that the REDC board looked at about 25 potential logo designs in consultation
90 with a consultant, Billy Quinton of QBall Designs, before narrowing the options down to
91 this particular one.
92

93 Councilmember Daniels expressed that he agrees the city should be looking at
94 rebranding itself. However, he does not see a striking difference in the logo included in
95 the council packet versus the one the city currently utilizes. He generally expressed a
96 desire to have some additional expertise and input from a professional in the business of
97 marketing and branding. He does not disagree that the city may need a new logo and
98 new branding; however, he questions if this particular logo is the most desirable one. He
99 also expressed concern about tying in the colors of the two existing high schools on the

100 flag of the boat's mast in the draft logo. He believes this will be problematic a few years
101 into the future when a third or fourth high school is opened in the city.
102

103 Councilmember Milder clarified that perhaps what Councilmember Daniels would like to
104 see is a consultant who could assist with 'branding' and not just graphic design
105 associated with a logo depiction. Councilmember Daniels generally seemed to agree
106 that 'branding,' including input and thought beyond just a pictorial representation is a
107 good idea. For example, maybe a slogan should be created to go along with a new logo.
108

109 Councilmember Hohenshelt indicated that when the REDC began looking at revamping
110 its logo, its main concerns were that the current logo did not communicate that Rockwall
111 is a Texas city, and it did seem like the city's current logo was outdated and needed a
112 new, fresh look.
113

114 Mr. Crowley explained that the square version of the city's logo was initially created in
115 about 1983 or so, and it was slightly revamped with updated colors and round instead of
116 a square depiction in about 2003 or 2004.
117

118 Mayor Pruitt indicated that he and Councilmember Milder requested this work session
119 item, not necessarily for the purpose of taking any action, but to begin discussions of
120 this topic.
121

122 Councilmember Milder suggested that three council members be selected to form a
123 subcommittee of the council in order to further explore this topic.
24

25 Councilmember White indicated that he has no problem with the REDC and the city
26 having different logos. He pointed out that not having an updated logo or "brand" has
27 not stopped businesses and residents from coming to and moving to Rockwall.
28 Rockwall has continued to be a very fast growing city, and he believes the city has been
29 doing just fine with the logo it has now.
130

131 Councilmember Hohenshelt asked if the city council is generally ok with him reporting to
132 the REDC that they are free to move forward with a new logo and marketing plan if they
133 would like to do so. Council members generally indicated that, yes, doing so will be ok.
134

135 Mayor Pruitt indicated that he concludes the city council will, at this point, not proceed
136 with initiating a new city logo. He did offer a suggestion that the REDC consider the
137 concern that Councilmember Daniels pointed out regarding not including the colored
138 flags on the boat's mast, which currently represent the school colors of the city's
139 existing, two high schools.
140

141 Mr. Crowley mentioned that, at some point, he would like to have a discussion with the
142 council regarding possible, future strategic planning as well as the city's future
143 marketing strategy.
144

145 Following the work session items, Mayor Pruitt read the below listed discussion items
146 into the record before recessing the public meeting into Executive Session at 4:45 p.m.
147

48

49

150

151 **III. EXECUTIVE SESSION**

152
153 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
154 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
155 **CODE:**

- 156 1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex
157 RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
- 158 2. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas
159 and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with
160 Attorney)
- 161 3. Discussion regarding legal claim related to back up of city sewage line in Random Oaks
162 Subdivision pursuant to Section 551.071 (Consultation with Attorney)
- 163 4. Discussion regarding Economic Development prospects and potential incentive
164 agreement pursuant to Section 551.087 (Economic Development)

165
166 **IV. ADJOURN EXECUTIVE SESSION**

167
168 **Executive Session was adjourned at 5:45 p.m.**

169
170 **V. RECONVENE PUBLIC MEETING**

171
172 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council**
173 **members present.**

174
175 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

176
177 **Mayor Pro Tem Lewis indicated that no action was needed as a result of Ex. Session.**

178
179 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

180
181 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**

182
183 **VIII. PROCLAMATIONS / AWARDS**

- 184
185 1. **Engineers Week**

186
187 **Mayor Pruitt called forth City Engineer, Tim Tumulty, and read and presented him with**
188 **this proclamation.**

189
190 **IX. CONSENT AGENDA**

- 191
192 1. Consider approval of the minutes from the February 2, 2015 regular city
193 council meeting, and take any action necessary.

- 194 2. **P2015-003** - Discuss and consider a request by Christopher Orr of
195 Arcadia Lakes of Somerset Holdings, LLC for the approval of a master
196 plat and open space plan for Phases 1 & 2 of the Somerset Park
197 Subdivision, containing 309 single-family residential lots on a 139.354-
198 acre tract of land identified as Tracts 1 & 7 of the A. Johnson Survey,

199 Abstract No. 123, City of Rockwall, Rockwall County, Texas, zoned
200 Planned Development District 63 (PD-63) for Single Family 10 (SF-10)
201 District land uses, situated within the SH-205 Overlay (SH-205 OV)
202 District, located at the northeast corner of the Intersection of FM-549 and
203 S. Goliad Street (SH-205), and take any action necessary.

- 204 3. **P2015-004** - Discuss and consider a request by Christopher Orr of
205 Arcadia Lakes of Somerset Holdings, LLC for the approval of a
206 preliminary plat for Phases 1 & 2 of the Somerset Park Subdivision,
207 containing 309 single-family residential lots on a 139.354-acre tract of
208 land identified as Tracts 1 & 7 of the A. Johnson Survey, Abstract No.
209 123, City of Rockwall, Rockwall County, Texas, zoned Planned
210 Development District 63 (PD-63) for Single Family 10 (SF-10) District land
211 uses, situated within the SH-205 Overlay (SH-205 OV) District, located at
212 the northeast corner of the Intersection of FM-549 and S. Goliad Street
213 (SH-205), and take any action necessary.

214 **Mayor Pro Tem Lewis made a motion to approve the entire consent agenda (#s 1, 2, and**
215 **3). Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0**
216 **nays.**

217
218 **X. APPOINTMENTS**

- 219
220 1. Appointment with the Planning and Zoning Chairman to discuss and
221 answer any questions regarding cases on the agenda and related issues
222 and take any action necessary.

223 **John McCutcheon of the city's Planning and Zoning Commission came forth and briefed**
224 **the council on recommendations of the Commission relative to items on tonight's**
225 **council agenda. The council took no action related to this agenda item.**

- 226
227 2. Appointment with Police Chief Mark Moeller to hear reports on racial
228 profiling, crime comparison and the holiday crime initiative, and take any
229 action necessary.

230 **Police Chief Mark Moeller came forth, indicating that the council has been provided with**
231 **the annual racial profiling report in their informational meeting packet. Councilmember**
232 **White commented that having had approximately 110 people consent to vehicle searches**
233 **this past year is an astounding number. Chief Moeller then provided brief comments on**
234 **the crime comparison of statistics of crimes the year before compared to this past year**
235 **as well as the statistics associated with the department's holiday crime initiative. The**
236 **Council thanked Chief Moeller for his hard work and took no action related to this agenda**
237 **item.**

238
239 **XI. PUBLIC HEARING ITEMS**

- 240
241 1. **Z2015-001** - Hold a public hearing to discuss and consider approval of an
242 ordinance for a request by James Jackson of Jackson Automotive for the
243 approval of a Specific Use Permit to allow for automotive vehicles to be
244 stored outside overnight in conjunction with an existing minor automotive
245 repair garage on a 0.88-acre parcel of land identified as Lot 2B-2, Block
246 A, Panex LTD Addition, City of Rockwall, Rockwall County, Texas, zoned
247 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV)

248 District, located at 608 White Hills Drive, and take any action necessary.
249 (1st reading)

250 Planning Director Robert LaCroix provided background information related to this
251 agenda item. He mentioned that Mr. Jackson's business has been operating in the city
252 since about 1983, and it was expanded by about 3,000 square feet several years ago. He
253 explained that Mr. Jackson is making this request because sometimes there is a need for
254 customer cars to be parked and stored outside of his business overnight, especially if he
255 is waiting on a part to come in or the customer is unable to come pick up their vehicle
256 right away when it is ready. Twenty-three notices were mailed out to property owners
257 within 500' of the property, and no notice replies have been received back by staff at this
258 time. He explained that the overnight parking would be limited to 18 parking spaces
259 located to the west of the property, and that no car will be parked outside overnight for
260 longer than a forty-eight (48) hour period. The Planning and Zoning Commission
261 unanimously recommended approval of this item.

262 Mayor Pruitt opened the public hearing and called forth the applicant.

263
264 Mr. James Jackson
265 608 White Hills Drive
266

267 Mr. Jackson came forth and explained that any of the vehicles that would be stored
268 overnight will not be able to be seen from passersby.
269

270 Mayor Pruitt asked if anyone else would like to come forth and speak. There being no
271 one else wishing to come forth, Mayor Pruitt closed the public hearing.
272

273 Councilmember Townsend made a motion to approve Z2015-001. Mayor Pro Tem Lewis
274 seconded the motion.
275

276 The ordinance was read as follows:

277
278 CITY OF ROCKWALL
279 ORDINANCE NO. 15-
280 SPECIFIC USE PERMIT NO. S-
281

282 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
283 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
284 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
285 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
286 ALLOWING FOR VEHICLES TO BE STORED OUTSIDE OVERNIGHT IN
287 CONJUNCTION WITH AN EXISTING AUTOMOTIVE REPAIR GARAGE,
288 MINOR WITHIN A COMMERCIAL (C) DISTRICT, BEING A 0.88-ACRE
289 PARCEL OF LAND IDENTIFIED AS LOT 2B-2, BLOCK A, PANEX LTD
290 ADDITION, AND GENERALLY LOCATED AT 608 WHITE HILLS DRIVE,
291 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE
292 SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL
293 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
294 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
295 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
296 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
297

298 The motion passed unanimously of council (7 ayes to 0 nays).
299

- 300 2. **Z2015-004** - Hold a public hearing to discuss and consider approval of an
301 ordinance for a request by Zack Amick of Gordon Rockwall Investments,
302 LLC on behalf of Keith Young for the purpose of amending Specific Use
303 Permit (SUP) S-107 to allow for a new car dealership on a ten (10) acre
304 tract of land identified as Tract 4-02 and Tract 4 of the N. M. Ballard
305 Survey, Abstract No. 24 and the A. Hanna Survey, Abstract No. 99, City
306 of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District,
307 situated within the IH-30 Corridor Overlay (IH-30 OV) District, addressed
308 as 1530 E. IH-30, and take any action necessary. **(1st reading)**

309 **Planning Director Robert LaCroix provided background information related to this**
310 **agenda item. He generally explained that the SUP will continue to allow the property to**
311 **be used in conjunction with the current Hyundai dealership while also allowing the**
312 **applicant flexibility to pursue other brands. The development enhancements would be**
313 **phased in over a three year period, and the SUP would be reviewed after three years.**
314 **The first phase would deal with the paving, drainage and detention ponds (engineering).**
315 **Part two would be to complete the concrete paving area, add some lighting and**
316 **landscaping. Lastly, the existing building would be remodeled to match the existing**
317 **Hyundai dealership adjacent to it. Mr. LaCroix indicated that thirty-three notices were**
318 **sent out to property owners located within 500' of the subject property. One notice was**
319 **received back today in favor of the request. The Planning & Zoning Commission did**
320 **recommend approval of this agenda item by a unanimous vote.**

321
322 **Mayor Pruitt opened the public hearing and called the applicant forth.**

323
324 **Zack Amick**
325 **1957 Stevens Road**
326 **Rockwall, Texas**

327
328 **He indicated that he is requesting this SUP for the primary reason of expanding the**
329 **business. He explained that they are exploring having another brand come to Rockwall.**
330 **He explained that the dealership is owned by Mr. Young, who has been in the car**
331 **dealership business his whole life. It is possible that the higher end product of Hyundai,**
332 **Genesis, may be brought to this location.**

333
334 **Mayor Pruitt asked if anyone else would like to come forth and speak. There being no**
335 **one else, Mayor Pruitt then closed the public hearing.**

336
337 **Councilmember Milder asked Mr. Amick what he would do with the property if the SUP**
338 **were not approved. Mr. Amick expressed that he is unsure what would be done with it if**
339 **the SUP is not approved. He explained that, prior to it being purchased and opened for a**
340 **Hyundai dealership, an RV storage and sales business operated out of this property. Mr.**
341 **Amick explained that Mr. Young, the current owner of the property and the Hyundai**
342 **dealership, intends to own and operate a car dealership out of this location for a long**
343 **time into the future.**

344
345 **Councilmember Townsend expressed that it makes him somewhat uneasy to not know**
346 **what type of car dealership business will eventually end up operating out of this location**
347 **in future years since the project is being proposed to be phased in over a three-year**
348 **period.**

350 Mayor Pruitt asked why the city is not requiring the applicant to finish Commerce Street.
351 Mr. LaCroix indicated that, eventually, this may happen as part of the platting process via
352 some sort of facilities agreement. Pruitt asked if the council is able to make this a
353 condition associated with granting this SUP. Mr. Garza indicated that, no, under the law,
354 that may not be included as a condition of the SUP. Pruitt indicated that spreading out
355 car dealerships and not allowing them right next to each other in a way that overloads a
356 certain area of the city is important, especially if car dealerships end up going under
357 years down the road.

358
359 Mr. Amick pointed out that there is very little frontage on IH-30 associated with this car
360 dealership. He also pointed out that the twenty-two acres located to the rear of this
361 property is also owned by Mr. Young, and he has plans to develop it with perhaps some
362 office/warehouse space.

363
364 Councilmember White made a motion to approve this SUP request (Z2015-004), including
365 staff recommendations. Mayor Pro Tem Lewis seconded the motion. The ordinance was
366 read as follows:

367 CITY OF ROCKWALL
368 ORDINANCE NO. 15-XX
369 SPECIFIC USE PERMIT NO. S-107

370
371 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
372 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
373 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,
374 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND SPECIFIC
375 USE PERMIT NO. S-107 TO ALLOW FOR A NEW MOTOR VEHICLE
376 DEALERSHIP ON A TEN (10) ACRE TRACT OF LAND IDENTIFIED
377 AS TRACTS 4 & 4-02 OF THE N. M. BALLARD SURVEY, ABSTRACT
378 NO. 24, AND THE A. HANNA SURVEY, ABSTRACT NO. 99, CITY OF
379 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
380 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT
381 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
382 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
383 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
384 EFFECTIVE DATE.

385
386 The motion passed by a vote of 5 in favor with 2 against (Pruitt and Milder).

- 387
388 3. Z2015-002 - Hold a public hearing to discuss and consider approval of an
389 ordinance for a request by Lawrence H. Ringley of Ringley & Associates,
390 Inc. on behalf of Jill Fisher of Steger Dunhill, LLC for the approval of a
391 Specific Use Permit to allow an automobile rental facility on a 0.215-acre
392 portion of a larger 4.218-acre parcel of land identified as Lot 3, Block A,
393 Steger Towne Crossing, Phase 1 Addition, City of Rockwall, Rockwall
394 County, Texas, zoned Commercial (C) District, located at 898 Steger
395 Towne Drive, and take any action necessary. (1st reading)

396 Planning Director Robert LaCroix provided background information related to this
397 agenda item. He explained that cars associated with this leasing operation would be
398 cleaned off-site and only minor cleaning, such as vacuuming, would take place. Cars
399 would be stored in the rear of the shopping center suite. Notices were mailed out to
400 fifteen property owners located within 500' of the property, and one notice was received
401 back today in favor. The Planning & Zoning Commission did recommend approval of

402 this item by a vote of 7 ayes to 0 nays. The Commission discussed the possibility of the
403 company having designated parking spaces in front of the business; however, this is
404 something the business would have to work out with the property management company
405 who owns the shopping center / parking lot.

406
407 Mayor Pruitt opened the public hearing and called the applicant forth.

408
409 **Jeff Wagner**
410 **3937 S. 26th Avenue**
411 **DFW Airport, Texas**

412
413 **Mr. Wagner** came forth and indicated that the company has had Rockwall on its radar for
414 quite a number of years now, and it would like to open a car rental operation at this
415 location, which he feels suits the needs of this car leasing business.

416
417 Mayor Pruitt asked if anyone else would like to come forth and speak during the public
418 hearing.

419
420 **Freddie Jackson**
421 **1812 Bristol Lane**
422 **Rockwall, TX**

423
424 **Mr. Jackson** came forth and expressed concern about the applicant indicating that the
425 cars will not be washed on site.

426
427 **Mr. Wagner** explained that if a car is dirty enough to need an external wash, it will be
428 taken down the road to a car wash that's attached to a gas station. Any vacuuming or
429 minor cleaning will take place behind the building.

430
431 There being no one else wishing to come forth and speak, Pruitt then closed the public
432 hearing.

433
434 Councilmember white made a motion to approve Z2015-002 with staff recommendations.
435 Mayor Pruitt seconded the motion. The ordinance was read as follows:

436
437 **CITY OF ROCKWALL**
438 **ORDINANCE NO. 15-**
439 **SPECIFIC USE PERMIT NO. S-**

440
441 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
442 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
443 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
444 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
445 ALLOWING FOR AN AUTOMOBILE RENTAL FACILITY, WITHIN A
446 COMMERCIAL (C) DISTRICT, BEING A 0.215-ACRE PORTION OF A
447 LARGER 4.218-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK
448 A, STEGER TOWNE CROSSING, PHASE 1 ADDITION, AND GENERALLY
449 LOCATED AT 898 STEGER TOWNE DRIVE, CITY OF ROCKWALL,
450 ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN
451 EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
452 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
453 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A

454 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
455 PROVIDING FOR AN EFFECTIVE DATE.
456

457 **The motion passed by a vote of 7 ayes to 0 nays.**
458

- 459 4. **Z2015-003** - Hold a public hearing to discuss and consider approval of an
460 ordinance for a request by Cole Franklin of the Skorburg Company on
461 behalf of the owner Larry Hance for the approval of a zoning change from
462 an Agricultural (AG) District to a Planned Development District for Single
463 Family 7 (SF-7) and General Retail (GR) District land uses for a 44.56-
464 acre tract of land identified as Tract 3 of the T. R. Bailey Survey, Abstract
465 No. 30, City of Rockwall, Rockwall County, Texas, zoned Agricultural
466 (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-
467 OV) District, located at the northwest corner of FM-552 and John King
468 Boulevard, and take any action necessary [Postponed to the March 2,
469 2015 City Council meeting.

470 **Mayor Pruitt announced that this item has been postponed to the March 2 city council**
471 **meeting. No discussion took place at this time, and no action was taken.**
472

473 **XII. ACTION ITEMS**
474

- 475 1. Discuss and consider a request from Mr. Richard and Ceci Chancellor to
476 install a 48" tall wrought iron fence in the required front yard located at
477 705 Pendleton Dr, and take any action necessary.

478 **Building Official Jeffrey Widmer provided brief background information related to this**
479 **agenda item.**
480

481 **Mayor Pruitt called Mr. Chancellor forth. Mr. Chancellor, 705 Pendleton Drive, came forth**
482 **and indicated that he would like to build this wrought iron fence in order to keep his**
483 **grandkids and puppy safe from the dangers of the street in front of his home. He**
484 **explained that it will be a short, 4' fence, and he shared that the rear of his property is**
485 **occupied by a swimming pool. He explained that there is a home located at the end of**
486 **his street that has a similar wrought iron fence in its front yard.**
487

488 **Mr. Widmer indicated that the other home is nine houses away from Mr. Chancellor's**
489 **home, and the variance granting the front yard fence was permitted in 2011. Mr. LaCroix**
490 **indicated that, as he recalls, that particular variance was granted in April of 2011 to**
491 **secure a dog.**
492

493 **Mayor Pruitt asked if there is any requirement for neighbors to be notified. Mr. LaCroix**
494 **indicated that as long as the front yard fence is kept to no more than 4' tall, then**
495 **neighbors do not have to be notified.**
496

497 **Councilmember White made a motion to grant permission for a 48" tall, wrought iron**
498 **front yard fence. Mayor Pro Tem Lewis seconded the motion. Councilmember Daniels**
499 **generally expressed that he believes other front yard fences have been allowed by**
500 **council in the past due to retaining walls being present and in order to rectify safety-**
501 **related concerns. He generally expressed concern about granting permission for this**
502 **front yard fence, as he cannot imagine that neighbors would really be okay with it.**
503 **Councilmember Milder expressed concern granting permission for this front yard fence**

504 as well. He is uncomfortable with the idea of a dog being out in the front yard and is
505 concerned that precedent may have already been set with the granting of a front yard
506 fence back in 2011 on the same street. Councilmember Hohenshelt asked if Mr.
507 Chancellor has spoken to his neighbors about his desire to build this front yard fence.
508 Mr. Chancellor expressed that he has not, that one of his neighbors just moved in a day
509 or two ago, and the other neighbor moved in about one-and-a-half months ago.
510

511 After clarifying comments, the motion on the floor (to approve the front yard fence)
512 passed by a vote of four in favor and 3 against (Pruitt, Milder and Daniels).
513

- 514 2. **Z2014-040** - Discuss and consider approval of an ordinance for a request
515 by Cameron Slown of FC Cuny Corporation on behalf of Tom Kirkland of
516 Tekmak Development Company for the approval of a Specific Use Permit
517 (SUP) for a hotel on a 2.968-acre tract of land identified as Lot 3A, Block
518 A, Shoreline Plaza Addition and Lot 1-1, Block A, Henry Africa
519 Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned
520 Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30
521 OV) District, located at the southeast corner of the intersection of the IH-
522 30 Frontage Road and Lakefront Trail, and take any action necessary.
523 **(2nd Reading)**

524 Mayor Pruitt made a motion to table this item until the next regularly scheduled city
525 council meeting. Councilmember Lewis seconded the motion, which passed by a vote of
526 7 ayes to 0 nays.

- 527
528 3. **SP2014-034** - Discuss and consider a request by Cameron Slown of FC
529 Cuny Corporation on behalf of Tom Kirkland of Tekmak Development
530 Company for the approval of waivers to Planned Development District 32
531 (PD-32) [Ordinance No. 10-21] and variances to the Unified Development
532 Code associated with a site plan for a hotel on a 2.968-acre tract of land
533 identified as Lot 3A, Block A, Shoreline Plaza Addition and Lot 1-1, Block
534 A, Henry Africa Subdivision, City of Rockwall, Rockwall County, Texas,
535 zoned Planned Development District 32 (PD-32), situated within the IH-30
536 Overlay (IH-30 OV) District, located at the southeast corner of the
537 intersection of the IH-30 Frontage Road and Lakefront Trail, and take any
538 action necessary.

539 Mayor Pruitt made a motion to table this item until the next regularly scheduled city
540 council meeting. Councilmember Daniels seconded the motion, which passed
541 unanimously (7 ayes to 0 nays).

- 542 4. Discuss and consider various bills being proposed in the 84th Texas
543 State Legislative Session and consider authorizing the City Manager to
544 enter into an agreement with Capitol Insights for support in monitoring this
545 legislative session, and take any action necessary.

546 Mr. Crowley provided brief background information related to this agenda item.
547 Councilmember Townsend asked for clarification regarding if Capitol Insights would only
548 be monitoring the session on our behalf or if they would also be doing some lobbying
549 too. Mr. Crowley indicated that this agreement would be limited to the company
550 monitoring proposed bills, and it would not include lobbying services on the city's
551 behalf. Mayor Pruitt pointed out that the legislative session is roughly 1/3 of the way

552 through at this point. Pruitt indicated that a few of the bills that are being monitored by
553 the TX Municipal League (TML) are being watched because TML is opposed to them;
554 however, he would actually be in favor of lobbying in favor of some of them.
555

556 Councilmember Hohenshelt asked how staff would be fielding information to and from
557 the council concerning bills that have been proposed. In other words, how would staff
558 and the company be gleaning insight from the city council concerning its position on
559 certain bills. Mr. Crowley indicated that staff would be periodically approaching the
560 council to find out its stance on certain bills.
561

562 Mayor Pruitt expressed he believes TML does a good job of keeping the city informed.
563 He is therefore not in favor of spending taxpayer money to monitor issues the city can
564 monitor on its own. However, if the city has opposing viewpoints contrary to TML's
565 stance on certain bills, he may be in favor of the city hiring a lobbyist to speak on the
566 city's behalf. After the brief discussion, no action was taken concerning this agenda
567 item.
568

- 569 5. Discuss and consider initiating a survey for the purpose of soliciting
570 citizen feedback and input regarding city programs and services, and take
571 any action necessary.

572 Mr. Crowley indicated that conducting a new citizen survey was not necessarily included
573 in the budget this year; however, it could be funded out of the general fund should the
574 council decide to move forward with one. He pointed out that Councilmember Milder
575 requested this agenda item for discussion and consideration, and staff stands prepared
576 to move forward as directed by council.
577

578 Councilmember Milder indicated that he would like a survey conducted in order to gain
579 insight as to what citizens like and dislike in order to help the city council members make
580 informed decisions that are most favorable to citizens' wants and desires. Milder
581 indicated a desire to instruct the city manager to begin investigating possible firms to
582 assist with conducting a citizen survey, and he suggested that a survey be conducted
583 annually.
584

585 Mayor Pro Tem Lewis asked what the 'return rate' was the last time a citizen survey was
586 conducted. Mr. Crowley indicated that the last return rate was about twelve percent
587 (12%). He asked how much money may have been spent on printing and mailing the past
588 survey. Mr. Crowley indicated that about \$25,000 was previously spent. Also, he pointed
589 out that phone surveys are fairly difficult, especially since most people no longer have
590 home phones.
591

592 Councilmember White indicated that there is no way he will support conducting a survey.
593 He pointed out that the city council must be willing to take positive, responsive action in
594 response to the feedback it receives, and, a lot of times, action associated with feedback
595 on a survey is not possible (i.e. citizens wanting a Sprouts or a Whole Foods – the
596 council cannot do a lot about this sort of thing). He instead suggested that staff
597 communicate with citizens in other ways in order to glean feedback from them. He has
598 concerns about having such a low return rate (12%), and he believes it is a waste of
599 taxpayer money.
600

601 Councilmember Townsend pointed out that, every year, someone on the city council is
602 up for election, and, therefore, every year citizens have a chance to weigh in on their
603 local government and how it is being operated. He believes that city council members
604 are elected for the purpose of listening to their constituents.
605

606 Councilmember Daniels asked how many households are in Rockwall. Mrs. Smith
607 indicated that about 14,000 households are in the city. Councilmember Daniels generally
608 indicated mixed feelings about conducting a citizen survey. Mr. Daniels suggested doing
609 a "sample survey" of a limited number of residents to glean feedback that could then,
610 statistically, be applied to residents of the city as a whole. He indicated he worked for
611 the U.S. Census for a while, and he believes a person can make survey results show
612 whatever he wants them to show. He believes surveys do help uncover some helpful
613 information, however, he believes it is important to keep financial costs in mind.
614

615 Councilmember Milder indicated he appreciates the opinions of other council members;
616 however, he believes a survey can genuinely be designed in order to gain sound,
617 valuable feedback from citizens to help the council in making future decisions. He
618 generally expressed that he believes there is value in conducting surveys in order to gain
619 objective, real feedback. He suggested that the city needs to be more strategic in
620 considering critical issues facing the city. He pointed out that a very small percentage of
621 citizens show up to vote and elect city council members. However, it is still important to
622 solicit feedback from citizens living in the city even if they don't vote.
623

624 Councilmember White indicated that staff should be advising on certain matters, and, if
625 citizens have concerns, they are always welcome and invited to email council members
626 to express such concerns. He believes that the city gets a lot of positive feedback via
627 things such as magazines naming Rockwall one of the greatest places to live.
628

629 Councilmember Hohenshelt weighed in indicating that if there were very specific topics
630 that the city council wanted to ask of citizens, then he could maybe see merit in
631 conducting a survey. However, if questions asked were vague in nature, he would not be
632 largely in favor of conducting a survey of that nature.
633

634 Mayor Pruitt suggested that strategic planning or citizen surveys may be topics best
635 discussed at council/staff planning retreats. There being no motions made concerning
636 this item, no action was taken.
637

638 Mayor Pruitt then called for the meeting to be adjourned (7:42 p.m.).
639

640 XIII. 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 1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex
646 RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
- 647 2. Discussion regarding the following legal claim: TF-Harbor LLC v. City of Rockwall, Texas
648 and Rockwall Rental Properties L.P. pursuant to Section 551.071 (Consultation with
649 Attorney)

650 3. Discussion regarding legal claim related to back up of city sewage line in Random Oaks
651 Subdivision pursuant to Section 551.071 (Consultation with Attorney)

652 4. Discussion regarding Economic Development prospects and potential incentive
653 agreement pursuant to Section 551.087 (Economic Development)

654 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
655

656 **The council did not reconvene in Executive Session following the close of the public**
657 **meeting agenda.**

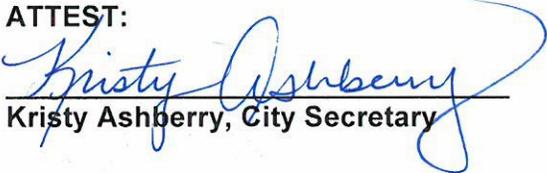
658
659 **XV. ADJOURNMENT**

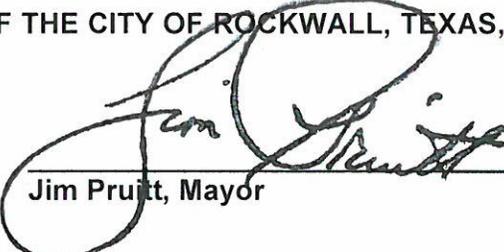
660 **The meeting was adjourned at 7:42 p.m.**
661
662
663

664 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
665 **this 2nd day of March, 2015.**

666
667

668 **ATTEST:**

669 
670 Kristy Ashberry, City Secretary
671



Jim Pruitt, Mayor



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2
3
4
5
6

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 02, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

7
8

I. CALL PUBLIC MEETING TO ORDER

9
10
11
12
13
14
15

Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Member David White, Mike Townsend, John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and legal counsel Patrick Lindner. Mayor Pruitt read the below listed discussion items into the record before recessing the public meeting to go into Executive Session.

16
17

II. EXECUTIVE SESSION.

18
19
20
21

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

- 22
23
24
25
26
27
28
29
30
31
32
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34
35
36
37
38
1. Discussion regarding proposed Development Agreement with Lakefront Trail Rockwall Hotel pursuant to Section 551.071 (Consultation with Attorney).
 2. Discussion regarding possible claim or settlement agreement related to enforcing the city's sign ordinance regarding a billboard pursuant to Section 551.071 (Consultation with Attorney).
 3. Discussion regarding Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
 4. Discussion regarding right-of-way land acquisition located near Justin Road and John King Blvd. pursuant to Section 551.072 (Real Property) and status of Temunovic condemnation proceeding pursuant to Section 551.071 (Consultation with Attorney).
 5. Discussion regarding Economic Development prospects and potential incentive agreement pursuant to Section 551.087 (Economic Development)
 6. Discussion regarding the position of Chief of Police pursuant to Section 551.074 (Personnel Matters)

39
40

III. ADJOURN EXECUTIVE SESSION

41
42

Executive Session was adjourned at 5:00 p.m.

43
44

IV. RECONVENE PUBLIC MEETING

45
46
47

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

48 V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

49
50 Mayor Pro Tem Lewis made a motion to authorize the city manager to finalize and sign
51 the agreement between the City of Rockwall and Lakepointe Trail Rockwall Hotel, LP
52 related to construction and operation of a hotel on an approximately 2.968-acre tract of
53 land identified as Lot 3A, Block A, Shoreline Plaza Addition and Lot 1-1, Block A, Henry
54 Africa Subdivision, City of Rockwall related to the rebate of city hotel occupancy taxes
55 provided, however, this approval and authorization is subject to council's approval of
56 items Z2014-040 and SP2014-034. Councilmember White seconded the motion, which
57 passed by a vote of 7 ayes to 0 nays.

58
59 VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT

60
61 Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.

62
63 VII. PROCLAMATIONS / AWARDS

- 64
65 1. Severe Weather Awareness Week

66
67 Mayor Pruitt invited Rockwall County Emergency Management Coordinator, Joe DeLane,
68 to come forth. He then read the proclamation and asked Mr. DeLane if he would like to
69 say a few words. Mr. DeLane shared that the National Weather Service will be hosting a
70 Storm Spotter training class on Saturday, March 7 that is free to the public and will be
71 held at the Rockwall County Library. He encouraged the public to attend.

72
73 VIII. OPEN FORUM

74
75 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to
76 come forth and speak during this time. There being no one indicating such, Mayor Pruitt
77 then closed Open Forum.

78
79 IX. CONSENT AGENDA

- 80
81 1. Consider approval of the minutes from the February 16, 2015 regular city
82 council meeting, and take any action necessary.
83
84 2. Consider approval of a resolution for the naming of the neighborhood
85 park located with the Stone Creek subdivision, and take any action
86
87 3. Consider approval of a resolution for the naming of the neighborhood
88 park located with the Breezy Hill subdivision, and take any action
89
90 4. **Z2015-001** - Consider approval of an **ordinance** for a request by James
91 Jackson of Jackson Automotive for the approval of a Specific Use Permit
92 to allow for automotive vehicles to be stored outside overnight in
93 conjunction with an existing minor automotive repair garage on a 0.88-
94 acre parcel of land identified as Lot 2B-2, Block A, Panex LTD Addition,
95 City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,
96 situated within the IH-30 Overlay (IH-30 OV) District, located at 608 White
Hills Drive, and take any action necessary. **(2nd reading)**

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5. **Z2015-002** - Consider approval of an **ordinance** for a request by Lawrence H. Ringley of Ringley & Associates, Inc. on behalf of Jill Fisher of Steger Dunhill, LLC for the approval of a Specific Use Permit to allow an automobile rental facility on a 0.215-acre portion of a larger 4.218-acre parcel of land identified as Lot 3, Block A, Steger Towne Crossing, Phase 1 Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, located at 898 Steger Towne Drive, and take any action necessary. **(2nd reading)**
- 105
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107
6. Consider approval of a resolution establishing the pro rata equipment fee related to the City's mandatory neighborhood park land dedication regulations and take any action necessary.
- 108
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110
7. Consider approval of a resolution regarding the cost per acre related to the City's mandatory neighborhood park land dedication regulations and take any action necessary.
- 111
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8. **P2015-005** - Consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of the owner Andrea Holliman for the approval of a replat for Lot 1, Block A, Hoardstroms Addition being a 0.47-acre tract of land identified as a portion of Lot 1 of the W. D. Austin Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 904 N. Goliad Street, and take any action necessary.
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9. **P2015-006** - Consider a request by Harold Fetty of H. D. Fetty Land Surveyor, LLC on behalf of the owners Chris and Jill Blasé for the approval of a replat for Lot 3, Block A, Blasé Addition being a 4.28-acre tract of land currently identified as Lot 3, Block A, Blasé Addition and a portion of Tract 11-3 of the A. Hanna Survey, Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10) District, addressed as 1220 East Fork Drive, and take any action necessary.
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132
10. Consider authorizing the city manager to execute a contract with MHS Planning and Design for the Stone Creek Neighborhood Park construction plans in the amount of \$71,200 to be funded from fees collected from developer contributions in accordance with the Mandatory Neighborhood Park Land Dedication ordinance and take any action necessary.
- 133
134
135
136
11. Consider approval of a professional engineering services contract with Birkhoff, Hendricks & Carter, LLP. for the Wastewater Flow Monitoring Study in the amount of \$285,800.00 to be funded from Revenue Bonds, and take any action necessary.
- 137
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142
12. Consider approval of a resolution authorizing the city manager to apply for and accept grant funding from the Violent Crimes Against Women (VCAW) Grant Program through the Criminal Justice Division of the Governor's Office for continuation of a previously received grant associated with the Domestic Violence Investigator / Prevention Officer, and take any action necessary.

143 Councilmember Milder requested to pull item #11 for further discussion. Councilmember
144 Townsend then made a motion to approve the remaining Consent Agenda Items (#1, 2, 3,
145 4, 5, 6, 7, 8, 9, 10, and 12). Councilmember Daniels seconded the motion. The
146 ordinances were read as follows:

147
148 CITY OF ROCKWALL
149 ORDINANCE NO. 15-06
150 SPECIFIC USE PERMIT NO. S-132

151
152 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
153 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
154 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
155 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
156 ALLOWING FOR VEHICLES TO BE STORED OUTSIDE OVERNIGHT IN
157 CONJUNCTION WITH AN EXISTING AUTOMOTIVE REPAIR GARAGE,
158 MINOR WITHIN A COMMERCIAL (C) DISTRICT, BEING A 0.88-ACRE
159 PARCEL OF LAND IDENTIFIED AS LOT 2B-2, BLOCK A, PANEX LTD
160 ADDITION, AND GENERALLY LOCATED AT 608 WHITE HILLS DRIVE,
161 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE
162 SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL
163 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
164 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
165 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
166 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

167
168 CITY OF ROCKWALL
169 ORDINANCE NO. 15-07
170 SPECIFIC USE PERMIT NO. S-133

171
172 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
173 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
174 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
175 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
176 ALLOWING FOR AN AUTOMOBILE RENTAL FACILITY, WITHIN A
177 COMMERCIAL (C) DISTRICT, BEING A 0.215-ACRE PORTION OF A
178 LARGER 4.218-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK
179 A, STEGER TOWNE CROSSING, PHASE 1 ADDITION, AND GENERALLY
180 LOCATED AT 898 STEGER TOWNE DRIVE, CITY OF ROCKWALL,
181 ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN
182 EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
183 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
184 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
185 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
186 PROVIDING FOR AN EFFECTIVE DATE.

187
188 The motion passed unanimously of council (7 ayes to 0 nays).

189
190 Regarding Consent Agenda item #11, Councilmember Milder expressed concern about
191 this large of an expenditure amount being placed on Consent for approval. He asked for
192 some clarification regarding the expenditure. City Engineer Tim Tumulty indicated that
193 this expense is related to hiring a consultant and sub-consultant to install thirty-eight
194 meters within the sanitary sewer storm system, meters that will stay in place for forty-five
195 (45) days. As it rains, these meters will help monitor what is really getting into the
196 sanitary sewer system. The data will be plugged into a model, and the Environmental

197 Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ)
98 will be for this information any time they look at a city's sewer system. Mr. Crowley
99 indicated that the money to fund this item will be taken out of revenue bonds.

200
201 Councilmember White made a motion to approve Consent Agenda item #11.
202 Councilmember Milder seconded the motion, which passed by a vote of 7 ayes to 0 nays.
203

204 X. APPOINTMENTS

205
206 1. Appointment with the Planning and Zoning Chairman to discuss and
207 answer any questions regarding cases on the agenda and related issues
208 and take any action necessary.

209 Chairman of the Planning and Zoning Commission, Craig Renfro, came forth and
210 provided brief information concerning recommendations of the Commission relative to
211 items on tonight's city council meeting agenda. The Council took no action concerning
212 this appointment item.

213
214 2. Appointment with representatives of Republic Waste to make
215 presentation of annual downtown improvement fund donation, and take
216 any action necessary.

217 Rick Bernas
218 Republic Services / Allied Waste
219 171 Pelican Cove Drive
220 Rockwall, TX

221
222 Mr. Bernas indicated that Republic is making two donations to the city this year. One
223 check is money that will go toward the downtown project, and the second one is for a
224 scholarship program that has been ongoing for many years. He stated that, over the
225 years, more than \$120,000 has been donated to the city. Tonight, they are donating
226 \$12,000 to the City of Rockwall.

227
228 The council accepted the check and thanked the company for what it does for the city.
229 No action was taken.

230
231
232 XI. PUBLIC HEARING ITEMS

233
234 1. **Z2015-003** - Hold a public hearing to discuss and consider approval of an
235 ordinance for a request by Cole Franklin of the Skorburg Company on
236 behalf of the owner Larry Hance for the approval of a zoning change from
237 an Agricultural (AG) District to a Planned Development District for Single
238 Family 7 (SF-7) District land uses for a 44.56-acre tract of land identified
239 as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of Rockwall,
240 Rockwall County, Texas, zoned Agricultural (AG) District, situated within
241 the SH-205 By-Pass Overlay (SH-205 BY-OV) District, located at the
242 northwest corner of FM-552 and John King Boulevard, and take any
243 action necessary. **(1st Reading) - [Postponed to the March 16, 2015
244 City Council Meeting]**

45 Mayor Pruitt announced that the applicant for this item has requested postponement
46 until the March 16, 2015 city council meeting. No discussion took place, and no action
47 was taken.

297 EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR
398 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
399 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
400 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
301 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
302

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

304
305 **XII. ACTION ITEMS**

- 306
307 1. **Z2015-004** - Discuss and consider approval of an **ordinance** for a
308 request by Zack Amick of Gordon Rockwall Investments, LLC on behalf of
309 Keith Young for the purpose of amending Specific Use Permit (SUP) S-
310 107 to allow for a new car dealership on a ten (10) acre tract of land
311 identified as Tract 4-02 and Tract 4 of the N. M. Ballard Survey, Abstract
312 No. 24 and the A. Hanna Survey, Abstract No. 99, City of Rockwall,
313 Rockwall County, Texas, zoned Light Industrial (LI) District, situated
314 within the IH-30 Corridor Overlay (IH-30 OV) District, addressed as 1530
315 E. IH-30, and take any action necessary. **(2nd reading)**

316 **Councilmember White made a motion to approve Z2015-004. Councilmember**
317 **Townsend seconded the motion. The ordinance was read as follows:**

318 **CITY OF ROCKWALL**
319 **ORDINANCE NO. 15-07**
20 **SPECIFIC USE PERMIT NO. S-133**

21
22 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
23 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [**ORDINANCE**
24 **NO. 04-38**] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
25 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
26 ALLOWING FOR AN AUTOMOBILE RENTAL FACILITY, WITHIN A
27 COMMERCIAL (C) DISTRICT, BEING A 0.215-ACRE PORTION OF A
28 LARGER 4.218-ACRE PARCEL OF LAND IDENTIFIED AS LOT 3, BLOCK
29 A, STEGER TOWNE CROSSING, PHASE 1 ADDITION, AND GENERALLY
30 LOCATED AT 898 STEGER TOWNE DRIVE, CITY OF ROCKWALL,
31 ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN
32 EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
33 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
34 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
35 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
36 PROVIDING FOR AN EFFECTIVE DATE.
337

338 **Mayor Pruitt indicated that he was opposed to this item upon first reading. He**
339 **expressed that he believes this location is located within an important corridor**
340 **along IH-30, and he is not comfortable with it being placed so near to the other**
341 **two car dealerships in the area. He believes car dealerships in this area should be**
342 **more spread out.**

343 **The motion passed by a vote of 5 ayes to 2 nays (Pruitt and Milder).**

- 44 2. **Z2014-040** - Discuss and consider approval of an **ordinance** for a
45 request by Cameron Slown of FC Cuny Corporation on behalf of Tom
346 Kirkland of Tekmak Development Company for the approval of a Specific

347 Use Permit (SUP) for a hotel on a 2.968-acre tract of land identified as
348 Lot 3A, Block A, Shoreline Plaza Addition and Lot 1-1, Block A, Henry
349 Africa Subdivision, City of Rockwall, Rockwall County, Texas, zoned
350 Planned Development District 32 (PD-32), situated within the IH-30
351 Overlay (IH-30 OV) District, located at the southeast corner of the
352 intersection of the IH-30 Frontage Road and Lakefront Trail, and take any
353 action necessary. **(2nd Reading)**

354 **Mayor Pro Tem Lewis made a motion to approve Z2014-040. Councilmember**
355 **White seconded the motion. The ordinance was read as follows:**

356 CITY OF ROCKWALL
357 ORDINANCE NO. 15-08
358 SPECIFIC USE PERMIT NO. S-134
359

360 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
361 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
362 CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL,
363 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC
364 USE PERMIT (SUP) FOR A HOTEL WITHIN PLANNED
365 DEVELOPMENT DISTRICT 32 (PD-32), FOR A 2.968-ACRE LOT,
366 CONTAINING TWO (2) PARCELS OF LAND IDENTIFIED AS LOT 3A,
367 BLOCK A, SHORELINE PLAZA ADDITION (1.824-ACRES) AND LOT
368 1-1, BLOCK A, HENRY AFRICA ADDITION (1.143-ACRES), CITY OF
369 ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR
370 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT
371 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
372 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
373 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
374 EFFECTIVE DATE.
375

376 **The motion passed unanimously of council (7 ayes to 0 nays).**

377 3. **SP2014-034** - Discuss and consider a request by Cameron Slown of FC
378 Cuny Corporation on behalf of Tom Kirkland of Tekmak Development
379 Company for the approval of waivers to Planned Development District 32
380 (PD-32) [Ordinance No. 10-21] and variances to the Unified Development
381 Code associated with a site plan for a hotel on a 2.968-acre tract of land
382 identified as Lot 3A, Block A, Shoreline Plaza Addition and Lot 1-1, Block
383 A, Henry Africa Subdivision, City of Rockwall, Rockwall County, Texas,
384 zoned Planned Development District 32 (PD-32), situated within the IH-30
385 Overlay (IH-30 OV) District, located at the southeast corner of the
386 intersection of the IH-30 Frontage Road and Lakefront Trail, and take any
387 action necessary.

388 **Planning Director Robert LaCroix provided background information related to this**
389 **agenda item, indicating that the applicant is asking for certain waivers and variances**
390 **related to building placement, landscape requirements, parking setback requirements,**
391 **parking garage design standards, and an increased building height.**
392

393 **Regarding the variances, these are standard variances to the Unified Development Code**
394 **on things like building materials and masonry requirements. The applicant would like to**
395 **put stone on the building, but it is a cultured stone with a limestone base. The stone**
396 **looks very good, and it looks very similar to real stone. It is the same type of material**

397 that was utilized on the Trend Tower. In addition, the applicant would like to utilize an
38 efface type material on the remainder of the building. It is a product that would be
39 applied in a three-part process. It is the same sort of higher grade efface material that
400 was utilized on the Hilton Hotel. Mr. LaCroix went on to explain that the applicant would
401 like to utilize alternative type trees that will be more of accent trees in lieu of canopy type
402 trees.

403
404 The Planning & Zoning Commission has recommended approval of these waivers and
405 variances by a vote of 6 in favor with 1 against. The one dissenting vote pertained to
406 concerns surrounding the alternative tree mitigation plan.

407
408 Mr. Tom Kirkland, applicant, came forth and addressed the council. He explained that
409 this particular site location presents several challenges related to development. For
410 example, the need to have only surface level parking for, not only the hotel guests but
411 also for the meeting space visitors, has posed challenges. He explained that regarding
412 the building materials, a Tuscan type stone cladding will be utilized with a three part
413 application process. Regarding the request related to tree mitigation, he explained that
414 requiring canopy type trees would negatively impact the surface level parking availability
415 by limiting the number of spaces. So, he is requesting to plant some alternative type
416 trees that are smaller in size. The site will be heavily landscaped, though, he explained.

417
418 Mayor Pruitt asked for clarification regarding the parking lot that comes from the Oar
419 House. He asked if there is a requirement for that parking lot to adjoin with the parking
420 lot on the hotel site. Mr. LaCroix explained that the applicant could include 'cross
421 access' to the adjacent property (owned by Mr. Clements), and the council could require
422 this. However, he explained that the existing plat on Mr. Clement's property does not
423 show any sort of 'cross access' between it and the adjacent property on which the hotel
424 will be located. This would have to be a mutual agreement between Mr. Clements and the
425 applicant.

426
427 Councilmember Milder made a motion to approve SP2014-034. Councilmember Daniels
428 seconded the motion. The motion passed by a vote of 7 ayes to 0 nays.

- 429
430 4. Discuss and consider a request from Mrs. Brandi Lewellwn with Sign Mart
431 representing At Waters Edge for a setback variance for a monument sign
432 located at 204 N Fannin St, and take any action necessary.

433 Building Official Jeffrey Widmer provided brief background information related to this
434 agenda item. He generally explained that the applicant is making this request because
435 placement of a sign in front of the building poses challenges related to the city's set back
436 requirements due to the fact the 'front yard' is not very deep.

437
438 Mayor Pro Tem Lewis made a motion to approve the variance request associated with a
439 monument sign at 204 N. Fannin Street. Councilmember Townsend seconded the
440 motion, which passed unanimously of council present.

- 441
442 5. Discuss and consider authorizing the city manager to enter into an
443 agreement with the Texas Parks and Recreation Foundation regarding
444 future park land located within the Breezy Hill development, and take any
445 action necessary.

446 **Assistant City Manager Brad Griggs explained that the developer is prepared to dedicate**
447 **the park land (11 acres) in accordance with the city's mandatory parkland dedication**
448 **regulations. In addition, 19 acres will be donated to the city as open space (mainly**
449 **heavily treed). He explained that the grant application is not until March 31. A Phase 1**
450 **environmental study (about \$9500) is required on all three parcels that will be dedicated.**
451 **There will also be a \$300 annual fee on the property to the Foundation to manage the**
452 **asset. This action would place the land in a trust for parks and wildlife grants.**

453 **Councilmember Townsend authorized the city manager to enter into an agreement with**
454 **the Texas Parks and Recreation Foundation regarding future park land located within the**
455 **Breezy Hill development. Councilmember Hohenshelt seconded the motion, which**
456 **passed unanimously of council (7 ayes to 0 nays).**

457 **6. Discuss and consider approval of a resolution supporting an application**
458 **for assistance from the Texas Recreation Parks Account Program**
459 **through the Texas Parks and Wildlife Department, authorizing the City**
460 **Manager to enter into a contract with MHS Planning and Design for grant**
461 **application submittal for the neighborhood park within Breezy Hill and**
462 **take any action necessary.**

463 **Mr. Griggs indicated that this item corresponds to Action Item #5 and is related to a grant**
464 **application which has a deadline of March 31. He explained that the city should know**
465 **something regarding approval of its application and receipt of the grant sometime in**
466 **August. Councilmember Milder pointed out that last year, the city council discussed**
467 **investing \$9,000 to hire a consultant to assist with a similar grant application that did end**
468 **up resulting in receipt of a \$400,000 grant.**

469 **Councilmember Townsend made a motion to approve the resolution. Mayor Pruitt**
470 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

471
472 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
473 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

474
475 **1. Departmental Reports**
476 **Building Inspections Monthly Report - January 2015**
477 **Fire Department Monthly Reports - January 2015**
478 **Harbor PD Monthly Report - January 2015**
479 **Internal Operations Department Monthly Report - January 2015.**
480 **Police Department Monthly Report - January 2015**
481 **Recreation Monthly Report - January 2015**
482 **Rockwall Animal Adoption Center Monthly Report - January 2015**

483 **2. City Manager's Report**
484

485 **Mayor Pruitt announced that the annual Citizens Fire Academy is coming up from March**
486 **17 through May 26. He encouraged anyone interested to apply to participate in this**
487 **program.**
488

489 **City Manager Rick Crowley indicated that departmental reports have been included in**
490 **council member packets, and staff stands prepared to answer any questions the council**
491 **may have. There being none, Mayor Pruitt adjourned the public meeting (6:54 p.m.).**
492
493

494 **XIV. EXECUTIVE SESSION**

95
96 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
497 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
498 **CODE:**

- 500 1. Discussion regarding proposed Development Agreement with Lakefront
501 Trail Rockwall Hotel pursuant to Section 551.071 (Consultation with
502 Attorney).
- 503 2. Discussion regarding possible claim or settlement agreement related to
504 enforcing the city's sign ordinance regarding a billboard pursuant to
505 Section 551.071 (Consultation with Attorney).
- 506 3. Discussion regarding Rockwall Harbor Landing, Inc. vs. City of Rockwall
507 pursuant to Section 551.071 (Consultation with Attorney)
- 508 4. Discussion regarding right-of-way land acquisition located near Justin
509 Road and John King Blvd. pursuant to Section 551.072 (Real Property)
510 and status of Temunovic condemnation proceeding pursuant to Section
511 551.071 (Consultation with Attorney).
- 512 5. Discussion regarding Economic Development prospects and potential
513 incentive agreement pursuant to Section 551.087 (Economic
514 Development)
- 515 6. Discussion regarding the position of Chief of Police pursuant to Section
16 551.074 (Personnel Matters)

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

518
519 **The Council did not reconvene in Executive Session following the close of the public**
520 **meeting. See action taken as a result of the first Executive Session (at start of 6:00 p.m.**
521 **public meeting).**

522
523 **XVI. ADJOURNMENT**

524
525 **The meeting was adjourned at 6:54 p.m.**

526
527
528 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
529 **THIS 16th day of MARCH, 2015.**

530
531
532 **ATTEST:**
533 *Kristy Ashberry*
534 _____
535 **Kristy Ashberry, City Secretary**

Jim Pruitt

Jim Pruitt, Mayor



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2
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4
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6

MINUTES
ROCKWALL CITY COUNCIL
Monday, March 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 Pro Tem Lewis called the public meeting to order at 4:00 p.m. Present were Mayor
10 Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John
11 Hohenshelt, Scott Milder and Bennie Daniels. Also present were City Manager Rick
12 Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank
13 Garza. Mayor Jim Pruitt was absent from the meeting.

14
15 II. EXECUTIVE SESSION.

16
17 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
18 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
19 CODE:

- 20
21 1. Discussion regarding the position of Chief of Police pursuant to Section 551.074
22 (Personnel Matters)
- 23 2. Discussion regarding possible claim or settlement agreement related to enforcing the
24 city's sign ordinance regarding a billboard pursuant to Section 551.071 (Consultation
25 with Attorney).
- 26 3. Discussion regarding Gary Jackson vs. City of Rockwall pursuant to Section 551.071
27 (Consultation with Attorney)
- 28 4. Discussion regarding appointments to the Board of Adjustments (city regulatory board)
29 pursuant to Section 551.074 (Personnel Matters)

30
31 III. ADJOURN EXECUTIVE SESSION

32
33 Executive Session was adjourned at 5:55 p.m.

34
35 IV. RECONVENE PUBLIC MEETING

36
37 Mayor Pro Tem Lewis reconvened the public meeting at 6:00 p.m. All city council
38 members except Mayor Pruitt were present.

39
40 V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

41
42 It was announced that no action will be taken as a result of Executive Session.

43
44 VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT

45
46 Mayor Pro Tem Dennis Lewis delivered the invocation and led the Pledge of Allegiance.
47

48 VII. PROCLAMATIONS / AWARDS

- 49
50 1. Police Department (Re)Recognition - Texas Police Chiefs Association Best
51 Practices
52

53 City Manager Rick Crowley provided brief comments related to this recognition,
54 indicating that this will be the second time that the Rockwall Police Department has
55 achieved this honor. Police Chief Mark Moeller then came forth and introduced Tom
56 Shehan, retired chief from DFW Airport, who made a brief presentation to recognize the
57 Rockwall PD.
58

59 VIII. CONSENT AGENDA

- 60
61 1. Consider approval of the minutes from the March 2, 2015 regular city
62 council meeting, and take any action necessary.
63
64 2. Consider approval of an ordinance for a City initiated request for the
65 purpose of designating the Historic Downtown Courthouse as a Local
66 Landmark per the designation procedures stipulated by Section 6.2,
67 Historic Overlay (HO) District, of the Unified Development Code, being a
68 0.918-acre parcel of land identified as Rockwall O T Addition, City of
69 Rockwall, Rockwall County, Texas, zoned Downtown (DT) District,
70 addressed as 101 E. Rusk Street, and take any action necessary. (2nd
Reading)
71
72 3. P2015-007 - Consider a request by Dub Douphrate of Douphrate &
73 Associates, Inc. on behalf of D. R. Horton 3. Homes for the approval of a
74 replat of Lakeview Summit, Phase IV for the purpose of reducing the
75 number of single-family residential lots from 97 to 93 for a 38.056-acre
76 subdivision currently composed of 97 single-family residential lots
77 situated within the J. H. B. Jones Survey, Abstract No. 124 and the
78 Nathan Butler Survey, Abstract No. 21, City of Rockwall, Rockwall
79 County, Texas, zoned Planned Development District 29 (PD-29) for
80 Single-Family 10 (SF-10) District land uses, located north of the
81 intersection of Petaluma Drive and N. Lakeshore Drive, and take any
action necessary.

82 Councilmember Daniels made a motion to approve the entire Consent Agenda (#s1, 2
83 and 3). Councilmember Milder seconded the motion. The ordinance was read as
84 follows:

85 CITY OF ROCKWALL
86 ORDINANCE NO. 15-09
87

88 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
89 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
90 NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED
91 SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN
92 ZONING BY IN ACCORDANCE WITH THE PROCEDURES OF ARTICLE V,
93 SECTION 6.2 HISTORIC OVERLAY DISTRICT FOR THE PURPOSE OF
94 DESIGNATING A LANDMARK DISTRICT ON PROPERTY KNOWN AS THE
95 HISTORIC DOWNTOWN COURTHOUSE, BEING A 0.918-ACRE PARCEL
96 OF LAND IDENTIFIED AS ROCKWALL O T ADDITION, AND LOCATED AT
97 101 EAST RUSK STREET, AND MORE SPECIFICALLY DEPICTED IN

98 EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR
99 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
100 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
101 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
102 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
103

104 The motion passed by a vote of 6 in favor and 1 absent (Pruitt).

105 IX. APPOINTMENTS
106

- 107 1. Appointment with the Planning and Zoning Chairman to discuss and
108 answer any questions regarding cases on the agenda and related issues
109 and take any action necessary.

110 **Planning and Zoning Commission Chairman Craig Renfro came forth and provided**
111 **background information regarding recommendations of the Commission relative to items**
112 **on tonight's council meeting agenda. The council took no action related to this agenda**
113 **item.**

114
115 X. PUBLIC HEARING ITEMS
116

- 117 1. **Z2015-003** - Hold a public hearing to discuss and consider approval of an
118 **ordinance** for a request by Cole Franklin of the Skorburg Company on
119 behalf of the owner Larry Hance for a zoning change from an Agricultural
120 (AG) District to a Planned Development District for Single Family 7 (SF-7)
21 and General Retail (GR) District land uses for a 44.56-acre tract of land
22 identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of
23 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,
124 situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,
125 located at the northwest corner of FM-552 and John King Boulevard, and
126 take any action necessary. (1st reading) *[Requested Postponement to*
127 *the April 6, 2015 Planning and Zoning Commission Meeting].*

128 **Mayor Pro Tem Lewis stated that, at the request of the applicant, this item is being**
129 **postponed until the April 6, 2015 city council meeting. Indication was given that if the**
130 **case is postponed any later than April 6, the case would start over and would need to be**
131 **re-advertised. No action was taken concerning this item.**
132

- 133 2. **Z2015-007** - Hold a public hearing to discuss and consider approval of an
134 **ordinance** for a request by Kevin Carr of GearHeads Hot Rod Garage for
135 the approval of a Specific Use Permit (SUP) to allow truck rental in
136 conjunction with an existing minor automotive repair garage on a two (2)
137 acre tract of land identified as Tract 23-01 of the R. Irvine Survey,
138 Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light
139 Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV)
140 District, addressed as 3920 E. IH-30, and take any action necessary. (1st
141 reading)

142 **Planning and Zoning Director, Robert LaCroix, provided brief background information**
143 **related to this agenda item. He explained that this SUP would allow five U-haul trucks**
144 **and five trailers to be available for lease at this location at any given time provided that**
145 **they will be stored / parked at the rear of the building. He also indicated that notices**

146 were sent out to property owners located within 200 feet of the subject property, but no
147 notices have been received back by staff at this time.
148

149 Mayor Pro Tem Lewis opened the public hearing and asked if anyone would like to come
150 forth and speak at this time. The applicant not being present and there being no one in
151 the audience indicating a desire to speak, Mayor Pro Tem Lewis closed the public
152 hearing.
153

154 Councilmember White then made a motion to approve Z2015-007. Councilmember Milder
155 seconded the motion. The ordinance was read as follows:
156

157 CITY OF ROCKWALL
158 ORDINANCE NO. 15-XX
159 SPECIFIC USE PERMIT NO. S-XXX
160

161 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
162 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
163 CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
164 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO
165 ALLOW FOR A TRUCK RENTAL FACILITY IN CONJUNCTION WITH
166 AN EXISTING MINOR AUTOMOTIVE REPAIR GARAGE, BEING A 2.0-
167 ACRE TRACT OF LAND, ZONED LIGHT INDUSTRIAL (LI) DISTRICT
168 AND IDENTIFIED AS TRACT 23-01 OF THE R. IRVING SURVEY,
169 ABSTRACT NO. 120, AND LOCATED AT 3920 E IH-30, , CITY OF
170 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE
171 SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING FOR
172 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT
173 TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
174 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE;
175 PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN
176 EFFECTIVE DATE.
177

178 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).
179

180 3. **Z2015-008** - Hold a public hearing to discuss and consider approval of an
181 ordinance for a request by Herman Douglas Utley for a zoning change
182 from an Agricultural (AG) District to a Single Family Estate 2.0 (SFE-2.0)
183 District for a 4.502-acre tract of land identified as Tract 1 of the S. R.
184 Barnes Survey, Abstract No. 13, City of Rockwall, Rockwall County,
185 Texas, zoned Agricultural (AG) District, situated within the SH-205 By-
186 Pass (SH-205 BY OV) District, addressed as 1815 E. Quail Road, and
187 take any action necessary. (1st reading)

188 Mr. LaCroix, Planning Director, provided background information related to this agenda
189 item. The applicant would like to rezone this property so that he may subdivide it into
190 two separate, residential lots. He indicated that staff mailed seven (7) notices to property
191 owners and residents located within 500-feet of the subject property. Staff also emailed
192 notices to the Stoney Hollow and Caruth Lakes Homeowner's Associations (HOA's),
193 which are the only HOA's located within 1,500-feet of the subject property. Additionally,
194 staff posted a sign along E. Old Quail Run Road, and advertised the public hearings in
195 the newspaper of record, and the Planning & Zoning Commission has recommended
196 approval of this item by a vote of 6 to 0.
197

198 Mayor Pro Tem Lewis opened the public hearing and called the applicant forth.

199
200 Mr. Herman D. Utley
201 1815 E. Quail Run Road
202 Rockwall, TX
203

204 Mr. Utley indicated that he has no further comments to add beyond those which were
205 provided by Mr. LaCroix. Mayor Pro Tem Lewis asked if anyone else would like to come
206 forth and speak at this time. There being no one to indicate such, Mayor Pro Tem Lewis
207 then closed the public hearing.
208

209 Councilmember White then made a motion to approve Z2015-008. Councilmember
210 Daniels seconded the motion. The ordinance was read as follows:

211
212 CITY OF ROCKWALL
213 ORDINANCE NO. 15-XX
214

215 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
216 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
217 CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
218 HERETOFORE AMENDED SO AS TO FURTHER AMEND THE
219 ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN
220 AGRICULTURE (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0
221 (SFE-2.0) DISTRICT FOR A 4.502-ACRE TRACT OF LAND
222 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY,
223 ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY,
224 TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF
225 THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS;
226 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
227 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
228 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
229 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
230

231 The motion passed by a vote of 6 ayes with 1 absent (Pruitt).
232

- 233 4. Z2015-009 - Hold a public hearing to discuss and consider approval of an
234 ordinance for a request by Chris and Jill Blasé for a Specific Use Permit
235 (SUP) for a detached garage that does not conform to the requirements
236 as stipulated by Section 2.1.2, Residential and Lodging Use Conditions,
237 of Article IV, Permissible Uses, of the Unified Development Code for a
238 4.05-acre parcel of land identified as Lot 1, Block 1, Blasé Addition, City
239 of Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10)
240 District, addressed as 1220 East Fork Drive, and take any action
241 necessary. (1st reading)

242 Planning Director Robert LaCroix provided background information related to this
243 agenda item. He indicated that the applicant is requesting to build a two story, detached
244 garage, and it requires that an SUP be approved and granted because the proposed
245 structure will have a building footprint of 1,235 sq. ft. which exceeds the maximum area
246 of 900 sq. ft. In addition, the overall height of the structure is 24ft - 10 7/8", exceeding the
247 15ft height requirement. He explained that the proposed structure has a gabled roof
248 design that is measured at the mid-point of the roof for height purposes. When measured

249 at the mid-point, the roof is approximately 17 ½-ft in height, exceeding the 15ft maximum.
250 Furthermore, the detached garage does not meet the exterior material requirements of
251 the city for the detached garage. Rather, the applicants are proposing the structure to
252 incorporate metal siding with a metal roof and metal roof elements (dormers) that will
253 have stone matching the primary structure and appearing on the front façade. Notices
254 were mailed out to adjacent property owners located within 500 feet, and two notices
255 were received back opposing this item. However, it is believed by staff that adjacent
256 property owners may have thought that this item has something to do with the
257 commercial, “urban farm” operation run by the Blasé’s rather than a garage for
258 residential home use. The Planning & Zoning Commission has recommended approval
259 of this item by a 6-0 vote.

260 Mayor Pro Tem Lewis opened the public hearing and called the applicant forth to speak.
261 The applicant indicated he has nothing more to add. Lewis asked if anyone else would
262 like to come forth and speak. There being no one, the public hearing was closed.

263 Councilmember White made a motion to approve Z2015-009. Councilmember Milder
264 seconded the motion. Milder asked the applicant to come forth and explain a little more
265 about his request in light of the fact that some notices of opposition were received back
266 by staff.

267 Chris Blasé
268 1220 East Fork Drive
269 Rockwall, Texas

270
271 Mr. Blasé came forth and indicated that this is for a detached garage behind his
272 residential home. The previous, somewhat recent item, approved by city council was for
273 a detached living quarters. This detached garage will be for storage and hobby-type
274 projects. After brief discussion, the ordinance was read as follows:

275
276 CITY OF ROCKWALL
277 ORDINANCE NO. 15-XX
278 SPECIFIC USE PERMIT NO. S-XXX
279

280 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
281 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
282 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
283 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW
284 FOR A DETACHED GARAGE THAT DOES NOT CONFORM TO THE
285 REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND
286 LODGING USE CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES,
287 BEING A 4.05-ACRE PARCEL OF LAND, ZONED SINGLE-FAMILY
288 RESIDENTIAL (SF-10) DISTRICT, AND IDENTIFIED AS LOT 1, BLOCK 1,
289 BLASÉ ADDITION, AND LOCATED AT 1220 EAST FORK DRIVE, CITY OF
290 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY
291 DEPICTED IN EXHIBIT ‘A’; PROVIDING FOR SPECIAL CONDITIONS;
292 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF
293 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
294 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
295 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

296
297 The motion passed by a vote of 6 in favor with 1 absent (Pruitt).
298

- 299 5. **Z2015-010** - Hold a public hearing to discuss and consider approval of an
300 **ordinance** for a request by Noah Flabiano of the Skorburg Company for
301 a zoning change from Planned Development District 70 (PD-70) for
302 limited commercial/retail land uses to a Planned Development District for
303 townhomes on a 10.142-acre tract of land being identified as a portion of
304 a larger 164.812-acre tract of land identified as Tract 3 of the S. King
305 Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas,
306 being zoned Planned Development District 70 (PD-70), situated within the
307 North SH-205 Overlay (N-SH205 OV) District, generally located at the
308 northeast corner of the intersection of E. Quail Run Road and N. Goliad
309 Street [N. SH-205], and take any action necessary. (1st reading)
310 **[Requested Postponement to the April 6, 2015 City Council Meeting].**

311 **Mayor Pro Tem Lewis indicated that, at the request of the applicant, this item is being**
312 **postponed until the April 6, 2015 city council meeting. No discussion took place, and no**
313 **action was taken.**

314
315 **XI. ACTION ITEMS**

- 316
317 1. **SP2015-003** - Discuss and consider a request by Jimmy Strohmeyer of
318 Strohmeyer Architects on behalf of the owner Dr. Umar Burney of the
319 North Dallas Rockwall Land Investors, LLC for the approval of certain
320 variances in association with a site plan for a medical office building on a
321 1.6121-acre tract of land identified as Lot 2, Block A, Ridge/Summer Lee
322 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned
323 Development District 9 (PD-9), situated within the Scenic Overlay (SOV)
324 District, located east of the intersection Ridge Road and Summer Lee
325 Drive, and take any action necessary.

326 **Mr. LaCroix indicated that the applicant would like to construct a new medical office**
327 **building right beside the existing Aldi store on about 1.6 acres of land. The applicant**
328 **is requesting the following variances to various sections of the Unified**
329 **Development Code: Article V, District Development Standards and Article VIII,**
330 **Landscape Standards as follows:**

- 331 • To allow for not meeting the 10-ft. landscape buffer requirements by allowing
332 parking spaces to be located within the buffer as established in Art. VIII, Sec. 5.7,
333 A. as depicted in the landscape plan submitted.
- 334 • To allow for not meeting the 20 percent natural or quarried stone
335 requirements established in Art. V, Sec. 6.8 of the Scenic Overlay (SOV)
336 District standards, as depicted in the building elevations submitted.
- 337 • To allow for not meeting the requirements for secondary materials and
338 allowing an exterior wood product to exceed 10% as a secondary material as
339 established in Art. V, Sec.6.8 of the Scenic Overlay

340
341 **The Planning & Zoning Commission has recommended approval of this site plan case by**
342 **a vote of 6 - 0.**

343
344 **Jimmy Strohmeyer**
345 **1620 Fair Lakes Point**
46 **Rockwall, Texas**
47

348 Mr. Strohmeier came forth to represent the applicant. He indicated that the applicant is
349 trying to achieve an urban modern look as far as the architecture is concerned.
350 Councilmember Hohenshelt asked if the applicant will be the owner and operator of the
351 business. Mr. Strohmeier indicated that, yes, Dr. Burney will be the one owning and
352 running the orthopedic medical office. He will be moving his physical therapy office from
353 over by the Super Walmart off IH-30 to this location as well.

354
355 After brief discussion, Councilmember White made a motion to approve the variance
356 request for the landscape buffer requirements for SP2015-003. Councilmember Daniels
357 seconded the motion, which passed by a vote of 6 ayes with 1 absent (Pruitt).

358
359 Councilmember White made a motion to approve the stone requirement variance for
360 SP2015-003. Councilmember Daniels seconded the motion, which passed by a vote of 6
361 in favor with 1 absent (Pruitt).

362
363 Councilmember White made a motion to approve the variance for secondary materials
364 and allowance of wood products for SP2015-003. Councilmember Daniels seconded the
365 motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

366

- 367 2. **SP2015-004** - Discuss and consider a request by Jimmy Strohmeier of
368 Stohmeyer Architects on behalf of the owner Russell Phillips for the
369 approval of a waiver to Planned Development District 32 (PD-32)
370 [Ordinance No. 10-28] and variances to the building material
371 requirements stipulated by the Unified Development Code in conjunction
372 with a site plan for a 265 unit, condo development situated on a 7.58-acre
373 tract of land identified as Lots 6A, 7A & 8A, Isaac Brown Addition, and a
374 portion of Lots 3 & 4, Block 16 and Lot 4, Block 18, Moton Addition, City
375 of Rockwall, Rockwall County, Texas, zoned Planned Development
376 District 32 (PD-32), situated within the Interior Subdistrict of PD-32,
377 located south of the intersection of Summer Lee Drive and Sunset Ridge
378 Drive, and take any action necessary.

379 Planning Director Robert LaCroix provided background information related to this
380 agenda item. He explained that the applicant is requesting a waiver related to the height
381 requirements, but, he explained, a portion of the two story parking garage will actually be
382 below grade. Furthermore, a variance is being requested related to the building material.
383 The stone that is proposed to be used is the same as that which was used on the Trend
384 Tower and on the existing hotel, and the incoming "Harbor Heights" development will
385 also have a similar look as far as building materials are concerned.

386
387 The site plan has been approved by the Planning and Zoning Commission. He pointed
388 out that the fire chief is here, and there are some fire-related access concerns that must
389 be met by the applicant. Approval of this item tonight would not signal approval of any
390 fire code waivers or exceptions. The applicant will still have to meet all of the fire-related
391 requirements.

392
393 Mr. Strohmeier came forth and indicated that they have attempted to minimize the height
394 of the overall building by putting the parking garage below grade.

395
396 Councilmember Milder made a motion to approve SP2015-004. Councilmember White
397 seconded the motion, which passed by a vote of 6 in favor with 1 absent (Pruitt).

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Mayor Pro Tem Lewis read the below listed discussion items into the public record before then recessing the public meeting into Executive Session at 6:47 p.m.

XII. EXECUTIVE SESSION

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

1. Discussion regarding the position of Chief of Police pursuant to Section 551.074 (Personnel Matters)
2. Discussion regarding possible claim or settlement agreement related to enforcing the city's sign ordinance regarding a billboard pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding Gary Jackson vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
4. Discussion regarding appointments to the Board of Adjustments (city regulatory board) pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding City Manager performance evaluation pursuant to Section, § 551.074 (Personnel Matters).

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

Mayor Pro Tem Lewis reconvened the public meeting at 7:00 p.m. with six of the seven city council members being present (Mayor Pruitt was absent).

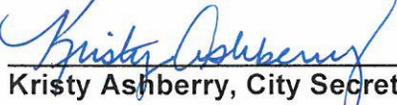
Councilmember Townsend made a motion to authorize the city manager to execute a settlement agreement with B&B Outdoor Advertising. Councilmember Daniels seconded the motion, which passed unanimously of those present (Pruitt absent).

XIV. ADJOURNMENT

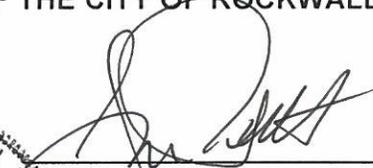
The meeting was adjourned at 7:01 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 6th DAY OF APRIL, 2015.

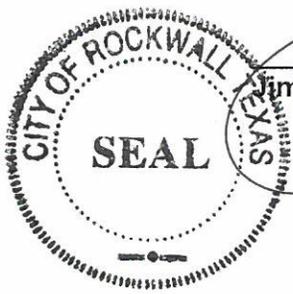
ATTEST:



Kristy Ashberry, City Secretary



Jim Pruitt, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 06, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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8

I. CALL PUBLIC MEETING TO ORDER

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Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. Council Member Mike Townsend was absent from the meeting.

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II. WORK SESSION

- 17
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1. Hold work session to discuss status of state roadway projects, local roadways and other public works projects, and take any action necessary.

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City Engineer, Tim Tumulty, came forth and briefed the city council on the status of various current and future state roadway projects affecting the City of Rockwall. Regarding the IH-30 / FM-3549 interchange – the expected date for construction to begin is around June of this year, and it is a TXDOT project. The expected timeframe for completion, after the construction begins, is about two years. This project will route IH-30 over FM-3549. Regarding the SH-276 project from SH-205 to FM-549, it will be a six-lane project, and four lanes will be built in the first phase. This is one of two projects for which Rockwall County received funding from the State of Texas Proposition One Funding source. This project is scheduled for funding in the year 2018, and it will likely be bid in late 2017. This project is about 60% designed already. The next project, FM-3549 Rehab Project, which starts at SH-66 and goes up to FM-552 (a little under 4 miles), and it is a ‘rehab’ projects. The asphalt will be removed and the shoulders will be expanded. The project was just bid, and construction will likely start sometime around June of this year. Regarding the next project, which is the FM-3549 project from IH-30 to SH-66, this will end up being a four lane / divided roadway. Their bid date is January 2017, and TXDOT is about 30% into the process associated with this project. This project is the other one of the two for which Rockwall County was able to secure funding from the State of Texas Proposition One Funding source. Mr. Tumulty went on to explain that the existing IH 30 ramps near the intersection of SH-205 will end up being reconfigured such that drivers, for example going eastbound on IH-30, will be able to actually exit and access John King instead of having to exit at SH-205 and proceed through the intersection before driving east on the service road to John King. Also, going westbound, drivers wanting to go westbound on IH-30 will be able to enter IH 30 prior to SH 205 so that they don’t have to proceed through the IH 30/SH-205 intersection in order to enter onto IH-30. These changes will hopefully help alleviate some of the congestion at this existing intersection.

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Regarding the SH-66 interim project, the project limits will be from the Rockwall County Line to the intersection of John King. The asphalt will be stripped and a new surface put down. In addition, turn lanes will be added at the John King intersection and the FM-3549 intersection. March 2016 is the target timeframe for bidding the project. Regarding

50 the alignment of the permanent project, it will be a four-lane divided roadway from SH
51 205 to John King, and then it would be a six-lane concrete, divided roadway for the
52 remainder of the project. It is estimated to cost \$96 million, and there is no funding and
53 no estimated timeframe for construction at this time.

54
55 Regarding FM-549 Rehab Project from SH-276 to SH-205, TXDOT is estimated to bid the
56 project around June of this year. The pavement surface will be removed and shoulders
57 will be added, followed by a new surface overlay. Also, this project will include
58 improvements along FM-1139 from FM 549 back to the east and connecting into FM-550.
59 Left turn lanes will be added along SH 205 at both connections to FM 549 in order to help
60 alleviate traffic congestion along SH 205 and increase traffic flow.

61
62 Regarding FM-549 from SH-276 to SH-205, TXDOT is looking to widen it from a two-lane
63 asphalt to a six-lane divided concrete roadway. However, they are currently studying the
64 traffic counts to see if it really does need to be six lanes, or if four lanes would suffice.

65
66 Another project that is in process is adding a westbound on-ramp to IH-30 between
67 Ridge Road and FM-740/Horizon. Staff has selected an engineer and is going through
68 negotiations right now. This project was previously approved by voters, and it is a badly
69 needed project. It is expected that this project would take about nine months to
70 complete after construction starts.

71
72 Regarding SH-205 from US 78 in Lavon all the way down to US 80 in Terrell, TXDOT is
73 scheduled to have a kick-off meeting on April 14th with the affected communities. The
74 City of Rockwall is concerned about the area of the road that approaches the downtown
75 area.

76
77 City Manager Rick Crowley provided a history of when and for what purpose John King
78 Boulevard was constructed. It was anticipated that it would be a future re-route for SH-
79 205. However, Mr. Crowley explained, after John King was designed, TXDOT's standards
80 for roadways drastically changed, so the design of John King does not meet TXDOT's
81 design standards for having traffic routed onto it off of SH-205. He then went on to
82 explain the potential pros and cons of having John King be a re-route for SH-205. He
83 indicated that this possibility might be something the city could bring up to and explore
84 with the engineering consulting firm, Halff Associates, who will be evaluating the SH-205
85 project. Indication was given that the North Central TX Council of Governments
86 (NCTCOG) is currently studying this area to see if four or six lanes will be needed on SH-
87 205 just north of downtown. Mayor Pruitt indicated that John King Boulevard was built
88 and was always intended to serve as a bypass for SH-205. If it were to become the route
89 for SH-205, then the existing portion of SH-205 that runs through the downtown area
90 would be turned over to the city and would be maintained and managed by the city.
91 Mayor Pruitt asked if the city council members would like staff to pursue encouraging
92 TXDOT to consider John King as a bypass route for SH-205. General consensus was
93 given to staff by city council members that the city council would like staff to pursue
94 encouraging TXDOT to route traffic off of SH-205 onto John King Boulevard.

95
96 Mr. Tumulty provided an update on the last project - FM-3097 to FM-740 to Tubbs Road.
97 This project is a TXDOT project where it will be widened from a two-lane asphalt to a
98 four-lane, divided roadway. It was bid back in September of 2014. The city participated
99 in the cost of this project in an amount of \$900,000. The state anticipates beginning

100 construction in June, and it will be a three phase project that will take about two years to
101 complete.

102
103 Mr. Tumulty next briefed the city council on the status of Rochelle Road, which is
104 partially abutting the city limits of Rockwall and partially abutting the City of Fate
105 jurisdiction in between IH-30 and SH-276. He explained that the city's portion of the
106 roadway is gravel, and the City of Fate's portion is asphalt. It was clarified that no city
107 development, including no commercial, retail or residential homes, are currently located
108 along this roadway. A portion of the roadway is located in a 100 year floodplain zone.
109 So, depending on how heavy rainfall may be, at times the roadway may need to be shut
110 down periodically due to flooding and associated safety concerns. If Rochelle Road
111 were to be entirely re-done/re-built, it would likely cost about \$7 million for the City of
112 Rockwall and just over \$4 million for the City of Fate's portion.

113
114 Mr. Tumulty next discussed a drainage / erosion problem that was brought to the city's
115 attention by a homeowner who lives adjacent to the project, Mr. Bob Carroll. He
116 explained that the problem is located downstream at Emerald Bay where the creek makes
117 a sharp turn. He shared that rough estimates indicate it would cost the city about
118 \$195,000 to build a wall to try and mitigate the drainage / erosion problem that is slowly
119 migrating towards Mr. Carroll's and his neighbor's homes. Should the council choose to
120 move forward with making this repair, the money to do so could be taken out of reserve
121 funds, or it could be considered for inclusion in the future fiscal year's budget. Mr.
122 Crowley indicated that staff will reevaluate the engineering and firm up the costs a little
123 more before bringing a proposal and associated options back to the city council for
124 consideration at a future meeting.

125
126 Mayor Pruitt then read the below listed discussion items into the public record before
127 recessing the meeting into Executive Session.

128
129 **III. EXECUTIVE SESSION.**

130
131 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
132 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
133 CODE:

- 134
135 1. Discussion regarding appointments to city's regulatory boards, including the Board of
136 Adjustments, pursuant to Section 551.074 (Personnel Matters)
- 137 2. Discussion regarding Economic Development incentives, procedures and possible
138 projects pursuant to Section 551.087 (Economic Development)
- 139 3. Discussion regarding proposed development and possible vesting issues under Chapter
140 245 Local Government Code pursuant to Section 551.071 (Consultation with Attorney).
- 141 4. Discussion regarding City Manager performance evaluation pursuant to Section 551.074
142 (Personnel Matters).

143 **IV. ADJOURN EXECUTIVE SESSION**

144
145 Executive Session was adjourned at 5:53 p.m.

146
147 **V. RECONVENE PUBLIC MEETING**

149 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all council members
150 present except for Mike Townsend, who was absent.

151
152 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

153
154 No action was taken as a result of Executive Session at this time.

155
156 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR JIM PRUITT**

157
158 Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.

159
160 **VIII. PROCLAMATIONS / AWARDS**

- 161
162 1. Austin Cory Eagle Scout Recognition
163 2. Bryce Fuller Eagle Scout Recognition
164 3. Caleb Bailey Davis Eagle Scout Recognition
165

166 Mayor Pruitt called each Boy Scout forward and read and presented each one with an
167 honorary proclamation to commemorate their achieving Eagle Scout rank.

168
169 **IX. OPEN FORUM**

170
171 Mayor Pruitt explained how Open Forum is conducted and asked if anyone in the
172 audience would like to come forth and speak during this time.

173
174 Michael Kropp
175 1950 Creekside Drive
176 Rockwall, Texas
177

178 Mr. Kropp indicated that he has lived in Rockwall for ten years. Prior to this year, he led
179 a 9U/7U baseball league of teams that played in Rowlett, but he moved both of his teams
180 to Rockwall when the City of Rockwall took over and began a baseball league. He
181 generally expressed disappointment his teams and other similar teams not playing. He
182 indicated that his two teams began playing in February, and they have only played two
183 games. While he understands that it has rained a lot lately, he is disappointed that his
184 teams are not playing and the eight fields are not being better maintained. He
185 encouraged the city to buy land and build additional playing fields and to consider
186 planning for the future.

187
188 Al Crump
189 2295 Falls View Drive
190 Rockwall, Texas
191

192 Mr. Crump expressed that he is a resident of Rockwall and has lived her for over twenty-
193 five years. He is a large 'fan' of Rockwall; however, he approached the city about a year
194 ago about a broken median near the intersection of Ridge Road and North Goliad that the
195 state finally fixed just recently. He had also previously expressed concern about winter
196 sand being left on the roadway's curb areas after the season. He believes it is an
197 eyesore and problematic for storm drains. He believes street sweeping is a good idea
198 and would be met with positive feedback from citizens. He mentioned he used to be in
199 the street sweeping business. In addition, he would like the city to entice more medium

200 and small sized businesses to come to Rockwall. He has heard stories about some
201 businesses trying to come to Rockwall, but they could not get approved for the
202 incentives they were asking for, so were subsequently turned down. He expressed that
203 he would like to be more involved with economic development in the city. He is overall
204 concerned is the overall appearance of the city, expressing he does not feel it is as clean
205 as it used to be.
206

207 Mike Marler
208 P.O. Box 449
209 Peyton, CO 80831
210

211 Mr. Marler indicated that his permanent residence is in Colorado; however, he is often in
212 Texas and the Rockwall area for work. Mr. Marler commented that he used to work in
213 insurance in Colorado Springs for many years. He indicated that, even if there is no
214 requirement to carry liability insurance on a golf cart, it would not relieve the operator
215 from responsibility if bodily injury occurred.
216

217 He went on to explain that his 2006 Ford Super Duty truck was stolen from the Value
218 Place Inn back in January in Rockwall, and it was recovered some time later near
219 Greenville. Last week, someone again attempted to steal his truck by popping a device
220 into the keyhole. He indicated that after it was stolen in January, he purchased an anti-
221 theft device on the ignition, so, as a result, the person who tried to steal it this time was
222 unable to do so because they could not start the engine. He explained that he has a lot
223 of frustration with this because Texas is the number two state in the U.S. for stolen
224 vehicles. He indicated that for a city to ignore problems associated with vehicle theft is
225 to perpetuate the 'border problem.' He suggested that Rockwall consider placing bait
226 vehicles around the city that are equipped with electrical and fuel shut-off capabilities in
227 order to send the message to thieves – "don't steal a vehicle in Rockwall."
228

229 X. CONSENT AGENDA
230

- 231 1. Consider approval of the minutes from the March 16, 2015 regular city
232 council meeting, and take any action necessary.
- 233 2. **Z2015-007** - Consider approval of an **ordinance** for a request by Kevin
234 Carr of GearHeads Hot Rod Garage for the approval of a Specific Use
235 Permit (SUP) to allow truck rental in conjunction with an existing minor
236 automotive repair garage on a two (2) acre tract of land identified as Tract
237 23-01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall,
238 Rockwall County, Texas, zoned Light Industrial (LI) District, situated
239 within the IH-30 Overlay (IH-30 OV) District, addressed as 3920 E. IH-30,
240 and take any action necessary. **(2nd reading)**
- 241 3. **Z2015-008** - Consider approval of an **ordinance** for a request by Herman
242 Douglas Utley for a zoning change from an Agricultural (AG) District to a
243 Single Family Estate 2.0 (SFE-2.0) District for a 4.502-acre tract of land
244 identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of
245 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,
246 situated within the SH-205 By-Pass (SH-205 BY OV) District, addressed
247 as 1815 E. Quail Road, and take any action necessary. **(2nd reading)**

- 248 4. **Z2015-009** - Consider approval of an **ordinance** for a request by Chris
 249 and Jill Blasé for a Specific Use Permit (SUP) for a detached garage that
 250 does not conform to the requirements as stipulated by Section 2.1.2,
 251 Residential and Lodging Use Conditions, of Article IV, Permissible Uses,
 252 of the Unified Development Code for a 4.05-acre parcel of land identified
 253 as Lot 1, Block 1, Blasé Addition, City of Rockwall, Rockwall County,
 254 Texas, zoned Single Family 10 (SF-10) District, addressed as 1220 East
 255 Fork Drive, and take any action necessary. **(2nd reading)**
- 256 5. **P2015-011** - Consider a request by Duane and Jenifer Piercy for the
 257 approval of a final plat for Lot 1, Block A, Piercy Place Addition being a
 258 1.21-acre tract of land identified as Tract 21 of the R. Ballard Survey,
 259 Abstract 29, City of Rockwall, Rockwall County, Texas, zoned Single
 260 Family 7 (SF-7) District, situated west of the intersection of Hartman
 261 Street and Renfro Street, and take any action necessary.
- 262 6. Consider authorizing the City Manager to execute a contract extension
 263 with 3-D Mowing for right-of-ways and forced mowing services in the
 264 amount of \$40,291 to be funded through the Parks Operations, Grounds
 265 Maintenance Budget, and take any action necessary.
- 266 7. Consider authorizing the City Manager to execute a purchase order to
 267 Freedom Dodge for a 2015 Dodge Charger with new equipment for the
 268 Police Patrol Traffic Division in an amount not to exceed \$36,000 to be
 269 funded from the General Fund, Police Operating Budget, and take any
 270 action necessary.

271 **Councilmember White made a motion to approve the Consent Agenda (#s 1, 2, 3,**
 272 **4, 5, 6 and 7). Councilmember Daniels seconded the motion. The ordinances**
 273 **were read as follows:**

274 **CITY OF ROCKWALL**
 275 **ORDINANCE NO. 15-10**
 276 **SPECIFIC USE PERMIT NO. S-135**
 277

278 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
 279 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF**
 280 **ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A**
 281 **SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A TRUCK RENTAL**
 282 **FACILITY IN CONJUNCTION WITH AN EXISTING MINOR AUTOMOTIVE**
 283 **REPAIR GARAGE, BEING A 2.0-ACRE TRACT OF LAND, ZONED LIGHT**
 284 **INDUSTRIAL (LI) DISTRICT AND IDENTIFIED AS TRACT 23-01 OF THE R.**
 285 **IRVING SURVEY, ABSTRACT NO. 120, AND LOCATED AT 3920 E IH-30, ,**
 286 **CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE**
 287 **SPECIFICALLY DEPICTED IN EXHIBIT 'A'; PROVIDING FOR SPECIAL**
 288 **CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED**
 289 **THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
 290 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR**
 291 **A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

292 **CITY OF ROCKWALL**
 293 **ORDINANCE NO. 15-11**
 294

295 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
 296 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
 297 **NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED**
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SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURE (AG) DISTRICT TO A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT FOR A 4.502-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED 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. 15-12
SPECIFIC USE PERMIT NO. S-136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A DETACHED GARAGE THAT DOES NOT CONFORM TO THE REQUIREMENTS AS STIPULATED BY SECTION 2.1.2, RESIDENTIAL AND LODGING USE CONDITIONS, OF ARTICLE IV, PERMISSIBLE USES, BEING A 4.05-ACRE PARCEL OF LAND, ZONED SINGLE-FAMILY RESIDENTIAL (SF-10) DISTRICT, AND IDENTIFIED AS LOT 1, BLOCK 1, BLASÉ ADDITION, AND LOCATED AT 1220 EAST FORK DRIVE, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DEPICTED IN EXHIBIT 'A'; 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.

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

XI. APPOINTMENTS

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

Mr. LaCroix indicated that neither the Chairman nor the Vice Chairman of the Planning & Zoning Commission was able to attend the meeting this evening. Therefore, this item was not discussed, and no action was taken as a result of this item.

2. Appointment with representatives of the Stone Creek subdivision for discussion regarding golf carts, and take any action necessary.

Mr. James Smith
609 Amherst Drive
Rockwall, TX 75087

350 Mr. Smith came forth and indicated that he lives in the Stone Creek subdivision, and he
351 has some concerns about the use of golf carts within his neighborhood. After doing
352 extensive research of state and local laws, he has come to understand that state law
353 allows for golf carts to be utilized within his neighborhood, and he was unable to find any
354 location regulations. He explained that a lady living in his neighborhood would like to
355 purchase and begin using a golf cart, but she does not want to do so only to find out that
356 perhaps she is not legally able to do so. Furthermore, he is concerned about someone
357 who is driving a golf cart getting run over by those driving vehicles. He would like to
358 appeal to the city to add additional regulations that would make golf cart use safer in
359 neighborhoods.

360
361 City Attorney Frank Garza indicated that the City of Rockwall can develop local
362 ordinance regulations to regulate golf carts on city streets, including prohibiting them on
363 major roadways. It would be up to the city council to decide to what extent they would
364 like to regulate the use of golf carts and how specific they would like the regulations to
365 be.

366
367 Brief discussion took place between Councilmember Daniels and Police Chief Mark
368 Moeller concerning 'street legal' neighborhood electric vehicles.

369
370 Councilmember Milder expressed that he is in favor of at least placing an age restriction
371 on operation of golf carts (that you have to have a valid driver's license).

372
373 Mr. Smith went on to share information that he came across in an Attorney General's
374 Opinion - GA0966, dated September of 2012 – that speaks to use of golf carts within
375 "master planned communities" and the state law which seems to allow for their use in
376 'master planned communities.'

377
378 **Mary Carter**
379 **661 York Drive**
380 **(Buffalo Creek subdivision)**

381
382 Mrs. Carter came forth and indicated that she has lived in the Rockwall area since the
383 early 1980's. She is aware of former Heath mayor, John Ratcliffe, getting an ordinance
384 passed that calls for a golf cart driver to be a licensed driver in order to drive one. She
385 encouraged the Rockwall city council to pass an ordinance placing specific and descript
386 restrictions on golf cart use in subdivisions (i.e. one has to be a licensed driver and they
387 are not allowed on sidewalks).

388
389 **Mrs. Shirley Smith**
390 **609 Amherst Drive**
391 **Rockwall, TX 75087**

392
393 Mrs. Smith suggested that all of the various regulations concerning the use of golf carts
394 need to be made available to the public online in one location. She believes in having
395 age restrictions that would disallow anyone under 18 years of age to operate golf carts.
396 She also encouraged them to place a "slow moving vehicle" placard on the back of them
397 as well as a six foot tall 'pole' with a neon flag to make them more visible.

398
399 **Mr. Kevin Fowler**
400 **7115 Hunt Lane**

401 Rockwall, TX

402
403 Mr. Fowler suggested that the city council may want to look into the golf cart policy
404 currently in place within the Chandlers Landing subdivision, as he believes a lot of work
405 went into its development, and it is a pretty sound policy.

406
407 Thomas Campion
408 108 Chaphill Drive
409 Rockwall, TX
410 (in Stone Creek subdivision)

411
412 Mr. Campion came forth and encouraged the city to initiate additional regulations and
413 clarify for citizens what will and will not be allowed as far as golf carts and their
414 operation are concerned. He encouraged the city to perhaps allow the vehicles within a
415 neighborhood like Stone Creek but not on a major street. He is in favor of an age
416 restriction. He feels the state regulations are ambiguous.

417
418 Mayor Pro Tem Lewis mentioned that he did make copies of the Chandler's Landing golf
419 cart policy available to city council members for review. He believes it is mostly good;
420 however, he disagrees with the age restriction of that particular policy being only
421 fourteen (14) years old – he believes it should be higher.

422
423 Mayor Pruitt made a motion to instruct the city attorney to draft a model ordinance that
424 has several different options for the city council to review and then have staff go and
425 actually talk to residents to get their input before any passage / implementation of such
426 regulations. Mayor Pro Tem Lewis seconded the motion.

427
428 Mr. Garza indicated that he believes the city could draft an ordinance to require that a
429 golf cart driver have a valid driver's license; however, he does not believe the city could
430 restrict it to only drivers 18 years or older. In addition, a golf cart being utilized on a
431 public street is required to carry liability insurance.

432
433 Councilmember White asked staff to also research if liability insurance would be required
434 for neighborhood electric vehicles and/or golf carts. Mr. Garza indicated that state law
435 does require liability insurance; however, there are exceptions to this insurance
436 requirement (being that it's being operated in a master planned community, is two miles
437 from a golf course or on a golf course, on a public beach, etc.). Mr. Garza clarified that
438 the HOA of a master planned community can place restrictions on golf cart usage if they
439 so choose.

440
441 Mr. Garza explained that the city cannot restrict golf cart usage within two miles of a golf
442 course going to and from a golf course, or they are in a master planned community. The
443 city could, however, restrict their use elsewhere in the city. The city could place an age
444 restriction in a master planned community, or elsewhere, regarding operation of golf
445 carts. It was clarified that, according to the Texas Attorney General's opinion, a golf cart
446 user does not have to carry liability insurance if they are operating it in a master planned
447 community.

448
449 After lengthy discussion, the motion on the floor passed by a vote of 6 in favor with 1
450 absent (Townsend).

451

452 Mayor Pruitt then announced that he will be reopening “Open Forum” because there is a
453 citizen who missed this opportunity earlier in the meeting but would like to come forth
454 and speak.

455
456 **XII. PUBLIC HEARING ITEMS**

457
458 **1. Z2015-003** - Hold a public hearing to discuss and consider approval of an
459 ordinance for a request by Cole Franklin of the Skorburg Company on
460 behalf of the owner Larry Hance for a zoning change from an Agricultural
461 (AG) District to a Planned Development District for Single Family 7 (SF-7)
462 and General Retail (GR) District land uses for a 44.56-acre tract of land
463 identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of
464 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,
465 situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,
466 located at the northwest corner of FM-552 and John King Boulevard, and
467 take any action necessary. (1st reading) ***[The applicant has requested***
468 ***and been approved by the Planning and Zoning Commission to***
469 ***withdraw this case]***

470 Mayor Pruitt announced that the applicant has requested that this item be withdrawn. As
471 a result, no discussion took place, and no action was taken.

472 **2. Z2015-010** - Hold a public hearing to discuss and consider approval of an
473 ordinance for a request by Noah Flabiano of the Skorburg Company for a
474 zoning change from Planned Development District 70 (PD-70) for limited
475 commercial/retail land uses to a Planned Development District for
476 townhomes on a 10.142-acre tract of land being identified as a portion of
477 a larger 164.812-acre tract of land identified as Tract 3 of the S. King
478 Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas,
479 being zoned Planned Development District 70 (PD-70), situated within the
480 North SH-205 Overlay (N-SH205 OV) District, generally located at the
481 northeast corner of the intersection of E. Quail Run Road and N. Goliad
482 Street [N. SH-205], and take any action necessary. (1st reading)
483 ***[Requested postponement to the May 4, 2015 City Council Meeting]***

484 Mayor Pruitt announced that the applicant has requested that this item be postponed.
485 Mr. LaCroix explained that this case will be on the Planning & Zoning Commission
486 meeting agenda for April 28. It was indicated that postponement of this item was
487 previously requested as well, so, this is the last possible postponement of the case. That
488 being said, the council did not discuss this item further, and no action was taken at this
489 time.

490
491 **3. Z2015-011** - Hold a public hearing to discuss and consider approval of an
492 ordinance for a City initiated zoning request for the approval of a text
493 amendment to Article IX, Tree Preservation, Section 11.1, Tree fund
494 administration, of the Unified Development Code [Ordinance No. 04-38]
495 for the purpose of modifying this section of the code, and take any action
496 necessary. (1st reading)

497 Planning Director, Robert LaCroix, provided brief background information related to this
498 agenda item. He indicated that the Planning & Zoning Commission has recommended
499 approval of this change within the Unified Development Code. He generally explained
500 that this change is associated with installing and sustaining landscaping that is donated

501 to the city by developers through the city's tree mitigation ordinance. It will allow for
502 additional, perineal vegetation to be planted, in addition to trees. Furthermore, it will
503 allow for labor to plant trees and vegetation as well as equipment and irrigation needed
504 to plant and sustain the trees / vegetation.

505
506 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
507 speak during this time. There being no one indicating such, Mayor Pruitt then closed the
508 public hearing.

509
510 Mayor Pruitt briefly shared some concerns that he heard expressed at the Planning and
511 Zoning Commission meeting, mainly related to the use of funds collected (using funds
512 for labor to plant trees, equipment to plant trees, etc. and a concern related to the various
513 percentages that may be allocated to purchase trees, plant trees, for equipment, etc.).
514 After brief comments, Councilmember White made a motion to approve the ordinance for
515 Z2015-011. Mayor Pro Tem Lewis seconded the motion. The ordinance was read as
516 follows:

517
518 CITY OF ROCKWALL
519 ORDINANCE NO. 15-XX

520
521 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
522 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT
523 CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS
524 HERETOFORE AMENDED, BY AMENDING SECTION 11.1 OF
525 ARTICLE IX, *TREE PRESERVATION*; PROVIDING FOR A PENALTY
526 OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
527 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
528 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
529 PROVIDING FOR AN EFFECTIVE DATE.

530
531 The motion passed by a vote of 6 ayes with 1 absent (Townsend).

532
533 XIII. ACTION ITEMS

- 534
535 1. Discuss and consider approval of a resolution related to the authority of
536 private toll road corporations, and take any action necessary.

537 Assistant City Manager Brad Griggs provided brief background information related to
538 this agenda item, indicating that Councilmember Daniels asked staff to look into this
539 topic and place it on the city council for discussion and consideration.

540 After brief discussion, Councilmember Daniels made a motion to approve a resolution
541 (shown on pg. 116 of the council packet), which supports all three proposed bills
542 currently in the legislature. Councilmember White seconded the motion, which passed
543 by a vote of 5 in favor, 1 against (Hohenshelt), and 1 absent (Townsend).

- 544 2. Discuss and consider a recommendation from the City Council's Hotel
545 Tax Subcommittee regarding funding request from the Rockwall County
546 Historical Foundation, and take any action necessary.

547 The Rockwall Historical Foundation would like to do some work to paint their property
548 (historic house). They have requested money to help pay the paint contractor, as they
549 have received the actual paint for free. The council subcommittee met and reviewed the
550 request and has made a recommendation that the council consider approving their

551 request. Mayor Pruitt made a motion to approve the funding request in the amount of
552 \$1,500. Councilmember White seconded the motion, which passed by a vote of 6 in favor
553 with 1 absent (Townsend).
554

555 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
556 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
557

- 558 1. Departmental Reports
559 Building Inspections Monthly Report - February 2015
560 Fire Department Monthly Reports - February 2015
561 Harbor PD Monthly Report - February 2015
562 Internal Operations Department Monthly Report - February 2015
563 Police Department Monthly Report - February 2015
564 Recreation Monthly Report - February 2015
565 Rockwall Animal Adoption Center Monthly Report - February 2015
566 Rockwall County Meals on Wheels Senior Services Quarterly Report

567 2. City Manager's Report
568

569 **Staff's implementation of additional volunteer opportunities is underway. Staff will be**
570 **coming before the council at a future date to discuss and determine how representatives**
571 **for neighborhoods that do not have HOAs will be chosen for him (the city manager) to**
572 **meet with on a semi-annual basis. Programing has been secured and the city has been**
573 **advertising holding live music from May through September on Friday and Saturday**
574 **nights on San Jacinto Plaza. The Phelps Lake ribbon cutting has been rescheduled for**
575 **Saturday, April 18 at 10:30 a.m. The Parks Department has submitted the grant**
576 **application for the Breezy Hill neighborhood park. Lake levels of lakes that serve the**
577 **City of Rockwall through the North Texas Municipal Water District have notably**
578 **improved. Citizens of Rockwall will stay on a once every two week watering scheduled**
579 **for the time being. The city's Household Hazardous Waste Day is scheduled for April 18th**
580 **from 9AM to 3PM at the Service Center on Airport Road. Brief discussion took place**
581 **related to a few fire calls in the Fire Department report which were shown as 'no incident**
582 **found upon arrival at dispatch address.' No action took place related to this agenda**
583 **item.**
584

585 **At 7:28 p.m., Mayor Pruitt read the below listed items into the public record before**
586 **recessing into Executive Session.**
587

588 **XV. EXECUTIVE SESSION**
589

590 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
591 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
592 **CODE:**
593

- 594 1. Discussion regarding appointments to city's regulatory boards, including
595 the Board of Adjustments, pursuant to Section 551.074 (Personnel
596 Matters)
597
598 2. Discussion regarding Economic Development incentives, procedures and
possible projects pursuant to Section 551.087 (Economic Development)

- 599 3. Discussion regarding proposed development and possible vesting issues
600 under Chapter 245 Local Government Code pursuant to Section 551.071
601 (Consultation with Attorney).
- 602 4. Discussion regarding City Manager performance evaluation pursuant to
603 Section 551.074 (Personnel Matters).

604 **XVI. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
605

606 **Mayor Pruitt reconvened the public meeting at 7:48 p.m. with all council members, except**
607 **Mike Townsend (absent), being present.**
608

609 **Mayor Pro Tem Lewis made a motion to amend the City manager's contract per**
610 **Executive Session discussion and bring the contract back before the city council for**
611 **approval. Councilmember Milder seconded the motion. The motion passed by a vote of**
612 **6 in favor with 1 absent (Townsend).**
613

614 **Mayor Pro Tem Lewis made motion to appoint Allan Dennard to serve on the Board of**
615 **Adjustments and Peter Flores to serve as an Alternate Member on the Board of**
616 **Adjustments. Councilmember White seconded the motion, which passed by a vote of 6**
617 **in favor with 1 absent (Townsend).**
618

619 **XVII. ADJOURNMENT**
620

621 **The meeting was adjourned at 7:49 p.m.**
622
623

624 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
625 **THIS 20th DAY OF APRIL, 2015.**
626

627
628
629 **ATTEST:**

630 *Kristy Ashberry*
631 _____
632 **Kristy Ashberry, City Secretary**

Jim Pruitt

Jim Pruitt, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, April 20, 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 City Council Members David White, Mike Townsend,
11 John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager
12 Rick Crowley and Assistant City Manager Mary Smith. City legal counsel Patrick Lindner
13 was present (filling in for City Attorney Frank Garza). Assistant City Manager Brad
14 Griggs was absent from the meeting.

15
16 **II. WORK SESSION**

17
18 Mayor Pruitt announced that this item was mistakenly included on the posted meeting
19 agenda and that no work session will actually be held this evening.

20
21 Mayor Pruitt then read the below listed discussion items into the public record before
22 recessing the meeting into Executive Session at 4:01 p.m.

23
24 **III. EXECUTIVE SESSION**

25
26 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
27 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
28 **CODE:**

- 29 1. Discussion regarding legal matters related to land lease operations at
30 Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation
31 with Attorney).
- 32 2. Discussion regarding deliberation of appointment of public officer to North
33 TX Municipal Water District Board, pursuant to Section 551.074
34 (personnel matters).
- 35 3. Discussion regarding incentives to tenured employees and possible legal
36 issues pursuant to Section 551.074 (Personnel Matters) and Section
37 551.071 (Consultation with Attorney).
- 38 4. Discussion regarding legal claim related to back up of city sewage line in
39 Random Oaks Subdivision pursuant to Section 551.071 (Consultation
40 with Attorney)
- 41 5. Discussion regarding legal claim: Jack R. Athey vs. Rockwall Police Chief
42 Mark Moeller, Rockwall County Emergency Services Corporation, and the
43 City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
- 44 6. Discussion regarding the Animal Services Shelter and Adoption Services
45 Agreement between the City of Rockwall and Collin County Humane
46 Society pursuant to Section 551.071 (Consultation with Attorney).

- 47 7. Discussion regarding City Manager's performance evaluation and
48 contract pursuant to Section 551.074 (Personnel Matters) and Section
49 551.071 (Consultation with Attorney)

50
51 **IV. ADJOURN EXECUTIVE SESSION**

52
53 **Executive Session was adjourned at 5:30 p.m.**

54
55 **V. RECONVENE PUBLIC MEETING**

56
57 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council**
58 **members being present.**

59
60 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

61
62 **Mayor Pro Tem Lewis made a motion to reappoint Bill Lofland to serve as one of the**
63 **city's two representatives on the North Texas Municipal Water District Board (term will**
64 **expire May 31, 2017). Councilmember White seconded the motion, which passed by a**
65 **vote of 7 ayes to 0 nays.**

66
67 **Mayor Pro Tem Lewis made a motion to approve the first amendment to the employment**
68 **agreement for Rockwall City Manager Rick Crowley effective April 6, 2015.**
69 **Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0**
70 **against.**

71
72 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER SCOTT MILDER**

73
74 **Councilmember Milder delivered the invocation and led the Pledge of Allegiance.**

75
76 **VIII. PROCLAMATIONS / AWARDS**

- 77
78 1. Motorcycle Safety and Awareness Month

79
80 **Mayor Pruitt called forth several representatives of various motorcycle clubs who were**
81 **present. After brief introductions, he then read and presented the proclamation to this**
82 **group. Representatives of the group expressed interest in partnering with the city to**
83 **install "Share the Road" (with motorcyclists) signs.**

- 84
85 2. 9-1-1 Dispatcher Appreciation Day

86
87 **Mayor Pruitt called forth the Dispatch Manager, Kim Barry, and Dispatch Supervisors**
88 **Kristina Williams, Tosha Marks as well as dispatcher Christopher Minckler. The mayor**
89 **then read and presented staff with this proclamation.**

- 90
91 3. Animal Control Officer Appreciation Day

92
93 **Mayor Pruitt called forth Joyce Ross, Animal Control Officer for the City of Rockwall, to**
94 **whom he then read and presented the proclamation.**

97 IX. CONSENT AGENDA

- 98
- 99 1. Consider approval of the minutes from the April 6, 2015 regular city
- 100 council meeting, and take any action necessary.
- 101 2. Consider authorizing the City Manager to execute an agreement with
- 102 Insituforms Technologies LLC to repair wastewater pipe damage at the
- 103 Random Oaks subdivision in the amount of \$16,750 and approval of a
- 104 wastewater operations budget amendment of \$20,000 to provide funding
- 105 for the project and take any action necessary
- 106 3. Z2015-011 - Consider approval of an ordinance for a City initiated zoning
- 107 request for the approval of a text amendment to Article IX, Tree
- 108 Preservation, Section 11.1, Tree fund administration, of the Unified
- 109 Development Code [Ordinance No. 04-38] for the purpose of modifying
- 110 this section of the code, and take any action necessary. (2nd reading)
- 111 4. P2015-012 - Consider a request by Warren Corwin of Corwin Engineering
- 112 on behalf of Ryan Joyce of the Skorburg Company (BH Phase V 80'
- 113 POD, SF, LTD) for the approval of a preliminary plat for 79 single family
- 114 residential lots, identified as Phase V of the Breezy Hill Subdivision, being
- 115 a 25.597-acre tract of land situated within the J. Strickland Survey,
- 116 Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned
- 117 Planned Development District 74 (PD-74) for Single Family 10 (SF-10)
- 118 District land uses, situated on the west side of Breezy Hill Road north of
- 119 the intersection Breezy Hill Road and FM-552, and take any action
- 120 necessary.
- 121 5. Discuss and consider approval of a resolution associated with dedication
- 122 of open space at the Park at Stone Creek as part of the Texas Parks and
- 123 Wildlife Department grant process, and take any action necessary.

124 **Mayor Pro Tem Lewis pulled item #2 and asked that it be held for consideration until later**

125 **on in the meeting.**

126

127 **Councilmember White made a motion to approve the remaining items (#s 1, 3, 4, and 5).**

128 **Councilmember Milder seconded the motion. The ordinance was read as follows:**

129

130 CITY OF ROCKWALL

131 ORDINANCE NO. 15-13

132

133 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,

134 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*

135 *NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,

136 BY AMENDING SECTION 11.1 OF ARTICLE IX, *TREE PRESERVATION*;

137 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF

138 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;

139 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A

140 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

141

142 **The motion passed unanimously of council (7-0).**

143

144

145 Consent Agenda item #2 was addressed following Appointment Item #4. Regarding
146 Consent Agenda item #2, City Engineer Tim Tumulty explained that it appears a
147 contractor who was working on the HOA's retaining wall at some point in the past hit the
148 sewer line and dropped rock and concrete into the existing sewer pipe. He explained
149 that this agenda item will provide funding needed in order to make repairs to the line.
150 Mayor Pro Tem Lewis made a motion to approve Consent Agenda item #2. Mayor Pruitt
151 seconded the motion. After brief comments, the motion passed by a vote of 7 ayes to 0
152 nays.

153
154 Public Hearing items were addressed next by Council.

155
156 **X. APPOINTMENTS**

157
158 1. Appointment with the Planning and Zoning Chairman to discuss and
159 answer any questions regarding cases on the agenda and related issues
160 and take any action necessary.

161
162 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed
163 the council on recommendations of the Commission relative to items on tonight's city
164 council meeting agenda. No action was taken concerning this agenda item.

165
166 2. Appointment with Frank Conroy of Fox, Byrd & Company PC to present
167 the city's Fiscal Year 2014 Comprehensive Annual Financial Report, and
168 take any action necessary.

169 Mr. Frank Conroy came forth and briefed the Council on results of the city's FY2014
170 annual audit. He generally indicated that the city's finances are in good shape. The
171 general fund balance for reserves is favorable as well. He indicated that, overall, the City
172 of Rockwall is being managed with sound financial management. The council took no
173 action concerning this agenda item.

174
175 3. Appointment with Mr. Tom Galli to hear update regarding a Memorial Day
176 concert scheduled to be held at The Harbor on Sunday evening, May
177 24th at 7:00 p.m., and take any action necessary.

178 Mr. Galli came forth to address the council. He indicated that the promotional poster for
179 the concert was designed by a local veteran who served in military and in the 'global war
180 on terror.' He indicated that this event aims to serve as a recurring civic commemoration
181 to honor those who have served and to educate citizens on those who have served and
182 on past wars which have taken place. He briefed the council on the musicians who are
183 slated to perform as well as the narrator who is scheduled to emcee the event. He further
184 indicated that the Rockwall Police Department Honor Guard and the Rockwall
185 Community Band will play a part in the event as well.

186
187 Mayor Pruitt thanked Mr. Galli and his counterparts for taking on this project. He
188 expressed appreciation regarding the program they have put together. Councilmember
189 Milder asked who is supporting and funding the event. He indicated that the city has
190 provided funding and a budget; however, the expenses will be very minor. In addition,
191 the local American Legion, some local businesses, local Boy Scout groups and the
192 Hilton Hotel are all playing some role in making the event possible. The council took no
193 action concerning this agenda item.

194
195 4. Appointment with Mrs. JoAnn Marsh and her neighbors to hear concerns
196 related to sewage issues in their neighborhood (Random Oaks
197 subdivision), and take any action necessary.

198 **Chris and JoAnn Marsh**
199 **1947 Random Oaks Drive**
200 **Rockwall, TX**

201
202 **Mr. Marsh indicated that about seventy-five homes are located within the Random Oaks**
203 **subdivision, which is near the CVS and is generally located near SH-205 at Quail Run. He**
204 **generally indicated that several sewage-related concerns have been present in the**
205 **neighborhood for many years, ever since they moved into their home. Mrs. Marsh**
206 **proceeded to share a PowerPoint presentation with the city council, which highlighted a**
207 **history of the problem, steps the city has previously taken to help resolve problems,**
208 **health related concerns she and her son have had, a sewage backup that recently**
209 **occurred at her neighbor's home in January of this year, and an overall plea for the city**
210 **to resolve their issues.**

211
212 **Mr. Marsh came forth and provided additional details concerning the sewage-related**
213 **problems. He suggested that perhaps there is a city lift station that is not sufficient.**

214
215 **Larry Brown came forth and indicated that he moved into Random Oaks in 1997. In**
216 **January of this year, he and his wife were home when they witnessed sewage backing up**
217 **in both of their bathrooms, including in the shower, tub and toilets. Two homes,**
218 **including his in January of this year and one back in 2008, have sustained sewage-**
219 **related damage.**

220
221 **Tom and Mitzi Zopp**
222 **502 Bending Oaks**
223 **Rockwall, TX**

224
225 **Mr. and Mrs. Zopp came forth and indicated they moved into their home in 1998. They**
226 **have been noticing a sewage smell while on their daily, evening walks ever since they**
227 **moved into Random Oaks. She has personally called the city about three times for water**
228 **mains that have broken at the top of the hill, which has caused water to rush down into**
229 **their yard.**

230
231 **Mrs. Marsh again came forth and shared a hand drawn map with council member to**
232 **depict where she and her neighbors live. She indicated that the manhole the city**
233 **uncovered in their driveway in about 2011 has exploded twice. Generally speaking, she**
234 **and her neighbors have smelled sewage ever since they have lived in Random Oaks (for**
235 **at least fifteen or twenty years, if not more).**

236
237 **Councilmember Milder asked for City Engineer Tim Tumulty to explain why they city**
238 **installed a manhole in the Marsh's driveway. Mr. Tumulty indicated that the contractor**
239 **who built their home had covered up an existing manhole when he poured their**
240 **driveway. So they city uncovered it.**

241

242 Mayor Pro Tem Lewis indicated that his brother lives near the Marsh's, on the same
243 street in fact. His brother has indicated to him that he has experienced some smell-
244 related problems.

245
246 Mayor Pruitt thanked Mr. and Mrs. Marsh and their neighbors for coming forth and
247 sharing these concerns with the city council. He then explained that the City Council will
248 address Consent Agenda item #2, which deals with taking steps to repair the
249 broken/damaged sewer line underneath the retaining wall that the HOA's contractor
250 impacted while doing work on the wall. The council took no action concerning this
251 Appointment Item.

252
253 **XI. PUBLIC HEARING ITEMS**

- 254
255 1. Z2015-012 - Hold a public hearing to discuss and consider the approval
256 of an ordinance for a request by Cindy Levandowski on behalf of the
257 owner Terry Rowe for the approval of an amendment to a Specific Use
258 Permit [Ordinance No. 09-28] to allow for a General Retail Store within
259 Planned Development District 50 (PD-50) for a 0.16-acre parcel of land
260 identified as Lot 1, Block 1, Henry Addition, City of Rockwall, Rockwall
261 County, Texas, zoned Planned Development District 50 (PD-50) for
262 Residential-Office (RO) District land uses, situated within the North Goliad
263 Corridor Overlay (NGC OV) District, addressed as 907 N. Goliad Street,
264 and take any action necessary [1st Reading].

265
266 Senior Planner David Gonzales provided background information related to this agenda
267 item. He explained that the owner is currently wishing to open up a boutique type store
268 selling merchandise for ladies and babies. It will occupy about 500 square feet of the
269 existing 1,000 square foot home/business. A description of the operation being
270 proposed, including the anticipated days and hours of operation were included in council
271 member packets. Notices were sent out to property owners and HOA's located within
272 500' of the subject property. Two notices were received back in favor, and one was
273 received back in opposition. The Planning & Zoning Commission has recommended
274 approval of this item as previously indicated by Chairman Renfro.

275
276 Mayor Pruitt opened the public hearing and asked if the applicant or anyone in the
277 audience would like to come forth and speak at this time. There being no one indicating
278 such, he then closed the public hearing.

279
280 Councilmember White made a motion to approve Z2015-012 with staff recommendations.
281 Councilmember Townsend seconded the motion.

282
283 The ordinance was read as follows:

284
285 **CITY OF ROCKWALL**
286 **ORDINANCE NO. 15-**
287 **SPECIFIC USE PERMIT NO. S-**

288
289 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
290 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
291 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
292 **AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT (SUP) NO. S-68**

293 [ORDINANCE NO. 09-28] TO ALLOW FOR A GENERAL RETAIL STORE IN
294 A RESIDENTIAL-OFFICE (RO) DISTRICT, ON A 0.16-ACRE PARCEL OF
295 LAND IDENTIFIED AS LOT 1, BLOCK 1, HENRY ADDITION, GENERALLY
296 LOCATED AT 907 N. GOLIAD STREET, AND ZONED PLANNED
297 DEVELOPMENT DISTRICT NO. 50 (PD-50), CITY OF ROCKWALL,
298 ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;
299 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF
300 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
301 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
302 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
303

304 The motion passed by a vote of 7 ayes to 0 nays.
305

- 306 2. P2015-008 - Hold a public hearing to discuss and consider a request by
307 Michael Clark for the approval of a residential replat for Lots 6 & 7, Block
308 K, Sanger Brothers Addition, being a 0.23-acre parcel of land currently
309 identified as the eastern ½ of Lot 3, Block K, Sanger Brothers Addition,
310 City of Rockwall, Rockwall County, Texas, zoned Single Family 7 (SF-7)
311 District, situated within the Southside Residential Neighborhood Overlay
312 (SRO) District, addressed as 808 Sam Houston Street, and take any
313 action necessary.

314 Mr. Gonzales provided brief background information concerning this agenda item. He
315 indicated that thirty-eight notices were sent out to adjacent property owners. One notice
316 was received back by staff expressing opposition to this item. The Planning & Zoning
317 Commission has recommended its approval with staff recommendations (vote of 7 to 0).
318

319 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
320 speak. There being no one, Mayor Pruitt then closed the public hearing.
321

322 Councilmember Townsend made a motion to approve P2015-008. Councilmember White
323 seconded the motion, which passed unanimously of council (7 - 0).
324

325 XII. ACTION ITEMS 326

- 327 1. Discuss and consider approval of a resolution regarding TxDot planning
328 for SH205, and take any action necessary.

329 City Manager Rick Crowley provided background information concerning this agenda
330 item, generally indicating that the City of Rockwall prefers that John King Boulevard be
331 designated as the preferred, future route for SH-205. Mayor Pruitt indicated that he,
332 another council member, and Mr. Crowley recently met with the city's state
333 representatives to discuss their strong support and preference for John King to be
334 utilized for this purpose. It fiscally makes the most sense for the state of Texas and for
335 the city, as the city does not wish to have large trucks and large amounts of traffic
336 traversing through the historic downtown area. This designation, should it occur, would
337 mean that Goliad would be extended northward through downtown and would be taken
338 over and maintained as a city owned and operated street.
339

340 Mayor Pruitt made a motion to approve the resolution. Councilmember White seconded
341 the motion. Councilmember White indicated that he would like this resolution to be sent
342 to TXDOT, our state representatives as well as our county representatives. After brief
343 comments, the motion passed by a vote of 7-0.

344
345 2. Discuss and consider a recommendation from the City Council's Hotel
346 Tax Subcommittee regarding a supplemental funding request from the
347 Soroptimist Club for the annual Country Fair and take any action
348 necessary.

349 **Assistant City Manager Mary Smith provided brief background information concerning**
350 **this agenda item. She indicated that a request of up to \$20,000 was recently reviewed by**
351 **the city council subcommittee (Lewis, White and Townsend), and the sub-committee is**
352 **recommending that the council consider approving \$2,500 of funding for this event. The**
353 **funding, if approved, will be utilized for the 2nd annual Country Fair being held by the**
354 **local Soroptimist group at the end of May.**

355
356 **Mayor Pro Tem Lewis made a motion to approve the recommended \$2,500 of funding.**
357 **Councilmember White seconded the motion, which passed by a vote of 7 ayes to 0 nays.**
358

359 3. SP2015-007 - Discuss and consider a request by Maria Bonilla of
360 Winkelmann and Associates, Inc. on behalf of Mark Matise of MAKKO
361 Goliad I, LP for the approval of a site plan and associated variances for a
362 grocery store and fuel center on a 11.28-acre tract of land identified as
363 Lots 2 & 3, Block A, Quail Run Retail Addition, City of Rockwall, Rockwall
364 County, Texas, zoned Planned Development District 5 (PD-5) for General
365 Retail (GR) District land uses, situated within the North SH-205 Overlay
366 (N. SH-205 OV) District, located at the southeast corner of the
367 intersection of N. Goliad Street (SH-205) and E. Quail Run Road, and
368 take any action necessary.

369 **Senior Planner David Gonzales provided brief background information related to this**
370 **agenda item. He explained that this building will include six gas pumps as well as a**
371 **drive-thru pharmacy on the north end of the building (with three drive-thru lanes). Also,**
372 **a truck loading dock area will be located on the south end of the building along with the**
373 **detention pond area. He explained that the size of the building requires a 30' landscape**
374 **buffer. This buffer will be included along with an additional 30' fire lane access**
375 **designation (the building sits 60' back). As part of the landscape buffer between the**
376 **building and residential properties, southern Live Oaks as well as Junipers and a**
377 **masonry screening fence will be placed between the store and the adjacent residential**
378 **neighborhood. The Architectural Review Board (ARB) did review the proposed**
379 **articulations for this proposed development. He explained the nature of various variance**
380 **requests that the applicant is asking of council, explaining that the variances are for**
381 **items, including masonry materials, stone requirements, articulation requirements and**
382 **architectural finishing, all of which will not be visible to anyone because they are in the**
383 **rear of the building (4th side) and will not be visible to drivers or to the neighborhood**
384 **behind the development. He explained that two of the variance requests (A&D for**
385 **masonry requirements and four-sided architecture) require a ¾ super majority vote of the**
386 **council for approval, and the remaining two variance requests require a simple majority**
387 **vote. Mr. Gonzales mentioned that a treescape plan, previously approved in 2002, has**
388 **resulted in some outstanding tree mitigation left on the property. The owners plan to pay**
389 **\$6,375 into the city's Tree Mitigation Fund in order to satisfy the outstanding tree**
390 **mitigation on the property.**

391
392 **Michael Clark**
393 **Winkelmann and Associates**

394 6750 Hillcrest Plaza, Suite #325
395 Dallas, Texas 75230

396
397 Mr. Clark came forth and indicated that he and several representatives of Kroger are
398 present this evening. He respectfully requested approval of this item tonight.

399
400 Gary Huddleston
401 Director of Public Affairs, Kroger
402 1331 East Airport Freeway
403 Irving, Texas 75062

404
405 Mr. Huddleston explained that normal deliveries would occur between 6:00 a.m. and
406 11:00 p.m.; however, they are happy to comply with any expressed city requirement.
407 Mayor Pruitt expressed concerns about trucks making deliveries having trouble coming
408 out onto Memorial and then trying to make a tough turn onto SH-205. He is also
409 concerned about truck traffic accessing the loading dock only to / from Memorial Drive.

410
411 Mr. Clark indicated that he envisions truck traffic coming in on Quail Run and then onto
412 Memorial Drive.

413
414 Councilmember Milder asked the applicant to consider flipping the proposed location of
415 the loading dock in order to locate it at the other end of the building instead of where it is
416 currently proposed to be located. Councilmember Milder went on to express some
417 concern about the large square footage that is being proposed associated with this
418 particular Kroger development. He believes this square footage is perhaps out of sorts
419 with the large, residential area that exists in the north part of town. It was clarified that
420 this particular Kroger store will be the same size as the currently expanded store located
421 in the south part of town.

422
423 Councilmember White asked if this proposed store is allowed to be 90,000 square feet on
424 this particular lot. Mr. Crowley indicated that, yes, the store is allowed to be that size
425 without special approval by Council. The only reason it is coming before the city council
426 this evening is for review and votes concerning the variance requests.

427
428 Councilmember Daniels asked what implications would be posed if the loading dock
429 were flipped to the south side rather than the north side of the building. Mr. Clark
430 indicated that it would pose some significant problems because the distance from the
431 ground up to the loading dock would be significantly increased due to the elevation of
432 the ground on the south end of the building versus the north end.

433
434 Mr. Crowley indicated that flipping the loading dock to the other side of the building
435 would result in some aesthetic impacts as well.

436
437 Mr. Huddleston indicated that the pharmacy traffic will be much more significant than the
438 delivery truck traffic, and these customers will be better served on the Quail Run side of
439 the building.

440
441 Lengthy discussion took place related to delivery truck traffic.

442
443 Assistant Police Chief Riggs expressed agreement with the city council's concerns about
444 delivery truck traffic turning right onto SH-205, expressing that it would be best if those

445 truck turned onto Quail Run instead, as it is difficult for a driver to make it across traffic
446 at this location.

447
448 Councilmember Hohenshelt suggested that trucks could come out onto Memorial and
449 then work their way to SH-205; however, at that point, perhaps signage could be placed
450 to indicate that all trucks must turn right (no left turn).

451
452 Mr. Huddleston indicated that Kroger delivery trucks could be mandated, from within the
453 company, to not turn left onto SH-205.

454
455 Councilmember White indicated that TXDOT has previously indicated that no traffic
456 signal is warranted at Memorial Drive; however, he questions if this topic may need to be
457 raised again and reconsidered by TXDOT. Mr. Crowley indicated that the city can
458 certainly raise this concern; however, it is very likely that, if this were to happen at all, it
459 would take a very, very long time (a number of years), if at all.

460
461 Mr. Crowley briefed the council on the city originally instituting masonry and stone
462 materials on the façade of buildings being developed. At that time, he explained, those
463 sorts of materials looked the best; however, since that time, many cultured type stones
464 have come to look just as good as natural stone.

465
466 A Kroger representative came forth and indicated that the supply and quicker availability
467 of the cultured stone works best for them. Also, cultured stone was previously utilized
468 on the existing Kroger store that is located on the south side of town.

469
470 Councilmember Townsend made a motion to approve SP2015-007, variance requests
471 A&D (masonry material (use of cultured stone veneer instead of natural stone) and 4-
472 sided Architecture (not meeting architectural finishing (materials, detailing and features)
473 on the 4th / rear side of the building). Councilmember White seconded the motion, which
474 failed by a vote of 5 ayes to 2 nays (Pruitt and Milder) (a $\frac{3}{4}$ (super majority) vote of
475 council was required for approval).

476
477 Councilmember Townsend made a motion to approve SP2015-007, including variance
478 requests B&C (stone requirements and articulation requirements (horizontal and vertical
479 articulation for rear of the building)). Councilmember White seconded the motion, which
480 passed by a vote of 5 in favor with 2 against (Pruitt and Milder).

481
482 Mayor Pruitt indicated that Tom Thumb, who is Kroger's major competitor and is located
483 very near down the road, was required to utilize real stone, so he believes Kroger should
484 have to as well.

485
486 Councilmember White indicated he would like staff to place an agenda item on the next
487 city council meeting agenda to consider modifying the city's existing ordinance
488 regulations to allow cultured stone to be utilized in lieu of real stone. Mayor Pro Tem
489 Lewis echoed the desire to revisit the city's ordinance regulations related to use of
490 cultured stone.

491
492 Mr. Gonzales pointed out that a city council vote is still needed to approve the site plan
493 itself. The site plan approval would include the photometrics, landscaping, building
494 elevations and the site plan itself.

495

496 Councilmember Townsend made a motion to approve the site plan for SP2015-007 with
497 the condition that Kroger will submit a letter agreeing to have their delivery trucks turn
498 right onto SH-205 (Goliad) off of Memorial Drive. Councilmember White seconded the
499 motion, which passed by a vote of 6 in favor with 1 against (Milder).

- 500
501 4. Discuss and consider installing public restrooms in the downtown area,
502 and take any action necessary.

503 Mayor Pro Tem Lewis indicated he placed this agenda item on for discussion after
504 hearing from several citizens concerning this subject.

505
506 Councilmember White asked what citizens are currently doing for restrooms when they
507 attend downtown events. Mr. Crowley indicated that at, for example Farmers Market, the
508 restrooms at The Center are available for use. Lewis expressed some concern about The
509 Center not being open during the upcoming live music series that is scheduled to be
510 held on Friday and Saturday nights. He is also concerned about "life safety issues"
511 associated with downtown visitors having to cross SH-66 in order to get to The Center to
512 utilize public restrooms when that building is open.

513
514 Councilmember Milder suggested the city put up signage at events indicating that public
515 restrooms are available at The Center if/when that option will work for events scheduled
516 downtown. It was indicated by staff that sometimes private rentals mean that people are
517 occupying The Center in the evenings when city sponsored events, such as the
518 upcoming music series, may be scheduled. This could pose an unwanted conflict with
519 individuals who have paid to rent out The Center for personal events.

520
521 Mr. Crowley indicated that the city spent about \$125,000 on restrooms that were
522 somewhat recently installed at the Tuttle Ball Fields. This amount does not include the
523 land. Also, cost associated with restroom facilities of this nature would depend on
524 availability of electrical and sewage-related infrastructure as well as land availability.

525
526 Mayor Pruitt asked if restaurants and merchants downtown have a problem with patrons
527 or downtown visitors utilizing their restrooms. Mr. Crowley indicated that staff has not
528 yet had these sorts of discussions with restaurants and businesses currently located in
529 the downtown area. However, he pointed out that some locations probably do not have
530 public restrooms available for use by their patrons at this time. Mr. Crowley indicated
531 The Center is already open on Saturday mornings for use by the public when attending
532 the Farmer's Market.

533
534 Councilmember Milder asked if the city's mobile restroom facility could be utilized for
535 some events. Mr. Crowley indicated that, yes, it could be; however, there is cost
536 associated with delivery and pick-up of the mobile restroom facility, and it has to be
537 staffed as well.

538
539 Mayor Pro Tem Lewis asked staff if they have shopped for a possible building downtown
540 that could be utilized for installation of public restroom facilities. Mr. Crowley indicated
541 that staff has not done so, but this can be done if the council desires.

542
543 Councilmember White indicated that he has not heard of any complaints associated with
544 a lack of restroom facilities in downtown. Mr. Crowley indicated that some stores are not
545 required by the city (for example retail stores) to have public restrooms available,

546 whereas other types of businesses (i.e. restaurants) are required to have public
547 restrooms.

548
549 Councilmember Daniels indicated that, as a previous small business owner who had
550 public restrooms available, he knows that opening up restrooms for public use can result
551 in a lot of costly plumbing bills for business owners.

552
553 Mayor Pro Tem Lewis asked Andy Hesser, Parks Manager, his thoughts about public
554 restroom availability. Mr. Hesser indicated that they will just need to wait and see what
555 sort of turn out results from the upcoming music series.

556
557 Mayor Pruitt asked if the existing Parks Administration offices could perhaps be
558 repurposed to make public restrooms available. Mr. Crowley indicated that staff can look
559 at some possibilities and then return to the council with options at a later date.

560
561 Mayor Pro Tem Lewis indicated that he would like staff to evaluate options and report
562 back to Council. No action was taken at this time concerning this agenda item.

563
564 At the end of the scheduled agenda items above, Mayor Pruitt utilized personal privilege
565 to allow the following citizen to come forth and speak about various concerns he wished
566 to express:

567
568 **Mr. Robert Wacker**
569 **806 Miramar**
570 **Rockwall, TX 75087**

571
572 Mr. Wacker came forth and expressed concerns related to his dissatisfaction related to
573 various topics. He generally expressed that he is not in favor of the Kroger development.
574 He is concerned about a traffic signal light possibly being installed at Memorial Drive, as
575 he believes there is not enough room to allow for this at this location. He is also
576 concerned about townhomes possibly being built near this area. He expressed that he is
577 in favor of SH-205 traffic being routed onto John King, and he believes that
578 developments such as Kroger should go there instead. He expressed general concerns
579 about roadways, including drainage and runoff problems near the pond by York Street.
580 He is also concerned about a park being built at Featherstone at John King, especially
581 related to the retention pond that will be utilized by the public. He encouraged a water
582 study to be done to ensure it won't overflow. He is also concerned about a retention
583 pond on site if the Kroger is developed at the currently proposed site (on SH-205). He
584 encouraged the council to take time to understand issues and follow its master plans.

585
586 Following Mr. Wacker's comments, Mayor Pruitt adjourned the public meeting (at 8:36
587 p.m.).

588
589 **XIII. EXECUTIVE SESSION**

590
591 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
592 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
593 **CODE:**

594

- 595 1. Discussion regarding legal matters related to land lease operations at
596 Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation
597 with Attorney).
- 598 2. Discussion regarding deliberation of appointment of public officer to North
599 TX Municipal Water District Board, pursuant to Section 551.074
600 (personnel matters).
- 601 3. Discussion regarding incentives to tenured employees and possible legal
602 issues pursuant to Section 551.074 (Personnel Matters) and Section
603 551.071 (Consultation with Attorney).
- 604 4. Discussion regarding legal claim related to back up of city sewage line in
605 Random Oaks Subdivision pursuant to Section 551.071 (Consultation
606 with Attorney)
- 607 5. Discussion regarding legal claim: Jack R. Athey vs. Rockwall Police Chief
608 Mark Moeller, Rockwall County Emergency Services Corporation, and the
609 City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
- 610 6. Discussion regarding the Animal Services Shelter and Adoption Services
611 Agreement between the City of Rockwall and Collin County Humane
612 Society pursuant to Section 551.071 (Consultation with Attorney).
- 613 7. Discussion regarding City Manager's performance evaluation and
614 contract pursuant to Section 551.074 (Personnel Matters) and Section
615 551.071 (Consultation with Attorney)

616
617 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

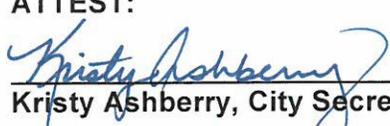
618
619 **The city council did not convene in Executive Session following the close of the public**
620 **meeting agenda.**

621
622 **XV. ADJOURNMENT**

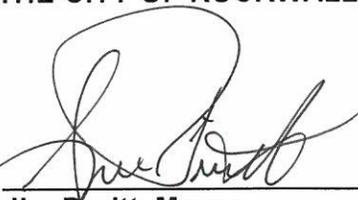
623
624 **The meeting was adjourned at 8:36 p.m.**

625
626
627
628 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

629 **THIS 4th DAY OF MAY, 2015.**

630
631
632
633 **ATTEST:**
634 
635 _____
636 **Kristy Ashberry, City Secretary**





Jim Pruitt, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 04, 2015
5:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the meeting to order at 5:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank Garza.

Mayor Pruitt read the below listed items into the public record before recessing the meeting into Executive Session.

II. EXECUTIVE SESSION.

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)

III. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:40 p.m.

IV. RECONVENE PUBLIC MEETING

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

V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VI. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER DANIELS

Councilmember Daniels delivered the invocation and led the Pledge of Allegiance.

VII. PROCLAMATIONS / AWARDS

1. Recognition of Rockwall Police Department Award Recipients

Police Chief Mark Moeller came forth and introduced the Assistant Chief of Police as well as several other members of the command staff. He then recognized Officer Russell Lambert for receiving the Lifesaving Award when he performed CPR and helped save the life of worker who was working on repairing a transformer when he became electrocuted.

50 He also acknowledged Officer Mike McCreary for receiving a Certificate of Merit for his
51 clever police work which helped end a rash of motor vehicle burglaries. Chief Moeller
52 went on to recognize several narcotics officers who received Certificates of Merit for
53 their work to bust up a large drug trafficking operation that had been under investigation
54 for several years.

55
56 2. Police Week Proclamation

57
58 Mayor Pruitt thanked the city's professional, dedicated police officers for their hard work
59 and dedication to the City of Rockwall and its citizens. He then read a proclamation
60 declaring it to be Police Week in the City of Rockwall.

61
62 3. National Safe Boating Week

63
64 This item was deferred until the next meeting.

65
66 4. National Day of Prayer

67
68 Mayor Pruitt reminded everyone about the Mayor's Prayer Breakfast at The Center on
69 Thursday morning, May 7 at 7:30 a.m. as well as the noon day event out front of city hall.
70 He then read a proclamation for National Day of Prayer into the public record.

71
72 VIII. OPEN FORUM

73
74 Mrs. Carrie Martin
75 119 Westminster Drive
76 (Carrington Farms subdivision)
77 Fate, Texas

78
79 Mrs. Martin expressed that she moved here from California and explained the various
80 reasons why she moved to Fate. She explained that she has concerns about Rochelle
81 Road, and she would like to see the City of Rockwall and the City of Fate make
82 improvements to this gravel road to allow it to be traversed by the public without damage
83 to personal vehicles. She suggested that paving the road as a two-lane roadway would
84 be a good option at this point. She does not believe paving it as four-lane roadway
85 would be necessary at this time, and she is not in favor of blocking it completely. She
86 thanked the council for its consideration.

87
88 IX. CONSENT AGENDA

- 89
90 1. Consider approval of the minutes from the April 20, 2015 regular city
91 council meeting, and take any action necessary.
- 92 2. **Z2015-012** - Consider approval of an **ordinance** for a request by Cindy
93 Levandowski on behalf of the owner Terry Rowe for the approval of an
94 amendment to a Specific Use Permit [Ordinance No. 09-28] to allow for a
95 General Retail Store within Planned Development District 50 (PD-50) for
96 a 0.16-acre parcel of land identified as Lot 1, Block 1, Henry Addition, City
97 of Rockwall, Rockwall County, Texas, zoned Planned Development
98 District 50 (PD-50) for Residential-Office (RO) District land uses, situated

99 within the North Goliad Corridor Overlay (NGC OV) District, addressed as
100 907 N. Goliad Street, and take any action necessary **[2nd Reading]**.

- 101 **3. P2015-013** - Consider a request by Tony Rangel of Rangel Land
102 Surveying Co. on behalf of Shawn Valk of Platinum Storage for the
103 approval of a final plat for Lot 1, Block A, Platinum Storage Addition being
104 a 5.549-acre tract of land identified as a portion of Tract 2 of the J. Cadle
105 Survey, Abstract No. 65 and the N. M. Ballard Survey, Abstract No. 48,
106 City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District,
107 situated within the IH-30 Corridor (IH-30 OV) Overlay District, located on
108 the west side of Townsend Road south of E. IH-30 and north of SH-276,
109 and take any action necessary.

110 **Councilmember Daniels made a motion to approve the entire Consent Agenda (#s 1, 2,**
111 **and 3). Mayor Pro Tem Lewis seconded the motion. The ordinance for #2 was read as**
112 **follows:**

113
114 **CITY OF ROCKWALL**
115 **ORDINANCE NO. 15-14**
116 **SPECIFIC USE PERMIT NO. S-137**
117

118 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
119 **TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE**
120 **NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY**
121 **AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT (SUP) NO. S-68**
122 **[ORDINANCE NO. 09-28] TO ALLOW FOR A GENERAL RETAIL STORE IN**
123 **A RESIDENTIAL-OFFICE (RO) DISTRICT, ON A 0.16-ACRE PARCEL OF**
124 **LAND IDENTIFIED AS LOT 1, BLOCK 1, HENRY ADDITION, GENERALLY**
125 **LOCATED AT 907 N. GOLIAD STREET, AND ZONED PLANNED**
126 **DEVELOPMENT DISTRICT NO. 50 (PD-50), CITY OF ROCKWALL,**
127 **ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;**
128 **PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF**
129 **TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;**
130 **PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
131 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
132

133 **The motion passed unanimously of those present (7-0).**
134

135 **X. APPOINTMENTS**
136

- 137 **1.** Appointment with the Planning and Zoning Chairman to discuss and
138 answer any questions regarding cases on the agenda and related issues
139 and take any action necessary.

140 **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the**
141 **council on the Public Hearing item on tonight's city council meeting agenda.**

- 142 **2.** Appointment with representative(s) of Eastridge Church of Christ to hear
143 concerns related to expiration of an existing facilities agreement between
144 the City of Rockwall and the church, and take any action necessary.

145 **Indication was given that Councilmember White would be recusing himself from this**
146 **item. However, indication was given that the representative(s) was not present.**
147 **Therefore, this item was not discussed.**
148

149 3. Appointment with Mike Clark of Winkelmann and Associates,
150 representing Kroger Stores, to discuss the variance decision relative to
151 the four (4) sided architecture requirement for the proposed Kroger store
152 location at the southeast corner SH 205 and Quail Run Road and take
153 any action necessary.

154 **Mike Clark**
155 **Winkelmann and Associates**
156 **6750 Hillcrest Plaza, Suite 325**
157 **Dallas, Texas 75230**

158
159 **Mr. Clark explained that he is representing Kroger. He thanked the Council for allowing**
160 **him to bring this item forward. He expressed that the four-sided architecture-related**
161 **variance was not really discussed much at the last council meeting. He explained that he**
162 **would be appreciative if the council might consider this particular issue as a stand-alone**
163 **item rather than lumping it together with any of the other three variance requests that**
164 **were presented at the last meeting.**

165
166 **Christina Conrad**
167 **Project Manager, Kroger Company**
168 **1331 East Airport Freeway**
169 **Irving, Texas**

170
171 **Ms. Conrad explained that this variance is associated with the elevations on the**
172 **articulation at the rear of the building. She explained that this side of the building will all**
173 **be screened with a fence and with buffer landscaping.**

174
175 **Mr. Clark explained that the articulation on the rear of the building involves separation**
176 **from the back of the building and residents beyond the rear. There is a 30' landscape**
177 **buffer of trees planned.**

178
179 **Mayor Pruitt asked for clarification regarding some "chimney like" elevations that would**
180 **be present on the top of the roof of the building, asking if these would be visible from**
181 **nearby residential homes. Mr. Clark explained that, generally, residents might see these,**
182 **but likely they will not.**

183
184 **Councilmember White asked for clarification regarding if this item would have to go back**
185 **on the agenda, or if the council can vote on these variance requests separately as four**
186 **separate action items tonight. Mr. Garza, city legal counsel, confirmed that Council is**
187 **able to take action this evening if it so chooses.**

188
189 **Councilmember White made a motion to approve the variance request for the four-sided**
190 **architecture requirement, specifically regarding the rear of the building. Councilmember**
191 **Townsend seconded the motion. The mayor commented that this must be a super**
192 **majority vote if it is to be approved. Councilmember Milder indicated that he does not**
193 **believe the size of this proposed store is way too large for this lot, and he is concerned**
194 **about delivery truck traffic on Memorial Drive. Mayor Pruitt also indicated that he is not**
195 **in favor of the entire development; however, he does not have a problem with granting**
196 **the variance on the four-sided architecture (rear). The motion passed unanimously (7-0).**

197
198 **Councilmember White asked if the applicant (Kroger) will be coming back to ask for**

199 reconsideration of the natural stone versus cultured stone variance that was denied at
200 the last council meeting. Ms. Conrad indicated that they are waiting to see what the
201 Council decides to do on the Action Item related to the subject matter later on in
202 tonight's meeting. Mr. Clark indicated that, depending on how that item ends up, they
203 may decide to come back and seek reconsideration; however, they may just continue on
204 with using natural stone as decided at the last meeting.

205
206 **XI. PUBLIC HEARING ITEMS**

- 207
208 1. **Z2015-013** - Hold a public hearing to discuss and consider a request by
209 Cole Franklin of the Skorburg Company on behalf of Breezy Hill 405, LTD
210 for the approval of an **ordinance** amending Planned Development District
211 74 (PD-74) to change the concept plan to allow for additional single-family
212 residential lots and allow for changes to the development standards
213 contained in Exhibit 'C' of Ordinance 14-26 for 405.184-acres of land
214 identified as Tract 7 & 7-1 of the J. Strickland Survey, Abstract No. 187,
215 Rockwall, Rockwall County, Texas, generally located north of FM-552
216 and west of Breezy Hill Road, and take any action necessary. **(1st**
217 **Reading)**

218 **Mr. Ryan Miller, Planning Manager, provided background information related to this**
219 **agenda item. He explained that the applicant is asking for about fourteen acres of**
220 **currently designated retail land to be changed to allow for additional single-family**
221 **residential lots instead. If this were to be approved, it would result in an increase of 742**
222 **to 762 lots, which is a total increase of about twenty lots. He went on to explain that the**
223 **developer has been able to stay within guidelines on the city's density requirements (2**
224 **units per acre and 20% open space). Thirty-three property owners located within 500' of**
225 **the subject property received notifications of this proposed change. Three notifications**
226 **were returned back from residents in the subdivision, all of whom were opposed to this**
227 **request. The Planning & Zoning Commission voted 6-1 to recommend approval of this**
228 **request.**

229 **Adam Buczek**
230 **Skorburg Company**
231 **8214 Westchester Drive, Ste. 710**
232 **Dallas, TX 75225**

233
234 **Mr. Buczek provided a history of the Breezy Hill subdivision development over the last**
235 **several years. He explained that, if approved, these 50x120' lot sized homes will be sold**
236 **at a price point of the high \$200's to mid-\$300's and will be between 1,800 to 4,000 square**
237 **feet.**

238
239 **Mayor Pruitt then opened the public hearing and asked if anyone would like to come**
240 **forth and speak at this time.**

241
242 **Mrs. Caroline Nuytten**
243 **304 Wooded Trail**
244 **Rockwall, TX 75087**

245
246 **Mrs. Nuytten came forth and generally expressed opposition to these smaller lots. She**
247 **explained that children and their parents already do not have a lot of space to play**
248 **outdoors in the Breezy Hill neighborhood, so children are often in the streets playing.**

249 She believes this poses a great safety concern. She is generally not in favor of this
250 request.
251

252 Mr. Freddie Jackson
253 1812 Bristol Lane
254 Rockwall, TX 75032
255

256 Mr. Jackson asked for some clarification on the lot sizes originally and what is being
257 proposed now. He expressed that he believes the residents in the neighborhood prefer
258 the larger lots in lieu of smaller ones. He explained that those residents are not present
259 this evening; however, several were in attendance at the P&Z meeting and expressed
260 these sorts of sentiments.
261

262 Mayor Pro Tem Lewis expressed that he is torn between feeling that this proposed size
263 lot is a product that is needed by young families and residents who already bought
264 homes and live there likely expecting the larger lots within the neighborhood.
265

266 Mr. Buczek came forth and explained that he believes these residential lots will be a more
267 desirable product than retail would be, as there will not be retail buildings, backs of
268 those buildings, trash receptacles, etc. present if this area were developed as retail. He
269 believes residential homes will be more helpful to the residents than retail would be.
270

271 Councilmember Pruitt expressed that he generally feels the developer should stick to
272 what was originally proposed and approved within this subdivision, especially since
273 residents who already purchased homes and are living there have had certain
274 expectations ever since they bought their home (they have been expecting retail).
275

276 Councilmember Townsend expressed concern about the applicant expressing that any
277 retail development in this location would be a horrible thing for the existing residents
278 and the area. He does not believe this to be true. He is concerned about the developer
279 referring to any residential lots as a "buffer area" between other residential homes on
280 bigger lots and retail areas. He believes this sends a very negative message to people
281 living in that community. He also has concerns about what the developer might allow to
282 go into the retail areas.
283

284 Mr. Buczek indicated that even the 50' lots will not be cheap / inexpensive lots. He
285 explained that he does not believe retail is 'negative,' stating that he is excited about it.
286 He went on to explain that the current market is different than the original market, and
287 therefore they no longer need as much retail as originally planned. Instead, they need
288 more of the 50' lot product because they are almost out of these lots.
289

290 Councilmember Daniels expressed that fifty foot lots with front end garages will
291 eventually become unsightly. He also offered concern about the applicant 'borrowing
292 density' from elsewhere within the development in order to 'artificially' stay in
293 compliance with the city prescribed / approved density requirements. He shared that he
294 lives in a community that has very narrow lots and high density, and, in his experience,
295 this combination does pose safety concerns for children and drivers who may drive over
296 10 mph. He feels that is how some of the residents in Breezy Hill may feel as well as far
297 as allowing smaller/more narrow lots. He is generally concerned about developers
298 coming in and not staying true to what they originally propose to put on the ground.
299

300 Councilmember Hohenshelt asked if the 50' lot product in Stone Creek was always,
301 originally a part of that development, or if they were asked for and granted later on. Mr.
302 Buzcek explained that the 50' lots were there and included originally.

303
304 Mr. Buzcek explained that DCRs are in place in this neighborhood and will help with any
305 concerns about property maintenance over time.

306
307 Mayor Pruitt reflected on 60' lots that were previously approved in Breezy Hill by a 5-2
308 vote. He believes residents who bought in Breezy Hill were already expecting that the
309 subdivision would have large lots and some retail, and now he is hearing concerns from
310 those residents about the city potentially allowing the developer to change what these
311 residents believed they were originally buying into when they purchased their homes.

312
313 Councilmember Milder asked for the Planning & Zoning Chairman, Craig Renfro, to come
314 forth and further explain discussions of the Commission relative to this agenda item. Mr.
315 Renfro indicated that the commissioners had originally expressed a lot of similar
316 concerns to those that city council members have expressed this evening. However, he
317 and others on P&Z understand that a developer typically has an original vision and intent
318 going into a project; however, sometimes, due to extenuating and other circumstances,
319 the developer runs into a need to modify and make a course correction. Furthermore, he
320 explained, after hearing from residents and thereafter talking through it, the P&Z
321 cautioned residents to be careful what they wish for as far as the potential retail
322 development areas are concerned and what could end up going in there. He went on to
323 explain that Commissioner Logan was the one dissenting vote concerning the
324 recommendation that this item be approved because she felt that the developer should
325 stick to 60' lots.

326
327 Councilmember Hohenshelt asked for and received clarification from Mr. Buchek about
328 the lot sizes being 50'. Mr. Buchek explained that they will be running out of fifty-foot lot
329 sizes in about a year, so it makes sense to make more of this product available.
330 Hohenshelt asked if he felt he would have any trouble selling 60' lot sizes, and Mr.
331 Buchek indicated, no; however, he explained that there are significantly more 60' lots in
332 inventory than there are 50' lots.

333
334 The public hearing was closed. Mayor Pruitt then made a motion to deny the request for
335 this zoning change (change in concept plan). Councilmember Milder seconded the
336 motion, which passed by a vote of 6 in favor with 1 against (White).

337
338 **XII. ACTION ITEMS**

- 339
340 1. Discuss and consider possible amendment(s) to the Unified Development
341 Code (UDC) related to approved building materials (natural vs. quarried
342 stone) and associated variances, and take any action necessary.

343 Councilmember White indicated that he placed this item on the agenda for discussion
344 this evening.

345
346 Councilmember White made a motion to have the Planning & Zoning Commission and
347 staff evaluate and bring back to the council for consideration a standard of high-quality,
348 cultured stone that would be acceptable and durable for use in overlay districts.
349 Councilmember Daniels seconded the motion.

350
351 Councilmember Hohenshelt suggested that perhaps leaving the ordinance regulations
352 "as is" might result in applicants bringing forth before council, not only requests for
353 variances associated with natural versus cultured stone, but also with perhaps some
354 other high quality or unique architectural designs or materials that they would like the
355 council to consider (which may be a positive thing). He generally cautioned the council
356 to carefully consider the bigger picture before making a decision to change the
357 ordinance regulations currently in place in overlay districts.

358
359 After additional discussion, the motion passed by a vote of 7 in favor with 0 against.

360
361 2. Discuss and consider amending the "Policies and Procedures of the
362 Rockwall City Council and Other Boards and Commissions" to call for
363 Open Forum to be held at each regular city council meeting, and take any
364 action necessary.

365 Mayor Pruitt indicated that he asked that this item be placed on the meeting agenda for
366 consideration. He believes that allowing Open Forum at each regularly scheduled city
367 council meeting, rather than only at the first meeting of the month, is more inclusive for
368 citizens who may wish to speak.

369
370 Councilmember White made a motion to modify the "Policies and Procedures of the
371 Rockwall City Council and Other Boards and Commissions" to add language that will call
372 for Open Forum to be held at each regularly scheduled city council meeting. Mayor
373 Pruitt seconded the motion, which passed by a vote of 7 ayes to 0 nays.

374
375 3. Discuss and consider scheduling the official canvass of the May 9, 2015
376 General and Special Elections as well as swearing in of newly elected city
377 council members, and take any action necessary.

378 City Manager Rick Crowley provided the city council with some options pertaining to
379 when the official canvass could be scheduled and when city council members who are
380 newly elected could be sworn in.

381 Councilmember Lewis made a motion to move forward with the second option described
382 in staff's memo (as follows):

383 Schedule the canvass on 05/18 during Action Items on the regular agenda;
384 formally swear in newly elected members (by city secretary) at the very end
385 of the 6PM public meeting agenda; recognizing and thanking outgoing
386 members; with this option, newly elected council members' first official
387 meeting would be Monday, June 1st (unless a special meeting were called
388 in between)

389
390 Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0
391 against.

392 4. Discuss and consider granting permissions for the City's May 16, 2015
393 Founders Day Festival at Harry Myers Park related to Chapter 30, Article
394 I, Sec. 30-2, Regulated Activities in Parks of the Code of Ordinances, and
395 take any action necessary.

396

397 Councilmember White made a motion to approve this item, allowing alcohol to be
398 brought in by residents/visitors/attendees and personally consumed at Harry Myers Park
399 during the 2015 Founders Day Festival. Councilmember Hohenshelt seconded the
400 motion. Councilmember Daniels indicated that he is opposed to the idea of having
401 alcohol in the city's public parks because it is prohibited by ordinance. He does not
402 believe the city council should be promoting alcohol in public parks. Mayor Pruitt
403 indicated that he is also against alcohol in city parks. After brief comments, the motion
404 passed by a vote of 4 in favor with 3 against (Pruitt, Milder and Daniels).
405

406 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
407 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
408

- 409 1. Departmental Reports
410 Building Inspections Monthly Report - March 2015
411 Finance Department Monthly Report - March 2015
412 Fire Department Monthly Reports - March 2015
413 Harbor PD Monthly Report - March 2015
414 Internal Operations Department Monthly Report - March 2015
415 Recreation Monthly Report - March 2015
416 Rockwall Animal Adoption Center Monthly Report - March 2015
417 2. City Manager's Report
418

419 City Manager Rick Crowley updated the council on various current and upcoming events.
420 Lake Lavon has begun releasing water into Lake Ray Hubbard, which indicates we are in
421 a significantly better position than we were as far as water and lake levels are concerned.
422 He indicated that a recent bill in the legislature has been approved by the House, and it is
423 a bill for which the council recently passed an ordinance of support. The San Jacinto
424 music series is ongoing on Friday and Saturday evenings on the downtown square.
425 Concert by the Lake begins this Thursday, and Founders Day is set for May 16. Staff is
426 working through a lot of applications for the position of Chief of Police. Mayor Pruitt
427 thanked staff for offering various, ongoing live music events to the public, which do help
428 make the City of Rockwall the Live Music Capital of North Texas.
429

430 Councilmember White asked if there were any issues with members of the public
431 needing to use the restroom while attending the San Jacinto music event. Mr. Crowley
432 indicated that a few people did inquire, and they were told that The Center was available,
433 however, a number of those in attendance went to a nearby restaurant or to 7-11 to use
434 the restroom.
435

436 **XIV. EXECUTIVE SESSION**
437

438 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
439 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
440 CODE:
441

- 442 1. Discussion regarding Economic Development incentives, procedures and
443 possible projects pursuant to Section 551.087 (Economic Development)
444

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

446 Council did not convene in Executive Session at the end of the public meeting agenda.

447

448 XVI. ADJOURNMENT

449

450 The meeting was adjourned at 7:46 p.m.

451

452

453 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

454 THIS 18th DAY OF MAY, 2015.

455

456

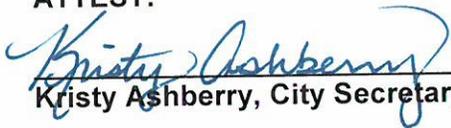
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458 ATTEST:

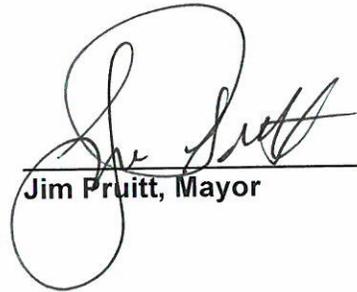
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460

461



Kristy Ashberry, City Secretary



Jim Pruitt, Mayor



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MINUTES
ROCKWALL CITY COUNCIL
Monday, May 18, 2015
5:00 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 5:00 p.m. Present were Mayor Jim Pruitt, Mayor
10 Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, John
11 Hohenshelt, Scott Milder, and Bennie Daniels. Also present were City Manager Rick
12 Crowley and Assistant City Managers Mary Smith and Brad Griggs. City Attorney Frank
13 Garza was absent from the meeting.

14
15 Mayor Pruitt read the below listed item into the public record before recessing the meeting
16 into Executive Session.

17
18 **II. EXECUTIVE SESSION.**

19
20 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
21 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
22 CODE:

- 23
24 1. Discussion regarding appointment to the city's Rockwall Economic
25 Development Corporation (regulatory) board, pursuant to Section 551.074
26 (Personnel Matters)

27
28 **III. ADJOURN EXECUTIVE SESSION**

29
30 Executive Session was adjourned at 5:55 p.m.

31
32 **IV. RECONVENE PUBLIC MEETING (6:00 P.M.)**

33
34 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council
35 members present (Pruitt, Lewis, White, Townsend, Hohenshelt, Milder, and Daniels).

36
37 **V. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

38
39 No action was taken as a result of Executive Session.

40
41 **VI. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS**

42
43 Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance.

44
45 **VII. PROCLAMATIONS / AWARDS**

- 46
47 1. Safe Boating Week (U.S. Coast Guard Auxiliary)
48

49 Mayor Pruitt called forth Randy Greenlee of the U.S. Coast Guard Auxiliary. He then read
50 and presented a proclamation declaring this week to be Safe Boating Week in the City of
51 Rockwall. Mr. Greenlee encouraged the public to be safe on local lakes, especially during
52 the upcoming Memorial Day weekend. He also cautioned to be aware of floating debris, as
53 a lot of debris has surfaced in local lakes after recent, heavy rains. Lastly, he asked that
54 everyone ensure they wear a life jacket. He inquired about the possibility of placing a radio
55 on our dispatch center. Mayor Pruitt asked Chief Poindexter to get with him on this issue.
56

57 2. National Public Works Week
58

59 Mayor Pruitt called forth City Engineer, Tim Tumulty, who brought several members of his
60 Public Works staff forward. Mayor Pruitt then read a proclamation to recognize public
61 works staff for the work they do to benefit the citizens of Rockwall daily.
62

63
64 At this point in the meeting, Mayor Pruitt called forth Councilmember Bennie Daniels and
65 his wife, Gloria to address item XIII on the meeting agenda. Mayor Pruitt provided several
66 pieces of information on Daniels, including his past leadership roles and that he has served
67 on city council since 2011. Rockwall County Judge David Sweet came forth and provided
68 positive comments and expressions of gratitude to Daniels for his service, integrity and
69 leadership. Then, each member of the city council also thanked Daniels for his service and
70 offered positive comments and well wishes. Mayor Pruitt provided Councilman Daniels with
71 a clock to recognize him and thank him for his four years of service on the city council.
72

73 VIII. OPEN FORUM
74

75 John White, Rockwall resident, came forth and offered comments regarding the city's parks
76 system, thanking city staff and council for the wonderful parks system that we enjoy in
77 Rockwall. Mayor Pruitt went on to thank the city's Parks & Recreation staff for their "on the
78 fly" contingency plans that led to a great Founder's Day Festival over the weekend despite
79 the threat of rain.
80

81 IX. CONSENT AGENDA
82

- 83 1. Consider approval of the minutes from the May 4, 2015 regular city council
84 meeting, and take any action necessary.
- 85 2. Consider approval of a resolution amending the Parks and Open Space
86 Master Plan to update the Neighborhood Park District Map, and take any
87 action necessary.
- 88 3. **P2015-017** - Consider a request by Ashley Malone on behalf of Lay
89 Construction, LLC for the approval of a final plat for Lots 1 & 2, Block 1, HJG
90 Plaza Addition being a 2.064-acre tract of land identified as Tract 36 of the
91 B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County,
92 Texas, zoned Commercial (C) District, situated within the SH-205 Overlay
93 (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street]
94 north of the intersection of SH-205 and Yellow Jacket Lane, and take any
95 action necessary.

96 Councilmember Townsend made a motion to approve all Consent Agenda items (#1, 2 and
97 3). Councilmember White seconded the motion, which passed by a vote of 7 in favor with 0
98 against.

99 X. APPOINTMENTS

- 100
101 1. Appointment with the Planning and Zoning Chairman to discuss and answer
102 any questions regarding cases on the agenda and related issues and take
103 any action necessary.

104 **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and thanked**
105 **Councilmember Bennie Daniels for his service on the city council. He then briefed the**
106 **council on recommendations of the Commission relative to items on tonight's city council**
107 **meeting agenda. The council took no action concerning this particular agenda item.**

- 108
109 2. Appointment with members of the Rockwall Youth Advisory Council (YAC) to
110 hear year-end program report and to recognize graduating high school
111 seniors, and take any action necessary.

112 **Isabella Burzair, Chair of the YAC, and Elsa Castro, YAC member, came forth and provided**
113 **a report to the City Council on various activities that the group participated in throughout**
114 **the 2014-2015 school year. Graduating seniors, Elsa Castro and Mie Pighee, were**
115 **recognized and thanked for their service and leadership this past year while serving on the**
116 **Youth Council.**

- 117
118 3. Appointment with Todd Parks, Fixed Base Operator at the Ralph M. Hall /
119 Rockwall Municipal Airport, to hear annual report regarding Airport
120 operations, and take any action necessary.

121 **Mr. Parks briefed the council on the year-end report for the Rockwall Municipal Airport.**
122 **Mayor Pro Tem Lewis thanked Mr. Parks for his report, commenting that it is perhaps the**
123 **best report he has heard regarding the airport. Councilmember White thanked Mr. Parks for**
124 **his efforts and work at the airport since he was hired by the city. He commented that the**
125 **city's airport is one amenity that the city has worked hard to improve over time, and the city**
126 **will continue to strive to improve it. He mentioned that the biggest roadblocks to positive**
127 **change are the FAA and TXDOT Aviation. White encouraged Mr. Todd to bring to the**
128 **council any airport-related needs he may have in the future. Mayor Pruitt commented about**
129 **various physical and aesthetic improvements that have been made at the airport over the**
130 **last year or two since Mr. Parks has taken over the operation. He generally thanked Mr.**
131 **Parks and staff for their efforts towards positive change.**

- 132
133 4. Appointment with representative(s) of Eastridge Church of Christ to hear
134 concerns related to the expiration of an existing facilities agreement between
135 the City of Rockwall and the church, and take any action necessary.

136 **Councilmember White recused himself from this discussion and associated vote on this**
137 **item, filing associated paperwork with the City Secretary.**

138
139 **Mike Singleton came forth and indicated that he lives in Rockwall, is a member of Eastridge**
140 **Church, and he serves as an elder in the church. He indicated it has been nearly ten years**
141 **since the church moved into the facility it now occupies on Stodgehill Road. He indicated**
142 **that, when they moved into the facility, a water line had to be installed from IH-30 down**
143 **Stodgehill Road to their building (about 1/3 to 1/2 mile), which was necessary for a fire**
144 **suppression system. He explained that the Blackland Water Supply Corporation services**
145 **the building for water. He explained that payments have been being made by the church**
146 **over the last ten years, they are current on all payments, and a \$47,725.00 balance is**
147 **currently still owed. He explained that the church is now requesting that the city consider**

148 releasing the church for the remaining balance, and the church would release the city from
149 the requirement to remit developer pro rata share of the water line cost back to the church.

150
151 Assistant City Manager Mary Smith shared that the city attorney has advised that the city
152 cannot forgive the debt because of Texas Constitution provisions. He suggested that an
153 agreement be drafted to allow the amount due to be held in abeyance for five years. If,
154 during that time development occurs, then the city would be paid by developers moving
155 into this same area. If, at the end of five years, development has not occurred, then the
156 church could begin to make payments again with the understanding that they would receive
157 money back if and when future development occurs.

158
159 Mayor Pro Tem Lewis made a motion to instruct the city attorney to draft and bring back an
160 agreement for council consideration. Councilmember Townsend seconded the motion,
161 which passed unanimously of those present (6 in favor, 1 abstaining (White)).

162
163 **XI. PUBLIC HEARING ITEMS**

- 164
165 1. Hold a public hearing to discuss and consider approval of an **ordinance**
166 amending Sections 38-50 through 38-61 of Article II, Parkland Dedication, of
167 Chapter 38, Subdivisions, of the Code of Ordinances for the purpose of
168 adjusting "Table 1: Park Dedication Acreage Factor per Dwelling Unit" to
169 account for changes to the "Ultimate Dwelling Unit Holding Capacity" and
170 "Dwelling Unit Dedication Factor" as approved by the Land Use Assumptions
171 Report adopted by Resolution No. 14-16, and take any action necessary.
172 **(1st reading)**

173
174 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
175 speak. There being no one, the public hearing was closed. Mayor Pruitt made a motion to
176 approve the ordinance. Councilmember White seconded the motion. The ordinance was
177 read as follows:

178 **CITY OF ROCKWALL**
179 **ORDINANCE NO. 15-XX**

180
181 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS**
182 **AMENDING ARTICLE II, *PARK LAND DEDICATION*, OF CHAPTER 38,**
183 ***SUBDIVISIONS*, OF THE CODE OF ORDINANCES AS SET FORTH HEREIN;**
184 **PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING,**
185 **SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION;**
186 **PROVIDING FOR AN EFFECTIVE DATE.**

187
188 **The motion passed by a vote of 7 ayes to 0 nays.**

- 189
190 2. **Z2015-014** - Hold a public hearing to discuss and consider approval of an
191 **ordinance** for a request by Cole Franklin of the Skorburg Company on
192 behalf of the owner the Lonnie Gideon Estate for a zoning change from an
193 Agricultural (AG) District to a Planned Development District for Single Family
194 10 (SF-10) District land uses, on a 29.192-acre tract of land identified as a
195 portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of
196 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated
197 within the 205 By-Pass Corridor Overlay (205 BY-OV) District, located at the
198 northeast corner of the intersection of E. Quail Run Road and John King
199 Boulevard, and take any action necessary. **(1st Reading)**

200 The applicant is requesting to rezone approximately thirty acres of agricultural zoned land
201 to a planned development district to accommodate an approximately 72 unit single family
202 home subdivision. The applicant has submitted a concept plan and development
203 standards, which have been summarized for Council in staff's case memo. The subdivision
204 will have access from both John King Boulevard and East Quail Run Road. Forty-five of the
205 lots will be 80'x125' (10,000 square foot homes). Eight lots will have an increased depth of
206 150'. The remaining twenty-seven lots will be 100'x150' (15,000 square foot homes) with a
207 gross density of 2.466 units per acre. There will be 2.7 acres of open space adjacent to
208 John King Boulevard which will also serve as a buffer between the homes and the road way.
209 There will also be an amenity center and a 10' walking trail along John King Boulevard.
210 Nineteen notices were mailed out to adjacent property owners living within 500', and no
211 replies have been received back by staff to date. The Planning & Zoning Commission has
212 voted 5-0 to recommend approval of this request to the city council.

213
214 Cole Franklin
215 Skorburg Company
216 8214 Westchester Drive
217 Dallas, TX 75225
218

219 Mr. Franklin briefed the council on some of the past projects (subdivisions) in Rockwall,
220 this property's location as well as its proposed development standards, concept plan, and
221 his zoning request. He requested a variance on the open space requirement (proposing just
222 over 9% versus the city's required 20%). He explained that a not required, but encouraged,
223 10' walking/hike/bike trail will be provided instead of the open space, and an amenity center
224 with a swimming pool will also be provided. He explained that Breezy Hill, which has a
225 large amount of open space, is just about a 10 minute walk away from where this
226 subdivision will be located, suggesting that residents of this new subdivision could walk
227 there to access open space.

228
229 Mayor Pruitt asked for clarification about the amenity center and trail. City Manager Rick
230 Crowley asked the applicant to describe the amenity center in more detail. Adam Buzcek
231 with the Skorburg Company then came forth and provided the council with additional
232 details concerning the proposed amenity center, which he explained will consist of a
233 swimming pool, covered area, cabana, restrooms and seating area.

234
235 Councilmember Milder asked for and received some clarification from Mr. LaCroix regarding
236 the city's requirements for open space in planned development districts.

237
238 Mr. Buzcek clarified that, although residents in this proposed development could walk to
239 and access open space in Breezy Hill or Stone Creek, for example, these residents would
240 not be able to utilize the amenities center within those other subdivisions. So this particular
241 pool/cabana/seating area amenity center would be the only amenity center to which these
242 residents would have access.

243
244 Councilmember Daniels asked how close this amenity center will be located to John King
245 Boulevard. It was explained that there will be a 50' landscape buffer between it and John
246 King Blvd. Councilmember Daniels asked if this amenity center will eventually be turned
247 over to a Homeowners Association by the developer. Mr. Buzcek indicated that, yes, it will
248 be turned over to an HOA eventually, and the HOA would be responsible for monitoring its
249 use.
250

251 Councilmember Townsend expressed concern about the applicant requesting that the open
252 space acreage be reduced. Furthermore, he believes the idea of these residents walking to
253 Breezy Hill or Stone Creek to access open space within those subdivisions is a 'hard sell'
254 and is hard to believe.

255
256 Councilmember Daniels generally expressed that he hopes the applicant will not be back
257 later on to try and squeeze in some more lots.

258
259 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
260 speak.

261
262 **Richard Langley**
263 **2401 Sandstone Court**
264 **Rockwall, TX**

265
266 Mr. Langley came forth and expressed that he has concerns about potential drainage
267 problems associated with this development and the negative impact this may have on his
268 property.

269
270 Mayor Pruitt asked for the City Engineer, Tim Tumulty, to speak to drainage concerns. Mr.
271 Tumulty indicated that the city's Engineering staff will review the proposed plats carefully
272 once they are submitted. He explained that this subdivision would have a detention pond
273 located near Quail Run and John King, indicating that the Squabble Creek watershed is very
274 touchy; however, he indicated that a hydraulics study was done back in 2006 to evaluate
275 future development and associated drainage needs. This study called for a detention pond
276 to be included on site. He offered assurance that any potential water that may come
277 towards Mr. Langley's subdivision would be carefully evaluated.

278
279 **Christy Utley**
280 **(husband is Herman Utley)**
281 **1815 E. Quail Run Road**
282 **Rockwall, TX 75087**

283
284 Mrs. Utley explained that the road she lives on, which is across the street from this
285 proposed subdivision, is a lot like a private road. She has concerns related to traffic, as it is
286 a small road. She also has concerns about potential drainage problems. She is unaware of
287 any sort of engineering draining studies being done that may be needed in order to ensure
288 draining will in fact not be an issue. She does not believe that an open space park is
289 needed or necessary within this proposed development. She expressed that she is
290 opposed to this development; however, if it is to be approved, she would like to see that it
291 conform to the restrictions and requirements that were already in place prior to this zoning
292 change request. She would like to see the density consist of larger lots. She also pointed
293 out that there is a lot of wildlife in the area, so she hopes that Animal Control will be able to
294 assist with any of those types of issues.

295
296 **Mr. Nicholas Grant**
297 **1569 E. Quail Run Road**
298 **Rockwall, TX 75087**

299
300 Mr. Grant came forth and encouraged the council to not approve this zoning change. He
301 believes this development will be an experiment that will set a negative precedent for the

302 city. He believes the development will be an eyesore. He is concerned about it being a
303 tight, cluttered subdivision, especially since it does not have any planned alleyways. He is
304 opposed to the very little open / green space that is being proposed.
305

306 Brief discussion took place between council and staff concerning alleyways. It was
307 indicated that council may grant a waiver to the alley way requirement included in the city's
308 Comprehensive Plan, and that it has done so in the past on other subdivisions such as
309 Stone Creek, Breezy Hill and Lakes of Somerset. Mr. LaCroix explained that each of those
310 has had alleyway requirements waived in favor of front or side entry garages.
311

312 **Jim Turner**
313 **1691 E. Quail Run Road**
314 **Rockwall, TX 75087**
315

316 He pointed out that nothing about the John King Overlay District is being addressed or
317 discussed in any of the developer's slides, and no conversations about it are occurring. He
318 explained that John King Boulevard is likely, invariably going to become the "new SH-205."
319 He encouraged the council to ask the developer to go back and read the guidelines for this
320 overlay district and come back with a proposal that adheres to those standards. He is not
321 in favor of this much density, and he encouraged the city council to only consider larger
322 lots.
323

324 There being no one else wishing to come forth and speak, Mayor Pruitt closed the public
325 hearing.
326

327 Councilmember Milder expressed concern about not having enough information in their
328 informational meeting packet to make the best, most informed decision possible. He
329 believes the two acres per lot standards is in place for a reason, and he believes this
330 standard is what the residents who already live in and around the area have been expecting.
331 He would like to see the developer come back with 2 units per acre and at least 20% open
332 space.
333

334 Mr. LaCroix clarified some concerns regarding a buffer between the homes and John King
335 Boulevard. He further clarified that what the council is being asked to consider this evening
336 is an increase in density, waivers of alleyways and reduction of open space.
337

338 Mayor Pruitt made a motion to table this item to the next meeting to allow time to see what
339 the developer's plan would look like if it were built to the standards of the city's
340 Comprehensive Plan. Councilmember White seconded the motion.
341

342 Councilmember Hohenshelt encouraged the council to provide more direction to the
343 developer as to what council would like to see from the developer. Mayor Pruitt clarified
344 that he believes tabling the item is more so related to allowing the city council time to think
345 about this further before taking action.
346

347 Councilmember White asked the developer if he is clear as to what the city council is asking
348 of him. Mr. Buzcek indicated that, no, he is not clear as to what is being asked. Mr. Buzcek
349 indicated that open space parks are located within both a quarter and a half mile from this
350 area of proposed lots and homes.
351

352 Mayor Pruitt indicated that he would like to see what the developer would bring forth if he
353 were to come forth with a proposal that adheres to the city's Comprehensive Plan. Mr.
354 Buzcek indicated that, financially, coming forth with a development that strictly adheres to
355 the city's Comp Plan, will not work and is not feasible from an economic / business
356 standpoint.

357
358 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and provided the
359 council with some general thoughts and opinions of the Commission relative to this
360 applicant's requests. He explained that not too many cities are approving alleyways in new
361 home developments. His opinion, and the opinion of some P&Z members, is that alleyways
362 are unsafe for kids. Also, he explained that he and all members of P&Z have read the city's
363 Comp Plan cover to cover.

364
365 Mayor Pruitt suggested to Mr. Buzcek that he do nothing in particular to prepare for the next
366 council meeting. He explained that the City Council will schedule a separate work session
367 to discuss development standards, in general, and policies. Mr. Crowley explained that if a
368 work session is scheduled, that work session conversation would need to be limited to only
369 discussing policies and not this particular zoning request.

370
371 Mayor Pruitt amended his motion to table this agenda item until the Monday, June 15 city
372 council meeting to allow council time to hold a work session on June 1st to become better
373 educated on the existing development standards before addressing this particular zoning
374 change request. Councilmember White seconded the motion, which passed by a vote of 7
375 ayes to 0 nays.

376
377 3. P2015-015 - Hold a public hearing to discuss and consider a request by
378 Bradley G. Bischof for the approval of a residential replat creating Lot 26,
379 Block C, Harbor Landing, Phase 2, being a 0.46-acre parcel of land currently
380 identified as Lots 21 & 22, Block C, Harbor Landing, Phase 2, City of
381 Rockwall, Rockwall County, Texas, zoned Planned Development District 8
382 (PD-8) for single family land uses, addressed as 320 & 322 Port View Place,
383 and take any action necessary.

384 Staff provided brief comments, indicating that thirty-nine notices were mailed out to
385 property owners located within 200' of the subject property with one notice being received
386 back in favor.

387
388 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
389 speak. There being no one, the public hearing was closed.

390
391 Councilmember White made a motion to approve P2015-015. Councilmember Lewis
392 seconded the motion, which passed unanimously of council present (7 ayes to 0 nays).

393
394 **XII. ACTION ITEMS**

395
396 1. Discuss and consider a recommendation from the Atmos Cities Steering
397 Committee regarding adoption of an ordinance approving a negotiated
398 resolution between the Atmos Cities Steering Committee (ACSC) and Atmos
399 Energy Corporation, Mid-Tex Division regarding the company's 2014 and
400 2015 Rate Review Mechanism filings, approving a settlement agreement
401 with attached rates, and take any action necessary. (1st reading)

402 **Joey Boyd, Director of Internal Operations, provided a brief summary regarding this agenda**
403 **item. After brief discussion, Mayor Pro Tem Lewis made a motion to approve the ordinance**
404 **as presented. Councilmember White seconded the motion. The ordinance was read as**
405 **follows:**

406 **CITY OF ROCKWALL, TEXAS**
407 **ORDINANCE 15-15**
408

409 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
410 **APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING**
411 **COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING**
412 **THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS; APPROVING A**
413 **SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF**
414 **REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING**
415 **TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE**
416 **NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT**
417 **TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST;**
418 **REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING**
419 **EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE**
420 **WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A**
421 **SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY**
422 **OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**
423

424 **The motion passed by a vote of 6 in favor with 1 against (Pruitt).**

- 425 **2. Discuss and consider (2) nominations for an "outstanding senior who is**
426 **making a difference in the senior community," as requested by Meals on**
427 **Wheels Senior Services of Rockwall County, and take any action necessary.**

428 **Mayor Pruitt explained that Meals on Wheels has asked the city to nominate two seniors**
429 **who are making a difference in our community. After brief discussion, no action was taken**
430 **concerning this agenda item.**
431

- 432 **3. Discuss and consider approval of a resolution canvassing the May 9, 2015**
433 **General and Special Elections, and take any action necessary.**

434
435 **City Manager Rick Crowley provided brief comments regarding this item. Mayor Pro Tem**
436 **Lewis then made a motion to approve the resolution. Councilmember White seconded the**
437 **motion, which passed by a vote of 7 in favor with 0 against.**
438

- 439 **4. Discuss and consider approval of an ordinance entering an order into the**
440 **city records declaring that a total of eight (8) Home Rule Charter**
441 **amendments were approved by the voters of the City on May 9, 2015 and**
442 **are hereby adopted, and take any action necessary.**

443 **Councilmember Townsend made a motion to approve the ordinance as presented.**
444 **Councilmember White seconded the motion.**
445

446 **The ordinance was read as follows:**

447 **CITY OF ROCKWALL, TEXAS**
448 **ORDINANCE NO. 15-16**
449

450 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,**
451 **TEXAS ENTERING AN ORDER INTO THE CITY RECORDS DECLARING**
452 **THAT A TOTAL OF EIGHT (8) HOME RULE CHARTER AMENDMENTS**

453 WERE APPROVED BY THE VOTERS OF THE CITY ON MAY 9, 2015,
454 AND ARE HEREBY ADOPTED; PROVIDING FOR AN EFFECTIVE DATE.
455

456 The motion passed by a vote of 7 to 0.
457

458 **XIII. RECOGNITION OF OUTGOING CITY COUNCIL MEMBER, BENNIE DANIELS (PLACE 3)**
459

460 This item was addressed by the Council following the Proclamations/Awards portion of the
461 meeting agenda.
462

463 **XIV. EXECUTIVE SESSION**
464

465 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
466 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
467 CODE:
468

- 469 1. Discussion regarding appointment to the city's Rockwall Economic
470 Development Corporation (regulatory) board, pursuant to Section 551.074
471 (Personnel Matters)

472 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
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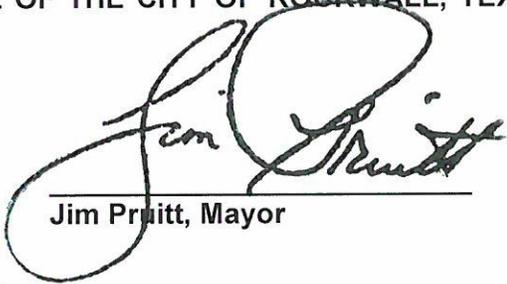
474 City Council did not convene in Executive Session following the conclusion of the 6:00 p.m.
475 meeting agenda.
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477 **XVI. ADJOURNMENT**
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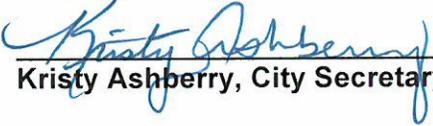
479 The meeting was adjourned at 8:40 p.m.
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482 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

483 THIS 1st DAY OF June, 2015.
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486 _____
487 Jim Pruitt, Mayor

488 ATTEST:

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490 _____
491 Kristy Ashberry, City Secretary



MINUTES ROCKWALL CITY COUNCIL

Monday, June 01, 2015

4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

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

II. WORK SESSION

1. Hold work session to discuss city strategic planning, and take any action necessary.

Mayor Pruitt announced that this item will be discussed later on in the meeting.

(See pg. 11 under XVI for minutes concerning this item).

2. Hold work session with Stacy McVey regarding potential development of property located on the northeast corner of SH-276 and Rochelle Road, and take any action necessary.

Mayor Pruitt called forth Mr. Stacy McVey to hear a presentation from him concerning development of this property. Mr. McVey explained that this potential development is located on the northeast corner of SH-276 at Rochelle. They will be requesting that the property be rezoned from Light Industrial (LI) to a Planned Development District (PD). The property consists of 316 acres, and the objective for today's meeting is to present the concept plan and get feedback from the city council.

Craig Carney
4588 Hinton Drive
Plano, TX 75024

Mr. Carney indicated that Commercial is reflected on the concept plan (about 9 acres), two Soil Conservation Commission (SCS) ponds, and about 519 lots. Also, there is a recreational component on the very north side. He understands that density, lot sizes and open space are important to the council, and they are looking to donate about 42 acres of open space. He went on to explain that density is 1.7 houses per acre with green space greater than 30% and walk/hike/bike trails greater than 3 miles, with a lot mix consisting of some - 80x120's, 70x110's and 60x110's. One of the advantages of the residential development will be its proximity to the Rockwall Technology Park. Discovery Boulevard would be extended from the Tech Park over to and across this development. It will be a mixed use development, and they intend to have at least one hotel to service the Tech Park and possibly the recreational component up to the North, which may involve baseball tournaments (perhaps a Boys & Girls Club recreational component). Again, two SCS ponds will be present, surrounded by the residential subdivision. Infrastructure improvements will include a portion of Rochelle Road from SH-276 up to the NW corner of the property. Also, water and sewer infrastructure will be

installed, and a substantial upgrade will be made to the Timber Creek lift station. Two amenity centers (swimming pools, meeting rooms and activity spaces) will be included. Retail and restaurants are also anticipated in the Commercial portion as well as neighborhood-related services.

Mayor Pro Tem Lewis asked the density calculation includes the floodplain acreage. Lewis mentioned that the city is currently having problems with an SCS pond flooding a neighborhood. He also asked if the developer has spoken to the Rockwall Economic Development Corporation (REDC). Mr. McVey indicated that he believes the meandering nature of the property, coupled with the floodplain areas, does not make this property ideal for a large, LI development.

Mr. Carney indicated that they have meet with representatives of the SCS and have gleaned their feedback, indicating that some flood studies will need to be completed. Mr. Carney indicated that they spoke to the REDC about three to four weeks ago, and they left with a feeling that they were in support of it, but they perhaps want to find some replacement land for the Light Industrial (LI).

Lewis again asked if the floodplain area was included in the density calculation. Mr. Carney indicated that part of the floodplain area was used in the calculation, but not all of it.

Councilmember Hohenshelt expressed concern about the proposed SCS ponds, especially in light of the fact we have some flooding problems currently because of similar ponds. Mr. Carney indicated that once the concept plan is approved, more extensive drainage and flood engineering studies would be conducted.

Councilmember Milder expressed thanks for the developer staying in compliance with the city's comprehensive plan. He then asked what the expected price point would be on the homes in this development. Mr. McVey indicated that on the high end, the homes would be in the high \$200,000's and the high price point would be around \$400,000. He also asked what builders might be involved. Mr. Carney generally indicated that they are open to various builders as long as they can guarantee building a quality product. Milder asked if there will be any sort of pedestrian walkway from the development over to the Tech Park. Mr. McVey indicated that they are considering this, and they hope to include this in the plans.

Mayor Pruitt indicated that he has concerns about citizens who might move into this residential development if at some point the Rockwall Economic Development Corporation (REDC) has a future business client that wants to build or expand a warehouse right next door in the area that is zoned 'light industrial.' He is concerned that two hundred plus citizens would then come forth and complain that they are not in favor of a "light industrial" development going in right next to their homes. He strongly suggested that, if this development moves forward and comes to fruition, the developer / builders ensure that residents purchasing homes there are clearly made aware of the fact that "light industrial" could very well go in right next door to their homes / neighborhood. Councilmember Hohenshelt echoed similar concerns, indicating that a large buffer space/area is highly desirable between the residential development and the LI zoned area.

Councilmember White expressed that, on the surface, he is fully in support of this proposed development, expressing that improvements to Rochelle Road and the potential partnership with the Boys & Girls Club would both be beneficial.

The council took no action concerning this work session discussion item.

Work Session item #4 was addressed next by city council.

3. Hold work session to discuss the city's Comprehensive Land Use Plan, and take any action necessary.

Mayor Pruitt provided brief background information related to this agenda item, indicating that he wanted this item placed on the agenda for discussion. It stemmed from past discussions regarding how the city can encourage developers to come into the city and develop larger lots. He believes that, along with larger lots, developers may be requesting a reduction in the amount of required open space. He wonders how much the council is willing to compromise on required open space in order to achieve larger lots / larger homes.

City Manager Rick Crowley indicated that he would like to discuss the standards that the city has in place regarding 2.0 units and whether or not the council would be violating its own regulations if it were to grant higher density (i.e. 2.5 units per acre). He explained that the council does have discretion if a developer is proposing amenities within a development that the council feels are sufficient enough to warrant allowing a slight increase in the density. Also, the council may wish to discuss if certain development standards should apply to developments involving 50 acres or more. Regarding alleyways being required, fairly routinely this provision has been waived upon the council exercising its discretion. Regarding open space, Mr. Crowley clarified that this is distinguished from parks and parkland dedication requirements. Also, the John King Boulevard Overlay District design standards are in place and will need to be adhered to, or else a super majority vote of the council would be needed to waive them. Brief comments were made related to the buffer requirements for development off of John King.

Councilmember Fowler asked if it makes sense for city staff and the Planning & Zoning Commission to take a look at our Comp Plan and bring a list of recommended changes to the council to consider, taking into account what types of developments are most commonly occurring today. Mr. LaCroix, Planning Director, indicated that the city's Comp Plan has been reviewed since it was first established in 2000/2001. In 2004, the Downtown Plan was adopted and incorporated into the overall Comp Plan, and in 2007, clarifications regarding residential development standards were incorporated into the Comp Plan to clarify how those standards are associated with the Land Use Plan (addressed 2 units per acre, amenities and open space). Also, in 2010, a process to reevaluate the Comp Plan was started, and it took about eighteen months. So, additional amendments were adopted in 2012 as a result of that review. He indicated that once every six to eight years, cities typically review their Comp Plans to ensure they are still applicable with respect to how a city is growing.

Councilmember Milder indicated that, unless a developer presents a really compelling reason, he is inclined to believe that the council should not grant variances that waiver from the city's Comprehensive Plan. He does not believe that a developer's profit or bottom line is a compelling reason to grant variances. He believes the city council needs

to be more vigilant in honoring the intent of elements contained within the city's Comp Plan.

Councilmember Lewis indicated that when he served on the city's Planning & Zoning Commission, he was involved in an in-depth review of the city's Comp Plan, and it was quite an involved process. He indicated that the city is currently being faced with what it wants John King to ultimately look like. LaCroix clarified that part of the Comp Plan already contains design standard guidelines for the John King Boulevard Overlay corridor that reflect what the roadway itself is proposed to look like.

Councilmember Lewis indicated that he would like to see more creativity in the city's future subdivisions to get away from always having square lots.

Councilmember Hohenshelt expressed disagreement with Milder in that he believes a property owner should be able to sell his land and make a profit from doing so. He generally encouraged the city council members to educate themselves more so that they have a good handle on what the city's standards are and what they would and would not like to see from developers, especially concerning developments involving 50 acres or less. He expressed he believes these proposals will become more prevalent. Councilmember Milder suggested that perhaps there needs to be more specific guidelines incorporated into the Comp Plan that specifically address 50 acres or less. Councilmember White expressed that the more guidelines that are put in place, the more variances the city council will see come forth.

Mr. LaCroix explained that in 2007, guidelines were put in place to stipulate that low density is 2.0 units or less per acre; 2.0 - 3.0 units per acre is medium density and, if you come in as a PD, you might be granted 2.5 acres with the right amenity(ies). Also, there must be open space incorporated, so there is essentially no 'straight zoning' anymore. There are only PDs being proposed, and these sorts of standards were adopted and put into place in 2007.

Mr. LaCroix clarified that, if the council approves a PD, it essentially waives the alleyway requirement.

Following the discussion, the council took no action related to this item.

4. Hold work session to discuss the approaching expiration of the current solid waste collection contract with Allied Waste, and take any action necessary.

Assistant City Manager Mary Smith provided information concerning this item. She stated that the existing garbage contract will expire on December 31, and about six months prior to its expiration (by July 3), the City of Rockwall will need to provide notice to the existing garbage contractor regarding if we desire to extend the contract or go out for proposal. In the past, the City has conducted garbage surveys to glean feedback from Rockwall citizens regarding satisfaction with their garbage service; however, we have not done so in several years. She explained that the Council will need to discuss this topic in more detail and take action at the next city council meeting regarding. She further indicated that staff is happy to conduct a garbage survey of other cities to inquire about their garbage contractors and associated service and return the results to the council by the next meeting.

Mayor Pruitt asked Mr. Bernas of Allied Waste if there are any concerns from the company's standpoint.

Rick Bernas
171 Pelican Cove
Rockwall, TX

Mr. Bernas indicated that Rockwall signed a five year contract with his company with a five year renewal clause. He is excited about the opportunity to renew the contract. The only thing that the company may need to consider is a couple of new pieces of equipment due to the increased population and increase in mature trees, but these items can be negotiated with the city. Mr. Bernas indicated that citizens of Rockwall really enjoy the twice per week garbage pickups, so that will likely not be proposed to change.

Mayor Pruitt has concerns about citizens having to make forced payments for recycling regardless of if they do or do not participate in it. He would like to see a breakdown of the benefit to the city regarding the recycling program.

Councilmember Milder indicated that he has been satisfied with the existing garbage company's service; however, he believes it would be in the best interest of tax payers to allow other garbage companies to bid on a request for proposals. Perhaps there is a way to save a little money or be more efficient in our trash service. Maybe there could be a 'bulk pickup' hotline, for example, where citizens could call to request bulk pickup only if and when they have those items to be picked up. Mr. Bernas explained that pre-scheduled pickups are done throughout the city in an effort to be mindful of the overall cleanliness and appearance of the city.

Mayor Pruitt asked staff to proceed with conducting a multi-city survey and put a discussion item on the next council meeting agenda to decide how the council would like to proceed concerning its garbage contract. No formal action was taken at this time.

Following Work Session item #3, the city council recessed into Executive Session. Mayor Pruitt read the following discussion items into the public record for discussion as well as Work Session Agenda Item #1. The public meeting was recessed at 5:00 p.m.

III. EXECUTIVE SESSION

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

1. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding claim filed by Ryan Frost pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)
5. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)

IV. ADJOURN EXECUTIVE SESSION

Executive Session adjourned at 5:55 p.m.

V. RECONVENE PUBLIC MEETING

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

VI. SWEARING IN OF NEWLY ELECTED MAYOR & CITY COUNCIL MEMBERS

District Court Judge Brett Hall was present and administered Oaths of Office to newly elected Mayor Jim Pruitt and Council Members David White, John Hohenshelt, Scott Milder and Kevin Fowler.

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session at this point; however, see end of public meeting for action taken after the second Executive Session was held.

VIII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE

Councilmember White delivered the invocation and led the Pledge of Allegiance.

IX. OPEN FORUM

Mayor Pruitt explained how this portion of the meeting is conducted and asked if anyone would like to come forth and speak during this time.

**Mary Puckett-Eckstine
1605 Plummer Drive
Rockwall, TX**

Mrs. Puckett-Eckstine came forth and indicated that she has lived in her home in Rockwall since 1980. She shared a brief story about a recent observation she had concerning emergency vehicles and personnel being able to access some of the homes within The Shores if and when a major traffic accident on IH-30 causes an influx of traffic in and along Ridge Road and through The Shores neighborhood as drivers try to make it over to SH-66. She indicated that she recently called Mayor Pruitt to express her concerns and was pleased to learn that the mayor, council and city staff have already put plans in place to address this concern. She thanked the city council and staff for their forethought and plans.

**John Fischer
2620 Argyle Shore
Rockwall, TX 75087**

Mr. Fischer indicated that he has lived in his home since 2004. He has concerns about a home on his street (2610 Argyle Shore) that has been utilized as a 'group home' for seniors, which he believes is not an authorized use. He is concerned that the city does not have proper zoning regulations in place to prevent these types of operations from

existing illegally within the city. He expressed that an elderly person who was living in that home recently passed away. He encouraged the city to strengthen its laws to ensure this does not happen again in the future. He stated that he believes the operation has now vacated the home, and he requested and had the police department perform a welfare check at the home just to be sure no one was left behind.

X. CONSENT AGENDA

1. Consider approval of the minutes from the May 18, 2015 regular city council meeting, and take any action necessary.
2. Consider approval of an ordinance amending Sections 38-50 through 38-61 of Article II, Parkland Dedication, of Chapter 38, Subdivisions, of the Code of Ordinances for the purpose of adjusting "Table 1: Park Dedication Acreage Factor per Dwelling Unit" to account for changes to the "Ultimate Dwelling Unit Holding Capacity" and "Dwelling Unit Dedication Factor" as approved by the Land Use Assumptions Report adopted by Resolution No. 14-16, and take any action necessary. (2nd reading)
3. Consider award/approval of the bid presented by Roadway Solutions in the amount of \$197,829.00 for the construction of the traffic signal at the intersection of Ralph Hall Parkway at Mims Road, and take any action necessary.

Councilmember White made a motion to approve all Consent Agenda items (#1, 2 and 3). Councilmember Lewis seconded the motion. The ordinance was read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 15-17**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING ARTICLE II, *PARK LAND DEDICATION*, OF CHAPTER 38, *SUBDIVISIONS*, OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

XI. APPOINTMENTS

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

Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the city council on recommendations of the Commission relative to items on tonight's city council meeting agenda. The council took no action concerning this agenda item.

2. Appointment with representatives of the city's Main Street Advisory Board to hear update regarding the program and downtown, and take any action necessary.

Evan Matteson from the city's Main Street Advisory Board came forth and provided a brief presentation to council to update them on the program and activities in and around downtown. He stated that a big goal is to provide readily available public restrooms in the downtown area, expressing that the board views this as a necessity. He indicated that the board would also like to increase the presence of cultural arts, create new special events and support and grow existing special events. They would also like to more frequently update the Council and increase transparency as far as public awareness is concerned.

Mayor Pruitt acknowledged Bethany Browning, the city's Main Street Manager, for her work and for attending this evening. No action was taken concerning this agenda item.

XII. PUBLIC HEARING ITEMS

1. P2015-014 - Hold a public hearing to discuss and consider a request by Jay Bedford of A.J. Bedford Group, Inc. for the approval of a residential replat creating Lots 6, 7, & 8, Block A, Grady Rash Subdivision, being a 3.727-acre tract of land currently identified as Lots 1, 2, 4, & 5, Grady Rash Subdivision, City of Rockwall, Rockwall County, Texas, zoned Single Family Residential (SF-10) District, addressed as 1 Soapberry Lane, 2 Soapberry Lane, 4 Soapberry Lane, & 5 Soapberry Lane, and take any action necessary.

Mr. LaCroix indicated that a public hearing is required by State law with regards to this residential replat. The original plat had a total of five residential lots and was a family development; however, some of the lots have since been sold outside of the family. He generally indicated that the owner would now like to divide up this property into three lots. This replat allows for a private access utility easement to be clarified and for some technical aspects of the plat to be cleaned up. The Planning & Zoning Commission did recommend approval of this item.

Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and speak. There being no one, Mayor Pruitt then closed the public hearing.

Jay Bedford of A.J. Bedford Group
301 N. Alamo
Rockwall, TX

Mr. Bedford came forth to answer any questions of the council. He explained that his understanding is that the owner wants to do this solely for tax purposes. Councilmember White made a motion to approve this item. Councilmember Milder seconded the motion, which passed by a unanimous vote (7 ayes to 0 nays).

XIII. ACTION ITEMS

1. Discuss and consider adoption of a resolution appointing a Municipal Court Judge, and take any action necessary.

Mayor Pruitt indicated that this item will be discussed in Executive Session before the council considers taking action on it. In the end, no action was taken at this council meeting concerning this agenda item.

2. SP2015-012 - Discuss and consider a request by Jennifer Garcia of KBGE on behalf of Rockwall Ice Cream Holdings, LLC for the approval of a variance to horizontal articulation requirements as stipulated by Article V, District Development Standards, of the Unified Development Code in conjunction with an approved site plan for a general retail store on a 0.91-acre tract of land identified as Tract 36 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take any action necessary.

This tract of land is owned by the same owner of the Dairy Queen. It is essentially a second lot that is under a sales contract right now, and a retail auto parts store is being proposed at this location. The Architectural Review Board (ARB) reviewed once and, as a result, some architectural changes were requested to be made. After those changes were made, the ARB and P&Z Commission reviewed it a second time. The Planning & Zoning Commission recommended approval of this request.

Councilmember Lewis made a motion to approve SP2015-012. Councilmember Townsend seconded the motion. Councilmember Milder expressed that he appreciates the development, however, he believes that putting a third auto parts store so close to two other existing ones is not an appropriate placement, especially considering this is a major corridor location. Following Milder's comments, the motion passed by a vote of 5 in favor with 2 against (Milder and Fowler).

XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Departmental Reports
 - Building Inspections Monthly Report - April 2015
 - Fire Department Monthly Report - April 2015
 - Harbor PD Monthly Report - April 2015
 - Internal Operations Department Monthly Report - April 2015
 - Police Department Monthly Report - April 2015
 - Recreation Monthly Report - April 2015
 - Rockwall Animal Adoption Center Monthly Report - April 2015
2. City Manager's Report

City Manager Rick Crowley briefed the city council on recent rains that caused flooding in the Lake Rockwall Estates neighborhood. He expressed that the flooded Soil Conservation lake is being managed at this time. He thanked Rockwall County Helping Hands for their prompt and continued assistance in rendering aid to those families whose homes have been flooded. He expressed heartfelt regret to families who have been adversely affected. Mr. Crowley stated that he would like the council's blessing to seek out additional private source funding that could be utilized by Helping Hands to continue helping families that have been affected on a more long-term basis. He thanked the County Emergency Management Coordinator for his continued assistance and work. He explained that a Presidential Disaster has been declared with regards to flooding in the State of Texas, and the families in Rockwall who have been affected by the floods are being encouraged to report their losses; however, this does not guarantee any Federal

monetary assistance. The lake will continue to be managed; however, it will take at least thirty days for the lake level to recede. Mayor Pruitt indicated that he and the council are in support of Mr. Crowley seeking out monetary donations for Helping Hands so that they may continue helping affected families. Mr. Crowley indicated that electrical meters were pulled by Oncor at the request of the city for safety purposes. There is no gas in the area.

Fire Chief Mark Poindexter then came forth and shared photographs and a verbal report concerning homes that have been affected by the flooding in the Lake Rockwall Estates subdivision. He explained that an 8" siphon pipe has been installed to try and drain the lake level to some extent, and the Soil Conservation Commission is overseeing this; however, it is a very, very slow process.

Councilmember Lewis indicated that there are still some vacant lots for sale. If a buyer goes through a title company or bank, then it does have to be disclosed that the property is located in a 100 year floodplain. However, if the sale takes place on a 'note,' then it may not be disclosed. Councilmember White asked if the city would issue a building permit to someone who purchased a lot in a floodplain. Mr. Crowley and City Engineer Tim Tumulty indicated that no, the city would not. Regarding if a resident will be allowed to rebuild, Mr. Tumulty indicated that they are allowed to rehab the structure, and Building Inspections will be involved to assess the damage and ensure building codes are met if/when rehabbing takes place. The council took no action concerning this agenda item.

Regarding the application process for Police Chief candidates, Mr. Crowley indicated that interviews have been ongoing with eleven candidates, and the last interview is scheduled for tomorrow. He will then be significantly narrowing down the candidate pool and will begin conducting background checks. He has had assistance from the two assistant city managers and one of the directors; however, he will be the one ultimately making the final selection. He generally indicated that the process is going smoothly.

From the Executive Session discussion items below, Mayor Pruitt then read into the record #s 3, 4 and 5, as well as the wording for Work Session item #3, before recessing the meeting into Executive Session at 7:00 p.m.

XV. EXECUTIVE SESSION

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

1. Discussion regarding claim filed by Ryan Frost pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding appointment of city council subcommittees, board liaisons and designation of Mayor Pro Tem pursuant to Section, §551.074 (Personnel Matters).
4. Discussion regarding appointment to the city's Rockwall Economic Development Corporation (regulatory) board, pursuant to Section 551.074 (Personnel Matters)

5. Discussion regarding Agreement for Municipal Court Judge pursuant to Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)

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

Mayor Pruitt reconvened the public meeting at 8:20 p.m. and addressed Work Session Item #1 (regarding city's strategic plan).

Councilmember Hohenshelt began discussion of this Work Session Item, indicating he would like to develop the city's strategic plan with the purpose of giving guidance to staff as they manage day-to-day. He expressed the belief that land use has implications for the city's revenue stream, which then funds spending. Hohenshelt went on to talk about a revenue / expenditure model. Mayor Pruitt questioned how the spending model will be examined. Hohenshelt discussed the need to decide appropriate mixes of commercial, light industrial, etc. as far as zoning is concerned. Councilmember White discussed the importance of this city council setting things in motion for future city councils. No action was taken as a result of this Work Session discussion item.

The following actions were taken as a result of Executive Session:

Mayor Pro Tem Lewis made a motion to appoint Mr. Rick Carroll to serve on the Rockwall Economic Development Corporation (REDC) board to fill Kevin Fowler's unexpired term (through December of 2015). Councilmember White seconded the motion, which passed by a unanimous vote (7 ayes to 0 nays).

Councilmember Townsend made a motion to (re)name Dennis Lewis as Mayor Pro Tem. Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1 opposed (Pruitt).

Mayor Pruitt made a motion to appoint Councilmember Kevin Fowler to serve on the city's Fire Department Pension Board (replacing former Councilmember Bennie Daniels). Councilmember Hohenshelt seconded the motion, which passed by a vote of 7 in favor with 0 against.

XVII. ADJOURNMENT

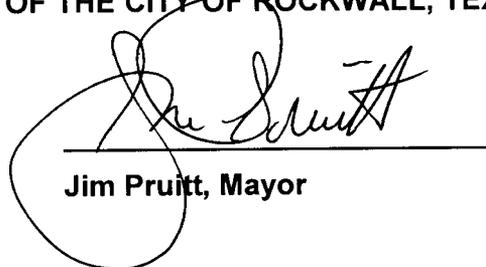
Mayor Pruitt adjourned the meeting at 8:55 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS 15th DAY OF JUNE, 2015.**

ATTEST:



Kristy Ashberry, City Secretary


Jim Pruitt, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, June 15, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

8 **I. CALL PUBLIC MEETING TO ORDER**

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

15
16 **II. WORK SESSION**

- 17
18 1. Hold a work session to discuss Rockwall County Thoroughfare Planning update
19 and the status of SH 205 Planning and take any action necessary.

20 Mayor Pruitt called forth Public Works Director, Tim Tumulty, to hear an update from him
21 regarding this item. Mr. Tumulty stated that the Rockwall County Road Consortium has
22 been updating the master thoroughfare plan and handed out copies of their draft update
23 to council. Mr. Tumulty explained that he and City Manager Rick Crowley have a meeting
24 the following day after the meeting with Rockwall County and their consultants,
25 Innovative Transportation Solutions, Inc. (ITS), to discuss suggestions from the city. He
26 went on to explain some of the concerns and suggestions that would be proposed so
27 that their thoroughfare plan matches what the city's currently shows.

28
29 Staff reviewed the document and proposed some changes to the plan. The section of FM
30 3097 from Tubbs Road to FM 549 was left as a two lane roadway and should match the
31 four lane divided road shown from FM 740 to Tubbs Road. The section of FM 3097 from
32 IH 30 to FM 740 needs to reflect a four lane undivided as it is today. FM 549 from SH 276
33 to FM 3097 shows it to be a six lane divided thoroughfare. There is a question regarding
34 if it needs to be a six lane or four lane road from SH 205 to FM 3097. FM 3549 shows to be
35 a four lane divided road from IH 30 to the north city limits line. John King Boulevard is
36 shown as a six lane thoroughfare. FM 552 from SH 205 to our east city limits has been
37 reduced from a six lane divided roadway to a four lane divided roadway. SH 66 from John
38 King Boulevard to our east city limits line has been reduced from a six lane divided
39 thoroughfare to a four lane divided roadway. This map also shows SH 205 from
40 downtown Rockwall to John King Boulevard reduced to a four lane divided roadway. SH
41 276 from SH 205 to our east City limits line remains a six lane divided thoroughfare.

42
43 Councilmember David White stated that the one project he is most concerned about is
44 the north 205 project and felt that the city has made it clear what they would like to see.
45 General discussion and statements from City Manager Rick Crowley took place, and
46 there was no further action concerning this work session discussion item.

48 2. Hold work session to discuss IH-30 ramp addition (near Ridge Road) and other
49 roadway improvements, and take any action necessary.

50 **City Manager Rick Crowley gave brief background information on this work session item**
51 **and explained that the I-30 ramp near Ridge Road is an onramp that would occur prior to**
52 **Horizon Drive. He thinks that it's a project that has previous funding authorization from**
53 **the city. Mr. Crowley stated that there are concerns about the cost of the engineering of**
54 **the project and that the city will be looking at more cost effective alternatives.**

55 **The other project associated with this agenda item is primarily Rochelle Road. Council**
56 **has communicated with several residents of the City of Fate and the City of Rockwall, as**
57 **well as the school district. Mr. Crowley went on to say that the road is in poor condition**
58 **and that he estimates the improvements would be around \$400K dollars. He indicated**
59 **that this amount happens to be the amount that the county would be able to help with**
60 **and that if the council will consider the funds from the county, the project could move**
61 **forward.**

62 **Mr. Crowley went on to say that a couple of things to keep in mind are that the proposed**
63 **amount would not result in the ultimate road improvements being made for that stretch**
64 **of Rochelle Rd., but it would improve it enough to make it a safer road for the residents**
65 **and the school district. The project could be promising if the City of Fate would agree to**
66 **do their portion of the road and Rockwall do their own with the help of the county**
67 **funding. Hehe stated he would like to get council feedback on their thoughts.**

68 **Councilmember David White explained that he felt none of the projects on Rochelle Rd.**
69 **would benefit the citizens of the City of Rockwall, and he would rather spend the money**
70 **on a city project in the city limits. He went on to state that eventually future developers**
71 **would improve the road.**

72 **Councilmember Hohenshelt asked if the \$400K being proposed would only get the road**
73 **to a base function. Mr. Tumulty answered the question by giving council the various**
74 **improvements that would take place such as cement and asphalt, explaining these would**
75 **not accommodate heavy trucks. Mr. Crowley added that the City of Fate is planning to**
76 **budget for their cost in the upcoming budget year.**

77 **Councilmember Milder indicated that he was in support of partnering with other agencies**
78 **for a mutual benefit.**

79 **Councilmember Townsend asked if a future developer came through, would the**
80 **improvements made to the road with the \$400K dollars have to be redeveloped. City**
81 **Engineer Tim Tumulty indicated that they would more than likely tear out the road and re-**
82 **develop it at that point. Councilmember Townsend went on to express that he would hate**
83 **for the city to pay the money for a temporary road, only to see it get torn out later for**
84 **future development.**

85 **Councilmember Hohenshelt made a motion to direct staff to pursue discussion with the**
86 **county and City of Fate regarding the usage of \$400K of funds on Rochelle Rd. with the**
87 **contingency that if the land east of Rochelle Rd. is purchased that those funds would not**
88 **be spent. Councilmember Townsend seconded the motion, which passed by a vote of 5**
89 **in favor with 1 against (White).**

90

91 3. Hold work session with the Parks & Recreation Advisory Board to discuss and
92 consider Parks and Recreation Business Plan Strategic Initiatives, and take any
93 action necessary.

94 Mayor Pruitt called forth Parks and Recreation Board President, Brad Bassett, to hear a
95 presentation concerning this item.

96 Mr. Bassett started by introducing Park Board members present - Bob Lewis, Larry
97 Denny, and Ray Harton. He then went on to state that the strategic initiatives proposed
98 were unanimously approved by the board, and he went on with the presentation.

99 Councilmember Townsend and Milder expressed ideas of developing the city's website
100 in the future and possibly having a full-time, in house marketing staff person to further
101 the development of these projects. City Manager Rick Crowley indicated that nothing like
102 that has been budgeted as of right now, this would be open to suggestions at a later date.

103 Councilmember Townsend made a motion to approve the strategic direction of the Parks
104 & Recreation board as presented. Councilmember White seconded the motion. The
105 motion passed unanimously of council present (Lewis absent).

106 Councilmember Townsend made another motion to direct staff to purchase the proposed
107 software with a budget amendment. Councilmember Milder seconded the motion. The
108 motion passed unanimously of council present.

109 Following Work Session item #3, the city council recessed into Executive Session.
110 Mayor Pruitt read the following discussion items into the public record for discussion.
111 The public meeting was recessed at 5:04 p.m.

112

113 **III. EXECUTIVE SESSION**

114

115 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
116 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
117 CODE:

118 1. Discussion regarding the city's concession agreement with Suntex Marina / Suntex
119 RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)

120 2. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071
121 (Consultation with Attorney)

122 3. Discussion regarding purchase or lease of real property / land acquisition in the vicinity
123 of the downtown area for municipal purposes pursuant to Section § 551.072 (Real
124 Property).

125 4. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall
126 pursuant to Section 551.071 (Consultation with Attorney).

127 5. Discussion regarding Eclipse Fitness LLC and DRZW Holdings LTD vs. City of Rockwall,
128 Texas pursuant to Section 551.071 (Consultation with Attorney).

129 6. Discussion regarding possible development-related legal claim in the vicinity of Bourne
130 Street pursuant to Section 551.071 (Consultation with Attorney)

131 7. Discussion regarding appointment of city council subcommittees and board liaisons
132 pursuant to Section, §551.074 (Personnel Matters).

133

134 **IV. ADJOURN EXECUTIVE SESSION**

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136 Executive Session adjourned at 5:57 p.m.

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V. RECONVENE PUBLIC MEETING

Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all councilmembers present with the exception of Mayor Pro-Tem Lewis, who was absent.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND

Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.

VIII. OPEN FORUM

Mayor Pruitt explained how this portion of the meeting is conducted and asked if anyone would like to come forth and speak during this time.

**Forrest Fenwick
2715 Promenade Harbor
Rockwall, TX 75087**

Ms. Fenwick brought materials to pass out to council regarding takeline maintenance and concerns. Ms. Fenwick went on to state that she has general concerns that shortly after the homes that were built in 2004, the City of Rockwall began maintenance of a small meadow area including mowing. Over the years the mowing has been kept up, but the maintenance of the area under the trees has not been done. Beyond that, she has more concerns about snakes in that area. She went on to ask that these areas continue to be kept up to avoid this problem. She then thanked council for their time to hear her concerns.

**Charles Miller
821 Zion Hill Circle
Rockwall, TX 75087**

Mr. Miller came forth to express concerns about the pot holes on the 549/Hwy 30 access road. City Manager Rick Crowley clarified that those areas are state roadways. Mr. Miller then urged the city to suggest to the appropriate authorities that the problem be fixed. Mayor Jim Pruitt thanked Mr. Miller for his comments and mentioned that a city staff member would be following up with him the next day regarding these concerns.

IX. CONSENT AGENDA

- 1. Consider approval of the minutes from the June 1, 2015 regular city council meeting, and take any action necessary.**
- 2. P2015-022 - Consider a request by Mike Whittle on behalf of Rockwall Rental Properties, LP for the approval of a replat for Lot 11 & 12, Block 2, Alliance Addition, Phase 2 being a 1.420-acre parcel of land currently identified as Lots 1 & 10, Block 2, Alliance Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned Planned Development District**

189 57 (PD-57) for Commercial (C) District land uses, addressed as 6505 &
190 6525 FM-3097, and take any action necessary.

191 **Councilmember White made a motion to approve all Consent Agenda items (#1 and 2).**
192 **Councilmember Milder seconded the motion. The motion passed unanimously of council**
193 **present (Lewis absent).**

194
195 **X. APPOINTMENTS**

- 196
197 1. Appointment with the Planning and Zoning Chairman to discuss and
198 answer any questions regarding cases on the agenda and related issues
199 and take any action necessary.

200 **Craig Renfro, Chair of the Planning & Zoning Commission, came forth and briefed the**
201 **city council on recommendations of the Commission relative to items on tonight's city**
202 **council meeting agenda. The council took no action concerning this agenda item.**

- 203 2. Appointment with Mr. Jack Youngkin to hear about the "International
204 Campaign for Compassionate Cities" and to discuss and consider
205 approval of a resolution affirming the "Charter for Compassion," and take
206 any action necessary.

207 **Mayor Jim Pruitt first noted that this item has nothing to do with Section 8 housing in any**
208 **way. He then called Jack Youngkin forward to hear a presentation regarding this item.**
209 **Mr. Youngkin started by introducing his colleague, Dr. Charles Barker, who is also a**
210 **board member of the Richardson Interfaith Alliance. Mr. Youngkin then proceeded with a**
211 **presentation regarding the program. Dr. Barker then came forward to give a brief**
212 **background of the proposed charter and adoption of the initiative.**

213 **Councilmember Townsend expressed concerns regarding what the city's role would be**
214 **and thinks that we can change an atmosphere, and city and people's hearts and minds,**
215 **but that we don't necessarily need government to do it. He believes that government will**
216 **change when people change and added that he would like to see actions come from the**
217 **citizens out in the community itself.**

218 **No formal action was taken on this item.**

- 219 3. Appointments to hear concerns related to city ordinance regulations
220 contained in Chapter 6, Article VI, Sec. 6-162(b) (regarding the prohibition
221 of owning or keeping chickens, ducks, turkeys, geese, peacocks, or
222 guinea hens within the corporate limits of the city except in agricultural
223 zoned districts), and take any action necessary.

224 a) Paul and Leah Freese,

225 **943 Lexington Drive, Rockwall, TX**

226 **Mayor Jim Pruitt called upon Mr. & Mrs. Freese to hear their concerns on this item. Mrs.**
227 **Freese gave a short presentation in favor of amending the current city ordinance to allow**
228 **for chickens in the city limits.**

229 b) Mike Dean,

230 **947 Lexington Drive, Rockwall, TX**

231 **Mr. Dean came forward in opposition of any change to the ordinance.**

232

233 c) Brent Polunsky,
234 955 Lexington Drive, Rockwall, TX
235 Mr. Polunsky came forward as the Turtle Cove HOA President in opposition of allowing
236 any changes to the current ordinance prohibiting chickens.
237 d) Sharon Worthy – Ms. Worthy was not able to attend the meeting.
238 e) Ben Weible,
239 215 Trout Street, Rockwall, TX
240 Mr. Weible came forward in support of possibly changing the current ordinance,
241 expressing that this particular issue should be taken to the Turtle Cove HOA.
242 Thomas Gaili – Came forward in opposition of changing the ordinance.
243 645 Stafford Circle
244 Rockwall, TX 75087
245
246 Gina Celii – Came forward in opposition of changing the ordinance.
247 667 Turtle Cove Blvd.
248 Rockwall, TX 75087
249
250 Candace Jefcoat – Came forward in opposition of changing the ordinance.
251 3115 Lakeside Drive
252 Rockwall, TX 75087
253
254 Roman Linane – Came forward in support of changing the ordinance.
255 919 Lexington Drive
256 Rockwall, TX 75087
257
258 Nathan Sellers – Came forward in support of changing the ordinance.
259 4053 Bass Rd.
260 Rockwall, TX 75032
261
262 Neil Welborn – Came forward in opposition of changing the ordinance.
263 810 Lake Meadows Circle
264 Rockwall, TX 75087
265
266 Jay Bedford – Came forward in opposition of changing the ordinance.
267 301 N. Alamo
268 Rockwall, TX 75087
269
270 Bree McClusky – Came forward in support of changing the ordinance.
271 4053 Bass Rd.
272 Rockwall, TX 75032
273
274 Heather Canun – Came forward in support of changing the ordinance.
275 784 Berrymore Drive
276 Rockwall, TX 75087
277
278 Councilmember White expressed that he would be in favor of a possible change.
279

280 Councilmembers Milder and Mayor Pruitt expressed that they have concerns regarding
281 what sized lot would be allowed to have chickens if the ordinance is changed.

282
283 Councilmember Hohenshelt asked City Attorney, Frank Garza, a question regarding if the
284 HOA already had a regulation prohibiting chickens, and the city changed it, could the
285 HOA still prohibit them. Mr. Garza informed council that the HOA could indeed still
286 prohibit chickens in their subdivision.

287
288 General discussion took place, and no action was taken.
289

290 4. Appointment with Chris Johnson to discuss changes to the Unified
291 Development Code that would allow the operation of a Portable Beverage
292 or Food Service Facility under a Specific Use Permit, and take any action
293 necessary.

294 Indication was given that Councilmember Milder would be recusing himself from this
295 item.

296 Mayor Pruitt called Mr. Johnson forth to speak on this item. Mr. Johnson generally
297 expressed that he would like to request a variance to be able to operate a food truck
298 longer than 150 days at 803 N. Goliad Street, which is Councilmember Milder's lot. He
299 explained that Councilmember Milder has granted him permission for use of this
300 property. He went further to explain that the menu and type of food being served hasn't
301 been decided on yet. He would also like to partner with the Rockwall High School
302 Culinary program to give some of the students an opportunity to work in this venue and
303 that they would be giving a portion of profits to the RHS Culinary Program. He gave
304 examples of what the trailer would look like and expressed that there would be paving,
305 tables and umbrellas for seating as well as some possible outdoor games such as
306 horseshoes.

307 Planning and Zoning Director, Robert LaCroix, explained that if the item comes back at
308 direction of council, there would be an ordinance change, and the SUP chart would also
309 change.

310 Councilmember White made a motion to send the item back to modify the UDC for the
311 operation of a portable food facility, with the exception of the requested timeframe with
312 the stipulation that the timeframe could be extended if needed. Councilmember
313 Townsend seconded the motion. The motion passed by a vote of 4 ayes, 1 against
314 (Pruitt), 1 abstention (Milder) and 1 absent (Lewis).

315 5. Appointment with representative(s) of Core Adventure Sports to discuss
316 and consider entering into a contract with the City for the purpose of
317 providing Stand-up Paddle Board services within the take line lease area
318 at The Harbor and the SH 66 Public Boat Ramp, and take any action
319 necessary.

320 Mayor Pruitt called forth Dean People and Stephanie Olsen to speak on this item. Mr.
321 People gave a brief update on his company and its vision.

322 Mayor Pruitt expressed general concern about the area at the SH 66 Boat Ramp because
323 he feels that ramp is not a park and is specifically used as a boat ramp only.

324 Councilmember Milder stated that he would be in favor of this activity being offered to
325 citizens but shares Mayor Pruitt's thought that it should not be allowed at the SH 66 Boat
326 Ramp.

327 Councilmember Milder made a motion to enter into a contract with Core Adventure
328 Sports for the purpose of providing Stand-up Paddle Board services in the takeline lease
329 area at The Harbor. Councilmember White seconded the motion, which passed
330 unanimously of council (Lewis absent).

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333

XI. PUBLIC HEARING ITEMS

334 1. **Z2015-017** - Hold a public hearing to discuss and consider a request by
335 Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the
336 owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of
337 an **ordinance** for a Specific Use Permit for Commercial
338 Amusement/Recreation (Outside) to allow a baseball training facility to be
339 constructed on a six (6) acre tract of land identified as Tract 4-07 of the
340 N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County,
341 Texas, zoned Commercial (C) District, situated within the SH-205 By-
342 Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side
343 of Airport Road west of the intersection of Airport Road and John King
344 Boulevard, and take any action necessary [**1st Reading**].

345 Planning Director Robert LaCroix gave a brief history of this item and provided a site
346 plan to council. He stated that the complex is intended for select team training. One of
347 the concerns expressed is related to the lighting at the complex. The applicant did
348 indicate they would use a max height of 50 feet on the light poles. They have also made
349 arrangements to get their FFA clearance.

350 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
351 speak.

352 Kenneth Smith
353 3888 N. SH 205
354 Rockwall, TX

355 Kenneth Smith came forth to speak on this item and explained his vision for this facility.
356 He indicated it would be a two story building with a workout area, arcade, concession
357 stand and pro shop. He further explained that it would include a turf field.

358 Following public comment, Councilmember Townsend made a motion to approve the
359 SUP for Commercial Amusement/Recreation for a baseball training facility.
360 Councilmember White seconded the motion, which passed unanimously of council
361 (Lewis absent). The ordinance was read as follows:

ORDINANCE NO. 15-18
SPECIFIC USE PERMIT NO. S-138

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C) DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N. BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN 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.

379 2. **Z2015-018** - Hold a public hearing to discuss and consider a request by
380 Herman Douglas Utlely for the approval of an **ordinance** for a zoning
381 change from a Single Family Estate 2.0 (SFE-2.0) District to a Single
382 Family Estate 1.5 (SFE-1.5) District for a 4.502-acre tract of land
383 identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13, City of
384 Rockwall, Rockwall County, Texas, zoned Single Family Estate 2.0 (SFE-
385 2.0) District, situated within the SH-205 By-Pass (SH-205 BY OV) District,
386 addressed as 1815 E. Old Quail Run Road, and take any action
387 necessary. **[1st Reading]**

388 **Planning Director Robert LaCroix gave a brief history on this item. He indicated that**
389 **notices went out to adjacent property owners, but none have been received back.**

390 **Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and**
391 **speak. Seeing no one, he closed the public hearing.**

392 **Councilmember Townsend made a motion to approve Z2015-018. Councilmember Milder**
393 **seconded the motion, which passed unanimously of council. The ordinance was read as**
394 **follows:**

395 CITY OF ROCKWALL
396 ORDINANCE NO. 15-19
397

398 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
399 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,
400 AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A
401 CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A
402 SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 4.502-ACRE TRACT OF LAND
403 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF
404 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN
405 EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
406 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
407 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
408 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
409

410 **XII. ACTION ITEMS**

- 411
- 412 1. MIS2015-002 - Discuss and consider a request by David Smith of the
413 Rockwall Housing Development Corporation for the approval of a special
414 exception to allow a manufactured home for the purpose of providing
415 emergency housing on a 0.27-acre parcel of land identified as Lot 984A
416 of Rockwall Lake Estates #2 Addition, City of Rockwall, Rockwall County,
417 Texas, addressed as 112 Chris Drive, and to consider a city initiated
418 request for the approval of a special exception to allow for manufactured
419 homes for the purpose of providing emergency housing on other lots
420 currently owned by the City of Rockwall, zoned Planned Development
421 District 75 (PD-75) [Ordinance No. 09-37], located within the Lake
422 Rockwall Estates Subdivision, and take any action necessary.

423 **City Manager Rick Crowley gave council a brief update on the status of the homes in the**
424 **Lake Rockwall Estates area that recently flooded. He explained that, of the four residents**
425 **that receive funding, one other property owner owns several lots but has not come to**
426 **terms with if he is able to move back into the home. He is getting help from Helping**
427 **Hands. Other homeowners have stated that they do not have a desire to return to their**
428 **homes.**

429 Fire Chief Mark Poindexter stated that the water had subsided a great deal, but it is still
430 too deep, so the road remains closed at this time. There is potential for more flooding in
431 the coming days with the future weather forecast.

432 The applicant, David Smith of RHDC, came forward to speak on this item and update
433 council on the condition of the current homes. He stated that there are still two
434 homeowners that are displaced and understand their homes were located in a flood
435 plain. They are currently living at the Super 8 Motel short-term. Mr. Smith asked council
436 to authorize the City Manager's office to send the designated organization a letter so that
437 the families can be placed in better homes.

438 Mayor Pruitt asked what would happen to the trailer homes, if approved, after they are no
439 longer needed.

440 City Manager Rick Crowley stated that he believed the city could find a spot on city land
441 to park them after they are no longer being used as well as find a spot for them to go
442 when the families move in.

443 Mr. Smith explained that the private corporation has a financing period that will take 60-
444 90 days along with a planning period and a construction phase. FEMA also has the
445 stipulation that the trailers be owned for at least 18 months by the municipality.

446 Councilmember Townsend made a motion to approve MIS2015-002 and give staff
447 direction to send a letter to ask for the assistance. Councilmember White seconded the
448 motion, which passed unanimously of council.

449 2. P2015-021 - Discuss and consider a request by Jay Bedford of A. J.
450 Bedford Group, Inc. on behalf of the owners G. Kent and Kay Loy Smith
451 for the approval of a final plat for Lots 1-4, Block A, Breezy Hill Estates
452 being a 7.873-acre tract of land identified as Lots 10-13, Breezy Hill
453 (Unrecorded), Rockwall County, Texas, situated within the City of
454 Rockwall's Extraterritorial Jurisdiction (ETJ), located on property currently
455 addressed as 575 Breezy Hill Lane, and take any action necessary.

456 Planning Director Robert LaCroix gave a brief update on this item. He explained that the
457 tract is located on Breezy Hill and is in the city's ETJ. The applicant would like to sell
458 these tracts of land. Two tracts of land would have street frontage access but do not
459 have street front drives. He stated that the Planning & Zoning Commission approved this
460 item.

461 Mr. A.J. Bedford, 301 N. Alamo Drive, Rockwall, came forth to address council and give a
462 brief update on their intentions with said properties.

463 Councilmember Townsend made a motion to approve P2015-021. Councilmember Milder
464 seconded the motion. It passed unanimously of council present (Lewis absent).

465 3. Z2015-014 - Discuss and consider approval of an ordinance for a
466 request by Cole Franklin of the Skorburg Company on behalf of the owner
467 of the Lonnie Gideon Estate for a zoning change from an Agricultural
468 (AG) District to a Planned Development District for Single Family 10 (SF-
469 10) District land uses, on a 29.192-acre tract of land identified as a
470 portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of
471 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,
472 situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District,
473 located at the northeast corner of the intersection of E. Quail Run Road
474 and John King Boulevard, and take any action necessary. (1st Reading)

475 Mayor Jim Pruitt called representatives forth to deliver a presentation they would like to
476 give.

477 Cole Franklin with the Skorburg Company came forward to address council and briefly
478 updated council on the intentions for the requested zoning change. He stated that they
479 do not meet the 20% open space requirement, but the proposal does have alternatives
480 included, such as a small park and a swimming pool/amenities center. He explained the
481 benefits of what's being proposed.

482 Mayor Jim Pruitt called forth two citizens wishing to address council on this item.

483 John Yingling & Lynelle Yingling
484 570 E. Quail Run Rd
485 Rockwall, TX 75087

486 Mr. and Mrs. Yingling generally expressed concerns with allowing variances and urged
487 the council to please follow the guidelines for the current comprehensive plan as it
488 relates to open space.

489 Mayor Pruitt asked Mr. LaCroix what the comprehensive plan calls for in this area. Mr.
490 LaCroix explained that in 2007, they took those policies and tried to work them into the
491 code, and council had the ability to take various factors into consideration. It was
492 ultimately decided that the area would call for a mixed use of lots and specificity density.

493 Nick Grant
494 1569 E. Quail Run Rd.
495 Rockwall, TX 75087

496 Mr. Grant asked that council not approve this item for failure to meet the guidelines of
497 the current comprehensive plan.

498 Mike Larriviere
499 1425 E. Quail Run
500 Rockwall, TX 75087

501 Mr. Larriviere stated that he is in opposition of this item.

502 Councilmember White made a motion to approve Z2015-014 to include a playground
503 area. Councilmember Hohenshelt seconded the motion, which passed with 5 ayes, 1 nay
504 (Townsend), and 1 absent (Lewis).

505 The ordinance was read as follows:

506 CITY OF ROCKWALL
507 ORDINANCE NO. 15-XX
508

509 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
510 THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,
511 AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL
512 (AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-77) FOR SINGLE FAMILY 10
513 (SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-ACRE TRACT
514 OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES SURVEY,
515 ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY
516 DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
517 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
518 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
519 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
520

521 4. Discuss and consider approval of an ordinance adding Sections 26-290
522 to 260-297 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and
523 Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of

524 the Municipal Code of Ordinances to authorize the operation of golf carts
525 within the city limits, and take any action necessary. **(1st reading)**

526 **Mayor Pruitt called forth citizens wishing to address council on this item.**

527
528 **Jim Smith & Shirley Smith**
529 **609 Amherst**
530 **Rockwall, TX**

531 **Mr. & Mrs. Smith came forth to address council on proposed revisions to the ordinance.**
532 **They gave extensive recommendations as specified in an email sent to council in**
533 **advance of the meeting**

534 **Councilmember Fowler felt that having an ordinance with regulations would be too**
535 **restrictive. Councilmember Milder felt that there should be some regulations related to**
536 **drivers of golf carts needing to have a valid driver's license.**

537 **Councilmember White asked Assistant Chief Riggs if the police department gets very**
538 **many complaints about reckless driving and younger drivers on golf carts. Chief Riggs**
539 **indicated that there may be a few calls a year, but they are more specifically about**
540 **younger drivers in general, not necessarily that they are driving recklessly.**

541 **Mayor Pruitt made a motion to table this item for work session discussion before it**
542 **comes back for an action item and vote. Councilmember Townsend seconded the**
543 **motion, which passed by a vote of 5 ayes, 1 nay (White) and 1 absent (Lewis).**

544 **5. Discuss and consider update related to an erosion control project located**
545 **near 2065 Lake Forest Drive, and take any action necessary.**

546 **City Engineer Tim Tumulty gave a brief update and background information on this item,**
547 **explaining that erosion is slowly moving toward this home and toward the retaining wall**
548 **near the back part of this property. He indicated that the city is ready to put out an open**
549 **bid on this project on July 9th. Once bids are returned, staff would look for a direction**
550 **from council to move forward. He added that the estimated cost of the project would be**
551 **around \$200K.**

552 **Councilmember Hohenshelt asked if the resident, Mr. Carol, would be willing to allow**
553 **access. Mr. Tumulty stated that access through the resident's property would not be**
554 **possible. No formal action was taken.**

555 **6. Discuss and consider the provisions of Chapter 12. Businesses & Sales,**
556 **Article XII. Ambulance Service of the Code of Ordinances, and take any**
557 **action necessary.**

558 **Mayor Jim Pruitt explained the he doesn't think he and Mayor Pro Tem Lewis are ready to**
559 **make a recommendation, and since Lewis is absent tonight, he would like to update**
560 **council in two weeks.**

561 **Councilmember White made a motion to table this item until the next regular council**
562 **meeting. Councilmember Townsend seconded, which passed unanimously of council.**

563 **7. Discuss and consider survey results and options related to the city's solid**
564 **waste collection contract, and take any action necessary.**

565 **Assistant City Manager Mary Smith gave a brief update and background information on**
566 **this item and further expressed that the current vendor, Allied Waste Management, would**
567 **need to be notified by July 3rd regarding the city's intentions are concerning the contract.**

568 Mr. Rick Bernas of Allied Waste Management stated he would like the opportunity to sit
569 down with the city to negotiate another 5 year extension.

570
571 Dick Demien, Progressive Waste
572 1240 Coastal Drive
573 Rockwall, TX

574 Mr. Demien generally explained that he is a competitor of Allied Waste Management and
575 services several other cities in the area. He would like the opportunity to bid for this
576 contract.

577 Councilmember Milder stated that he feels that the council owes it to the citizens in
578 Rockwall to go out for an RFP to see what the options are.

579 Mayor Jim Pruitt made a motion to send the letter to Allied to allow for the possibility of
580 an RFP and give them 45 days to talk with staff and come up with a proposal before
581 deciding if the city wants to move forward with the RFP process. This motion failed for
582 lack of a second.

583 Councilmember Hohenshelt made a motion to go out for competitive bid.

584 Councilmember Townsend asked City Attorney Frank Garza to clarify the difference
585 between the two motions. Frank Garza stated that a letter has to be sent to notify the
586 current provider that the city is not prepared to stay with the same contract. He then
587 clarified that a letter would need to be sent either way under both motions that were
588 made previously.

589 Councilmember Milder then made a motion to second Councilmember Hohenshelt's
590 motion to go out for competitive bid. The motion failed by a vote of 3 ayes and 3 nays
591 (Townsend, White, and Pruitt against) with 1 absent (Lewis).

592 Councilmember Milder made a motion to send the letter to Allied to allow for the
593 possibility of an RFP and give them 45 days to talk with staff and come up with a
594 proposal before deciding if the city wants to move forward with the RFP process.
595 Councilmember David White seconded the motion, which passed by a vote of 4 ayes, 2
596 nays (White and Hohenshelt) and 1 absent (Lewis).

597 8. Discuss and consider amendments to the natural and/or quarried stone
598 requirement stipulated by the overlay district standards contained in
599 Article V, District Development Standards, of the Unified Development
600 Code, and take any action necessary.

601 Planning Director Robert LaCroix gave brief background information on this item. He
602 explained the differences between the materials of stone being proposed. He stated that
603 an ordinance would come back before council for future consideration if this item is
604 approved.

605 Councilmember White made motion to move forward with the ordinance change and
606 recommendations by the Planning and Zoning Commission as presented.
607 Councilmember Townsend seconded the motion, which passed by a vote of 5 ayes, 1 nay
608 (Milder) and 1 absent (Lewis)

609 9. Discuss and consider options related to providing public restrooms in the
610 downtown area, and take any action necessary.

611 Assistant City Manager Brad Griggs gave a brief update on this item, explaining that the
612 best option at this time would be to utilize the public building at The Center for
613 downtown events such as Farmers Market and the San Jacinto Music Series. This cost

614 would be around \$2K, and directional signs would be placed to let the public know where
615 restrooms are available.

616 **No action was taken on this item.**

617 **10.** Discuss and consider an update related to public parking signage at The
618 Harbor, and take any action necessary.

619 **Mayor Jim Pruitt explained that he added this item to the agenda due to a recent event at**
620 **The Harbor, Cars for CASA. He explained that there was general confusion as to where**
621 **people could park, and he feels that the signs that are out there now don't adequately**
622 **direct people to the city's available parking at Trend Tower. Mayor Pruitt suggested that**
623 **getting a larger sign on the building so that traffic can be directed to the parking garage**
624 **would help.**

625 **Councilmember Hohenshelt stated that he would like to see city signage along the public**
626 **road access leading up to the building and then a larger sign on the garage itself.**

627 **Mayor Pruitt made a recommendation for staff to negotiate with Trend Tower to move**
628 **forward with signage on the garage.**

629 **11.** Discuss and consider maintenance within the take line area, and take any
630 action necessary.

631 **Mayor Pruitt gave a brief update on the background of this item. He expressed that there**
632 **is general confusion as to whose responsibility it is to clean up debris and trees from the**
633 **takeline area if there is not a lease on the property. He stated that he would like to give**
634 **staff direction as to how to answer questions and phone calls from those that would like**
635 **the city to clean up these areas because he would like there to be a consistent way of**
636 **handling it. He then went on to say that the residents that do have leases on the takeline**
637 **do clean up that area, but others that do not have a lease expect the city to do it.**

638 **Councilmember White asked staff where the \$350 dollars per year goes that the city**
639 **collects from the takeline leases. Assistant City Manager, Brad Griggs explained that it**
640 **goes into the Recreation Development fund. He further explained that the \$350 per year**
641 **is to pay for the cost of the Neighborhood Improvement Services Department to rent a**
642 **boat and take care of the maintenance of dangerous areas along the takeline.**

643 **Councilmember Hohenshelt asked for clarification on what such maintenance really**
644 **includes - if it includes trees or other trash and things that float up to the takeline. City**
645 **Manager Rick Crowley clarified that the maintenance could include both if the city is**
646 **required to do regular maintenance.**

647 **Mr. Crowley explained that he would like the ability to determine if the debris is a danger**
648 **and needs to be taken down.**

649 **Councilmember Townsend asked who mows the lots that are not leased. Brad Griggs**
650 **explained that it's up to the property owner to mow, but if they don't, the land returns to**
651 **its natural state. Councilmember Townsend asked who can determine if trees are**
652 **dangerous. City Manager Rick Crowley stated that if a tree is already in the process of**
653 **dying or is in a state that it could fall on someone, it's his opinion that the city should go**
654 **in and have it removed.**

655 **Council's suggestion for staff was to determine on a case-by-case basis if trees are**
656 **dangerous enough for the city to handle. City Manager Rick Crowley stated he would get**
657 **the cost related documents together for council to review.**

658

659 From the Executive Session discussion items below, Mayor Pruitt then read #7 into the
660 record before recessing the meeting into Executive Session at 10:27 p.m.

661
662 **XIII. EXECUTIVE SESSION**

663
664 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
665 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
666 **CODE:**

- 667
- 668 1. Discussion regarding the city's concession agreement with Suntex Marina
669 / Suntex RHCL Marina, LLC pursuant to Section § 551.071 (Consultation
670 with Attorney)
 - 671 2. Discussion regarding possible legal claim related to Oncor pursuant to
672 Section 551.071 (Consultation with Attorney)
 - 673 3. Discussion regarding purchase or lease of real property / land acquisition
674 in the vicinity of the downtown area for municipal purposes pursuant to
675 Section § 551.072 (Real Property).
 - 676 4. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of
677 Rockwall pursuant to Section 551.071 (Consultation with Attorney).
 - 678 5. Discussion regarding Eclipse Fitness LLC and DRZW Holdings LTD vs.
679 City of Rockwall, Texas pursuant to Section 551.071 (Consultation with
680 Attorney).
 - 681 6. Discussion regarding possible development-related legal claim in the
682 vicinity of Bourne Street pursuant to Section 551.071 (Consultation with
683 Attorney)
 - 684 7. Discussion regarding appointment of city council subcommittees and
685 board liaisons pursuant to Section, §551.074 (Personnel Matters).

686 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
687

688 **Mayor Pruitt reconvened the public meeting at 10:37 p.m. and there was no action taken.**

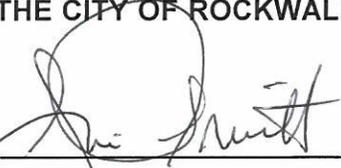
689
690 **XV. ADJOURNMENT**

691
692 **Mayor Pruitt adjourned the meeting at 10:40 p.m.**

693
694
695 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

696 **THIS 6th DAY OF JULY, 2015.**

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698
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702

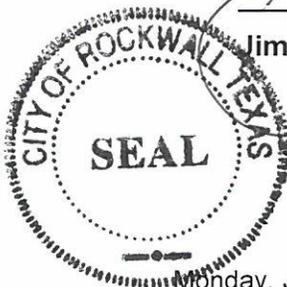


Jim Pruitt, Mayor

ATTEST:



Jacky Casey, Assistant City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, July 06, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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8

I. CALL PUBLIC MEETING TO ORDER

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Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis, and Council Members David White, Mike Townsend, Scott Milder and Kevin Fowler. Also present were Assistant City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. City Manager Rick Crowley was absent from the meeting.

15
16

II. WORK SESSION

- 17
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19
1. Hold Work Session to discuss the Public Outreach Action Plan for reconstruction of South Lakeshore Drive/Summit Ridge Drive from SH 66 to FM 740, and take any action necessary.

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City Engineer Tim Tumulty provided a brief presentation to the city council concerning the reconstruction of this stretch of roadway. Mayor Pruitt generally expressed a desire to have sidewalks or some sort of separation between the vehicular traffic and individuals walking between the street and the houses along the stretch of Summit Ridge Dr. Mr. Tumulty expressed that some portion of people's front yards, including some trees and the need for retaining walls all make the idea of sidewalks a little challenging. Mayor Pruitt encouraged getting the residents' input concerning their preference for sidewalks versus no sidewalks. Mayor Pruitt expressed concern about when traffic accidents occur on IH-30 and drivers come through this area in order to cut over to SH-66, indicating that there is typically a long line of traffic that results. The city's consultant, Brad Tribble with Kimley Horne, came forth and explained various ways that the roadway might be designed in order to create various "friction" techniques to dissuade drivers from wanting to use this roadway as a cut-across if and when accidents on IH-30 occur.

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Mr. Tumulty indicated that as part of this Public Outreach Action Plan, he plans to ask residents to answer survey questions electronically. Mayor Pro Tem Lewis encouraged the use of paper surveys in addition to electronic ones for some residents who may not be inclined to answer a survey electronically. Councilmember Milder shared that he is in support of conducting a resident survey. He also supports sidewalks and anything that might slow down drivers. Councilmember White stressed that he is most interested in gleaning feedback from the residents that actually live along this roadway in this neighborhood.

44
45
46
47

Mr. Tumulty indicated that he believes the city may be faced with updating the water/sewer lines in this area before a new street and/or sidewalks are (re)built, and he feels confident that citizen feedback will echo this need.

48
49

Councilmember White and Mayor Pruitt summarized that council would like to see staff conduct a survey(s) as well as hold a public town hall meeting to glean resident input on

50 this project. Mr. Tumulty indicated that he would like to start with asking for feedback
51 from homeowner/property owners whose property directly abuts the roadway and then
52 widen the survey further thereafter to glean additional input. The council generally
53 agreed with this plan. Councilmember White stressed that he does not believe Mr.
54 Tumulty could ask for and obtain too much resident feedback, as he feels this is very
55 important. After the discussion, no formal action was taken concerning this agenda
56 item.

- 57
58 2. Hold Work Session to discuss potential regulations regarding the use and operation
59 of golf carts, and take any action necessary.

60
61 Councilmember Fowler asked if the city has to have an ordinance in place in order for
62 residents to operate golf carts within residential neighborhoods. City Attorney Frank
63 Garza indicated that, no, no ordinance is needed for individuals to operate golf carts.
64 Councilmember Hohenshelt generally indicated that he does not really see the need to
65 pass an ordinance, especially since there doesn't appear to be an overabundance of
66 complaints or much of a problem. Mayor Pruitt asked if there is a state law calling for a
67 certain age limit before a person can operate a golf cart. Mr. Garza indicated that, no,
68 currently there is no state prescribed minimum age limit. Councilmember Fowler asked
69 if the city would assume any liability if no ordinance is passed. Mr. Garza indicated that,
70 no, the city assumes no liability either way, pointing out that a local government has
71 'governmental immunity' anyway.

72
73 Discussion ensued regarding operating golf carts in master planned communities. Mr.
74 Garza indicated that any local ordinance that might pass would not apply to master
75 planned communities in the city because state law allows their operation in master
76 planned communities whether they're gated or not gated. Mayor Pruitt asked if a golf
77 cart driver could cross a state roadway to get from one master planned community over
78 to another. Mr. Garza indicated that a driver could do this as long as doing so is within a
79 2 mile radius of a golf course.

80
81 To clarify, Councilmember Townsend summarized that this ordinance would only apply
82 to those residents not located in a master planned community, not living in a PD, and not
83 located within 2 miles of a golf course. Mr. Garza concurred. Garza went on to indicate
84 that a health and safety restriction probably could be applied, but he would have to
85 check on this. However, such ordinance regulations would still not apply in a master
86 planned community. Several city council members generally expressed that perhaps an
87 ordinance is not needed at this time, as complaints about this issue are not prevalent
88 and are very few. No action was taken concerning this item.

89
90 At 4:38 p.m., Mayor Pruitt read the below listed items (1-8) into the public record before
91 recessing the meeting into Executive Session.

92
93 **III. EXECUTIVE SESSION.**

94
95 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
96 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
97 CODE:
98

- 99 1. Discussion regarding Economic Development prospects pursuant to Section 551.087
100 (Economic Development)
- 101 2. Discussion regarding Agreement for Municipal Court Judge pursuant to Section
102 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)
- 103 3. Discussion regarding purchase or lease of real property / land acquisition in the north
104 part of the city for municipal purposes pursuant to Section § 551.072 (Real Property).
- 105 4. Discussion regarding possible development-related legal claim in the vicinity of
106 Bourne Street pursuant to Section 551.071 (Consultation with Attorney)
- 107 5. Discussion regarding the city's concession agreement with Suntex Marina / Suntex
108 RHCL Marina, LLC pursuant to Section § 551.071 Consultation with Attorney)
- 109 6. Discussion regarding possible legal claim related to Oncor pursuant to Section
110 551.071 (Consultation with Attorney)
- 111 7. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall
112 pursuant to Section 551.071 (Consultation with Attorney).
- 113 8. Discussion regarding (re)appointments to city regulatory boards, commissions, and
114 committees including the Building and Standards Commission and Board of
115 Adjustments pursuant to Section 551.074 (personnel matters)

116 **IV. ADJOURN EXECUTIVE SESSION**

117
118 **Executive Session was adjourned at 5:20 p.m.**

119
120 **V. RECONVENE PUBLIC MEETING**

121
122 **The public meeting reconvened at 6:00 p.m.**

123
124 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

125
126 **Mayor Pro Tem Lewis made a motion to reappoint Kathy Mason Penn to serve as**
127 **Municipal Court Judge. Councilmember White seconded the motion, which passed**
128 **unanimously (7 ayes to 0 nays).**

129
130 **Mayor Pro Tem Lewis made a motion to appoint David Mallard to serve as Associate**
131 **Municipal Court Judge. Councilmember Milder seconded the motion, which passed**
132 **unanimously (7 ayes to 0 nays).**

133
134 **Mayor Pro Tem Lewis made a motion to approve a settlement of a legal claim with**
135 **Dewayne Cain in the amount of \$11,664.01. Councilmember White seconded the motion,**
136 **which passed unanimously (7 ayes to 0 nays).**

137
138 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

139
140 **Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.**

141
142 **VIII. OPEN FORUM**

143
144 **Charles Miller**
145 **821 Zion Hills Circle**

146 **Rockwall, TX**

147
148 **Regarding the potholes on FM-549 and IH-30, Mr. Miller expressed thanks to the city's**
149 **pothole repair staff person in the Streets Department, expressing that it seems like**
150 **something may be happening to address pothole concerns in this area. He went on to**
151 **state that the weeds coming into town on SH-66 and along IH-30, as well as along other**
152 **roadways within the city, are out of control and need to be addressed. He also has had**
153 **recent problems with bulk pick up by the city's trash provider.**

154
155 **Martin Ramirez**
156 **Rockwall County EMS**
157 **809 S. Goliad**
158 **Rockwall, TX**

159
160 **Mr. Ramirez came forth indicating that he would like to speak to the council about the**
161 **possible rescinding of the city ordinance related to exclusivity of EMS service provision.**
162 **He pointed out that rescinding this ordinance would open up the flood gates to allow any**
163 **provider to come in and service any of the twelve medical facilities in Rockwall, including**
164 **Presby, Baylor, nursing homes and assisted living centers. He went on to explain that**
165 **because of the exclusivity ordinance being in place, Rockwall County EMS has been able**
166 **to cut subsidy costs by about 20% or just under \$100,000 for the most recent year. He**
167 **generally expressed that revocation of this ordinance would likely result in more subsidy**
168 **money being requested on an annual basis.**

169
170 **Richard Langley**
171 **2401 Sandstone Court**
172 **Rockwall, TX**

173
174 **Mr. Langley indicated that he previously spoke before Council expressing concern about**
175 **drainage associated with the project the council is considering approving along John**
176 **King Boulevard. He thanked the staff, including Mr. LaCroix, for assuring him that the**
177 **drainage will be safe. Regarding the issue of raising chickens, he encouraged the**
178 **council to consider shortening the time that residents have to speak on matters like this**
179 **because doing so would allow the Council an ability to address their concerns in a more**
180 **timely fashion.**

181
182 **Mrs. Smith**
183 **609 Amherst**
184 **Rockwall, TX**

185
186 **Regarding the draft golf cart ordinance that is being considered on Action Items this**
187 **evening, she thanked the council and staff for the work that's gone into this ordinance**
188 **draft. She went on point out a few, scrivener's errors that were in need of correction. In**
189 **addition, she pointed out that ATVs have to have an orange, reflective flag attached on a**
190 **6-8' pole, and she encouraged the council to consider adding a similar provision for**
191 **placement on golf carts. She also suggested that the council consider adding break**
192 **lights as a requirement for golf carts 24 hours/day. She is glad that the council's draft**
193 **ordinance includes a provision that a driver be a licensed driver or that they successfully**
194 **complete a required driver's safety course. She wanted drivers to be required to carry**
195 **proof of either / both with them when driving a golf cart.**

196

197 IX. CONSENT AGENDA

- 198
- 199 1. Consider approval of the minutes from the June 15, 2015 regular city
- 200 council meeting, and take any action necessary.
- 201 2. **Z2015-018** - Consider approval of an **ordinance** for a request by Herman
- 202 Douglas Utley for a zoning change from a Single Family Estate 2.0 (SFE-
- 203 2.0) District to a Single Family Estate 1.5 (SFE-1.5) District for a 4.502-
- 204 acre tract of land identified as Tract 1 of the S. R. Barnes Survey,
- 205 Abstract No. 13, City of Rockwall, Rockwall County, Texas, zoned Single
- 206 Family Estate 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass
- 207 (SH-205 BY OV) District, addressed as 1815 E. Old Quail Run Road, and
- 208 take any action necessary. **(2nd Reading)**
- 209 3. **Z2015-017** - Consider approval of an **ordinance** for a request by
- 210 Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the
- 211 owner Kenneth R. Smith of K. R. Smith Holdings, LLC for a Specific Use
- 212 Permit for Commercial Amusement/Recreation (Outside) to allow a
- 213 baseball training facility to be constructed on a six (6) acre tract of land
- 214 identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, City of
- 215 Rockwall, Rockwall County, Texas, zoned Commercial (C) District,
- 216 situated within the SH-205 By-Pass Corridor Overlay (SH-205 BY-OV)
- 217 District, located on the north side of Airport Road west of the intersection
- 218 of Airport Road and John King Boulevard, and take any action necessary.
- 219 **(2nd Reading)**
- 220 4. **P2015-019** - Consider approval of a request by Harold Fetty of H. D. Fetty
- 221 Land Surveyor, LLC on behalf of the owner Doug Utley for the approval of
- 222 a final plat for Lots 1 & 2, Block A, Utley Addition 4.49-acre parcel of land
- 223 currently identified as Tract 1 of the S. R. Barnes Survey, Abstract No. 13,
- 224 City of Rockwall, Rockwall County, Texas, zoned Single Family Estate
- 225 2.0 (SFE-2.0) District, situated within the SH-205 By-Pass Overlay (SH
- 226 205 BY-OV) District, addressed as 1751 & 1815 E. Old Quail Run Road,
- 227 and take any action necessary.
- 228 5. **P2015-020** - Consider approval of a request by Caprice Michelle of
- 229 Rockwall Rustic Ranch, LLC for the approval of a replat for Lot 1, Block
- 230 A, Rockwall Rustic Ranch Addition being a 0.53-acre parcel of land
- 231 currently identified as Lot B, Block 123, B. F. Boydston Addition, City of
- 232 Rockwall, Rockwall County, Texas, zoned Planned Development District
- 233 50 (PD-50) for Residential Office (RO) District uses, situated within the
- 234 North Goliad Corridor Overlay (NGC OV) District, addressed as 406 N.
- 235 Goliad Street, and take any action necessary.
- 236 6. **P2015-027** - Consider approval of a request by Jimmy Strohmeier of
- 237 Strohmeier Architects, Inc. on behalf of Dr. Umar Burney of the North
- 238 Dallas Rockwall Land Investors, LLC for the approval of a replat for Lot 3,
- 239 Block A, Ridge/Summer Lee Addition being a replat of 1.6121-acre tract
- 240 of land identified as Lot 2, Block A, Ridge/Summer Lee Addition, City of
- 241 Rockwall, Rockwall County, Texas, zoned Planned Development District
- 242 9 (PD-9) for General Retail (GR) District land uses, located at the
- 243 southwest corner of the intersection of Oak Drive and Summer Lee Drive,
- 244 and take any action necessary.

- 245 7. **P2015-028** - Consider approval of a request by David Greer of Bannister
 246 Engineering on behalf of Ben McMillian of Ben McMillian Properties, LLC
 247 for the approval of a replat for Lot 1, Block A, Hazel and Olive Addition
 248 being a 0.421-acre tract of land composed of two (2) parcels of land
 249 identified as Block 19A & 19B, Amick Addition, City of Rockwall, Rockwall
 250 County, Texas, zoned Planned Development District 50 (PD-50) for
 251 Residential-Office (RO) District land uses, addressed as 503 N. Goliad
 252 Street [SH-205], and take any action necessary.
- 253 8. Consider authorizing the expenditure of funds from insurance claim
 254 proceeds in the amount of \$195,955.00 to make needed repairs at the
 255 Harbor boat docks and a contingency fund of \$10,000 from insurance
 256 claim proceeds, and take any action necessary.
- 257 9. Consider authorizing the city manager to enter into an agreement for the
 258 purchase of upgrades to the recreation facility and reservation system
 259 software in the amount of \$18,764.62 to be funded by Recreational
 260 Development Funds, and take any action necessary.
- 261 10. Consider authorizing the city manager to execute a contract with Binkley
 262 & Barfield, Inc. to perform the engineering design services for the
 263 Greencrest Drive Water Line Replacement Project in the amount of
 264 \$49,070 to be funded out of the 2008 water and sewer revenue bonds,
 265 and take any action necessary.

266
 267 **Councilmember Lewis pulled item #8 for further discussion. Councilmember Milder then**
 268 **made a motion to approve the remaining Consent Agenda items (#1, 2, 3, 4, 5, 6, 7, 9 and**
 269 **10). Mayor Pro Tem Lewis seconded the motion. The ordinances were read as follows:**

270
 271 CITY OF ROCKWALL
 272 ORDINANCE NO. 15-19

273
 274 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
 275 THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL,
 276 AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A
 277 CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 2.0 (SFE-2.0) DISTRICT TO A
 278 SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT FOR A 4.502-ACRE TRACT OF LAND
 279 IDENTIFIED AS TRACT 1 OF THE S. R. BARNES SURVEY, ABSTRACT NO. 13, CITY OF
 280 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN
 281 *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
 282 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS
 283 (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
 284 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

285
 286 CITY OF ROCKWALL
 287 ORDINANCE NO. 15-18
 288 SPECIFIC USE PERMIT NO. S-138

289
 290 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING
 291 THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL,
 292 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP)
 293 ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND
 294 MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C)
 295 DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N.
 296 BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST
 297 QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL,
 298 ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND

299 AS DEPICTED IN EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
300 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00)
301 FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
302 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
303

304 The motion passed unanimously of council (7 ayes to 0 nays).
305

306 Regarding Consent Agenda Item #8, Mayor Pro Tem Lewis asked why the repairs
307 associated with this project/expenditure were not placed out for bid. Assistant City
308 Manager Brad Griggs indicated that the damage at the boat docks presents a need for
309 immediate, emergency repairs because delaying the repairs may impede public safety.
310 So, since the need is an emergency need, and since the boat docks were a custom-made
311 product by a certain vendor, bids were not requested. Mayor Pro Tem Lewis then made a
312 motion to approve Consent Agenda item #8. Councilmember White seconded the
313 motion, which passed unanimously of council present (7 ayes to 0 nays).
314

315 X. APPOINTMENTS
316

- 317 1. Appointment with the Planning and Zoning Chairman to discuss and
318 answer any questions regarding cases on the agenda and related issues
319 and take any action necessary.

320 Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed
321 the city council on recommendations of the Commission relative to the Public Hearing
322 item on tonight's council meeting agenda. He indicated that Commissioner Conley and
323 Commissioner Logan were not in attendance when this item was recently heard at the
324 Planning & Zoning Commission Meeting. He stated that the P&Z Commission agreed by
325 a vote of 3 in favor, 2 against to table this item at the request of the applicant. He
326 explained that this is for a request to change zoning to allow for about 560 residential
327 lots just west of the Rockwall Technology Park. He indicated that the applicant had
328 previously explained, during a work session, that a baseball complex of some sort would
329 be included with this development along with a location for the Boys & Girls Club and a
330 generous donation of land to the city. However, when the zoning case came forward, the
331 baseball complex had been removed from the proposal, as well as the Boys & Girls Club
332 aspect, and the donation of land was discovered to be relatively unusable land located in
333 a flood plain. He explained that these changes were not well received by some of the
334 P&Z Commissioners. They also do not like front yard setbacks of 15' (instead of 20') that
335 are being proposed, and they have concerns about traffic flow. They are also not
336 comfortable with the proposed trail system access, and the fire department access being
337 proposed was not sufficient either. So, the applicant requested that this item be tabled
338 to allow them some time to make some revisions to be brought back for consideration.
339 Therefore, the P&Z tabled this item.
340

341 Following Mr. Renfro's comments, the Council took no action related to this appointment
342 item.
343

344 XI. PUBLIC HEARING ITEMS
345

- 346 1. **Z2015-016** - Hold a public hearing to discuss and consider approval of an
347 ordinance for a request by Stacey McVey of Double Eagle Properties on
348 behalf of the owner 308 ON 276 LP for a zoning change from an Light
349 Industrial (LI) District to a Planned Development District for Single Family

350 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre
351 tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract
352 No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial
353 (LI) District, located at the northeast corner of the intersection of Rochelle
354 Road and SH-276, and take any action necessary. **(1st Reading)**
355 **(postponed due to P&Z Commission tabling)**

356 **Mayor Pruitt announced and acknowledged that this case has been postponed.**
357 **Therefore, no action was taken by council concerning this agenda item at this time.**
358

359 **XII. ACTION ITEMS**
360

361 **1. Z2015-014** - Discuss and consider approval of an **ordinance** for a
362 request by Cole Franklin of the Skorburg Company on behalf of the owner
363 of the Lonnie Gideon Estate for a zoning change from an Agricultural
364 (AG) District to a Planned Development District for Single Family 10 (SF-
365 10) District land uses, on a 29.192-acre tract of land identified as a
366 portion of Tract 1-01 of the S. R. Barnes Survey, Abstract No. 13, City of
367 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,
368 situated within the 205 By-Pass Corridor Overlay (205 BY-OV) District,
369 located at the northeast corner of the intersection of E. Quail Run Road
370 and John King Boulevard, and take any action necessary. **(2nd Reading)**

371 **Regarding this item, Councilmember White made a motion to approve Z2015-014.**
372 **Councilmember Hohenshelt seconded the motion. The ordinance was read as follows:**
373

374 **CITY OF ROCKWALL**
375 **ORDINANCE NO. 15-20**
376

377 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING**
378 **THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL,**
379 **AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL**
380 **(AG) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 77 (PD-77) FOR SINGLE FAMILY 10**
381 **(SF-10) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 29.192-ACRE**
382 **TRACT OF LAND IDENTIFIED AS A PORTION OF TRACT 1-01 OF THE S. R. BARNES**
383 **SURVEY, ABSTRACT NO. 13, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND**
384 **MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL**
385 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO**
386 **THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY**
387 **CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
388

389 **The motion passed by a vote of 6 in favor with 1 against (Townsend).**
390

391 **2.** Discuss and consider approval of an **ordinance** adding Sections 26-290
392 to 260-296 "Operation of Golf Carts" to Chapter 26. Motor Vehicles and
393 Traffic, Article IV. Bicycles, Golf Carts and Play Vehicles, Division 5 of
394 the Municipal Code of Ordinances to authorize the operation of golf carts
395 within the city limits, and take any action necessary. **(1st reading)**

396 **City Attorney Frank Garza provided brief comments, indicating that, per council's**
397 **direction at the last meeting, some changes were made to the previously proposed golf**
398 **cart ordinance related to operation of golf carts on city streets. He pointed out that, by**
399 **state law, the city may not regulate golf carts within a master planned community or if**
400 **the golf carts being operated are located within two miles of a golf course.**
401

402 Councilmember Milder pointed out that, during the work session that took place earlier
403 this afternoon, it was discussed that passing an ordinance like this would not affect very
404 many neighborhoods in the city because a lot of the neighborhoods are located within
405 master planned communities.

406
407 After brief comments by Milder, no motion was presented, so no action was taken
408 concerning this agenda item.

- 409
410 3. Discuss and consider the provisions of Chapter 12. Businesses & Sales,
411 Article XII. Ambulance Service of the Code of Ordinances, and take any
412 action necessary.

413 Mayor Pro Tem Lewis asked for clarification regarding if he needs to recuse himself from
414 this discussion item because his wife is a nurse at Presbyterian Hospital. Mr. Garza
415 indicated that, unless his wife has direct input regarding the selection and use of an
416 ambulance service provider, there is not a need for him to recuse himself. Lewis
417 indicated that his wife does not have any input regarding the provision of ambulance
418 service, so he stayed for the discussion.

419
420 Mayor Pruitt then provided detailed background information related to this agenda item,
421 explaining the city's existing 'exclusivity ordinance' and how it impacts the local
422 hospitals and the countywide ambulance service provider, both with regards to keeping
423 the ordinance in place and regarding revoking it.

424
425 Mayor Pro Tem Lewis, who serves on the countywide Emergency Services Corporation
426 Board (ESC) with Mayor Pruitt, provided brief comments as well, indicating that he
427 understands that revoking our city ordinance may in fact result in Medic Rescue (service
428 provider in the county) having to ask for an increased subsidy from the ESC in future
429 years. He explained that Royse City was considering instituting an exclusivity
430 ordinance; however, their city attorney advised against it because he believed it would
431 create a monopoly. He pointed out that various cities around Ft. Worth who contract
432 with MedStar maintain similar exclusivity ordinances; however, he is personally in favor
433 of our city revoking its exclusivity ordinance.

434
435 City Attorney Frank Garza spoke briefly about how some of the other cities he represents
436 do have exclusivity provisions in place regarding emergency transports, but that they
437 generally do not have exclusivity provisions in place regarding non-emergency
438 transports.

439
440 Councilmember Fowler pointed out that he does not believe it is a 'monopoly' any more
441 than the city contracting exclusively with a trash service provider is a monopoly. The
442 only difference is that a citizen does not commit a criminal offense if they use a different
443 provider to pick up their trash. Fowler indicated that he would like to see a lot more
444 information, have more extensive discussion and more time to consider this issue before
445 voting to repeal the current ordinance.

446
447 Councilmember Townsend asked the city attorney for clarification regarding if the city
448 could possibly amend the ordinance to still keep the exclusivity provision in place, yet
449 not make it a criminal offense to violate its provisions. He expressed that he does have
450 some level of concern with opening up the door to ambulance service providers with

451 whom our city is not familiar and does not have knowledge of regarding their level of
452 service and care.

453
454 Councilmember White indicated that he also does not feel he has enough information to
455 take action on this agenda item this evening. He has never heard or personally received
456 any complaints from the hospitals or any citizens or members of the public concerning
457 Medic Rescue's service. He would like to see staff, Pruitt and Lewis assimilate additional
458 information on past history that has transpired related to this issue. He would also like
459 to see Mary Smith prepare some information on the potential financial impact. Pruitt
460 indicated that Smith won't be able to do so because she does not have access to Medic
461 Rescue's business financials. Pruitt indicated that the only thing the Council has been
462 given in regards to the potential financial impact is Medic Rescue's email today stating
463 that if they cannot keep Presby's business, they will lose \$600,000 per year.

464
465 Councilmember Fowler indicated that he would like additional information on this issue,
466 and he would like to have some conversations with Mitch and Tim, representatives of the
467 current EMS service provider (Medic Rescue), before moving forward with any potential
468 ordinance change.

469
470 Councilmember Milder indicated that he too would like to receive some additional
471 information before making any decision. He has some concerns that the city's ultimate
472 cost (annual payment to the ES Corp. for ambulance service subsidy) may increase.

473
474 Mayor Pruitt requested that a work session be scheduled for the Monday, July 20th city
475 council meeting to further discuss this topic. White requested that Presby Hospital,
476 Baylor, the EMS company representatives, etcetera be allowed to come forth to plead
477 their case and express their concerns. Hohenshelt requested that such information
478 submitted by the various stakeholders (Presby hospital and Medic Rescue) please be
479 submitted to the city council for review and consideration in advance of the scheduled
480 work session to allow ample time for thorough review of said information in advance.

481
482 4. Discuss and consider animal surrender policies at the Rockwall Animal
483 Adoption Center, and take any action necessary.

484 Mayor Pruitt provided background information on this agenda item, generally explaining
485 that, more and more, animals are showing up in our city shelter that are suspected to
486 have come from places and individuals living outside of our city limits. This is causing
487 our space to be 'maxed out,' and it is beginning to cause problems with maintaining our
488 90% live outcome. Molly Petterson who runs the shelter via contract has met with Pruitt
489 to express that this is problematic, and she would like to see the city institute an
490 ordinance that has some 'teeth' to it that would make it an offense, including an
491 associated fine, to surrender animals to our shelter if they truly did not originate from
492 within our city limits. Councilmember White suggested that perhaps the council could
493 consider placing a limit on the number of animals that a citizen can surrender to our city
494 shelter each year.

495
496 Council directed the city attorney to draft an ordinance for the council to discuss and
497 consider at its next meeting on July 20th.

498
499 5. Discuss and consider approval of a policy for the construction of
500 structures, including a dock deck, fixed pier or boathouse within Lake Ray

501 Hubbard for properties eligible to lease the Lake Ray Hubbard Takeline
502 adjacent to the property, and take any action necessary.

503 Planning Director Robert LaCroix provided background information related to this
504 agenda item. Mr. LaCroix explained that the ability for a property owner to construct one
505 of these structures in the lake depends on their eligibility to lease the 'take line' area
506 adjacent to their property. All eligible properties were initially surveyed and identified
507 along the perimeter of the lake prior to establishing the 'Take Line Overlay District,'
508 creating the requirements and standards for the take line area. The setback requirements
509 for structures in the leased 'take line' area are measured from the extension of the side
510 property lines as indicated on the survey. However, the forty (40') feet of area into the
511 lake, beyond the leased 'take line', that is allowed to be used for boathouses and docks
512 was not clearly determined in measuring setback requirements. Generally staff has
513 extended those imagery survey lines from each survey into the unleased lake area to
514 determine the location of boathouses for construction. However, this practice has
515 presented problems with certain properties that are allowed to lease but, due to the
516 extension of the survey lines into the lake, has narrowed their building area to the point
517 of having to reduce the size of their boathouse or completely eliminate the ability to build
518 a boathouse. The intent of the 'Take Line Overlay District' was to establish consistency
519 for all structures on the lake with similar materials and appearance and to allow property
520 owners to enjoy and invest in their lake property and, in so doing, provide the needed
521 erosion control that preserves the shoreline. He explained that staff is seeking some
522 policy direction from the Council to have the flexibility to establish the imagery survey
523 lines into lake that will allow all property owners the ability to build structures i.e.
524 boathouses and docks.

525
526 Following Mr. LaCroix's explanation, Councilmember Hohenshelt made a motion to
527 instruct staff to draft and bring back a policy for the council to consider at the next city
528 council meeting. Councilmember Milder seconded the motion, which passed
529 unanimously of council (7 ayes to 0 nays).

- 530
531 6. Discuss and consider citywide roadway / thoroughfare planning, and take
532 any action necessary.

533 City Engineer Tim Tumulty provided background information related to this agenda item.
534 He indicated that the Rockwall County Master Thoroughfare Plan was previously brought
535 forth to Council for review. Subsequently, Rockwall's requested changes were turned
536 over to the County's consultant, who will review and make those changes accordingly.
537 Eventually, the plan will be brought back to the city council for review/approval, and
538 aspects of the County's master thoroughfare plan will be incorporated into the city's
539 master thoroughfare plan. Mr. Tumulty explained that the city's thoroughfare plan would
540 go through a process of going before the P&Z Commission for review and public
541 hearing, and then it would come forth before Council for a public hearing and review.
542 Following his presentation, council expressed general consensus on moving forward
543 with this process. However, no formal action was taken by council concerning this
544 agenda item.

545
546
547 Mayor Pruitt pointed out that this is the last city council meeting that Police Chief Mark
548 Moeller will be attending prior to his upcoming retirement. He thanked the chief for his
549 years of service to the city. Chief Moeller then thanked the council and expressed that

550 he has enjoyed his years of service here in Rockwall and is looking forward to his
551 retirement.

552
553 **Pruitt shared that City Manager Rick Crowley's mother passed away, and his mother's**
554 **funeral is scheduled in Hamlin, TX tomorrow.**

555
556 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
557 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 558
559 1. Departmental Reports
560 Building Inspections Monthly Report - May 2015
561 Police Department Monthly Report - May 2015
562 Fire Dept. Monthly Reports - May 2015
563 Harbor PD Monthly Report - May 2015
564 Internal Operations Department Monthly Report - May 2015
565 Recreation Monthly Report - May 2015
566 Rockwall Animal Adoption Center Monthly Report - May 2015

567 2. City Manager's Report

568
569 **Mrs. Smith, Assistant City Manager, reminded the City Council of various, upcoming**
570 **receptions scheduled to honor several staff members who are retiring. She thanked the**
571 **Parks & Rec staff for all the recent work on the 4th of July fireworks event. Mayor Pruitt**
572 **indicated that it was the best fireworks he's seen in Rockwall, and he thanked staff for**
573 **their efforts.**

574
575 **The Council did not reconvene in Executive Session following the conclusion of the**
576 **public meeting agenda.**

577
578 **XIV. EXECUTIVE SESSION**

579
580 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
581 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
582 **CODE:**

- 583
584 1. Discussion regarding Economic Development prospects pursuant to Section 551.087
585 (Economic Development)
- 586 2. Discussion regarding Agreement for Municipal Court Judge pursuant to Section
587 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney)
- 588 3. Discussion regarding purchase or lease of real property / land acquisition in the north
589 part of the city for municipal purposes pursuant to Section § 551.072 (Real Property).
- 590 4. Discussion regarding possible development-related legal claim in the vicinity of
591 Bourne Street pursuant to Section 551.071 (Consultation with Attorney)
- 592 5. Discussion regarding the city's concession agreement with Suntex Marina / Suntex
593 RHCL Marina, LLC pursuant to Section § 551.071 (Consultation with Attorney)
- 594 6. Discussion regarding possible legal claim related to Oncor pursuant to Section
595 551.071 (Consultation with Attorney)
- 596 7. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall
597 pursuant to Section 551.071 (Consultation with Attorney).

598 8. Discussion regarding (re)appointments to city regulatory boards, commissions, and
599 committees including the Building and Standards Commission and Board of
600 Adjustments pursuant to Section 551.074 (personnel matters)

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

602
603 **The Council did not reconvene in Executive Session following the conclusion of the**
604 **public meeting agenda.**

605
606 **XVI. ADJOURNMENT**

607
608 **The meeting was adjourned at 7:27 p.m.**

609
610
611 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

612 **THIS 20th DAY OF JULY, 2015.**

613



Dennis Lewis, Mayor Pro Tem

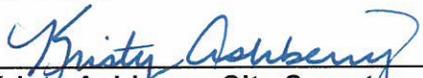
614

615 **ATTEST:**

616

617

618



Kristy Ashberry, City Secretary



1
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6

MINUTES
ROCKWALL CITY COUNCIL
Monday, July 20, 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 Pro Tem Lewis called the meeting to order at 4:00 p.m. Present were Mayor Pro**
10 **Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt**
11 **and Kevin Fowler. Mayor Jim Pruitt and Councilmember Scott Milder were absent from**
12 **the meeting. Staff present at the meeting included City Manager Rick Crowley, Assistant**
13 **City Managers Mary Smith and Brad Griggs, and City Attorney Frank Garza.**

14
15 **II. WORK SESSION**

- 16
17 1. Hold work session with city's appointee to Rockwall County Open Space
18 Alliance (RCOA) to hear update on the RCOA Master Plan and related
19 board activities, and take any action necessary.

20 **Ken Dickson**
21 **205 Meadowdale**
22 **Rockwall, TX**

23
24 **Mr. Dickson came forth and indicated that a community survey was recently conducted**
25 **and a community work shop was held this past week in order to obtain citizen feedback.**
26 **He indicated that, as the city's representative on this committee, he personally has some**
27 **concerns. He shared that over fifty percent of respondents were residents currently**
28 **living in the City of Rockwall, yet over 95% of the "wants" expressed in the survey are**
29 **things that the City of Rockwall already provides. So, perhaps the citizens do not really**
30 **have knowledge of what amenities the city offers as far as parks and open space are**
31 **concerned. Mr. Dickson conveyed that some residents would like to have**
32 **jogging/walking trails along the lake. He went on to explain that years ago, the city**
33 **decided that it did not want Rockwall's Lake Ray Hubbard to be like White Rock Lake in**
34 **Dallas. Instead, the city wanted lakefront, waterside lots with homes. He expressed that**
35 **citizens need to be well informed about the fact that the city will likely never have jogging**
36 **trails along the lake because such trails would go through homeowners' back yards, and**
37 **this is not feasible.**

38
39 **The council generally asked that Mr. Dickson return to the RCOA and convey to them**
40 **that the City of Rockwall does not have any plans (or ability) to construct jogging/walking**
41 **trails along the lakefront.**

42
43 **Nell Welborn**
44 **Vice Chair of the RCOA**
45 **810 Lake Meadows Circle**
46 **Rockwall, TX 75087**
47

48 Mrs. Welborn came forth and made it clear that the RCOA understands the arrangements
49 pertaining to takeline leases along the lake and the impossibility of having
50 walking/jogging trails along the lake. She shared that the consultant and others have
51 indicated that there may be a future opportunity to connect by walking/jogging trails the
52 Harbor and the SH66 boat ramp (by other means / other routes).
53

54 Mr. Dickson expressed that the City of Dallas and/or the Soil Conservation owns all of the
55 lakes or ponds that are over one acre throughout the county. If the city or county were to
56 try and take over any of these, doing so would come with a lot of responsibility regarding
57 maintenance and upkeep of those lakes. After brief, additional comments, the council
58 took no formal action as a result of Mr. Dickson's comments.
59

60 2. Hold work session to discuss and consider the provisions of Chapter 12.
61 Businesses & Sales, Article XII. Ambulance Service of the Code of
62 Ordinances, and take any action necessary.

63 Alma Williams Howard
64 219 Rush Creek Drive
65 Heath, TX
66

67 Mrs. Howard came forth indicating she represents Presbyterian Hospital of Rockwall.
68 She thanked Medic Rescue for the services they have provided to the community over
69 the years, especially early on when the city was growing and before a hospital was
70 located within the City of Rockwall. Although she was a part of developing what is now
71 the city's 'exclusivity ordinance' years ago, she now feels that lifting its provisions is
72 prudent. She believes that competition and provider options will result in better patient
73 care.
74

75 Cindy Paris
76 762 Black Oak Lane
77 Rockwall, TX 75032
78

79 Mrs. Paris spoke on behalf of Presbyterian Hospital Rockwall. She indicated that the
80 hospital has been working diligently over the last eight years or so to be a good partner
81 with Rockwall County EMS/Medic Rescue. She explained that the hospital has concerns
82 related to delays in response times associated with patient transfers and patient care.
83 Mrs. Paris had a heightened level of concern when, this past winter, Rockwall County
84 EMS expressed during the ice days that they would not be helping the hospital with any
85 transports in/out of the city. She feels the current EMS provider does not have the
86 resources needed to adequately and sufficiently meet the demands of growth, both
87 within the city and within the hospital.
88

89 Tammy Hawkins
90 103 Dunford Drive
91 Rockwall, TX 75032
92

93 Mrs. Hawkins came forth and generally indicated that she has worked for the hospital
94 since 2007 before it opened. Over the years, delays associated with Medic Rescue's
95 response times related to transports have become concerning, especially with regards to
96 ensuring optimal patient care. She indicated that the ER staff has been told by the EMS

97 company that the hospital is not allowed to call another provider for transport because
98 they will be fined.

99
100 **Gorman Warren**
101 **CFO for Presbyterian Hospital Rockwall**
102 **10211 W. Dublin**
103 **Forney, TX 75126**

104
105 **Mr. Warren came forth and provided the city council with documents related to billing**
106 **issues they've encountered with Medic Rescue. He shared that the hospital has been**
107 **encountering billing-related issues with Rockwall County EMS since he came on board in**
108 **2012. Meetings were held in June and August of 2012 to try and work out the issues and**
109 **provide information to Medic Rescue to resolve the billing concerns. In August, the**
110 **hospital was presented with a bill that was close to \$200,000 from Rockwall County EMS.**
111 **He explained that bills, even recent ones, often do not contain a lot of detail beyond just**
112 **the patient's name and dollar amount. By about March, after working closely with Martin**
113 **Ramirez of Medic Rescue, the bill was worked down to about \$74,000. He went on to**
114 **explain different kinds of patient transfers that may occur and who pays for those (i.e.**
115 **the hospital or the patient's insurance). He shared a lot of detail related to emails**
116 **exchanged in the past related to billing-related issues.**

117
118 **Councilmember Townsend engaged the Presbyterian Hospital reps in dialogue related to**
119 **the billing issues and how changing the city's ordinance may or may not really aid in**
120 **remediating those types of concerns that apparently exist between the hospital and the**
121 **provider. He generally expressed that he does not believe the city revoking its ordinance**
122 **will result in these sorts of issues being resolved. Mr. Warren went on to reiterate that**
123 **additional bills have been arriving, and the hospital does not understand why or what the**
124 **bills are for. They expect that the patients' insurance companies will be billed, and**
125 **whatever collections result, that is what the ambulance company gets paid.**

126
127 **Mrs. Hawkins again came forth, and she expressed the belief that allowing for options**
128 **related to ambulance service providers will provide for more choices, more competition,**
129 **more collaboration, and better customer service and care for residents.**

130
131 **Councilmember Hohenshelt expressed that he believes the billing-related concerns are**
132 **business related concerns, rather than concerns that would warrant the city council**
133 **getting involved by changing its exclusivity ordinance.**

134
135 **Mrs. Paris came forth and explained that they have been working to resolve issues for**
136 **eight years. Furthermore, only having one option for an EMS provider and associated**
137 **transport limits the options for ensuring optimal customer service and patient care. She**
138 **went on to share that nurses and ER physicians have had instances of arguing with the**
139 **ambulance provider's staff in the parking lot of the hospital, even at times screaming.**

140
141 **Councilmember White asked questions concerning which entity in the County ultimately**
142 **oversees ambulance service provision and the quality of that service that the EMS**
143 **provider on contract provides within our city and the county. Mr. Crowley indicated that**
144 **the Emergency Services Corporation (ES Corp.) is the body that is ultimately responsible**
145 **for oversight of ambulance service and its provision, emergency calls or transports,**
146 **within the County. He suggested that the ES Corp. should have an opportunity to receive**

147 complaints like these from EMS customers, investigate those and make decisions related
148 to management of the EMS provider that is under contract. Mr. Crowley indicated that
149 there is a complaint handling process in place to receive, look into and resolve EMS
150 related complaints. He explained that there have been some complaints over the years,
151 but not many. Councilmember White expressed concern that none of these issues have
152 been taken through the proper channels via the ES Corporation. Mrs. Hawkins explained
153 that, if the city's ordinance were lifted, the hospital would still use Rockwall County EMS;
154 however, the hospital would have more choices if the level of service that is being
155 provided is subpar. She believes that, in turn, Rockwall County EMS might then be more
156 receptive to meeting the hospital's and patient's needs. After various comments,
157 Councilmember White went on to suggest that perhaps a compromise would be to still
158 grant exclusivity to the EMS provider on contract in the county, but allow that provider a
159 "first right of refusal" related to transports if they are tied up and unable to respond in an
160 acceptable amount of time. He stressed that he believes the reason the hospital is not
161 getting good service is because they have not taken their concerns to the ES Corp.
162 Furthermore, he does not believe the reason they're not getting good service is
163 attributed to the city's exclusivity ordinance.

164
165 Mayor Pro Tem Lewis indicated that he agrees a lot of these issues should be directed to
166 and handled by the Emergency Services Corporation. Lewis explained that a lot of past
167 complaints have been addressed by the ES Corporation, but some of these issues
168 expressed today could be taken to the ES Corporation.

169
170 Dr. Gary Bonacquisti
171 1114 Cambridge Court
172 Rockwall, TX 75032

173
174 He came forth and indicated he believe that the 911 system is currently overwhelming to
175 the EMS provider, especially as the city grows. He believes that competition breeds
176 better service. He wants the same freedom that Lakepointe Medical Center has with
177 regards to calling whatever provider they want to call for patient transfers. He feels that
178 patient care is suffering due to delays in transport response times. He expressed that he
179 has concerns about 'patient diversion' to other facilities. He explained that just because
180 a certain hospital in the county provides certain equipment or services does not mean
181 that particular hospital is the best place for patients to go. He is concerned about
182 patients being transported, through what he views as "diversion," to other medical
183 centers when they exhibit certain symptoms. He believes clinical decisions like this
184 should not be being made by the ambulance provider. He feels patients are being
185 convinced by the ambulance crew to go elsewhere rather than to the facility of their
186 choice or to the nearest facility.

187
188 Councilmember White expressed that he would like the ES Corp. to evaluate and report
189 back to the city on what it thinks, as a body, about Rockwall's 'exclusivity ordinance.'
190 Also, he would like these complaints and concerns reviewed and some sort of formal
191 opinion issued related to these matters. Mayor Pro Tem Lewis indicated that he will take
192 these thoughts to the ES Corp. at its board meeting this Wednesday.

193
194 Councilmember Fowler inquired as to why the ambulance service provider may be
195 diverting patients away from certain facilities in favor of taking them to others.

196

197 Councilmember Hohenshelt suggested that perhaps the existing 'service agreements'
198 between the ES Corp. and the ambulance service provider could be revisited to add
199 some language that addresses, in more detail, things like billing expectations (i.e. all
200 billing shall be issued to the payee within 90 days).

201
202 Mitch Ownby
203 Rockwall County EMS / Medic Rescue
204 255 Country Club Drive
205 Heath, TX 75032
206

207 Mr. Ownby came forth and expressed that the EMS system was designed back in 2002 in
208 order to provide the most economical service to the citizens. Half or so of the EMS
209 budget is provided for by non-emergency transport business. He explained that
210 essentially, exclusivity allows for the ability to keep the subsidy paid to the ambulance
211 company as economical (low) as possible. He explained that the County pays fifty
212 percent of the 911 subsidy to the company, and the other member cities pay the
213 remaining 50% on a pro rata basis (according to population). So, the City of Rockwall
214 currently pays about \$150,000 per year for its 911 ambulance service (emergencies), and
215 next year it is slated to drop to just under \$130,000. Other cities, he explained, may run
216 their own ambulance services through their fire department, a service, in those
217 instances, that is generally fully subsidized by public funds. He explained that his
218 company remains in compliance with the contract it has in place with the ES
219 Corporation, and it is in compliance with the contract it has with Presbyterian Hospital
220 (which, he explained, was made in an effort to be a good partner). He shared that the
221 purpose of an exclusivity ordinance, over all, is to save tax dollars and allow for a more
222 consistent vetting process. General discussion took place related to the number of
223 ambulances Medic Rescue has and how many staff it employs and when. Also, brief
224 comments were exchanged related to any contracts that Medic Rescue has in place with
225 facilities, be they nursing homes, hospitals or otherwise.
226

227 At the request of Councilmember Townsend, Mr. Ownby explained how the process of
228 patient transport works, including triage, emergency vs. non-emergency, and response
229 times.
230

231 Councilmember Townsend asked Mr. Ownby to address why patients would be diverted
232 to one facility or another. Mr. Ownby explained that patient transport destinations are
233 based on the best equipped, nearest hospital, and his company does have a 'destination
234 protocol' in place. Townsend asked if the patient has an ability to express a preference.
235 Mr. Ownby indicated that, yes, they do have an ability to express a preference; however,
236 in certain instances, when there is a high acuity, certain hospitals are preferred. For
237 example, burn patients go to Parkland. He asserted that the goal is to ensure the patient
238 gets to the facility where he/she can be treated.
239

240 Councilmember Fowler asked what would happen if the city revokes its existing
241 exclusivity ordinance. Mr. Ownby indicated that nothing would change with regards to
242 911 / emergency calls; however, most likely it would result in the EMS company having to
243 approach the ES Corp. to renegotiate its contract because its subsidy costs would likely
244 go up, being that funds generated from non-emergency transports would presumably go
245 down. If every non-emergency call for transport out of Presby alone went away entirely,
246 it would cost Medic Rescue about \$600,000 annually.

247
248 Councilmember Hohenshelt asked how the company arrives at the amount of subsidy it
249 is going to request from the ES Corporation annually. Mr. Ownby generally indicated
250 that it is based on a three page spreadsheet that reflects estimated growth, system
251 demand and volume and the associated cost (based on an extrapolation of cost per trip).
252 The annual projection is based on actual costs from the previous year.
253

254 Mayor Pro Tem Lewis requested that an agenda item be placed on the next city council
255 meeting agenda for the city council to decide on repealing the exclusivity ordinance,
256 leaving it in place or amending it. In the meantime, at this week's ES Corp. board
257 meeting, he will solicit feedback from the board concerning Rockwall's exclusivity
258 ordinance and its possible revocation.
259

260 3. Hold work session to hear from representative(s) of the Rockwall Area
261 Chamber of Commerce concerning the "I Shop Rockwall Campaign," and
262 take any action necessary.

263 Robin Chouteau
264 166 Elm Hollow Court
265 Sherman, TX 75092
266

267 Mrs. Chouteau came forth and indicated that she is on the Board of Directors of the
268 Chamber of Commerce, and she is one of the owners of Honda Cars of Rockwall. Also,
269 she is currently in the process of moving to Rockwall.
270

271 Mrs. Chouteau asked if she would be allowed, as part of this campaign, to place an "I
272 Shop Rockwall" magnet on city vehicles in order to help promote the program and
273 encourage people to shop locally in Rockwall. She explained that this program will begin
274 to be advertised on Facebook and other social media sites
275

276 Richard Redig
277 Blue Ribbon News
278 Box 967
279 Rockwall, TX 75087
280

281 Mr. Redig came forth and provided some additional information related to how this
282 campaign will be marketed, including a Honda CRV that will be driven around and will
283 reflect sponsorships for the program. He explained that he would like the city's help in
284 allowing some additional signage around the city, including on city vehicles, that say "I
285 Shop Rockwall" to help promote the program. They also have plans to conduct a contest
286 to help promote the program as well.
287

288 Mrs. Chouteau explained that, as part of the program, they also hope to be able to
289 purchase additional Christmas decorations that would benefit the city.
290

291 Mr. Crowley clarified that, if the city does allow for magnetic signage to be placed on city
292 vehicles, those signs would only reflect "I Shop Rockwall" and would not reflect any
293 names or information related to business sponsorships participating in the campaign.
294 Mr. Crowley expressed that any additional signage around town would need to conform
295 to the city's sign ordinance.

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342

4. Hold a work session to discuss and consider animal surrender policies at the Rockwall Animal Adoption Center, and take any action necessary.

Mr. Griggs indicated that staff would like to propose that this issue be discussed at this week's Rockwall Animal Adoption Center / Shelter Advisory Committee meeting, and then have a proposed ordinance placed on the August 3 city council meeting for consideration.

At 5:27 p.m. Mayor Pro Tem Lewis read the below listed discussion items into the record before recessing the public meeting into Executive Session.

III. EXECUTIVE SESSION.

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

1. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
2. Discussion regarding the city's concession agreement with Suntex Marina / Suntex RHCL Marina, LLC pursuant to Section § 551.071 Consultation with Attorney)
3. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071 (Consultation with Attorney)
4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees including the Building and Standards Commission, Planning & Zoning Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

IV. ADJOURN EXECUTIVE SESSION

Executive Session was adjourned at 5:45 p.m.

V. RECONVENE PUBLIC MEETING

The meeting was reconvened at 6:00 p.m. with all council members except for Mayor Pruitt and Councilmember Milder present.

VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Executive Session.

VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER

Councilmember Fowler delivered the invocation and led the Pledge of Allegiance

343 **VIII. OPEN FORUM**

344

345 **Brenda Cross**
346 **1287 Standford**
347 **Rockwall, TX 75087**

348

349 **Mrs. Cross came forward and indicated that she is speaking on behalf of the Rubber**
350 **Duck Regatta. She thanked the Council for all of its support over the years. She handed**
351 **out several rubber ducks, encouraging various city departments to have a fun challenge**
352 **among themselves to see who can decorate the best duck. She thanked various city**
353 **council members for taking part in the event since 2012, and she encouraged the ones**
354 **who have not yet been involved to come out and join in the activities.**

355

356 **Alma Williams Howard**
357 **219 Rush Creek Drive**
358 **Heath, TX 75032**

359

360 **Mrs. Howard came forth and spoke in favor of Dr. Burney and his request for waiver of**
361 **certain city assessed fees as he relocates his practice to the City of Rockwall. She**
362 **believes his practice will bring to the community very high end, high volume benefits to**
363 **the city and its citizens.**

364

365 **Lance Holmes**
366 **Senior Director of Business Development**
367 **Presbyterian Hospital of Rockwall**

368

369 **Mr. Holmes came forth to encourage the Council to consider granting waivers to Dr.**
370 **Burney and his practice related to what seems to be an exorbitant amount of fees. He**
371 **indicated that the closer to home a patient is able to receive care, the faster he/she heals.**
372 **He believes Dr. Burney's practice will be of great benefit to the community.**

373

374 **Mr. Bob Wacker**
375 **806 Miramar Drive**
376 **Rockwall, TX 75087**

377

378 **Mr. Wacker indicated that he is a patient of Dr. Burney, and he believes him to be a great**
379 **orthopedic surgeon. He went on to express that he is aware of a fire that somewhat**
380 **recently occurred in Heath, and he had heard there was not an adequate water supply.**
381 **He wonders if there is any similar type of danger within the City of Rockwall (related to**
382 **inadequate water supply).**

383

384 **Allison Haft**
385 **2323 N. Houston Street #308**
386 **Dallas, TX 75219**

387

388 **She indicated that she is now a Dallas County resident, formerly a Rockwall County**
389 **resident. She came forth and offered brief comments related to lakefront property values**
390 **as well as lake views and lake access for residents who own homes and property along**
391 **the takeline (Action Item #5). She generally encouraged the city council to not make any**

392 modifications to the takeline provisions that have been in place pertaining to boat
393 houses since the takeline was first established years ago.

394
395 **Mr. Bill Swisher**
396 **4422 Scenic Circle**
397 **Garland, TX**

398
399 **Mr. Swisher** came forth and indicated that he is a Garland resident and is a lakefront
400 homeowner in that city. He was a member of the Lakeside Coalition some years ago. He
401 explained that the intent of the coalition was to reduce, prevent and eliminate erosion
402 along the Lake Ray Hubbard shoreline through quality, uniformity and consistency. The
403 hope was to allow lakefront property owners access to the lake via lake houses/boat
404 houses. He generally expressed that the extension of property lines out into the water
405 has never been mentioned pertaining to properties along the lake in any of the lakeside
406 cities. He believes that passing a policy that does call for extending property lines out
407 into the lake would be contrary to the Lakeside Coalition's intentions to encourage lake
408 access for property owners living along the lakeshore.

409
410 **Mr. Charlie Shearer**
411 **431 W. Main Street**
412 **Denison, TX 75020**

413
414 **Mr. Shearer** indicated that he served on the Lakeside Coalition that initially took a look at
415 construction of boathouses and boat docks along the lake for all cities involved. He
416 generally believes that the boathouse that would be constructed would enhance the
417 property and its value. He expressed that passing the proposed policy with regards to
418 extending property lines out into the lake would go against the Lakeside Coalition's
419 original intent for lakeside properties.

420
421 **Jannie Cullin**
422 **1604 S. Lakeshore Drive**
423 **Rockwall, TX 75087**

424
425 **Mrs. Cullin** indicated that the policy being considered tonight under Action Item #5
426 affects her property and Mrs. Foster's property, who is her neighbor. She explained that
427 Mr. Foster knew when he bought the property that he had a very small amount of lake
428 frontage. She explained that Mr. Foster has only become concerned about the building
429 of a boathouse as he is attempting to sell the home. In April of 2012, she explained that
430 Mr. Foster had previously approached the Cullin's asking for a 10' waiver to allow Mr.
431 Foster to build a boat dock, not a boat house. Mrs. Cullins indicated that Mr. Foster then
432 took that letter that the Cullins had signed and presented it to the City of Rockwall. He
433 was subsequently granted a boathouse permit. She requested that the council consider
434 allowing the Cullins' letter to be rescinded since they were under the impression that the
435 waiver granted would be associated with building a boat dock, not a boat house.

436
437 **Mr. Mike Foster**
438 **1600 S. Lakeshore Drive**
439 **Rockwall, TX 75087**

440

441 Mr. Foster indicated that when he purchased the property, there was no such thing in
442 place as a 'takeline area.' He had been under the impression that this property had lake
443 access of about 120' until the year 2012 when he began looking into getting a boathouse
444 permit. Mr. Foster indicated that the waiver he requested from the Cullins property
445 owner was to ask for a boat house because a waiver was not needed for a boat dock or a
446 pier. Mr. Foster went on to display a series of photographs showing the boat house that
447 the Cullins constructed a number of years ago. He also shared photos of the view of the
448 lake and lakeside structures from another piece of property that the Cullins own in
449 Chandlers Landing. He generally encouraged the council to allow him to build the boat
450 house he would like to construct, as he does not believe property values will be
451 adversely affected.

452
453 **IX. CONSENT AGENDA**

- 454
455 1. Consider approval of the minutes from the July 6, 2015 regular city
456 council meeting, and take any action necessary.
- 457 2. Consider approval of a resolution authorizing the City Manager to execute
458 an Interlocal Purchasing Agreement with the City of Midlothian, and take
459 any action necessary
- 460 3. Consider approval of a resolution allowing a temporary partial closure of
461 FM 552 (John King Boulevard to the Rockwall East City Limits), FM 549
462 (FM 3097 to SH 205) and SH 205 (FM 549 to South John King
463 Boulevard) for the Hot Rocks Bike Ride on Saturday, August 8, 2015 from
464 6:30 AM to 3:00 PM, and take any action necessary.
- 465 4. Consider approval of a resolution authorizing the City Manager to execute
466 an Interlocal Purchasing Agreement with the City of Frisco, and take any
467 action necessary.
- 468 5. **P2015-023** - Consider a request by Chase Finch of Corwin Engineering,
469 Inc. on behalf of John Arnold of BH 60's Pod, LTD for the approval of a
470 final plat for Phase IXA of the Breezy Hill Subdivision, consisting of 55
471 single family lots on a 16.805-acre tract of land identified as Tract 7-13 of
472 the T. R. Bailey Survey, Abstract No. 30 and J. Simmons Survey,
473 Abstract No. 190, City of Rockwall, Rockwall County, Texas, zoned
474 Planned Development District 74 (PD-74) for Single Family 10 (SF-10)
475 District land uses, located at the northwest corner of the intersection of
476 FM-552 and Breezy Hill Lane, and take any action necessary.
- 477 6. **P2015-024** - Consider a request by Chase Finch of Corwin Engineering,
478 Inc. on behalf of Matt Alexander of the Cambridge Company, Inc. for the
479 approval of a final plat for Phase 2 of the Rockwall Downes Subdivision,
480 consisting of 30 single family lots on a 11.923-acre tract of land identified
481 as a portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of
482 Rockwall, Rockwall County, Texas, zoned Planned Development District
483 10 (PD-10) for residential land uses, located at the northeast corner of the
484 intersection of John King Boulevard and Discovery Boulevard, and take
485 any action necessary.
- 486 7. **P2015-025** - Consider a request by Chase Finch of Corwin Engineering,
487 Inc. on behalf of Matt Alexander of the Cambridge Company, Inc. for the

488 approval of a final plat for Phase 3 of the Rockwall Downes Subdivision,
489 consisting of 26 single family lots on a 8.559-acre tract of land identified
490 as a portion of Tract 3 of the J. M. Allen Survey, Abstract No. 2, City of
491 Rockwall, Rockwall County, Texas, zoned Planned Development District
492 10 (PD-10) for residential land uses, located at the northwest corner of
493 the intersection of John King Boulevard and Discovery Boulevard, and
494 take any action necessary.

495 **Councilmember Townsend made a motion to approve the entire Consent Agenda.**
496 **Councilmember Hohenshelt seconded the motion, which passed by a vote of 5 in favor**
497 **with 2 absent (Pruitt and Milder).**

498
499 **Mayor Pro Tem Lewis indicated that the agenda would be reordered to address Action**
500 **Item #1 next on the council agenda.**

501
502 **X. APPOINTMENTS**

503
504 1. Appointment with the Planning and Zoning Chairman to discuss and
505 answer any questions regarding cases on the agenda and related issues
506 and take any action necessary.

507 **Mr. Renfro, Chair of the P&Z Commission, came forth and briefed the board on**
508 **recommendations of the Commission relative to items on tonight's city council agenda.**
509 **No action was taken at this time.**

510
511 2. Appointment with Jim Lambeth of Linebarger, Goggan, Blair & Sampson
512 LLP to present information regarding a bid received for delinquent
513 property taxes at 464 Evans at an amount less than the outstanding
514 taxes, and take any action necessary.

515 **Representatives for this appointment item did not show up at the meeting. Therefore,**
516 **this item was not addressed, and no action was taken.**

517
518 3. Appointment with Joey Howell to discuss and consider initiating a
519 development agreement, in accordance with Chapter 212 of the Texas
520 Local Government Code, for a property identified as Tract 18 & 18-01 of
521 the S. McFadgin Survey, Abstract No. 142, Rockwall County, Texas,
522 being a ~98-acre tract of land situated within the City of Rockwall's
523 Extraterritorial Jurisdiction (ETJ), located south of SH-276 on the east
524 side of FM-548, and take any action necessary.

525 **Councilmember Hohenshelt indicated that he will be recusing himself from this agenda**
526 **item (he owns this property), and he has filed an affidavit with the City Secretary.**

527
528 **Planning Director Robert LaCroix provided brief background information related to this**
529 **agenda item.**

530
531 **Mr. Howell came forth and indicated that he has been developing properties in the area**
532 **for about the last thirty years. He recently was a partner in developing the Trend Tower,**
533 **but he has also been a part of developing residential subdivisions (i.e. Hillcrest Shores).**
534 **Regarding this particular property, he would like to build one acre lots and utilize septic**
535 **tank systems on these properties. He explained that he has been working with staff on**

536 how this project may be able to come to fruition because the County, where the property
537 is currently located, requires 1.5 acre lots for septic systems. He shared that, although
538 this area is not currently located within the city limits, it will eventually be in the city, as it
539 is located in the city's ETJ (extraterritorial jurisdiction). In working with staff and in
540 speaking with the Commissioners Court at the County, he believes that proceeding with
541 the 212 development agreement will be the most agreeable, viable option since annexing
542 into the city at this time is not possible.

543
544 Mr. LaCroix indicated that the county's main concern is related to the proposed septic
545 systems and the lot coverage that they fear may limit an adequate septic area to ensure
546 the systems run efficiently.

547
548 Mr. Howell went on to clarify that these lots will actually very likely end up being 1.5 acre
549 lots anyway, because essentially the portions of the lots that are located in the floodplain
550 will not 'count' towards the required 1.0 acre needed for the septic systems. He
551 explained that this issue has in fact been discussed with Ron Merritt, the county's health-
552 related authority that oversees septic tank systems.

553
554 Mr. Crowley asked how future homeowners would be informed of the fact that someday
555 their home will be annexed into and located within the City of Rockwall city limits. He
556 stressed a desire to have Mr. Howell and his developers / builders to ensure that people
557 purchasing homes in this area are clearly and certainly informed that they will be
558 annexed into the city at some point.

559
560 Councilmember Fowler made a motion to initiate this agreement. Mr. LaCroix indicated
561 that staff would like to have some additional time for the city attorney to review the terms
562 of this contractual agreement (the 212) before bringing it back to the city council for
563 actual approval at the next city council meeting. Fowler subsequently withdrew his
564 motion.

565
566 Council generally indicated they would like to have staff and the city attorney work with
567 Mr. Howell to have an agreement brought back to Council for consideration at the next
568 council meeting, indicating that some legal and contractual related items need to be
569 worked out first. Also, the city would like to see a draft document that shows how future
570 home buyers will be made aware that, at some point, their property will be annexed into
571 and become part of the City of Rockwall. Therefore, no formal action was taken at this
572 time related to this agenda item.

573
574 **XI. PUBLIC HEARING ITEMS**

- 575
576 1. **Z2015-015** - Hold a public hearing to discuss and consider approval of an
577 ordinance for a request by Rich Darragh of the Skorburg Company on
578 behalf of the owner William Audy Riggs, SR Estate for a zoning change
579 from an Agricultural (AG) District to a Planned Development District for
580 Single Family 10 (SF-10) District land uses, on a 93.00-acre tract of land
581 identified as Tract 33 of the J. Strickland Survey, Abstract No. 187, City of
582 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, located
583 on the east side of Breezy Hill Road north of FM-552, and take any action
584 necessary. **(1st Reading) (Applicant has requested to withdraw)**

585 Mayor Pro Tem Lewis indicated that the applicant has withdrawn this case at this time.
586 So, he would have to go back through the process from the beginning if he wishes to
587 bring it forth again.
588

- 589 2. **Z2015-020** - Hold a public hearing to discuss and consider approval of an
590 ordinance for a request by Wayne Mershawn of Mershawn Architects on
591 behalf of Rex Walker of Life Springs Church for a Specific Use Permit
592 (SUP) for a church in an Agricultural (AG) District for a seven (7) acre
593 portion of a larger 28.881-acre tract of land identified as Tract 15-01 of
594 the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall
595 County, Texas, zoned Agricultural (AG) District, situated within the SH-
596 205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the
597 north side of John King Boulevard east of the intersection of John King
598 Boulevard and SH-205, and take any action necessary. **(1st Reading)**

599 After brief comments from Mr. LaCroix, Mayor Pro Tem Lewis opened the public hearing.
600 There being no one wishing to come forth and speak, he then closed the public hearing.
601 Councilmember Townsend made a motion to approve Z2015-020. Councilmember White
602 seconded the motion. The ordinance was read as follows:

603 CITY OF ROCKWALL

604 ORDINANCE NO. 15-__

605 SUP NO. _____

606 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
607 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
608 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
609 SPECIFIC USE PERMIT TO ALLOW FOR A "CHURCH" WITHIN AN
610 AGRICULTURAL (AG) DISTRICT, BEING A 7.00-ACRE PORTION OF A
611 LARGER 28.881-ACRE TRACT OF LAND IDENTIFIED AS TRACT 15-01 OF
612 THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, AND GENERALLY
613 LOCATED ON THE NORTH SIDE OF JOHN KING BOULEVARD EAST OF
614 THE INTERSECTION OF JOHN KING BOULEVARD AND SH-205, CITY OF
615 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY
616 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR
617 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
618 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
619 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR
620 A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

621 The motion passed unanimously of Council present (2 absent – Pruitt and Milder).

- 622 3. **Z2015-021** - Hold a public hearing to discuss and consider approval of an
623 ordinance for a request by Sam Ellis on behalf of the owner, the George
624 Dewoody Estate, for a Specific Use Permit (SUP) for a daycare facility in
625 an Agricultural (AG) District for a two (2) acre parcel of land identified as
626 Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall County, Texas,
627 zoned Agricultural (AG) District, situated within the North SH-205 Corridor
628 Overlay (N SH-205 OV) District, addressed as 3011 N. Goliad Street [SH-
629 205], and take any action necessary. **(1st Reading)**

630 Planning Director Robert LaCroix provided background information related to this
631 agenda item. Notices were sent out to adjacent property owners (total of 66) located
632 within 500' of the subject property. Nearby HOAs were notified as well, and two notices

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633 were received back expressing support of this request. The applicant would need to
634 come at a later date and submit a detailed site plan and go through an architectural
635 review. The P&Z Commission has recommended approval of this case.
636

637 **Sam Ellis, the applicant, came forth and offered brief comments, generally explaining the**
638 **purpose of his request and asking the council for approval.**
639

640 **Mayor Pro Tem Lewis opened the public hearing and asked if anyone would like to come**
641 **forth and speak.**
642

643 **Bob Wacker**
644 **806 Miramar Drive**
645 **Rockwall, TX 75087**
646

647 **Mr. Wacker indicated that he was involved in the townhome development behind CVS.**
648 **He explained that he is concerned about traffic ingress and egress, suggesting that**
649 **another entrance/exit be added on the north side.**
650

651 **Troy Clark**
652 **3025 N. Goliad**
653 **Rockwall, TX**
654

655 **Mr. Clark indicated that he is the property owner located immediately to the north of this**
656 **location. He expressed support for approval of this item.**
657

658 **Mr. LaCroix clarified that the owner could replat the property, but the zoning of this**
659 **property would stay in place.**
660

661 **Councilmember White made a motion to approve Z2015-021. Councilmember Townsend**
662 **seconded the motion. The ordinance was read as follows:**
663

664 CITY OF ROCKWALL
665 ORDINANCE NO. 15-____
666 SUP NO. _____
667

668 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
669 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF
670 ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A
671 SPECIFIC USE PERMIT TO ALLOW FOR A "DAYCARE FACILITY" WITHIN
672 AN AGRICULTURAL (AG) DISTRICT, BEING A 2.00-ACRE PARCEL OF
673 LAND IDENTIFIED AS LOT 1 OF THE DEWOODY ADDITION, AND LOCATED
674 AT 3011 NORTH GOLIAD STREET, CITY OF ROCKWALL, ROCKWALL
675 COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"
676 ATTACHED HERETO; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
677 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
678 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
679 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
680 PROVIDING FOR AN EFFECTIVE DATE.
681

682 **The motion passed unanimously of those present (2 absent – Pruitt and Milder).**
683

- 684 4. **Z2015-022** - Hold a public hearing to discuss and consider approval of an
685 **ordinance** for modifications to Article IV, Permissible Uses, and Article V,
686 District Development Standards, of the Unified Development Code for the
687 purposes of creating a standard for cultured stone, and adding standards
688 for a Portable Beverage or Food Facility, and take any action necessary.
689 **(1st Reading)**

690 **Planning Director Robert LaCroix provided background information related to this**
691 **agenda item. P&Z has recommended approval of this item. Mayor Pro Tem Lewis**
692 **opened the public hearing and asked if anyone would like to come forth and speak.**
693 **There being no one, the public hearing was closed. Councilmember White made a**
694 **motion to approve Z2015-022. Councilmember Townsend seconded the motion. The**
695 **ordinance was read as follows:**

696
697 **CITY OF ROCKWALL**
698 **ORDINANCE NO. 15-XX**
699

700 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
701 **ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT**
702 **CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS**
703 **HERETOFORE AMENDED, BY AMENDING SECTIONS 1.1 & 2.1.6 OF**
704 **ARTICLE IV, PERMISSIBLE USES, AND SECTION 6 OF ARTICLE V,**
705 **DISTRICT DEVELOPMENT STANDARDS; PROVIDING FOR A**
706 **PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND**
707 **DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A**
708 **SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;**
709 **PROVIDING FOR AN EFFECTIVE DATE.**

710
711 **The motion passed unanimously of Council present (2 absent – Pruitt and Milder).**
712

- 713 5. **Z2015-016** - Hold a public hearing to discuss and consider approval of an
714 **ordinance** for a request by Stacey McVey of Double Eagle Properties on
715 behalf of the owner 308 ON 276 LP for a zoning change from an Light
716 Industrial (LI) District to a Planned Development District for Single Family
717 10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre
718 tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract
719 No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial
720 (LI) District, located at the northeast corner of the intersection of Rochelle
721 Road and SH-276, and take any action necessary. **(1st Reading)**
722 **(Applicant has requested to postpone to the Aug. 3, 2015 regular cc mtg.)**

723
724 **Mayor Pro Tem Lewis announced that this item has been postponed until the August 3,**
725 **2015 city council meeting.**

726
727 **XII. ACTION ITEMS**
728

- 729 1. Discuss and consider a request from Dr. Umar Burney for waiver of fees
730 owed on a development which includes a medical office building (Ortho
731 Specialists of Dallas) located on Summer Lee Drive behind the Aldi
732 building, and take any action necessary.

733 **Mr. Crowley indicated that Mr. Burney has contacted the city to ask for consideration of**
734 **waiver of pro rata fees associated roadway and water line impact fees.**

735
736 **Dr. Umar Burney**
737 **825 Roth Avenue**
738 **Richardson, TX**

739
740 **Mr. Burney came forth and thanked those who have expressed support today for this**
741 **new facility that is slated to be opened in Rockwall. He explained that the impact fees**
742 **that are being presented to him equate to nearly six figures. He went on to explain the**
743 **various advantages and services that his business will provide to the citizens of**
744 **Rockwall. He generally indicated that he has been surprised by these fees. Furthermore,**
745 **based in the services his business will bring that will benefit the community, he**
746 **requested that the city council consider reviewing the proposed impact fees and waive**
747 **them at this time.**

748
749 **Councilmember Hohenshelt asked if any other business that would otherwise be moving**
750 **in at this particular location would be faced with the same fees. Mr. Crowley explained**
751 **that the larger cost of the roadway in front of the city was paid for by the city up front as**
752 **well as the water line in as an effort to attract the hospital. However, pro rata shares**
753 **associated with these expenses have since been paid for by the other businesses that**
754 **have since located along this particular roadway. Dr. Burney is now requesting special**
755 **consideration from Council concerning his pro rata fees.**

756
757 **City Engineer Tim Tumulty clarified that impact fees are discussed upfront when a**
758 **business first sits down in pre-meetings with staff members. So, while he understands**
759 **that this is contrary to what Dr. Burney has shared (that they just very recently found out**
760 **about these fees), it is normal practice to present these fees upfront when development**
761 **is forthcoming.**

762
763 **It was stated that impact fees are normal practice, and other cities commonly impose**
764 **such fees as well.**

765
766 **After brief comments, the item received no motions, so no action was taken by the**
767 **Council concerning this agenda item.**

768
769 **Following this item, Mayor Pro Tem Lewis went on to address Appointment Item #1 (with**
770 **P&Z Commission Chairman).**

771
772 **2. SP2015-015 - Discuss and consider a request by Jimmy Strohmeyer of**
773 **Strohmeyer Architects, Inc. on behalf of Elias Pope of 8020 Restaurants,**
774 **LLC for the approval of variances to the natural stone and masonry**
775 **material requirements stipulated by Article V, District Development**
776 **Standards, of the UDC in conjunction with an approved site plan for a**
777 **restaurant on a 0.90-acre parcel of land identified as Lot 3, Block A,**
778 **Harbor District Addition, City of Rockwall, Rockwall County, Texas, zoned**
779 **Planned Development District 32 (PD-32), situated within the IH-30**
780 **Overlay (IH-30 OV) District, located at the southeast corner of the IH-30**
781 **Frontage Road and Sunset Ridge Drive, and take any action necessary.**

782 Mr. LaCroix explained that this request is associated with a restaurant that would be
783 located next to the Trend Tower down near The Harbor. He explained that H&G Supply is
784 a restaurant that also has a location on Lower Greenville Avenue in Dallas. He described
785 the various building materials that the applicant is proposing to use. He shared that all
786 of the rooftop equipment would be screened, so people in the Trend Tower who might
787 look down on the building would not see it. He explained that the Architectural Review
788 Board did review these concept plans, and they generally agree that this is a nice design
789 that, although it is a little modern, will fit in well with the existing, surrounding area. After
790 some, slight revisions were made by the applicant at the request of the ARB, the P&Z did
791 recommend approval of this item.

792
793 **Cameron Sloan**
794 **F. C. Cuny Corporation**
795 **Civil engineer firm**
796 **4316 Belmar Avenue**
797 **Dallas, TX**

798
799 Mr. Sloan explained he is with the Cuny Corporation and is representing the applicant on
800 this case. His office is very near the existing restaurant location on Greenville Avenue,
801 and he believes this will be a great addition to this area in Rockwall.

802
803 Mayor Pro Tem Lewis made a motion to approve SP2015-015. Councilmember White
804 seconded the motion, which passed unanimously of council present (2 absent – Pruitt
805 and Milder).

- 806
807 **3. A2015-001** - Discuss and consider the expiration of an existing 212
808 Development Agreement for four (4) tracts of land contiguous with the
809 City of Rockwall's city limits and being identified as approximately 94.05-
810 acres of land situated within the City's Extraterritorial Jurisdiction (ETJ),
811 generally located south of SH-276 along Zollner Road, and take any
812 action necessary.

813 Mr. LaCroix indicated that this item is related to a 212 agreement that the city entered
814 into with the property owners, the Zolner family, about 6.5 years ago. The initial term
815 was for a period of seven years. The state law allows for these agreements to be for a
816 term up to fifteen years. If the Council does not wish to sign a new 212 agreement, then
817 the city would proceed with annexation.

818
819 Councilmember White made a motion to approve A2015-001, extension of a 212
820 agreement, for a period of seven years. Councilmember Townsend seconded the
821 motion, which passed unanimously of council present.

- 822
823 **4.** Discuss and consider status of Franchise Agreement with Legends
824 Batting Cages, and take any action necessary.

825 Andy Hesser, Parks Manager, came forth and provided brief background information
826 related to this agenda item. He explained that in May of 2014, the city council approved
827 entering into this franchise agreement at the recommendation of the Park Board. In
828 January of 2015, the Park Board asked for a status update from Legends. An update was
829 given, and the Park Board requested to see progress, in the form of drawings, within ten
830 days. Legends did provide said drawings. This past meeting, July 7, the Park Board did

831 hear from the representative of the Legends Batting cages, who indicated that he is
832 having delays getting a concrete contractor out to pour concrete. However, some
833 progress has been made, for example with poles, nets and machines. Park Board is now
834 recommending that the contract be terminated if substantial progress had not been made
835 on site by September 1, 2015 and that the 30 day written notice be given concurrently to
836 correspond with the September 1st deadline. Councilmember Townsend made a motion
837 to accept this Park Board recommendation as conveyed. Mayor Pro Tem Lewis
838 seconded the motion, which passed by a vote of 4 in favor, 1 against (White), and 2
839 absent (Pruitt and Milder).

840

841 5. Discuss and consider approval of a policy for the construction of
842 structures, including a dock deck, fixed pier or boathouse within Lake Ray
843 Hubbard for properties eligible to lease the Lake Ray Hubbard Takeline
844 adjacent to the property, and take any action necessary.

845 Robert LaCroix provided background information related to this agenda item. He
846 indicated that staff received an email from the City of Dallas indicating that modifications
847 to sublease property boundaries and general layout locations of takeline subleases are
848 the responsibility of the City of Rockwall. Structure dimensions and building materials
849 must adhere to the interlocal agreement with the City of Dallas. He explained that Dallas
850 is only concerned with water quality. He went on to explain the process associated with
851 those property owners who sublease for applying to build a boat dock or a boat house
852 structure. He indicated that plans have to be submitted to the City, and the City has to
853 review those plans and approve them prior to issuing a building permit. He explained
854 that any imaginary property lines extending out into the lake are currently not part of any
855 takeline leases; however, the policy being proposed tonight would allow staff to extend
856 those imaginary lines into the water in order to make considerations for setbacks before
857 issuing any related building permits.

858

859 Councilmember White clarified that when a property owner subleases the takeline,
860 he/she only leases the dirt and not the water. Mr. LaCroix concurred. Assistant City
861 Manager Brad Griggs explained that staff has attempted to determine with certainty
862 where a particular boat house is going to be built in order to ensure there is ample room
863 for maneuvering a boat so as to not encroach on a neighbor's boat house or other,
864 adjacent boats being backed out.

865

866 Mayor Pro Tem Lewis clarified that the City of Dallas allows for those who sublease to
867 build boathouses that extend 40' into the water as long as they go through the City of
868 Rockwall to obtain a permit.

869

870 After extensive discussion, Councilmember White made a motion to approve the policy
871 with the understanding that item #3 will be changed to remove the language about
872 imaginary lines that do not exist that extend into the water. Councilmember Townsend
873 seconded the motion, which passed by a vote of 5 in favor with 2 absent (Pruitt and
874 Milder).

875

876 The Council did not reconvene in Executive Session following the close of the public
877 meeting.

878

879 **XIII. EXECUTIVE SESSION**

880
881 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
882 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
883 CODE:

- 884
885 1. Discussion regarding status of Rockwall Harbor Landing, Inc. vs. City of Rockwall
886 pursuant to Section 551.071 (Consultation with Attorney)
- 887 2. Discussion regarding the city's concession agreement with Suntex Marina / Suntex
888 RHCL Marina, LLC pursuant to Section § 551.071 Consultation with Attorney)
- 889 3. Discussion regarding possible legal claim related to Oncor pursuant to Section 551.071
890 (Consultation with Attorney)
- 891 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and
892 committees including the Building and Standards Commission, Planning & Zoning
893 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel
894 matters)

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

896
897 The Council did not reconvene in Executive Session following the close of the public
898 meeting.

899
900 **XV. ADJOURNMENT**

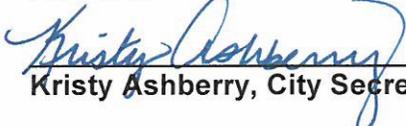
901
902 The meeting was adjourned at 7:59 p.m.

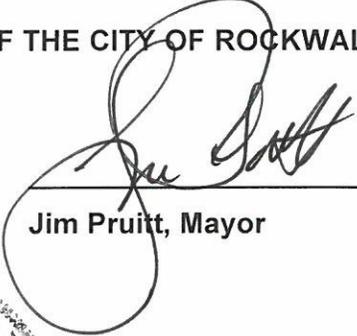
903
904 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

905 THIS 3rd DAY OF AUGUST, 2015.

906

907
908 ATTEST:

909 
910 _____
911 Kristy Ashberry, City Secretary



Jim Pruitt, Mayor



1
2
3
4
5
6
7

MINUTES
ROCKWALL CITY COUNCIL
Monday, August 03, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

8 I. CALL PUBLIC MEETING TO ORDER

9
10 Mayor Pruitt called the meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt,
11 Mayor Pro Tem Dennis Lewis and City Council Members David White, John Hohenshelt,
12 Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley and
13 Assistant City Managers Mary Smith and Brad Griggs, as well as City Attorney Frank
14 Garza. Council Member Mike Townsend was absent from the meeting.
15

16 II. WORK SESSION

- 17
18 1. Hold a work session to hear a presentation by Doug Duffie LLC
19 representing First Texas Homes to request consideration of a 380
20 Agreement for Use Taxes, and take any action necessary.

21 Doug Duffie
22 1816 Grosvenor Green
23 Colleyville, TX 76034
24

25 Mr. Duffie came forth and shared details pertaining to a proposed 380 agreement
26 regarding use taxes. Briefly, he explained that First Texas Homes and their construction
27 subs currently pay sales tax on home building materials at the point of sale rather than at
28 point of use. For example, if First Texas Homes purchases Acme Brick the sales tax is
29 paid either to Dallas or to Denton where their sales offices are located instead of in
30 Rockwall where the home is being built. Mr. Duffie has said that he has researched their
31 suppliers and none of them are located in Rockwall. First Texas Homes proposed to
32 change this by altering their accounting systems and paying Use Tax rather than sales
33 tax. For the effort and expense to alter their systems and processes, they are asking for
34 40% of the Use tax paid to the City. Several area cities have entered into this kind of
35 agreement, Rowlett several years ago with DR Horton, and Frisco has agreements with
36 several builders. Frisco is considering an agreement with First Texas Homes at this time.
37

38 Mayor Pro Tem Lewis asked Mrs. Smith, Finance Director / Assistant City Manager, what
39 disadvantages may exist concerning such arrangement. Mrs. Smith indicated that so far
40 she has not been able to identify any. Mr. Crowley, City Manager, shared that the city
41 attorney has advised that entering into this 380 agreement with First Texas Homes does
42 not set a precedence that would mean the council has to enter into a similar agreement
43 with any and all future builders who may request such. Instead, the council may pick
44 and choose with which builders it would like to enter such agreements.
45

46 Regarding the terms of the agreement, Mr. Duffie indicated that his company tries to
47 utilize the same terms regardless of the city with which they're entering into such
48 agreement.

49 Council generally indicated that it would like staff to check into this further to ensure all
50 is okay with such agreement and then bring an Action Item back to the council for
51 consideration at the next city council meeting.
52

53 2. Hold work session to discuss and consider the city budget, and take any
54 action necessary.

55 City Manager Rick Crowley and Assistant City Manager Mary Smith provided background
56 information related to this agenda item. He indicated that he would like direction from
57 Council regarding if they would like to see him present a budget that is based on future
58 adoption of the current effective rate or the current tax rate. Mayor Pro Tem Lewis
59 indicated that he would like to see a budget presented by staff at the upcoming budgets
60 retreat that reflects the current "effective tax rate." Councilmember Hohenshelt indicated
61 that he is unsure what direction to provide to staff regarding which rate he would like to
62 see associated with the budget proposal that is brought forth. He indicated he is inclined
63 to suggest we should spend less, so he is not prepared to provide a firm answer on the
64 matter at this time. Mayor Pruitt indicated that he is fine with staff presenting a budget
65 that reflects the "effective tax rate." Councilmember Milder expressed concern about
66 continually adopting the 'effective tax rate' in lieu of raising the proposal to reflect the
67 current 'tax rate' solely because funds generated year by year have increased.
68 Generally, he feels that this could eventually prove to be a dangerous practice. Milder
69 expressed he would like to see both budget proposal options presented – a budget
70 reflecting the "effective tax rate" and one reflecting the "current tax rate." Mr. Crowley
71 acknowledged having received sufficient direction from the Council at this time. No
72 action was taken following discussion of this item.
73
74

75 At 4:38 p.m. Mayor Pruitt read the below listed items into the public record before
76 recessing the meeting into Executive Session.
77

78 **III. EXECUTIVE SESSION.**

79
80 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
81 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
82 CODE:
83

- 84 1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic
85 Development)
- 86 2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the
87 downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
- 88 3. Discussion regarding possible settlement of City of Rockwall v. Temunovic Partnership, LTD.,
89 Case No. 1-14-878; 382nd District Court of Rockwall, Texas pursuant to Section 551.071
90 (Consultation with Attorney).
- 91 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees
92 including the Building and Standards Commission, Planning & Zoning Commission, and Board of
93 Adjustments pursuant to Section 551.074 (personnel matters)

94 **IV. ADJOURN EXECUTIVE SESSION**

95
96 Executive Session was adjourned at 5:35 p.m.
97

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

99
100 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all city council members**
101 **except Councilmember Townsend present.**

102
103 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

104
105 **Mayor Pro Tem Lewis made a motion to settle the City of Rockwall v. Temunovic**
106 **Partnership Condemnation litigation case (Case No. 1-14-878; 382nd District Court of**
107 **Rockwall), for \$120,000.00 and to authorize execution of all documents necessary to**
108 **settle the case and transfer ownership of the Justin Road right-of-way to the city.**
109 **Councilmember White seconded the motion, which passed by a vote of 6 ayes with 1**
110 **absent (Townsend).**

111
112 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRO TEM LEWIS**

113
114 **Mayor Pro Tem Lewis delivered the invocation and led the Pledge of Allegiance.**

115
116 **VIII. OPEN FORUM**

117
118 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone in the**
119 **audience would like to come forth and speak at this time.**

120
121 **Martin Ramirez**
122 **Rockwall County EMS**
123 **809 South Goliad**
124 **Rockwall, TX 75087**

125
126 **Mr. Ramirez came forth and provided comments related to the issue of ‘ambulance**
127 **exclusivity.’ He stated he is a Rockwall native and most of his family and friends live**
128 **here. He generally indicated a willingness and proactive effort to work with Presbyterian**
129 **Hospital of Rockwall to work out any differences that exist between Rockwall County**
130 **EMS and the hospital. He indicated that his company has offered to park an ambulance**
131 **at the hospital, but the offer has not been accepted. He again offered that his company is**
132 **willing to do so. He spoke to allegations that have been previously made regarding**
133 **“bypassing” Presby Rockwall (patient diversion), offering various reasons why an**
134 **ambulance crew may elect to do so. He went on to state that in 2014, 2,020 patients were**
135 **transported to Presby, while 1,461 were taken to Lakepointe Hospital. He further**
136 **indicated a willingness to sit down with Presbyterian Hospital of Rockwall to try and**
137 **address their concerns.**

138
139 **Cindy Paris**
140 **762 Black Oak Lane**
141 **Rockwall, TX 75032**

142
143 **Mrs. Paris came forth and indicated that she is the President and CEO of Presbyterian**
144 **Hospital of Rockwall. She spoke regarding the ‘exclusivity of ambulance service’ in the**
145 **city. She explained that she is an RN and she arrived to work at the hospital here in**
146 **Rockwall before it was officially opened. She indicated a desire to have safe medical**
147 **care in the community, and she has ongoing concerns regarding Rockwall County EMS’**
148 **ability to meet the demands associated with rapid growth. She shared that the hospital**

149 has met with Rockwall County EMS many times in the past, but the hospital has seen no
150 improvement regarding concerns that have been expressed. Also, the hospital has never
151 denied Rockwall County EMS' offer to park an ambulance on their hospital campus. She
152 explained that this issue was placed on a 'future follow up' action plan but that it has not
153 yet been followed up on. She explained that everyone at the hospital would agree that
154 Rockwall County EMS provides quality care to members of the community, and she
155 indicated that the hospital will continue to call Rockwall County EMS first simply
156 because they are the closest and they are known to provide good care to their patients.
157 The hospital's main concerns center around patient transports to higher level care
158 facilities in both urgent and emergent situations. She generally urged the council to
159 make a very informed decision before acting upon the exclusivity ordinance at hand.
160

161 IX. CONSENT AGENDA

- 162
- 163 1. Consider approval of the minutes from the July 20, 2015 regular city
164 council meeting, and take any action necessary.
 - 165 2. **Z2015-020** - Consider approval of an **ordinance** for a request by Wayne
166 Mershawn of Mershawn architects on behalf of Rex Walker of Life
167 Springs Church for a Specific Use Permit (SUP) for a church in an
168 Agricultural (AG) District for a seven (7) acre portion of a larger 28.881-
169 acre tract of land identified as Tract 15-01 of the J. Strickland Survey,
170 Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned
171 Agricultural (AG) District, situated within the SH-205 By-Pass Corridor
172 Overlay (SH 205 BY-OV) District, located on the north side of John King
173 Boulevard east of the intersection of John King Boulevard and SH-205,
174 and take any action necessary. **(2nd Reading)**
 - 175 3. **Z2015-021** - Consider approval of an **ordinance** for a request by Sam
176 Ellis on behalf of the owner, the George Dewoody Estate, for a Specific
177 Use Permit (SUP) for a daycare facility in an Agricultural (AG) District for
178 a two (2) acre parcel of land identified as Lot 1 of the Dewoody Addition,
179 City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)
180 District, situated within the North SH-205 Corridor Overlay (N SH-205 OV)
181 District, addressed as 3011 N. Goliad Street [SH-205], and take any
182 action necessary. **(2nd Reading)**
 - 183 4. **Z2015-022** - Consider approval of an **ordinance** for modifications to
184 Article IV, Permissible Uses, and Article V, District Development
185 Standards, of the Unified Development Code for the purposes of creating
186 a standard for cultured stone, and adding standards for a Portable
187 Beverage or Food Facility, and take any action necessary. **(2nd Reading)**
 - 188 5. **P2015-029** - Consider approval of a request by Maria Bonilla of
189 Winkelmann & Associates on behalf of Mark Matise of Makko Goliad I, LP
190 for the approval of a replat for Lots 1, 2 & 3, Block A, Kroger 205 Addition
191 being a replat of 11.236-acre tract of land identified as Lots 2 & 3, Block
192 A, Quail Run Retail Addition, City of Rockwall, Rockwall County, Texas,
193 zoned Planned Development District 5 (PD-5) for General Retail (GR)
194 District land uses, situated within the North SH-205 Overlay (N. SH-205
195 OV) District, located at the southeast corner of E. Quail Run Road and
196 SH-205, and take any action necessary.

- 197 6. **P2015-031** - Consider approval of a request by Mike Whittle on behalf of
 198 Rockwall Rental Properties, LP for the approval of a replat for Lot 13,
 199 Block 2, Alliance Addition, Phase 2 being a 0.571-acre parcel of land
 200 identified as Lot 4, Block 2, Alliance Addition, City of Rockwall, Rockwall
 201 County, Texas, zoned Planned Development District 57 (PD-57) for
 202 Commercial (C) District land uses, addressed as 6540 Alliance Drive, and
 203 take any action necessary.

- 204 7. **P2015-032** - Consider approval of a request by Cameron Slown of FC
 205 Cuny Corporation on behalf of Lowdent LLC, Hall and Lee Land
 206 Company LLC, and Temunovic Partnership LTD for the approval of a
 207 replat for Lots 4, 5 & 6, Block A, Temonovic Addition being a 2.582-acre
 208 tract of land currently identified as Lots 1, 2 & 3, Block A, Temunovic
 209 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned
 210 Development District 9 (PD-9) for General Retail (GR) District land uses,
 211 situated within the Scenic Overlay (SOV) District, addressed as 1320 &
 212 1350 Summer Lee Drive, and take any action necessary.

- 213 8. **P2015-033** - Consider approval of a request by Cameron Slown of FC
 214 Cuny Corporation on behalf of Tom Kirkland of Lakefront Trail Rockwall
 215 Hotel, LP for the approval of a replat for Lot 1, Block A, Marriott Addition
 216 being a 2.968-acre tract of land identified as a portion of Lot 3A, Block A,
 217 Shoreline Plaza Addition and all of Lot 1-1, Block A, Henry Africa
 218 Subdivision, City of Rockwall, Rockwall County, Texas, zoned Planned
 219 Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30
 220 OV) District, located at the southeast corner of the intersection of the IH-
 221 30 Frontage Road and Lakefront Trail, and take any action necessary.

- 222 9. Consider authorizing the City Manager to execute a purchase order with
 223 Freedom CDJR for the purchase of a 2015 Dodge Charger for Police
 224 Traffic Division in the amount not to exceed \$36,000 to be funded by
 225 General Fund Reverses, and take any action necessary.

226 **Councilmember Milder pulled item #9 for further discussion.**

227
 228 **Mayor Pro Tem Lewis made a motion to approve the remaining consent agenda items**
 229 **(#1, 2, 3, 4, 5, 6, 7 and 8). Councilmember White seconded the motion. The ordinances**
 230 **were read as follows:**

231 **CITY OF ROCKWALL, TEXAS**
 232 **ORDINANCE NO. 15-21**
 233 **SUP NO. 139**

234
 235 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
 236 **AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,**
 237 **TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT**
 238 **TO ALLOW FOR A "CHURCH" WITHIN AN AGRICULTURAL (AG) DISTRICT, BEING**
 239 **A 7.00-ACRE PORTION OF A LARGER 28.881-ACRE TRACT OF LAND IDENTIFIED**
 240 **AS TRACT 15-01 OF THE J. STRICKLAND SURVEY, ABSTRACT NO. 187, AND**
 241 **GENERALLY LOCATED ON THE NORTH SIDE OF JOHN KING BOULEVARD EAST**
 242 **OF THE INTERSECTION OF JOHN KING BOULEVARD AND SH-205, CITY OF**
 243 **ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY**
 244 **DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL**
 245 **CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM**
 246 **OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR**

247 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
248 FOR AN EFFECTIVE DATE.

249
250 CITY OF ROCKWALL, TEXAS
251 ORDINANCE NO. 15-22
252 SUP NO. 140
253

254 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
255 AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL,
256 TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT
257 TO ALLOW FOR A "DAYCARE FACILITY" WITHIN AN AGRICULTURAL (AG)
258 DISTRICT, BEING A 2.00-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1 OF THE
259 DEWOODY ADDITION, AND LOCATED AT 3011 NORTH GOLIAD STREET, CITY OF
260 ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY
261 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR SPECIAL
262 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM
263 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR
264 A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING
265 FOR AN EFFECTIVE DATE.
266

267
268 CITY OF ROCKWALL, TEXAS
269 ORDINANCE NO. 15-23
270

271 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
272 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
273 CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTIONS 1.1
274 & 2.1.6 OF ARTICLE IV, PERMISSIBLE USES, AND SECTION 6 OF ARTICLE V,
275 DISTRICT DEVELOPMENT STANDARDS; PROVIDING FOR A PENALTY OF FINE
276 NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
277 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
278 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
279

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

281
282 Regarding Consent Agenda item #9, Councilmember Milder expressed concern regarding
283 purchase of a police vehicle now in lieu of waiting to address this need during the
284 upcoming budget discussions for next fiscal year. Mr. Crowley explained that this
285 particular item is related to replacement of a vehicle that the department had that has
286 become unusable. However, if the council would prefer to hold off on this item until
287 during the budget process, Mr. Crowley indicated that doing so is certainly
288 understandable and doable. Mr. Crowley indicated that last year, the Police Department
289 neither requested nor received any funding for new vehicles.
290

291 After brief comments from Chief Riggs, Mayor Pruitt made a motion to authorize the City
292 Manager to execute a purchase order with Freedom CDJR for the purchase of a 2015
293 Dodge Charger for Police Traffic Division in the amount not to exceed \$36,000 to be
294 funded by General Fund Reverses. Councilmember White seconded the motion, which
295 passed by a vote of 5 in favor, 1 against (Milder), and 1 absent (Townsend).
296
297
298
299
300

301 X. APPOINTMENTS

- 302
303 1. Appointment with the Planning and Zoning Chairman to discuss and
304 answer any questions regarding cases on the agenda and related issues
305 and take any action necessary.

306 **Mr. Renfro briefed the council on recommendations of the Commission relative to Public**
307 **Hearing Item #1 (Double Eagle Properties). He generally pointed out that the P&Z**
308 **Commission initially recommended that this case be voted down (they voted against it).**
309 **However, the developer has since gone back and reworked the plans and is now bringing**
310 **back a revised plan for the council to consider at this meeting. He pointed out that the**
311 **revised plans do seem to have taken into account the P&Z's comments, and the**
312 **applicant has made what appear to be 'significant changes' to the plan. After brief,**
313 **additional comments, the Council took no action related to this agenda item.**

- 314 2. Appointment with Jim Lambeth of Linebarger, Goggan, Blair & Sampson
315 LLP to present information regarding a bid received for delinquent
316 property taxes at 464 Evans at an amount less than the outstanding
317 taxes, and take any action necessary.

318 **Mr. Lambeth came forth and briefed the Council on this agenda item. He indicated that**
319 **this property was recently involved in a judicial foreclosure procedure. A recent**
320 **judgement on this property took place, and the property was struck off the tax rolls to the**
321 **City of Rockwall. The Rockwall Housing Development Corporation has submitted a bid**
322 **for \$6,000 to try and rehabillitee the property. The total judgement was for \$13,290.00,**
323 **and the adjudged value of the property is \$19,670.00. He explained that the County had**
324 **this item on its agenda last week, and they approved it. Furthermore, it is expected that**
325 **the RISD will vote on the item next week as well.**

326
327 **Mayor Pruitt made a motion to accept/approve the proposed \$6,000.00 bid.**
328 **Councilmember White seconded the motion, which passed unanimously of those present**
329 **(6 ayes with Townsend absent).**

- 330
331 3. Appointment to hear presentation from Mark Spencer of MHS Planning
332 and Design regarding The Park at Stone Creek development plan, and
333 take any action necessary.

334 **Mr. Spencer came forth and showed conceptual plans to the City Council concerning**
335 **proposed design associated with the Park at Stone Creek. Assistant City Manager Brad**
336 **Griggs indicated that if the council agrees to approve this item, then staff and Mr.**
337 **Spencer and staff would move forward with construction plans and associated bid**
338 **documents. Mayor Pro Tem Lewis made a motion to approve the design plan, as**
339 **presented, for the Park at Stone Creek. Councilmember White seconded the motion.**
340 **After brief comments, the motion passed by a vote of 6 in favor with 1 absent**
341 **(Townsend).**

342
343 XI. PUBLIC HEARING ITEMS

- 344
345 1. **Z2015-016 - Hold a public hearing to discuss and consider approval of an**
346 **ordinance for a request by Stacey McVey of Double Eagle Properties on**
347 **behalf of the owner 308 ON 276 LP for a zoning change from an Light**
348 **Industrial (LI) District to a Planned Development District for Single Family**
349 **10 (SF-10) and General Retail (GR) District land uses, on a 316.315-acre**

350 tract of land identified as Tract 1 of the M. E. Hawkins Survey, Abstract
351 No. 100, City of Rockwall, Rockwall County, Texas, zoned Light Industrial
352 (LI) District, located at the northeast corner of the intersection of Rochelle
353 Road and SH-276, and take any action necessary. (1st Reading)

354 **Ryan Miller, Planning & Zoning Director, provided Council with background information**
355 **related to this agenda item. The applicant is proposing 507 single family lots with 1.65**
356 **units per acre on a 316 acre tract of land near the intersection of SH-276 at Rochelle**
357 **Road. Nine acres of commercial retail would be included in addition to the residential**
358 **lots. Along with the commercial / retail, the applicant is asking for Hotel/motel,**
359 **restaurant with drive-in/drive-thru service and a retail store with gasoline sales to be**
360 **permitted by right. He explained that the council would have the ability to review those**
361 **developments before they are actually submitted for site plans due to this being a**
362 **proposed PD (planned development district) development. He went on to explain that the**
363 **development would include an amenity center and a 55 acre park, which would include a**
364 **Soil Conservation Commission pond. The 507 single family lots will consist of a mixture**
365 **of 60', 70' and 80' lot sizes and an overall, average lot size of about 7,600 square feet. A**
366 **mix of j-swing and front-entry products is being proposed, so the applicant is asking for**
367 **a waiver to the city's rear entry / alleyway requirement, and they are requesting a setback**
368 **variance associated with how far back the garage doors would be placed from the front**
369 **property line (versus the front most part of the structure). He generally indicated that the**
370 **applicant has pretty much addressed all of the Planning & Zoning Commission's**
371 **previously expressed concerns when the plan was first brought forth, including**
372 **infrastructure improvements to Rochelle Road and Discovery Boulevard. He explained**
373 **that the city's future land use map currently shows this property to be slated for an**
374 **'employment office.'** However, if the council approves the applicant's request this
375 evening, the future land use map would need to be updated to designate it for low
376 density residential / commercial. Nineteen notices were sent out to adjacent property
377 owners and residents located within 500' of the subject property. One notice was
378 received back in favor of the request. In addition, two Rockwall citizens (outside of the
379 notification area) also wrote e-mails expressing support of this item. The P&Z
380 Commission did previously make a recommendation to deny the case by a vote of 5 to 2;
381 however, that was before numerous changes were made to the proposed plan. In
382 addition, approval of this item will require a ¾ majority vote of the Council for approval
383 this evening (five out of the six council members currently present this evening).

384
385 **Joel Steed, who indicated he represents the applicant, came forward and addressed the**
386 **council at this time. He explained that he and his wife have owned property in Rockwall**
387 **for about twenty-three years. They also live here and moved his law firm from Dallas to**
388 **Rockwall some years ago. After thanking members of Council, the P&Z Commission,**
389 **and staff, Mr. Steed went on to briefly explain the plans that the applicant is now**
390 **proposing associated with this requested zoning change.**

391
392 **Craig Carney**
393 **Carney Engineering**
394 **4588 Hinton Drive**
395 **Plano, TX**

396
397 **Mr. Carney came forth and briefed the Council on various, proposed aspects of the**
398 **project, should the zoning change be approved by the Council this evening. He**
399 **explained that the details of the plan presented this evening really do reflect changes**

400 that were made as a result of taking into account concerns expressed by the Planning &
401 Zoning Commission. He shared details concerning things such as the park/open space,
402 streets, lot sizes, and commercial aspect of the proposed project.
403

404 Mr. Steed again came forth and shared a lot of details related to the history of this piece
405 of land as well as the proposed zoning change. He expressed that he understands that if
406 the council changes the zoning on this property, it means that the overall amount of
407 Light Industrial zoned land will be decreased. However, he believes that the land that is
408 'lost,' so-to-speak, can be easily replaced. He shared that the land has been zoned "LI"
409 for about ten years, and it was zoned "AG" prior to that time period. He does not believe
410 this piece of property is conducive to "light industrial" because of the flood plain.
411

412 Mr. Byron Prescott
413 1935 Creekside Drive
414 Rockwall, TX
415

416 Mr. Prescott indicated that he is from a law firm out of Dallas (Sheef and Stone), and he
417 represents the applicant. He explained that about three potential buyers have expressed
418 interest in purchasing this property over the years, but none of those potential buyers
419 have been interested in developing it for light industrial. So, the owner hired David
420 English (realtor) to try and market the property for its highest and best use.
421

422 David English
423 Ridgepointe Commercial Realty
424 2255 Ridge Road, #208
425 Rockwall, TX
426

427 Mr. English provided comments pertaining to the real estate aspects of the property. He
428 indicated that some time ago, the REDC was approached about possibly purchasing this
429 land; however, they indicated a disinterest in purchasing it due to the flood plain that is
430 present on the property. He also asked some other potential buyers about their interest
431 in the property; however, those individuals were not interested either. He believes this
432 project may be the 'highest and best use' for the property given the past history and
433 circumstances surrounding this property (including the flood plain) and the length of
434 time it's been sitting vacant.
435

436 Mr. Joel Steed
437 1010 Ralph Hall Parkway
438 Rockwall, TX
439

440 Mr. Steed again came forth and offered extensive comments and information regarding
441 various aspects of the applicant's request.
442

443 Mayor Pro Tem Lewis offered brief comments related to 'big truck' traffic on Discovery
444 for trucks delivering into/out of the Tech Park. He expressed concerns about how the
445 developer may be able to ensure that initial and future home buyers know, with certainty,
446 that there will very likely be a warehouse located adjacent to their homes/neighborhood
447 and associated truck traffic. Mr. Steed indicated that information would be included in
448 the new homeowner packets as well as written into the DCRs (deeds covenants and
449 restrictions).
450

451 Mayor Pruitt asked if the 9 acres of proposed “commercial” area is included in the
452 density calculations of the residential lots. The applicant indicated that the residential
453 density calculation did not include the 9 acres of commercial.
454

455 Councilmember Hohenshelt asked what sort of future notifications might take place
456 someday in the future if and when someone wants to construct a warehouse adjacent to
457 this residential area. Mr. Miller indicated that there would be no notifications as long as
458 there was no change in zoning taking place. The developer, in that case, would just need
459 to meet requirements associated with residential adjacency (i.e. buffers, landscape
460 screening).
461

462 Councilmember Milder asked for clarification regarding which fire station would service
463 this neighborhood. Chief Poindexter indicated that Fire Station #4 and #1 would serve
464 this area until the station that would ultimately serve this area could be built. He
465 explained that the REDC previously dedicated some land to the city on Springer Road
466 near Rochelle Road for use as a future fire station.
467

468 Mayor Pruitt opened the public hearing and asked if anyone would like to come forward
469 and speak at this time.
470

471 Matthew Nielsen
472 676 St. Johns Place
473 Rockwall, TX 75087
474

475 Mr. Nielsen came forth indicating that he is speaking on behalf of the REDC, as he is
476 currently a member of the REDC board. He indicated that he used to serve on the
477 Planning & Zoning Commission in years past. He offered comments in favor of keeping
478 this property zoned light industrial, as it makes the most sense since it is already located
479 contiguous to the existing “LI” land located in the Tech Park. He expressed skepticism
480 that someone would be willing to spend \$700,000+ on a home that is located so near
481 warehouses and industrial type facilities. He acknowledged that the existing flood plain
482 does present a bit of a hurdle for warehouse type facilities; however, he believes that
483 “Class A office space” could likely be placed nicely on this property. He believes that if
484 the Council changes the zoning, it will cut off the ability for that area to continue to be
485 developed as an economic development corridor. He explained that he believes the
486 developer has likely put a lot of thought into this proposal. He has no animosity towards
487 the applicant and believes this development may work out well somewhere else in the
488 city; however, from a zoning standpoint, he explained that the REDC is strongly opposed
489 to this zoning change request on this particular piece of property. Councilmember White
490 asked if Mr. Nielsen’s comments are representative of the ‘official position’ of the REDC.
491 Mr. Nielsen indicated that, yes, his comments do represent the sentiments of the full
492 REDC board. Councilmember Hohenshelt asked for clarification regarding any vote that
493 took place on the part of the full REDC board. Mrs. Franza, REDC President/CEO, came
494 forth and generally indicated that a vote was taken at a May 14, 2015 REDC board
495 meeting in which the board expressed opposition to the proposed zoning change. She
496 explained that this action was taken following a May 6 Planning Committee meeting. Mr.
497 Nielsen expressed large concern, again, regarding future residents being admittedly
498 opposed to “light industrial” (i.e. warehouses) being constructed right next door to their
499 homes.
500

501 Councilmember Milder expressed concern about him not having had knowledge that the
502 REDC was officially opposed to the zoning change, while all along the developer was
503 going back and making a lot of changes to the plan and investing a lot of time and effort
504 in doing so after a June work session was held between the developer and the City
505 Council.

506
507 After various comments, Mrs. Franza indicated that a “corporate campus” might be a
508 good use of this property as a transitional use prior to the introduction of nearby
509 residentially zoned land. Councilmember White asked for clarification regarding if the
510 REDC does or does not wish to purchase this land. Mr. Nielsen clarified that the REDC
511 does not wish to personally purchase this land; however, he does not believe that
512 whether or not the REDC wishes to purchase this particular “LI” land should determine
513 the appropriate zoning.

514
515 Mayor Pruitt called for a break at 7:42 p.m., indicating that the public hearing will
516 continue after the meeting reconvenes.

517
518 Mayor Pruitt called the meeting back to order at 7:55 p.m.

519
520 **Stacy McVey**
521 **7218 Lakewood**
522 **Dallas, TX 75214**

523
524 Mr. McVey, applicant, came forth and provided comments, generally indicating that in the
525 research they have done, the property owner did not ever have a desire for the property
526 to be zoned “LI.” The three past purchase inquiries were all from potential buyers
527 expressing ‘residentially zoned’ desired uses for this property.

528
529 Craig Renfro of the Planning & Zoning Commission came forth and asked how many
530 buyers have approached the property owners to date. The developer indicated that no
531 buyers have approached the owners expressing a desire to buy it for the purpose of
532 developing it as “light industrial.” Mr. Renfro went on to comment that the economy has
533 seen a notable slump and downturn over the last ten years; however, it seems as though
534 the economy is now on an ‘up tick.’ He suggested that if the council approves this
535 zoning change request, it could possibly inhibit the Tech Park from ultimately becoming
536 what it could possibly be in future years. He also questioned why the developer could
537 not take his residential/commercial development somewhere else in the city.

538
539 Mr. English, the realtor associated with the project, indicated that no commercial
540 campuses have been brought forth from any potential buyers associated with this
541 property. He indicated that they did try to market the land as ‘light industrial;’ however,
542 there was never any interest at all from buyers it when it was marketed as “LI.”

543
544 **Mr. John White**
545 **1929 S. Lakeshore Drive**
546 **Rockwall, TX**

547
548 Mr. White indicated that he does not believe how long a property has sat on the market
549 should be a driving factor as to what its zoning should be. He expressed general support
550 of the REDC, indicating that the REDC is a viable representation of the citizens of

551 Rockwall, as the citizens voted on establishing the REDC years ago. He stated that he is
552 opposed to rezoning the land and he agrees with the REDC's sentiments.
553

554 Mr. Joel Steed
555 3065 N. Goliad Street
556 1010 W. Ralph Hall Parkway
557 Rockwall, TX
558

559 Mr. Steed came forth again and pointed out that there are existing residential homes east
560 and south of this property. He stated that the homes that are proposed to be built will be
561 nice homes. He generally encouraged the city to be good stewards of tax payer dollars,
562 and he pointed out that this particular property has not made any money for the city as it
563 has been sitting vacant for thirteen years. He shared that the owner would really like to
564 sell this piece of property, and he has been trying to do so for a number of years as it has
565 sat in trust.
566

567 Councilmember Hohenshelt made a motion to table Z2015-016 until the city council has
568 an opportunity to complete its strategic plan. Councilmember Milder seconded the
569 motion. Council commented that the estimated timeframe for completing this plan is
570 approximately six weeks. Councilmember White offered comments, expressing full
571 support for this zoning change.
572

573 Councilmember Milder expressed support for delaying action on this item until the
574 council has time to consider it further.
575

576 The motion failed by a vote of three in favor with three against (Pruitt, Fowler, Lewis).
577

578 Councilmember White made a motion to approve Z2015-016. Mayor Pruitt seconded the
579 motion. Councilmember Milder expressed that he believes allowing six weeks for the
580 council to finish its strategic plan and be better prepared to make an informed decision is
581 not too much to ask. After the comments, the motion to approve the zoning change
582 passed by a vote of 5 in favor with 1 against (Milder) and one absent (Townsend). The
583 ordinance was read into the record as follows:
584

585 CITY OF ROCKWALL
586 ORDINANCE NO. 15-XX
587

588 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
589 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
590 CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE
591 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A PLANNED
592 DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL
593 (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-
594 ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY,
595 ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND
596 MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR
597 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
598 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
599 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
600 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
601
602

603 **XII. ACTION ITEMS**

- 604
- 605 1. Discuss and consider Construction Manager at Risk process for The Park
- 606 at Stone Creek development, and take any action necessary.

607 **Assistant City Manager Brad Griggs provided background information related to this**

608 **agenda item. Councilmember Milder made a motion to approve the Construction**

609 **Manager at Risk process as recommended by staff. Councilmember White seconded the**

610 **motion, which passed by a vote of 6 ayes with 1 absent (Townsend).**

- 611
- 612 2. **A2015-002 - Discuss and consider initiating a development agreement**
- 613 **with Joey Howell, in accordance with Chapter 212 of the Texas Local**
- 614 **Government Code, for a property identified as Tract 18 & 18-01 of the S.**
- 615 **McFadgin Survey, Abstract No. 142, Rockwall County, Texas, being a**
- 616 **~98-acre tract of land situated within the City of Rockwall's Extraterritorial**
- 617 **Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548,**
- 618 **and take any action necessary.**

619 **Mayor Pruitt expressed that Councilmember Hohenshelt has recused himself from this**

620 **item and has filed an affidavit with the City Secretary accordingly.**

621 **Planning Director Ryan Miller provided background information related to this agenda**

622 **item. He explained that the city attorney and the applicant, Joey Howell, have worked on**

623 **revising the agreement that was included in the council members' meeting packet. An**

624 **updated version, which reflects some revised setbacks, has been provided to the city**

625 **council in paper form this evening. Discussion took place between Mr. Crowley, Mr.**

626 **Miller and Mr. Howell regarding future inspections of septic tanks, as this development**

627 **would, in the immediate future, be located out in the county (within the city's ETJ).**

628 **Mayor Pruitt asked what the development standard will be for this property. Mr. Howell**

629 **indicated that these homes will meet the city's most recently adopted developments**

630 **standards, which were put in place about six months ago.**

631 **Councilmember White made a motion to approve the 212 development agreement**

632 **associated with A2015-002. Councilmember Milder seconded the motion, which passed**

633 **by a vote of 5 in favor, 1 abstention (Hohenshelt), and 1 absent (Townsend).**

- 634 3. Discuss and consider the provisions of Chapter 12. Businesses & Sales,
- 635 Article XII. Ambulance Service of the Code of Ordinances, and take any
- 636 action necessary.

637 **City Manager Rick Crowley provided brief background information related to this agenda**

638 **item. Mayor Pro Tem Lewis followed Mr. Crowley's comments with some additional**

639 **information, specifically concerning the ES Corporation's position concerning Rockwall**

640 **revoking or keeping its "exclusivity" ordinance in place. He indicated that the ESC**

641 **essentially declined to take an official position, indicating the ordinance falls under the**

642 **city's purview.**

643

644 **Mr. Crowley explained that accurately predicting the financial impact associated with**

645 **repealing this ordinance as far as how it might financially affect Medic Rescue is difficult**

646 **to determine. However, Medic Rescue has provided some financial information in a**

647 **memo provided to the city council in their packets.**

648

649 **Councilmember White expressed that, at this time, he is not in support of repealing the**

650 **ordinance. He is generally "fifty / fifty" as far as a decision regarding leaving it in place**

651 or repealing it. He would like to see a true, documented effort between the hospital and
652 Rockwall County EMS, to resolve their differences. He would like to see a work plan on
653 what the issues are, how they might be resolved and how they ultimately got resolved
654 thereafter. He would like for this documented effort to take place very quickly on the part
655 of both parties. Then, if the issues are not able to be worked out, he would not be
656 opposed to possible revocation of the ordinance.

657
658 Mayor Pruitt expressed concern about turning Presby representatives into ‘criminals’
659 when they want to call a provider to help them perform their duties most efficiently.
660 Mayor Pro Tem Lewis generally indicated that he believes these sorts of “fix the
661 problems” efforts have been ongoing for a number of years, and the issues have been
662 unable to be resolved.

663
664 Councilmember White shared an excerpt from the 1993 city council meeting minutes
665 back when this ordinance provision was first adopted and put into place.

666
667 Councilmember Fowler asked for more information regarding Mr. Steve Athey of
668 Healthcare Visions, who is evidently an EMS consultant to the Emergency Services
669 Corporation (ESC) board. Mayor Pro Tem Lewis briefly indicated that he is an advisory
670 consultant to the board, and he has indicated an opinion that ‘exclusivity’ ordinances are
671 a good idea.

672
673 At the request of Mayor Pro Tem Lewis, Mr. Garza clarified that most cities he provides
674 legal services to do have ‘exclusivity’ ordinances in place for emergency ambulance
675 services. However, most do NOT have ‘exclusivity’ ordinances in place for non-
676 emergency ambulance service transfers.

677
678 Mayor Pruitt generally expressed that both Presby and Rockwall County EMS have been
679 “contracting around” the city’s exclusivity ordinance.

680
681 Mayor Pro Tem Lewis made a motion to repeal the exclusivity ordinance provisions (only
682 related to non-emergency transports), to authorize the city attorney to draft an ordinance
683 accordingly, and to delay implementation of said repeal until November 1, 2015. Mayor
684 Pruitt seconded the motion.

685
686 Indication was given that the current ambulance service contract that is in place through
687 the ESC expires in 2017.

688
689 The motion passed by a vote of five in favor with two against (White and Fowler) and one
690 absent (Townsend).

- 691
692 4. Discuss and consider (re)appointments to city advisory boards, including
693 the Animal Adoption Center/Shelter Advisory Committee, the Architectural
694 Review Board, the ART Commission, the Historic Preservation Advisory
695 Board and the Park Board, and take any action necessary.

696 Mayor Pruitt indicated that the council is not prepared to make any (re)appointments this
697 evening. Staff liaisons will be contacted regarding these appointments, and council
698 action will be taken at a future meeting.

699

700 **XIII. CITY MANAGER’S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
701 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

- 702
- 703 1. Departmental Reports
- 704 Building Inspections Monthly Report - June 2015
- 705 Fire Dept. Monthly Report - June 2015
- 706 Harbor PD Monthly Report - June 2015
- 707 Internal Operations Department Monthly Report - June 2015
- 708 Meals on Wheels Senior Services Third Quarter Report
- 709 Police Department Monthly Report - June 2015
- 710 Recreation Monthly Report - June 2015
- 711 Rockwall Animal Adoption Center Monthly Report - June 2015
- 712 2. City Manager’s Report

713 **Mr. Crowley updated the Council on various items. He indicated that the grand opening**
714 **of the new Yellow Jacket Park is scheduled for this Saturday. He shared that the Police**
715 **Department is holding an upcoming National Night Out event tomorrow evening at Home**
716 **Depot, which is in addition to the Texas Night Out, which will be held in a couple of**
717 **months. Staff will be bringing this item to council for consideration at the next meeting.**
718 **He then congratulated Mr. Widmer on recently achieving a “Certified Building Official”**
719 **designation. Regarding planning for improvements to FM-549, the state has approached**
720 **the city with a viable drainage improvement option. He indicated that a fire recently**
721 **occurred in the downtown area, and our fire department responded very quickly. Also,**
722 **staff is trying to track down the party(ies) who reported the fire. Once they find out who**
723 **it was, staff will likely be coming before the council so that the person(s) may be formally**
724 **recognized for this act.**

725

726 **XIV. EXECUTIVE SESSION**

727

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

- 730
- 731 1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic
- 732 Development)
- 733 2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the
- 734 downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
- 735 3. Discussion regarding possible settlement of City of Rockwall v. Temunovic Partnership, LTD.,
- 736 Case No. 1-14-878; 382nd District Court of Rockwall, Texas pursuant to Section 551.071
- 737 (Consultation with Attorney).
- 738 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees
- 739 including the Building and Standards Commission, Planning & Zoning Commission, and Board of
- 740 Adjustments pursuant to Section 551.074 (personnel matters)

741

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

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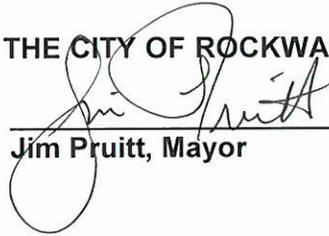
744 **The Council did not reconvene in Executive Session following the conclusion of the**
745 **public meeting agenda.**

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XVI. ADJOURNMENT

Mayor Pruitt adjourned the public meeting at 8:47 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS 17th DAY OF AUGUST, 2015.**



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 17, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

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

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II. WORK SESSION

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1. Hold work session with representative(s) of STAR Transit to hear annual report of services provided to the Citizens of Rockwall, industry updates, and funding, and take any action necessary.

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Councilmember Townsend, who is the city's representative on the STAR Transit board, briefed the council on this agenda item. He indicated that the county is the entity that actually holds the contract with STAR transit, and the City of Rockwall has traditionally provided some level of funding to the organization in the past for public transportation. He shared that there were some recent changes in Federal funding.

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Omega Hawkins, Executive Director, Kim Britton, and Ashley Ando with Stat Transit made a presentation to the City Council. They stated that STAR has been providing transportation services in Rockwall since 2005. She stated that about 4,000 rides were provided in 2005. Approximately 18,000 rides were provided in 2010, and 29,000+ rides were provided in 2014. She anticipates that over 30,000 rides will be provided in the year 2015. The presentation gave an overview of STAR Transit's operations, number of rides in Rockwall County, and the current funding levels. STAR representatives further discussed the funding changes that the Federal government is implementing in April 2016 and how it will affect transportation service. Based on the 2010 census, Rockwall County's designation has changed from rural to urban. They then discussed the levels of funding under an urban designation and stated that there is still an abundance of funding for capital expenditures, but funding for operation of transit providers has changed under the new urban designation to a 50/50 match.

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Additional information was provided for the next fiscal year. STAR proposes adding an 8th bus to the operation in Rockwall County. STAR Transit currently anticipates FY16 cost of service will average \$50.76 per hour or \$812,160.00 to provide transportation services in Rockwall County. STAR Transit will cover the 1st six months (Sept '15-April '16) of the local portion in FY16 only - \$203,040 and stated that by April 2016; a 50% operating local match will be needed from a source or sources within Rockwall County. It was estimated that based on ridership, the City of Rockwall share would be 84.96% or in \$172,502 in FY2016. STAR Transit needs partners from Rockwall County to provide 12 months of local match in FY17 and beyond. Following the presentation, a there was a series of questions and answers between their staff and council members.

51 **The Council took no action following this work session item.**

52
53 **2. Hold work session to discuss the June 21, 2015 flooding event, including impacts on homes**
54 **and roadways, and take any action necessary.**

55 **Mayor Pruitt called for a brief break at 5:07 p.m. The meeting was called back to order at**
56 **5:13 p.m.**

57
58 **City Engineer Tim Tumulty and Civil Engineer Jeremy White came forth and provided a**
59 **presentation to Council recapping this flood event. They provided details related to**
60 **twenty-three houses that flooded, nineteen roadway closures, and 5 other flood related**
61 **issues. The council took no action concerning this work session item.**

62
63 **Mayor Pruitt then read the below listed discussion items into the public record before**
64 **recessing the public meeting into Executive Session at 5:40 p.m.**

65
66 **III. EXECUTIVE SESSION.**

67
68 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
69 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

70
71 **1. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of**
72 **the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).**

73 **2. Discussion regarding (re)appointments to city regulatory boards, commissions, and**
74 **committees including the Building and Standards Commission, Planning & Zoning**
75 **Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)**

76 **3. From Public Meeting Agenda: Action Item 2. MIS2015-004 - Discuss and consider the**
77 **approval of a special request by David Smith on behalf of the owner Jose Contreras for a**
78 **waiver to the Manufactured Home Replacement Minimum Standards as set forth in Exhibit**
79 **'C' of Planned Development District 75 (PD-75) [Ordinance No. 09-37] to allow a new**
80 **manufactured home to be located within the floodplain on a 0.17-acre property identified as**
81 **Lot 1376, Rockwall Lake Estates #2, City of Rockwall, Rockwall County, Texas, zoned**
82 **Planned Development District 75 (PD-75) for Single Family-7 (SF-7) District land uses,**
83 **located at 142 Rene Drive, and take any action necessary.**

84
85 **IV. ADJOURN EXECUTIVE SESSION**

86
87 **Executive Session was adjourned at 6:00 p.m.**

88
89 **V. RECONVENE PUBLIC MEETING**

90
91 **Mayor Pruitt reconvened the public meeting at 6:03 p.m.**

92
93 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

94
95 **No action was taken as a result of Executive Session.**

96
97 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE**

98
99 **Councilmember White delivered the invocation and led the Pledge of Allegiance.**

100
101 **VIII. OPEN FORUM**
102

103 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**
104 **come forth and speak. There being no one, he then closed the Open Forum.**
105

106 **IX. CONSENT AGENDA**
107

- 108 1. Consider approval of the minutes from the August 3, 2015 regular city council meeting,
109 and take any action necessary.
- 110 2. Consider approval of an interlocal cooperation agreement for governmental services
111 relating to a school resource officer program between the City of Rockwall and The
112 Rockwall Independent School District, and take any action necessary.
- 113 3. Consider authorizing the City Manager to enter into an agreement with the Texas
114 Department of Transportation (TxDOT) under the City Pride Program for installation of
115 signage at the intersection of SH-205 and Yellow Jacket Lane, and take any action
116 necessary.
- 117 4. Consider approval of a resolution authorizing signatories for financial transactions, and
118 take any action necessary.
- 119 5. Consider authorizing the City Manager to execute an interlocal Purchasing Agreement
120 with the City of Allen for the purchase of materials, supplies and services and take any
121 action necessary.
- 122 6. Consider approval of the additional expense (\$33,005.56 to be funded out of
123 Engineering Dept. General Fund Budget) associated with providing higher level of
124 protection from roadway inundation during storm event greater than a 25-year storm
125 associated with the design and construction of a 100-year storm sewer system for FM
126 549 from SH 205 to SH 276, and take the necessary action.
- 127 7. Consider awarding a contract for unit pricing for road marking material and striping
128 services to Road Master Striping LLC through the City of Midlothian Cooperative
129 Agreement to be funded through the General Fund Street Department Operating
130 Budget, Street Repair and Maintenance, and take any action necessary.
- 131 8. Consider approval of a resolution allowing a temporary partial closure of FM 740 from
132 Summer Lee Drive to the south City limits to facilitate the U.S. Open Triathlon on
133 Sunday, October 18, 2015 from 6:00 AM to 1:00 PM, and take any action necessary.
- 134 9. **P2015-034** - Consider approval of a request by Joanne Vuckovic of the Pregnancy
135 Resource Center for the approval of a replat for Lot 1, Block A, Pregnancy Resource
136 Center being a 0.32-acre tract of land currently identified as Tract 21 of the B. J. T.
137 Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned
138 Planned Development District 53 (PD-53) for Residential-Office (RO) District land uses,
139 situated within the Scenic Overlay (SOV) District, addressed as 1010 Ridge Road, and
140 take any action necessary.

141 **Councilmember Milder made a motion to approve the entire Consent Agenda (#1, 2, 3, 4,**
142 **5, 6, 7, 8, and 9). Councilmember White seconded the motion, which passed by a vote of**
143 **6 ayes with 1 absent (Hohenshelt).**
144

145 **X. APPOINTMENTS**
146

147 1. Appointment with the Planning and Zoning Chairman to discuss and
148 answer any questions regarding cases on the agenda and related issues
149 and take any action necessary.

150 **Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed**
151 **the Council on recommendations of the Commission relative to planning-related items**
152 **on tonight's city council meeting agenda.**

153 2. Appointment with Casey Kelly representing the Rockwall Girls Softball
154 Association (RGSA) to hear proposal concerning partnering with the city,
155 and take any action necessary.

156 **Casey Kelly**
157 **7136 Harlan Drive**
158 **Rockwall, TX**

159
160 **Mr. Kelly came forth and clarified that he does not actually represent the RGSA. Instead,**
161 **he is a concerned parent. He expressed that Andy and his staff who work for the city on**
162 **the softball program do a wonderful job. However, he is concerned that kids are missing**
163 **out on opportunities to play, generally indicating that these opportunities are fewer than**
164 **perhaps they could otherwise be at this point if the city and RGSA were partnered in**
165 **some way.**

166
167 **Councilmember Townsend offered a brief history of past discussions regarding RGSA**
168 **partnering with the city regarding girls' softball. He indicated that RGSA previously**
169 **refused to partner with the city even after having participated in lengthy discussions with**
170 **the city council's youth sports subcommittee and with staff. However, Councilmember**
171 **Townsend indicated that the city's offer still stands, and he and the council**
172 **subcommittee are still willing to sit down with RGSA's representatives to again discuss**
173 **this possibility.**

174
175 **Mr. Kelly expressed concern about non-Rockwall kids having to pay \$95 / season**
176 **compared to \$55 / season for Rockwall residents' kids. He shared that umpires not**
177 **showing up coupled with scheduling problems posed a lot of concerns last season. He**
178 **personally would like to see girls from other cities come into Rockwall to play with**
179 **Rockwall teams regardless of who pays the taxes to provide for them to play on fields.**

180
181 **Mayor Pruitt encouraged Mr. Kelly to have RGSA representatives schedule an**
182 **appointment with city representatives to further discuss these issues if they so desire.**
183 **The council took no action on this item.**

184
185 **XI. ACTION ITEMS**
186

187 1. **Z2015-016** - Discuss and consider approval of an **ordinance** for a
188 request by Stacey McVey of Double Eagle Properties on behalf of the
189 owner 308 ON 276 LP for a zoning change from an Light Industrial (LI)
190 District to a Planned Development District for Single Family 10 (SF-10)
191 and General Retail (GR) District land uses, on a 316.315-acre tract of
192 land identified as Tract 1 of the M. E. Hawkins Survey, Abstract No. 100,
193 City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI)
194 District, located at the northeast corner of the intersection of Rochelle
195 Road and SH-276, and take any action necessary. **(2nd Reading)**
196 **(requires 3/4 majority vote)**

197 Councilmember White made a motion to approve Z2015-016. Mayor Pro Tem Lewis
198 seconded the motion. The ordinance was read as follows:

199
200 CITY OF ROCKWALL
201 ORDINANCE NO. 15-24
202

203 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
204 AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE
205 CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE
206 ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A PLANNED
207 DEVELOPMENT DISTRICT FOR SINGLE FAMILY 10 (SF-10) AND GENERAL RETAIL
208 (GR) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 316.315-
209 ACRE TRACT OF LAND IDENTIFIED AS TRACT 1 OF THE M. E. HAWKINS SURVEY,
210 ABSTRACT NO. 100, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND
211 MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' & EXHIBIT 'B'; PROVIDING FOR
212 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
213 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
214 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
215 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
216

217 The motion passed by a vote of 6 in favor with 1 absent (Hohenshelt).
218

- 219 2. MIS2015-004 - Discuss and consider the approval of a special request by
220 David Smith on behalf of the owner Jose Contreras for a waiver to the
221 Manufactured Home Replacement Minimum Standards as set forth in
222 Exhibit 'C' of Planned Development District 75 (PD-75) [Ordinance No.
223 09-37] to allow a new manufactured home to be located within the
224 floodplain on a 0.17-acre property identified as Lot 1376, Rockwall Lake
225 Estates #2, City of Rockwall, Rockwall County, Texas, zoned Planned
226 Development District 75 (PD-75) for Single Family-7 (SF-7) District land
227 uses, located at 142 Rene Drive, and take any action necessary.

228 Mayor Pruitt made a motion to table this item until the next council meeting.
229 Councilmember Townsend seconded the motion, which passed unanimously of those
230 present (Hohenshelt absent).

- 231 3. Discuss and consider authorizing the city manager to execute a 380
232 Agreement with First Texas Homes for Use Taxes, and take any action
233 necessary.

234 Councilmember White made a motion to approve the agreement as presented.
235 Councilmember Milder seconded the motion, which passed by a vote of 6 in favor with 1
236 absent (Hohenshelt).

- 237 4. SP2015-016 - Discuss and consider a request by Wayne Mershawn of
238 Mershawn Architects on behalf of Rex Walker of Life Springs Church for
239 the approval of variances to the articulation and residential screening
240 requirements as stipulated by the Unified Development Code in
241 conjunction with an approved site plan for a church on a seven (7) acre
242 portion of a larger 28.881-acre tract of land identified as Tract 15-01 of
243 the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall
244 County, Texas, zoned Agricultural (AG) District, situated within the SH-
245 205 By-Pass Corridor Overlay (SH 205 BY-OV) District, located on the
246 north side of John King Boulevard east of the intersection of John King
247 Boulevard and SH-205, and take any action necessary.

248 Planning Director Ryan Miller provided background information related to this agenda
249 item, explaining that both of these variances will require a simple majority vote of
250 Council. The Architectural Review Board did desire for the applicant to make some
251 modifications to the horizontal articulation. The applicant made some adjustments, and
252 a revised rendering was emailed out to ARB members. One ARB member did e-mail back
253 to provide input on the updated articulations, indicating that he/she was not satisfied
254 with the adjustments that were made. He explained that the church property has about
255 90' of separation from the adjacent residential area. In lieu of a 6' masonry wall
256 requirement, the applicant is asking for a variance to plant about 17 live oak trees for
257 screening instead at the rear of the property. Mr. Miller stated that the P&Z Commission
258 did recommend approval of the proposed variances.

259
260 Mike Mershawn
261 Mershawn Associates
262 2313 Ridge Road
263

264 Mr. Mershawn came forth, indicating he is happy to answer any questions of Council.
265

266 Councilmember Milder asked for clarification regarding P&Z's recommendation. Mr.
267 Miller indicated that P&Z did unanimously recommend approval of this item.
268

269 Councilmember Milder made a motion to approve the variance related to residential
270 screening as presented. Councilmember White seconded the motion, which passed
271 unanimously of those present (Hohenshelt absent).
272

273 Regarding the horizontal articulations, Councilmember White made a motion to approve
274 those variances. Mayor Pruitt seconded the motion, which passed by a vote of 5 in favor,
275 1 against (Milder) and 1 absent (Hohenshelt). Councilmember Milder expressed some
276 concern about the ARB seemingly not being on board with this particular variance
277 request.
278

279 5. Discuss and consider adding a staff position and vehicle in the Street
280 Department Budget to provide additional roadway cleanup services, and
281 take any action necessary.

282 Indication was given that Councilmember Milder requested this agenda item. He
283 generally expressed concerns about the overall cleanliness of streets and roadways
284 within the city, including post-crash debris cleanup, which he recently learned is
285 supposed to be the responsibility of the responding wrecker service. Brief comments
286 were made related to streets/roadway clean up after weather/storm events.
287

288 At the request of Councilman Milder, Mr. Crowley indicated that the city has been
289 operating with the same number of Street Department employees since 1998, clarifying,
290 however, that the budget for that department has increased over time, and a lot of
291 contractual work has taken place.
292

293 Councilman Milder suggested that the Council consider adding a new staff position and
294 truck in the Streets Department during the upcoming budget work session discussions.
295

296 6. Discuss and consider (re)appointments to city advisory boards, including
297 the Animal Adoption Center/Shelter Advisory Committee, the Architectural

298 Review Board, the ART Commission, the Historic Preservation Advisory
299 Board and the Park Board, and take any action necessary.

300 After brief comments from Mr. Crowley, Councilmember White made a motion to appoint
301 the following individuals to serve on the city's ART Commission: Jane Braddock, Betty
302 Hoaglund, and Doug Agee (Kathleen Morrow and David Sweet were previously appointed
303 in January of 2015). Councilmember Townsend seconded the motion, which passed by a
304 vote of 6 in favor with 1 absent (Hohenshelt).

305
306 Councilmember Townsend made a motion to re-appoint to the Park Board (through
307 August 2017) Mr. Ray Harton, Mr. Larry Denny and Mr. Bob Lewis. Councilmember
308 Milder seconded the motion, which passed by a vote of 6 in favor with 1 absent
309 (Hohenshelt).

310
311 Councilmember Milder made a motion to reappoint Alan Dennard to the Board of
312 Adjustments (BOA) (through August of 2017). Councilmember White seconded the
313 motion, which passed unanimously of Council (Hohenshelt absent).

- 314
315 7. Discuss and consider continuation and oversight associated with the
316 annual 4th of July parade, and take any action necessary.

317 Mr. Crowley provided brief comments on this item. Councilmember Townsend made a
318 motion to direct the Parks & Recreation Department to provide oversight to the annual
319 Fourth of July Parade. Mayor Pro Tem Lewis seconded the motion, which passed by a
320 vote of 6 in favor with 1 absent (Hohenshelt).

321
322 Mr. Crowley indicated that, although there is not a City Manager's report on tonight's
323 agenda, at the approval of City Attorney Frank Garza, Assistant City Manager Mrs. Smith
324 will provide a brief statement regarding concerns associated with the City of Rockwall
325 providing water to the RCH Water Supply Corporation for residents of McLendon
326 Chisholm. Mrs. Smith went onto explain, in general, that the City of Rockwall supplies
327 wholesale water to the RCH Water Supply Corporation. Through that agreement,
328 Rockwall can provide 2.1 million gallons per day; however, RCH's single 8" pipe is not
329 adequate to bring that much water into their system. After lengthy investigating, it was
330 determined that a 16" pipe will need to be designed and constructed before these supply
331 issues can sufficiently be remedied. Unfortunately, there is no short-term fix to help
332 address these problems sooner.

333
334 **XII. EXECUTIVE SESSION**

335
336 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE
337 FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

- 338
339 1. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of
340 the downtown area for municipal purposes pursuant to Section § 551.072 (Real Property).
341 2. Discussion regarding (re)appointments to city regulatory boards, commissions, and
342 committees including the Building and Standards Commission, Planning & Zoning
343 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

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

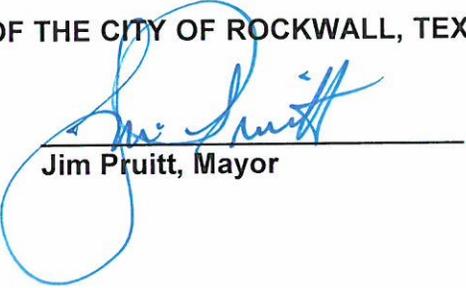
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346 Council did not go back into Executive Session following the close of the public meeting.

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XIV. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:47 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS 8th DAY OF SEPTEMBER, 2015.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Monday, August 31, 2015
8:00 a.m. Budget Work Session
Municipal Court Building, 2860 SH-66 Rockwall, TX 75087

1. CALL TO ORDER

Mayor Pruitt called the meeting to order at 8:00 a.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, John Hohenshelt, Scott Milder, and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary Smith and Brad Griggs, department directors, and the city secretary.

2. HOLD BUDGET WORK SESSION TO DISCUSS AND CONSIDER THE CITY OF ROCKWALL'S FISCAL YEAR 2016 BUDGET, AND TAKE ANY ACTION NECESSARY.

Councilmember Hohenshelt shared information he assembled related to budget and tax rate related strategic planning data and information. After the discussion, it was decided that further dialogue related to these ideas would be scheduled for a separate meeting so that potential implementation strategies could be developed.

Councilmember Milder requested to have an in depth discussion pertaining to the Fire Department including staffing and the condition of Fire Station 1. Chief Poindexter indicated that funding to hire a consultant to study needs pertaining to Station 1 and its potential expansion or replacement is being proposed in this budget. Extensive discussion took place related to staffing of the department as a whole, at each of the various fire stations and on scene during structure fires. Discussion ensued regarding fire department volunteer recruitment efforts as well as volunteer training and experience. The need for goal setting pertaining to the fire department on the part of the city council was discussed. Councilmember Milder indicated that he would like the council to consider adopting the current tax rate instead of the effective tax rate this budget year, and he would like the council to consider funding six new, full-time firefighters.

Following the discussion, council and staff discussed the Water/Sewer Fund, Debt Service, and the General Fund and General Government budget proposals. Staff indicated that Animal Services will begin reporting to Andy Hesser starting October 1st, and Lieutenant Valliant in the Police Department will serve as an advisor. The Finance Department budget was discussed, followed by additional discussion related to the Fire Department and the proposed Police Department budget.

Mayor Pruitt recessed the meeting at 11:46 for a brief break. At 12:05 a.m. discussion took place related to a park grant to expand the SH-66 boat ramp, including the required local funding match. General discussion took place related to improvements to some sidewalks, including ADA accessibility of those sidewalks, in the downtown area (a portion not included in bond related improvements). Beginning at 12:30 p.m., the

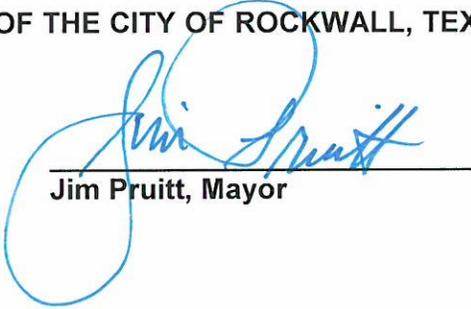
49 Community Development, Parks, Public Works/Engineering, Special Revenue Fund, and
50 Internal Services Fund budget proposals were discussed.

51
52 At 1:40 p.m., wrap up comments were made. Brief comments were offered regarding
53 adoption of the effective rate versus the current tax rate. Assistant City Manager, Mary
54 Smith, provided an explanation of the remainder of the budget process, including
55 required public notices, upcoming public hearings, and city council votes needed for
56 ultimate adoption of the budget.

57
58 3. ADJOURNMENT

59
60 The meeting was adjourned at 1:55 p.m.

61
62
63 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
64 THIS 8th DAY OF SEPTEMBER, 2015.

65
66
67
68 
69 _____
70 Jim Pruitt, Mayor

68 ATTEST:

69 
70 _____
71 Kristy Cole, City Secretary



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MINUTES
ROCKWALL CITY COUNCIL
Tuesday, September 08, 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 City Council Members David White, Mike Townsend,
11 Scott Milder and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant
12 City Managers Mary Smith and Brad Griggs, and City Attorney (fill-in) Patrick Lindner.
13 Councilmember Hohenshelt joined the meeting at 4:06 p.m. as reflected during Work
14 Session item #1 noted below.

15
16 II. WORK SESSION

- 17
18 1. HOLD WORK SESSION TO HEAR AND DISCUSS PRESENTATION BY AECOM
19 REGARDING PUBLIC TRANSPORTATION STUDY FINDINGS, AND TAKE ANY ACTION
20 NECESSARY.

21
22 **Jerry Smiley**
23 **AECOM**
24 **1950 N. Stemmons Freeway**
25 **Dallas, Texas**

26
27 Mr. Smiley explained that he is Vice President of AECOM and Business Unit Leader for
28 Transit and Environmental Services and is out of the Dallas office. He introduced Kristen
29 Lucan, Senior Planner, with AECOM and Andrew Idickson, Department Manager for
30 Transit Planning with AECOM, who also spoke during the presentation.

31
32 John Hohenshelt arrived to the meeting at 4:06 p.m.

33
34 Ms. Lucan came forth and shared data concerning a peer comparison of seven other
35 transportation service providers in Texas and one in Oklahoma. Consultant speakers
36 from AECOM went on to share information on ridership and trending for Rockwall
37 County as well as various service level and service type considerations. They also
38 briefly touched on recommendations related to contracting for public transit services
39 and monitoring said services. They indicated that AECOM representatives plan to hold a
40 stakeholder meeting with STAR representatives and gather more data that is specific to
41 Rockwall County to help the city make more informed decisions moving forward.

42
43 After brief comments by council members, Mr. Crowley indicated that it appears as
44 though further analysis of STAR transit will not be able to conclude before it is time for
45 both the city and county to adopt their upcoming fiscal year budgets. However, he
46 indicated that the City of Rockwall will need to make some sort of cost-related budget
47 decisions either this evening or at the September 21 council meeting before the fiscal
48 year budget can be approved.

- 50 2. **HOLD WORK SESSION TO DISCUSS THE CURRENT SOLID WASTE COLLECTION**
51 **CONTRACT RENEWAL NEGOTIATIONS WITH REPUBLIC WASTE (ALLIED WASTE) AND**
52 **TAKE ANY ACTION NECESSARY**
53

54 Rick Burnis with Republic Waste came forth and briefed the council on a proposal
55 currently being put forth regarding renewing the contract with his company for a period
56 of an additional five years. Various comments were made regarding the city's current
57 recycling program, including the more than 50% of residents who participate in recycling
58 as well as current costs associated with the program. Discussion took place concerning
59 the additional tonnage of garbage that might result if the recycling program went away
60 entirely, as well as the need to consider associated cost implications that may result.
61

- 62 3. **HOLD WORK SESSION TO DISCUSS AND CONSIDER LOCAL REGULATIONS REGARDING**
63 **NON-EMERGENCY AMBULANCE SERVICES AND ASSOCIATED TRANSPORTS, AND TAKE**
64 **ANY ACTION NECESSARY.**
65

66 City Manager Rick Crowley indicated that the council had previously instructed staff to
67 come back with an ordinance to become effective November 1, 2015 to essentially do
68 away with exclusivity of non-emergency EMS transfer services in the city. He went on to
69 explain that the city council may or may not wish to consider also adopting an ordinance
70 to establish a franchise agreement with non-emergency transport service EMS providers
71 doing business in the city. He explained that the council must find that a public
72 necessity exists in order to enter into those sorts of ordinance-based franchise
73 agreements. Crowley indicated that associated with these sorts of franchise agreements
74 would be payment to the city from ambulance providers that equates to about 3.5-3.6% of
75 their gross revenue. This amount is somewhat of an industry standard, and would be
76 owed to the city for the purpose of utilizing streets and roadways. The council may or
77 may not have an interest in these sorts of franchise agreements and may or may not
78 wish to regulate these providers. Staff is seeking direction from the council at this time.
79

80 Mayor Pro Tem Lewis indicated that he is not necessarily interested in entering into
81 franchise agreements; however, he does wish to ensure that providers that may be
82 operating in the city are qualified. Mr. Crowley indicated that the State already regulates
83 EMS service providers; however, the Council may or may not wish to do some sort of
84 regulating of its own. Brief discussion took place related to how and to what extent
85 providers may be regulated.
86

87 Councilmember White indicated that he is against any sort of franchise fee, and he does
88 not feel that the city should get involved in regulating ambulances since the state already
89 licenses and regulates them.
90

91 Councilmember Hohenshelt asked if the city would take any steps, as far as regulation is
92 concerned, beyond that which the state would already take to regulate such companies.
93 Mr. Crowley indicated that all that a franchise agreement would do is to allow the city to
94 keep track of those companies doing business in our city, and a fee would be collected.
95 Mayor Pruitt also indicated that the companies that would be performing non-emergency
96 transport services in our city will also potentially impact the amount of annual funding
97 the city will end up paying to the County of Rockwall Emergency Services Corporation
98 (ESC) for the annual 'emergency transport' services contract in place and managed
99 through the ESC.

100 Mayor Pro Tem Lewis indicated that he would like to hear some additional information
101 from city attorney, Frank Garza, before making any sort of definitive decision on this
102 topic. Councilmember Hohenshelt indicated that he would also like to better understand
103 the cost implications, if possible.

104
105 Councilmember Fowler indicated that he believes the council should care, to some
106 extent, which providers are operating in our city, so he would like some additional
107 information before making any decisions as well.

108
109 Mr. Crowley briefly explained the potential cost implications on annual subsidy paid to
110 the ESC and ultimately passed on to the ambulance provider on contract with the ESC.
111 He shared that it will be difficult to determine cost implications, explaining that it will
112 depend on how often and to what extent businesses, such as the local hospitals and
113 nursing homes, continue to call the existing contractor to perform non-emergency
114 transports versus how often and to what extent they start calling other providers to
115 perform those services. He cautioned that if the council chooses to initiate a franchise
116 agreement type of ordinance, then the previously expressed November 1 deadline for
117 implementation may need to be delayed. The council took no action related to this work
118 session item at this time, indicating they have a desire to hear more input from the city
119 attorney concerning what other cities have done, and to receive more information
120 overall.

121
122 **III. EXECUTIVE SESSION.**

123
124 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE**
125 **FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:**

- 126
127 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor
128 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 129 2. Discussion regarding dangerous dog claim legal pursuant to Section 551.071 (Consultation
130 with Attorney)
- 131 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and
132 committees including the Building and Standards Commission, Planning & Zoning
133 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

134
135 **IV. ADJOURN EXECUTIVE SESSION**

136
137 **Executive Session was adjourned at 5:42 p.m.**

138
139 **V. RECONVENE PUBLIC MEETING**

140
141 **Mayor Pruitt reconvened the public meeting at 6:01 p.m.**

142
143 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

144
145 **Mayor Pruitt indicated that no action is needed at this time.**

149 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

150
151 **Councilmember Townsend delivered the invocation and led the Pledge of Allegiance.**

152
153 **VIII. PROCLAMATIONS / AWARDS**

154
155 **1. Constitution Week**

156
157 **The Mayor called forth two representatives of the Daughters of the American Revolution,**
158 **who spoke a few moments about the U.S. Constitution, including some facts about it and**
159 **its importance. Mayor Pruitt then read and presented the proclamation for Constitution**
160 **Week.**

161
162 **2. Recognition of Mr. Jeffrey McLeod, Rockwall Police Officer Gary North,**
163 **and Rockwall Fire Department staff and volunteers regarding July fire in**
164 **downtown Rockwall**

165
166 **Mayor Pruitt read and presented a proclamation to Mr. McLeod to recognize and thank**
167 **him for his efforts in helping alert a Rockwall police officer of a fire in the downtown area**
168 **back in July. He then called Police Officer North and members of the Rockwall Fire**
169 **Department forward to recognize them for their efforts related to the fire as well.**

170
171 **3. Recognition of Sikder Rahman and Jackson Ikechukwn regarding August**
172 **fire at Rockwall Nursing Care Center**

173
174 **Fire Chief Mark Poindexter explained that these two gentleman work at the nursing**
175 **home, and they were instrumental in extinguishing a fire that had started in a resident's**
176 **room. Mayor Pruitt read and presented an honorary proclamation to each of them,**
177 **expressing gratitude for their life-saving efforts.**

178
179 **IX. OPEN FORUM**

180
181 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**
182 **come forth to speak. There being no one, Mayor Pruitt then closed the Open Forum.**

183
184 **X. CONSENT AGENDA**

185
186 **1. Consider approval of the minutes from the August 17, 2015 regular city**
187 **council meeting, and taken any action necessary.**

188 **2. Consider approval of the minutes from the August 31, 2015 budget work**
189 **session, and taken any action necessary.**

190 **3. Consider awarding the Lake Forest Erosion Control Improvements project**
191 **construction contract to Environmental Safety Services, Inc. in the**
192 **amount of \$348,650.00 and take any necessary action.**

193 **4. Consider authorizing the city manager to execute a professional**
194 **engineering services contract with Teague, Nall and Perkins, Inc. to**
195 **perform the engineering design plans and specifications for the**
196 **Stonebridge Drive Sanitary Sewer Lift Station Rehabilitation project in the**

197 amount of \$67,800.00 to be funded out of 2015 Water and Sewer
198 Revenue Bonds, and take any action necessary.

199 5. Consider authorizing the city manager to execute an amendment to the
200 professional services contract with LaTerra Studio, Inc. related to
201 professional services associated with the downtown project regarding a
202 change order in the amount of \$33,538 to be funded out of 2012
203 downtown bond proceeds, and take any action necessary.

204 6. Consider authorizing the city manager to execute a Memorandum of
205 Understanding with the cities of Allen, Forney, Frisco, Heath, McKinney,
206 Mesquite, Plano, Princeton, Richardson, Seagoville and the Town of
207 Prosper, regarding development of a regional capacity, management,
208 operations and maintenance program (CMOM) pertaining to North TX
209 Municipal Water District (NTMWD) wastewater treatment systems, and
210 take any action necessary.

211 7. Consider approval of a resolution related to a grant through the Texas
212 Parks and Wildlife Department pertaining to construction of a boating
213 access facility on Lake Ray Hubbard near SH-66 and N. Lakeshore Drive,
214 and authorize the city manager to execute associated project agreement,
215 and take any action necessary.

216 8. Consider authorizing the city manager to execute a professional services
217 contract with for EJES, Inc. to perform the engineering design services
218 and specifications for the East Boydston Avenue Reconstruction Project
219 from South Goliad St. to Clark Street in the amount not to exceed
220 \$440,228.40 to be funded out of the 2012 bond proceeds, and take any
221 action necessary.

222 9. Consider authorizing the city manager to execute a professional services
223 contract with Freese and Nichols, Inc. to perform the engineering design
224 services and specifications for the County Line Roadway Reconstruction
225 Project from Horizon Road (FM 3097) to Renee Drive in an amount not to
226 exceed \$580,440 to be funded out of 2012 bond proceeds, and take any
227 action necessary.

228 10. Consider authorizing the city manager to execute a professional services
229 contract for Cobb, Fendley & Associates, Inc. to perform the engineering
230 design services and specifications for the Throckmorton Street
231 Reconstruction Project from East Boydston Avenue to East Bourn Street
232 in an amount not to exceed \$187,695.00 to be funded out of 2012 bond
233 proceeds, and take any action necessary.

234 11. P2015-035 - Consider approval of a request by Archie Underwood and
235 Dan Walker for the approval of a replat for Lots 1 & 2, Block A, Lakeside
236 Veterinary Clinic Addition being a replat of two (2) parcels being 2.43-
237 acres of land identified as Lot 1, Block A, Bernice Addition and Lakeside
238 Batting Park Addition, City of Rockwall, Rockwall County, Texas, zoned
239 Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV)
240 District, addressed as 801 & 801B E. IH-30, and take any action
241 necessary.

242

243 12. Consider authorizing the Mayor to execute an interlocal agreement with
244 Rockwall County to provide fire protection services within unincorporated
245 areas of the county for the year 2015-2016, and take any action
246 necessary.

247 **Councilmember Lewis pulled item #5 for further discussion. Councilmember Milder then**
248 **made a motion to approve all remaining consent agenda items (except item #5) (#1, 2, 3,**
249 **4, 6, 7, 8, 9, 10, 11, and 12). Councilmember Hohenshelt seconded the motion, which**
250 **passed by a vote of 7 ayes to 0 nays.**

251
252 **Regarding Consent Agenda item #5, Councilmember Lewis asked if LaTerra has had any**
253 **delays in responding to the city throughout the course of the project. Mr. Tumulty, City**
254 **Engineer, indicated that he is not aware of any such delays, noting that the only delays**
255 **he is aware of have been related to bad weather. Councilmember Lewis questioned if it**
256 **is necessary to pay LaTerra a continued monthly fee for an additional five month period,**
257 **or if perhaps staff may be able to handle the architectural oversight instead for that**
258 **period. Lewis generally indicated that he is not in favor of extending the oversight**
259 **period.**

260
261 **Mayor Pro Tem Lewis made a motion to instruct staff to handle the disputed claim and**
262 **settle it; however, he does not wish to authorize continuation of \$3,300 / month for FIVE**
263 **additional months. Councilmember Townsend seconded the motion. After various**
264 **comments by council and staff, Councilmember Lewis repeated his motion – to offer La**
265 **Terra Studio the amount of \$17,038.63 to settle the disputed amount due caused by**
266 **ambiguous language in the existing contract and to not pay the additional \$16,500**
267 **(\$3,300 for five additional months) for monthly, architectural oversight of the project.**

268
269 **After brief comments, the motion passed by a vote of 6 in favor with 1 against (Fowler).**

270
271 **Open Forum was addressed next by the Mayor and Council.**

272
273 **XI. APPOINTMENTS**

274
275 1. Appointment with the Planning and Zoning Chairman to discuss and
276 answer any questions regarding cases on the agenda and related issues
277 and take any action necessary.

278 **Chairman, Craig Renfro, came forth and briefed the council on Planning-related items on**
279 **tonight's agenda, including recommendations of the Commission relative to those items.**
280 **He mentioned that P&Z board member, Wendi Conley, recently resigned. After his**
281 **remarks, the council took no action concerning this appointment item.**

282 2. Appointment with Todd Parks, Fixed Based Operator of the Ralph M. Hall
283 / Rockwall Municipal Airport, to consider a request regarding modification
284 of operating hours, and take any action necessary.

285 **Mr. Parks came forth and indicated that he is requesting that the council consider**
286 **allowing him to adjust airport operating hours to be more in line with when demand for**
287 **use of the airport is actually present versus when demand is negligible. If the adjusted**
288 **hours are approved this evening, Mayor Pruitt encouraged Mr. Parks to come back to the**
289 **council to further adjust the hours of operation should trends in demand change over**
290 **time. Mr. Parks' written request to the Council indicated that he would like consideration**
291 **to change the operating hours as follows:**

292
293

Monday through Friday - change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 5:00 PM

Saturday - Change opening time from 7:00 AM to 8:00 AM and closing time from 7:00 PM to 4:00 PM.

Sunday - We currently open at 7:00 AM and close at 7:00 PM. We are requesting that the FBO be closed on Sundays.

294
295

296 **Mayor Pruitt made a motion to approve the request to adjust operating hours as**
297 **presented. Councilmember White seconded the motion, which, after brief comments,**
298 **passed by a vote of 7 in favor with 0 against.**
299

300

- 301 3. Appointment with Rockwall resident Jim Smith to hear concerns related to
 drones, and take any action necessary.

302 **Mr. Smith came forth and thanked the council for their tireless work on behalf of citizens.**
303 **He went on to share that he was sitting on his back porch recently, and a drone flew into**
304 **the air space over his back yard. He expressed that he wishes to not address or attempt**
305 **to have the city regulate government or commercial drone use, but rather drones used**
306 **for hobby or recreational purposes (aka 'model aircraft'). He spoke to some of the**
307 **existing Federal Aviation Administration (FAA) 'guidelines' he has researched and found**
308 **to be in place, sharing that they are guidelines rather than regulations and that they seem**
309 **to still be evolving. He also has concerns about people using recreational drones**
310 **(unmanned aircraft) for the purpose of taking photos without someone's permission and**
311 **perhaps distributing those photos. He wants to maintain serenity and peacefulness in**
312 **Rockwall resident's back yards. He pointed out an existing section of the city's Code of**
313 **Ordinances (Chapter 8. Aviation, Article II. Airport) that he feels could be used to prohibit**
314 **the use of recreational drones (aircraft). He also believes that Ch. 16 (Environment),**
315 **Article IV. (Noise) of the Code might also have some provisions that could be applied to**
316 **help regulate drones and maintain quite, peace and serenity in residents' back yards, for**
317 **example. Mr. Smith asked the council, staff and city attorney a series of questions,**
318 **including inquiries regarding if these sections of the Code of Ordinances mean that the**
319 **city already regulates drones, or if additional regulations should be established.**
320

321 **Following Mr. Smith's presentation, Mayor Pruitt thanked him for his comments, and the**
322 **city council took no action concerning this appointment item.**
323

324

325 **XII. PUBLIC HEARING ITEMS**

326

- 327 1. Hold a public hearing to receive comments regarding the proposed FY
 2015-2016 City of Rockwall budget, and take any action necessary.

328 **Mr. Crowley provided the Council with a broad overview of some of the various recurring**
329 **and one-time expenses that are proposed to be funded in this upcoming budget,**
330 **including staff, programs and equipment. He explained that the proposed budget**
331 **assumes adoption of the effective tax rate. Mrs. Smith provided a brief overview of a**
332 **meeting recently held with staff, including herself, Brad Griggs, (Fire) Chief Poindexter**
333 **and Battalion Chief Merritt. She shared some information concerning how it may be**

334 possible to lower the Fire Department's overtime budget to free up some funds to hire
335 some additional, full-time, paid staff. After lengthy discussion, Mayor Pruitt opened the
336 public hearing and asked if anyone would like to come forth and speak at this time.
337 There being no one, Mayor Pruitt then closed the public hearing. He indicated that
338 Council will take formal action to adopt the budget at its September 21st meeting.
339

340 **XIII. ACTION ITEMS**

- 341
- 342 1. Discuss and consider a recommendation of the City Council's Naming
343 Sub-Committee regarding approval of a resolution renaming Camelot
344 Court to Lynch Court, and take any action necessary.

345 Mayor Pruitt addressed this agenda item next, following the Proclamations portion of the
346 public meeting agenda. He called forth Mr. Lynch and his wife, introducing them and
347 sharing a detailed history of both Mr. Lynch's current volunteer involvement in the
348 community and to veterans, as well as his past military service to our country while
349 serving in the U.S. Army. He shared that there are four homes located on what is now
350 known as Camelot Court, and all of the residents who live on that street have indicated
351 support for changing the name of the street to Lynch Court to honor Specialist Five
352 Joseph P. Lynch, Sr.
353

354 Councilmember Lewis made a motion to move forward with changing the name of
355 Camelot Court to Lynch Court. Councilmember Milder seconded the motion, which
356 passed unanimously of council (7 ayes to 0 nays).
357

- 358 2. Discuss and consider possible options for the solid waste contract, and
359 take any action necessary.

360 Mr. Crowley provided background information related to this agenda item, reminding the
361 Council and the public that this agenda item was discussed at greater length during a
362 work session that was held earlier this afternoon.
363

364 Councilmember Milder indicated that he does not personally have any problem with the
365 current service provider; however, he does feel that it is prudent to periodically go out
366 for bid to explore other options in order to compare and ensure we are getting the best
367 value for our dollars spent.
368

369 Mayor Pro Tem Lewis shared that he has heard only one or two complaints about bulk
370 trash pick-up; however, he believes these issues have been addressed. He shared that
371 fuel costs and costs of things like tires are 'up' quite significantly lately.
372

373 Mayor Pro Tem Lewis then made a motion to authorize the City Manager to execute
374 contract renewal documents with Republic Waste and bring back a corresponding rate
375 resolution for Council action at a later date. Councilmember Townsend seconded the
376 motion, which passed by a vote of 6 in favor with 1 against (Milder).
377

- 378 3. MIS2015-006 - Discuss and consider a request by Elias Pope of 8020
379 Restaurants, LLC for the approval of a variance to the parking
380 requirements in conjunction with an approved site plan for a restaurant on
381 a 0.90-acre parcel of land identified as Lot 3, Block A, Harbor District
382 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned
383 Development District 32 (PD-32), situated within the IH-30 Overlay (IH-30

384 OV) District, located at the southeast corner of the IH-30 Frontage Road
385 and Sunset Ridge Drive, and take any action necessary.

386 **Planning Director Ryan Miller provided a brief synopsis of this agenda item and the**
387 **associated request. He stated that this item is associated with a 6,800 square foot**
388 **restaurant facility just north of Trend Tower. The applicant is showing 68 parking spaces**
389 **being provided with 53 being provided on site and an additional fifteen being provided**
390 **offsite in the Trend Tower parking garage. The applicant is now requesting that the**
391 **council consider waiving the additional 15, off-site parking spaces at Trend Tower, citing**
392 **that sufficient public parking is available within the sub-district. Councilmember Lewis**
393 **asked when public access to spaces located in Trend Tower begins. Mr. Crowley**
394 **clarified that it starts at 5:00 p.m. Mr. Crowley clarified that the applicant is requesting to**
395 **be able to count "on street" and other public parking spaces towards his required**
396 **number of spaces. After brief comments, Councilmember White made a motion to**
397 **approve the variance request for MIS2015-006. Mayor Pro Tem Lewis seconded the**
398 **motion, which passed by a vote of 7 ayes to 0 nays.**
399

- 400 4. MIS2015-005 - Discuss and consider a request by Duane and Jennifer
401 Piercy for the approval of an exception to the minimum masonry
402 requirements stipulated in Section 3.1, General Residential District
403 Standards, of Article V, District Development Standards, of the Unified
404 Development Code, for a 1.21-acre tract of land identified as Lot 1, Block
405 A, Piercy Place Addition, City of Rockwall, Rockwall County, Texas,
406 zoned Single Family 7 (SF-7) District, addressed as 713 Hartman Street,
407 and take any action necessary.

408 **Mr. Miller provided brief background information related to this agenda item, indicating**
409 **that the applicant would like to request a variance to allow him/her to utilize 100% hardy**
410 **plank material instead of the city's current masonry standards (required to use 80%**
411 **masonry with a maximum of 50% being dedicated to hardy plank, stucco or other**
412 **cement-like materials). However, the code does allow for the council to grant variances**
413 **at its discretion. He explained that this home is located near the adjacent historic**
414 **district, so it would be in line with some of the other homes in the area. The P&Z**
415 **Commission has recommended approval of this agenda item. Councilmember White**
416 **made a motion to approve the variance request for MIS2015-005. Mayor Pro Tem Lewis**
417 **seconded the motion, which passed by a vote of 7 ayes to 0 nays.**

418 **Regarding the next two agenda items (Action item #5 and #6), Mayor Pruitt announced**
419 **that Councilmember Hohenshelt has recused himself and has filed an affidavit, as**
420 **required, with the City Secretary.**

- 421 5. Discuss and consider a motion for reconsideration regarding the Chapter
422 212 Development Agreement approved with Joey Howell on August 3,
423 2015 for the property within the City of Rockwall's Extraterritorial
424 Jurisdiction (ETJ), located south of SH-276 on the east side of FM-548,
425 being a ~98-acre tract of land, and take any action necessary.

426 **Mr. Crowley, City Manager, provided some background information related to this**
427 **agenda item, generally summarizing his memo and pointing out that Mr. Howell**
428 **submitted an e-mail that has been included in council members' informational meeting**
429 **packet. He summarized that the County has expressed some opposition to approval of**
430 **this 212 Development Agreement on the part of the city. He further indicated that the**
431 **County recently disapproved Mr. Howell's variance request. As such, City Manager**

432 Crowley explained that, although the council had authorized him to execute the 212
433 agreement at a previous council meeting, he did not yet move forward with signing said
434 document. At this point, since there seems to be some opposition from the County, as
435 well as some unknown eventual outcomes at the county level concerning this topic, Mr.
436 Howell came forth and indicated that he is in support of the city council rescinding its
437 previous action whereby it authorized the city manager to execute the 212 agreement.

438 Councilmember White made a motion for reconsideration of the 212 agreement.
439 Councilmember Townsend seconded the motion, which, after brief comments, passed by
440 a vote of 6 in favor with 1 recusal (Hohenshelt).

441 6. Discuss and consider terminating the authorization to approve the
442 Chapter 212 Development Agreement with Joey Howell for a property
443 identified as Tract 18 & 18-01 of the S. McFadgin Survey, Abstract No.
444 142, Rockwall County, Texas, being a ~98-acre tract of land situated
445 within the City of Rockwall's Extraterritorial Jurisdiction (ETJ), located
446 south of SH-276 on the east side of FM-548, and take any action
447 necessary.

448 Councilmember Townsend made a motion to terminate the previously granted
449 authorization associated with the city manager executing the 212 development
450 agreement with Joey Howell. Councilmember Milder seconded the motion, which passed
451 by a vote of 6 ayes with 1 recusal (Hohenshelt).

452 7. Discuss and consider (re)appointments to city advisory boards, including
453 the Animal Adoption Center/Shelter Advisory Committee, the Architectural
454 Review Board, the Historic Preservation Advisory Board, and the Youth
455 Advisory Council, and take any action necessary.

456 Councilmember White made a motion to reappoint the following students to serve on the
457 the YAC this school year:

- 458 1. Beth Naylor (re-appointment) – Senior, homeschool
- 459 2. Isabella Burzair (re-appointment) – Senior, RHHS
- 460 3. Baldwin Bakkal (re-appointment) – Senior, RHHS
- 461 4. Derek “Gunner” Avenetti (re-appointment) – Senior, RHS
- 462 5. Cate Ghormley (re-appointment) – Senior, RHS
- 463 6. Logan Peet (re-appointment) – Senior, RHHS
- 464 7. Jake Mirelez (re-appointment) – Senior, RHS
- 465 8. Reid Rakow (re-appointment) – Junior, RHS
- 466 9. Bethany Villalobos (re-appointment) – Sophomore, RHS

467

468 and to newly appoint the following students:

- 469 10. Lanson Bennett (new appointment) – Senior, Heritage Christian Academy
- 470 11. Avery Dalfrey (new appointment) – Junior, RHHS
- 471 12. Zully Zavala (new appointment) – Junior, RHS
- 472 13. Caleb Davis (new appointment) – Freshman, homeschool

473 Councilmember Fowler seconded the motion, which passed by a vote of 7 ayes to 0
474 nays.

475 Regarding the Animal Adoption Center / Shelter Advisory Committee, Councilmember
476 Fowler made a motion to reappoint Ken Dickson, Dr. Kurt Avery and Sandra Solomon to
477 continue serving. Mayor Pro Tem Lewis seconded the motion, which passed
478 unanimously (7 ayes to 0 nays).

479 Regarding the Architectural Review Board, Councilmember Folwer made a motion to
480 replace Engiell Tomaj with new board member Ralph Chizzonite and to reappoint Enid
481 Reyes, Ashlei Neil and Jimmy Strohmeier to serve an additional term (thru August of
482 2017). Councilmember White seconded the motion, which passed by a vote of 7 ayes to
483 0 nays.

484 Regarding the Historic Preservation Advisory Board, Mayor Pruitt made a motion to
485 reappoint Mike Mishler and Carolyn Francisco (to serve through August 2017) and to
486 newly appoint Daniel Nichols and Gabriel Castro (replacing former members, Keegan and
487 Turbyfill). Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 7 ayes
488 to 0 nays.

489 Mayor Pro Tem Lewis made a motion to reappoint Stephen Geiger and Martin Musser to
490 the Board of Adjustments (through August of 2017). Councilmember White seconded the
491 motion, which passed unanimously of those present (7 ayes to 0 nays).

492 Mayor Pro Tem Lewis made a motion to reappoint Dennis Dayman and Freddie Jackson
493 to the Building and Standards Commission (through August of 2017). Councilmember
494 White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

495 Mayor Pro Tem Lewis made a motion to appoint a new member, Jerry Welch, to serve on
496 the Building and Standards Commission (through August of 2017). Councilmember
497 White seconded the motion, which passed unanimously (7 ayes to 0 nays).

498

499 **XIV. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
500 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**

501

502 **1. Departmental Reports**

503 Building Inspections Monthly Report - July & Aug. 2015

504 Fire Dept. Monthly Reports - July 2015

505 GIS Department Monthly Report - July 2015

506 Harbor PD Monthly Report - July 2015

507 Internal Operations Department Monthly Report - July 2015

508 Police Department Monthly Report - July 2015

509 Recreation Monthly Report - July 2015

510 Rockwall Animal Adoption Center Monthly Report - July 2015

511 **2. City Manager's Report**

512

513 Mr. Crowley attempted to clarify a few, budget-related topics, specifically related to STAR
514 Transit and the potential of adding firefighter positions. Councilmember White requested
515 that, if STAR Transit is included in the budget, he would like the ability to vote on it as a
516 separate item, apart from the budget as a whole, because he has no intention of voting
517 "for" it. Regarding the firefighter positions, Councilmember Milder requested the ability
518 to also vote on this expense separately from the rest of the budget as a whole, as he

519 does not support a budget that does not include increased staffing in the Fire
520 Department.

521 Mr. Crowley indicated that the city has been trapping and testing mosquitos for the West
522 Nile Virus for number of years. Recently, a mosquito that was trapped tested positive for
523 the virus. As a result and in accordance with the recommendation of the city's health
524 official, staff will be spraying within a one mile radius of where this mosquito was
525 recently trapped.

526 **XV. EXECUTIVE SESSION**

527
528 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
529 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
530 CODE:

- 531 1. Discussion regarding legal claim: Larena Gail Boyd v. City of Rockwall and Rockwall Harbor
532 Corporation pursuant to Sec. 551.071 (Consultation with Attorney)
- 533 2. Discussion regarding dangerous dog legal claim pursuant to Section 551.071 (Consultation
534 with Attorney).
- 535 3. Discussion regarding (re)appointments to city regulatory boards, commissions, and
536 committees including the Building and Standards Commission, Planning & Zoning
537 Commission, and Board of Adjustments pursuant to Section 551.074 (personnel matters)

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

539
540 The city council did not return to Executive Session following the close of the public
541 meeting agenda.

542
543 **XVII. ADJOURNMENT**

544
545 Mayor Pruitt adjourned the meeting at 7:51 p.m.

546
547
548 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
549 **THIS 21st DAY OF SEPTEMBER, 2015.**

550

551

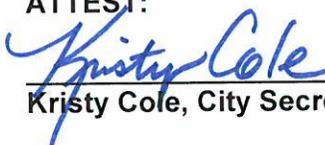
552

553 **ATTEST:**

554

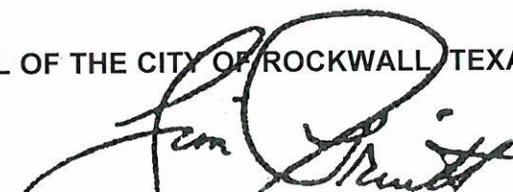
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556



Kristy Cole, City Secretary





Jim Pruitt, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, September 21, 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 City Council Members David White, Mike Townsend,
11 John Hohenshelt, Scott Milder and Kevin Fowler. Also present were City Manager Rick
12 Crowley, Assistant City Managers Mary Smith and Brad Griggs, and City Attorney Frank
13 Garza.

14
15 II. WORK SESSION

- 16
17 1. Hold work session to discuss the United States Environmental Protection Agency's
18 (EPA) Sanitary Sewer System compliance inspection report, including addressing any
19 areas of concern, and take any action necessary.

20 City Engineer Tim Tumulty explained that on March 5, 2015, the EPA made a site visit to
21 Rockwall to conduct a compliance inspection report on the city's wastewater system and
22 associated maintenance. He indicated that the report was received by the city in early
23 August, and it was dated June 2nd. He explained that the report indicates some relatively
24 minor areas of possible non-compliance and/or areas of concern. He went on to explain
25 what the EPA's expectations are as well as what steps the city plans to take in order to
26 address any noted areas of concern.

- 27 2. Hold work session to discuss and consider local regulations regarding non-emergency
28 ambulance services and associated transports, and take any action necessary.

29 City Manager Rick Crowley provided brief background information concerning this item,
30 recapping what was discussed at the last council meeting concerning this topic. Based
31 on those discussions, he asked the city attorney to draft a new ordinance to repeal
32 exclusivity of the current ordinance provisions related to non-emergency transport
33 services and to implement a simple registration and permitting process for ambulance
34 providers who would potentially operate in our city in the future to provide non-
35 emergency transport services. Mr. Garza, the city attorney, then went on to briefly
36 explain the ordinance he drafted for this purpose.

37
38 Councilmember Hohenshelt indicated that he is generally not in favor of instituting
39 franchise agreements/ordinances. However, he remains concerned about the impact that
40 the potential loss of revenue may have on the ES Corporation, and ultimately the city,
41 after exclusivity is revoked. It was explained that this revocation could fiscally impact
42 the current EMS service provider due to potential loss of non-emergency transport
43 business and associated revenue that previously went entirely to them. However, Mr.
44 Crowley explained that the exact financial impact is impossible to determine at this time.
45 Mayor Pruitt followed up by explaining that EMS related subsidy funding requests have
46 already been submitted and the ES Corporation board recently approved its upcoming
47 fiscal year budget. In addition, the current EMS contract is only in place for about

48 another year to year-and-a-half. So, any subsidy impact would only potentially affect one
49 service year that is left under the existing EMS contract.

50
51 Various comments were made concerning the EMS subsidy and how it is arrived at year-
52 by-year as well as the interest or non-interest the council members may have regarding
53 regulating non-emergency transport service providers operating in the city. Following
54 these discussions, the council took no formal action concerning this work session item.

55
56 Mayor Pruitt the read the below listed discussion items into the record before recessing
57 the public meeting into Executive Session at 4:43 p.m.

58
59 **III. EXECUTIVE SESSION.**

60
61 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
62 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
63 CODE:

64
65 1. Discussion regarding (re)appointments to city regulatory boards, commissions, or
66 committees - Planning & Zoning Commission vacancy- pursuant to Section 551.074
67 (personnel matters)

68 **Action Item 11 on public meeting agenda:** Discuss and consider approval of an ordinance
69 amending the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service
70 of the Code of Ordinances, specifically pertaining to exclusivity provisions expressed in Sec.
71 12-1251, and take any action necessary. (1st reading)

72
73 **IV. ADJOURN EXECUTIVE SESSION**

74
75 Executive session was adjourned at 5:45 p.m.

76
77 **V. RECONVENE PUBLIC MEETING**

78
79 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city
80 councilmembers present.

81
82 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

83
84 It was announced that no action would be taken as a result of Executive Session.

85
86 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER HOHENSHELT**

87
88 Councilmember Hohenshelt delivered the invocation and led the Pledge of Allegiance.

89
90 **VIII. PROCLAMATIONS / AWARDS**

91
92 1. Shon Bellah Recognition

93
94 City Engineer Tim Tumulty provided brief details about Shon Bellah, City of Rockwall
95 Water Department employee, who recently earned his Class A license, which is
96 something that is not easy to achieve and is very valuable to the city and its residents.

97 Mayor Pruitt then read and presented a proclamation to Mr. Bellah, recognizing him for
98 this accomplishment.
99

100 2. Retirement Service Recognition – Ken Keeton
101

102 Mr. Keeton came forward and introduced his wife. Mayor Pruitt read and presented Mr.
103 Keeton with a proclamation to recognize his fourteen years of service to the residents
104 and business of Rockwall while working at the Rockwall Economic Development
105 Corporation (REDC).
106

107 IX. OPEN FORUM
108

109 Robert Huckabee
110 Assistant Head Master and High School Principal at Heritage Christian Academy
111 1408 South Goliad
112 Rockwall, TX
113

114 Mr. Huckabee explained that he has been a Rockwall resident for over twenty years, and
115 HCA has been at its current location for twelve years. He spoke regarding Action Item #1
116 regarding extending an agreement with Our Lady of the Lake Catholic Church that was
117 entered into five years ago. He explained that the agreement made at that time affected
118 HCA's property, but HCA had no knowledge of it until recently. He explained that
119 previously the church had asked HCA if it could expand Damascus Road at no cost to
120 HCA. Subsequently, after the expansion and addition to Damascus Road, the City of
121 Rockwall entered into an agreement with the Catholic Church that essentially obligated
122 HCA to pay back a portion of that road expense if HCA ever does any sort of expansion
123 of its own on its property. He explained that HCA was not a party to that agreement, it
124 had no knowledge of it, and it only learned of the agreement six weeks ago when its
125 builders approached the city about a potential parking lot expansion project next year.
126 He explained that HCA has serious concerns about the agreement and have sought legal
127 counsel. He is concerned about having his property unknowingly being encumbered
128 with \$143,000 in obligations and believes it is inexcusable. He expressed that he did not
129 even know renewal of the agreement was on tonight's agenda for consideration until this
130 morning. He asked that the Council take no action on Action Item #1 this evening to
131 allow an opportunity for all parties involved to sit down and work through some of the
132 concerns.
133

134 Michael Wagoner came forth explaining that he is a legal advisor and serves on Board of
135 Directors for the Rockwall Habitat for Humanity. He expressed that the organization has
136 had significant cooperation from various city staff members associated with a project
137 they are working on to find some additional land. He thanked the city for this
138 cooperation.
139

140 Jim Dula
141 9018 Lakepointe Avenue
142 Rowlett, TX 75088
143

144 Mr. Dula came forth and indicated that he is speaking as a representative of Our Lady of
145 the Lake Catholic Church and that several members of the parish are here this evening.
146 He stressed the importance of the agreement renewal associated with Action Item #1 on
147 tonight's agenda. He understands HCA's position with regards to no notification or slow

148 notification about the matter. He explained that the facilities agreement is important to
149 the church's long term financial success. He explained that at the time, public safety and
150 access was important. The church had approached HCA to ask them to partner with
151 them on the project; however, when they declined, the church worked with the city to
152 secure the facilities agreement. He again stressed the importance of this agreement and
153 its financial implications, as the church is a non-profit organization.
154

155 **John White**
156 **1929 S. Lakeshore**
157 **Rockwall, TX**
158

159 **Mr. White came forth and expressed his appreciation for City Engineer Tim Tumulty and**
160 **his staff. He explained that recently he was out for a morning walk when he noticed a**
161 **small piece of rebar poking out from the concrete. He took a photo and sent it to Tim,**
162 **and, within twenty-four hours, staff replied back to him, letting him know that the rebar**
163 **had been cut out and the concrete had been patched. He thanked Tim and the city staff.**
164

165 **There being no one else wishing to come forth, Mayor Pruitt then closed Open Forum.**
166

167 **X. CONSENT AGENDA**
168

- 169 **1. Consider approval of the minutes from the September 8, 2015 regular city council meeting,**
170 **and take any action necessary.**
- 171 **2. Consider approval of a resolution related to a grant through the Texas Parks and Wildlife**
172 **Department pertaining to construction of a boating access facility on Lake Ray Hubbard**
173 **near SH-66 and N. Lakeshore Drive, and authorize the city manager to execute associated**
174 **project agreement, and take any action necessary.**
- 175 **3. Consider approval of the engineering services contract with Hydrological Support Services,**
176 **LLC to perform flood study reviews for developments within the City in an amount not to**
177 **exceed \$40,000.00 provided from the FY 2015-16 Department Operations Budget and**
178 **developer reimbursement, and take any action necessary.**
- 179 **4. Consider authorizing the City Manager to enter into an agreement with the Texas**
180 **Department of Transportation (TxDOT) under the City Pride Program for installation of**
181 **signage along W. Rusk Street [SH-66] west of S. Lakeshore Drive, and take any action**
182 **necessary.**
- 183 **5. Consider approval of a resolution for an easement abandonment associated with an existing**
184 **608 square foot utility easement generally located at the southeastern building corner of**
185 **what is currently Honda of Rockwall, and take any action necessary.**
- 186 **6. Consider award of a professional services contract to Grantham & Associates, Inc. and**
187 **authorize the city manager to execute associated documents for performing the engineering**
188 **design services and specifications for the Signal Ridge Sanitary Sewer Pipe Bursting Project**
189 **in an amount of \$27,480.00 to be funded by 2016 water and sewer revenue bonds, and take**
190 **any action necessary.**
- 191 **7. Consider approval of American National Bank as the City's depository and take any action**
192 **necessary.**

193 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**
194 **6, and 7). Councilmember White seconded the motion, which passed unanimously.**

195 **XI. APPOINTMENTS**

- 196
197 1. Appointment with the Planning and Zoning Chairman to discuss and
198 answer any questions regarding cases on the agenda and related issues
199 and take any action necessary.

200 **The Chairman was not present, so this item was not discussed / addressed.**

201
202 **XII. ACTION ITEMS**

- 203
204 1. Discuss and consider extending the existing Facilities Agreement
205 associated with reimbursement for the construction of Damascus Road to
206 the Roman Catholic Diocese for ten years, and take any necessary
207 action.

208 **City Engineer Tim Tumulty provided background information concerning this agenda**
209 **item, indicating that this is a pro rata facilities agreement that deals with costs**
210 **associated with building a portion of Damascus Road. He explained that it was originally**
211 **put in place after it was adopted by the Council in October 2010. He was informed by the**
212 **Catholic church earlier this year, around April, that it was set to expire in October, and he**
213 **has since learned that HCA is not in support of the agreement, as expressed in a recent**
214 **letter sent to the city. He shared that he is personally to blame for the late notification to**
215 **HCA because he did not call them until this morning even though he believes their letter**
216 **clearly explained that they wanted an opportunity to speak about the agreement. He**
217 **agreed that staff is willing to do whatever is needed to work through this.**

218
219 **Mayor Pruitt asked if the road were being built today, would this same type of agreement**
220 **be the type of agreement that would be entered into now like it was five years ago. Mr.**
221 **Tumulty indicated that he believes so, as it is very similar to a more recent roadway**
222 **project on Summer Lee that dealt with property owners paying their pro rata share.**

223
224 **Councilmember White expressed concern about HCA being made a party to the facilities**
225 **agreement when the only party that signed it five years ago was the Catholic church.**
226 **City Manager Rick Crowley indicated that he is happy to go back and research the city's**
227 **files to try and better determine what process took place five years ago that led to the**
228 **agreement being put into place.**

229
230 **Mayor Pruitt asked the city attorney if there is anything wrong, legally, with these types**
231 **of agreements. Mr. Garza explained that there is nothing wrong with these types of**
232 **agreements and that they are allowed under the law. He expressed that typically these**
233 **types of agreements are commonly created when a city wants to expand or rebuild a**
234 **street, so they do, and then the put provisions into an agreement that stipulate that**
235 **adjacent property owners must pay a pro rata share of those costs to pay back the city.**
236 **In this instance, the circumstances were a little different, though, in that the city had no**
237 **plans to extend the street. Instead, the Catholic church requested the street expansion,**
238 **and it paid for that expansion. Mr. Garza went on to explain that, although all adjacent**
239 **property owners are generally not part of executing an actual agreement like this (re: pro**
240 **rata repayment of expansion of improvement of a street), they are usually at least made**
241 **aware that the agreement is going to be executed prior to it actually being signed (not for**
242 **their approval, but, rather, only so that they have been notified and are aware). It was**
243 **explained that if HCA had never wished to make any improvements to their own property,**
244 **then they would have never had to (re)pay a portion of the development costs associated**

245 with the road and described in this agreement. However, if HCA had at some point come
246 forward wanting to make improvements to their property, then the roadway would have
247 been a development cost to them. General discussion took place with it being expressed
248 that the ultimate outcome associated with HCA having to pay a portion of the roadway
249 improvement will not change in the end. However, staff is willing to sit down with HCA to
250 better explain and go over the details and issues.

251
252 Councilmember Townsend made a motion to delay action on this item for two weeks.
253 Mayor Pro Tem Lewis seconded the motion, which passed unanimously.

- 254
255 2. SP2015-020 - Discuss and consider a request by Sam Ellis of Dallas
256 Design Build on behalf of the owner Amalraj Fernando of MREA
257 Properties-2, LLC for the approval of variances associated with
258 articulation, screening and landscape buffers as stipulated by Articles V &
259 VIII of the Unified Development Code (UDC) in conjunction with an
260 approved site plan for a daycare facility on a two (2) acre parcel of land
261 identified as Lot 1 of the Dewoody Addition, City of Rockwall, Rockwall
262 County, Texas, zoned Agricultural (AG) District, situated within the North
263 SH-205 Corridor Overlay (N SH-205 OV) District, addressed as 3011 N.
264 Goliad Street [SH-205], and take any action necessary.

265 Ryan Miller, Planning Director, provided information concerning this agenda item,
266 indicating that the applicant is requesting three variances as follows:

267
268 a) *Article V, Section 4.1 General Commercial District Standards* - to allow
269 for not meeting the Horizontal Articulation requirements as established in
270 *Art. V, Sec. 4.1, C.1.a.* and as depicted in the Building Elevations as
271 submitted. *(Simple majority vote of council is required)*

272
273 b) *Article VIII, Landscape Standards* - to allow for not meeting the
274 screening standards as established in *Art. VIII, Sec. 5.6 Screening from*
275 *Residential Uses* which requires a minimum 6-ft high masonry screening
276 fence. The applicant is requesting a 6-ft wrought iron fence that will be
277 constructed atop the retaining wall at the rear of the property, but will not
278 provide the required screening; however, the property is considered to be
279 heavily treed and is screened by the existing trees. *(Simple majority vote of*
280 *council is required)*

281
282 c) *Article V, Sec. 6.11 North SH-205 Corridor Overlay District* – to allow for
283 not meeting the minimum 20-ft landscape buffer strip as established in *Art.*
284 *V, Sec. 6.11, E., 1* by allowing nine allowing nine (9) parking spaces to
285 encroach the landscape buffer strip. *(¾ majority vote of council is*
286 *required).*

287
288 Councilmember White made a motion to approve the variance for SP2015-020 related to
289 the horizontal articulation requirements. Mayor Pro Tem Lewis seconded the motion,
290 which passed unanimously.

291
292 Councilmember White made a motion to approve the variance request regarding not
293 meeting the 6' masonry screening requirement. Mayor Pro Tem Lewis seconded the

294 motion. After clarifying comments, the motion passed by a vote of 7 in favor with 0
295 against.

296
297 Councilmember White made a motion to approve the variance associated with allowing 9
298 parking spaces that encroach on the landscape buffer. Mayor Pro Tem Lewis seconded
299 them motion, which passed by a unanimous vote of council.

300
301 3. Discuss and consider Wal-Mart Supercenter temporary storage of
302 merchandise, and take any action necessary.

303 Councilmember White made a motion to approve the temporary storage request for Wal-
304 Mart Supercenter. Councilmember Milder seconded the motion, which passed by a vote
305 of 6 in favor with 1 against (Fowler).

306 Staff asked council members if they prefer that staff handle these sorts of requests
307 administratively in the future, or if the council would prefer these sorts of requests to be
308 brought before them for consideration each time they arise. Mr. Crowley indicated that,
309 generally speaking, retailers have indicated that they have a need about five months out
310 of the year for seasonal or temporary outside display of merchandise. Indication was
311 given that Council would like staff to bring back a policy to review related to temporary
312 or seasonal outside storage.

313 4. Discuss and consider recommendations by the Landscape Review
314 Committee for code amendments to the Unified Development Code
315 (UDC) and Municipal Code of Ordinances that relate to water
316 conservation and drought management, and take any action necessary.

317 Mr. Miller, Planning Director, indicated that City volunteers recently went through a
318 process with staff to review the city's landscape ordinance to ensure the provisions were
319 conservation conscious and "water wise." After explaining the various
320 recommendations of the committee, Mr. Miller indicated that if council would like to move
321 forward, staff will proceed with advertising this proposed change in the city's UDC and
322 Code of Ordinances and take this issue through the Planning & Zoning Commission
323 process for review and consideration. Mr. Miller thanked members of the citizen review
324 committee including Tim Nichols, Jan Self, John Thomas, Marcus Yarborough and city
325 staff member, Andy Hesser, for their work and efforts.

326
327 During the discussion, indication was given that White and Pruitt are not in favor of
328 requiring smart meters. Assistant City Manager Brad Griggs shared that smart meters
329 cost about \$100 for a typical, average size residential irrigation / sprinkler system and
330 that the price increases as the size of the system increases (i.e. with larger commercial
331 irrigation systems, smart meters become more costly).

332 Indication was given that Council does not mind 'encouraging' smart meters, but they do
333 not want to require them. Regarding the planting requirements for the City's Overlay
334 Districts being reduced from three (3) canopy trees and four (4) accent trees per 100-
335 linear feet to two (2) canopy trees and four (4) accent trees per 100-linear feet, council
336 indicated they are ok with this adjustment.

337
338 Council gave indication that they are generally ok with the following recommendations:

- 339 • The City's list of acceptable trees, trees to be planted within the landscape
340 buffers of the City's Overlay Districts, and as replacement trees for tree
341 preservation should be changed.
342 An appendix should be added to the Unified Development Code that
343 includes recommended planting lists for trees, shrubs, grasses etc.
344 • Xeriscaping standards should be established as an alternative to
345 conventional landscaping standards for the purpose of incorporating low
346 water use plants and/or pervious hardscapes. Additionally, xeriscaping
347 should be incentivized by allowing a 2.5% reduction in the overall required
348 landscaping percentage for the purpose of making it a more attractive
349 option to developers.
350 • The screening required of a commercial development when adjacent to a
351 residential development should be changed to include an option to allow a
352 wrought iron fence with landscape screening where applicable.
353 • During drought or water emergency response stages the Director of
354 Planning and Zoning or his designee can grant an applicant permission to
355 delay the installation of required landscaping to a specified time and date.
356

357 **The Council took no formal action related to this agenda item.**

- 358 5. Discuss and consider approval of the Rockwall Economic Development
359 Corporation (REDC) budget for fiscal year 2016 and amended budget for
360 fiscal year 2015, and take any action necessary.

361 **Sheri Franza, CEO and President of the REDC, came forth and briefly summarized for**
362 **Council the amended budget for FY15 and the proposed budget for FY16. Mayor Pro**
363 **Tem Lewis made a motion to approve the REDC amended budget for FY15 and the**
364 **proposed budget for FY16. Councilmember White seconded the motion, which passed**
365 **unanimously of Council.**

- 366 6. Discuss and consider approval of the Rockwall Technology Park
367 Association budget for fiscal year 2016 and amended budget for fiscal
368 year 2015, and take any action necessary.
369

370 **Mrs. Franza briefed the Council on the FY16 proposed budget as well as the amended**
371 **budget for FY15. Mayor Pro Tem Lewis made a motion to approve the FY15 amended**
372 **budget and the proposed FY16 budget. Councilmember White seconded the motion,**
373 **which passed by a vote of 7 ayes to 0 nays.**

- 374 7. Discuss and consider the Hotel tax subcommittee recommendations for
375 supplemental funding allocations in fiscal year 2015 and proposed
376 funding allocations in fiscal year 2016, including authorizing the City
377 Manager to execute associated funding agreements, and take any action
378 necessary.
379

380 **Assistant City Manager Mary Smith provided brief information concerning this agenda**
381 **item. Councilmember Fowler indicated that he will be recusing himself from the vote on**
382 **the Lonestar CASA, Music Fest and Summer Musicals funding requests because he**
383 **serves on those boards. Mayor Pruitt made a motion to approve the funding requests for**
384 **CASA, Music Fest and Summer Musicals. Councilmember White seconded the motion,**
385 **which passed by a vote of 6 in favor with 1 abstention (Fowler).**
386

387 Councilmember Townsend made a motion to approve the subcommittee's
388 recommendations associated with the remainder of the funding allocation requests.
389 Mayor Pro Tem Lewis seconded the motion. Mayor Pruitt indicated that, within the next
390 two years or so, the council may not be funding these organizations to the extent that
391 they have been funded in past years, so he wants them to be aware of this and be
392 cognizant of it when planning future year's events. After brief comments, the motion
393 passed by a vote of 7 ayes to 0 nays.

394
395 8. Discuss and consider approval of an ordinance amending the budget for
396 fiscal year 2015, and take any action necessary.

397 City Manager Rick Crowley provided brief comments related to this agenda item. Mayor
398 Pro Tem Lewis made a motion to approve the ordinance amending the FY15 budget.
399 Councilmember Milder seconded the motion. The ordinance was read as follows:

400 CITY OF ROCKWALL, TEXAS

401 ORDINANCE NO. 15-25

402 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
403 ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR
404 THE FISCAL YEAR OCTOBER 1, 2014 THROUGH SEPTEMBER 30,
405 2015; PROVIDING FOR AN EFFECTIVE DATE.

406 The motion passed unanimously of Council present (7 ayes to 0 nays).

407 9. Discuss and consider the proposed budget for fiscal year 2016 and
408 approval of an ordinance adopting the proposed budget, and take any
409 action necessary.

410 Regarding the funding request associated with STAR Transit, Councilmember White
411 requested that funding for STAR Transit be voted on separately. Councilmember
412 Townsend made a motion to approve the funding allocation for STAR Transit for FY2016.
413 Mayor Pro Tem Lewis seconded the motion. Councilmember White indicated that he is
414 very strongly opposed to approving this funding request and will be voting "no." Mayor
415 Pruitt clarified that this particular vote is in no way an indication of how much the city
416 might fund for this organization in the future on a permanent basis. The motion passed
417 by a vote of 5 in favor with 2 against (Milder and White).

418 Councilmember White recused himself from the Meals on Wheels funding allocation
419 included in the proposed budget because he serves on the organization's board. Mayor
420 Pro Tem Lewis made a motion to approve this funding in the budget. Mayor Pruitt
421 seconded the motion, which passed by a vote of 6 ayes with 1 recusal (White).

422 Mayor Pro Tem Lewis made a motion to accept the budget proposal and approve the
423 ordinance adopting the proposed budget. Mayor Pruitt seconded the motion.
424 Councilmember Milder clarified that this budget proposal does not include any funding
425 for additional, full-time paid firefighter positions. He strongly believes that additional
426 paid fire staff is prudent and necessary. Councilmember Hohenshelt indicated that he is
427 willing to discuss the possibility of additional paid firefighters in the future but that the
428 discussion must be focused on strategic goals associated with possibly adding new
429 staff. The ordinance was read as follows:

430 CITY OF ROCKWALL
431 ORDINANCE NO. 15-26
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2015, THROUGH SEPTEMBER 30, 2016; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed by a vote of 7 ayes on 0 nays.

- 10. Discuss and consider approval of an ordinance levying ad valorem taxes for the tax year 2015, and take any action necessary.

Mayor Pro Tem Lewis made a motion to approve the ordinance as presented. Councilmember White seconded the motion. The ordinance was read as follows:

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 15-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2015 AT A RATE OF \$.4853 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2015 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2015 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously (7 ayes to 0 nays).

- 11. Discuss and consider approval of an ordinance amending the provisions of Chapter 12. Businesses & Sales, Article XII. Ambulance Service of the Code of Ordinances, specifically pertaining to exclusivity provisions expressed in Sec. 12-1251, and take any action necessary. (1st reading)

Mayor Pro Tem Lewis made a motion to authorize the city attorney to prepare an ordinance concerning non-emergency ambulance service providers operating within the city limits of Rockwall, stipulating that they must meet all State requirements but that no city permit will be required. Councilmember White seconded the motion, which passed unanimously of council (7 ayes to 0 nays).

XIII. EXECUTIVE SESSION

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

- 1. Discussion regarding (re)appointments to city regulatory boards, commissions, or committees - Planning & Zoning Commission vacancy- pursuant to Section 551.074 (personnel matters)

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

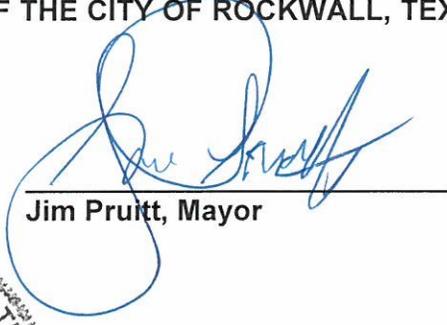
482 Council did not recess into Executive Session at the end of the public meeting agenda.

483
484 XV. ADJOURNMENT

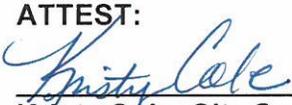
485 The meeting was adjourned at 7:29 p.m.

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489 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
490 THIS 5th DAY OF OCTOBER, 2015.

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Jim Pruitt, Mayor

ATTEST:


Kristy Cole, City Secretary



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MINUTES

ROCKWALL CITY COUNCIL

Monday, October 05, 2015

4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike Townsend, and Scott Milder. Also present were City Manager Rick Crowley, Assistant City Manager Brad Griggs and City Attorney Frank Garza. Council Members Kevin Fowler and John Hohenshelt, as well as Assistant City Manager Mary Smith, were absent from the meeting.

II. WORK SESSION

1. Hold work session to discuss preliminary planning associated with the design of S. Lakeshore / Summit Ridge roadway improvements, and take any action necessary.

Mr. Crowley began discussion of this work session item. This particular, upcoming project will involve improvements to S. Lakeshore and Summit Ridge from SH-66 to FM-740. He indicated that traffic calming devices such as road humps and other pavement markings and signage have been added over the years in an effort to slow traffic and reduce the volume of traffic in these areas. He explained that gleaning feedback, first from those who live along the roadway and then perhaps broadening the scope of input sought, is likely a viable place to start before moving forward with preliminary design of the roadway. He explained that staff will begin with mailing a survey to those who live along the roadway. Also, he indicated that he may employ an engineer to evaluate some aspects of how sidewalks may be worked in with a narrowed roadway and what the costs would be, as well as what affect it would have on 'traffic calming' through the neighborhood. He understands that this stretch of road is often utilized as a cut through from Ridge Road over to SH-66 for many drivers, including those who do not live on this road or within the neighborhood at all. Mr. Crowley explained that the possibility of narrowing the roadway and adding sidewalks has been discussed in the past.

City Engineer Tim Tumulty indicated that over the years, some residents have been in favor of the traffic humps, while others have wanted them to be removed. General discussion took place regarding what options may be possible regarding re-doing this stretch of road and what the associated goals may be (i.e. discouraging its utilization as a 'cut through,' making it safe, slowing driving speeds down, and making the roadway look good). Mayor Pruitt expressed concern about school buses currently having to stop on the road itself to let out children, who then walk in the street because there are no sidewalks.

Mr. Crowley expressed that he would like to know if city council members have any negative feelings regarding the possibility of reducing the width of the roadway and adding sidewalks. It was clarified that it is possible that S. Lakeshore would be narrowed to be the same width as Summit Ridge. Mayor Pro Tem Lewis indicated that he likes the idea of narrowing the roadway and putting in sidewalks. No one on Council seemed to express any opposition to this idea at this time.

51 Mr. Crowley shared that attendance at city council meetings held years ago when road
52 humps were discussed was in the 100's.

53
54 Mayor Pruitt then read the below listed items into the public record before recessing the
55 meeting into Executive Session at 4:21 p.m.

56
57 **III. EXECUTIVE SESSION.**

58
59 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
60 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
61 CODE:

- 62
63 1. Discussion regarding process and appointment to Rockwall Central Appraisal District Board
64 pursuant to Section 551.074 (personnel matters)
- 65 2. Discussion regarding appointments to city regulatory boards, commissions, or committees -
66 interview candidates: Planning & Zoning Commission vacancy - pursuant to Section
67 551.074 (personnel matters)
- 68 3. **From Public Meeting Agenda – Action Item #7:** Discuss and consider approval of an
69 ordinance amending the Code of Ordinances in Chapter 12. Businesses & Sales, Article
70 XII. Ambulance Service by adding and amending Sections 12-1250 through 12-1253
71 regulating ambulance services and providers in the City, and take any action necessary.
72 (1st reading)

73
74 **IV. ADJOURN EXECUTIVE SESSION**

75
76 Executive Session was adjourned at 5:55 p.m.

77
78 **V. RECONVENE PUBLIC MEETING**

79
80 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with five of the seven council
81 members being present. Kevin Fowler and John Hohenshelt were absent.

82
83 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

84
85 Mayor Pro Tem Lewis made a motion to approve Resolution #15-27 concerning submission
86 of names for board member nominations to the Rockwall Central Appraisal District Board
87 for 2016. Councilmember White seconded the motion, which passed by a vote of 5 ayes to
88 0 nays with 2 absent (Fowler and Hohenshelt).

89
90 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – MAYOR PRUITT**

91
92 Mayor Pruitt delivered the invocation and led the Pledge of Allegiance.

93
94 **VIII. PROCLAMATIONS / AWARDS**

- 95
96 1. Proclamation - Hispanic Heritage Month

97
98 Mayor Pruitt called a few citizens forward. He then read and presented a proclamation
99 declaring October 2015 as Hispanic Heritage Month.

100
101
102

103 IX. OPEN FORUM

104
105 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to
106 come forth and speak at this time.

107
108 Pastor Joe Robbins
109 St. Paul AME Church
110 805 Peters Colony
111 Rockwall, TX

112
113 Pastor Robbins came forth and indicated that he would like the city council to not approve a
114 waiver to the masonry requirements being requested in Action Item #2. He explained that
115 notice was not given by the city concerning this agenda item, but he is opposed to it.
116 Planning Director Ryan Miller indicated that it is not a zoning case, so no public notice was
117 required.

118
119 Mitch Ownby
120 Rockwall County EMS
121 809 S. Goliad
122 Rockwall, TX

123
124 Mr. Ownby came forth and briefly updated staff and council on the previously "rocky"
125 relations with Presbyterian Hospital of Rockwall, generally indicating that he believes
126 relations have been improving on an ongoing basis through a series of meetings between
127 the two parties.

128
129 Reverend George P. Monaghan
130 1423 Murphy Road
131 Our Lady of the Lake Catholic Church
132 1305 Damascus Road
133 Rockwall, TX

134
135 Father Monaghan came forth and indicated that he represents 3,800 families and over
136 14,000 individuals in the parish. In addition, he has over 1,000 students in the school,
137 mostly 1st through 12th graders. There are five weekend masses and eight during the week,
138 and these do not include other ceremonies such as weddings, funerals, etc. They are
139 currently working with an architect to reconfigure the church's space and add between
140 15,000-20,000 square feet. He proceeded to shared comments with the City Council
141 concerning the pro rata facilities agreement regarding past improvements the church made
142 to Damascus Road. He shared that if the church had not made improvements to the
143 roadway when they did, the costs today for the same improvements could have been 50-
144 60% more than it cost then. He went on to explain some of the specific terms outlined in the
145 existing facilities agreement. He understands that recently there have been some
146 discussions, ones he has not been privy to, concerning reassessing the proportional share
147 currently mentioned in Section 2 within the facilities agreement. He encouraged the city
148 council to move forward with granting an additional five year extension.

149
150 Richard Archibald
151 (no address given)

152
153 Mr. Archibald came forth and indicated that he represents the interests of Heritage Christian
154 Academy (HCA). He shared that he recently met with city staff to discuss some of the

155 issues surrounding the pro rata facilities agreement. He expressed a desire to approach the
156 matter fairly. He explained that the archdiocese constructed the road in accordance with
157 city standards at the time. He explained that an easement that goes through what is now
158 Damascus Road was granted and that the party granting that easement was to not have any
159 associated responsibility. He explained that HCA was operating under that premise when
160 they were asked by the Catholic Church to participate in widening the road, and since they
161 did not have funds at the time to do so, they declined. He understood that there were no
162 conditions as related to any project development. He explained that an exaction was placed
163 upon HCA without a rough proportionality study, which he has come to understand is
164 required under Texas Supreme Court authority. He shared that the study should not be
165 based upon how much property frontage abuts the roadway but rather the impact involved.
166 He said that one was not required, to his knowledge, five years ago, but that a requirement
167 for conducting such study has arisen since that time. He generally encouraged the city to
168 conduct such a study before moving forward with any extension of the pro rata facilities
169 agreement.

170
171 Mayor Pruitt asked if anyone else would like to come forth and speak. There being no such
172 indication, he then closed Open Forum.

173
174 **X. CONSENT AGENDA**

- 175
176 1. Consider approval of the September 21, 2015 City Council minutes, and take
177 any action necessary.
- 178 2. Consider awarding the bid and authorizing the city manager to execute a
179 Purchase Order to Professional Turf Products for the purchase of a Toro
180 Infield Groomer in the amount of \$28,721.32 to be funded out of the General
181 Fund - Parks Operations Budget, and take any action necessary.
- 182 3. Consider authorizing the city manager to execute a professional services
183 contract with Birkhoff, Hendricks and Carter, LLP to perform engineering
184 design services for the Quail Run Gravity Flow Line and the Squabble Creek
185 Lift Station Improvements in an amount of \$220,500.00 to be funded with
186 2015 Water and Sewer Revenue Bonds, and take any action necessary.
- 187 4. Consider authorizing the city manager to execute a professional services
188 contract with Kimley-Horn and Associates, Inc. Consulting Engineers to
189 perform the traffic signal design at the intersection of North Lakeshore Drive
190 and Masters Boulevard in an amount not to exceed \$36,500 to be funded out
191 of the FY2015-16 Street Operations Budget, and take action necessary.
- 192 5. Consider authorizing the City Manager to execute a contract with the Texas
193 Department of Transportation, Aviation Division for participation in the
194 Routine Airport Maintenance Program (RAMP) at the Ralph M. Hall /
195 Rockwall Municipal Airport, with matching funds for the grant to be provided
196 by the Airport Operating Budget, and take any action necessary.
- 197 6. **P2015-037** - Consider approval of a request by Jennifer Garcia of KBGE on
198 behalf of Collins Hartzog of Rockwall Texas 2015, LLC for the approval of a
199 replat for Lot 3, Block 1, HJG Plaza Addition being a 0.91-acre tract of land
200 identified as Lot 2, Block 1, HJG Plaza Addition, City of Rockwall, Rockwall
201 County, Texas, zoned Commercial (C) District, situated within the SH-205
202 Overlay (SH-205 OV) District, located on the east side of SH-205 [S. Goliad
203 Street] north of the intersection of SH-205 and Yellow Jacket Lane, and take
204 any action necessary.

- 205 7. Consider, accept and authorize the Mayor to execute the Citizen Corps
206 Trailer Grant Agreement, and take any action necessary.

207 **Councilmember White made a motion to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5,
208 6 and 7). Councilmember Townsend seconded the motion, which passed by a vote of 5
209 ayes with 2 absent (Fowler and Hohenshelt).**

210
211 **XI. APPOINTMENTS**

- 212
213 1. Appointment with the Planning and Zoning Chairman to discuss and answer
214 any questions regarding cases on the agenda and related issues and take
215 any action necessary.

216 **Mayor Pruitt indicated that this item would not be discussed since Chairman Renfro is not
217 present and was unable to attend this evening.**

218
219 **XII. ACTION ITEMS**

- 220
221 1. Discuss and consider extending the existing Facilities Agreement with the
222 Roman Catholic Diocese of Dallas for a period of ten years regarding pro-
223 rata reimbursement for the construction of Damascus Road, and take any
224 necessary action.

225 **City Engineer Tim Tumulty generally indicated that the issue of proportionality was recently
226 brought up during a meeting between Heritage Christian Academy representatives and the
227 city attorney, Frank Garza. The City Attorney has advised that a proportionality study is
228 now in order, under the circumstances, and considering that one was not conducted back
229 in 2009. It was also explained that a Supreme Court case pertaining to the City of Flower
230 Mound is applicable to this particular circumstance, and that court case transpired after the
231 time that the original facilities agreement was established. Also, after the Flower Mound
232 case, state law changed, so currently, if this same situation were to transpire today, a
233 proportionality analysis would be required. As such, staff, including the city attorney, is
234 recommending this evening that the city council consider extending the existing facilities
235 agreement for a period of 90 days to allow time for a proportionality study to be performed.
236 Mr. Garza further explained that proportionality should be tied to 'usage,' and, since one
237 was never performed prior to the facilities agreement being put in place, it is prudent to
238 conduct one now in order to determine appropriate costs. Mr. Garza went on to explain that
239 these sorts of pro rata facilities agreements are more often than not put in place when a
240 developer needs to build a roadway and additional development is expected to occur along
241 that roadway fairly soon afterwards. Typically, in those situations, these funds are repaid
242 very quickly. However, this case is unique because if HCA never decided to do any
243 improvements on its property such as expanding its parking lot, then HCA would never end
244 up having to repay the funds associated with the roadway improvements. He suggested
245 moving forward with a proportionality study to determine usage and then sit down with both
246 parties to go over it and discuss it.**

247
248 **Councilmember Townsend made a motion to extend the existing facilities agreement for a
249 period of 90 days to allow staff time needed to have a proportionality study performed.
250 Councilmember Milder seconded the motion.**

251
252 **General discussion took place regarding a large piece of the roadway that has abutting
253 property that is not yet developed and how that piece of property would be accounted for in
254 the proportionality analysis. Mr. Crowley explained that the undeveloped property is still**

255 zoned, so that zoning classification would be a driving factor. When asked, indication was
256 given that existing city engineering staff will be conducting the study.

257
258 **The motion passed by a vote of 5 ayes with 2 absent (Fowler and Hohenshelt).**

259
260 **2. MIS2015-007** - Discuss and consider the approval of a special request by
261 Michael Hunter of the Rockwall Housing Development Corporation (RHDC)
262 on behalf of the owner Jacquelyn W. Coleman for an exception to the
263 masonry requirements and a waiver to building setback requirements for the
264 purpose of constructing a duplex on a 0.09-acre parcel of land identified as
265 Lot 1B, Block H, Sanger Addition, City of Rockwall, Rockwall County, Texas,
266 being zoned Multi-Family 14 (MF-14) District, situated within the Southside
267 Residential Neighborhood Overlay (SRO) District, located at the southwest
268 corner of the intersection of Ross Street and Peters Colony, and take any
269 action necessary.

270 **Mr. Miller explained that the property is located on the southwest corner of Peters Colony**
271 **and Ross Street and is zoned multi-family 14 district and is located in the Southside**
272 **Residential Overlay district. Mr. Hunter is proposing to construct a two story duplex**
273 **structure, which is a use that is permitted 'by right' under this zoning. However, he**
274 **generally explained that the lot size is smaller, so the applicant is asking for an exception to**
275 **be granted concerning the 5' side yard setback requirement on Ross Street. He went on to**
276 **explain that the applicant would also like to request a waiver that would essentially allow**
277 **him to utilize 100% hardie plank on the structure in lieu of adding any masonry that would**
278 **otherwise be required. The code does allow waivers to be granted by city council for these**
279 **two issues on a case-by-case basis. He explained that the Planning & Zoning Commission**
280 **recently voted to recommend approval of the waivers by a vote of 4 in favor with 0 against**
281 **(two commissioners absent and one vacant seat).**

282
283 **Mr. Michael Hunter**
284 **Resides at: 220 W. Quail Run Road**
285 **Executive Director of the Rockwall Housing Development Corporation**
286 **(501 c-3 corporation housed at 787 Hail Drive)**
287 **Rockwall, TX**

288
289 **Mr. Hunter came forth and provided various comments related to the proposed design of**
290 **this structure, sharing that whether you look at it from Ross Street or from Peters Colony, it**
291 **will be designed as though the person is viewing the front of the house. He briefly**
292 **mentioned the desired waiver that is being requested related to the side yard setback.**
293 **Furthermore, concerning the masonry waiver, he generally explained that this request is**
294 **being made in an effort to keep the building costs minimal to allow for whoever may rent**
295 **this property in the future to be able to afford to live there by keeping it within their budget.**

296
297 **After additional comments, Councilmember White made a motion to approve MIS2015-007**
298 **related to the setback requirements waiver. Mayor Pro Tem Lewis seconded the motion,**
299 **which passed by a vote of 4 in favor, 1 against (Milder) and 2 absent (Fowler and**
300 **Hohenshelt).**

301
302 **Councilmember White made a motion to approve MIS2015-007 in regards to the masonry**
303 **requirement waiver. There being no second to the motion, the motion died. No further**
304 **motions or action took place concerning this agenda item.**

305

- 306 3. **MIS2015-008** - Discuss and consider the approval of a special request by
307 Michael Hunter on behalf of the Rockwall Housing Development Corporation
308 (RHDC) for waivers to the requirements stipulated in Exhibit 'C' of Planned
309 Development District 75 (PD-75) [Ordinance No. 09-37] to allow the
310 construction of two (2) single-family attached homes on a 0.27-acre parcel of
311 land identified as Lot 984A of the Rockwall Lake Estates #2 Subdivision, City
312 of Rockwall, Rockwall County, Texas, zoned Planned Development District
313 75 (PD-75) for Single Family-7 (SF-7) District land uses, located at 112 Chris
314 Street, and take any action necessary.

315 Planning Director Ryan Miller indicated that this property is located with Planned
316 Development District 75 within Lake Rockwall Estates. The applicant is requesting to
317 subdivide the property into two roughly 5,400 square foot lots and construct two single-
318 family, attached units. It is similar to a duplex; however, each lot will be an individual lot,
319 they would share a common wall and have single ownership. He indicated that the
320 applicant is asking the city council to grant various special exceptions to PD-75 as follows:
321

- 322 1) **Single-Family Attached.** The development standards for Area 2 contained in Exhibit
323 'C' of Ordinance No. 09-37 require that all property within Area 2 be subject to the
324 land uses permitted for a Single-Family 7 (SF-7) District. According to Article IV,
325 Permissible Uses, of the Unified Development Code (UDC) a single-family attached
326 structure is not a permitted land use within a Single-Family 7 (SF-7) District.
327
- 328 2) **Lot Frontage.** The development standards for Area 2 contained in Exhibit 'C' of
329 Ordinance No. 09-37 stipulates a minimum lot frontage of 50-feet on a public street.
330 In this case the applicant is requesting to reduce this to 45-feet.
331
- 332 3) **Side Yard Setback.** The development standards for Area 2 contained in Exhibit 'C' of
333 Ordinance No. 09-37 require a minimum side yard setback of five (5) feet. Since the
334 structures will share a common wall the minimum side yard setback will be required
335 to be reduced to zero along the property line containing the common wall.
336
- 337 4) **Masonry Requirement.** According to Section B, Exterior Wall Materials, of Exhibit 'C'
338 of Ordinance No. 09-37 all residential buildings 120 SF or more and over ten (10) feet
339 in height shall have a minimum of 80% masonry exterior walls, with up to 50% of the
340 masonry requirements permitted to be Hardie Board or a similar cementaceous
341 material. The applicant is requesting an exception to the masonry requirements for
342 the purpose of utilizing
343

344 The mayor confirmed with the applicant that this structure would not be a pre-manufactured
345 home but, rather, it would be built from the ground up. Also, he confirmed with Mr. Hunter
346 that approval of this item would go along with the city council's goal to avoid having
347 structures rebuilt within this area after they have previously been flooded (due to heavy
348 rainfall). Mayor Pruitt then made a motion to approve MIS2015-008 concerning exception #1
349 pertaining to the land use. Mayor Pro Tem Lewis seconded the motion. Councilmember
350 Lewis asked some questions related to the two garages that are being proposed.
351 Councilmember White shared that he would like to remind the city council that this request
352 goes against the intention of the zoning, which is to not turn Lake Rockwall Estates into
353 multi-family zoning. He expressed that past public meetings were well attended with
354 residents from the neighborhood who expressed opposition to multi-family housing. After
355 various comments, the motion failed by a vote of 2 in favor, 3 against (White, Townsend and
356 Milder) and 2 absent (Fowler and Hohenshelt).
357

358 Mayor Pruitt made a motion to approve the special requests associated with lot frontage,
359 side yard setback and masonry standards. The motion passed by a vote of 3 in favor, 2
360 against (Townsend and Milder) and 2 absent (Fowler and Hohenshelt).
361

362 4. **P2015-036** - Discuss and consider approval of a request by Dub Douphrate
363 of Douphrate & Associates, Inc. on behalf of the owners Scott and Leslie
364 Milder for the approval of a replat for Lot 1, Block A, Our House Addition
365 being a 0.75-acre tract of land currently identified as Blocks 24A & 24C,
366 Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Planned
367 Development District 50 (PD-50) for Residential-Office (RO) District land
368 uses, addressed as 803 N. Goliad Street, and take any action necessary.

369 Mayor Pruitt indicated that Councilman Milder has recused himself from this item and has
370 filed appropriate paperwork with the City Secretary since he is the property owner
371 associated with this case.
372

373 Mayor Pro Tem Lewis made a motion to approve P2015-036. Councilmember White
374 seconded the motion, which passed by a vote of 4 ayes, 1 recusal (Milder) and 2 absent
375 (Fowler and Hohenshelt).
376

377 5. Discuss and consider delaying the construction of Harbor Heights Drive
378 between Shoreline Drive and Lakefront Trail as a part of the Springhill Suites
379 Development in accordance with the conditions established in the Facilities
380 Agreement, and take necessary action.

381 Mr. Crowley explained that the applicant, Mr. Kirkland recently visited with city staff
382 concerning the possibility of delaying construction of this roadway. City Engineer Tim
383 Tumulty went on to explain that construction costs have been increasing quite a bit lately.
384 So, the applicant has asked the city if it would consider allowing construction of the
385 roadway to be delayed for a period of time. Indication was given that staff does not foresee
386 any issue with granting said request.
387

388 Mayor Pruitt made a motion to approve delay of the construction as requested in
389 accordance with the conditions outlined in the facilities agreement. Councilmember White
390 seconded the motion, which passed by a vote of 5 ayes with 2 absent (Fowler and
391 Hohenshelt).
392

393 6. Discuss and consider authorizing the city manager to execute a contract with
394 Meals on Wheels Senior Services for certain nutritional and senior service
395 programs in the amount of \$30,000.00 to be funded from the Administration
396 Department Operating Budget, and take any action necessary.

397 Mayor Pruitt indicated that Councilmember White will be recusing himself from this agenda
398 item, as he is currently the Chairman of the Meals on Wheels organization.
399

400 Councilmember Townsend made a motion to authorize the city manager to execute the
401 contract as requested. Mayor Pro Tem Lewis seconded the motion, which passed by a vote
402 of 4 ayes, 1 abstention (White) and 2 absent (Fowler and Hohenshelt).
403

404 At 7:05 p.m. Mayor Pruitt then read Action Item #7 below into the public record before
405 recessing the meeting into Executive Session as authorized by Texas Government Code §
406 551.071 (Consultation with Attorney).
407

- 408 7. Discuss and consider approval of an **ordinance** amending the Code of
409 Ordinances in Chapter 12. Businesses & Sales, Article XII. Ambulance
410 Service by adding and amending Sections 12-1250 through 12-1253
411 regulating ambulance services and providers in the City, and take any action
412 necessary. (1st reading)

413 **Mayor Pruitt reconvened the public meeting at 7:33 p.m. Mayor Pro Tem Lewis made a**
414 **motion to approve the ordinance. Councilmember Milder seconded the motion. City**
415 **Attorney Frank Garza clarified that this ordinance formally repeals exclusivity of non-**
416 **emergency ambulance transport services in the city and stipulates that providers of non-**
417 **emergency transports must meet all state requirements. The ordinance was read as**
418 **follows:**

419 **CITY OF ROCKWALL**
420 **ORDINANCE NO. 15-28**

421 **AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 12,**
422 **ARTICLE XII, SECTION 12 BY ADDING AND AMENDING SECTIONS 12-1250**
423 **THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING AMBULANCE**
424 **SERVICES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN**
425 **EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.**
426

427
428 **The motion passed by a vote of 5 ayes with 2 absent (Fowler and Hohenshelt).**
429

430 **XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,**
431 **FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.**
432

- 433 1. Departmental Reports
434 Fire Dept. Monthly Reports - August 2015
435 GIS Department Monthly Report - August 2015
436 Harbor PD Monthly Report - August 2015
437 Internal Operations Department Monthly Report - August 2015
438 Police Department Monthly Reports - August 2015
439 Recreation Monthly Report - August 2015
440 Rockwall Animal Adoption Center Monthly Report - August 2015

- 441 2. City Manager's Report
442

443 **Mayor Pruitt thanked the city's Parks & Recreation Department for hosting a successful Rib,**
444 **Rub and Run event this past Saturday. Also, over 950 hamburgers were served at the Fire**
445 **Department Open House that took place over the weekend, an event that was also a large**
446 **success. Mr. Crowley reminded everyone that the police department's Texas Night Out is**
447 **scheduled in neighborhoods all around the city tomorrow night.**
448

449 **The city council did not recess into Executive Session following the conclusion of the**
450 **public meeting agenda.**
451

452 **XIV. EXECUTIVE SESSION**
453

454 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
455 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
456 **CODE:**

- 457
458 1. Discussion regarding process and appointment to Rockwall Central
459 Appraisal District Board pursuant to Section 551.074 (personnel matters)

460 2. Discussion regarding appointments to city regulatory boards, commissions,
461 or committees - interview candidates: Planning & Zoning Commission
462 vacancy - pursuant to Section 551.074 (personnel matters)

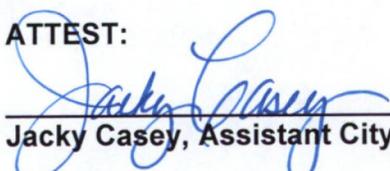
463 **XV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**

464
465 The city council did not recess into Executive Session following the conclusion of the
466 public meeting agenda.

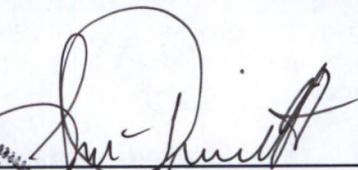
467
468 **XVI. ADJOURNMENT**

469
470 The meeting was adjourned at 7:38 p.m.
471

472
473 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
474 **THIS 19th DAY OF OCTOBER, 2015.**

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479 **ATTEST:**
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482 

Jacky Casey, Assistant City Secretary



Jim Pruitt, Mayor



The seal is circular with a dotted border. The outer ring contains the text "CITY OF ROCKWALL, TEXAS" at the top and "SEAL" at the bottom. The center of the seal is blank.

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MINUTES
ROCKWALL CITY COUNCIL
Monday, October 19, 2015
4:00 p.m. Regular City Council Meeting
City Hall, 385 S. Goliad, Rockwall, Texas 75087

8 I. CALL PUBLIC MEETING TO ORDER

9
10 Mayor Pruitt called the public meeting to order at 4:00 p.m. Present were Mayor Jim
11 Pruitt, Mayor Pro Tem Dennis Lewis and City Council Members David White, Mike
12 Townsend, Scott Milder, Kevin Fowler, and John Hohenshelt. Also present were City
13 Manager Rick Crowley, Assistant City Manager Brad Griggs, Assistant City Manager
14 Mary Smith and (fill-in) City Attorney Patrick Lindner.

15
16
17 II. WORK SESSION

- 18
19 1. Hold work session with the Rockwall Housing Development Corporation
20 (RHDC) to discuss development-related issues in Planned Development
21 75 (PD-75), and take any action necessary.

22 City Manager Rick Crowley explained that David Smith with the Rockwall Housing
23 Development Corporation (RHDC) would like to visit with council to talk about what the
24 options might be moving forward regarding this item.

25 David Smith came forth to address council regarding this item. He briefly explained that
26 after speaking with P&Z and staff that he had another option for the families affected by
27 the recent flooding in LRE. Mr. Smith explained that the utilities on a large lot could be
28 split and that two potential homes could be placed on one lot. He could work within all
29 abilities to come up with a plan to build a single family attached dwelling at a much
30 cheaper cost and that both homes would be attached by a joining wall and that the
31 structure would be more appealing than the trailer homes.

32 City Manager Rick Crowley stated that there was a provision in the ordinance which
33 gives council the wide latitude with considering land use without it having to go back
34 through the planning and zoning commission.

35 Councilmember David White stated that several years ago council held public hearings
36 regarding the zoning of PD-75 and many citizens showed up in opposition of this type of
37 housing. The city council and P&Z members voted to not have that language in the final
38 draft, however, there was a provision added at some point that gave council the ability to
39 approve various land uses without public input. He would like to have public input
40 regarding whether or not they would like to have this type of housing structure in this
41 neighborhood. When the zoning was passed it was not passed to allow for single family-
42 attached structures.

43 City Manager Rick Crowley reconfirmed that council's direction would be to bring back
44 Mr. Smith's request but advertise the case in the same manner as required for zoning
45 cases. Planning Director Ryan Miller stated that notices for a public hearing could be
46 sent out and the public hearing could take place at the November 10th Planning and

47 Zoning meeting and on the council agenda for the 2nd meeting in December. No further
48 action was taken.

49
50 Mayor Pruitt then read the below listed items into the public record before recessing the
51 meeting into Executive Session at 4:40 p.m.

52
53 **III. EXECUTIVE SESSION**

54
55 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
56 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
57 CODE:

- 58
59 1. Discussion regarding Economic Development prospects pursuant to
60 Section 551.087 (Economic Development)
- 61 2. Discussion regarding legal matters related to land lease operations at
62 Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation
63 with Attorney).
- 64 3. Discussion regarding appointments to city regulatory boards,
65 commissions, or committees - interview candidates: Planning & Zoning
66 Commission vacancy - pursuant to Section 551.074 (personnel matters)
- 67 4. Discussion regarding process associated with City Manager performance
68 evaluation pursuant to Section 551.074 (personnel matters)

69
70 **IV. ADJOURN EXECUTIVE SESSION**

71
72 Executive Session was adjourned at 6:00 p.m.

73
74 **V. RECONVENE PUBLIC MEETING**

75
76 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all councilmembers
77 present.

78
79 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

80
81 Mayor Pro Tem Lewis made a motion to appoint Patrick Trowbridge to the Planning and
82 Zoning Commission to fill an unexpired term. Councilmember White seconded the
83 motion. Motion passed unanimously of council.

84
85 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER MILDER**

86
87 Councilmember Milder delivered the invocation and led the Pledge of Allegiance. Mayor
88 Pruitt then announced that members of the city's Youth Advisory Council (YAC) are
89 present to observe the council meeting this evening, and each of them introduced
90 themselves.

91
92 **VIII. PROCLAMATIONS / AWARDS**

- 93
94 1. Bullying Prevention Month Proclamation

95
96 **Mayor Pruitt called a few members of the Rockwall Youth Advisory Council forth. He**
97 **then read and presented a proclamation declaring October 2015 as Bullying Prevention**
98 **Month.**

99
100 **IX. OPEN FORUM**

101
102 **Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to**
103 **come forth and speak. There being no one, he then closed the Open Forum.**

104
105 **X. CONSENT AGENDA**

- 106
107 1. Consider approval of the minutes from the October 5, 2015 regular city
108 council meeting, and take any action necessary.
- 109 2. Consider authorizing a change order to Hill & Wilkinson Construction
110 Group in the amount of \$75,587.79 to be funded from the 2008 water and
111 Sewer Revenue bonds to replace the sanitary sewer line along Kaufman
112 Street from San Jacinto Street to Fannin Street, and take any action
113 necessary.
- 114 3. Consider awarding a bid to Holt CAT and authorizing the City Manager to
115 execute a Purchase Order for a new Backhoe in the amount of \$127,320
116 to be funded out of the Water and Sewer Fund, Water Operations Budget,
117 and take any action necessary.
- 118 4. Consider awarding a bid to Holt CAT and authorizing the City Manager to
119 execute a Purchase Order for a new Skid Steer Loader in the amount of
120 \$37,568 to be funded out of the General Fund Streets Operations Budget,
121 and take any action necessary.
- 122 5. Consider awarding a bid to CUES and Caldwell Country Chevrolet and
123 authorizing the City Manager to execute Purchase Orders for a new
124 CCTV Inspection Van totaling \$219,855 to be funded out of the Water
125 and Sewer Fund, Sewer Operations Budget, and take any action
126 necessary.
- 127 6. Consider award a bid to Freightliner/CLS and authorizing the City
128 Manager to execute a Purchase Order for a new VACCON Truck in the
129 amount of \$317,257.75 to be funded out of the Water and Sewer Fund,
130 Sewer Operations Budget, and take any action necessary.
- 131 7. Consider authorizing the city manager to execute a Construction Manager
132 at Risk contract with Dean Construction for construction associated with
133 the Park at Stone Creek, with grant matching funds being provided by
134 developer contributions in that park district, and take any action
135 necessary.
- 136 8. Consider approval of a resolution supporting Statewide Proposition 7 for
137 increased state funding for transportation in Texas, and take any action
138 necessary.

139 **Mayor Pro Tem Lewis made a motion to approve the entire Consent Agenda (#1, 2, 3, 4, 5,**
140 **6, 7, and 8). Councilmember Milder seconded the motion, which passed unanimously of**
141 **council.**

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XI. APPOINTMENTS

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

Chairman of the Planning & Zoning Commission, Craig Renfro, came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's city council meeting agenda.

2. Appointment with Kim Lovett, Marketing Director, and Silvana Garcia, Property Manager, for The Harbor Rockwall to hear request concerning hosting of a Fox 4 Toys For Tots televised donation event at The Harbor on December 4th, and take any action necessary.

Property Manager Silvana Garcia came forward and gave a brief description and some background information related to the event.

Mayor Pruitt explained that he was at the Harbor the weekend prior for an event and noticed that there were several areas of concern regarding the landscaping and overall condition of the common areas. Mayor Pruitt also had several photographs to show Ms. Garcia that revealed several areas that needed to be addressed and stated that these conditions are not something that the city would be proud to showcase with a camera crew present.

Ms. Garcia explained that the plants at the Harbor were taken out because fall plants will be going in. Ms. Garcia stated that she would be more than happy to speak with the Mayor at another time regarding the plans for the landscaping at the Harbor, but was unprepared to do so at this time. Mayor Pruitt responded and asked why his numerous letters and phone calls had gone unanswered and not returned regarding these issues. Ms. Garcia explained that she has never gotten a message or letter from anyone at the city and would be willing to talk with them if necessary. She further went on to say that the landscaping at the Harbor was under irrigation repairs for some time delaying the planting of new landscaping. Mayor Pruitt stated that he would be willing to send her copies of the multiple letters that were sent to the property management company.

Mayor Pruitt made a motion to deny the request. The motion failed for a lack of a second.

Mayor Pro Tem Lewis corrected Ms. Garcia by reminding her that he too has made phone calls and left messages that went unreturned. Mayor Pro Tem Lewis made a motion to approve the event request. Councilmember White seconded. The motion passed by a vote of 6 in favor, 1 against (Pruitt).

Mayor Pruitt added that he would like to contact the Fox 4 new station to see if Downtown Rockwall would be a location option for the Toys for Tots event.

XII. PUBLIC HEARING ITEMS

1. **Z2015-025** - Hold a public hearing to discuss and consider a request by Bill K. Ryan for the approval of an **ordinance** for a zoning change from an Agricultural (AG) District to a Single Family One (SF-1) District for a 1.02-acre tract of land identified as Tract 11-2 of the D. Harr Survey Abstract, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)

188 District, situated within the East SH-66 Overlay (E. SH-66 OV) District,
189 addressed as 770 Davis Drive, and take any action necessary (**1st**
190 **Reading**).

191 **Planning Director Ryan Miller gave brief background on this item. He explained that, in**
192 **this case, the applicant is requesting to change the zoning from Agricultural to Single**
193 **Family One, which requires a minimum lot size of 1 acre and allows one grazing animal**
194 **per 40,000 sf. Mr. Miller stated that the request does conform to the future land use map.**
195 **Notifications were sent out to 25 property owners and residents. One notice was received**
196 **back in favor of the request. The Planning and Zoning Commission did approve the**
197 **request by a unanimous vote.**

198 **The applicant, Bill Ryan, came forward to address council and gave background**
199 **information on the history of his property and his horse.**

200 **Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and**
201 **speak. There being no one, the public hearing was closed. Councilmember Milder made**
202 **a motion to approve the ordinance. Councilmember White seconded the motion. The**
203 **ordinance was read as follows:**

204
205 **ORDINANCE NO. 15-XX**

206
207 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**
208 **AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE**
209 **CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND**
210 **THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM AN AGRICULTURAL**
211 **(AG) DISTRICT TO A SINGLE-FAMILY ONE (SF-1) DISTRICT FOR A 1.02-ACRE**
212 **TRACT OF LAND IDENTIFIED AS TRACT 11-2 OF THE D. HARR SURVEY,**
213 **ABSTRACT NO. 102, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND**
214 **MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE;**
215 **PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE**
216 **NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH**
217 **OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A**
218 **REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
219

220 **The motion passed unanimously of council.**
221

- 222 **2. Z2015-026 - Hold a public hearing to discuss and consider a request by**
223 **Randy Kopplin of Stone Creek Real Estate Partners, LLC on behalf of the**
224 **owner Arkoma Development, LLC for the approval of an ordinance**
225 **amending Planned Development District 65 (PD-65) [Ordinance No. 08-**
226 **02] to allow for a ~74,000 SF Assisted Living Facility to be established on**
227 **a 5.507-acre portion of a larger 11.723-acre tract of land identified as**
228 **Tract 5 of the S. King Survey, Abstract No. 131, City of Rockwall,**
229 **Rockwall County, Texas, zoned Planned Development District 65 (PD-65)**
230 **for General Retail (GR) District land uses, located west of the intersection**
231 **of N. Goliad Street [SH-205] and Pecan Valley Drive, and take any action**
232 **necessary (1st Reading).**

233 **Planning Director Ryan Miller explained that the applicant had requested to withdraw this**
234 **case, but because it was published already, the public hearing must still be acted upon.**

235 **Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and**
236 **speak. There being no one, the public hearing was closed. Mayor Pruitt made a motion to**

237 **withdraw the request. Mayor Pro Tem Lewis seconded the motion. The motion passed**
238 **unanimously of council.**

239

240 **XIII. ACTION ITEMS**

241

242 1. Discuss and consider authorizing the city manager to execute an
243 agreement with Paul Davis for through-the-fence access from private
244 property onto the Ralph M. Hall / Rockwall Municipal Airport, and take any
245 action necessary.

246 **Internal Operations Director Joey Boyd gave brief background information regarding this**
247 **action item.**

248 **Mayor Pro Tem Lewis made a motion to authorize the city manager to execute the**
249 **agreement with Paul Davis. Councilmember Townsend seconded the motion. The motion**
250 **passed unanimously of council.**

251 2. **SP2015-022** - Discuss and consider a request by Jonathan Hake of
252 Cross Engineering on behalf of the owner Kenneth R. Smith of K. R.
253 Smith Holdings, LLC for the approval of an exception to allow tilt-wall
254 construction and variances to the articulation, architectural and material
255 requirements for an approved site plan for an indoor/outdoor baseball
256 training facility on a six (6) acre tract of land identified as Tract 4-07 of the
257 N. Butler Survey, Abstract No. 20, City of Rockwall, Rockwall County,
258 Texas, zoned Commercial (C) District, situated within the SH-205 By-
259 Pass Corridor Overlay (SH-205 BY-OV) District, located on the north side
260 of Airport Road west of the intersection of Airport Road and John King
261 Boulevard, and take any action necessary.

262 **Planning Director Ryan Miller gave brief background information on this item. All of the**
263 **requested variances relate to the exterior of the building itself related to tilt wall**
264 **construction, horizontal and vertical building articulation, the 20% natural stone**
265 **requirement and secondary materials, and the four sided building requirement of the**
266 **overlay district. The ARB Board and P&Z Board did recommend full approval of the**
267 **variances.**

268 **Councilmember White made a motion to approve the 1st variance for the tilt wall**
269 **construction. Councilmember Fowler seconded the motion. The motion passed**
270 **unanimously of council.**

271 **Councilmember Milder made a motion to approve the 2nd variance for horizontal and**
272 **vertical articulation requirements. Mayor Pro Tem Lewis seconded the motion. The**
273 **motion passed unanimously of council.**

274 **Councilmember White made a motion to approve the 3rd variance for less than 20%**
275 **natural stone. Mayor Pruitt seconded the motion. The motion passed unanimously of**
276 **council.**

277 **Councilmember White made a motion to approve the 4th variance for an excess of 10%**
278 **secondary materials. Mayor Pro Tem seconded the motion. The motion passed**
279 **unanimously of council.**

280 **Councilmember Townsend made a motion to approve the 5th variance for not meeting the**
281 **four sided architectural requirements. Councilmember White seconded the motion. The**
282 **motion failed to get a ¾ majority vote by 5 ayes and 2 nays (Milder and Fowler).**

283 3. Discuss and consider a request by Michael M. Caffey for the approval of
284 a structure preservation tax exemption application seeking to have the
285 assessed value for ad valorem taxation fixed for a period of seven (7)
286 years on the subject property at 311 S. Fannin Street, further identified as
287 Lot 9 & 10, Block C of the Eppstein Addition, City of Rockwall, Rockwall
288 County, Texas, zoned Single Family 7 (SF-7) District, located within the
289 Old Town Rockwall (OTR) Historic District, and take any action
290 necessary.

291 **Planning Director Ryan Miller gave brief background on this agenda item. He explained**
292 **that the request was reviewed and approved by the Historic Preservation Board and that**
293 **the recommendation to the Rockwall Central Appraisal District would only be sent after**
294 **the improvements to the home have been completed.**

295 **Councilmember White made a motion to approve the request. Mayor Pro Tem Lewis**
296 **seconded the motion. The motion passed unanimously of council.**

297 4. Discuss and consider various zoning provisions pertaining to Planned
298 Development District 75 (PD-75) including sections dealing with
299 consideration of special requests, and take any action necessary.

300 **Councilmember White gave a brief history of this item stating that the area was annexed**
301 **in February of 2009 and that a few months later the city began zoning of the Lake**
302 **Rockwall Estates neighborhood. There were several town hall meetings that took place**
303 **with the surrounding citizens, and there was an overwhelming objection to multifamily**
304 **type uses. He explained that the city council and the P&Z commission both voted against**
305 **allowing multifamily zoning, however the ordinance was written to allow it at council's**
306 **discretion. Councilmember White stated that he would like for the P&Z commission to**
307 **take under advisement the opinions of the citizens that spoke out against this zoning**
308 **change many years prior, and consider changing the current provisions of the ordinance**
309 **as it reads today.**

310 **Mayor Pruitt stated that he would like to hear citizen input concerning the proposed**
311 **changes.**

312 **Councilmember White made a motion to direct staff to initiate a zoning case to amend**
313 **PD-75 to remove the clause that allows council to consider allowing land uses other than**
314 **those allowed by the current zoning without public input. This will require notification of**
315 **all property owners within the Lake Rockwall Estates subdivision. Mayor Pruitt**
316 **seconded the motion. The motion passed unanimously of council.**

317
318 5. Discuss and consider potential regulation of non-emergency ambulance
319 (transport) service providers operating within the city, and take any action
320 necessary.

321 **Councilmember Townsend spoke regarding concern with the way the current proposed**
322 **ordinance is written. His concern is that anyone can get the license and file the**
323 **appropriate paperwork and operate in the city no matter what tier of service they provide.**
324 **He went on to say that, although the state issues the licenses, they aren't as strict as the**
325 **city might be, and he feels the city could be taking a risk to allow several ambulance**
326 **providers.**

327 **Councilmember White asked the City Manager and the City Attorney what the risk might**
328 **be for allowing other ambulance services to transport in the City of Rockwall. City**

329 **Manager Rick Crowley explained that there wasn't necessarily a legal risk for the city.**
330 **However, deciding on the extent of regulating them is necessary to meet an obligation to**
331 **the residents that want other transport options and to clarify what the city is willing to**
332 **allow. Councilmember White explained that he didn't think the city is qualified to regulate**
333 **ambulances services and still thinks that it's the responsibility of the facilities using**
334 **other ambulance services that would need to answer to the patients. Rick Crowley stated**
335 **that if the council would like to pass an ordinance stating that they would like for outside**
336 **ambulance companies to be regulated, the City of Rockwall would be contracting outside**
337 **for those inspection purposes.**

338 **General discussion took place, and no formal action was taken on this item.**

339

340 **6. Discuss and consider approval of an ordinance amending the Code of**
341 **Ordinances in Chapter 12. Businesses & Sales, Article XII. Ambulance**
342 **Service by adding and amending Sections 12-1250 through 12-1253**
343 **regulating ambulance services and providers in the City, and take any**
344 **action necessary. (2nd reading)**

345 **Mayor Pro Tem Lewis made a motion to approve the ordinance. Mayor Pruitt seconded**
346 **the motion. The ordinance was read as follows:**

347

348 **ORDINANCE NO. 15-28**

349

350 **AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER**
351 **12, ARTICLE XII, SECTION 12 BY ADDING AND AMENDING SECTIONS 12-1250**
352 **THROUGH 12-1253 OF THE CODE OF ORDINANCES, REGULATING**
353 **AMBULANCE SERVICES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE;**
354 **PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.**

355

356 **Mayor Pruitt stated for the record that, although a vote is being taken at this time, further**
357 **discussion regarding a change from this ordinance can take place at any time.**

358 **The motion passed by a vote of 5 ayes and 2 nays (Fowler and Townsend).**

359

360 **7. Discuss and consider approval of a policy for seasonal outside storage of**
361 **shipping containers and/or similar storage containers for commercial land**
362 **uses, and take any action necessary.**

363 **Planning Director Ryan Miller gave brief background on this item.**

364 **Councilmember Hohenshelt stated that he would like this policy to state that this type of**
365 **temporary storage may only be approved for retail facilities.**

366 **Councilmember White made a motion to approve the policy as written with the exception**
367 **of adding that it would only be for retail facilities during seasonal months.**
368 **Councilmember Hohenshelt seconded the motion. The motion passed unanimously of**
369 **council.**

370 **Mayor Pruitt read all items into the record before recessing the meeting into Executive**
371 **Session at 8:00 p.m.**

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XIV. EXECUTIVE SESSION (8PM)

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

1. Discussion regarding Economic Development prospects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding legal matters related to land lease operations at Ralph Hall Municipal Airport pursuant to Section 551.071 (Consultation with Attorney).
3. Discussion regarding appointments to city regulatory boards, commissions, or committees - interview candidates: Planning & Zoning Commission vacancy - pursuant to Section 551.074 (personnel matters)
4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

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

394
395 **Mayor Pruitt reconvened the public meeting at 8:22 p.m. and there was no action taken.**

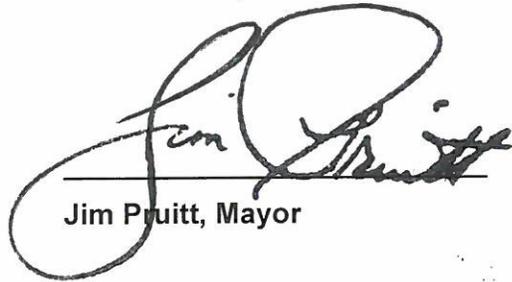
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397 **XVI. ADJOURNMENT**

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399 **Mayor Pruitt adjourned the meeting at 8:22 p.m.**

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402 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,**

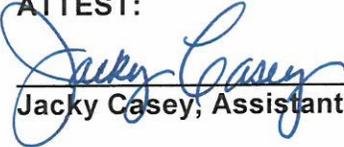
403 **THIS 2nd DAY OF November, 2015.**

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Jim Pruitt, Mayor

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407 **ATTEST:**

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410 **Jacky Casey, Assistant City Secretary**



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MINUTES
ROCKWALL CITY COUNCIL
Monday, November 02, 2015
4:00 p.m. Regular City Council Meeting
City Hall - 385 S. Goliad, Rockwall, Texas 75087

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I. CALL PUBLIC MEETING TO ORDER

9 Mayor Pruitt called the public 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, and
11 Kevin Fowler. Also present were City Manager Rick Crowley, Assistant City Managers Mary
12 Smith and Brad Griggs and City Attorney Frank Garza. Council Members John Hohenshelt
13 and Scott Milder were both absent from the meeting at this time.

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II. WORK SESSION

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1. Hold a work session to hear an update from the GIS Department concerning the release of the City's new suite of interactive maps, and take any action necessary.

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Planning Director, Ryan Miller, introduced Lance Singleton and Lindsay Gnann of the GIS division of the Planning Department. Mr. Singleton and Ms. Gnann then came forth and briefed the city council on various maps and mapping capabilities available on the City of Rockwall's website. Indication was given that this new suite of internet mapping applications will be released on the city's website in the coming weeks. The Council took no action following the presentation.

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2. Hold a work session to discuss and consider a resolution regarding the power of the city council to appoint and remove its board and commission member appointees, including those to the North Texas Municipal Water District Board (NTMWD), and take any action necessary.

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City Manager Rick Crowley briefed the city council on this topic, indicating that member cities of the NTMWD are joining together in an effort to have the various member cities pass this resolution. This topic was recently raised at a meeting that the City of Plano hosted with ten of the thirteen member cities present. For the record, Mayor Pruitt clarified that there is no dissatisfaction on the part of the City of Rockwall with its two representatives who currently serve on the NTMWD board (Bill Lofland and Larry Parks). They do a great job, are good about keeping the city informed and have no problem taking direction from the Rockwall City Council. However, it should be a city's right to remove an appointee to this and other boards at its own discretion, and lately the NTMWD board has given some indication otherwise. Also, the NTMWD has given some indication that a change in its policies currently under consideration would make it almost impossible for member cities to place things on future agendas to be heard and discussed by its full board.

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After brief clarification from City Attorney Frank Garza, Mayor Pro Tem Lewis made a motion to approve a resolution regarding the power of the City Council to appoint and remove its appointees to boards and commissions, including those to the NTMWD Board and excluding those appointed to the Board of Adjustments (BOA) per state law and excluding the Housing Authority. Councilmember White seconded the motion, which passed unanimously of Council present (Milder and Hohenshelt absent).

51 **III. EXECUTIVE SESSION.**

52

53 **THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS**
54 **THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT**
55 **CODE:**

56

57 1. Discussion regarding Economic Development incentives, procedures and
58 possible projects pursuant to Section 551.087 (Economic Development)

59 2. Discussion regarding legal claim: Timothy Headley v. City of Rockwall
60 pursuant to Section 551.071 (Consultation with Attorney)

61 3. Discussion regarding (re)appointments to city regulatory boards,
62 commissions, and committees - Rockwall Economic Development
63 Corporation (REDC) Board - pursuant to Section 551.074 (personnel
64 matters)

65 4. Discussion regarding process associated with City Manager performance
66 evaluation pursuant to Section 551.074 (personnel matters)

67

68 **IV. ADJOURN EXECUTIVE SESSION**

69

70 **Executive Session as adjourned at 5:50 p.m.**

71

72 **V. RECONVENE PUBLIC MEETING**

73

74 **Mayor Pruitt called the public meeting back to order with all Council Members except for**
75 **Hohenshelt being present at the conclusion of the public meeting. (Milder joined Executive**
76 **Session late and then stayed for the duration of the Council meeting).**

77

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

79

80 **Mayor Pro Tem Lewis announced that no action is needed as a result of Executive Session.**

81

82 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER FOWLER**

83

84 **Councilman Fowler delivered the invocation and led the Pledge of Allegiance.**

85

86 **VIII. PROCLAMATIONS / AWARDS**

87

88 1. GIS Day Proclamation

89

90 **Mayor Pruitt introduced members of the city's Geographic Information Systems (GIS)**
91 **division within the Planning Department. He then read and presented a proclamation for**
92 **"GIS Day," which will be hosted at City Hall in the Council Chambers on Wednesday,**
93 **November 18, 2015 from 1:00 p.m. until 6:00 p.m.**

94

95 **IX. OPEN FORUM**

96

97 **Mayor Pruitt explained how Open Forum is conducted. He introduced and recognized**
98 **Tammy Sharp, County Judge David Sweet's sister, and County Judge David Sweet in the**
99 **audience this evening.**

100

101 Mayor Pruitt then read the following, short statement concerning the upcoming school
102 district bond election:
103

104 *The Rockwall community has experienced tremendous growth over the last several*
105 *years but is still a small town in many ways. A majority of our families know each*
106 *other through work, church, youth sports, volunteerism, or in the common*
107 *neighborhoods in which we live. It's easy to misinterpret what an individual says*
108 *and attribute that to a group of people.*
109

110 *For this reason, the Rockwall City Council is clarifying, as a group, that it has no*
111 *official stance on the bond election put forth to voters by the Rockwall*
112 *Independent School District. While each member of our community has a right to*
113 *his or her own opinion of the merits of this bond election, the City Council, as an*
114 *elected body, has not and will not take a position on the election on Tuesday,*
115 *November 3, 2015.*
116

117 Following his statement, Mayor Pruitt asked if anyone would like to come forward and
118 speak during this time. There being no indication of such, he then closed the Open Forum
119

120 **X. CONSENT AGENDA**
121

- 122 1. Consider approval of the minutes from the October 19, 2015 regular city
123 council meeting, and take any action necessary.
- 124 2. Consider awarding the bid to Morrow Construction Company and authorizing
125 the city manager to execute a contract for the Rockwall Police Driveway
126 Project in the amount of \$72,056.00 to be funded out of General Fund
127 Reserves, and take any action necessary.
- 128 3. Consider authorizing the city manager to execute a contract with Great
129 Midwest Insurance Company to secure reinsurance/stop loss coverage for
130 the City's health insurance plans, applying to claims exceeding \$100,000,
131 and take any action necessary.
- 132 4. Consider awarding a bid to Bergkamp Pavement Solutions and authorizing
133 the City Manager to execute a Purchase Order for a new Pothole Patcher in
134 the amount of \$152,640 to be funded out of the General Fund, Streets
135 Operating Budget, and take any action necessary.
- 136 5. Consider awarding a bid to Caldwell Country Chevrolet and authorizing the
137 City Manager to execute a Purchase Order for 2016 model year Police
138 Pursuit Tahoes in the amount of \$107,355 to be funded out of the General
139 Fund, Patrol Budget, and take any action necessary.
- 140 6. Consider awarding a bid to Holt CAT and authorizing the City Manager to
141 execute a Purchase Order for a new Compact Excavator in the amount of
142 \$65,904 to be funded out of the Water and Sewer Fund, Water Operating
143 Budget, and take any action necessary.
- 144 7. Consider awarding a bid to Holt CAT and authorizing the City Manager to
145 execute a Purchase Order for a new Backhoe in the amount of \$128,388 to
146 be funded out of the General Fund, Streets Operating Budget, and take any
147 action necessary.
- 148 8. **P2015-039** - Consider approval of a request by John Arnold of the Skorburg
149 Company (BH Phase IIB SF, LTD) for the approval of a replat of Lots 51-57,

150 Block D, Breezy Hill, Phases IIA & IIB, being a 2.722-acre portion of land
151 that is currently identified as Lots 24-26 & 50, Block D, Breezy Hill, Phases
152 IIA & IIB, City of Rockwall, Rockwall County, Texas, zoned Planned
153 Development District 74 (PD-74) for residential land uses, generally located
154 north of the intersection of FM-552 and John King Boulevard, and take any
155 action necessary.

156 **9. P2015-038** - Consider approval of a request by Pastor Rex Walker on behalf
157 of Life Spring Church for the approval of a final plat for Lot 1, Block 1 and
158 Lots 1 & 2, Block 2, Life Spring Church Addition being a 30.3403-acre tract
159 of land currently identified 15-01 of the J. Strickland Survey, Abstract No.
160 187, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG)
161 District, situated with the SH-205 By Pass Corridor Overlay (SH-205 BY OV)
162 District, located on the north side of John King Boulevard east of the
163 intersection of SH-205 and John King Boulevard, and take any action
164 necessary.

165 **10. Z2015-025** - Consider approval of request by Bill K. Ryan for the approval of
166 an **ordinance** for a zoning change from an Agricultural (AG) District to a
167 Single Family One (SF-1) District for a 1.02-acre tract of land identified as
168 Tract 11-2 of the D. Harr Survey Abstract, City of Rockwall, Rockwall
169 County, Texas, zoned Agricultural (AG) District, situated within the East SH-
170 66 Overlay (E. SH-66 OV) District, addressed as 770 Davis Drive, and take
171 any action necessary (**2nd Reading**).

172 **Councilman Fowler pulled item #2 for discussion. Mayor Pro Tem Lewis made a motion to**
173 **approve the remainder of the Consent Agenda items (#1, 3, 4, 5, 6, 7, 8, 9, and 10).**
174 **Councilmember Milder seconded the motion. The ordinance for item #10 was read as**
175 **follows:**

176 **CITY OF ROCKWALL**
177 **ORDINANCE NO. 15-29**
178

179 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
180 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO.*
181 *04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS
182 TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING
183 FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ONE (SF-1)
184 DISTRICT FOR A 1.02-ACRE TRACT OF LAND IDENTIFIED AS TRACT 11-2
185 OF THE D. HARR SURVEY, ABSTRACT NO. 102, CITY OF ROCKWALL,
186 ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN
187 *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS;
188 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO
189 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
190 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
191 PROVIDING FOR AN EFFECTIVE DATE.

192 **The motion passed by a vote of 6 ayes with 1 absent (Hohenshelt).**
193

194 **Regarding Consent Agenda item #2, Councilmember Fowler indicated that he would like**
195 **some additional information regarding this agenda item and associated expense, explaining**
196 **that he believes it seems to be a fairly large cost. After clarification from staff who indicated**
197 **that adding this driveway will help improve traffic flow in and out of the police department**
198 **parking lot, Councilmember Fowler then made a motion to approve Consent Agenda item #2**
199 **as presented. Councilmember Milder seconded the motion which, after brief comments,**
200 **passed unanimously of those present (Hohenshelt absent).**
201
202

203 XI. APPOINTMENTS

204

- 05 1. Appointment with the Planning and Zoning Chairman to discuss and answer
06 any questions regarding cases on the agenda and related issues and take
207 any action necessary.

208 **Indication was given that Mr. Renfro was not present, as there is nothing on tonight's**
209 **meeting agenda for which he needed to provide an update to Council.**

- 210 2. Appointment with Tammy Sharp of the Downtown Merchants' Association to
211 discuss and consider partnering with the city for an upcoming Downtown
212 Grand Opening Celebration, and take any action necessary.

213 **Mrs. Sharp came forth and explained that she and her husband own T&T Color Supply on**
214 **North Fannin Street in downtown. She explained that she is speaking on behalf of the**
215 **Downtown Merchants' Association. She went on to thank the council and staff for all of**
216 **their efforts and assistance with helping to work through issues associated with the**
217 **downtown improvements and ongoing construction. She explained that Kevin Leferre,**
218 **owner of Zanata and current president of the Downtown Association, has appointed her and**
219 **Christi Foster of Groovy's to begin planning a downtown grand opening event. Tentatively,**
220 **the date of April 16, 2016 has been identified. She requested that the city council consider**
221 **partnering with her organization to hold this grand opening event.**

222
223 **Mayor Pruitt made a motion to partner with the Downtown Merchants' Association for the**
224 **purpose of a ribbon cutting and grand opening associated with completion of the downtown**
225 **construction improvements project to be held on April 16 as long as that date is agreeable**
226 **to everyone. Councilman White seconded the motion, which passed unanimously of those**
227 **present (Hohenshelt absent).**

228

229 XII. ACTION ITEMS

230

- 231 1. Discuss and consider appointing members of the city's Art Review Team to
232 also serve on the Art Committee, and take any action necessary.

233 **Councilmember White made a motion to appoint the Art Review Team members to also**
234 **serve as the city's Art Committee. Mayor Pruitt seconded the motion, which passed**
235 **unanimously of council present (Hohenshelt absent).**

- 236 2. Hear update from Emergency Services Corporation (ESC) representatives
237 concerning the countywide contract for Emergency Medical Services (EMS),
238 and take any action necessary.

239 **Mayor Pruitt announced that no discussion or action is needed concerning this item at this**
240 **time.**

241

242 XIII. CITY MANAGER'S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS,
243 FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

244

- 245 1. Departmental Reports
246 Building Inspections Monthly Report - September 2015
247 Fire Department Monthly Report - September 2015
248 GIS Department Monthly Report - September 2015
249 Harbor PD Monthly Report - September 2015
250 Internal Operations Department Monthly Report - September 2015
251 Police Department Monthly Reports - September 2015
252 Recreation Monthly Report - Sep 2015

2. City Manager's Report

City Manager Rick Crowley offered brief comments, indicating that staff is available to answer any questions of Council concerning the monthly reports. There being none, no further discussion took place.

XIV. EXECUTIVE SESSION

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

1. Discussion regarding Economic Development incentives, procedures and possible projects pursuant to Section 551.087 (Economic Development)
2. Discussion regarding legal claim: Timothy Headley v. City of Rockwall pursuant to Section 551.071 (Consultation with Attorney)
3. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - Rockwall Economic Development Corporation (REDC) Board - pursuant to Section 551.074 (personnel matters)
4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

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

The mayor and council did not return to Executive Session following the close of the public meeting agenda.

XVI. ADJOURNMENT

Mayor Pruitt adjourned the meeting at 6:20 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 16th day of November, 2015.

ATTEST:

Kristy Cole

Kristy Cole, City Secretary



Jim Pruitt

Jim Pruitt, Mayor

1
2
3
4
5
6

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:

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678

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)

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

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

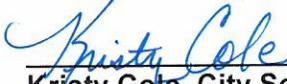
XVI. ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,

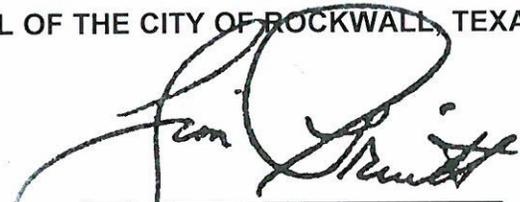
THIS 7th day of December, 2015.

ATTEST:



Kristy Cole, City Secretary





Jim Pruitt, Mayor

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MINUTES
ROCKWALL CITY COUNCIL
Monday, December 07, 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 public 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, and Kevin Fowler. Also present were City Manager Rick Crowley, Assistant
12 City Managers Mary Smith and Brad Griggs and City Attorney Frank Garza. City Council
13 Member Scott Milder was absent from the meeting.

14
15 Mayor Pruitt read the below listed items into the public record before recessing the public
16 meeting into Executive Session at 4:02 p.m.

17
18 II. EXECUTIVE SESSION.

19
20 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
21 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
22 CODE:

- 23
24 1. Discussion regarding land acquisition for South Community Park pursuant to
25 Section § 551.072 (Real Property).
26
27 2. Discussion regarding purchase or lease of real property / land acquisition in
28 the vicinity of the downtown area pursuant to Section § 551.072 (Real
Property).
29
30 3. Discussion regarding legal advice associated with homeowners association
31 (HOA) regulations within the city pursuant to Section 551.071 (Consultation
with Attorney).
32
33 4. Discussion regarding process associated with City Manager performance
evaluation pursuant to Section 551.074 (personnel matters)

34 III. ADJOURN EXECUTIVE SESSION

35
36 Mayor Pruitt called the public meeting back to order at 4:25 p.m., announcing that the
37 Council will now address the following Work Session items.

38
39 IV. WORK SESSION

- 40
41 1. Hold work session with Christopher Jackson - Wynne/Jackson Inc. to discuss
42 potential development generally located in the vicinity of FM-3097 and FM-549.

43
44 Christopher Jackson of Wynne / Jackson, Inc.
45 600 N. Pearl, Suite 650
46 Dallas, TX 75201
47

48 Mr. Jackson came forth, introduced himself, explaining that he is a developer that has been
49 in business since the 1970s. He shared that the Wallace property is currently under
50 contract, and he would like to make a presentation to the city council to show them the type
51 of residential developments that his company constructs, generally indicating that these are
52 master planned type communities that are high-end and have several amenities (i.e.
53 playgrounds, swimming pools (some with play areas), trails, and other resort-like
54 amenities). General indication was given that these types of communities are
55 representative of the type of development his company would like to see built on the
56 Wallace property. While explaining the draft site plan he displayed, he shared that he is
57 suggesting a memory care type facility be placed on a portion of the property. He stressed
58 that this would not be a multi-family development, but, rather, a memory care facility that
59 could be controlled with deed restrictions. He explained that a portion of the development
60 may be slated as 'age restricted' for perhaps the 'baby boomer' generation who may prefer
61 to not live right next door to a young family with four kids yet do not wish to be totally
62 isolated either.

63
64 City Manager Mr. Crowley reminded Mr. Jackson about the City of Rockwall's desire to have
65 some land set aside within this development for a public, neighborhood park. Mr. Jackson
66 suggested that, regarding the city's desire for a neighborhood park, if money is not readily
67 available, a TIF (tax increment financing) or perhaps a PID (public improvement district)
68 might be put on the table for consideration, sharing that the City of Celina is doing a lot of
69 PIDs lately.

70
71 Councilmember Townsend asked for clarification regarding what Mr. Jackson is asking of
72 the city / city council (other than changes to John King Blvd.). Mr. Jackson shared that he
73 would like feedback regarding if the city feels this package represents an acceptable land
74 use. Comments were then made pertaining to the park.

75
76 Mr. Clyde Jackson (same address as above), came forth and indicated that \$275,000 –
77 \$350,000, perhaps even \$400,000, would be the price point of these homes. He shared some
78 general ideas concerning a possible park on a portion of this overall property.

79
80 Mayor Pro Tem Lewis expressed that 2.5 units per acre is something that the Council likely
81 wishes to improve (the council will likely prefer less density). Also, the city getting the park
82 land it desires is a big deal. Mr. Jackson (Sr.) explained that density is relative and that it
83 will not feel crowded or like there are too many houses.

84
85 Mayor Pruitt and Mr. Jackson (Sr.) spoke briefly about density as well as surrounding
86 properties that may be developed some time in the future. Pruitt expressed concern
87 regarding public access to the section of the land that might, hypothetically, be developed
88 as a city park. Mr. Jackson generally indicated that there may be a few ways that two to
89 three access points could be considered so that cars would not have to drive all the way
90 through the neighborhood to access the park.

91
92 General discussion took place related to options concerning the park, access to it, funding
93 for it, the gas line that runs through it, and density. The realignment of John King
94 Boulevard was also briefly discussed.

95
96 Mr. Jackson (Sr.) indicated that the negotiations on this property have been ongoing for two
97 years, and economics involved with this development are pretty tight, especially given the
98 various development constraints.

99

100 Mayor Pruitt explained that the City Council, in order to be comfortable with higher density
101 (higher than 2 houses per acre), must feel as though they are getting attractive, meaningful
102 amenities in exchange for that higher density. Mr. Jackson (Sr.) explained that the amenity
103 package will be high-end, will consist of an extensive trail system, and the exposure to the
104 creeks will be maximized to allow them to be part of the parks system. He expressed that
105 he believes this development will be the best one in this part of town and will thereby raise
106 the values of the properties around it. Also, those living there will contribute to the tax base
107 through sales tax revenue. Mr. Jackson (Jr.) expressed that they have budgeted for a full
108 amenities center, including a pool as well.

109
110 Regarding proposed changes to the thoroughfare plan, staff is in the process of getting
111 feedback from the property owner to the north, and they may solicit feedback from the
112 property owners to the south.

113
114 Mr. Jackson (Sr.) explained that they have about 90 days (from last week) to get assurance
115 on the zoning and realignment of John King and to work out a deal on the park land.

116
117 Councilmember Hohenshelt expressed large concern about the access challenges
118 associated with the potential public park land.

119
120 Mayor Pruitt indicated that the staff and council welcome further communication regarding
121 this potential development.

122
123 Mr. Jackson (Jr. / initial speaker) asked if the Council would be open to financing options
124 such as PIDs and/or TIFs. Mayor Pruitt indicated that Rockwall is not really big on PIDs and
125 TIFs and really does not prefer those sorts of financing options.

126
127 At the end of the discussion, Council took no formal action concerning this item.

- 128
129
130 2. Hold work session to hear and discuss a final report by AECOM regarding public
131 transportation, and take any action necessary.

132 Andrew Ittigson
133 AECOM
134 1950 N. Stemmons Freeway, Ste. 6000
135 Dallas, TX 75207
136

137 Since AECOM briefed the Council back in September, its consultant has had various
138 conversations with the consultant working for STAR Transit. Mr. Ittigson briefed the
139 council on average cost associated with ridership, indicating that STAR's cost per revenue
140 hour is reasonable compared to the average associated with other, comparable transit
141 providers. He briefed Council on ridership loads, including the peak hour around 3PM when
142 the Girls & Boys Club rides are taking place. He also shared a manifest map from April
143 which showed where rides were originating and going. He explained that LogistiCare is the
144 transportation service provided for Medicaid non-emergency trips funded through TX
145 Health & Human Services Commission. He stated that these trips will take place regardless
146 of if STAR Transit is operating or not. He shared that approximately 8% of trips in Rockwall
147 County were for LogistiCare trips in October of 2015, sharing that this resulted in about
148 \$15,000 in revenue for October for the provider (now STAR). Service is made up primarily of
149 short trips. STAR's cost effectiveness metrics are in line with peers as far as cost per hour
150 and cost per mile.

151
152 At the request of Mr. Crowley, Council generally agreed to place this item on the next
153 Council meeting agenda for further discussion before possibly forwarding these findings to
154 Rockwall County for them to be used in negotiations with STAR when discussing the
155 contract.

156
157 Council recessed the public meeting and reconvened in Executive Session again at 5:35
158 p.m.

159
160 V. RECONVENE PUBLIC MEETING

161
162 Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all Council Members except
163 Scott Milder being present.

164
165 VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

166
167 Mayor Pro Tem Lewis indicated that no action is needed as a result of Executive Session.

168
169 VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER WHITE

170
171 Councilmember White delivered the invocation and led the Pledge of Allegiance.

172
173 VIII. PROCLAMATIONS / AWARDS

174
175 1. Snowball Express Celebration Day

176
177 Parker Coddington, Owner of Shenaniganz, came forth and thanked the city for its support
178 of the Snowball Express organization coming to his facility in Rockwall on Monday,
179 December 14th at 9:45 a.m. He explained that this organization offers fun activities to
180 children and their families who have lost a parent while on active military duty since 9/11.
181 He encouraged the public to show up to be part of a cheering squad to welcome these kids
182 to Rockwall and to Shenaniganz on Monday morning, one week from today. Mayor Pruitt
183 then read and presented Mr. Coddington with a proclamation, declaring it Snowball Express
184 Celebration Day in the City of Rockwall.

185
186 IX. OPEN FORUM

187
188 Mayor Pruitt explained how Open Forum is conducted and asked if anyone would like to
189 come forth and speak at this time. There being no one, he then closed Open Forum.

190
191 X. CONSENT AGENDA

192
193 1. Consider approval of the minutes from the November 16, 2015 regular city
194 council meeting, and take any action necessary.

195
196 2. **Z2015-027** - Consider a request by Bobby Dale and Bretta Price for the
197 approval of an **ordinance** for a zoning change from an Agricultural (AG)
198 District to a Single Family Estate 2.0 (SFE-2.0) District for a 5.5-acre tract of
199 land identified as Tract 17-7 of the W. W. Ford Survey, Abstract No. 80, City
200 of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,
201 addressed as 453 Cullins Road, and take any action necessary **[2nd
Reading]**.

- 202 3. **Z2015-029** - Consider a City initiated zoning request for the approval of an
 203 **ordinance** for a text amendment to various sections of Article V, District
 204 Development Standards, Article VIII, Landscaping Standards, and Article IX,
 205 Tree Preservation, and to create Appendix F, Landscaping Guidelines, of the
 206 Unified Development Code [Ordinance No. 04-38] for the purpose of
 207 incorporating recommendations made by the Landscape Ordinance Review
 208 Committee, and take any action necessary **[2nd Reading]**.
- 209 4. Consider authorizing the City Manager to execute an agreement with the
 210 Rockwall Central Appraisal District for collection services for the fiscal year
 211 2016 in the amount of \$67,940 to be funded by the Administration Operating
 212 Budget, and take any action necessary.
- 213 5. Consider authorizing the city manager to execute an interlocal agreement
 214 with Rockwall County related to municipal judge services for "No Refusal
 215 Weekends" during the upcoming year, and take any action necessary.
- 216 6. Consider authorizing the City Manager to execute a Professional
 217 Engineering Services Contract with Birkhoff, Hendricks & Carter, LLP to
 218 prepare engineering design plans and specifications for the utility relocations
 219 on SH 276 from SH 205 to FM 549 in an amount not to exceed \$72,800 to
 220 be funded by water and sewer revenue bonds, and take any action
 221 necessary.
- 222 7. Consider authorizing the City Manager to execute a Professional Services
 223 Contract with Pipeline Analysis, LLC to perform a Capacity, Management,
 224 Operations and Maintenance Self-Audit and Plan in the amount of \$29,235
 225 to be funded by water and sewer revenue bonds, and take any action
 226 necessary.
- 227 8. Consider authorizing the City Manager to execute a Professional
 228 Engineering Services Contract with Teague, Nall and Perkins, Inc. to
 229 eliminate the Stonebridge Lift Station and construct new sanitary sewer
 230 gravity pipe to serve the current area in the amount of \$74,300 to be funded
 231 by water and sewer revenue bonds, and take any action necessary.

232
 233 **Mayor Pro Tem Lewis pulled item #8 for further discussion. Mayor Pruitt pulled items #3**
 234 **and #4. Councilmember White made a motion to approve the remaining items. The**
 235 **ordinance for #2 was read as follows:**

236 CITY OF ROCKWALL
 237 ORDINANCE NO. 15-31
 238

239 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
 240 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO.*
 241 *04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS
 242 TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING
 243 FROM AN AGRICULTURAL (AG) DISTRICT TO A SINGLE-FAMILY ESTATE
 244 2.0 (SFE-2.0) DISTRICT FOR A 5.50-ACRE TRACT OF LAND IDENTIFIED AS
 245 TRACT 17-7 OF THE W.W. FORD SURVEY, ABSTRACT NO. 80, CITY OF
 246 ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY
 247 DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR
 248 SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO
 249 EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
 250 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
 251 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

252
253 The motion passed by a vote of 6 in favor with 1 absent (Milder).

254
255 Councilmember White made a motion to approve item #3. Councilmember Townsend
256 seconded the motion. Mayor Pruitt indicated that he voted against this item at the last
257 meeting, so this is why he pulled it. He explained that he voted against it because of the
258 change in the landscape canopy trees from three down to two. The ordinance was then
259 read as follows:

260
261 CITY OF ROCKWALL
262 ORDINANCE NO. 15-32

263
264 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
265 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO.
266 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY
267 AMENDING SECTION 6 OF ARTICLE V, DISTRICT DEVELOPMENT
268 STANDARDS; SECTIONS 3, 5, 6 & 7 OF ARTICLE VIII, LANDSCAPE
269 STANDARDS; SECTION 7 OF ARTICLE IX, TREE PRESERVATION; AND TO
270 CREATE APPENDIX F, LANDSCAPE GUIDELINES; PROVIDING FOR A
271 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
272 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
273 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
274 PROVIDING FOR AN EFFECTIVE DATE.

275
276 The motion passed by a vote of 5 in favor, 1 against (Pruitt) and 1 absent (Milder).

277
278 Regarding item #4, Mayor Pruitt expressed that the city has received incorrect figures for
279 the TIF and for the City, which resulted in the city having to change our tax rate. So,
280 therefore, he made a motion to table this item in order to invite the CAD to appear before the
281 Council prior to this contract being considered / approved and prior to the city paying the
282 CAD any money associated with the contract. Councilmember White seconded the motion,
283 which passed unanimously of those present (1 (Milder) absent).

284
285 Regarding Consent Agenda item #8, Mayor Pro Tem Lewis gave kudos to Tim Tumulty and
286 his staff member, Jeremy White for discovering that keeping this treatment plant up and
287 running is no longer necessary. After brief comments, Mayor Pro Tem Lewis made a
288 motion to approve Consent Agenda item #8. Councilmember White seconded the motion,
289 which passed by a vote of 6 in favor with 1 against (Milder).

290
291 Councilmember Townsend left the remainder of the meeting at this time (6:13 p.m.).

292
293 XI. APPOINTMENTS

- 294
295 1. Appointment with the Planning and Zoning Chairman to discuss and answer
296 any questions regarding cases on the agenda and related issues and take
297 any action necessary.

298 Planning & Zoning Chairman, Craig Renfro, came forth and briefed the Council concerning
299 items on tonight's agenda that are planning-related. The Council took no formal action
300 concerning this agenda item.

301
302
303
304

305 XII. ACTION ITEMS

- 306
307 1. Discuss and consider a request by Chad Hudson for the approval of a
308 variance to the material requirements stipulated by Section 7.5, Retaining
309 Walls, of the Standards of Design and Construction manual for a 1.395-acre
310 parcel of land identified as Lot 5, Block A, Independence Pass Addition, City
311 of Rockwall, Rockwall County, Texas, zoned Planned Development District 8
312 (PD-8) for single family land uses, addressed as 107 Independent Place,
313 and take any action necessary.

314 Mayor Pruitt made a motion to table this request to allow the Chandler's Landing HOA time
315 to notify homeowners living around this property that the applicant is seeking a variance
316 from the city. Pruitt's motion failed for lack of a second.

317
318 Councilmember White made a motion to approve the variance requested for the material
319 requirements associated with the retaining wall. Councilmember Hohenshelt seconded the
320 motion. Mayor Pro Tem Lewis mentioned that he does have some concerns about the city
321 not having something in writing from the Chandler's Landing HOA stating that they are okay
322 with this. City Attorney Frank Garza provided clarification, generally indicating that the city
323 granting this variance is separate and apart from the homeowner needing to get his wall
324 reviewed and approved by his community's HOA. Mr. Hudson agreed to bring a new,
325 updated letter from the Chandler's Landing HOA, before or when he picks up his retaining
326 wall permit. Mayor Pruitt indicated that he met with the chairman of the HOA this morning,
327 and he conveyed that he is not okay with the city approving the variance request without
328 Chandler's first having an opportunity to follow its normal process of notifying adjacent
329 property owners. Mr. Hudson provided a drawing / rendering of the retaining wall in
330 question, indicating that only about 4' of it will be seen and that mostly it will be located
331 behind his house. He further explained that beyond the retaining wall behind his house is
332 another row of homes; however, those sit about 8' above his home down below, so those
333 who are located behind him will not see the retaining wall. Mayor Pro Tem Lewis asked if
334 delaying this item would be large burden to Mr. Hudson, who generally indicated that, no,
335 delaying this item will not present a large inconvenience.

336
337 After the discussion, the motion passed by a vote of 4 in favor, 1 against (Pruitt), and 2
338 absent (Townsend and Milder).

- 339
340
341 2. Discuss and consider a request from Ms. Matilyn Mathis with The Rustic
342 Warehouse for size, height and materials variances for a projection sign
343 located at 1411 South Goliad, and take any action necessary.

344 Jeffrey Widmer, Building Official, came forth and briefed the Council on Ms. Mathis' request
345 for this sign-related variance. Ms. Mathis came forth and explained the type of business
346 that she has opened, indicating that they sell rustic, shabby chic type furniture and décor.
347 She generally indicated that she did not realize she had to obtain permission from the city
348 before erecting the sign that's now sitting atop her building. Mayor Pro Tem Lewis
349 expressed some degree of doubt regarding the applicant not knowing that a sign permit
350 was required. After some additional discussion, Mayor Pro Tem Lewis made a motion to
351 approve the variances. Councilmember White seconded the motion, which passed
352 unanimously of those present (Milder and Townsend absent).

353 3. Discuss and consider a request from Ms. Brandi Lewellen with Sign Mart
354 representing The Major Law Firm for a setback variance for a monument
355 sign located at 301 N Fannin, and take any action necessary.

356 **Mr. Widmer provided a brief summary of this request. Mayor Pruitt made a motion to**
357 **approve the variance. Councilmember Fowler seconded the motion, which passed by a**
358 **vote of 5 in favor with 2 absent (Milder and Townsend).**

359 4. Discuss and consider modifying Chapter 38. Subdivisions, Article I. In
360 General, Section 38-19. Street Improvements and Oversizing of the
361 Municipal Code of Ordinances to require a 41-foot street adjacent to schools
362 and parks, and take any action necessary.

363 **Mayor Pruitt made a motion to approve moving forward with this change. Mayor Pro Tem**
364 **Lewis seconded the motion. Lewis pointed out that this will allow sufficient parking area**
365 **and room to navigate, especially for those having birthday parties in parks.**
366 **Councilmember White expressed opposition to this requirement, stating that he is not**
367 **aware that a problem in this regard even exists.**

368 **Mr. Tumulty indicated that this change was initiated because of a citizen living in Fontana**
369 **Ranch who has had repeated problems with driving space in and around the nearby school,**
370 **especially when special events, such as a recent Halloween event, take place at the school.**
371 **Mr. Tumulty indicated that, although this change will not help this particular resident or**
372 **those living in Fontana Ranch, it will help avoid these sorts of traffic congestion issues in**
373 **and around these types of facilities (schools and parks) in the future. The motion passed**
374 **by a vote of 4 in favor, 1 against (White), and 2 absent (Milder and Townsend).**

375 5. Discuss and consider approval of a resolution directing publication of notice
376 of intention to issue combination tax and surplus revenue certificates of
377 obligation; resolving other matters relating to the subject; and take any action
378 necessary.

379 **Assistant City Manager Mary Smith provided brief comments related to this item. Mayor**
380 **Pro Tem Lewis made a motion to approve the resolution directing publication of notice of**
381 **intention to issue combination tax and surplus revenue certificates of obligation. Mayor**
382 **Pruitt seconded the motion, which passed by a vote of 5 in favor with 2 absent (Milder and**
383 **Townsend).**

384 6. Discuss and consider process associated with and/or annual designation of
385 city's newspaper of record, and take any action necessary.

386 **City Manager Rick Crowley explained that the city's Charter calls for an annual designation**
387 **of an official newspaper of record. Neither the Charter nor state law prescribes the process**
388 **by which the Council is to do so. After explaining to the Council what its options are,**
389 **Councilmember White indicated that as long as staff has not been experiencing any issues**
390 **or concerns with the current newspaper of record (Herald Banner), he sees no problem with**
391 **the Council designating that paper once again. Council took no action related to this item**
392 **at this time.**

393 7. Discuss and consider (re)appointment of board members to the Main Street
394 Advisory Board, and take any action necessary.

395 **Councilmember White made a motion to reappoint**

- 396 • Michael Adrian
- 397 • Evan Matteson
- 398 • Claudette Hatfield

399

00
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02

to an additional two-year term on the Main Street Advisory Board (to expire January of 2018). Mayor Pro Tem Lewis seconded the motion, which passed by a vote of 5 in favor with 2 absent (Milder and Townsend).

403

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XIII. CITY MANAGER’S REPORT TO DISCUSS CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

406

407

1. Departmental Reports

408

Building Inspections Monthly Report - October 2015

409

Fire Dept. Monthly Reports - October 2015

410

GIS Department Monthly Report - October 2015

411

Harbor PD Monthly Report - October 2015

412

Internal Operations Department Monthly Report - October 2015

413

Police Department Monthly Report - October 2015

414

Recreation Monthly Report - October 2015

415

Rockwall Animal Adoption Center Monthly Report - October 2015

416

2. City Manager’s Report

417

Mr. Crowley explained that the Department Heads are happy to answer any questions the Council may have. He reminded the Council that the city’s employee Christmas party is tomorrow evening. On Thursday, December 17, the Nebbie Williams Elementary School Choir will be performing at City Hall.

418

419

420

421

Mayor Pruitt expressed that the Christmas events held over the weekend, including the parade and tree lighting, were very successful. He expressed that the downtown area, especially San Jacinto Plaza, have been very successful. He thanked the Women’s League for providing the cookies and hot chocolate. He thanked the Children’s Chorus for the music provided, and Alma Williams (former Mayor of Rockwall) for emceeding the event. He encouraged more people to consider volunteering their time with the city, either with downtown related events or through city council appointed boards or commissions.

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XIV. EXECUTIVE SESSION

430

431

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

432

433

434

435

1. Discussion regarding land acquisition for South Community Park pursuant to Section § 551.072 (Real Property).

436

437

2. Discussion regarding purchase or lease of real property / land acquisition in the vicinity of the downtown area pursuant to Section § 551.072 (Real Property).

438

439

3. Discussion regarding legal advice associated with homeowners association (HOA) regulations within the city pursuant to Section 551.071 (Consultation with Attorney).

440

441

442

4. Discussion regarding process associated with City Manager performance evaluation pursuant to Section 551.074 (personnel matters)

443

444

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

445

446

The Council did not reconvene in Executive Session following the public meeting agenda.

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XVI. ADJOURNMENT

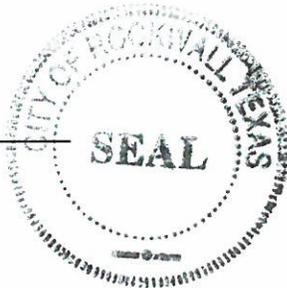
The meeting was adjourned at 6:57 p.m.

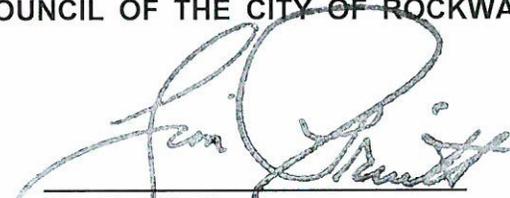
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, THIS 21st day of December, 2015.

ATTEST:



Kristy Cole, City Secretary





Jim Pruitt, Mayor

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2
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4
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6

MINUTES
ROCKWALL CITY COUNCIL
Monday, December 21, 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 public meeting to order at 4:00 p.m. Mayor Jim Pruitt, Mayor Pro
10 Tem Dennis Lewis and Council Members David White, Mike Townsend, John Hohenshelt,
11 Scott Milder and Kevin Fowler were present. Also present were City Manager Rick
12 Crowley, Assistant City Managers Brad Griggs and Mary Smith and City Attorney Frank
13 Garza.

14
15 II. WORK SESSION

- 16
17 1. Hold work session with representative(s) of the city's Park Board to hear and
18 discuss update concerning the Parks & Recreation Department's marketing
19 initiatives, and take any action necessary.

20
21 Brad Bassett, Chair of the Park Board, came forth and introduced Bob Lewis, Vice Chair.
22 He then provided an update to the Council concerning a recent strategic initiative related
23 to bring more awareness to Parks and Recreation activities and amenities that are
24 available to the public. New registration software has been put in place for all programs,
25 the websites have been redesigned, and the marketing budget has really helped. "Go
26 Outside and Play" is the catch phrase that has been coined for this marketing campaign.
27 Both digital and print media communications have been in development. February 1st is
28 the target date for launching this campaign. Vehicle wraps, ads in various media, water
29 bill inserts, signage, and a YouTube message from the Mayor will all be part of the
30 campaign launch. A new website, www.playrockwall.com, will also be launched. It will
31 be internet and mobile/tablet friendly, and it will show the user everything that there is to
32 do in Rockwall. He then explained the functionality that the new website will have. The
33 City Council provided positive comments concerning the new campaign and website. It
34 was suggested that this new website link back to the portion of the city's website where
35 'outside organizations' list their events and activities taking place within the city (i.e.
36 non-city sponsored triathlons).

37
38 At 4:15 p.m. Mayor Pruitt then read the below listed discussion items into the record and
39 recessed the public meeting to hold Executive Session.

40
41 III. EXECUTIVE SESSION.

42
43 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
44 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
45 CODE:

- 46
47 1. Discussion regarding Economic Development incentives, procedures and
48 possible projects pursuant to Section 551.087 (Economic Development)

- 49 2. Discussion regarding negotiations of Access Agreement pursuant to Section
50 551.071 (Consultation with Attorney)
- 51 3. Discussion regarding land acquisition for South Community Park pursuant to
52 Section § 551.072 (Real Property).
- 53 4. Discussion regarding (re)appointments to city regulatory boards, commissions,
54 and committees - Rockwall Economic Development Corporation (REDC) Ex-
55 Officio Board Members - pursuant to Section 551.074 (personnel matters)
- 56 5. Discussion regarding purchase or lease of real property / land acquisition in the
57 vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
- 58 6. Discussion regarding legal advice associated with homeowners association
59 (HOA) regulations within the city pursuant to Section 551.071 (Consultation with
60 Attorney).
- 61 7. Discussion regarding process associated with City Manager performance
62 evaluation pursuant to Section 551.074 (personnel matters)

63
64 **IV. ADJOURN EXECUTIVE SESSION**

65
66 **Executive Session was held from 4:15 p.m. until 4:55 p.m. and then again from 5:13 p.m.**
67 **until 5:52 p.m.**

68
69 **V. RECONVENE PUBLIC MEETING (6:00 P.M.)**

70
71 **Mayor Pruitt reconvened the public meeting at 6:00 p.m. with all seven city council**
72 **members being present.**

73
74 **VI. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION**

75
76 **Mayor Pro Tem Lewis made a motion to reappoint Linda Duran to serve as a non-voting,**
77 **Ex Officio board member on the Rockwall Economic Development Corporation (term to**
78 **expire in December of 2017). Mayor Pruitt seconded the motion, which passed by a vote**
79 **of 7 ayes to 0 nays.**

80
81 **VII. INVOCATION AND PLEDGE OF ALLEGIANCE – COUNCILMEMBER TOWNSEND**

82
83 **Councilmember Townsend delivered the invocation and led the pledge of Allegiance.**

84
85 **VIII. OPEN FORUM**

86
87 **Mayor Pruitt asked if anyone would like to come forth and speak at this time. There**
88 **being no one, he then closed the Open Forum.**

89
90 **IX. CONSENT AGENDA**

- 91
92 1. Consider approval of the minutes from the December 7, 2015 regular city
93 council meeting, and take any action necessary.
- 94 2. Consider awarding a bid to New Star Grading and Paving Company and
95 authorizing the City Manager to execute a Purchase Order for utility cuts

96 pavement repair services for an estimated annual amount of \$75,000 to
97 be funded out of the General Fund Streets Operations Budget, and take
98 any action necessary.

99 3. Consider awarding a bid to Nortex Concrete Lift and Stabilization and
100 authorizing the City Manager to execute a Purchase Order for concrete
101 paving stabilization services for an estimated annual amount of \$50,000
102 to be funded out of the General Fund Streets Operations Budget, and
103 take any action necessary.

104 4. Consider authorizing the City Manager to execute a professional
105 engineering services contract with Birkhoff, Hendricks & Carter, LLP in
106 the amount of \$124,400 to perform a wastewater lift station evaluation
107 update on the City's wastewater lift stations to be funded by water/sewer
108 revenue bonds, and take any action necessary.

109 5. Consider awarding a bid to Hoyt Breathing Air Products and authorizing
110 the City Manager to execute a Purchase Order for new Fire Fighter SCBA
111 Air Paks and Bottles in the amount of \$343,016.20 to be funded out of the
112 General Fund, and take any action necessary.

113 6. Consider designation of the city's newspaper of record, naming the
114 Rockwall County Herald Banner, as annually required by the City's
115 Charter, and take any action necessary.

116 **Mayor Pro Tem Lewis made a motion to approve the Consent Agenda (#s 1, 2, 3, 4, 5, and**
117 **6). Councilmember Townsend seconded the motion, which passed by a vote of 7 ayes to**
118 **0 nays.**

119
120 **X. APPOINTMENTS**

121
122 1. Appointment with the Planning and Zoning Chairman to discuss and
123 answer any questions regarding cases on the agenda and related issues
124 and take any action necessary.

125 **The P&Z Chairman was not present, so this item was not addressed by Council, and no**
126 **action was taken.**

127 2. Appointment with Patricia Davis, Chief Appraiser with the Rockwall
128 Central Appraisal District, to discuss and consider CAD-related matters,
129 including a proposed interlocal agreement for assessment and collection
130 of taxes, and take any action necessary.

131 **Mrs. Davis indicated that she is here at the request of the City Council to answer any**
132 **questions the council may have concerning the proposed interlocal agreement.**

133
134 **Mrs. Smith, Assistant City Manager, provided brief comments concerning some of the**
135 **challenges with the CAD over the last year or more, for example, getting timely and**
136 **accurate information concerning the Tax Increment Financing District (TIF) and getting**
137 **the effective tax rate and associated calculations correct.**

138
139 **Mrs. Davis explained she came in the middle of things last year, and, as a new employee,**
140 **she did not have a good handle on what was going on. She generally assured the**
141 **Council that the upcoming TIF calculations spreadsheet has already been prepared, and**

142 this coming year, the city should have information from the CAD by February, which is
143 even earlier than prior years before she came.

144
145 Mayor Pruitt asked for clarification regarding how the CAD passes individual collections
146 monies onto the City and how lawyers who collect funds are paid. Mrs. Davis indicated
147 that the law provides that the lawyers can charge an additional fee directly to the
148 property owner, which does not come out of the CAD budget, and it does not come from
149 any of the taxing entities. Mayor Pruitt pointed out that the contract speaks of this issue
150 in a manner contrary to how Mrs. Davis is explaining. Mrs. Davis suggested that the
151 language in the contract can be corrected.

152
153 Mayor Pruitt asked for clarification regarding other types of costs such as lawsuit costs
154 and how those things are paid for. Mrs. Davis explained that those types of expenses
155 come out of the appraisal budget, not the collection budget. If it has to do with
156 collection, then it comes directly from the property owner.

157
158 Mayor Pruitt explained that he has personally met with Mrs. Davis several times to try
159 and remedy some concerns that have arisen over time. Mr. Crowley requested that Mrs.
160 Davis notify the City of Rockwall once the recent CAD board nominations and votes have
161 been tallied and concluded. She assured him that she would.

162
163 Mayor Pruitt asked if the assessment of taxes is based on how many accounts or on the
164 assessed value. Mrs. Davis indicated that, prior to her coming, it was based on a per
165 parcel basis. However, when she came, the RISD pointed out to her that this was unfair
166 because everyone did not pay the same dollar amount per parcel. So, Rockwall County
167 was getting a lower rate. So, RISD did not choose to do anything about it last year, but
168 she did have discussions with the board regarding a fair way to address this issue. After
169 conducting a survey around the state and evaluating the matter, she has put the County
170 on notice that in the future, it will need to make a decision to either collect its own taxes,
171 or else get on board and pay its own fair share like every other taxing entity.

172
173 He thanked Mrs. Davis for coming, explaining that the City of Rockwall is a customer of
174 the CAD, and he would like Mrs. Davis to continue to get to know her customers,
175 including the city manager.

176
177 See very end of agenda/minutes (following Action Item #8) for Council action concerning
178 the interlocal agreement.

179
180 **XI. PUBLIC HEARING ITEMS**

- 181
182 1. **MIS2015-003** - Hold a public hearing to discuss and consider approval of
183 an **ordinance** for a City initiated request to amend the Comprehensive
184 Plan by approving changes to the Master Thoroughfare Plan Map
185 contained within the Transportation section, add a street cross section for
186 a M4U-M (minor arterial, four [4] lane, undivided roadway, modified) and
187 modify existing street cross sections in Appendix 'D', Thoroughfare Cross
188 Sections, and take any action necessary [**1st Reading**].

189 **Planning Director Ryan Miller provided background information concerning this agenda**
190 **item, explaining each of the proposed changes regarding the Master Thoroughfare Plan.**

191 The Planning & Zoning Commission reviewed these changes at its last meeting and has
192 recommended approval of all the proposed changes.

193 Mayor Pruitt asked how what is shown in these changes for SH205 / John King fits into
194 the city's desire to have John King be designated as the alternate route for SH205. It was
195 clarified that John King will remain a principal, six-lane, divided roadway, which is also
196 what the state would have in mind if it becomes a state roadway.

197
198 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
199 speak.

200
201 **Matt Parker**
202 **1118 Lubbock Lane**
203 **Melissa, Texas**

204
205 Mr. Parker came forth and explained that he is a developer with Skorburgh and is
206 wondering if proposed roadway changes will affect Phase 9 of the Breezy Hill
207 development. Mr. Miller indicated that, no, it would not affect Phase 9 at all.

208
209 Mayor Pro Tem Lewis assumed oversight of the meeting at this point (6:23 p.m.), asking
210 if anyone else would like to come forward and speak at this time. There being on one
211 indicating such, he then closed the public hearing.

212
213 Councilmember Milder explained he has concerns about the North portion of SH205
214 running up to East Fork. Mr. Miller and Mr. Crowley explained how and why it is being
215 proposed as it is at this time, especially pertaining to the city council's desire to have
216 TXDOT designate John King as the alternate route for SH205.

217 Mayor Pruitt returned to the meeting at 6:28 p.m.

218
219 Discussion ensued related to SH-205 and future modifications to the north portion of the
220 roadway, including pertaining to designation of John King Boulevard as the proposed
221 bypass route for 205.

222
223 Councilmember White made a motion to approve MIS2015-003. Councilmember
224 Townsend seconded the motion. The ordinance was read as follows:

225
226 **CITY OF ROCKWALL**
227 **ORDINANCE NO. 16-__**

228
229 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
230 **ROCKWALL, TEXAS, ADOPTING REVISIONS TO THE MASTER**
231 **THOROUGHFARE PLAN CONTAINED WITHIN THE TRANSPORTATION**
232 **SECTION, ADD A STREET CROSS SECTION FOR A M4U-M (MINOR**
233 **ARTERIAL, FOUR [4] LANE, UNDIVIDED ROADWAY, MODIFIED), AND**
234 **MODIFY EXISTING STREET CROSS SECTIONS IN APPENDIX 'D',**
235 **THOROUGHFARE CROSS SECTIONS, OF THE COMPREHENSIVE**
236 **PLAN IN ACCORDANCE WITH THE CITY'S HOME RULE CHARTER.**

237
238 The motion passed by a vote of 6 in favor with 1 against (Milder).
239

240 2. **Z2015-030** - Hold a public hearing to discuss and consider approval of an
241 **ordinance** for a City initiated request for a zoning amendment to Planned
242 Development District 75 (PD-75) being Ordinance No. 09-37, containing
243 329.53-acres of land, identified as the Lake Rockwall Estates Subdivision,
244 City of Rockwall, Rockwall County, Texas, zoned Planned Development
245 District 75 (PD-75) for Single Family 7 (SF-7) District land uses, being
246 situated east of Tubbs Road and north of County Line Road, and take any
247 action necessary **[1st Reading]**.

248 **Ryan Miller, Planning Director, provided brief background information concerning this**
249 **agenda item. Notifications were sent out on November 20 (qty: 1,541 notices in English**
250 **and Spanish) to property owners within 500' of the property. Also, the Linden Park, Fox**
251 **Chase and Rainbow Lakes HOAs were also notified. Eleven responses were received,**
252 **with 4 indicating opposition to the amendment and the remainder expressing they were**
253 **in favor. However, two of the opposition responses actually appeared to be in favor,**
254 **rather than opposed, based on what they actually wrote. One additional reply was**
255 **received back in favor today. The Planning & Zoning Commission did hear this case and**
256 **has unanimously recommended approval of this item.**

257 **Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and**
258 **speak at this time.**

259 **Connie Powell**
260 **532 Eva Place**
261 **Rockwall, TX**
262

263 **Mrs. Powell came forth and asked for clarification regarding what these changes mean.**
264 **Mayor Pruitt explained that these changes will allow the citizens an opportunity to be**
265 **more informed about zoning changes that the Council is considering in LRE and allow**
266 **them an opportunity for their voices to be heard regarding those future, proposed**
267 **changes. Councilmember White provided some additional clarification, explaining that**
268 **this cleans up a phrase in the existing ordinance that allows the Council to do whatever it**
269 **wants without allowing for input from the neighborhood residents. The change being**
270 **considered tonight will modify that language to ensure that residents are notified and**
271 **have an ability to be heard before zoning changes are made by Council in the future.**
272

273 **Mayor Pruitt asked if anyone else would like to come forth and speak during this time.**
274 **There being no one indicating such, he then closed the public hearing.**
275

276 **Councilmember White made a motion to approve Z2015-030. Councilmember Townsend**
277 **seconded the motion. The ordinance was read as follows:**
278

279 **CITY OF ROCKWALL**
280 **ORDINANCE NO. 16-XX**
281

282 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
283 **ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT**
284 **DISTRICT 75 [ORDINANCE NO. 09-37] AND THE UNIFIED**
285 **DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF**
286 **ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING EXHIBIT**
287 **'B' AND EXHIBIT 'C' OF ORDINANCE NO. 09-37, BEING A 329.53.00-**
288 **ACRE TRACT OF LAND IDENTIFIED AS THE LAKE ROCKWALL**
289 **ESTATES SUBDIVISION, CITY OF ROCKWALL, ROCKWALL COUNTY,**

290 TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*;
291 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
292 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
293 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
294 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
295 PROVIDING FOR AN EFFECTIVE DATE.
296

297 **The motion passed by a vote of 7 ayes to 0 nays.**
298

- 299 **3. Z2015-031** - Hold a public hearing to discuss and consider a request by
300 John and Lenny James on behalf of the owner Rockway Partners for the
301 approval of an **ordinance** for a Specific Use Permit (SUP) for a carwash
302 on a 0.688-acre parcel of land identified as Lot 1, Block D, La Jolla Pointe
303 Addition, Phase 2, City of Rockwall, Rockwall County, Texas, zoned
304 Commercial (C) District, situated within the Scenic Overlay (SOV) District,
305 located at the northwest corner of La Jolla Pointe Drive and Ridge Road
306 [FM-740], and take any action necessary [**1st Reading**].

307 **Mr. Miller, Planning Director, provided background information concerning this agenda**
308 **item. Notices were sent out with 21 notices being mailed out to property and**
309 **homeowners owners located within 500' of the subject property. In addition, the**
310 **Lakeside Village and Turtle Cove HOAs were also notified. Four total notices of**
311 **opposition have been received back, and two letters of support have been received from**
312 **residents. The Planning & Zoning Commission has recommended denial of this request**
313 **by a vote of 6 to 1. Therefore, in order for it to be approved, it will require a super**
314 **majority vote of the City Council (3/4 of all council members present).**

315 **John James**
316 **2283 Lafayette Lane**
317 **Heath, TX**
318

319 **Mr. James came forth and provided a presentation to the Council concerning this**
320 **proposed car wash, including the perceived advantages, the services it would offer**
321 **patrons, its hours, traffic/parking plans, a rendering of how it is proposed to look. He**
322 **explained that this piece of property has been on the market for a long time, most likely**
323 **because it is not suitable for a lot of business uses due to it being so unusual.**
324

325 **Councilman Hohenshelt asked if the property poses challenges. Mr. Miller indicated that,**
326 **yes, the topography of the property does pose some challenges.**
327

328 **Councilmember Milder expressed concern with not having heard from the P&Z Chairman**
329 **to know more about why the P&Z Commission objected to this proposal. Mr. Miller**
330 **indicated that the P&Z did not provide comments publicly as to their reasoning for**
331 **making a motion and associated vote to recommend denial.**
332

333 **Councilmember Fowler expressed concern with the look of the facility, expressing he**
334 **does not believe it aesthetically fits in with the surrounding buildings. He explained that**
335 **this is a gateway to our city, and he would like for it to look as optimal as possible.**
336

337 **Councilmember Hohenshelt expressed that there is a car wash in existence over by**
338 **Lowe's on the S. side of IH-30. It contains a lot of nice stone on the facade, and it fits in a**
339 **lot better with the surrounding buildings compared to this one.**

340
341 Mayor Pruitt opened the public hearing and asked if anyone would like to come forth and
342 speak.
343

344 Richard Brooks came forth indicating that he owns the building located to the north of
345 this proposed car wash. He does not believe a half acre is at all sufficient for this
346 proposed car wash. He explained that he believes it will bring a lot of unwanted traffic,
347 and the vacuums will make a lot of noise, especially considering that there is a sleep
348 study office located in the adjacent medical office building. He suggested that this would
349 be a perfect place for a bank to be located instead. He expressed concern about the
350 back part of his parking lot potentially being used by employees of this car wash. He
351 does not believe this facility fits in with the scenic overlay district standards. He is
352 opposed to its approval.
353

354 Richard Harris
355 210 Glen Avenue
356 Rockwall, TX
357

358 He explained that he and his wife own the building located at 2604 Ridge Road, currently
359 occupied by Ebby Halliday. He had to grant a lot of utility easements to the city back in
360 the 1980s. He is against this proposed car wash, and he does not believe it fits in or
361 belongs in this scenic overlay district. He also expressed that the property owner next
362 door to him, who is currently in Arizona, is opposed to this as well. He believes this
363 business would degrade his property values. He also explained that Wayne Hogg, the
364 property owner next door to him, was unable to be here this evening, so he asked Mr.
365 Harris to express on his behalf that he is also opposed to this proposed car wash.
366

367 Derek Anderson
368 218 Cullins Road
369 Rockwall, TX 75032
370

371 Mr. Anderson explained that he is in favor of this proposed car wash. He believes this
372 would provide a convenient, more affordable way for him to get his truck washed. He
373 explained that he has lived here in Rockwall since 1998, and this piece of property has
374 been sitting vacant ever since he moved here. He believes that this development might
375 bring some revenue to the city, as opposed to the property continuing to sit vacant. He
376 expressed that the closest car washes of this nature, in his research, are located in
377 Mesquite on Belt Line Road by the old movie theater or in Rowlett on SH-66 just before
378 George Bush. He suggested planting a landscape buffer to hide some of the car wash
379 building on the Ridge Road side. He also suggested that it could be a different color,
380 other than red, to better fit in with the surrounding buildings and their facades. He
381 pointed out that this scenic overlay district, which is a "gateway to the City" also
382 contains a Long John Silvers, a Wendy's and an IHOP. He stated that a large, neon
383 "Rosas Café" is also located in another "gateway" area to the city, and the sign blinds
384 you. He encouraged the Council to control the way the car wash will ultimately look,
385 aesthetically, if they have concerns about it.
386

387 Mr. Ben Weible
388 215 Trout Drive
389 Rockwall, TX
390

391 Mr. Weible expressed that this item has aroused an emotional response from him,
392 explaining that he loves these types of car washes. He explained that there is no other
393 car wash of this nature in Rockwall. There is no other car wash in town that will allow
394 this sort of quick, convenient car wash at an affordable price. He expressed a desire for
395 the City Council to get out of the way and allow the free market to work as it is intended
396 to, especially considering that this property has been sitting vacant for a while because it
397 poses some challenges. He is not sure why the Planning & Zoning Commission did not
398 recommend approval of this item, but he generally encouraged the Council to approve
399 the request.

400
401 There being no one else wishing to come forth and speak, Mayor Pruitt closed the public
402 hearing.

403
404 Councilmember Milder explained that he texted the P&Z Chairman to inquire as to why
405 the Planning & Zoning Commission recommended denial. He indicated that Mr. Renfro
406 provided four reasons as follows:

- 407
- 408 • the majority of the existing properties are either commercial or medical;
- 409 • it is one of the only the vacant lots left;
- 410 • the proposed development encroaches the majority of the lot;
- 411 • there are concerns regarding increased traffic with potential backups onto Ridge.
- 412

413 Councilmember White made a motion to approve Z2015-031. Mayor Pro Tem Lewis
414 seconded the motion. Councilmember Milder expressed that he initially had some
415 reservations, mainly due to not knowing why the P&Z Commission recommended its
416 denial; however, he is now comfortable with supporting this item. Councilmember White
417 asked if the setbacks and color may be addressed during the site plan phase. Mr. Miller
418 indicated that the setback is already established, but the building itself could be
419 repositioned on the property, and the Architectural Review Board (ARB) will still review
420 it. Mayor Pro Tem Lewis expressed he would like to see it be a different color (other than
421 red) and that it be set back on the lower end of the property. Mayor Pruitt expressed that
422 this is to be located in the “scenic overlay district,” and he sees nothing “scenic” about a
423 car wash.

424
425 The ordinance was read as follows:

426
427 CITY OF ROCKWALL
428 ORDINANCE NO. 16-__
429 SPECIFIC USE PERMIT NO. S-__

430
431 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
432 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE
433 NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY
434 AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A
435 CAR WASH WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, FOR A
436 0.688-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK D, LA
437 JOLLA POINTE ADDITION, PHASE 2, CITY OF ROCKWALL, ROCKWALL
438 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING
439 FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO
440 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING

441 FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER
442 CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
443

444 The motion passed by a vote of 6 in favor with 1 against (Pruitt).
445

- 446 4. **Z2015-032** - Hold a public hearing to discuss and consider a request by
447 Lloyd Waldrop of Rockwall Gold & Silver on behalf of the owner Donna
448 Pritchard for the approval of an renewal of Specific Use Permit (SUP) No.
449 S-115 (**Ordinance** No. 13-46) allowing a pawn shop on a portion of a
450 0.423-acre parcel of land identified as Lot 1, Block 1 of the Garland
451 Federal Savings & Loan Addition, City of Rockwall, Rockwall County,
452 Texas, zoned Commercial (C) District, situated within the SH-205 Overlay
453 (SH-205 OV) District, address as Suite 1 of 1901 S. Goliad Street, and
454 take any action necessary [**1st Reading**].

455 Mr. Miller indicated that this SUP was first approved in December of 2013. The applicant
456 is now requesting extension of the SUP for a period of five (5) years with the ability to
457 extend rather than expire. Thirty-four notices were mailed out to adjacent properties
458 located within 500' of the subject property, and a notice was placed on site on the
459 property itself. One notice was received back in favor, and one notice was received back
460 in opposition. The P&Z Commission has voted to recommend approval for an extension
461 for a period of five years with the option to extend it at that time rather than have it
462 expire.

463
464 Mr. Waldrop came forth and stood prepared to answer any questions of the Council.

465
466 Mayor Pruitt opened the public hearing.

467
468 Mr. John White
469 1929 S. Lakeshore
470 Rockwall, TX

471
472 Mr. White explained that he is fully in favor of this request. He expressed that the owners
473 are first class individuals who run a very good business.

474
475 Mr. Ben Weible
476 215 Trout Drive
477 Rockwall, TX

478
479 Mr. Weible explained that he is speaking on behalf of the Waldrops, explaining that these
480 business owners are good folks who are involved in a positive way in the community. He
481 spoke in favor of the Council approving this request.

482
483 Mayor Pruitt closed the public hearing.

484
485 Mayor Pro Tem Lewis asked for clarification regarding "extend" versus "expire." Mr.
486 Miller indicated that if it "expires," the owner would have to go back through the full
487 process (i.e. notifications to adjacent property owners).

488
489 Mayor Pro Tem Lewis made a motion to approve this request. Councilmember White
490 seconded the motion.

491 Mayor Pruitt asked why the notification signage on the property is insufficient (there's
492 nothing that says, "zoning change from (blank) to (blank).") Mr. Miller's indicated that
493 there have been various complications associated with signage, and staff is working to
494 spend some money on some alternative signs to rectify these complications. The
495 ordinance was read as follows:
496

497
498 CITY OF ROCKWALL
499 ORDINANCE NO. 16-XX
500 SPECIFIC USE PERMIT NO. S-XXX
501

502 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
503 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
504 OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
505 SO AS GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A
506 "PAWNSHOP" ON A PORTION OF A 0.423-ACRE PARCEL OF LAND,
507 AND MORE SPECIFICALLY IDENTIFIED AS "SUITE 1" AS DEPICTED
508 IN EXHIBIT "A" ATTACHED HERETO, AND LOCATED AT 1901 S.
509 GOLIAD STREET, AND ZONED COMMERCIAL (C) DISTRICT, AND
510 DESCRIBED AS LOT 1, BLOCK 1 OF THE GARLAND FEDERAL
511 SAVINGS & LOAN ADDITION, CITY OF ROCKWALL, ROCKWALL
512 COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS;
513 PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF
514 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE;
515 PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
516 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
517

518 The motion passed by a vote of 7 ayes to 0 nays.
519

520 Mayor Pruitt explained that he initially voted against this SUP when it was first approved
521 two years ago; however, he has since observed this to be a very nice business, one of
522 the best he has ever seen.
523

- 524 5. **Z2015-033** - Hold a public hearing to discuss and consider a request by
525 Stephen B. North for the approval of an **ordinance** for a Specific Use
526 Permit (SUP) for an accessory building not meeting the standards
527 stipulated by the Unified Development Code on a 0.23-acre parcel of land
528 identified as Lot 14, Block F, Harlan Park Addition, Phase 1, City of
529 Rockwall, Rockwall County, Texas, zoned Single Family 10 (SF-10)
530 District, situated within the North SH-205 Overlay (N. SH-205 OV) District,
531 addressed as 513 Windsor Way, and take any action necessary [**1st**
532 **Reading**].

533 Mr. Miller, Planning Director, provided background information concerning this agenda
534 item. The applicant is asking to place a 288 sq. foot accessory structure in order to put a
535 decorative porch on front (exceeds the allowable max. of 250 sq. ft.). Also, he is
536 proposing to use 100% hardy plank siding, which does not match materials on the
537 primary structure. Seventy-two notices were sent out to adjacent property owners. Two
538 notices were received back in favor, and two were received back in opposition. The P&Z
539 Commission did unanimously recommend approval of this request.

540 Stephen North
541 513 Windsor Way

542
543 Mr. North came forth and indicated that he initially wanted to have the structure be even
544 larger than what's being ultimately proposed now. The only reason for the decorative
545 'front porch' is so that his wife may hang plants there. He explained that the back of his
546 house does have siding on it, and it is not as durable as the hardy plank that will be
547 utilized on this accessory building. So the hardy plank is above and beyond the material
548 on the back of his house.

549
550 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and
551 speak. There being no one, he closed the public hearing.

552
553 Mayor Pro Tem Lewis made a motion to approve Z2015-033. Councilmember White
554 seconded the motion. The ordinance was read as follows:

555
556 CITY OF ROCKWALL
557 ORDINANCE NO. 16-____
558 SPECIFIC USE PERMIT NO. _____

559
560 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
561 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
562 OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED,
563 SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN THE SINGLE-
564 FAMILY RESIDENTIAL (SF-10) DISTRICT ALLOWING FOR AN
565 ACCESSORY BUILDING NOT MEETING THE STANDARDS
566 STIPULATED BY THE UNIFIED DEVELOPMENT CODE, ON THE
567 PROPERTY ADDRESSED AS 513 WINDSOR WAY, BEING A 0.23-ACRE
568 PARCEL OF LAND IDENTIFIED AS LOT 14, BLOCK F, HARLAN PARK
569 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS;
570 PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
571 PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
572 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
573 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
574 PROVIDING FOR AN EFFECTIVE DATE.

575
576 The motion passed by a vote of 7 ayes to 0 nays.

577
578 Mayor Pruitt recessed the meeting for a break at 7:30 p.m. He called the meeting back to
579 order at 7:47 p.m.

580
581 6. Z2015-034 - Hold a public hearing to discuss and consider a request by
582 Pat Atkins of Saddle Star Land Development Inc. on behalf of the owner
583 Randa Hance of R&R Hance Investment LP for the approval of an
584 ordinance for a zoning change from an Agricultural (AG) District to a
585 Planned Development District for Single Family 8.4 (SF-8.4) District land
586 uses for a 45.318-acre tract of land identified as Tract 2-03 of the P. B.
587 Harrison Survey, Abstract No. 97, City of Rockwall, Rockwall County,
588 Texas, zoned Agricultural (AG) District, situated within the SH-205 By-
589 Pass Overlay (SH-205 BY-OV) District, located on the north side of John
590 King Boulevard south of FM-552, and take any action necessary [1st
591 Reading].

592 Mr. Miller, Planning Director, provided background information related to this agenda
593 item. The applicant has submitted an application requesting to rezone a 45.318-acre tract
594 of land from an Agricultural (AG) District to a Planned Development District for a single-
595 family, residential subdivision that will consist of 113 single-family lots. The subject
596 property, which was annexed into the City on March 16, 1998 by Ordinance No. 98-10, is
597 located on the west side of John King Boulevard -- south of Featherstone Drive and north
598 of E. Quail Run Road -- and is currently vacant agricultural land.
599

600 The concept plan shows that in addition to the 45.318-acre 247 tract of land being
601 considered under this zoning case, two (2) additional tracts (north of the subject
602 property) will be included as future phases for the proposed subdivision. Currently, both
603 of these tracts are outside of the City's corporate boundaries; however, they are located
604 within the City's Extraterritorial Jurisdiction (ETJ) and can be annexed. The applicant has
605 stated that the intent of this project is to receive entitlement on the 45.318-acre tract of
606 land and then initiate a voluntary annexation case to bring the remaining tracts of land
607 into the City. The applicant will also be requesting that the proposed PD (if approved) be
608 amended to incorporate this area. The current request is for 113, 70' x 125' lots or a
609 gross residential density of ~2.49 units/acre. Incorporated within the development will be
610 6.73-acres of open space (or ~14.85%), which includes a 3.64-acre neighborhood park
611 [the applicant has revised the plan to show 17% open space. In addition, the applicant is
612 proposing to incorporate a ten (10) foot trail and trail rest area along John King
613 Boulevard in conformance with the John King Boulevard Design Concept Plan contained
614 in the Comprehensive Plan (staff has incorporated this into the proposed ordinance). It
615 should be pointed out that the proposed PD Ordinance has similar standards as were
616 approved in the adjacent Planned Development District 77 (PD-77), and according to the
617 applicant will incorporate a similar product as those in the Stone Creek and Breezy Hill
618 Subdivisions.
619

620 The applicant is requesting variances to allow for j-swing and front entry garages in lieu
621 of alleyways. On November 20, 2015, staff mailed three (3) notices to property owners
622 and residents within 500-feet of the subject property. Staff also emailed notices to the
623 Stoney Hollow and Stone Creek Homeowner's Associations (HOA's), which are the only
624 HOA's located within 1,500 feet of the subject property. Additionally, staff posted a sign
625 along John King Boulevard, and advertised the public hearings in the Rockwall Harold
626 Banner as required by the Unified Development Code (UDC). At the time this case memo
627 was drafted no responses were received by staff. On December 8, 2015, the Planning
628 and Zoning Commission approved a motion to recommend approval of the zoning
629 change by a vote of 7-0; however, the Planning and Zoning Commission did also
630 recommend that Section 12, Open Space, of Exhibit 'C' of the PD Ordinance be amended
631 to reflect a minimum of 20% open space. The applicant has agreed to increase the
632 proposed open space from ~14.85% to a minimum of 17%, but has stated that an
633 increase to 20% is not feasible for this project. Staff has changed the ordinance to reflect
634 the 17% requested by the applicant.
635

636 Pat Atkins
637 3076 Hays Lane
638

639 Mr. Atkins indicated that he is representing Saddlestar Estates. He then shared an
640 animated PowerPoint presentation with the Council and explained various aspects of his
641 request associated with this PD.

642
643 Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and
644 speak. There being no one, he then closed the public hearing.
645

646 Councilmember Hohenshelt asked for clarification on the proposed open space. The
647 proposal is for 17%, which is 3% less than the required 20% suggested in the city's
648 Comp Plan. Councilmember Hohenshelt, after asking several questions, indicated that
649 the change in open space being requested (to be lowered) equates to about 3 residential
650 lots. He clarified that the anticipated added property tax value expressed are for the two
651 developments combined.
652

653 Brief discussion took place regarding who owns the adjacent tracts.
654

655 Mr. Miller indicated that once this approval is secured, Mr. Atkins will be coming forth
656 with a request for voluntary annexation on the other tract of land, likely as soon as
657 January 4th. Mr. Atkins clarified that the pool and amenities center are anticipated to go
658 on the ground once about 100 units have been constructed. It was clarified that the open
659 space land will not meet the 11 acre minimum required to be used as a neighborhood
660 park. It will only be designated as "open space," not a park.
661

662 Various comments took place concerning the proposal. Then, Councilmember White
663 made a motion to approve Z2015-034, granting the 17% open space variance.
664 Councilmember Milder seconded the motion. After brief comments, the ordinance was
665 read as follows:
666

667 CITY OF ROCKWALL
668 ORDINANCE NO. 16-XX
669

670 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL,
671 TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE*
672 *NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED,
673 SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG)
674 DISTRICT TO PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR
675 SINGLE FAMILY 8.4 (SF-8.4) DISTRICT LAND USES ON THE SUBJECT
676 PROPERTY, BEING A 45.318-ACRE TRACT OF LAND IDENTIFIED AS
677 TRACT 2-03 OF THE P. B. HARRISON SURVEY, ABSTRACT NO. 97, CITY
678 OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY
679 DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL
680 CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED
681 THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH
682 OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING
683 FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.
684

685 The motion passed by a vote of 7 ayes to 0 nays.
686

687 7. **Z2015-035** - Hold a public hearing to discuss and consider a request by
688 Pat Atkins of Saddle Star Land Development Inc. on behalf of the owner
689 Larry Hance for the approval of an ordinance for a zoning change from
690 an Agricultural (AG) District to a Planned Development District for Single
691 Family 8.4 (SF-8.4) District land uses for a 44.56-acre tract of land
692 identified as Tract 3 of the T. R. Bailey Survey, Abstract No. 30, City of
693 Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District,

694 situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District,
695 located at the northwest corner of FM-552 and John King Boulevard, and
696 take any action necessary [1st Reading].

697 **Mr. Miller provided background information concerning this request. On November 16,**
698 **2015, the applicant submitted an application requesting to rezone a 44.56-acre tract of**
699 **land from an Agricultural (AG) District to a Planned Development District for a single-**
700 **family, residential subdivision that will consist of 109 single-family lots. The subject**
701 **property, which was annexed into the City on February 4, 2008 by *Ordinance No. 08-10*, is**
702 **located at the northwest corner of John King Boulevard, north of FM 552 and is currently**
703 **vacant land zoned Agricultural (AG) district. According to the concept plan, it is the**
704 **intent of the development to provide 109 single-family residential lots that are to be a**
705 **minimum of 10,000 sq. ft. (*i.e. 80' x 125' lots*) in area; however, the development does not**
706 **include a neighborhood park, rather a trail system meanders through the floodplain area**
707 **and is to be the developments primary amenity. The applicant has stated that the**
708 **neighborhood park to be located within the South Saddle Star Estates Addition will be**
709 **available to this development. In addition, the concept plan shows the inclusion of 5.61-**
710 **acres of net open space, the majority of which is situated within a 100-year floodplain,**
711 **which transects the property from the north to the south. Additionally, the applicant has**
712 **also agreed to provide a corner enhancement that will incorporate a seat wall and**
713 **additional landscaping at the corner of the intersection of John King Boulevard and FM-**
714 **552 (*see the Corner Enhancement Concept contained in the John King Boulevard Design***
715 ***Concept Plan*). Staff has included these as development requirements within the Planned**
716 **Development District Ordinance. In addition, the applicant has also indicated that a**
717 **minimum of a 50-foot landscape buffer will be provided along John King Blvd, and a**
718 **minimum of a ten (10) foot meandering sidewalk will be constructed within this**
719 **landscape buffer. It should be pointed out that the proposed PD Ordinance has similar**
720 **standards as were approved in the in the Stone Creek and Breezy Hill Subdivisions. The**
721 **applicant is requesting to allow J-Swing and/or Front Entry garages that comply with**
722 **Article VI, Parking and Loading, of the Unified Development Code (UDC) in lieu of alleys.**
723 **This requirement has been waived for other subdivisions throughout the City when the**
724 **PD Ordinance conforms to the requirements stipulated by the UDC.**

725
726 **The proposed zoning does appear to conform to the majority of the Comprehensive**
727 **Plan's policies and guidelines with the exception of the proposed open space**
728 **requirement. The applicant is proposing a total 5.61 acres of open space (or 12.59%)**
729 **which is primarily flood plain. It should be noted that if the floodplain were calculated at**
730 **100% (as opposed to 50%) the development would meet the minimum 20% requirement.**
731 **With this being said, the proposed open space standard is a discretionary decision for**
732 **the City Council. On November 20, 2015, staff mailed twenty-four (24) notices to property**
733 **owners and residents within 500-feet of the subject property. Staff also emailed notices**
734 **to the Stoney Hollow and Stone Creek Homeowner's Associations (HOA's), which are the**
735 **only HOA's located within 1,500 feet of the subject property. Additionally, staff posted a**
736 **sign at the corner of John King Boulevard and FM552 and advertised the public hearings**
737 **in the Rockwall Harold Banner as required by the Unified Development Code (UDC). At**
738 **the time this case memo was drafted no responses were received by staff.**

744 **Pat Atkins**
745 **3076 Hays Lane**

746
747 **Mr. Atkins came forth and provided comments, requesting that the Council consider**
748 **approval of this item.**

749
750 **Mayor Pruitt opened the public hearing, asking if anyone would like to come forth and**
751 **speak at this time.**

752
753 **Caroline Newton**
754 **304 Wooded Trail**
755 **Rockwall, TX (in Hidden Valley Estates, on the W. side)**

756
757 **She would like the developer to commit to larger lot sizes near the side that abuts Hidden**
758 **Valley Estates. She explained that these new homes would be “invading her backyard,”**
759 **and where she lives is characteristic of ‘country living’ with a lot of open space. She has**
760 **some concern about the floodplain area, especially for homeowners that will be living**
761 **down by the creek, expressing she believes those homeowners may have problems. She**
762 **would like some answers to ensure that these concerns are being considered and**
763 **addressed. She generally expressed concern about the density. She would like the area**
764 **where the larger homes are to be built to have larger lots than what are currently being**
765 **proposed for approval. She encouraged the Council to consider quality of life, rather**
766 **than just tax money.**

767
768 **Jonas Odom**
769 **303 Wooded Trail**
770 **Rockwall, TX**

771
772 **Mr. Odom asked for the 3,200 square footage to be added to the ordinance, as well as**
773 **larger lots to be added like his neighbor who also spoke, Mrs. Newton, has requested.**
774 **He expressed that he has some neighbors who are living by the floodplain, and flooding**
775 **has been a concern for them. He is concerned about this public hearing being held the**
776 **week of Christmas, as several homeowners may be out of town.**

777
778 **Mayor Pruitt indicated that he has received emails from several homeowners expressing**
779 **concern about the floodplain area.**

780
781 **Mr. Tumulty, City Engineer, indicated that with any development, the developer hires a**
782 **consultant to conduct a hydraulics study in order to verify that it meets all of the city’s**
783 **requirements.**

784
785 **Jennifer Huber**
786 **400 Country Ridge**
787 **Rockwall, TX**

788
789 **Mrs. Huber indicated that she and her neighbors live in the county, so they do not**
790 **receive notification of requests like this (including Mrs. Newton). She is concerned about**
791 **the floodplain area, also expressing that she is very frustrated with this development**
792 **because it will consist of a lot of houses built on top of one another. She expressed**
793 **strong opposition to this request.**

794

795 Ben Weible
796 215 Trout
797 Rockwall, TX
798

799 Mrs. Weible indicated that he is a citizen of the City of Rockwall and has been living in
800 Rockwall County for about 15 years. He knew when he moved in that he would be able to
801 control his own property, but he would not be able to control what happens to the
802 properties around him that may change and develop over time. He generally expressed
803 support for this request, especially because it will allow the property owner to develop it
804 and use the property as he sees fit. He believes this request is representative of 'bit lots'
805 and 'big homes,' which is something he has understood to be of importance to the city.
806 He believes, as a citizen of Rockwall, that this is a very good use of the land.
807

808 There being no one else wishing to come forth and speak, Mayor Pruitt then closed the
809 public hearing.
810

811 Councilmember Fowler asked what the price point of the homes will be. Mr. Atkins
812 indicated that the price point will be a little more expensive in this area as compared to
813 the development addressed in the previous public hearing item.
814

815 Councilmember Milder expressed that even though those who spoke during the public
816 hearing do not live within the City limits, they are part of the Rockwall community, and he
817 does want to be a 'good neighbor' to those residents. He asked what sort of buffer may
818 exist between this development and the existing, adjacent homes/neighborhood. Mr.
819 Atkins expressed that he is happy to work with the adjacent homeowners to, for example,
820 install fencing and/or a retaining wall (perhaps wrought iron fencing or board-on-board
821 with adjacent retaining walls...whatever the adjacent property owners might want).
822

823 Mayor Pruitt expressed that the 12.5% of open space being proposed here is quite
824 significantly less than the required 20%. Allowing for larger lots abutting to the adjacent,
825 existing homes, will result in about 4 less lots for Mr. Atkins' development. He
826 suggested that Mr. Atkins consider putting in the larger lots along this area in exchange
827 for the city approving the lowered amount of open space.
828

829 Councilmember Hohenshelt generally expressed concern about ongoing requests to
830 reduce the city's required 20% of open space, suggesting that the city may need to
831 amend this requirement if the Council continues to grant variances, allowing for less
832 open space to be dedicated associated with proposed developments.
833

834 The Council and Mr. Atkins proceeded to go back and forth concerning proposed lot
835 sizes and the percentage of open space that will or won't be permissible associated with
836 approval of his request.
837

838 Councilmember White spoke briefly to the open space requirement, indicating that the
839 floodplain is working against him. He again pointed out that this request represents
840 exactly what the Council has been wanting for a long time – larger lots and larger homes.
841

842 Mayor Pro Tem Lewis expressed that this property proposes challenges because of the
843 topography and the creek. He explained that the Council reviewed a preliminary
844 proposal during a previous work session in which putting townhomes on this particular
845 piece of property was suggested. He believes this proposal is a great improvement.

846
847 Mayor Pro Tem Lewis made a motion to approve Z2015-035, maintaining the 12.59% open
848 space, with 100' lots on the west side of the property and a minimum of 3,200 square foot
849 houses on the west side. Mayor Pruitt seconded the motion. Councilmember White
850 asked if this motion passes, will Mr. Atkins choose to not build. Mr. Atkins indicated
851 that, no, it does not mean he will not build; however, he is not truly in favor of the motion
852 on the floor. He prefers to somehow achieve the same number of lot sizes.

853
854 Councilmember Milder requested that Lewis consider amending his motion.

855
856 After brief discussion, Mayor Pro Tem Lewis amended his original motion to allow for
857 thirty (30) of the interior lots to be changed to 70' lots with all of the other provisions
858 stated in his original motion remaining unchanged. Mayor Pruitt seconded the amended
859 motion. The ordinance was read as follows:

860
861 CITY OF ROCKWALL
862 ORDINANCE NO. 16-XX

863
864 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
865 ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE
866 [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS
867 HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM
868 AN AGRICULTURAL (AG) DISTRICT TO PLANNED DEVELOPMENT
869 DISTRICT XX (PD-XX) FOR SINGLE FAMILY 8.4 (SF-8.4) DISTRICT
870 LAND USES ON THE SUBJECT PROPERTY, BEING A 44.56-ACRE
871 TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE T. R. BAILEY
872 SURVEY, ABSTRACT NO. 30, CITY OF ROCKWALL, ROCKWALL
873 COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT
874 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A
875 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND
876 DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A
877 SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE;
878 PROVIDING FOR AN EFFECTIVE DATE.

879
880 The motion passed by a vote of 7 ayes to 0 nays.

881
882 XII. ACTION ITEMS

- 883
884 1. SP2015-018 - Discuss and consider a request by Michael Liang of the
885 Dimension Group on behalf of Jeffery Baird of RaceTrac for the approval
886 of a variance to the secondary material requirements stipulated by
887 Section 6.8 of Article V, District Development Standards, of the Unified
888 Development Code in conjunction with an approved site plan for a retail
889 store with gasoline sales on a 2.46-acre parcel of land identified as Lots
890 1R & 2R of the Woods at Rockwall Addition, City of Rockwall, Rockwall
891 County, Texas, zoned Commercial (C) District, situated within the Scenic
892 Overlay (SOV) District, located at the southeast corner of the intersection
893 of Ridge Road and Yellow Jacket Lane, and take any action necessary.

894 Mr. Miller explained that the applicant is requesting approval of an amended site plan for
895 a retail store with gasoline sales located at the southeast corner of the intersection of
896 Ridge Road and Yellow Jacket Lane. The property is zoned Commercial (C) District and

897 is located within the Scenic Overlay (SOV) District. If approved, the amendment would
898 allow RaceTrac convenience store to change the approved exterior elevations to appear
899 as represented in the drawings submitted along with this request. Staff has provided a
900 copy of the exterior elevations that were approved back in December 2013 and the
901 exterior elevations that are now being proposed for Council's review. They essentially
902 would like to change the material proposed to be used.

903
904 Councilmember White made a motion to approve SP2015-018. Councilmember
905 Townsend seconded the motion.

906
907 The motion passed by a vote of 6 in favor with 1 against (Pruitt).

- 908
909 2. P2015-041 - Discuss and consider a request by Tony Rangel of Rangel
910 Land Surveying on behalf of the owner Shawn Valk of Platinum Storage,
911 LLC for the approval of a replat for Lots 2 & 3, Block A, Platinum Storage
912 Addition being a 5.549-acre parcel of land currently identified as Lot 1,
913 Block A, Platinum Storage Addition, City of Rockwall, Rockwall County,
914 Texas, zoned Commercial (C) District, situated within the IH-30 Overlay
915 (IH-30 OV) District, located east of Townsend Drive and north of SH-276,
916 and take any action necessary.

917 Mr. Miller provided background information concerning this agenda item.

918 Tony Rangel
919 1012 Timberline
920 Heath, TX

921
922 Mr. Rangel came forth and provided brief comments pertaining to his request.
923 Councilmember White made a motion to approve P2015-041. Mayor Pro Tem Lewis
924 seconded the motion, which passed by a vote of 7 ayes to 0 nays.

- 925 3. Discuss and consider adoption of a resolution fixing the water and
926 wastewater rates of the city, and take any action necessary.

927 Assistant City Manager Mary Smith explained that this is the rate schedule that has been
928 being discussed since budget time. It reflects a just over 10% increase for water and
929 sewer rates. It also includes a rate increase for the city's wholesale customers.
930 Councilmember White asked how much of the rate increase is going towards NTMWD's
931 fancy new building or its new employees. Mrs. Smith indicated that she does not know.
932 Councilmember Fowler indicated that this rate increase is about a 10.79%, and it will
933 raise roughly a million and a half or a million nine in revenue. Mr. Crowley indicated that
934 the NTWD is anticipating increases in water rates for the foreseeable future years.
935 Councilmember Fowler expressed concern about the public mistakenly believing that the
936 Council is arbitrarily raising water rates by more than 10% each year. Mayor Pruitt
937 indicated that staff is working to put out educational information to our citizens to better
938 explain various aspects concerning water rates and reading water meters when the city
939 assesses fees to customers. Mayor Pruitt explained he has heard from a lot of people on
940 fixed incomes. Perhaps those using 2,000 – 5,000 gallons of water could be given a little
941 break before the rates then jump up for those who utilize over 5k gallons. Mrs. Smith
942 indicated that the city will likely hire a firm to conduct another rate study next year,
943 however, we will have to choose another firm since the gentleman we have previously
944 used recently passed away.

945 Councilmember Milder expressed that this is his third water rate increase discussion in
946 three years, and each time it's gone up in double digit percentages. He has a lot of
947 concern about NTMWD continuing to increase its water rates, knowing that its member
948 cities have no alternative and are not able to 'pull out.' He is irritated with the NTMWD
949 organization and believes it is most concerned about self-preservation rather than the
950 interests of its customers. Therefore, he suggested that paragraph 2 of the resolution
951 be changed to read as follows:

952 *Whereas city council finds itself with its back against the*
953 *wall; and Whereas the NTMWD is mandating water rate*
954 *increases, it is under duress and reluctantly that the*
955 *council raises its water rates to accommodate the*
956 *NTMWD's mandated rate increase.*

957 Mayor Pruitt suggested that the Council consider having staff draft a separate resolution
958 to express its dissatisfaction associated with NTMWD and its continued increases in
959 water rates and bring that back for the Council to consider at the next meeting.

960 Councilmember Townsend clarified that if the Council does not approve this rate
961 increase, then the city's budget 'takes the hit' for the increases in water rates charged to
962 the City. Yes, Mr. Crowley, indicated that this is true.

963 Councilmember Townsend made a motion to approve the resolution as is.
964 Councilmember Hohenshelt seconded the motion, which passed by a vote of 6 ayes to 1
965 nays (White).

966 4. Discuss and consider adoption of a resolution setting solid waste
967 collection rates, and take any action necessary.

968 Assistant City Manager Mary Smith provided brief comments concerning this agenda
969 item. Councilmember Townsend made a motion to approve the resolution. Mayor Pro
970 Tem Lewis seconded the motion. Councilmember Milder expressed strong opposition to
971 this item, explaining he believes the city should have gone out for bid. The motion
972 passed by a vote of 5 ayes to 2 nays (White and Milder).

973 5. Consider approval of an ordinance modifying Chapter 38. Subdivisions,
974 Article 1. In General, Section 38-19. Street Improvements and Oversizing,
975 of the Municipal Code of Ordinances to require a 41-foot street adjacent
976 to schools and parks, and take any action necessary. (1st reading)

977 Mr. Milder indicated that at the last meeting, Council directed staff to draft this ordinance.
978 It is being brought forth as an Action Item since it was not unanimously approved by the
979 Council to move forward with this ordinance. Councilmember Milder asked where this
980 concern came from. Mr. Miller indicated that residents living next to a school in Fontana
981 Ranch brought this concern forth to staff. He expressed concern about future
982 developers having to spend a lot of money to build wider roads next to schools and
983 parks. He does not believe that the wider roads are going to represent a positive benefit
984 concerning traffic that occurs in and around schools. Mayor Pro Tem Lewis indicated
985 that this has to do with more than just a handful of complaints from Fontana Ranch
986 residents. He expressed that this has been a concern in other areas of the city too, and it
987 represents a safety concern. Lewis expressed that widening the road by 3' is not going
988 to 'kill' a developer. When sports teams have been practicing in parks, other residents in
989 the past have also expressed concern about not being able to move around due to the
990 congestion.

991

992 Councilmember Townsend left the meeting for a few minutes at this time (9:29 p.m.)

993
994 Mayor Pro Tem Lewis made a motion to approve the ordinance. Mayor Pruitt seconded
995 the motion. The ordinance was read as follows:

996
997 CITY OF ROCKWALL
998 ORDINANCE NO. 16-XX
999

1000 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
1001 ROCKWALL, TEXAS, AMENDING SECTION 38-19, *STREET*
1002 *IMPROVEMENTS AND OVERSIZING*, OF CHAPTER 38, SUBDIVISIONS
1003 OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING
1004 FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES;
1005 PROVIDING FOR AN EFFECTIVE DATE.
1006

1007 The motion passed by a vote of 4 in favor, 2 against (Milder and White), and 1 absent
1008 (Townsend).
1009

- 1010 6. Discuss and consider the City's selection of nominees to the Texas
1011 Coalition for Affordable Power (TCAP) Board of Directors for the 2016-
1012 2017 term of office, and take any necessary action.

1013 Councilmember Townsend rejoined the meeting at this time (9:32 p.m.). Mr. Crowley
1014 provided brief background information concerning this agenda item. After brief
1015 comments, the Council chose not to take any action concerning this agenda item.

- 016 7. Discuss and consider the final report presented by Aecom related to
017 transit services in the City of Rockwall, and take any necessary action.

1018 Mr. Crowley expressed that this item was placed on the agenda to have a follow-up
1019 discussion after the Aecom consultant provided its findings to the Council at the last
1020 regular meeting. Council had expressed a desire to discuss this a bit more before
1021 passing along the report to Rockwall County. The Council generally indicated that it is
1022 ok with the City Manager sending the study findings to the County for its information and
1023 consideration. Councilmember Townsend suggested that the city needs to sit down with
1024 the County and with STAR in the coming months to figure out a preferred, agreed upon
1025 'fixed route.' The Council took no formal action concerning this agenda item.

- 1026 8. Discuss and consider the formation of an Airport Advisory Board at the
1027 Ralph M. Hall / Rockwall Municipal Airport, and take any necessary
1028 action.

1029 Councilmember White indicated that some citizens and users of the airport have
1030 expressed concern that the Council does not have any seasoned pilots and/or airport
1031 users to advise the Council when it discusses airport-related matters and makes airport-
1032 related decisions. Councilmember White made a motion to instruct staff to draft an
1033 ordinance to bring back to the Council for consideration concerning formation of an
1034 Airport Advisory Board. Mr. Crowley pointed out that the city's charter stipulates that
1035 any board members who serve will need to be residents of the City of Rockwall.
1036 Councilmember Hohenshelt seconded the motion, which passed unanimously of Council
1037 present (7 ayes to 0 nays).
1038

1039 Regarding Appointment Item #2, Mayor Pruitt made a motion to approve the interlocal
1040 agreement with the Central Appraisal District for collection of taxes. Councilmember
1041 Townsend seconded the motion, which passed by a vote of 7 ayes to 0 nays.
1042

1043 The Council did not go back into Executive Session following conclusion of the public
1044 meeting agenda.
1045

1046 **XIII. EXECUTIVE SESSION**
1047

1048 THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS
1049 THE FOLLOWING MATTERS AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT
1050 CODE:
1051

- 1052 1. Discussion regarding Economic Development incentives, procedures and possible
1053 projects pursuant to Section 551.087 (Economic Development)
- 1054 2. Discussion regarding negotiations of Access Agreement pursuant to Section 551.071
1055 (Consultation with Attorney)
- 1056 3. Discussion regarding land acquisition for South Community Park pursuant to Section
1057 § 551.072 (Real Property).
- 1058 4. Discussion regarding (re)appointments to city regulatory boards, commissions, and
1059 committees - Rockwall Economic Development Corporation (REDC) Ex-Officio
1060 Board Members - pursuant to Section 551.074 (personnel matters)
- 1061 5. Discussion regarding purchase or lease of real property / land acquisition in the
1062 vicinity of the downtown area pursuant to Section § 551.072 (Real Property).
- 1063 6. Discussion regarding legal advice associated with homeowners association (HOA)
1064 regulations within the city pursuant to Section 551.071 (Consultation with Attorney).
- 1065 7. Discussion regarding process associated with City Manager performance evaluation
1066 pursuant to Section 551.074 (personnel matters)

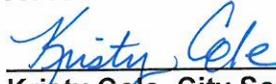
1067 **XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION**
1068

1069 **XV. ADJOURNMENT**
1070

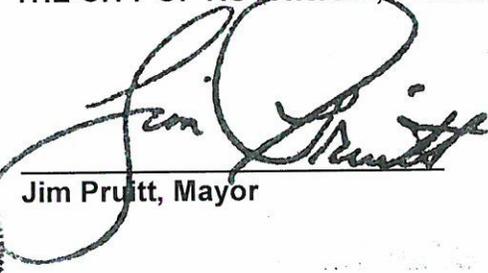
1071 The meeting was adjourned at 9:39 p.m.
1072

1073 PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
1074 THIS 4th day of January, 2016.
1075

1076
1077
1078
1079 ATTEST:

1080 
1081 _____
1082 Kristy Cole, City Secretary





Jim Pruitt, Mayor